

# CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

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## CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

### 2011 REPORT OF ACCOMPLISHMENTS

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, geographical location, or language ability.

The Access to Justice Commission had an extremely productive year under the leadership of 2011 Chair, Hon. Ronald Robie, Justice of the Court of Appeal, Third Appellate District, and Vice-Chair Kenneth W. Babcock of the Public Law Center in Santa Ana. The Commission continued its ongoing effort to make significant improvements in the administration of justice and to increase access to the judicial system for low and moderate income Californians.

Highlights of the year include:

- Co-sponsored hearings on California's civil justice crisis;
- Expanded efforts to strengthen pro bono and increase access to legal services in rural California;
- Provided input on legislation regarding our statewide court system and legal services funding;
- Increased coordination with the California Supreme Court;
- Compiled best practices for administrative agencies, developed training for administrative law judges, and improved web resources for self-represented litigants;
- Supported implementation of the Sargent Shriver Pilot Projects to study the impact of representation for low-income clients in civil cases where the necessities of life are at stake;
- Helped launch the Campaign for Justice to raise \$10 million over three years for legal aid programs throughout the state;
- Sponsored a Planning Forum with other key stakeholders to coordinate efforts to improve access to justice.

An overview of the Commission's accomplishments follows:

### **SUPPORT FOR THE JUDICIAL BRANCH**

#### **Support for a Coordinated Judicial Branch**

The Access Commission submitted a letter to express its support for a strong, coordinated, statewide judicial system and its concerns about legislation such as AB 1208 that could have potentially negative impacts on statewide efforts to improve access. The Commission emphasized the many achievements made in the last

15 years by our centralized judicial system to improve access to justice for all Californians. Because AB 1208 could have the unintended effect of jeopardizing the ability of low-income, vulnerable Californians to access the courts, the Commission respectfully opposed the legislation while encouraging the preservation of our strong, coordinated, statewide judicial system.

### **Coordination with the Supreme Court**

To increase coordination between the Access Commission and the Supreme Court, Chief Justice Cantil-Sakauye appointed California Supreme Justice Goodwin Liu as the Commission's Supreme Court Liaison. Justice Liu was appointed to the California Supreme Court on August 31, 2011. Before joining the state's highest court, Justice Liu was Professor of Law at UC Berkeley School of Law. He brings much expertise to the Access Commission, as he has been widely published on a variety of topics, including constitutional law, education law and policy, and the U.S. Supreme Court.

### **Comment on ABA Language Access Standards for Statewide Court Systems**

The Access Commission worked with the American Bar Association and the Conference of Chief Justices to help ensure ultimate approval for the new ABA Standards for Language Access in the Courts. The standards were adopted in February 2012, and the Access Commission will continue to work with all appropriate parties to pursue implementation of the new standards.

### **Bench-Bar Coalition "Day in Sacramento"**

Members of the Access Commission participated in Bench-Bar Coalition (BBC) activities to support the judicial branch budget, including the annual "BBC Day in Sacramento" as well as legislative visits in their districts. Access Commission members participated in issue briefings and met with legislators to discuss the courts, access to justice issues, and the importance of adequately funding the judicial branch.

### **Benjamin Aranda Judicial Access to Justice Awards**

Every year, the Access Commission recommends a judge to be honored jointly by the State Bar, the Judicial Council, and the California Judges Association for his or her dedication to improving access to our judicial system. The Award, presented by the Chief Justice, has become one of the most prestigious and competitive awards in the state, and it helps to focus the attention of court and bar leaders on the issue of access.

This year's recipient was **Justice Maria Rivera**, Associate Justice, Court of Appeal, First Appellate District. Justice Rivera was appointed to California's First District Court of Appeal in 2002. Prior to her appointment, she served in the Superior Court of Contra Costa County, where she was elected to the bench in 1996. She has also been active in judicial education programs in the areas of civil, appellate, and family law, and has been involved in multiple efforts to support legal services delivery around the state.

In addition, a new category was created this year to provide the opportunity to bestow a special Aranda Award to honor an individual who has shown a deep

commitment throughout his or her career to improving access to the courts and who has worked tirelessly to promote fairness in the judicial system.

This year's special Aranda Award was given to **Bill Vickrey**, in recognition of his service as the California Administrative Director of the Courts for nearly two decades. His commitment and leadership have increased access to justice significantly, benefitting the courts and the public by increasing funding for the Equal Access Fund, improving and expanding court-based self-help centers, simplifying civil and criminal instructions into plain English, and providing for more qualified court interpreters. The award was presented to him at the Pro Bono Reception during the State Bar's Annual Meeting on September 16, 2011.

