



The Future of Access to Justice in California:

## **Developing a Vision For the Next Decade**

A publication of the California Commission on Access to Justice

**REPORT on 10<sup>th</sup> Anniversary Symposium  
and Planning Day**

**April 23-24, 2008**

**THE FUTURE OF ACCESS TO JUSTICE IN CALIFORNIA:  
DEVELOPING A VISION FOR THE NEXT DECADE**

**A Report of the California Commission on Access to Justice**

**10<sup>th</sup> Anniversary Symposium - April 23, 2008  
Planning Day – April 24, 2008**

**Location: Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102**



*The State Bar  
of California*

Office of  
Legal Services,  
Access &  
Fairness Programs

For more information, contact:

Mary Lavery Flynn  
Director, Legal Services Outreach  
Office of Legal Services, Access & Fairness Programs  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105-1639  
(415) 538-2251 FAX: (415) 538-2524  
[mary.flynn@calbar.ca.gov](mailto:mary.flynn@calbar.ca.gov)

Chris Zupanovich  
Program Coordinator, Legal Services Outreach  
Office of Legal Services, Access & Fairness Programs  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105-1639  
(415) 538-2534 FAX: (415) 538-2524  
[chris.zupanovich@calbaer.ca.gov](mailto:chris.zupanovich@calbaer.ca.gov)

**REPORT ON 10<sup>TH</sup> ANNIVERSARY SYMPOSIUM AND PLANNING DAY  
CALIFORNIA COMMISSION ON ACCESS TO JUSTICE**

**April 23-24, 2008**

**TABLE OF CONTENTS**

**Part I – 10<sup>th</sup> Anniversary Symposium (April 23, 2008)**

- Cover Sheet for Part I, listing members of Planning Team
- Symposium Announcement
- Detailed Agenda for Symposium
- Welcome Remarks from Chief Justice Ronald M. George
- Panel Presentations:
  - Delivery System Improvements – Includes Discussion Questions and Summary of Discussion
  - Changing Role Of The Courts – Includes Overview of Introductory Comments by Roger Warren, Discussion Questions and Summary of Discussion
  - Pursuing the Right to Counsel – Includes Introductory Comments by Steve Sachs, Discussion Questions and Summary of Discussion

**Part II – Planning Day (April 24, 2008)**

- Cover – Part II
- Planning Day Agenda
- Table of Contents, with list of materials on each participating entity
- Possible Discussion Topics
- Report on Discussion Topics
- Planning Day Flip Chart Notes

**Appendix:**

- Access Commission Brochure
- Acknowledgements
- Profile of Symposium Speakers
- List of Symposium Participants
- List of Planning Day Participants
- Proclamation from Legislature
- Certificate of Appreciation to the Bar
- Reception Program

# **PART I**

**10<sup>TH</sup> ANNIVERSARY SYMPOSIUM**

**THE FUTURE OF ACCESS TO  
JUSTICE IN CALIFORNIA:  
DEVELOPING A VISION FOR THE  
NEXT DECADE**

**APRIL 23, 2008**



The Future of Access to Justice in California:

## **Developing a Vision For the Next Decade**

**A symposium celebrating the 10<sup>th</sup> Anniversary of  
The California Commission on Access to Justice**

**April 23, 2008  
1:00 to 5:30 p.m.**

# THE FUTURE OF ACCESS TO JUSTICE IN CALIFORNIA: DEVELOPING A VISION FOR THE NEXT DECADE

April 23, 2008

## California Commission on Access to Justice 10<sup>th</sup> Anniversary Symposium

### Symposium Planning Team:

Hon. Steven K. Austin  
Joseph L. Chairez  
Kathryn Eppright  
Mary Lavery Flynn  
Bonnie Rose Hough  
Hon. Earl Johnson, Jr. (Ret.)  
Hon. Laurie D. Zelon  
Chris Zupanovich



*The State Bar  
of California* | Office of Legal Services,  
Access & Fairness Programs

For more information, contact:

Mary Lavery Flynn  
Director, Legal Services Outreach  
Office of Legal Services, Access & Fairness Programs  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105-1639  
(415) 538-2251 FAX: (415) 538-2524  
[mary.flynn@calbar.ca.gov](mailto:mary.flynn@calbar.ca.gov)

Chris Zupanovich  
Program Coordinator, Legal Services Outreach  
Office of Legal Services, Access & Fairness Programs  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105-1639  
(415) 538-2534 FAX: (415) 538-2524  
[chris.zupanovich@calbar.ca.gov](mailto:chris.zupanovich@calbar.ca.gov)

**THE FUTURE OF ACCESS TO JUSTICE IN CALIFORNIA:  
DEVELOPING A VISION FOR THE NEXT DECADE**

**A symposium celebrating the 10<sup>th</sup> Anniversary  
of the California Commission on Access to Justice**

**April 23, 2008, 1:00 to 5:30 p.m.  
Reception immediately following**

-----  
**Administrative Office of the Courts  
Milton Marks Conference Center  
455 Golden Gate Avenue  
San Francisco, CA 94102**

\*\*\*\*\*  
The Symposium will cover significant topics such as pursuing innovative ways to expand legal services, establishing the right to counsel in civil cases, and planning for the changing role of the courts. Speakers include:

**Chief Justice Ronald M. George  
(Introductory Remarks via videotape)**

**Jeanne Charn  
Bellow-Sacks Access to Civil Legal Services Project, Harvard Law School**

**Hon. Roger K. Warren, Ret.  
Past President, National Center for State Courts,  
Administrative Office of the Courts Scholar-in-Residence**

**Steve Sachs  
Wilmer, Hale, LLP, former Maryland Attorney General**

**Hon. Dave Jones, Chair, Assembly Judiciary Committee  
(Closing Remarks - Confirmation pending)**

\*\*\*\*\*  
There is no fee to attend this Symposium. For more information, contact  
Mary Lavery Flynn – (415) 538-2251; [mary.flynn@calbar.ca.gov](mailto:mary.flynn@calbar.ca.gov)



The State Bar of California is an MCLE-approved provider.  
This symposium will offer 3 hours of MCLE credit.

**THE FUTURE OF ACCESS TO JUSTICE IN CALIFORNIA:  
DEVELOPING A VISION FOR THE NEXT DECADE**

**April 23, 2008**

**Milton Marks Conference Center  
Administrative Office of the Courts, San Francisco  
Moderator: Justice Laurie D. Zelon**

**Opening of Symposium:**

- ❖ 1:00 - 1:10 **Welcome - Hon. Laurie D. Zelon, California Court of Appeal, Moderator**
  - ❖ 1:10 - 1:15 **Welcoming Remarks from Chief Justice Ronald M. George** (via videotape)
  - ❖ 1:15 - 1:30 **Brief overview of Accomplishments and Goals – Role of all Justice Partners during the past decade, where we are today, and how together we can help shape the future.**
- 

❖ 1:30 - 2:00 **DELIVERY SYSTEM IMPROVEMENTS**

*Alternative scenarios for increasing percentage of low-income population helped; matching under-employed lawyers with needy clients; and closing the justice gap.*

**Jeanne Charn** - [opening presentation] Director, Bellow-Sacks Access to Legal Services Project, Harvard Law School

**Mitch Kamin** - Board President, Legal Aid Association of California (LAAC); Executive Director, Bet Tzedek Legal Services

**Hon. Manuel Covarrubias** - Member, Judicial Council Access & Fairness Advisory Committee; Ventura County Superior Court

**Jack Londen** - Member, Pro Bono Task Force, Commission on Access to Justice; Morrison & Foerster

**Bonnie Rose Hough** - Managing Attorney, Center for Children, Families and the Courts, Administrative Office of the Courts, San Francisco

---

- ❖ 2:00 - 2:10 **Break**

❖ 2:10 - 2:40 **CHANGING ROLE OF THE COURTS**

*Procedural as well as substantive justice; impact of increasing percentages of pro pers; collaborative efforts involving legal services programs and the private bar working more closely with the courts.*

**Hon. Roger Warren, Ret.** - [opening presentation] President Emeritus  
National Center for State Courts; Scholar in Residence, Judicial Council of California

**Hon. Donna Hitchens** - San Francisco Unified Family Court; San Francisco Superior Court

**Estela Casas** - Executive Director, Greater Bakersfield Legal Assistance

**Kathleen Dixon** - Managing Resource Attorney, Los Angeles Superior Court

---

❖ 2:40 - 3:10 **PURSUING THE RIGHT TO COUNSEL**

*Discussion of prospects for the right to counsel movement; how it could affect the current delivery system as well as its impact on pro bono; what to expect in the next few years.*

**Steve Sachs** - [opening presentation] Wilmer Hale; Former Attorney General, Maryland  
[Presentation Will Be Read by Professor Clare Pastore, USC Gould School of Law]

**Hon. Erica Yew** - Judicial Council Task Force on Self-Represented Litigants; Santa Clara Superior Court

**Hon. Earl Johnson, Jr., Ret.** - Co-Chair, Model Statute Task Force, Commission on Access to Justice; Scholar-in-Residence, Western Center on Law and Poverty

**Ramon Arias** - Executive Director, Bay Area Legal Aid

**Paul Marvy** - National Coalition for a Civil Right to Counsel, Steering Committee Chair; Northwest Justice Project, Seattle, Washington

---

❖ 3:10 - 3:20 Break

---

❖ 3:20 - 4:20 **Workshops - Participants select one of these three workshops:**

- **DELIVERY SYSTEM IMPROVEMENTS**
  - **CHANGING ROLE OF THE COURTS**
  - **PURSUING THE RIGHT TO COUNSEL**
- 

❖ 4:30 - 5:30 **Closing Plenary And Discussion of Next Steps;**  
**Closing Remarks: Jeffrey L. Bleich, President, State Bar of California**

---

❖ 5:30 - 7:00 **10<sup>th</sup> Anniversary Celebration: California Culinary Academy**  
625 Polk Street (at Turk Street – one block away), San Francisco CA 94102

**Chief Justice Ronald M. George**  
**Welcoming Comments at Access to Justice Symposium**  
**San Francisco; videotaping March 18, 2008**

Welcome to this symposium on Access to Justice hosted by the Commission on Access to Justice. I am sorry that I cannot be there to join you due to a trip overseas, but what better way to celebrate the 10th anniversary of this effective organization than a program that looks at what has been accomplished — and then focuses not only on what remains to be done, but also how to do it.

The commission brings a wide-ranging perspective to improving access to justice. Its membership is broadly representative, including appointments by the Governor, the Attorney General, the Legislature, business and civic groups, as well as the State Bar and the Judicial Council. The expansive pool from which it draws not only informs its activities, but also enhances the credibility of the commission as an independent entity concerned with improving the administration of justice. And not only does the varied membership bring different viewpoints to the table, it also has meant that the commission has been very effective in consistently drawing attention to the real needs of vulnerable Californians, and raising public awareness of these issues in all parts of our state.

All of you gathered here today are part of a very important movement to ensure that all Californians can fully participate in our system of justice. Among you are State Bar leaders, legal services providers, judges, family law facilitators and other attorneys providing court-based self-help resources, law school professors, court administrators, law librarians, and other partners from the community. The breadth of the experience you bring demonstrates that access to justice is a subject that implicates a wide range of services and expertise. Not only is providing effective services for all a complex problem, but your presence here reminds us that it is a problem being solved through the remarkable dedication and contributions of individuals from many different backgrounds and specialties.

Access to justice is a top priority for the Judicial Council, and it has long been a personal priority for me. Providing meaningful access to all poses a profound challenge to our judicial system: it is not enough that the courts fairly administer justice for those who appear before them; their doors must be open and their services accessible to all those who need them. Providing perfect justice for the few does not equate with justice for all. Those of us who can afford legal representation must care about those who cannot if we care about our society.

The work of the Commission on Access to Justice, and the participation of so many talented people here today serve as proof that we are headed in the right direction. Over the past ten years, the commission has been an important source of creative ideas and promoting implementation of new strategies. It helps generate innovative approaches — and then looks to the appropriate organizations to carry them forward.

In its initial decade, working in collaboration with others interested in access to justice, the Commission has seen a number of initiatives in which it has invested time, thought and planning succeed.

For example, the Commission worked closely with the Courts, the Judicial Council, and the Legislature to establish the Equal Access Fund. After it published an important report on barriers caused by language, the commission worked with the same partners to seek funding to expand the availability of qualified court interpreters. Working with the Judicial Council, the commission was instrumental in developing the concept of limited scope representation into concrete form in California. As a result, court rules and forms are now in place that enable otherwise self-represented litigants to obtain representation in key areas. The Commission also has focused on the need for legal assistance in rural areas, where legal aid and pro bono services typically are scarcer, and helped with the development of programs for individuals unable to find representation. It has also worked with the Judicial Council to expand attorney-staffed court-based self-help centers, which have become a more common site in many courthouses.

All of these projects have made a major difference in the lives of countless individuals. But countless more need help. That is why, as the Commission embarks on its second decade of service, I met with its leaders to discuss mutual goals and initiatives for the future.

We focused on returning to Sacramento with our proposal to provide Civil Gideon in a pilot project for individuals who need representation in cases that affect fundamental rights. In addition, we will continue to work on increasing the Equal Access Fund — first, defending it against reductions in the present difficult fiscal climate and next, preparing to urge its expansion as the financial condition of the state improves.

As a consistent champion of increasing pro bono contributions by attorneys, I look forward to continuing to work collaboratively with the commission on programs to encourage more lawyers to step forward. Also at the top of the list of priorities is finding new avenues to meet the challenges of meaningful access for those with language difficulties.

The menu of achievements — and the menu of our shared goals for the future are both extensive. We in the judicial branch have been most fortunate to have the Commission on Access to Justice as an active and innovative partner. All Californians are fortunate to have so many individuals dedicated to improving the administration of justice for all.

I look forward to hearing about the results of your symposium. Thank you all for attending this important meeting. And special thanks and congratulations to the members of the Commission on Access to Justice for their commitment and creativity. Thank you for making a positive difference for the people of California.

## **DELIVERY SYSTEM IMPROVEMENTS**

### **Panelists:**

<b>Jeanne Charn</b> –	Director, Wilmer Hale Legal Services Center Harvard Law School
<b>Mitch Kamin</b> –	President of LAAC: Executive Director Bet Tzedek Legal Services
<b>Hon. Manuel Covarrubias</b> –	Superior Court of California Ventura County
<b>Jack Londen</b> –	Former Chair, Access Commission; Partner, Morrison & Foerster LLP
<b>Bonnie Rose Hough</b> –	Supervising Attorney Center for Families, Children & the Courts Administrative Office of the Courts
<b>Ken Babcock, Facilitator</b> –	Member, Access to Justice Commission; Executive Director, Public Law Center

Description of Panel: Alternative scenarios for increasing the percentage of low-income population helped; matching under-employed lawyers with needy clients; and closing the justice gap.

### **PART 1: Discussion Questions for Workshop:**

- What can be done to get more people who need it legal representation, either limited scope or full scope (in addition to the idea of securing a right to counsel in civil cases, that will be addressed by another panel?)
- What is the best way to significantly increase the percentage of low-income clients receiving legal assistance?
- How can we get private lawyers involved in serving moderate-income clients, and what are the benefits and pitfalls of doing so?
- If we set up a system for some lawyers to get paid at a reduced rate for serving low-income clients, what impact might that have on pro bono?
- With the rich diversity of our state, what obstacles can be anticipated as to language and cultural differences and what steps can be taken to overcome said obstacles?
- What is the appropriate role for law schools?
- How can we best use technology?
- How can we ensure that we plan for sustainability of projects?

- What is the role of fee for service?
- What is the role of impact work?
- How can we best achieve statewide coordination and replication of best practices?
- How can we ensure adequate evaluation, and provide support for evaluation?

## **PART 2: Points Made During Discussion**

- Forty percent of the population is hurting badly and there must be an interjection of assistance to re-stabilize them.
- Small private firms need to be involved, and be part of the solution, because they represent such a large percentage of the legal community.
- Must address the issues of moderate-income people, too, which can happen if we involve the private bar more extensively. But how we actually address the legal needs of moderate-income people is an issue that has been considered for many years and there aren't easy answers. They are a large percentage of the population, and complicated service delivery systems need to be studied.
- One possible solution is to pursue experimentation. Experience overcomes distrust, and mentoring and training enables us to set up a system in which attorneys can take on cases, on a pilot basis at a very low hourly rate.
- The most receptive audience might be lawyers who already work with low-income clients, but they don't have all the tools they need to do that practice efficiently and effectively.
- The group discussed the possibility of following the Business Incubator Model as a way to encourage more lawyers to serve low and moderate-income clients.

