

CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

Notes and Action Summary

Friday, February 22, 2019, 10 a.m. – 2 p.m.

Video Conference Meeting

State Bar Office in Los Angeles and San Francisco

Roll Call

Commissioners

Judge Mark Juhas
Catherine Blakemore
John Adkins
Beverly Cole
David Daniels
Judge Timothy Dillon
Juan Gutierrez
Amos Hartston
Judge James Herman
Janis Hirohama
Judge Lisa Jaskol
Judge Victoria Kolakowski
Michael Levy
Lisa Pruitt
Panida Rzonca
Dennis Saab
Johanna Sobalvarro

Public

Angie Birchfield
Mark Ferreira
Shumika Sookdeo

Liaisons

Salena Copeland
Neil Gupta
Lorin Kline
Zach Newman

Ex Officio

Jack London
Jim Meeker
Justice Ron Robie
Toby Rothschild

Board of Trustees

Joanna Mendoza

Staff

Donna Hershkowitz
Elizabeth Hom
Hellen Hong

I. Roll Call

Judge Juhas called the meeting to order and welcomed attendees. Roll call was taken and a quorum was established.

II. Call for Public Comment

Judge Juhas invited any member of the public to comment on any items on the agenda.

Mark Ferreira, a representative from the California Federation of Interpreters Local 39000, commented on language access in the California courts, and the need for quality interpretation.

III. Consent

A. Approval of Meeting Minutes from April 24, 2018

B. Approval of Meeting Minutes from September 21, 2018

C. Approval of Meeting Minutes from December 6, 2018

Judge Juhas made a request for any changes or edits to all items on the consent agenda. There were none. The Commission adopted the April 24, 2018, September 21, 2018, and December 6, 2018 Meeting minutes.

IV. State Bar Reports

A. Chair's Report

Judge Juhas passed on the Chair's Report.

B. Office of Access & Inclusion Report

Elizabeth Hom reported that the last Legal Services Trust Fund Commission Stakeholder Working Group meeting is occurring concurrently with this CCAJ meeting. There will be a break in the CCAJ meeting for anyone wishing to make public comment at that meeting. Elizabeth noted that the working group will be discussing recommendations for the size of the LSTFC, as well as how the proposed State Bar conflicts of interest policy (currently out for public comment) would apply to current members of the LSTFC. The CCAJ discussed these issues, and Commissioners requested the proposed conflicts of interest policy be sent along with the Board of Trustees (BOT) conflicts of interest policy for comparison.

The Lawyer Referral Service Rules Revisions were approved by the BOT and would be before the Supreme Court for approval soon.

The Special Admissions Rules Revisions are awaiting approval by the Supreme Court.

Two recent reports were published by the State Bar: [Veterans Legal Services in California](#) and [Making a Difference: California Legal Aid](#). Commissioners were encouraged to review the reports.

C. Board of Trustees Report

Donna Hershkowitz reported on activity from the last BOT meeting. There were presentations on setting the diversity and inclusion objectives for the Bar, and a panel led by Justice Laurie Zelon and Salena Copeland to help define the access framework for the State Bar. Staff will present a framework for the Bar's role in access at the next Programs Committee and BOT meetings on March 14 and 15 in Los Angeles. The BOT also approved all of the CCAJ Stakeholder Working Group's recommendations, including the transition of CCAJ from the State Bar to another entity.

Commissioners expressed a desire to provide feedback on the State Bar's access framework and discussed whether the BOT could delay its decision on the framework. Donna will relay the

concerns to the Chair and Vice Chair of the Programs Committee. Based on the consensus of the Commission, Judge Juhas will send a letter to the Programs Committee requesting a delay of the discussion at the Board so that the Commission and public have the opportunity to review and comment on the framework.

V. Discussion

A. 2019 Work Plan

i. CCAJ Transition from State Bar

There was a discussion on the Commission's transition from the State Bar. Commissioners suggested that issues that will need to be addressed include governance, funding, staffing, organizational structure, and membership/appointments.

Janis Hirohama raised the issue of commission vacancies, and reported that the CCAJ Nominations Committee had reviewed applications for BOT appointment last year for 2019 appointment. Janis will follow up with those applicants to notify them no new appointments were made for 2019 and of the current status of the Commission.

The Commission approved (Levy moved, Jaskol seconded), by roll call vote, a motion to provide Judge Juhas as Chair of the Commission with the authority to make decisions regarding Commission transition from the State Bar as needed between meetings of the Commission, and for Judge Juhas to create two person working groups to study and make recommendations on various transition issues.

ii. Rural Task Force Policy Papers

Lisa Pruitt reported that there are two draft papers that the Rural Task Force would like comments and feedback on. Lisa is the primary drafter of the attorney desert paper and Zach Newman from Legal Aid Association of California (LAAC) is the primary drafter for the rural disaster paper. There was discussion on both papers. The goal is to complete and publish these papers by April. The Commission voted (Cole moved, Levy seconded) to approve the content of the two papers in principle, and to provide authority to the Executive Committee to review and approve a final draft before the next full CCAJ meeting, if necessary.

iii. Successful Business Planning for the Modern Law Practice Guide (Colorado adaption)

Elizabeth provided an update on the editing process for the Successful Business Planning for the Modern Law Practice Guide (Guide). The goal is to published the completed Guide on the State Bar website by June. Judge Juhas acknowledged Panida Rzonca's work on editing the Guide.

iv. Justice Gap Study

Jim Meeker raised concerns about various components of the Justice Gap Study, including sampling design, policy implications, and funding source. Staff reported that the Justice Gap Study project lead is aware of Jim's concerns, and is working with the survey vendor to address the issues. Staff also reported that there has been discussion, but not a decision made, to fund part of the study using Bank Community Stabilization and Reinvestment Grant (Bank Grant) funds. If Bank Grant funds will be used, the BOT would make a decision about this at its May meeting.

v. Other

Mike Levy requested time to provide an update on the recent request from LAAC and the Family Violence Appellate Project (FVAP) to comment on the Judicial Council's rules to implement the *Jameson* decision. The proposed rule would require that those seeking a fee waiver to affirmatively request an interpreter by checking a box. On behalf of the Commission, comments were submitted endorsing the positions of LAAC and FVAP, and separately, urging the Judicial Council to provide court reporters to indigent self-represented litigants as a default, and not only when requested.

VI. Presentation

A. Language Access and Court Interpreters Presentation

From time to time, CCAJ welcomes presentations on various topics involving access to justice.

Angie Birchfield, a court certified Spanish interpreter, presented on the importance of interpreters, particularly in the legal setting. She raised concerns that the court interpreter sector faces and highlighted issues in current statutes.

VII. Next Meeting

The next meeting is a videoconference meeting on Friday, April 26, 2019 at the State Bar Los Angeles and San Francisco offices.

VIII. Adjourn

There being no other business, the meeting was adjourned.