

STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES 2002 - 2003 ANNUAL REPORT

The 2002-2003 committee year marked the third year of activity for the Standing Committee on the Delivery of Legal Services (SCDLS). SCDLS is a reconfiguration of what was previously the Legal Services Section. The charge of the committee is as follows (please note that in December 2001, the charge was amended to include limited legislative activity):

- a. Identify, develop and support improvements in the delivery of legal services to poor and middle-income individuals.
- b. Serve as a resource to the Board of Governors in legal services issues of importance to the State Bar.
- c. Develop and disseminate educational materials to improve the delivery of legal services to poor and middle-income individuals.
- d. Develop liaison relationships with other State Bar entities concerning legal services issues of importance to the State Bar.
- e. Analyze, report to the Board of Governors, and comment where requested by the Board of Governors or the Executive Director, on proposed court rules or legislation directly relating to or impacting the delivery of legal services to poor and middle-income individuals in California.

COMMITTEE MEMBERSHIP, SUBCOMMITTEES AND MEETINGS

SCDLS has 20 members who represent a diverse cross section of the state, practice settings and expertise in the delivery legal services to low- and middle-income people in both civil and criminal areas. The chair was Mia A. Baker, Special Assistant District Attorney, Los Angeles County District Attorney's Office and vice chair was Stephanie Choy, Executive Director, Public Interest Clearinghouse in San Francisco.

SCDLS' work is conducted primarily at the subcommittee level. Members actively participate in at least two of six subcommittees: Appointments, Awards, Education, Legislation, Pro Bono and Status Report.

The full committee met a total of six times during 2002-2003:

- November 16, 2002 (Los Angeles)
- January 23, 2003 (San Francisco)
- March 28, 2003 (San Francisco and Los Angeles via video conference)
- May 16, 2003 (San Francisco)
- June 18, 2003 (San Francisco)
- September 5, 2003 (Anaheim)

In addition, each of the subcommittees conducted meetings by conference call.

KEY ACCOMPLISHMENTS:

Appointments

Twenty-one (21) new membership applications were received in March 2003. After taking reappointments for officers/members into consideration, SCDLS had 5 vacancies. The subcommittee met by conference call on March 12 to review and rank the applications. The subcommittee's recommendations were made to the full Standing Committee at its meeting of March 28, and were approved after a thoughtful discussion. The following new members were unanimously recommended to VIC and subsequently were appointed to SCDLS: Ana España, Juanda Daniel, Joel Diringer, David Martinez, and Supreeta Sampath. Kathleen Meehan received an interim appointment in January 2003 to fill a vacancy with a term of less than one year remaining and was recommended for reappointment.

Education

MCLE programs were developed as follows: (attendance numbers provided in parentheses):

All of the proposals for programs submitted to the ABA/NLADA 2003 Equal Justice Conference held in April (Portland) were accepted and presented. Each program included speakers from California and several of them were former and current SCDLS members.

Evaluation of Legal Services Programs

Evaluating Court-Based Self-Help Programs

Unbundling Legal Services

Partnership Programs with the Courts

Emeritus Attorneys (topic was incorporated into a larger program)

High School Students Help Immigrants Groups (topic was incorporated into a larger program)

Cultural Competence in the Delivery of Legal Services

Predatory Lending

In order to secure prime time slots, maximize attendance and minimize duplication, three programs were developed for the State Bar Annual Meeting held September 4-7, 2003 in Anaheim. The first two programs listed below were highly successful last year and the committee decided to repeat them.

How to Prevent and Recover from Identity Theft (75)

Limited Scope Representation: Doing It Safely! (60)

Home-Sweet-Home: Fighting Predatory Lending (50)—co-sponsored with the Committee on Senior Lawyers

SCDLS also partnered with the Business Law Section's Financial Institutions Subcommittee to plan consumer-oriented trainings on identity theft that will take place in Fresno, Los Angeles and Berkeley during the 2003-2004 committee year.

Awards

The Awards Subcommittee reviewed the nominations and made recommendations to the full committee for both the 2003 President's Pro Bono Service Awards and the Loren Miller Legal Services award. The full committee and the Board of Governors approved the recommendations.

In addition, guidelines to support or nominate candidates for external awards such as national legal services and other pro bono awards were developed. In its first effort, SCDLS nominated the Administrative Office of the Courts Center for Families, Children & the Courts for the 2003 ABA Hodson Award for Public Service. The nomination was successful and this award was presented to the AOC during the ABA's Annual Meeting in August.