Business incubators nurture the development of entrepreneurial companies, helping them survive and grow during the start-up period, when they are most vulnerable. These programs provide their client companies with business support services and resources tailored to young firms. The most common goals of incubation programs are creating jobs in a community, enhancing a community's entrepreneurial climate, retaining businesses in a community, building or accelerating growth in a local industry, and diversifying local economies.

Source: National Business Incubation Assoc. ([www.nbia.org](http://www.nbia.org))

- It is important to have an established network of other solo practitioners involved.
- California's Family Law Facilitator Model was discussed, which often uses lawyer volunteers, who thereby gain expertise. This is similar to the concept of programs using volunteer interpreters in various places in the court system. Students offer services to get training and mentored in court by certified interpreters.
- When decisions about the delivery system are made by stakeholders with divergent interests, they don't necessarily take into account the highest priorities for anti-poverty work that are needed. The challenge in California is directing pro bono work to the highest need.
- There was a discussion about the need to abolish LSC restrictions in order for the system to be effective, .
- Regardless of the delivery models that are considered, it is important to establish quality benchmarks. It is also important to develop standards for what an appropriate model is, address questions of cost and establish clear expectations for all involved.
- Currently, approximately three-quarters of clients do not get the full level of assistance they need.
- Self-help centers need to be coordinated more closely with the rest of the local delivery system; for instance, it would be extremely valuable for self-help centers to have access to information about attorneys who will do unbundled legal services.
- There needs to be increased recognition of volunteers other than attorneys, since their contributions should be recognized.
- The nurse practitioner model is another model that should be studied, allowing non-attorneys to provide assistance under the supervision of attorneys. This is done to some extent in legal services programs, but there is much more that could be done. It was noted that past legislative efforts to develop a certification system for paralegals was met with significant opposition by the lawyer and paralegal community.
- Other issues raised included making sure there is an appropriate role for law schools; addressing the use of technology, making sure projects are sustainable including possibly fee-for-service work; ways to make sure that impact work gets high-priority attention; how to ensure statewide coordination as well as replication; and making sure that there is support for the appropriate level of evaluation necessary.

### **PART 3: Overview of Innovative Delivery Models in California**

The following examples were described as worthy of discussion and, potentially, expansion and replication in California and elsewhere:

#### **(1) San Francisco Eviction Defense Collaborative**

- a. Objective
  - i. Assist all tenants in eviction actions
- b. Services:
  - i. UD defendants referred to one agency for intake
  - ii. Self-help for some, referrals for full rep to other agencies for others (focus on meritorious & priority cases – seniors, mental health, language)
  - iii. Unrepresented litigants get pro bono assistance at mandatory settlement conferences
- c. Partner agencies:
  - i. Legal Services Providers
    - 1. EDC
    - 2. Volunteer Legal Services Program of the SF Bar
    - 3. Bay Area Legal
    - 4. AIDS Legal Referral Panel
    - 5. Lawyers Committee
  - ii. Superior Court
  - iii. Private bar
- d. Funding: City of San Francisco homelessness prevention funds

#### **(2) Peninsula Family Advocacy Program – Legal Aid Society of San Mateo County**

- a. Objective
  - i. Work with healthcare providers to improve children's health by confronting the underlying causes of poor health among low-income children
- b. Services
  - i. Free legal advocacy and education on full range of issues (benefits, DV, housing, IEP, etc) to low-income families whose children receive medical care
  - ii. Training health care providers to identify legal needs and refer to legal partners
  - iii. Address policy issues affecting children's health
- c. Partners
  - i. Legal Aid Society of San Mateo County
  - ii. Lucile Packard Children's Hospital and its clinics
  - iii. Ravenswood Family Health Center
  - iv. Private bar (pro bono representation on certain issues)
- d. Funding: Foundations & individual donors

- e. Replication: National association of these programs, called Medical Legal Partnerships for Children
  - i. More than 10 projects in California either in existence or development

**(3) Bet Tzedek Family Caregiver Project**

- a. Objective
  - i. Provide comprehensive services and support to caregivers and their families
- b. Services
  - i. Courthouse self-help (brief service and referral – triage)
  - ii. Legal staff – caregiver/conservatorship benefits – working with pro bono
  - iii. Caregiver training coalition – no wrong door/referrals/training
  - iv. Policy work
- c. Partners
  - i. Private bar
  - ii. Courts
  - iii. Non-Legal Agencies (e.g.)
    - 1. APS
    - 2. Elder Abuse Forensic Center
    - 3. JFS
    - 4. Alzheimer's Association
    - 5. AAA's
- d. Funding: OAA, Partnership Grant, Unihealth, Archstone

**Common Characteristics of Model Innovative Projects:**

- They cover the field: interdisciplinary services to client class or covering the entire legal field for all;
- Collaboration is the key (Partners in these programs include):
  - Legal services providers (sometimes multiple)
  - Courts
  - Non legal social service providers
  - Private bar/pro bono
  - Government agencies
- Centralized screening/effective referral system: Triage/prioritization so most “in need” get appropriate level of service;
- Varying degrees of legal assistance, depending on need/merit:
  - Full service component
  - Self-help/unbundled components or, at least, preventive education
  - Significant pro bono involvement
- Training – training partner agencies to identify and refer legal issues to legal services partners

## **CHANGING ROLE OF THE COURTS**

### **Panelists:**

- Hon. Roger K. Warren, Ret.** – Former President, National Center for State Courts
- Hon. Donna Hitchens** – San Francisco Unified Family Court;  
San Francisco Superior Court
- Estela Casas** – Executive Director, Greater Bakersfield  
Legal Assistance
- Kathleen Dixon** – Coordinator, Self-Help Centers, Los Angeles  
Superior Court
- Hon. Steve Austin, Facilitator** – Co-Chair, California Commission on Access  
to Justice; Superior Court, Contra Costa  
County

Description of Panel: Procedural as well as substantive justice; impact of increasing percentages of pro pers; role of legal services and private bar, now that courts role increasing.

### **PART 1: NOTES ON THE CHANGING ROLE OF THE COURTS SYMPOSIUM ON ACCESS TO JUSTICE**

Roger K. Warren

This change (since 1976, since 1993, since 1996) has taken the form of a dramatic and pro-active expansion of services to unrepresented litigants in civil cases

Why and how have the California courts changed their approach to self representation so dramatically over the last 10 years?

1. State and national judicial leadership at the highest level
2. Fundamental shift in the field of court administration from an industrial organizational model focused on efficient processing of cases to a services organization model more focused on the needs of court users
  - a. intense community outreach
  - b. public trust and confidence
  - c. procedural fairness
3. pro-active effort of self-examination and outreach as a core court function even to the extent of working “to remove all barriers to access and fairness” whether or not created by the court

Where do the courts go from here?

1. Equal access is one thing; equal justice quite another
2. requires fair and legally appropriate outcomes as well
3. availability of "equal" processes to both represented and unrepresented persons does not result in equal justice for the unrepresented
4. may require not mere assistance in navigating adversary systems, but basic modifications to the adversary system

## **PART 2: Proposed Discussion Questions for Workshop:**

- Discuss major organizational changes that could significantly improve justice and be more efficient and effective at the same time.
- Is the adversarial system the best way to deal with disputes, and are there any specific legal issues that could be handled more effectively through an administrative agency approach, or dealt with in another way?
- How can we ensure that courts stay impartial if they seem to be favoring the low-income or self-represented litigants?
- What are some things that judges can do to help ensure a fair result and a level playing field without seeming biased? What should they NOT do?
- What can other court staff do to ensure fairness?
- What should the courts do to ensure limited-English-proficient litigants have a fair hearing? What should an individual judge do?
- With the rich diversity of our state, what obstacles can be anticipated as to language and cultural differences and what steps can be taken to overcome those obstacles?
- What will or should the typical court be like in 2018?
- What is the proper role for technology -- how could it be used to improve access to justice, and what possible uses should be avoided?
- How can we address the need for more language assistance for low-income civil litigants who can't afford to pay for a qualified court interpreter and don't have the right to have one provided at court expense? Many are concerned that we not "dummy-down" the test for court interpreters, because a bad interpretation is worse than none at all. But something clearly needs to be done.
- How can we bring along judges who believe the new efforts to achieve fairness are really going too far?
- What about lawyers who feel their paying clients may be disadvantaged because judges lean over backward to help self-represented litigants?
- What changes should be considered to truly improve trust and confidence in the courts?

### **PART 3: Notes from Changing Role of the Courts Workshop**

- **Many inroads have been made to quality of access, how do we achieve quality of *outcomes*?**

Full service model is key so clients can get everything done in one court appearance. A collaborative problem solving approach that is proactive is key. Use of a self-represented litigant calendar has been helpful.

First people need to “get” to the courts and case flow management is a responsibility of the courts. Bring people in, connect and guide them through the right steps.

Perception of quality and involvement is an important challenge. Judges need to be trained “across the board.”

Self-examination of financial allocation and cost-savings; consolidate services so that they are easily accessible and make sense for self-represented litigants.

Lawyers and judges have taken more responsibility. Help from the courts is still minimal. Need to design services from litigant's point of view (not the courts). Broad picture: courts need to change. Designing a project that meets the court's need is not sufficient. A re-engineering of the core process of the courts needs to happen. This will require a major shift in thinking to view and design new service models from the perspective of the litigant rather than the court.

Courts are frustrated but it does make sense to change to address the needs of litigants. Courts are resistant to change so change needs to be promoted in a positive way.

- **What can be done to overcome inertia obstacles?**

More collaboration and partnerships with other players (i.e. legal aid, law libraries, court staff that are not usually involved).

Sharing of resources, staff and know-how.

Mobilize and engage judges to better meet the needs of litigants. Judges and the court system need to open up to others.

The role and support of judicial officers is key to supporting change. If judicial officers are not supportive, the mission lacks leadership and buy-in court-wide.

Court employees need to be a part of and included the challenge. Employees need to be on the same team and need training. (file clerks too.)

Structural changes CAN be effective and can happen. For example, Contra Costa's self – represented litigant only window at court.

The legislature needs to be supportive.

Rural self-help areas are much more dependent on support from judicial officers.

Another problem is that some are not even "seeking" the help that is available because of obstacles with other county services (police data, etc.) More outreach, data sharing and collaboration needs to be done with other county agencies.

More information isn't needed. An openness to change is.

The issue of leadership is the key to creating a culture of change. There needs to be PJ and CEO leadership as well as leadership in the "division".

Federal Courts face even more resistance to change and we need help. Please share any ideas you have with Mary that you think would be helpful and thank you.

## **PURSUING THE RIGHT TO COUNSEL**

### **Panelists:**

<b>Steve Sachs</b> –	Wilmer Hale; Former Attorney General, State of Maryland
<b>Hon. Erica Yew</b> –	Judicial Council Task Force on Self-Represented Litigants; Santa Clara Superior Court
<b>Hon. Earl Johnson, Jr., Ret.</b> –	Co-Chair, Model Statute Task Force, Commission on Access to Justice
<b>Ramon Arias</b> –	Executive Director, Bay Area Legal Aid
<b>Paul Marvy</b> –	Northwest Justice Project, Seattle
<b>Clare Pastore</b>	Assoc. Prof. USC; ACLU; Co-Chair, Model Statute Task Force, Commission on Access to Justice

Description of Panel: Discussion of prospects for right to counsel movement and how it affects current delivery system plans, and the impact on pro bono.

### **Part 1 – Opening Remarks by Steve Sachs (as read by Clare Pastore)**

I doubt that I have much information about the right to pursuit of counsel that this group doesn't already know. What I hope to do, however, is to convey a sense of perspective.

We are in the midst of a strong national movement --- one that has not yet crested. It focuses, for now, on state legislatures and constitutions. It will eventually establish a right to publicly-funded appointed counsel in matters of basic need for those who cannot afford, and cannot otherwise obtain, counsel. And I assert this belief notwithstanding the severe budget constraints that currently afflict so many state governments.

The familiar chronicle of the need of the poor for counsel accelerates:

Legal services programs are severely underfunded  
Eighty percent of the legal needs of the poor continue to go unmet and  
the gap is growing.

The cost --- *the cost* --- in homelessness, in demand for public services, in crime, has been amply documented.

Proof that the presence of lawyers make a difference continues to mount:

In administrative proceedings in my state of Maryland, for example, the presence of counsel doubles claimants' success rates. Elsewhere, battered women who had an attorney are almost three times more likely to get a protective order than are women without counsel.

Lawyers make a difference...

That's why those who can afford lawyers, get them.

That's why when Clarence Earl Gideon went back to trial in that Florida courtroom 45 years ago --- this time with a lawyer--- he was acquitted.

\* \* \*

I've said we are part of a movement. For many of us, the trumpet that announced it, in the words of Anthony Lewis' prize winning account was the Supreme Court's decision in Clarence Gideon's case, *Gideon v. Wainwright*.

Justice Black's opinion, which drew heavily from the Court's opinion in the old Scottsboro Boys case, has become the anthem, the hymn for what has become for many of us our old time religion:

"[A]ny person haled into court who is too poor to hire a lawyer, cannot be assured of a fair trial unless counsel is provided for him. This seems to us an obvious truth...

"[L]awyers ...are necessities, not luxuries...

"The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. ...Even the intelligent and educated layman... requires the guiding hand of counsel at every step of the proceedings against him...."

Although the 6<sup>th</sup> amendment *doctrine* of *Gideon* does not literally apply to civil litigation many of us were confident that the *logic* of *Gideon* --- that without counsel on both sides the adversary system malfunctions --- assuredly did.

But those hopes were dashed nearly twenty years later when the Court held, in *Lassiter v. Department of Social Service*, that due process did not require North Carolina to provide counsel even to a low income mother attempting to defend against a termination of parental rights suit by the state. *Lassiter* created a presumption that a broad right was available only if incarceration was threatened, a presumption to be rebutted, if at all, on a case by case basis.

To make matters worse, *Lassiter* coincided with the advent of the Reagan administration's assault, largely successful, on funding --- on the very idea --of

federal and state support for legal services for the poor. These were not good times for those of us who believed in "Civil Gideon."

Things have begun to change however. In recent years there has been an acceleration of scholarly writing on the issue --- scholarship in which Justice Johnson has played a leading part -- I'm tempted to call it "Johnson's trumpet" --- that explores state legislative and constitutional avenues available to secure a civil right to appointed counsel. And those writings have spawned, in turn, a growing number of state legislative and litigation initiatives.

The movement has begun to take tangible form. A workshop at the National Legal Aid and Defender Association annual conference in Seattle in 2003 gave birth to the National Coalition for a Civil Right to Counsel, which today is a broad based association of about 170 individuals and organizations from nearly forty states. The Coalition members meet by conference call at least once a month to exchange information, advice and strategic thinking. It has appeared as an amicus in at least two state appellate cases. And the Coalition played a key role, sparked importantly by your own Mary Lavery Flynn, in generating action by the American Bar Association in 2005. The ABA's then-incoming president, Michael Greco, made it his signature issue. He created a Presidential Task Force on Access to Justice, chaired by Justice Howard Dana of the Maine Supreme Judicial Court. The report of that Task Force led to the unanimous adoption in August 2006 by the ABA's House of Delegates, representing over 400,000 American lawyers, of this Resolution:

RESOLVED, That the American Bar Association urges federal, state, and territorial governments to provide legal counsel as a matter of right at public expense to low income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody, as determined in each jurisdiction. This was an historic event. While the ABA has long played a leadership role in advocating meaningful access to the legal system for all persons regardless of economic status and has added its voice to the fight for legal services funding, this was its first declaration that the poor civil litigant had a *right* to appointed counsel, at least in basic needs cases.

The unanimous Resolution will lend extraordinary weight and credibility to us advocates in state courtrooms and legislative halls. It has already been cited favorably by some state appellate judges. It does not exaggerate, I think, to regard the historic ABA's Resolution as the latest trumpet blow in our burgeoning movement. One long time friend of the movement describes the ABA Resolution as the most important advance since the creation of a legal services program under the War on Poverty's Office for Economic Opportunity.

Let me conclude with a brief survey of a few recent developments in our reinvigorated movement. Boots on the ground, so to speak.

Right here in California, for example, your Commission on Access to Justice has proposed to the legislature a task force to develop models for awarding and expending funds to civil litigants who would not otherwise be represented. The New York City Council is considering a bill to create a statutory right to appointed counsel for senior citizens facing eviction or foreclosure proceedings. On the litigation front there have been some setbacks but also some promising developments.

