

Status of Agreement with the State Bar.

A small group of Access Commission members, Jack Londen and Bar representatives have been meeting to discuss the scope of work CCAJ will undertake beginning on October 1. The legal entity that will enter into the agreement will be the new nonprofit, which has not yet completed its formation. For that reason, the Executive Committee can entertain a discussion of the Agreement, but cannot (yet) act for the corporation.

Summary of Proposed Material Independent Contract Agreement Between the State Bar and the CCAJ

Jack Londen prepared the following summary of the agreement:

- The State Bar of California will contract with the California Commission on Access to Justice, a nonprofit public benefit corporation organized under California law (“CCAJ”).
- CCAJ, as an independent contractor, to provide services for which CCAJ is uniquely qualified, which are described in Attachment A.
- The agreement will be effective from October 1, 2019 until December 31, 2020 unless terminated either by notice according to the agreement.
- The State Bar will pay CCAJ \$187,500 for the services, as follows: \$75,000 by October 15, 2019; \$75,000 by December 31, 2019; and \$37,500 by June 30, 2020.
- The agreement contemplates little or no need for the parties to exchange information that is entitled under law to confidential treatment, but provides procedures for doing so. The procedures to not interfere with providing access in response to a legally valid order or request issued by a court or government official or body.
- Intellectual property rights for materials created from the inception of the Commission on Access to Justice through October 1, 2019, and for the work CCAJ does pursuant to the agreement will not restrict use, publication, and derivative works by either or both of the State Bar and CCAJ.

- Any disputes will be arbitrated using informal and expedited procedures to achieve a fair result inexpensively.

Proposed Scope of Work

Below is the version of Attachment A drafted by Bar Staff. Following the working groups call last week, the Bar added one additional task, Task 6, to the services CCAJ would commit to provide and expressed a willingness to discuss removing one of the other tasks from the list. Bar Staff noted that this deliverable was not discussed during the working group's call and was added because CCAJ was involved in the initial task force convened for these purposes, which last met in fiscal year 2015-2016.

ATTACHMENT A

Services

1. **Report Regarding the State Bar Strategic Plan.** CCAJ shall, by no later than December 16, 2019, provide the State Bar with written recommendations and advice regarding specific objectives that, subject to State Bar decisions regarding feasibility, timing, and prioritization, could be added to the 2017-2022 State Bar Strategic Plan for the 2020 calendar year to further the State Bar's goal of supporting access to justice for all California residents and improvements to the state's justice system
2. **Justice Gap Study.** CCAJ shall provide the State Bar with written recommendations, to the extent feasible, regarding various components of the State Bar Justice Gap Study. Suggestions on the NORC panel survey and Intake Census will be due no later than October 9, 2019. Drafts of the analysis of the law student survey component and the overall conclusions of the Justice Gap Study will be provided to CCAJ in November and December for CCAJ written recommendations.
3. **Justice Map.** CCAJ shall, through a subcontract with LAAC, provide an initial Justice Map to the State Bar by no later than June 30, 2020, capable, on an ongoing basis, of identifying the types of legal services available for low and moderate income California residents throughout the State. To the

extent feasible, the Justice Map will include, by case type (e.g. family law, consumer debt) and level of service (e.g. self-help, form packets, representation): court-based services and services provided by legal service providers and pro bono attorneys working with those providers. The Justice Map shall be an online tool. CCAJ will provide the final, updated online Justice Map to the State Bar by no later than September 30, 2020, along with the documentation used to build the tool.

4. **Support to the Implementation Committee of the State Bar's Task Force on Access Through Innovation in Legal Service ("ATILS").** A member of CCAJ shall be made available to serve on or provide recommendations to an implementation committee to be convened by the State Bar following the submission of the ATILS report to the State Bar Board of Trustees. CCAJ participation will focus on access issues, including any recommendation emanating from the Task Force related to limited license legal technicians or the use of similar paraprofessionals.
5. **Report #2 Regarding the State Bar Strategic Plan.** CCAJ shall, by no later than October 1, 2020, provide the State Bar with written recommendations and advice regarding specific objectives that, subject to State Bar decisions regarding feasibility, timing, and prioritization, could be added to the 2017-2022 State Bar Strategic Plan for the 2021 calendar year to further the State Bar's goal of supporting access to justice for all California residents and improvements to the state's justice system.

New Added Deliverable.

6. **Task Force to Review and Adjust Amount and Method for Collection and Distribution of Voluntary Legal Services Contribution.** On behalf of the State Bar, CCAJ will appoint and convene a task force to propose an appropriate method for the collection and distribution of voluntary legal services contributions (see Business and Professions Code section 6033(b)). CCAJ shall provide, by July 31, 2020, a written report describing the work of the task force and the methods for collection and distribution proposed by the task force.

B&P 6033 is attached for your reference

Section 6033

6033. (a) Notwithstanding any other law, the State Bar is expressly authorized to facilitate the professional responsibilities of licensees by collecting, in conjunction with the State Bar's collection of its annual license fees or otherwise, voluntary financial support for nonprofit organizations that provide free legal services to persons of limited means. All funds received for programs related to this section shall be distributed to qualified legal services projects and support centers as provided in Section 6216 without deduction for administrative fees, costs, or expenses by the State Bar. Any fees, costs, or expenses associated with administering this section shall be absorbed within the costs allowed by and paid from the funds specified in Section 6216.

(b) To implement this section, the State Bar, in consultation with the Chief Justice of California, shall appoint a task force of key stakeholders to analyze the mechanisms and experience of bar associations that have adopted programs for the collection of financial contributions from bar licensees and shall propose an appropriate method for facilitating the collection and distribution of voluntary contributions that is best calculated to generate the greatest level of financial support and participation from State Bar licensees, taking into account such issues as the justice-gap between the legal needs of low-income people in California and the legal resources available to assist them. The method and any recommended voluntary contribution amount adopted by the Board of Trustees of the State Bar of California shall be implemented for the 2008 fiscal year, and shall be reviewed and adjusted as needed after two years and, thereafter, every five years as needed, in consultation with affected service providers and other key stakeholders.

(Amended by Stats. 2018, Ch. 659, Sec. 26. (AB 3249) Effective January 1, 2019.)