In cooperation with the Senior Lawyers Committee, the definition of the Emeritus or Retired Attorney category for the President's Pro Bono Service Awards was revised as follows: "Emeritus or Limited Active Practice Attorney: An attorney who is enrolled in the State Bar Emeritus Attorney Pro Bono Program; or a lawyer who took time off from practicing law for compensation and performed substantial pro bono work." The change will be reflected in the 2004 awards nomination materials.

Pro Bono

The Pro Bono Subcommittee met with legislative and other staff in Sacramento to identify law firms that contract with the state and offer assistance on how to fulfill the pro bono requirements of AB 913 and 1703 by working with qualified legal services programs. Upon advice of State Bar General Counsel, the subcommittee sought and secured the assistance of the Legal Aid Association of California (LAAC) to take the lead in this effort. The subcommittee continues to coordinate with LAAC on this effort.

A letter encouraging pro bono participation and a copy of the revised Pro Bono Resolution were included in the packet of materials distributed to new admittees.

The prototype packet of materials to encourage local bars to develop or enhance their pro bono efforts was created as the first phase of implementing the revised Pro Bono Resolution.

The revised Pro Bono Resolution was included as one of the appendices in the State Bar's Publication 250.

Governor's Proclamation for California Pro Bono Week: SCDLS efforts were instrumental in getting Governor Davis to proclaim September 1-7, 2003 as *California Pro Bono Week*. The proclamation coincided with the Annual Meeting and the Pro Bono Reception, at which the President's Pro Bono Service Awards and the Loren Miller Legal Services Award were presented.

Legislation

Judicial Council's proposed Winter 2003 revisions to the California Rules of Court and Judicial Council forms: The legislative subcommittee analyzed and the Standing Committee reviewed, approved and strongly supported proposals W03-02 and W03-06. SCDLS member Patricia Golson reviewed the Civil Case Cover Sheet and provided comments. Submitted February 24, 2003.

Conference of Delegates RESOLUTION 02-13-2003: SCDLS sent a letter stating the Standing Committee's SUPPORT IN PRINCIPLE position on granting limited MCLE credit for Pro Bono service provided through a qualified legal services project or support center. Submitted April 28, 2003.

Judicial Council's proposed Spring 2003 revisions to the California Rules of Court and Judicial Council forms: The legislative subcommittee reviewed and analyzed, and the Standing Committee reviewed, approved and supported the following proposals with some suggested revisions: 03-05, 03-08, 03-12, 03-19, 03-42, 03-44, and 03-50. The legislative subcommittee and the Standing Committee did not approve proposal 03-15 in its totality, but offered extensive comments and reasons for its disapproval of forms DV-300 through DV-390. Submitted July 3, 2003.

Status Report

The Status Report will focus on legal problems in rental housing in California, for both tenants and landlords. The subcommittee plans to provide a snapshot of the current practice in Unlawful Detainers throughout the state. It will identify areas in which state laws differ and will recommend promising practices in this area of legal services. The subcommittee hopes this first report will serve as a model for future reports in other areas of practice.

The following materials were gathered for the report:

- A summary outline of UD practice;
- A breakdown of UD filings and dispositions for all reporting court systems for the past two years;
- The census figures on numbers of rental units per county in California;
- A comparison of all provisions of rent stabilization (rent control) in four Los Angeles County jurisdictions;
- A more detailed breakdown of UD filings in Los Angeles County, including the percentage of pro se filings;
- Two reports on UD practice in sister states, with a focus on those states that have provisions allowing a tenant to cure a failure to pay rent after expiration of the three-day Notice to Pay Rent or Quit;
- A report on the status of the mobile home rent control law;
- A proposed e-mail survey for state housing advocates.

Publications: SCDLS updated its brochure to promote the committee's activities that can be used for new member recruitment.

FUTURE GOALS

SCDLS has an ambitious work plan for 2004. Ongoing projects will continue with an emphasis on finalizing the Status Report, developing the next phase of the State Bar's commitment to pro bono, and enhancing the delivery of legal services to low and middle-income Californians. Please refer to the 2004 Work Plan for more information. In January 2003, the Board of Governors referred to SCDLS for their review and consideration the updating of the 1990 State Bar Guidelines on Indigent Defense Services Delivery Systems. SCDLS anticipates that it will begin working on this project in the Spring of 2004.

Respectfully submitted,

Mia A. Baker
Chair, 2002-2003
Standing Committee on the Delivery of Legal Services