In an unpublished per curiam decision, a Wisconsin intermediate court of appeals held that the state constitution's court access clause did not confer the right to appointed counsel, and that its equal protection clause was inapplicable because poverty was not a "suspect class" subject to "strict scrutiny."

Similarly, a majority of the Supreme Court of Washington *en banc* last December held in *King v. King* that due process, equal protection and privileges and immunities protections of the state constitution did not require appointment of counsel for an indigent mother in a child placement dispute flowing from a divorce proceeding. The court recognized that due process encompassed a parent's fundamental liberty interest in raising her child. But it found it inapplicable to "private civil disputes", holding that the right was limited to cases involving termination of parental rights or dependency or neglect proceedings where the full resources of the State were involved.

The Court majority also found the state constitution's open courts clause inapplicable, holding that, while it granted access to courts such "access" --- "a linguistically broad term", it said--- did not carry with it the right to appointed counsel. (This brings to mind Justice Johnson's celebrated aphorism that saying that mere physical presence in the courtroom is "access" is like saying that early Christians being thrown to the lions had "access" to the Coliseum.) The Washington court majority also rejected due process claims essentially on the reasoning and authority of *Lassiter*.

Two members of the Supreme Court of Washington dissented, in an opinion that convincingly demonstrated the mother's dire need for that "guiding hand of counsel". They held that both the federal and state due process clauses recognized parents' liberty interest in the care custody and control of their children. The need for "state action", the dissent held, was fully satisfied because "the only way a custody decree can ensue is by invoking the 'state's judicial machinery' in a court of law". The dissent also underscored the futile efforts of the trial court to "accommodate" Mrs. King because of her "lack of legal ability." In Alaska, in another child custody case, a trial court has *granted* an indigent mother's request for appointed counsel ( the father was represented) on the grounds that the right to direct the upbringing of a child was a liberty interest recognized by the state constitution's due process clause and a right mandated by Alaska's equal protection clause. The Court expressly rejected *Lassiter's*

case-by-case approach and, like the dissent in the Washington case, found that “use of the courts to adjudicate a custody dispute clearly involves state action.” I conclude with our Maryland third party child custody case, *Frase v. Barnhart*. I won’t dwell on our constitutional arguments, some of which are quite unique to Maryland and its explicit adoption of a right to counsel statute from Tudor England. Our position is described in my University of Baltimore Law Review article that you have in your papers. Our client won her custody battle. A bare majority of the Court of Appeals, however, found the right to counsel issue moot. Three judges concurred in the judgment but would have reached the right to counsel issue and decided it in our client’s favor.

But anyone who doubts that we are part of a movement should listen to the words --- and music--- of Judge Dale Cathell’s eloquent concurrence: “[T]his issue will not go away.... This issue will keep coming back... until four judges of the Court vote to resolve it one way or the other. The bullet will have to bitten.... The poor need a yes or no.

I am fully aware of the consequences of taking the first step onto the path of a civil *Gideon*. But the right we are asked to afford in the context of this case addresses the most fundamental of rights. It is not in the nature of a speeding ticket, a civil violation of a zoning ordinance, a tortuous interference with contract, or a breach of contract case. In my view, it is much more fundamental, much more important. It is in the nature of the protection of the family. What can be more important? We should all try to imagine how it must feel to be utterly poor and to receive a summons from the hands of a sheriff informing us that we are required to appear in court because either the State or some third party is attempting to terminate our parental rights, or to interfere with them, and we don’t have the money with which to hire a lawyer. The poor face fears without the security of the money that many others have. And it can be terrifying to realize how helpless you are when others are attempting to take your children from you.”

Yet another trumpet.

---

## PURSuing THE RIGHT TO COUNSEL

### Part 2 – Discussion Questions

- How, in these tight budget times, can we expect states to fund new programs?
- What impact would a judicial declaration of a right to appointed counsel have on existing legal services programs? On the private bar?
- Must a litigant seeking appointed counsel show not only that she/he is indigent but has exhausted all reasonable efforts to obtain pro bono counsel?
- Must a litigant seeking appointed counsel move the court for appointment of counsel in order to preserve the issue on appeal?
- May pro bono counsel appear with a litigant pre-trial for the limited purpose of moving for appointment of counsel and, if unsuccessful, take an interlocutory appeal of denial of the motion under the collateral order doctrine? Or,
- Must the litigant first appear at trial, lose her/his case and then, now represented by pro bono counsel, tender to the appellate court both the merits as well as denial of the appointment of counsel?

## PURSUING THE RIGHT TO COUNSEL

### Part 3 – Report from Break-Out Group Discussing Issues to Consider When Working to Expand a Right to Counsel in Civil Cases

- **What would an expanded right to counsel look like?**

Any plan will be a blended approach that will require the involvement of the community -- such as pro bono lawyers, law schools forgiving student loans for attorneys going into legal services, etc.

The types of cases that should be considered for coverage include help for low-income individuals when basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody.

Any plan will involve a range of services, including self-help assistance, limited scope legal assistance, full representation as well as other advocacy. There may be some co-pay required of some clients, so that those clients are getting partially-subsidized legal representation. Recognize that past legal services programs have been subsidized by lawyers willing to work for less pay.

- **We need to broaden the participants in the dialog.**

We need to involve many groups with the issue (for example, the League of Women Voters, law schools, funders, etc.). The issue will take a political will that is broader than just that represented by the bar and judges.

In these tough economic times, when people do not have health care and other essential services, we may have to take it piecemeal, offering a right to counsel for certain issues first -- like housing or Domestic Violence -- and chip away at the larger issue in this manner.

- **Learn from the experiences of Public Defenders.**

We should look to best practices that have worked for public defenders' offices such as having standards, good supervision, setting case load limits, adequate funding, and a coordinated system that reaches everyone fairly.

- **Improving Adversarial System.**

Concurrent to establishing a right to counsel program, we should look to improving our adversarial legal system – or possibly even exploring the possibility of using an inquisitorial system for some issues. The adversarial system overly consumes legal resources and can be wasteful. We should look to giving judges opportunities to be fact finders, encourage mediation programs, and institute other procedures or protocols that make the system more user-friendly for everyone.

# **PART II**

## **ACCESS TO JUSTICE PLANNING SESSION**

**APRIL 24, 2008**



## **REPORT**

### **ACCESS TO JUSTICE PLANNING SESSION APRIL 24, 2008 9:30 AM to 4:00 PM**

#### **California Commission on Access to Justice**

For more information, please contact:

Mary Lavery Flynn  
Director, Legal Services Outreach  
Office of Legal Services, Access & Fairness Programs  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105-1639  
(415) 538-2251 FAX: (415) 538-2524  
mary.flynn@calbar.ca.gov

Chris Zupanovich  
Program Coordinator, Legal Services Outreach  
Office of Legal Services, Access & Fairness Programs  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105-1639  
(415) 538-2534 FAX: (415) 538-2524  
chris.zupanovich@calbar.ca.gov

**AGENDA**  
**ACCESS TO JUSTICE PLANNING MEETING**

**APRIL 24<sup>TH</sup>, 2008**  
**Benicia Room, Milton Marks Conference Center**  
**AOC – SAN FRANCISCO**

- |                |   |
|----------------|---|
| 9:30 to 9:45   | <b>Welcome, Overview of Goals and Format for the Meeting, and Review Proposed Agenda;</b>   |
| 9:45 to 10:15  | <b>Introductions – both for each individual as well as background information on each of the groups represented;</b>  |
| 10:15 to 11:15 | <b>Discussion of Comparability in legal services salaries and benefits and improving recruitment and retention, as well as the need to increase legal services funding.</b> |
| 11:15 to 11:30 | <b>Break</b>  |
| 11:30 to 12:30 | <b>Discussion of Need to Expand Access in Rural Areas</b>   |
| 12:30 to 1:15  | <b>Lunch –</b>  |
| 1:15 to 2:15   | <b>Discussion of Delivery System Changes to Improve Access</b>  |
| 2:15 to 2:30   | <b>Break</b>  |
| 2:30 to 3:30   | <b>Discussion of Ways to Improve Language Access</b>  |
| 3:30 to 4:00   | <b>Closing Discussion – review commitments made and next steps</b>  |

**ACCESS TO JUSTICE PLANNING SESSION**  
**APRIL 24, 2008**

**TABLE OF CONTENTS**

[Note that this is a list of materials distributed at the Planning Day – they can be obtained by contacting Chris Zupanovich at (415) 538-2534, [chris.zupanovich@calbar.ca.gov](mailto:chris.zupanovich@calbar.ca.gov) .]

- Agenda
- List of Proposed Discussion Topics
- List of Participants
- Facilitator Information
- Strategic Planning Goals for Judicial Council and State Bar of California

Access to Justice Commission

- Roster
- Brochure
- 2007 Annual Report
- *Action Plan for Justice, Summary Version* (separate handout)

California Bar Foundation

- Board of Directors
- 2007 Annual Report

Judicial Council Access and Fairness Advisory Committee

- 2007-2008 Membership List
- Fact Sheet on the Committee

Judicial Council Task Force on Self-Represented Litigants

- Task Force Roster
- Executive Summary describing work of the Task Force and its recommendations for the statewide Action Plan

Legal Aid Association of California

- 2006 Report to Members, describing projects and listing both members of the Board as well as LAAC Member Programs

Legal Services Trust Fund Commission (State Bar)

- Roster
- Background on the Interest on Lawyer Trust Account Program (IOLTA)
- IOLTA "Comparability" Frequently Asked Questions

Legal Services Coordinating Committee

- Overview of LSCC and list of appointing entities
- LSCC Roster
- 2007 Stakeholder Meeting Announcement
- Topics Identified for Further Discussion

Standing Committee on Delivery of Legal Services (State Bar)

- Roster
- Summary of Activities and Accomplishments
- Flyer describing work of Committee, for possible SCDLS applicants

# CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

---

c/o State Bar of California - 180 Howard Street - San Francisco, CA 94105 - (415) 538-2251 - (415) 538-2524/fax

## Possible Discussion Topics Joint Access to Justice Planning Meeting April 24, 2008

This is a list of possible key topics that can be discussed during the Joint Access to Justice Planning Meeting. The first four topics were identified by the Planning Session's Design Team as priority topics for discussion. The other ideas that might be discussed in the future are also listed below.

Some of the topics were considered too challenging to take on in this setting, but might possibly infuse our other discussions. For example, the topics "changing role of the courts" and "need for increased legal services funding" will most likely be brought up during the discussion of most of the issues selected for discussion.

### Proposed Topics for Discussion

- **Delivery system changes to improve access** – What new delivery models are being tried, in California and across the country, to expand the percentage of low-income litigants receiving legal assistance, and what have we learned from that experience? Examples:
  - Sliding fees to serve those above the eligibility levels;
  - Private Attorneys charging reduced fees;
  - LRS's and Unbundled panels;
  - Use of technology to reduce cost of representation;
  - Coordination with self-help centers;
  - Prepaid plans;
  - Alternative dispute resolution and problem-solving lawyering;
  - Role and methods of evaluation of new delivery models.
- **Ways to Improve Language access** – How can we achieve improved language access in the courts, through language facilitators as well as increased numbers of certified court interpreters in key languages; and how do we expand abilities of legal services programs, self-help centers and other providers to expand their language capacity?
- **Need to Expand Access in Rural Areas** – Recognizing that no California legal services program is adequately funded, how can we improve availability of legal assistance in rural areas, including possibility of establishing minimum standards for funding levels from specific state sources, improved use of technology, increased use of volunteer lawyers and law students, and collaboration with urban programs?

- **Comparability in legal services salaries and benefits, and the need to improve recruitment and retention.** How do we change the culture of the community, expecting anyone becoming a legal aid advocate to accept inadequate salaries and benefits; how do we educate the legal community and other stakeholders about the need for legal aid salary comparability, when it may mean that services are not increased as much as they might? How do we improve retention and leadership development within legal services programs, particularly to ensure diversity among attorneys as well as in leadership and management? What other systemic, institutional changes should be pursued?
- 

### **Topics for Later Discussion:**

- **Achieving adequate funding for legal services** – How do we reduce the Justice Gap -- \$394 million annually, as of FY 2005, as reported in *The Action Plan for Justice (2007)*? Assuming we wait until the current budget crisis is addressed, what should we be doing now to lay the groundwork for significant increases within the next 5 to 10 years? Note that *The Path to Equal Justice* recommended in October, 2002, that we should be filling at least 50% of the need of the indigent within five years, but last year's *Action Plan* calculated that we were filling, in part, about one-third of the legal need.
- **Right to Counsel in Civil Cases** – The discussion can follow up on the presentation and discussion at the April 23<sup>rd</sup> Symposium which will cover the status of right to counsel efforts in California as well as across the country; comparison of legislative and litigation approaches; examples of how courts are helping support unrepresented litigants; and discussion of how a right to counsel might be implemented without unduly impairing the existing structure for delivery of legal services to the indigent.
- **Changing Role of Courts in achieving access to justice** – The role of the courts has been changing significantly in recent year, due in large part to the growing percentage of self-represented litigants:
  - Courts now offer self-help services and helpful websites for consumers, as well as language assistance;
  - coordination with their local community and service providers like legal services programs are given a high priority;
  - in addition to small claims court, specialty courts are set up to deal with homelessness, domestic violence, etc.;
  - working toward law simplification and reducing barriers, including in the court system as well as in administrative agencies;

- judges can no longer expect lawyers on both sides to make sure that the adversary system functions fairly and adequately.

What needs to be done to help California's courts as they make these changes, given that they are already national leaders in this arena?

- **Expanding and Improving Pro bono** – What are the most effective ways to expand pro bono in California – including the role of judges, legal services, and the private bar? How do we ensure that the infrastructure is in place to refer the right kind and number of cases to any increased pool of volunteers?
- **Including private bar in addressing low-income legal needs – beyond pro bono** – how can we better involve attorneys in working with individuals who need legal help but cannot afford an attorney, whether they are “indigent” or above the poverty line? What are the benefits of expanding the number of attorneys addressing these legal needs?
- **Triage for litigants who need representation** – How can we establish referral protocols that ensure that litigants receive the level of assistance they need, efficiently and effectively, and how can we set up local collaborations involving all key stakeholders to facilitate that triage and referral?

**ACCESS TO JUSTICE PLANNING MEETING [8-24-08]**  
**DISCUSSION SUMMARIES OF FOUR TOP ISSUES:**

1. RURAL DELIVERY OF SERVICES (page 1)
2. RECRUITMENT AND RETENTION (page 3)
3. DELIVERY SYSTEM CHANGES (page 6)
4. IMPROVING LANGUAGE ACCESS (page 9)

---

**1. Discussion of Issues Impacting Rural Delivery of Services**  
**(Notes prepared by Julia Wilson)**

Background Information.

Chris Schneider opened the discussion with data on some of the issues involved in the delivery of legal services in a rural setting. He noted the impact that funding levels have in rural areas and provided some statistics regarding local giving in the Bay Area, Los Angeles and the Central Valley. He discussed the lack of foundations, individual donors and law firms in rural areas, and the geographic size and diversity of the service areas of rural legal services programs. He summarized the additional barriers that rural clients face, including transportation, lack of access to technology, and issues of language access.

Chris also noted that recruitment issues are particularly relevant for rural programs, and that the loss of attorneys has a larger impact, with the loss of institutional memory exacerbated by the lack of other service providers. Positions often remain open for longer periods of time. The gaps in attorney coverage affect the programs' ability to consistently offer full representation to clients. The rural practice environment can also be difficult, with attorneys feeling somewhat isolated.

Mary Lavery Flynn then reported on the work of the Access Commission's Rural Task Force and the white paper on rural issues. She noted the Task Force's goal is to complete the policy paper by the end of this year, with the purpose of drawing attention to these issues and providing rural programs with recommendations that they can use to support their own fundraising efforts and other policy goals. Mary also noted that the *Action Plan for Justice* contains recommendations on rural issues.

Julia Wilson reported that there will be a discussion of the need for pro bono in rural areas at this year's Pro Bono Summit, being planned by the State Bar's Standing Committee on Delivery of Legal Services [SCDLS] and the Public Interest Clearinghouse.

General Discussion:

All participants then discussed the rural issues and ways to address them. Small amounts of funding in rural areas can actually make a significant difference, but the lack of pro bono and funding within rural areas means we must find funding and pro bono from outside those geographic regions. The language issues are persistent, with native dialects an increasing interpretation issue.

There is an overlap between rural and immigration issues, and we need to have the federal agencies at the table in terms of discussing access to the courthouse and rural issues.

