

## Memorandum

To: California Commission on Access to Justice Chair and Vice-Chair: Judge Mark Juhas and Catherine Blakemore

From: Salena Copeland

Date: March 20, 2019

RE: CCAJ – proposal to staff in 2019 and beyond

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### **Background**

As the California Commission on Access to Justice (CCAJ) Working Group unanimously recommended that CCAJ separate from the State Bar of California in order preserve its independence, it is clear that a new home is needed. I urge you and other members of the transition team to consider the Legal Aid Association of California (LAAC) as the most appropriate future home for CCAJ.

LAAC is an appointing entity of CCAJ, and both in the capacity as an appointing entity and as an interested liaison of the civil legal aid community, LAAC has had a consistent presence at CCAJ meetings, in most of the CCAJ task forces and working groups, and in many of the printed reports published by CCAJ.

Prior to my individual involvement with CCAJ, first as a member of the Rural Task Force when I was employed at OneJustice, and now as the Executive Director of LAAC, I am aware that LAAC's prior ED attended many CCAJ meetings and was instrumental in the writing of the CCAJ 2007 Justice Report, often called the "Jones Report," due to then Assemblymember Dave Jones' interest in increasing access to justice for low-income Californians. Additionally, many of the founding members and early staff of LAAC (when LAAC was housed with the Public Interest Clearinghouse) have been involved with CCAJ since its creation, including Nancy Strohl, Mary Lavery Flynn, and Toby Rothschild.

All this is to say that LAAC has a long history of involvement with the Access Commission and understands that the needs of CCAJ and the day-to-day priorities of CCAJ may change, but everything is done with the overall goal of increasing access to justice for indigent Californians. The 1996 "Justice For All" report, which immediately preceded and recommended the creation of CCAJ, found that "Access to justice is a fundamental and essential right in a democratic society," which is the guiding principle for all CCAJ work.

The strategies of CCAJ may include involvement in amicus briefs, as in the Jameson v. Desta case; writing reports, as in the 2007 report, the language access report, or the rural task force reports; supporting increased funding, as in the creation of the Equal Access Fund in 1999 and the Justice Gap Fund in 2007; and in identifying and seeking funding for innovative ideas, as in the Incubator Project seed funding and in continued education about the NY Court Navigator project. LAAC understands the importance of all of these strategies and has been involved in each of them in CCAJ's history.

## **Proposal**

LAAC would like to work with current CCAJ leadership to support a proposal to "house" CCAJ at LAAC. I understand that the State Bar of California is willing to financially support CCAJ, at least in the near future, with an annual contract for services for \$150,000. Although that is not enough to fund the full scope of CCAJ's work, nor is it enough to support an ambitious expansion of CCAJ's reach, I do believe that it is enough in the short term to allow CCAJ to identify priorities, begin to seek outside funding, and, for lack of a better term, create a strong nest or a safe landing to prepare CCAJ for a future launch – especially if those resources are partnered with other resources supporting the priorities of CCAJ.

LAAC is a natural fit, not only for the convenience to the Bar – we currently have a Bar contract to provide training and support to the legal aid community – but because our mission is in alignment with CCAJ's. Although our focus is on supporting and strengthening civil legal aid organizations, it is with the mission of providing "critical legal assistance to low-income Californians and ensur[ing] equal access to justice." Because of that, many of our projects, including our advocacy around implementing the Jameson decision, our commenting on Judicial Council forms, and Justice in Government Project work with Karen Lash, are CCAJ priorities.

I recognize that CCAJ may need a separate body of individuals, who are not current Commissioners, with the fiduciary responsibility to protect CCAJ work, and I would welcome an "Advisory Board," similar to those of fiscally sponsored projects. The Advisory Board can help make decisions about where the scarce resources could be spent and would be able to fundraise for CCAJ so that current Commissioners do not feel a burden to fundraise while they also serve.

I recognize that transparency is key to the work of CCAJ, and though the future form of CCAJ would likely not be subject to Bagley-Keene, LAAC would be sure to post all locations of CCAJ in-person meetings for public participation, and we would ensure that all materials for meetings be posted online for better access.