### **Improving Access within Administrative Agencies**

Model State Administrative Procedure Act: The Administrative Agency Committee has taken the lead in coordination with access to justice stakeholders across the country to analyze proposed revisions to the Model State Administrative Procedure Act (MSAPA), including issues regarding self-represented parties, language access, and Central Panel Act concerns.

Training for Administrative Law Judges: The Administrative Agency Committee developed a training for administrative law judges who are presiding over contested proceedings involving self-represented parties.

California Courts Self-Help Website: The Administrative Agency Committee continued working with the Administrative Office of the Courts to develop and update the administrative agency information on the Judicial Council's self-help website. The website contains information on administrative hearings and appeals, information regarding state agencies, advisory materials, and links to resources to help guide self-represented litigants in contested proceedings.

## **SUPPORT FOR THE DELIVERY OF LEGAL SERVICES**

### **Hearings on California's Civil Justice Crisis**

To address the dramatic cuts in the judicial branch budget and the funding crisis facing the legal services community, the Access Commission, the State Bar, and the California Chamber of Commerce jointly sponsored a series of four public hearings around the state on the civil justice crisis in November and December of 2011. The hearings took place in Sacramento, San Francisco, Los Angeles, and Irvine, and focused on documenting the vital need to increase judicial access for low-income Californians.

Representatives from all facets of Californian's diverse population—including low-income individuals, seniors, veterans, and representatives from businesses, social services agencies, private foundations, and health care providers—presented testimony at the hearings. Their testimony demonstrated the critical role California's civil justice

system plays in their lives and professions. The hearings also demonstrated that the civil justice system is at risk of collapse due to underfunding of both the courts and the legal services organizations that provide free assistance to low-income Californians.

In 2012, the sponsoring entities will release a report on the findings from the hearings, which will be presented to the legislature. The report will also include recommendations to ensure free legal help for all Californians in need as well as recommendations to ensure that our courts are fully-functioning. To learn more about the hearings, read testimony, or watch videos from the hearings, go to <http://californiahearings.org>.

### **The Right to Counsel Committee and the Sargent Shriver Pilot Projects**

The Right to Counsel Committee of the Access Commission played a key role in supporting AB 590, the Sargent Shriver Civil Counsel Act, which was signed into law by the Governor in October 2009. The landmark legislation makes California the first state in the nation to establish pilot projects to provide representation to indigent litigants in civil cases where the basic necessities of life are at stake.

In 2011, the Right to Counsel Committee worked closely with the Judicial Council on implementation of the Act and will continue to work with the Council on evaluation of the project. Seven pilot projects have been set up throughout the state to provide representation to low-income Californians on critical issues such as housing, custody, conservatorship, and guardianship. The pilot projects continue to involve collaborative efforts between the courts, legal services programs, local pro bono projects, and bar associations to improve and expand legal assistance for seniors, youth, domestic violence victims, veterans, persons with disabilities, and other low-income residents.

The Right to Counsel Committee also continued to identify factors that help clarify the necessity of individual legal representation and the types of cases in which the high level of importance requires counsel. The Committee also examined the role of self-help centers and pursued strategies to increase the availability of representation.

### **Presentations at the Self-Represented Litigants Conference**

The Conference on Self-Represented Litigants was held on June 8-10, 2011 at the Administrative Office of the Courts (AOC) in San Francisco. The conference provided an opportunity for programs to receive updates on relevant substantive law and learn about innovations in self-help assistance delivery at all levels of the court—from self-help centers to case management and courtroom hearings.

The Access Commission sponsored two workshops at the conference:

- The Administrative Agency Committee presented *Assisting Self-Represented Parties Facing Administrative Agency Hearings—Resources for Your Customers*.
- The Rural Task Force presented *Improving Civil Justice in Rural California: Issues, Recommendations, and Best Practices*.

Both workshops were well-attended and well-received. The workshops also provided unique opportunities for participants to exchange ideas and coordinate resources.

### **Support for Pro Bono Attorneys**

The Pro Bono Coordinating Committee launched a statewide listserv to discuss pro bono issues and share information about pro bono practices. The Committee is developing plans to initiate a pro bono campaign to encourage attorneys to renew and fulfill pro bono pledges that they have already made, or to pledge 50 pro bono hours annually. The Committee will launch the Pledge Campaign when Rule 6.1 (Voluntary Pro Bono Publico Service) is approved by the Supreme Court.