There is some history of hostility to legal services in rural areas, and the political climate can be less friendly both to the expansion of services and increases in pro bono representation. There are often very few members of the private bar in most rural areas, particularly with the few large firms that exist. This leads to conflicts that prevent firms from engaging in extensive pro bono assistance.

Potential Solutions:

Community economic development is extremely important in rural areas, where transportation can be a primary barrier to access to the courts and legal services programs.

There was a discussion about the need for foundations, including the California Bar Foundation, to prioritize larger grants to increase rural services, rather than giving out numerous smaller grants. There could also be United Way-like campaigns for rural programs with law firms located in urban areas. Participants noted that law-firm giving is often based on having a strong relationship with the legal services programs involved, and the group agreed that it would be ideal for law firms and other legal services programs to strategize with rural programs about how to better participate in law firm giving.

When approaching potential funders, IOLTA-funded rural programs should take advantage of the fact that they are already guaranteed a level of review and quality control. Others noted that California could be looking to Alaska as a rural model, including their rural legal services consortium website. The possibility of a kiva-like donations website was raised, to match either donations or pro bono requests.

Also discussed was the idea of rural service learning trips, with both law students and law firm associates, as a basis for relationship building that could lead to increased urban-to-rural resource allocations. Others noted that there is a lack of full representation in rural areas, and ways to increase the level of representation is an important goal.

Using technology such as videoconferencing to involve urban pro bono resources in rural matters is a possibility. In addition, it would be invaluable to set up the type of computer access that national firms use to access their client files from all offices. Some California technology companies might donate equipment to foster this type of collaboration.

Board involvement could be expanded by getting urban associates on the Boards of Directors of rural programs. Increased pro bono from rural areas could help address the pro bono "bottleneck" issue (i.e., in some areas there are more law firm attorneys who want to do pro bono than there are available cases). We should also explore creative solutions like court support for urban pro bono in rural areas. Scheduling court calendars to make it as convenient as possible for urban attorneys to be present is one example. This takes a collaborative approach.

---

---

## 2. Recruitment and Retention [Salary Comparability] (Notes prepared by Tiela Chalmers)

### Background Information – Activities Currently Underway:

- Loan forgiveness programs are available from a variety of sources.
- Recruitment and retention study being developed by LAAC study, similar to studies in Illinois and Florida; it should be completed by the end of the year.
- A proposed messaging campaign will be developed following the LAAC study.
- There is access to training, and generational issues are being addressed; but additional strategies need to be developed and implemented.

### The problem:

NLADA national survey included 100 California responses. Over half of respondents under age 35 said they would leave within 3 years. One quarter said they would leave within one year. The results indicated that we are losing new attorneys at the 3-5 year level, and again at the 7-10 year level. Even more stark results were found in rural areas where initial recruitment is an issue, in addition to retention.

The situation has gotten worse in recent years, due in part to the fact that living costs have gone up, and there is increased competition with government jobs. High student loan debt is particularly problematic. The gap between legal aid and government sector salaries has widened. One legal services program raised an additional \$1 million and used almost all for salary upgrades. It helped tremendously with program sustainability, but did not increase services.

There are also problems at the management level, too. Legal services programs can't match the salary and benefits of government jobs, and it is important to develop the analysis about this. A typical county counsel starting salary is approximately \$70,000, while it is \$35,000 to \$45,000 for legal aid programs.

The recruitment crisis often means that only two-income families or parents with independent means can afford to work with legal aid programs. This affects diversity issues.

### Research and Analysis needed:

- It is important to develop comparison information to explain why legal services salaries and benefits need substantial increases.
- Will need to differentiate urban and rural in the numbers collected on survey.
- We need to analyze all relevant state salary and benefit information, available through the state's website.
- We need to quantify the impact of retention crisis on clients. [Note that survey respondents won't necessarily have this information, so they may have to separately survey program directors.]
  - Compile actual numbers of people not being served.
  - Analyze the impact on clients who lose attorney in mid-case.
  - Explain what a more seasoned attorney could have accomplished for a client.

- When attorneys leave, how long does it take to recruit a replacement, leaving positions vacant?
- Develop heartbreaking stories, possibly using survey to request anecdotes.
- Turnover should be studied with regard to the loss of institutional memory, which is especially difficult in rural areas.
- We should work with courts to determine if they can help us capture impact on clients.
- Also need to explore career development issues, to see if legal services advocates have opportunities to move up in the organization.
- We should ask in the survey whether training would have made a difference, as well as whether increased time off, such as sabbaticals or more vacation time, would have encouraged advocates to stay with their program.
- Compare services provided by well-paid attorneys and not-well-paid attorneys. Get judges to give input because they see the impact in their courtrooms.

#### Potential Solutions – Salary Comparability:

- We should set a goal such as being comparable with government agency employers within 5 years.
- Consider educating legal aid programs on how they might use existing funds to raise salaries, both before the results of the LAAC survey are available as well as how to use the survey results to set program criteria and guidelines for that purpose.

#### Potential Solutions – Retention:

- Begin to examine generational issues. We still have first generation legal aid lawyers, so there will be a major institutional change.

#### Potential Solutions – Outreach and Message:

- Message must come from private bar, public entities and courts, not legal aid.
- Before California data is available, we can use the Illinois and Florida data to begin building a campaign.
- Need to be aware of need to clarify how the situation has become so dire; legal aid programs' focus on services and the loss of funding has resulted in the crisis.
- Be careful not to pit recruitment and retention against services. Emphasize that recruitment and retention lead to better services.
- Public defenders won a big battle to raise salaries by comparing their salaries to those of their opponents. We should consider a similar strategy.
- Consider the message used by the medical profession: "The good news is, your doctor is a Harvard graduate. The bad news is, he graduated last week."

#### Potential Solutions – Private Bar:

- Private attorneys can offer training/mentoring to legal aid advocates on more complex cases. They can also invite local attorneys to trial and other skills trainings, and they can post it on the LAAC list-serve so that rural programs can benefit as well.
- Organize a collaborative effort to get law firms to underwrite scholarships and cost of bar exam.
- Pitch to new associates to sponsor a legal aid attorney - by the month or by the year.

- Consider setting up a program similar to the Skadden fellowship program but for more experienced staff attorneys. This suggestion would need a lot of analysis to determine whether advocates would do it, what the possible negative impacts might be, and to make sure that it is new funding that supports the concept.

Potential Solutions – Loan Repayment:

- Look to loan holders and ask them to forgive loans if the attorney is employed in a legal aid organization.
  - The loan repayment sources are a confusing overlay. If we successfully raise salaries, then we encounter problems with attorneys who then lose LRAP eligibility because of the low salary caps that most LRAP programs have. We need to coordinate with LRAP programs to address this problem, start that discussion immediately, and include law schools.
  - Access to Justice Commission could get involved with federal LRAP issues to try to help ensure that legal services advocates are included. Attention is needed to address the fact that some legislation is more focused on government employees, which would just make this problem worse.
  - Try to fund little pieces of the problem (e.g., LRAP), not the whole thing.
-

---

### **3. Discussion of Changes to the Delivery System (Notes prepared by Mitch Kamin and Julia Wilson)**

#### Clarifying the Delivery System Under Consideration.

The threshold question addressed was a request for clarification of the precise delivery system being considered. The group discussed the full range of delivery options, including making the courts more accessible, looking at the continuum of delivery of services, and including the entire spectrum of legal services.

We must both expand the current system and make changes so that it can meet a higher level of the needs. Participants noted that this discussion should include state court issues as well as other matters, as state courts are only one forum for addressing low-income needs. Legal service programs assist clients with many other needs that never reach the courts, such as cases before administrative agencies.

#### Assessing legal need.

Discussions of both change and expansion need to be based on a full understanding of both the legal needs and the ultimate objectives. The courts can document some of the unmet needs in civil matters, but it was noted that relying solely on the courts' assessment of unmet needs will not document the needs in administrative and other areas of practice or service delivery.

One area of need is appropriate support for unrepresented litigants. The court-based Self-Help Centers respond to needs of unrepresented litigants on particular issues, and they now exist in every county. In addition, the courts are starting to do more case management, including following up on cases to ensure resolution.

We need to institutionalize capacity to match needs with services available. However, it is difficult to accurately assess what the real situation is because there are needs beyond what are presented to legal services agencies. Programs should not feel restricted because a specific need is not within their priority area. Instead, programs may need to reevaluate their priorities. Even legal services programs have a hard time discerning need, as the demand that programs see is often driven by what services they already provide.

We must be open to re-thinking what we do, while building understanding of what is being lost in terms of the needs if priorities are changed. We also need to recognize that the justice system is not always the best place to resolve issues presented. For example, court is not always the best place for all family law issues, although many family law issues do need court resolution.

At some level we do know what the needs are. For example, we can study successful components of innovative programs referenced at the Access to Justice Symposium. One key element of those successful programs was that they were trying to cover the field in a particular legal area or for a particular group of clients.

In the *Elkins* decision, the California Supreme Court requested that the Judicial Council set up a task force to examine the family court system. The *Elkins* decision has

important lessons for us – that there are many barriers that may be resulting in an overwhelming number of clients who aren't being heard by courts.

Unless programs offer legal help, we cannot assess the legal need. We can try to offer legal solutions to problems on a manageable scale by undertaking a pilot implementation project for increased assistance and representation. The Eviction Defense Collaborative is an exciting example. The key of a program like the EDC is the gateway entry point, which is a collaboration among multiple legal services programs. The purpose of a pilot project is to develop lessons learned. We should consider replicating the EDC model in other counties. It is also vital to look at specialty courts, such as homeless courts and other innovative court models, and replicate them.

#### Understanding Differences Among Components of the Continuum of Service.

It is important in this discussion of the various systems involved in the continuum of services, and making changes to those systems, that we acknowledge the complementary but different goals of the systems involved. The legal services delivery system network has as a fundamental goal the use of legal services and the law to alleviate poverty. The court system has a complementary but different goal of ensuring equal access to the court system. In many instances those goals are overlapping, but they will sometimes lead each system to different priorities and the use of different tools to meet those goals. We should discuss these differences so that we spot and address any possible tensions between the priorities or strategies involved.

The Family Law Facilitator program is another potential model. The goals of the courts and legal services are not very different. The courts anticipate working with other social service providers for support, and the court system is attempting to meet many different needs by making the best use of available resources.

There remains this question about how to identify needs. The court perspective is based on the huge numbers of litigants that are unrepresented; an alternative perspective might be that the best way to fulfill ultimate objectives is by partnering with non-legal organizations to offer non-legal and perhaps preventative solutions. Part of the job of the legal services delivery system is beyond helping people get ready for court. We could envision the roles more broadly.

Getting at root causes of things is not necessarily what courts do, but it is what legal services agencies do, in partnership with others in the community. We should work on courts' gateway protocols and referral networks since the courts are often the main entry points. We need to coordinate referral protocols, because making better connections and defining roles would alleviate many problems in the delivery system. Language issues need to be addressed, because accessing a gateway for services is more complicated for non-English speakers and poses particular challenges.

We also need to examine where our big collective system is currently bearing its management costs and consider, as we make changes, if are we adding unnecessary administrative costs. The Standing Committee on Delivery of Legal Services [SCDLS] is also considering models to serve low-income people who don't qualify for legal services in order to share and promote replicable models.

We need to catalog innovative programs that are currently in existence. The Legal Aid Association of California [LAAC] will gather the information on innovative legal services

programs serving low-income clients and exchange that information with SCDLS and other stakeholders to understand what we have. The courts could do the same in terms of the innovative court-based programs.

All of these changes will take funding allocations and an understanding by funders of the changes to be made in the systems.

---

---

#### **4. Discussion of Ways to Improve Language Access (Notes prepared by Diane Altamirano)**

##### Discussion of language access problems:

There are over 200 languages spoken in California. The greatest obstacle is that the general population doesn't understand the issue, and attorneys are not generally informed on language access. The pool of interpreters is shrinking; in some courts, the wait for an interpreter is 3 to 6 hours.

Some courts use volunteer interpreters at the clerk's desk and in the self-help centers, but other courts don't feel it is appropriate to use volunteer interpreters, even outside of the courtroom.

The issue of language access is not just about spoken language, but also includes American Sign Language, and people with disabilities. Courts may not realize these are access to justice issues. In Los Angeles, ASL is one of the top four language needs.

We need to talk about the use of court interpreters in legal offices also, in order to truly achieve access to justice. We need to be creative because there are not enough interpreters.

It is difficult for all if, in any given culture, there is no assimilated middle class. Oaxacans are a shadow community in Santa Barbara. Mixteco is not a written language. Outreach is important for assisting communities like these.

Dual language courts are not being considered in California. It is unlawful to use Spanish in the courtroom; a Monterey County judge was criticized by the Commission on Judicial Performance for speaking Spanish in the courtroom.

##### Potential Solutions:

The use of technology is an option. In the health care field interpreters are linked with patients by video. The use of one-on-one interpreters cannot be the only model.

UC Riverside offers 3<sup>rd</sup> year interpreters internship opportunities at the court. Fresno did a pilot project on the use of interpreter students, and found that they had better success on the exam after interpreting in court.

We should consider using AOC telephone resources. Seven or eight years ago they used interpreter phone lines in San Bernardino for outlying courts. Phone access to interpreters is, or could be, used in offices too.

In Imperial County, Mexican law students would be willing to assist at various courts throughout California, but they would need financial assistance, or at a minimum, some place to stay – and possibly be attached to a Mexican Consulate. There may be funding for such a program at the federal level because Mexican courts are moving toward oral proceedings and many are already collaborating with California and federal authorities.

Law schools need to be more involved in addressing language barriers, and we need to increase the pool of bilingual lawyers. Pro bono attorneys also need access to interpreters. Resources centers also need access to language assistance.

We should not lose sight of the enormity of this problem, but we need to make some progress. It is a public education issue. People do not know that someone will help them in their native language. We can use court employees as language facilitators.

Courts should hire bilingual staff wherever possible. One bilingual attorney said "People approach me in court hallways asking for assistance because they don't understand the language."

Legal aid programs said they also hire bilingual staff, but that raises two concerns. Being bilingual is not enough, and if we hire bilingual, we need to be aware of the impact on staff diversity.

Courts should have an LEP (limited English proficiency) plan. The AOC is working on one, for the AOC, and 15 courts. The plan can then drive the services.

All of the discussions come back to money. What can we do to raise resources for the system? There are so many burning issues, but what can we do as a group?

There is a national discussion about full access to justice budget issues. There is a thought that funding should come one-quarter each from federal, state, private foundations and creation of efficiencies. This is the time to look at efficiencies, piece by piece.

Centralization could help. We have become very decentralized. There are 100 legal services programs; we need to find the commonalities. There should be some case management assistance offered by groups like PIC/LAAC or the State Bar. A case management system should be put in the budget.

We could use a universal forms data bank. It helps if you also share computer systems.

The AOC is looking at developing a list of foreign language speakers. We should consider using bilingual college students in legal offices. We need community outreach, interns from language school and technology in the courtroom.

Forty percent of some of the new funding for self-help centers appropriated in FY2007-2008 was for language access.

If there are 200 languages, there are also many different cultures that will require increased cultural competence from legal services and court staff. Santa Clara did an ambitious language-related project with the Public Interest Clearinghouse.

How do we approach community- and service-based colleagues who aren't in this room? We need the broader community – medical, social, and law schools -- to be more involved.