Below is a brief outline of what LAAC might accomplish in the first year

#### First Quarter (assuming July 1 start) (July – Sept)

- Hold two CCAJ meetings: July 26 and September 27
- Review all recommendations of past CCAJ and subcommittee reports to see what recommendations are still valid/needed
- Review all recent recommendations of past State Bar committees or working groups, where the work significantly overlaps with CCAJ work, to see what recommendations are still valid/needed (e.g. the Civil Justice Strategies Task Force report and the Task Force on Admissions Regulation Reform reports)
- Review projects in other states and look at their access commission reports, including a review of the available data on the NY Court Navigator project.
- Review/revise the 2019 CCAJ work plan
- Create an ad hoc communications group, separate from any formal communications subcommittee, to work with a website consultant
- Hire a website consultant to design and create a branded CCAJ site to beta launch by the December 5 CCAJ meeting
- Convene every CCAJ working group/subcommittee to discuss priorities for the first 18 months
- Create advisory board for fiscal oversight and/or strategic planning of CCAJ work
- Evaluate all current CCAJ working groups/subcommittees membership

#### Second Quarter (October – December)

- Hold one CCAJ meeting: December 5
- Complete significant work on a CCAJ website
- Archive all past reports on the new website, with a short paragraph for each, giving the context of each report and highlighting the major recommendations of the report. The focus of the write-up would be on celebrating the successes and showing how far California has come since the report publication – or highlighting the role CCAJ played in creating change
- Compile all working group priorities for discussion at the December 5, 2019 meeting
- Create all CCAJ-specific communications tools, recognizable colors, logo, key messages, images, for use in communications and reports (CCAJ branding)
- Create clear messaging of who the CCAJ “staff” is for external communications
- Convene, if possible, a joint meeting of the Legal Services Trust Fund Commission leadership and Access Commission leadership (or invite LSTFC leadership to the

December 5 CCAJ meeting) in order to strengthen the future relationship between the two Commissions with related missions

- Identify at least ONE recommendation from the prior reports that is ripe for policy work
- Author or sponsor at least one policy bill that comes from the prior recommendations, if possible, in partnership with the State Bar's Office of Access and Inclusion – potential policy bills could include a court navigator pilot or a rural loan repayment assistance project

#### Third Quarter (January – March 2020)

- Hold one CCAJ meeting (date TBD)
- After launch of website and with clear branding, focus on fundraising and development to expand the work
- Continue to hold working group meetings by phone, with updated membership
- Support continued policy work
- Continue development and fundraising work to expand CCAJ projects
- Support budget advocacy work to increase funding for civil legal aid and for the courts – with the goal of making the courts more accessible for low-income litigants and for litigants with Limited English Proficiency

#### Fourth Quarter (April—June 2020)

- Hold one CCAJ meeting (date TBD)
- Begin the creation of a “2020” report from the Access Commission, or, in the alternative, a 25<sup>th</sup> anniversary report on the progress of work since the 1996 “Justice for All” report.
- Continue to hold working group meetings by phone, with updated membership
- Support continued policy work
- Continue development and fundraising work to expand CCAJ projects
- If funding allows, hire a communications consultant to draft op-eds and press release templates

I have provided below a basic draft budget for your review. I believe that CCAJ's work, including travel reimbursements for current commissioners and invited ex officios, would cost approximately \$180,000 in its first year. I am confident that LAAC can seek some sponsorship of meetings by law firms in order to help with catering costs, and LAAC has some unrestricted funds that are already in use to support projects that would become, at least in part, "CCAJ" projects.

I would be happy to answer any questions about this proposal either by phone or by email. You can always reach me at [scopeland@laaconline.org](mailto:scopeland@laaconline.org) or 510-893-3000 x 106.

<b>Personnel expenses</b>	<b>TOTAL</b>
Executive Director (.25 FTE)	
Directing Attorney (.25 FTE)	
Research Attorney (.5 FTE)	
Admin/Dev/Commun Staff (.50 FTE)	
Intern	
Total before fringe	
Fringe 27%	
<b>Personnel TOTAL</b>	<b>96552</b>
<b>Non-personnel expenses</b>	
Outside contractors web creation and communications consultant	23000
Catering	1500
Travel and training for staff	15000
Travel reimbursements for Commissioners	15000
Printing of reports	1000
Allocated office program expenses, phone, internet, rent, copier	20% of personnel 19310
Purely administrative costs: allocated general admin costs (rent, insurance, general office time, accounting time, Form 990 Accountant, etc.	10% of personnel 9655
<b>Non-personnel TOTAL</b>	<b>84466</b>
<b>TOTAL</b>	<b>181017</b>