### **Efforts to Increase Access to Legal Services in Rural Areas**

In 2011, the Rural Task Force presented its 2010 report, *Improving Civil Justice in Rural California*, to several entities, including rural bar associations. This outreach was to publicize the report's findings and recommendations, as well as to encourage the establishment of local rural access task forces, as recommended by the report.

As was recommended in the report, a subcommittee researched and developed Minimum Access Guidelines. The Guidelines provide a baseline for funding considerations so that funding can be allocated with the goal of moving towards parity across the state in both urban and rural areas. Unfortunately, implementation of the minimum access standards will be delayed until such time as the implementation will not unduly harm other struggling legal services programs.

### **Court-Based Award of Merit**

The annual award to court staff involved with access to justice efforts, awarded jointly with the Legal Aid Association of California (LAAC), was established in 2005 and helped to cement the bench-bar collaboration to improve access to the judicial system.

This year, another outstanding advocate, **Linda Daely** of the Superior Court of Orange County, was recognized for her efforts to increase access to justice. Linda has been instrumental in developing local forms, tracking data, and supervising indigent panels to ensure that low-income litigants have access to the court system. In addition to her duties as the Family Law Unit Manager, Linda also served on the Elkins Family Law Task Force. Through her dedication and insight, Linda has truly increased access to justice, not only in Orange County, but statewide. The award was presented to Linda at the Self-Represented Litigants Conference in June 2011.

### **Public Library Project**

Justice Robie, Chair of the Access to Justice Commission, initiated a planning meeting with the State Librarian regarding the Library Project, a project designed to help educate librarians around the state on access to justice issues and make them aware of key resources for library users. The project was well-received and is moving forward.

**Law Day:** The Communications Committee worked with the Administrative Office of the Courts to organize Law Day in May 2011 as part of the Public Library Project. The Committee provided educational materials for the event.

## **SUPPORT FOR FUNDING LEGAL SERVICES**

### **Supporting SB 163**

The Access Commission joined the State Bar Board of Governors in supporting SB 163. As a result of the legislation, the State Bar will be providing \$10 million in funding for legal services programs statewide over the next two years. The bill increased the amount each lawyer can contribute to legal services for a temporary emergency fund from \$10 to \$20 on an opt-out basis, raising approximately \$3 million each year. In addition, in both 2012 and 2013, \$2 million from the State Bar's non-dues fund balance will be transferred to the State Bar's Legal Services Trust Fund Program to distribute to legal services programs statewide. These contributions are in addition to the Justice Gap Fund, which requests \$100 from each lawyer through the annual dues bill, raising between \$750,000 and \$1 million each year for legal services.

### **Launch of Campaign for Justice**

In 2011, the Access Commission, State Bar, and the Legal Aid Association of California (LAAC) launched the Campaign for Justice in an effort to raise \$10 million over three years for legal aid programs throughout the state and ensure that all Californians can get the legal help they need. The Campaign consists of four key components:

- Educating key policymakers about the importance of legal aid;
- Encouraging banks to maximize interest rates and waive fees on IOLTA accounts to preserve this source of legal aid funding;
- Increasing individual contributions to the [Justice Gap Fund](#);
- Encouraging pro bono services to leverage legal aid resources.

The Campaign for Justice Committee declared October 2011 *Campaign for Justice Month*. Legal services programs around the state performed outreach to attorneys, law students, and other professionals. The Committee also created the website, [www.CAforJustice.org](http://www.CAforJustice.org), where people can pledge to support justice, access key messages to use when discussing legal services, and learn about upcoming events.

## **ACCESS TO JUSTICE BENCH-BAR PLANNING FORUM**

In September 2011, the Access Commission sponsored the *Access to Justice-Bench Bar Planning Forum* at the Annual Meeting of the State Bar in Long Beach. The forum brought together representatives from the many statewide entities working to improve access to justice, including the Commission, the Judicial Council Committee on Access and Fairness, the State Bar Standing Committee on the Delivery of Legal Services, the Legal Aid Association of California, and the California Bar Foundation. Participants discussed ways to coordinate their efforts on expanding legal representation, addressing the judicial branch budget crisis, and increasing funding for legal services.

The Access Commission plans to continue holding regular substantive planning events in the future to generate ideas that can lead to important advances for legal services. The next planning forum will be held on June 6, 2012, preceding the Pathways to Justice Conference in San Francisco.