# APRIL 24, 2008 PLANNING SESSION FLIP CHART NOTES

## Language Access

Volunteer Interpreters – problems getting them in

Judges need education on sign language rights

Problem not just in courts

- In offices
- At social services

Must be more creative

- Video conferencing for interpreters
- Interns to help out

Not just language – it is culture too

How about Mexico providing interns to rural areas on the border

Law students – encouraged to pick up another language

Provide legal training for legal services lawyers

Pro Bono placement problems

Dual language courts

Shrinking interpreter pool

Expand forms in other languages

Allow for filing

Bilingual staff essential

Unintended impacts on diversity due to bilingual employee emphasis

Money – where can we get it for services

More efficient centralization may help

- Courts
- Legal services
  - Language & Case Management

Future tech is coming, get on board – beta

Ideas for next year

- Diversity Pipeline
- List of bilingual legal services employees - they could network about law schools too
- Need for more discussion & planning
- Legislation solution world
- 200 languages mean 200 cultures
- need to compile cultural info and train

# Expand Access in Rural Areas

## Issues

- Transportation
- Low funding/private bar ability to help
- Language issues
- Recruiting/retention
- Pro bono conflicts
- Isolated/lack mentors
- Hostility to legal services
- Lack of funded agencies to refer clients
- Fed issues – immigration

## Access Commission

- Report by end of 2008
- Minimum (staffing/funding) levels
- Community forums through outreach to new bar leadership

## Transportation Issues

- No public transit
- Time
  - lawyers time to travel to clients
  - clients can't get to court/office

## Misc:

- How do you get most for the money?
- Question from State Bar Foundation: Is it better to give small grants to many v. Big grants to fewer programs?
- Lack of communication between rural programs and funders
- Rural fellows as possible goal
- Technology in courts
- Video appearances – would significantly help pro bono
- Geographic Universal File access
- Matching funders with programs (urban donations)
  - Website clearinghouse for funding
  - Feature rural programs at urban events/awards
  - Statewide fundraising campaign for rural programs
  - Build personal relations between funders and rural programs
  - Student/law firm trips to serve rural programs
    - Summer associates
  - Distance pro bono through technology –
  - But no poaching

# Salary Comparability

Study - LAAC Data Layout > With SBC

## **Crisis – problem much worse:**

- Messaging will result
- Professional development training diversity will take longer
- Increasing gap with public sector
- Threat to long term sustainability of program
- Loans – Loans – Loans!!!
- Government Salary Gap over legal services
- Effecting manager positions

## **Scope of differential:**

- 50% lower starting pay
- lack of adequate retirement benefits
- geographic pay differences rural even longer
- non-profit lawyers disrespected - how do we change?
- Private law firm funding?
- Work not as attractive as “back in the day”
- Loan repayment program – complexities
  - Need law schools on the table – can they afford forgiveness?

## **Status of Fed responses**

- Just apply to government job?
  - Could make problem worse

Law school deans' council – a resource

## **Message can't come from legal services programs**

- Courts
- Access Commission
- Private bar
- State Bar

Need training in leadership and supervision skills

Need tactics

Experienced lawyer fellowship program

Limited opportunities to advance

## Salary Comparability (Cont'd)

### What do we do?

1. Commit resources to study
2. Make it ok to use some new IOLTA \$ [IOLTA comparability for salary comparability]
3. Identify group to issue report on need – be the voice
4. Recruiting and retention
  - Equal to other public attorneys
  - Good Impact on Program continuity 
5. Private Bar Training Back Up
6. Start now to figure out how to use the study data
7. Access Commission study impact of federal LRAP response – Rep. Miller
8. Address generational issues: impact on what a legal services program will be in future
9. Determine impact on clients -- who will do this? ★ Macro and individual client heartbreak stories
10. Use state bar salary survey (and other state salary surveys)
11. Judges as allies, impact on clients and courts
12. Salaries still middle class - could be hard sell
13. Pitch young, guilty, private lawyers to fund

# Delivery Systems Expansion

## **General Comments about issues:**

- What are needs and objectives of this very broad topic - which system?
- Working poor/moderate means issues
- Not just court – administrative law system
- Court system rethink
  - Lack of judicial awareness
  - Paperless court by 2012 – barrier for pro pers
- Coordination across system
- Case management – get case done
- Need to better understand – needs.
  - If you offer a service, clients come; if not, you don't hear from them
- Special family law issues clients not being heard
- Special non-adversarial opt out in family?
- S.F. Eviction Defense Model
  - Integrated; Full range of services; Pay attention to case merit; and Involves court cooperation
- Collaborative court model - Expand to other areas? Good but uses 2 attys
- Foundation money available
- Family law facilitator model? - Expand to other areas?
- Client based services
  - Maybe they don't always mean court
  - Hook up with med/services – mental health
- Is no system management adding to management costs – where are we paying for those management costs?
  - Centralize or not – we may not see mgt costs lower down in system
- Court based programs
  - Taking easy cases – this results in hard and fewer cases going to outside programs and pro bono
  - Creates problems with pro bono attorneys and funders

## **Suggestions for Follow up:**

- Continue effort to do pilot project and then replicate it
  - Do it – not talk about it
  - Be clear what lessons are learned from pilots and model programs
- SCDLS researching moderate income models – will be invaluable resource
- LAAC and Courts also researching innovative projects
- More triage – Where is the gateway?
  - How to get courts to refer out?
  - establish clear referral protocols
- Study lessons learned in the Health care area, and look at possible legal crossover issues
- discuss pros and cons of centralizing
  - example – there are 10 med/legal projects in Cal, but they don't coordinate, but talk with other states

# **APPENDICES**



# California Commission on Access to Justice

Providing perfect justice for the few does not equate with justice for all. Those of us who can afford legal representation must care about those who cannot if we care about our society.

*California Chief Justice Ronald M. George  
Opening Remarks, Access to Justice Symposium,  
April 23, 2008*

The California Commission on Access to Justice is a collaborative effort involving all three branches of government as well as judges, lawyers, professors, and business, labor, and other civic leaders. The Access Commission is dedicated to finding long-term solutions to the chronic lack of legal assistance available for low-income, vulnerable Californians. Its goals include increasing resources for legal services for the indigent, expanding pro bono and language assistance, and increasing the availability of self-help assistance and limited scope legal representation. It works closely with the State Bar, Judicial Council, and other agencies to implement its far-reaching recommendations.

## California Commission on Access to Justice The First Decade

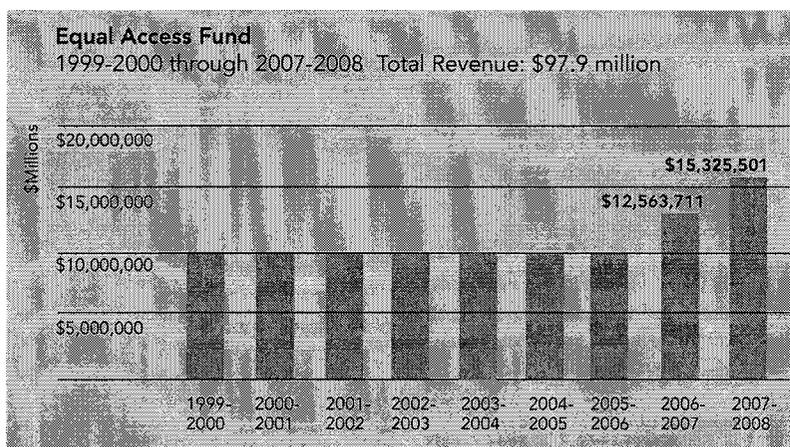


We in the judicial branch have been most fortunate to have the Commission on Access to Justice as an active and innovative partner. All Californians are fortunate to have so many individuals dedicated to improving the administration of justice for all.

California Chief Justice Ronald M. George  
Opening Remarks, Access to Justice Symposium,  
April 23, 2008

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 or language ability. Establishment of the Access Commission was recommended in the 1996 report of the State Bar of California, *And Justice For All*.

- **Reports.** Published extensive reports on “access to justice” issues, including *Action Plan for Justice* (2007), *Language Barriers to Justice in California* (2005), and *The Path to Equal Justice* (2002).
- **Equal Access Fund.** Worked with the Judicial Council to establish the Equal Access Fund in 1999. The Fund now supports 100 legal services programs, offering legal help in every county in the state. Over \$97 million has been distributed.
- **Language Access.** Addressed language barriers in the courts, and published *Language Barriers to Justice*.
- **Self-Help Centers.** Worked closely with the Judicial Council to expand attorney-staffed self-help centers.
- **Aranda Award.** Established the Benjamin Aranda III Access to Justice Award honoring California judges for their leadership and commitment to justice.
- **Limited Scope Representation (“Unbundling”).** Conducted innovative studies, published reports and risk management materials, offered dozens of training events, and helped develop new court rules and court forms with the goal of expanding the availability of Limited Scope Representation.
- **Statewide Web Site.** Helped to develop LawHelpCalifornia, a statewide web site for legal services clients and lawyers, available through the Public Interest Clearinghouse and the Legal Aid Association of California (LAAC).
- **National Efforts to Expand Access Commissions.** California’s Access Commission was one of the first in the country, and it has worked closely with the ABA and other national groups to ensure that similar commissions are available across the country.



**Number of Eligible Clients Per Legal Aid Lawyer in 2005**

Number of Californians below 125% of Poverty	6,304,000
Number of Legal Aid Lawyers	754
<b>Number of Eligible Clients per Legal Aid Lawyer</b>	<b>8,361</b>

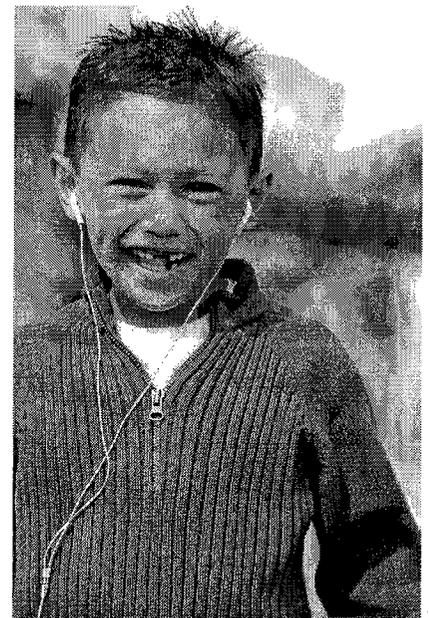
## Committees and Task Forces

- **The Language Access Coordinating Committee** – addressing language barriers in the courts – joint with representatives of the Judicial Council and the legal services community;
- **The Funding Committee** – developing new resources for civil legal services in California and helping ensure continuation and expansion of the state’s Equal Access Fund;
- **The Pro Bono Task Force** – encouraging increased pro bono in all areas of the state, particularly rural areas, and seeking to increase attorney giving of both time and financial support;
- **The Rural Task Force** – addressing “access” issues in rural areas of the state;
- **The Model Statute Task Force** – drafting “model” civil statutes that create and define the scope of a statutory entitlement to equal justice including a right to counsel in appropriate circumstances; and
- **The Access & Delivery Committee** – identifying what levels of assistance or representation will be required for clients in different legal situations, how to best coordinate the continuum of service, and how to overcome systemic barriers to access.
- **The Federal Courts Committee** – coordinating information about services for self-represented litigants and model pro bono projects; collaboration is facilitated by the involvement of representatives from each federal district in California.

## Recognition of the Commission’s Work

The California Commission on Access to Justice received the ABA Louis M. Brown Award for Legal Access in 2004 in recognition of the innovative work of its Limited Scope Representation Committee.

The Commission’s work was also the key reason the State Bar received the ABA’s prestigious Harrison Tweed award in 2001, “...for its collaborative efforts in obtaining the first state appropriation for legal services in the amount of \$10 million and seeking to increase it, for addressing the needs of unrepresented litigants and for supporting the important work of legal services programs in the state.”



### California Commission on Access to Justice Appointing Entities

Governor of the State of California

California Attorney General

President Pro Tem of the Senate

Speaker of the Assembly

Judicial Council of California

California Judges Association

State Bar of California

California Chamber of Commerce

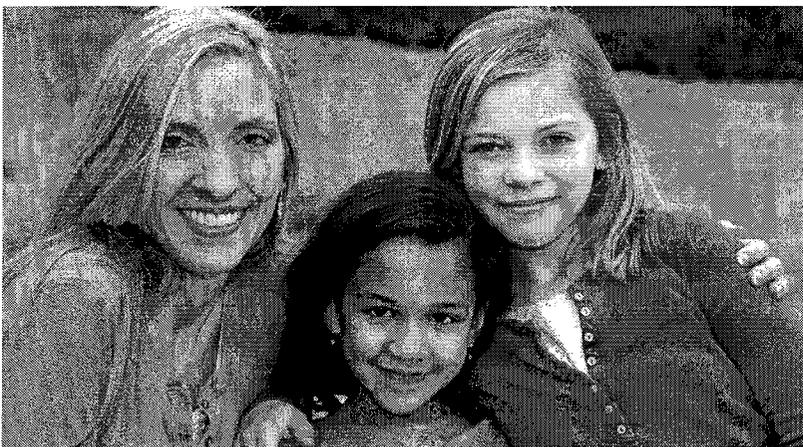
California Council of Churches

California Labor Federation

California League of Women Voters

Consumer Attorneys of California

Council of California County Law Librarians



## Members, California Commission on Access to Justice – 2008

### Commission Members

**Hon. Steven Austin**

Co-chair  
Superior Court of  
Contra Costa County  
Martinez

**Joseph L. Chairez**

Co-chair  
Baker & Hostetler LLP  
Costa Mesa

**Ramon Alvarez**

Alvarez Lincoln/Mercury  
Riverside

**Kenneth W. Babcock**

Public Law Center  
Santa Ana

**Marcia Bell**

San Francisco County  
Law Library

**David N. Bigelow**

Girardi & Keese  
Los Angeles

**Sheila Calabro**

Administrative Office  
of the Courts Burbank

**Robin C. Crawford**

Law Office Of Robin Crawford  
Pacifica

**Rozenia D. Cummings**

California State  
Automobile Association  
San Francisco

**Erika Frank**

California Chamber of Commerce  
Sacramento

**Honorable James E. Herman**

Superior Court of  
Santa Barbara County  
Santa Maria

**Michael J. Loeb**

JAMS  
San Francisco

**Robert A. Long**

Latham & Watkins LLP  
Los Angeles

**Sylvia Martin-James**

Retired, Riverside Unified  
School District  
Riverside

**Hon. Nho Trong Nguyen**

Superior Court of  
Orange County  
Westminster

**Ekwan E. Rhow**

Bird, Marella, Wolpert, Nessim,  
Drooks & Lincenberg  
Los Angeles

**Hon. Ronald Robie**

Court of Appeal,  
Third Appellate District  
Sacramento

**John Snetsinger**

California Polytechnic  
State University  
San Luis Obispo

**Hon. Julius M. Title, Ret.**

Superior Court of  
Los Angeles County  
Los Angeles

**Eric Wayne Wright**

Santa Clara University  
School of Law  
Santa Clara

At root, equal justice  
is simply the notion  
that law and the  
courts should be fair,  
even if life isn't.

*Hon. Earl Johnson, Jr., Ret.*  
Associate Justice,  
California Court of Appeal,  
Second Appellate District,  
Speech at Opening Ceremony,  
National Equal Justice Library,  
quoted in 17 *Saint Louis*  
*University Law Review* 265 (1995)

### Ex Officio Members

**Kathryn Eppright**

Andre Morris & Buttery LLP  
San Luis Obispo

**Honorable Terry J. Hatter, Jr.**

Chief Judge Emeritus  
United States District Court  
Los Angeles

**Honorable Earl Johnson, Jr.,**

Ret.  
Associate Justice,  
Court of Appeal  
Second Appellate District,  
Los Angeles  
Scholar-in-Residence  
Western Center on Law & Poverty

**Honorable James R. Lambden**

Associate Justice,  
Court of Appeal  
First Appellate District,  
San Francisco

**Jack W. Londen**

Morrison & Foerster  
San Francisco

**Professor James Meeker**

School of Social Ecology  
University of California, Irvine

**Tony L. Richardson**

Reed Smith LLP  
Los Angeles

**Geoffrey L. Robinson**

Bingham McCutchen  
Walnut Creek

**Toby J. Rothschild**

General Counsel  
Legal Aid Foundation of  
Los Angeles

**Honorable Ronald L. Taylor,**

Ret.  
Superior Court of  
Riverside County  
Riverside

**Honorable Laurie D. Zelon**

Court of Appeal  
Second Appellate District  
Los Angeles

State Bar of California  
180 Howard Street  
San Francisco, CA 94105  
<http://calbar.org/accesstojustice>



The State Bar of California | Office of Legal Services,  
Access & Fairness Programs

## **Acknowledgements**

The California Commission on Access to Justice would like to acknowledge and thank the following individuals and firms for their invaluable assistance with both the 10<sup>th</sup> Anniversary Symposium and Planning Session:

**To members of the Symposium Planning Committee for the countless hours they dedicated to ensuring the success of this Symposium:**

**Hon. Steven K. Austin**, 2008 Co-Chair

**Joseph L. Chairez**, 2008 Co-Chair

**Kathryn Eppright**, 2007 Co-Chair

**Mary Lavery Flynn**, Legal Services Outreach, State Bar of California

**Bonnie Hough**, Center for Children, Families and the Courts, AOC

**Hon. Earl Johnson, Jr., (Ret.)**

**Hon. Laurie D. Zelon**

**Chris Zupanovich**, Legal Services Outreach, State Bar of California

**To Chief Justice Ronald M. George**, for recording thoughtful, provoking comments as the opening presentation for the Symposium, and for his tremendous leadership of the state's entire judicial system, making access to justice one of his main priorities for more than a decade.

**To Symposium Moderator Hon. Laurie D. Zelon**, whose entire career has been focused on ensuring real and meaningful access for all, and whose dedication and leadership have been unwavering since the establishment of this Commission.

**To all the Symposium Panelists**, for their time and willingness to take part in the Symposium, their expertise, and their thoughtful and informative comments. In particular, we would like to thank the following individuals who were Keynote Speakers on the Three Panel Discussions whose thoughtful and inspiring words reflect their own careers of advocacy for the delivery of legal services, for a fair and impartial court system, and for ensuring access to legal assistance and to the courts for disadvantaged citizens:

**Jeanne Charn**, Director, Bellow Sacks Access to Civil Legal Services Project,  
[Panel on Delivery System Improvements]

**Hon. Roger Warren (Ret.)**, Consultant, National Center for State Courts  
[Panel on Changing Role of the Courts]

**Steve Sachs**, Wilmer Cutler Pickering  
[Panel on Pursuing the Right to Counsel]

**To the many others who helped make our 10<sup>th</sup> Anniversary so successful:**

**Bill Vickrey**, Administrative Director, Administrative Office of the Courts, and **Ron Overholt**, Deputy Director, Administrative Office of the Courts, for help with the planning for the Symposium, as well as for invaluable assistance throughout the first decade of the Commission.

**Jeff Bleich**, President (2007-2008), State Bar of California, who provided closing comments at the Symposium, and for his support and leadership during his tenure as president.

**Morrison & Foerster, Bingham McCutchen, and Baker & Hostetler**, for their generous support of the Access to Justice Commission's 10th Anniversary Reception.

**To members of the Planning Day Design Team and the organizations they represent --** for their willingness to participate in the process of bringing together these various groups working on access to justice issues in the state and to further the goal of finding reasonable solutions to the challenges facing us through collaboration and sharing ideas:

**Clare Pastore, Facilitator**, whose thoughtful, guiding presence made the planning day that much more valuable and productive,

**Hon. Steven K. Austin**, 2008 Co-Chair, Commission on Access to Justice,

**Diane Bras**, Legal Services Trust Fund Commission,

**Joseph L. Chairez**, 2008 Co-Chair, Commission on Access to Justice,

**Donna Clay-Conti**, Judicial Council Access & Fairness Committee,

**Leslie Hatamiya**, California Bar Foundation,

**Mary Lavery Flynn**, Legal Services Outreach, State Bar of California,

**Hon. James R. Lambden**, Judicial Council Access & Fairness Committee,

**Toby Rothschild**, Legal Services Coordinating Committee,

**Karin Wang**, Standing Committee on the Delivery of Legal Services,

**Julia Wilson**, Legal Aid Association of California,

**Hon. Laurie D. Zelon**, Judicial Council Task Force on Self-Represented Litigants,

**And finally, all members of the California Commission on Access to Justice, past and present. We have much to be proud of.**

## 10<sup>th</sup> Anniversary Symposium

### PROFILE OF SPEAKERS

#### PLENARY SESSION

##### **HON. LAURIE D. ZELON, MODERATOR**

Laurie Zelon serves as an associate justice of the California Court of Appeal. She joined Morrison & Foerster as a partner in 1991 where, prior to her appointment to the Superior Court in 2000, she had an active litigation practice, involving scientific and technical issues, fiduciary obligations, and other complex commercial disputes. Prior to joining Morrison & Foerster she was a partner at Hufstedler, Kaus & Ettinger. Ms. Zelon was the founding Chair of the California Commission on Access to Justice. She is past President of the Los Angeles County Bar Association. She is a past member of its Board of Trustees, and past Chair of its Federal Courts Committee, its Judiciary Committee, and its Access to Justice Committee. She is past Chair of the Lawyer Representatives from the Central District of California to the Ninth Circuit Judicial Conference. She has been active in the American Bar Association and served as Chair of the Standing Committee on Lawyers' Public Service Responsibility, as a member of the Consortium on Law and the Public, and as Chair of its national Law Firm Pro Bono Project. From 1994 to 1997, she was Chair of the Standing Committee on Legal Aid and Indigent Defendants (SCLAID). She was the California State Delegate to the House of Delegates, and currently serves as a member of the Board of Governors. She also served as a member of the Ethics 2000 Commission. She has spoken at numerous seminars and conferences concerning pro bono, public services, and legal education. She was the 1993 Recipient of the William Reece Smith, Jr. Special Services To Pro Bono Award, the 1999 Recipient of the Charles Dorsey Award from the National Legal Aid & Defenders Association, and the 2000 recipient of the Loren Miller Legal Services Award from the State Bar of California. She was the first recipient, in February 2000, of the Laurie D. Zelon Pro Bono Award, given by the Pro Bono Institute of Washington, D.C. She received her B.A. degree in 1974 from Cornell University with distinction in all subjects, and her J.D. degree in 1977 from Harvard Law School.

#### DELIVERY SYSTEM IMPROVEMENTS

##### **JEANNE CHARN**

Jeanne Charn is Director of the Bellow Sacks Access to Civil Legal Services Project, Director of the Hale and Dorr Legal Services Center and Law Lecturer at Harvard Law School, teaching clinical courses on civil advocacy, delivery of legal services, professional responsibility and housing law and policy. While in law school, Jeanne was a student practitioner at Community Legal Assistance Office (CLAO), one of the first O.E.O funded legal service projects. Upon graduation from law school in 1970, Jeanne was a staff attorney at Massachusetts Law Reform Institute representing statewide and local public housing tenant groups and providing training and support for legal services in the state. In 1973, Jeanne was appointed Assistant Dean for Clinical Programs at Harvard Law School. She arranged for and monitored the educational quality of all course-related student placements and worked with Professor Gary Bellow to develop Harvard's clinical program. In 1978, Gary and Jeanne conceived of a Harvard Law School supported "teaching law office" similar to the teaching hospital in medicine; the predecessor of the Hale and Dorr Legal Services Center opened in 1979. Jeanne received her B.A. from the University of Michigan, and her J.D. from Harvard Law School.

##### **HON. MANUEL COVARRUBIAS**

Governor Gray Davis appointed Judge Covarrubias a Superior Court judge on October 16, 2002. Prior to his appointment, Judge Covarrubias was a Commissioner for the Superior Court handling family law matters, small claims and traffic court trials. The Ventura County Trial Lawyers Association named Judge Manuel J. Covarrubias Judge of the Year 2006. He has been active in community affairs

and professional organizations, including board terms on El Concilio del Condado de Ventura and El Centrito de La Colonia. He was President of the Mexican American Bar Association. He has reached the level of a Five Gallon Blood Donor for United Blood Services, and he is a Founding Member of the Destino Fund of the Ventura County Community Foundation. He has served on the Judicial Council's Access and Fairness Commission since 2001, and is co-chair of that Committee's Race and Ethnic subcommittee. As a new attorney, Judge Covarrubias' first position was in Oxnard, where he spent three years as a staff attorney at the legal aid program, Channel Counties Legal Services. From there he went into private practice from 1981, until he joined the Superior Court as a commissioner in 1995. Judge Covarrubias is a 1977 graduate of Loyola Law School. He made the dean's list and received the William P. Hogoboom Award for Excellence in the juvenile justice program.

### **BONNIE ROSE HOUGH**

Bonnie Hough is Supervising Attorney, Center for Children, Families and the Courts, Administrative Office of the Courts in San Francisco. She supervises the Equal Access Project that coordinates the court staff and legal services program in enhancing technical assistance, trainings, materials, multi-lingual forms and resources. She oversaw the development of the content of the California Courts Self-Help Website ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)) As a Supervising Attorney at the AOC, Bonnie lead the development of the self-help centers and family law facilitator programs, that provide direct legal services to self-represented litigants and other low-income litigants throughout the 58 counties in California. She is staff director of the Judicial Council Task Force on Self-Represented Litigants, and has been the author of numerous reports and bench guides promoting equal access to the court system. Prior to joining the AOC, Bonnie was the Founder, Executive Director and lead attorney of the Family Law Center of Marin. She has received many awards, including the 2004 California Women Lawyers' Fay Stender Award for her dedicated work towards improving equal access to justice in the California court system. She also received honorable mention for the ABA's Louis M. Brown Award for services to moderate-income persons. She is the 2008 recipient of the Award of Merit, presented jointly by the Access to Justice Commission and the Legal Aid Association of California. She received her undergraduate degree from the University of California, Santa Cruz, and her law degree from the University of California, Hastings College of the Law.

### **MITCH KAMIN**

Mitch Kamin is President/CEO of Bet Tzedek Legal Services, a non-profit providing free legal representation to low-income, elderly and disabled residents of L.A. County. Mitch joined Bet Tzedek in 2003. Mitch began his legal career as a Skadden Fellow at the Neighborhood Defender Service of Harlem. Upon completion of his two-year fellowship, he was hired as a supervising attorney. While there, Mitch represented poor residents in the North Manhattan neighborhoods of Harlem and Washington Heights in areas of public housing, civil rights, family law and criminal law. During his four years with NDS, Mitch took a six-month hiatus to work in the capital punishment project of the NAACP Legal Defense and Educational Fund. After working in private practice for one year in New York, Mitch returned to his native Los Angeles where he worked at O'Melveny & Myers and eventually joined the law firm of O'Neill, Lysaght & Sun in 2000, where he became a partner. His practice focused on complex civil litigation, business crimes and civil rights. Mitch is admitted to practice in the State of California and the State of New York, and has tried cases in both state and federal courts. He is an Adjunct Professor at Loyola Law School and presently serves on the Funding Committee of the Commission on Access to Justice and the Fee Waiver Subcommittee of the AOC Working Group on Enhanced Collections and proudly serves as the President of the Board of Directors of the Legal Aid Association of California. Mitch also served as a California delegate to the White House Conference on Aging in Washington D.C. in December of 2005. He attended the University of California, Berkeley, where he graduated with a B.A. degree, *Phi Beta Kappa* and with highest honors, in 1989. He graduated *cum laude* from Harvard Law School in 1993. Following a clerkship with the U.S. Court of Appeals in New York

## **JACK LONDEN**

Jack Londen has been a partner in Morrison & Foerster LLP since 1984, working in San Francisco. As a pro bono lawyer, he has led major cases on inequalities in public education, defending legal aid organizations, and addressing other public policy issues, as well as hundreds of pro bono cases for individual clients. He was among those who worked on the report, "And Justice for All, that led to the formation of the California Commission on Access to Justice, was a member of the Access Commission from its inception and served as its Chair in 2001. He is now Chair of the Consortium for the National Equal Justice Library and Chair of the Public Interest Clearinghouse. He has served as Co-Chair of the National Lawyers' Committee for Civil Rights Under Law, Chair of Californians for Legal Aid, Chair of the Legal Services Section of the State Bar of California, and Chair of the Legal Services Committee of the Bar Association of San Francisco. He is a member of the Task Force on Judicial Selection and Retention of the Commission on Impartial Courts. Mr. Londen has received awards for his public interest work from organizations including the Lawyers' Committee for Civil Rights Under Law, the National Legal Aid and Defenders Association, the Mexican American Legal Defense and Educational Fund, the National Center for Youth Law, California Rural Legal Assistance, the Western Center on Law and Poverty, the Anti-Defamation League, and the Bar Association of San Francisco. He was the 1996 recipient of the Loren Miller Legal Services Award from the State Bar of California. He was recognized as one of The National Law Journal's 2006 "Top 100 Most Influential Lawyers in America." Jack received his B.A. from Harvard University, his J.D. from Yale Law School and clerked for the Honorable William W. Schwarzer in the Northern District of California.

## **CHANGING ROLE OF THE COURTS**

### **ESTELA CASAS**

Estela Casas has been with Greater Bakersfield Legal Assistance, Inc. since 1983 and has been its Executive Director since 1993. The agency is a non-profit organization whose mission is to promote social change and justice by providing high quality legal services to the low-income communities of Kern County.

Estela is the recipient of many community awards that acknowledge her leadership in fighting injustices of the poor in Kern County. Estela is a member of the California State Bar, the Kern County Bar Association and the La Raza Lawyers Association. She also serves on the Board of Directors for the Public Interest Clearinghouse, the United Way of Kern County, and is past Vice Chair for Mercy Hospital's Community Board. She is a graduate of Cal State University, Bakersfield and University of California, Los Angeles School of Law.

### **KATHLEEN DIXON**

Kathleen Dixon serves as Managing Resource Attorney for the Los Angeles Superior Court. Leaving private practice after 25 years in family law to develop the Urban Collaboration Model Self-Help Pilot Project, Kathleen has focused since 2002 on the development of collaborations for Los Angeles Superior Court with various legal service providers, bar groups, community organizations, and schools to leverage resources to expand and enhance services for self-represented litigants throughout Los Angeles County. Her responsibilities have also included supervising the JusticeCorps internship program since its creation in 2004, and managing the Resource Center for Self-Represented Litigants opened in 2006 in the Central District of Los Angeles County. Kathleen served on the Legal Services Trust Fund Commission of the State Bar of California from 2004-2007, as an active member of the Partnership Grants Committee. The Legal Aid Association of California and the California Commission on Access to Justice presented a 2005 Award of Merit to Kathleen Dixon "in recognition of her dedication to ensuring equal access to justice and to making the judicial system a better place for all people." Kathleen graduated from University of Southern California and Southwestern University School of Law.

## **HON. DONNA HITCHENS**

San Francisco Superior Court Judge Donna J. Hitchens, the Supervising Judge of the Unified Family Court, is the recipient of the Woman of the Year 2008 award from Assemblyman Mark Leno, D-San Francisco. "Judge Donna Hitchens is one of those extraordinary individuals we rarely come across in our lifetimes," said Assemblyman Leno of District 13. "She has put her time and talents to use for those that need them most – foster youth, young people exposed to violence and low-income families. She has touched the lives of so many throughout the Bay Area." A former Presiding Judge of the San Francisco Superior Court, Judge Hitchens has worked to improve the accessibility of the legal system for low-income families and children through efforts to establish coordinated youth services as well as a mandatory training program for juvenile court attorneys and peer review procedures to ensure delivery of the best services. Judge Hitchens also worked with the Bar Association of San Francisco to establish the Court's Family Law Self-Help Center. For the past seven years, she has chaired the San Francisco Safe Start Initiative which has significantly improved services to young children exposed to violence in the home and in the community. She received the 2001 Benjamin Aranda Access to Justice Award for her efforts to improve access to the courts for low- and moderate-income people. That award is sponsored by the Access to Justice Commission, and is presented jointly by the Judicial Council, California Judges Association, and State Bar of California. She also is the recipient of the 2002 Judicial Officer of the Year Award from the Family Law Section of the State Bar of California. Since being elected to the Superior Court in 1990, Judge Hitchens has served as Presiding Judge, a trial judge in the Civil and Criminal Divisions and as Supervising Judge of the Unified Family Court. She is a former member of the Judicial Council and the Advisory Committee on Access and Fairness in the Courts and currently chairs the Science & the Law Education Committee. Judge Hitchens graduated from Boalt Hall School of Law in 1977. She previously received her Master's degree in Counseling and Psychological Services from Springfield College.

## **HON. ROGER WARREN, (Ret.)**

Judge Roger K. Warren is President Emeritus of the National Center for State Courts (NCSC). He served as President of the NCSC from 1996 until 2004 and currently serves as principal consultant to the NCSC on national sentencing reform and racial and ethnic fairness projects. He also serves as Scholar-in-Residence with the Judicial Council of California and Chair of the Board of Directors of the Justice at Stake Campaign, a national, non-partisan coalition of 45 organizations committed to preserving the fairness and impartiality of America's courts. Previously, Judge Warren served as a trial judge in Sacramento for twenty years—serving in a variety of leadership positions including as presiding judge of the Sacramento Municipal, Juvenile, and Superior Courts and the first Presiding Judge of the Consolidated Superior and Municipal Courts. Judge Warren has received numerous awards and written and spoken on a wide variety of issues affecting the fair and impartial administration of justice. As presiding judge, he received the Judicial Council's Ralph N. Kleps Award in 1992 for development of the Sacramento Criminal Justice Cabinet and again in 1993 for Sacramento's voluntary consolidation of its trial courts. Upon his retirement from the Sacramento courts, Sacramento juvenile justice agencies created the "Judge Roger K. Warren Unity Award," an award presented annually in his honor to recognize an individual's outstanding efforts to promote collaboration among the public and private agencies serving children in Sacramento. Prior to his appointment to the bench, Judge Warren was the Executive Director of Legal Services of Northern California. He graduated from Williams College and following a Fulbright Fellowship to Iran received a Masters Degree in Political Science and JD degree from the University of Chicago where he also served as an editor of the University of Chicago Law Review.

## **PURSUING THE RIGHT TO COUNSEL**

### **RAMON P. ARIAS**

Ramon Arias is Executive Director of Bay Area Legal Aid and has been active in the civil justice movement for the past 30 years. In 2000, Mr. Arias was a leader in forming Bay Area Legal Aid and was selected as its first Executive Director. BayLegal is the Bay Area's largest provider of free civil legal

services. He was also the executive director of San Francisco Neighborhood Legal Assistance, and worked for many years as an advocate with California Rural Legal Aid. In 2001 and 2002, the Los Angeles Daily Journal, the State's primary legal newspaper, selected him as one of the "Top 100 Most Influential Lawyers" in California. Currently, Mr. Arias serves as a member of the Board of Directors of the California Rural Legal Assistance Foundation, and recently served as the Chair of the Board of Directors of the National Legal Aid and Defender Association, member of the ABA's Standing Committee on Legal Aid and Indigent Defendants (SCLAID), and as a member of the American Bar Association's Commission on Loan Repayment. Ramon graduated from the University of California, Santa Barbara and attended University of California, Los Angeles School of Law.

#### **HON. EARL JOHNSON, JR. (Ret.)**

Earl Johnson, Jr., is a member of the ABA Standing Committee on Legal Aid and Indigent Defense (SCLAID) and chair of its "right to legal services" subcommittee. During his tenure as deputy director of the national Legal Services Program of the Office of Economic Opportunity (OEO-LSP) he developed several innovations and expanded the program to almost 2,000 lawyers in 300 communities. After leaving government in 1968, Johnson became a Professor of Law at the University of California. He was the founding president of the National Equal Justice Library which recently celebrated its opening at Georgetown University Law Center. He was the chair of the State Bar Access to Justice Working Group, that produced the report, "And Justice for All, that led to the formation of the California Commission on Access to Justice. He was a member of the Access Commission from its inception and served as its Co-Chair in 2002. He recently retired from the California Court of Appeal after 25 years as a Justice in the Second Appellate District, Division 7. Upon retiring from the court, he became a Scholar-in-Residence at the Western Center on Law and Poverty where he is researching and writing books about civil legal services and access to justice. While on the appellate court, Justice Johnson received several awards for his service as an appellate judge, he also chaired and has authored or coauthored several books including *Justice and Reform*, *Toward Equal Justice*, and *California Trial Guide*. He was the first recipient of the State Bar's Loren Miller Legal Services Award in 1977. He earned his BA in economics from Northwestern University, a JD from the University of Chicago Law School where he was on the editorial board of the University of Chicago Law Review and an L.L.M. in criminal law from Northwestern University.

#### **PAUL MARVY**

Paul Marvy chairs the steering committee of the National Coalition for a Civil Right to Counsel. In his day job at the Northwest Justice Project, he coordinates a group of advocates seeking recognition of a right to counsel in civil cases in Washington State. Before that he was a public defender and long before that he put his graduate school education to use working with a team of social scientists at UCSF studying alcohol use.

B.A. – Reed College  
M.A. (A.B.D.) – The Johns Hopkins University  
J.D. – The University of Washington

#### **STEVE SACHS**

Stephen H. Sachs is counsel to Wilmer Cutler Pickering Hale & Dorr. He was a partner at the Firm, specializing in criminal and civil litigation, until his retirement on December 31, 1999. In 1979 he became Maryland's 40th Attorney General and was reelected in 1982. Mr. Sachs has served as principal trial counsel in dozens of jury and non-jury trials. As a prosecutor and criminal defense counsel, he has specialized in the trial of cases involving charges of fraud, income tax evasion, and securities law violations. As a civil litigator, he has represented a broad array of clients in commercial disputes. Mr. Sachs joined WCP as a partner in 1987. Mr. Sachs is a Fellow of The American College of Trial Lawyers. He is a member of the American Bar Association, the Maryland Bar Association, and the D.C. Bar Association. He has served on the Boards of Haverford College, the Baltimore Urban Coalition, Sinai Hospital, the Enoch Pratt Free Library, the Baltimore Regional Red Cross, and the Baltimore Bar Foundation, Inc. He now serves on the board of the Union Memorial Hospital Foundation and is co-

chairman of the Maryland Judicial Campaign Conduct Committee. He frequently serves as an arbitrator in domestic and international commercial disputes. He often collaborates with the Public Justice Center in *pro bono* matters on behalf of disadvantaged citizens, particularly in matters involving access to justice, and serves on the American Bar Association's Task Force on Access to Civil Justice. He is the recipient of numerous awards for his *pro bono* activities. Mr. Sachs earned his BA at Haverford College and his LLB at Yale. He also attended Oxford University on a Fulbright Scholarship.

#### **HON. ERICA R. YEW**

Judge Erica Yew was appointed by Gov. Gray Davis to the Santa Clara County Superior Court on October 2, 2001. Judge Yew is the first Asian-American female to serve on this bench. She has received numerous awards for her community involvement and volunteerism. On March 14 2005, she was named Woman of the Year for District 24 by California Assembly member Rebecca Cohen. She currently serves on the California Judicial Council Kleps Award Committee and on the Judicial Council Task Force on Self-Represented Litigants. She is also President of the California Asian-American Judges Association and Past President of the NAPABA Judicial Council, which is the national association of Asian American judicial officers. She is a board member of Greater San Jose After School All Yew chairs the Good Samaritan Hospital Board. Judge Yew also serves on the Advisory Board for Latinas Contra Cancer and on the Santa Clara County Law Library Board of Trustees. As an attorney, she served as a District Three Representative on the California State Bar Board of Governors, having been elected by her peers. In 1994, she founded a monthly program for toddlers at the Agnews Family Living Center, a homeless shelter. As a volunteer and while practicing law, she coordinated this program for four years. Judge Yew earned a bachelor's degree from the University of California, Berkeley and received her JD from University of California, Hastings.

#### **CLOSING SESSION**

#### **JEFFREY L. BLEICH**

Jeff Bleich is the President of the State Bar for 2007-2008, Vice-Chair of the California State University Board of Trustees, and a member of the Council on Foreign Relations. In 2003, he served as the President of the Bar Association of San Francisco, and was appointed in 1999 by President Clinton to direct the White House Commission on Youth Violence. In 2004, Mr. Bleich served as the Co-Chair of the Lawyer Representatives to the Northern District of California Judicial Conference. He is presently the chair of the ABA's Amicus Curiae Committee and was elected in 2003 to the American Law Institute. He is a litigation partner in the San Francisco office of Munger, Tolles & Olson LLP. His practice consists principally of complex business litigation including appellate practice, intellectual property, media law, and employment law. He is devoted to providing *pro bono* assistance to indigent persons. Mr. Bleich served as class counsel to homeless individuals, immigrants and habeas corpus petitioners in state and federal court. Among his many awards, he has received for Munger, Tolles & Olson the ABA Pro Bono Publico Award, the State Bar of California Pro Bono Publico Award, and the Wiley Manuel Award for outstanding public service, and the Robert Sproul Award from Lawyers Committee for Civil Rights for lifetime *pro bono* service. In 2006 Mr. Bleich was honored as *California Lawyer* Attorney of the Year, and for the past four years has been on the *Daily Journal's* Top 100 listing of the most influential attorneys in California. He is also regularly listed as one of the Top 100 "Superlawyers" in Northern California. Mr. Bleich is an adjunct professor at Boalt Hall, and has published two books and over thirty articles on appellate courts. Mr. Bleich received his B.A. *magna cum laude* from Amherst College in 1983, and a Masters in Public Policy from Harvard University. Mr. Bleich earned his law degree from the University of California at Berkeley (Boalt Hall) School of Law in 1989, and served as Editor-in-Chief of the *California Law Review*.

**The Future of Access to Justice in California: Developing a Vision for the Next Decade  
List of Participants – 10<sup>th</sup> Anniversary Symposium**

**Hon. George J. Abdallah, Jr.**  
Member, Judicial Council  
Superior Court of California  
San Joaquin County

**Maureen Alger**  
Attorney  
Cooley Godward Kronish LLP

**Cherri N. Allison**  
Executive Director  
Family Violence Law Center

**Diane Altamirano**  
Senior Managing Attorney  
Imperial County Superior Court

**Ray Aragon**  
Member, Judicial Council  
Attorney at Law, Bonita

◆ **Ramon Arias**  
Executive Director  
Bay Area Legal Aid

**Yvette C. Artiga**  
Policy & Research Analyst  
Circuit Executive Office, U. S. Courts, 9<sup>th</sup> Circuit

**Ruthe C. Ashley**  
Attorney  
California Public Employment Retirement

★ **Hon. Steven K. Austin**  
Superior Court of California  
Contra Costa County

★ **Kenneth W. Babcock**  
Executive Director  
Public Law Center

**Starr Babcock**  
Senior Executive of Member Services  
State Bar of California

★ **Marcia Bell**  
Director  
San Francisco Law Library

★ **David Bigelow**  
Attorney  
Girardi Keese

**Steve Bingham**  
Staff Attorney  
Bay Area Legal Aid

**Jeffrey L. Bleich**  
President  
State Bar of California

**Benjamin D. Borson**  
Attorney  
Borson Law Group, PC

**James Bower**  
Executive Director  
Law Foundation of Silicon Valley

**James Brosnahan**  
Senior Partner  
Morrison & Foerster, San Francisco

**Daniel Burkhardt**  
Executive Director and General Counsel  
Bar Association of San Francisco

★ **Sheila Calabro**  
Regional Administrative Director  
Administrative Office of the Courts

**Teri Cannon**  
Executive Associate Director  
Western Association of Schools & Colleges

★ **Anthony Capozzi**  
Member, Judicial Council  
Attorney, Law Offices of Anthony P. Capozzi

**Peter Carson**  
Attorney & Partner  
Bingham McCutchen LLP

◆ **Estela Casas**  
Executive Director  
Greater Bakersfield Legal Assistance

★ **Joseph L. Chairez**  
Attorney  
Baker & Hostetler LLP

**Tiela Chalmers**  
Executive Director  
Volunteer Legal Services Program  
Bar Association of San Francisco

**Angela Chan**  
Staff Attorney  
Asian Law Caucus

◆ **Jeanne Charn**  
Director, Wilmer Hale Legal Services Center  
Harvard Law School

**The Future of Access to Justice in California: Developing a Vision for the Next Decade  
List of Participants – 10<sup>th</sup> Anniversary Symposium**

**Amy Chen**  
Staff Attorney  
Bay Area Legal Aid

**Curtis L. Child**  
Director, Office of Governmental Affairs  
Administrative Office of the Courts

**Donna Clay-Conti**  
Senior Attorney, Office of General Counsel  
Administrative Office of the Courts

**Bob Cohen**  
Executive Director  
Legal Aid Society of Orange County

**Dan Corsello**  
Executive Director  
Van Loben Sels/Reube Rock Foundation

◆ **Hon. Manuel Covarrubias**  
Superior Court of California  
Ventura County

**Dexter Craig**  
Center for Judicial Education & Research  
Administrative Office of the Courts

★ **Robin Crawford**  
Attorney  
Law Office of Robin Crawford

**Alaric Degrafinried**  
Contract Compliance Officer  
San Francisco Human Rights Commission

◆ **Kathleen Dixon**  
Managing Resource Attorney  
Los Angeles Superior Court

**James Donato**  
President  
Bar Association of San Francisco

**Neal S. Dudovitz**  
Executive Director  
Neighborhood Legal Services – Los Angeles Co.

**Hon. My-Le Jacqueline Duong**  
Superior Court of California  
Santa Clara County

**Suzanne Pierce Dyer**  
Law Librarian  
Alameda County Law Library

★ **Kathryn Eppright**  
Attorney  
Andre Morris & Buttery

**Hon. Peter Espinoza**  
Member, Judicial Council  
Assistant Supervising Judge  
Los Angeles Superior Court

**Tom Espinoza**  
President  
Monterey County Bar Association

**Glenn Fait**  
Associate Dean – Special Counsel  
McGeorge School of Law, University of the Pacific

**Amy Fitzpatrick**  
Executive Director  
San Diego Volunteer Lawyer Program

**Hon. Jean Flanagan**  
Commissioner  
Superior Court of California  
San Benito County

★ **Mary Lavery Flynn**  
Director, Legal Services Outreach  
State Bar of California

**Richard Frankel**  
Member, Board of Governors, District 3  
Attorney, Frankel & Goldware, LLP

**Ana Maria Garcia**  
Supervising Attorney – Self Help  
Neighborhood Legal Services – Los Angeles Co.

**Audrey Gee**  
Chair – Pro Bono Committee  
Contra Costa County Bar Association

**Kathy Gillespie**  
Director of Litigation  
Law Center for Families

**Thomas V. Girardi**  
Member, Judicial Council  
Attorney, Girardi Keese

**Matt Goldberg**  
Staff Attorney  
Legal Aid Society – Employment Law Center

**Marisa Gonzales**  
Staff Attorney  
Legal Services for Prisoners with Children

**The Future of Access to Justice in California: Developing a Vision for the Next Decade  
List of Participants – 10<sup>th</sup> Anniversary Symposium**

**Joilene Wood Grove**  
Program Director  
California Bar Foundation

**Bruce Hamilton**  
Executive Director  
HIP Housing, San Mateo County  
Board Member, California Bar Foundation

**Leslie Hatamiya**  
Executive Director  
California Bar Foundation

★**Hon. Terry J. Hatter**  
Senior U.S. District Judge  
Central District – Los Angeles

**Robert Hawley**  
Deputy Director  
State Bar of California

**Annette Heath**  
Law Librarian  
Kern County Law Library

**William Hebert**  
Member, Board of Governors, District 4  
Managing Partner, Calvo & Clark, LLP

★**Hon. James E. Herman**  
Superior Court of California  
Santa Barbara County

**Luz E. Herrera**  
Professor  
Chapman University

**Eve Hershcopf**  
Senior Staff Attorney, Child Care Law Center  
Board Member, LAAC

**Donna S. Hershkowitz**  
Assistant Director, Office of Governmental Affairs  
Administrative Office of the Courts

**Lisa Hillegas**  
Managing Attorney  
Legal Services of Northern California – Ukiah

**Bill Hirsh**  
Executive Director  
AIDS Legal Referral Panel

◆**Hon. Donna Hitchens**  
San Francisco County Unified Family Court  
San Francisco Superior Court

**Kate Howard**  
Coach & Consultant  
Sacramento

**Bonnie Hough**  
Supervising Attorney  
Center for Families, Children & the Courts  
Administrative Office of the Courts

**Hon. Jamie Jacobs-May**  
Member, Judicial Council  
Assistant Presiding Judge  
Santa Clara County Superior Court

**Barbara Yanow Johnson**  
Member  
Legal Services Trust Fund Commission

**Betsy Johnson**  
Epstein Becker & Green PC  
Los Angeles

★◆**Hon. Earl Johnson, Jr., Ret.**  
Scholar in Residence  
Western Center on Law and Poverty

**Judy Johnson**  
Executive Director  
State Bar of California

**Dave Jones**  
Chair  
Assembly Judiciary Committee

◆**Mitch Kamin**  
Executive Director  
Bet Tzedek Legal Services

**Patricia Kilroe**  
Linguistics Analyst, Court Interpreters Program  
Administrative Office of the Courts

**Linda Kim**  
Associate Director  
Public Interest Clearinghouse

**Leanne Kozak**  
Communications  
Administrative Office of the Courts

**Vivan L. Kral**  
Vice President, California Bar Foundation  
Law Offices of Vivian L. Kral - Redwood City

★**Hon. James R. Lambden**  
Associate Justice  
First District Court of Appeal

**The Future of Access to Justice in California: Developing a Vision for the Next Decade  
List of Participants – 10<sup>th</sup> Anniversary Symposium**

**Patricia D. Lee**  
Director  
Legal Services, Access & Fairness Programs  
State Bar of California

**Naomi Little**  
Administrative Assistant  
Contra Costa County Public Law Library

◆ **Cristina Llop**  
Consultant  
San Francisco

★ ◆ **Jack Londen**  
Partner  
Morrison & Foerster LLP

**David C. Long**  
Attorney  
Mill Valley

★ **Robert A. Long**  
Retired Partner  
Latham & Watkins LLP

**Judy B. Louie**  
Director  
San Francisco Superior Court

**Rodney Low**  
Legal Services, Access & Fairness Programs  
State Bar of California

**Karen M. Lutke**  
Director  
San Mateo County Law Library

**Hon. Thomas M. Maddock**  
Member, Judicial Council  
Contra Costa County Superior Court

**Sara P. Malan**  
Housing Attorney  
AIDS Legal Referral Panel

**Paul Marvy**  
Committee for Indigent Representation  
and Civil Legal Equality  
Northwest Justice Project – Seattle

**Anne Marx**  
Court Interpreters Program  
Administrative Office of the Courts

**Linda P. McCulloh**  
Senior Attorney  
Administrative Office of the Courts

★ **James W. Meeker, J.D., Ph.D.**  
Professor and Associate Dean  
School of Social Ecology  
University of California, Irvine

**Hon. Douglas P. Miller**  
Associate Justice  
Fourth District Court of Appeal

**Patricia R. Monk**  
Law Librarian  
Alameda County Law Library

**Ana Montano**  
Attorney  
AIDS Legal Referral Panel

**Sharon Ngim**  
Legal Services, Access & Fairness Programs  
State Bar of California

★ **Hon. Nho Trong Nguyen**  
Superior Court of California  
Orange County

**Kelly Friscia O'Brien**  
Equal Justice Works AmeriCorps Attorney  
Public Interest Clearinghouse

**Kate O'Connor**  
Legal Services, Access & Fairness Programs  
State Bar of California

**Dick Odgers**  
Retired Partner  
Pillsbury Winthrop Shaw Pittman LLP

**Ronald G. Overholt**  
Chief Deputy Director  
Administrative Office of the Courts

**Kimberly Papillon**  
Senior Educator  
Administrative Office of the Courts

**Barbara Jean Parker**  
Member, Judicial Council  
Chief Assistant City Attorney  
City of Oakland

**Mark Parnes**  
Officer, California Bar Foundation  
Assistant General Counsel  
Wilson Sonsini Goodrich & Rosati

**The Future of Access to Justice in California: Developing a Vision for the Next Decade  
List of Participants – 10<sup>th</sup> Anniversary Symposium**

**Clare Pastore**  
Associate Professor  
USC Gould School of Law

**Jody Patel**  
Regional Administrative Director  
Administrative Office of the Courts

**Lee C. Pearce**  
Private Family Law Judge  
Contra Costa County

**Robin M. Pearson**  
President  
Contra Costa County Bar Association

**Jennifer Pesek**  
Interim Executive Director  
California Center for Law and the Deaf

**Cassie Pierson**  
Staff Attorney  
Legal Services for Prisoners with Children

**Michael Planet**  
Advisory Member, Judicial Council  
Executive Officer  
Ventura County Superior Court

**Dia S. Poole**  
Senior Analyst  
Office of Governmental Affairs  
Administrative Office of the Courts

**M. Carmen Ramirez**  
Member, Board of Governors, District 6  
Community Planning Director  
Central Coast Alliance United for a  
Sustainable Economy

**Hon. Maria Rivera**  
Associate Justice  
First District Court of Appeal

**Mary M. Roberts**  
General Counsel, Office of the General Counsel  
Administrative Office of the Courts

★ **Hon. Ronald Robie**  
Associate Justice  
Third District Court of Appeal

**Michael Roddy**  
Executive Officer  
San Diego County Superior Court

**Michelle N. Rodriguez**  
Staff Attorney  
Public Advocates, Inc.

**Russell S. Roeca**  
President-Elect  
The Bar Association of San Francisco

**Steve Ronfeldt**  
Co-Director  
The Public Interest Law Project

**Michael Roosevelt**  
Senior Court Services Analyst  
Center for Families, Children & the Courts  
Administrative Office of the Courts

★ **Toby Rothschild**  
General Counsel  
Legal Aid Foundation of Los Angeles

◆ **Stephen H. Sachs**  
Retired Partner, Wilmer Hale  
Washington, D.C.

★ **Harvey Saferstein**  
Member  
Mintz Levin Cohn Ferris Glovsky and Popeo, P.C.

**Dominique Sanz-David**  
Staff Attorney  
San Francisco Superior Court

**Mark Schickman**  
ABA Standing Committee on  
Pro Bono & Public Service

**Crystal Sims**  
Director of Litigation  
Legal Aid Society of Orange County

**Michael Singen**  
Attorney  
Singen Law Office, San Francisco

**Lucy Smallsreed**  
Supervisor, Court Interpreters Program  
Administrative Office of the Courts

**Jill Sperber**  
Director, Mandatory Fee Arbitration  
State Bar of California

**Sharol Strickland**  
Advisory Member, Judicial Council  
Executive Officer  
Butte County Superior Court

**The Future of Access to Justice in California: Developing a Vision for the Next Decade  
List of Participants – 10<sup>th</sup> Anniversary Symposium**

**Cossette Sun**  
Director  
Alameda County Law Library

**M. Sue Talia**  
Private Family Law Judge  
Contra Costa County

**Maria C. Tortorelli**  
Family Law Facilitator  
Los Angeles Superior Court

**Richelle Uecker**  
Assistant Executive Officer  
Orange County Superior Court

**William C. Vickrey**  
Secretary of the Judicial Council  
Administrative Director of the Courts  
Administrative Office of the Courts

**Karin Wang**  
Vice Chair, Programs  
Asian Pacific American Legal Center

◆ **Hon. Roger K. Warren, Ret.**  
President Emeritus  
National Center for State Courts  
Scholar in Residence, Judicial Council of Calif.

**Ann Wassam**  
Executive Director  
Alameda County Bar Association

**Hon. Michael J. Welch**  
Member, Judicial Council  
San Bernardino County Superior Court

**Syd Whalley**  
Executive Director  
Western Center on Law & Poverty

**Anthony White**  
Director of Law and Technology  
Bay Area Legal Aid

**Leah D. Williams**  
CEO  
Strategies LLC

**Susan F. Williamson**  
Attorney  
Law Office of Susan F. Williamson, Occidental

**Julia R. Wilson**  
Executive Director  
Public Interest Clearinghouse  
Legal Aid Association of California

**Alicia Valdez Wright**  
Family Law Facilitator  
San Luis Obispo County Superior Court

★ **Eric Wayne Wright**  
Professor  
Santa Clara University School of Law

**Mary Yen**  
Assistant General Counsel  
State Bar of California

◆ **Hon. Erica Yew**  
Superior Court of California  
Santa Clara County

**Hon. D. Zeke Zeidler**  
Superior Court of California  
Los Angeles

★ ◆ **Hon. Laurie D. Zelon**  
Court of Appeal  
Second Appellate District

★ **Hon. Barbara Zuniga**  
Superior Court of California  
Contra Costa County

★ **Chris Zupanovich**  
Program Coordinator, Legal Services Outreach  
State Bar of California

**PLANNING DAY  
LIST OF PARTICIPANTS**

**Facilitator**

**Clare Pastore**  
USC Gould School of Law

**Planning Meeting Staff**

**Mary Lavery Flynn**  
Director, Legal Services Outreach  
State Bar of California

---

**California Commission on Access to Justice**

**Hon. Steve Austin**  
Co-Chair – Commission on Access to Justice  
Superior Court of California  
Contra Costa County

**Kenneth W. Babcock**  
Executive Director  
Public Law Center

**Joseph L. Chairez**  
Co-Chair – Commission on Access to Justice  
Baker & Hostetler LLP

**Hon. James E. Herman**  
Superior Court of California  
Santa Barbara County

**Hon. Earl Johnson, Jr. Ret.**  
Scholar in Residence  
Western Center on Law and Poverty

**Jack Londen**  
Partner  
Morrison & Foerster LLP

---

**California Bar Foundation**

**Leslie Hatamiya**  
Executive Director

**Joilene Wood Grove**  
Program Director

**Bruce Hamilton**  
HIP Housing, Inc.

**Mark Parnes**  
Member, Board of Directors  
Assistant General Counsel  
Wilson Sonsini Goodrich & Rosati

---

**Judicial Council Access & Fairness Advisory Committee**

**Hon. Gordon Baranco**  
Superior Court of California  
Alameda County

**Donna Clay-Conti**  
Senior Attorney  
Office of the General Counsel  
Administrative Office of the Courts

**Hon. Manuel Covarrubias**  
Superior Court of California  
Ventura County

**Hon. My-Le Jacqueline Duong**  
Superior Court of California  
Santa Clara County

**Hon. James Lambden**  
Chair - Access & Fairness Advisory Committee  
Associate Justice, Court of Appeal  
First Appellate District, Div. Two

**Hon. John M. Pacheco**  
Superior Court of California  
San Bernardino County

**PLANNING DAY  
LIST OF PARTICIPANTS**

**Judicial Council Self-Represented Litigants**

**Hon. Laurie D. Zelon**  
Court of Appeal  
Second Appellate District, Division 7

**Bonnie Hough**  
Center for Families, Children & the Courts  
Administrative Office of the Courts

**Legal Aid Association of California (LAAC)**

**Neal Dudovitz**  
Project Directors Association  
Neighborhood Legal Services of Los Angeles  
County

**Andrew Mudryk**  
LAAC Board  
Directors of Litigation & Advocacy  
Protection and Advocacy, Inc.

**Paul Freese**  
LAAC Board  
Directors of Litigation & Advocacy,  
Public Council

**Cassie Pierson**  
LAAC Board  
Support Center Section  
Legal Services for Prisoners with Children

**Matt Goldberg**  
LAAC Board  
Legal Aid Society - Employment Law Center

**Chris Schneider**  
Central California Legal Services

**Mitch Kamin**  
LAAC Board President  
Senior Legal Services Providers Section  
Bet Tzedek

**Julia Wilson**  
LAAC Director  
LAAC

---

**Legal Services Coordinating Committee (LSCC)**

**Toby Rothschild**  
Chair - Legal Services Coordinating Committee  
General Counsel  
Legal Aid Foundation of Los Angeles

---

**Legal Services Trust Fund Commission**

**Stephanie Choy**  
Managing Director  
Legal Services Trust Fund Program

**Barbara Yanow Johnson**

**Diane Bras**  
Chair - Legal Services Trust Fund Commission  
Family Law Facilitator  
Superior Court of California  
Placer County

**PLANNING DAY  
LIST OF PARTICIPANTS**

**Standing Committee on Delivery of Legal Services (SCDLS)**

**Maureen Alger**

Pro Bono

Cooley Godward Kronish LLP

**Karin Wang**

Vice Chair, Programs

Asian Pacific American Legal Center

**Diane Altamirano**

Moderate Income, Training

Superior Court of California

Imperial County

**Alicia Valdez Wright**

Legislation, Moderate Income

Office of the Family Law Facilitator

**Tiela Chalmers**

Recognition, Pro Bono

Bar Association of San Francisco

Volunteer Legal Services Program

**M. Sue Talia**

Moderate Income, Training

**CALIFORNIA LEGISLATURE**  
**ASSEMBLY RESOLUTION**  
**By the Honorable Dave Jones**  
**9<sup>th</sup> Assembly District: Relative to commending the**

**CALIFORNIA COMMISSION ON ACCESS TO JUSTICE**

**WHEREAS**, The California Commission on Access to Justice has devoted over ten years to successful endeavors to increase access to our legal system, identifying barriers to justice and developing methods to address those barriers; and

**WHEREAS**, The Equal Access Fund was launched in 1999 as a result of the diligent efforts of the California Commission on Access to Justice, and the Fund has already provided nearly \$100 million to nonprofit civil legal services providers across the state, enabling them to help thousands of vulnerable Californians facing crucial human needs; and

**WHEREAS**, The California Commission on Access to Justice has continued to advocate for additional ways to close the "justice gap," including instrumental support for establishing fair rates of return on lawyer trust accounts that provide key funding to support the Legal Services Trust Fund Program; and

**WHEREAS**, The California Commission on Access to Justice has worked closely with the California Judicial Council to improve services for unrepresented litigants, and California is now the national leader in providing attorney-staffed self-help services in every county in the state; and

**WHEREAS**, The California Commission on Access to Justice has been the leader in publicizing and attempting to eliminate the barriers faced by Californians with limited English proficiency, who currently have no recognized right to an interpreter even when they face the possibility of losing custody of their children, loss of their home, or other critical legal issues; and

**WHEREAS**, The work of the California Commission on Access to Justice was prominent in establishing the availability of limited scope legal assistance in California, which is now recognized formally in Court rules and official Judicial Council forms, resulting in the tremendous expansion of legal help for low-income individuals for the key components of their legal matters; and

**WHEREAS**, The California Commission on Access to Justice has published several important reports, including periodic status reports demonstrating progress toward true access to justice and recommending steps needed to continue to overcome barriers to justice; and

**WHEREAS,** The California Commission on Access to Justice has been an important resource for the legislative branch, including publishing the *Action Plan for Justice* in 2007, at the request of the Assembly Judiciary Committee, and providing significant input on legislation throughout the decade; and

**WHEREAS,** The California Commission on Access to Justice has focused attention on the great need that exists for legal help in our rural areas, where resources are extremely limited and the barriers to access are enormous; and

**WHEREAS,** The California Commission on Access to Justice has pursued many avenues to increase representation for low-income people facing critical legal issues, including encouraging lawyers to provide pro bono services and financial support for legal aid organizations, expanding Web resources for legal services advocates and pro bono volunteers, and working with all three branches of government to establish pilot representation projects; and

**WHEREAS,** The California Commission on Access to Justice consistently focuses attention on the real needs of vulnerable Californians and is able to be effective, in part, because of its broad, non-partisan representation, including appointments from the Governor, the Attorney General, the Legislature, business, labor, and other civic groups, as well as the State Bar, California Judges Association, and California Judicial Council; and

**WHEREAS,** Increasing and ensuring meaningful access to justice for low-income Californians is a top priority for the California State Legislature, and particularly for the Assembly Committee on Judiciary; now, therefore, be it

**RESOLVED BY ASSEMBLY MEMBER DAVE JONES,** That he commends the California Commission on Access to Justice for its successful first decade of creative and innovative efforts to improve access to justice, and extends best wishes for continued success in its efforts for the coming decade to help overcome the most important challenges facing our judicial system.

Members Resolution No. 1029

Dated this 23<sup>rd</sup> day of April, 2008

Honorable Dave Jones  
9<sup>th</sup> Assembly District

# CERTIFICATE OF APPRECIATION TO THE STATE BAR OF CALIFORNIA

*As the California Commission on Access to Justice celebrates ten years of successful advocacy to improve access to our judicial system, the Commission wishes to express its sincere appreciation for the State Bar of California and its strong, ongoing support for the work of the Commission.*

*The State Bar is credited with launching the Commission in 1997, inviting key stakeholders to join with the State Bar in making appointments to the Commission. The concept of the Commission was recommended in the 1996 State Bar report "And Justice For All: Fulfilling the Promise of Access to Civil Justice in California."*

*The Access to Justice Commission is only able to pursue its goals through volunteer efforts and staff support. The State Bar has played a critical role in the Commission's achievements by providing competent, dedicated staff to support the work of the Commission, by endorsing many Commission projects and by making excellent Commission appointments over the past decade. In the words of the Chief Justice Ronald M. George:*

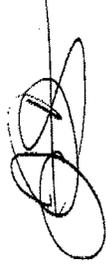
*The Commission brings a wide-ranging perspective to improving access to justice. Its membership is broadly representative, including appointments by the Governor, the Attorney General, the Legislature, business and civic groups, as well as the State Bar and the Judicial Council. The expansive pool from which it draws not only informs its activities, but also enhances the credibility of the Commission as an independent entity concerned with improving the administration of justice. And not only does the varied membership bring different viewpoints to the table, it also has meant that the Commission has been very effective in consistently drawing attention to the real needs of vulnerable Californians, and raising public awareness of these issues in all parts of our state.*

*-Opening Remarks, Access to Justice Symposium, April 23, 2008*

*Members of the Access Commission look forward to continuing the effective collaboration with the State Bar over the coming years - to jointly address the need to make our judicial system truly accessible to all, regardless of income or language ability.*



Hon. Steven K. Austin - Co-Chair  
Commission on Access to Justice



Joseph L. Chairez - Co-Chair  
Commission on Access to Justice



At our equal justice  
is simply the notion  
that lay and the  
courts should be an  
even life, not

For more information, visit  
www.courts.ca.gov  
or call 1-800-777-8889  
For more information, visit  
www.courts.ca.gov  
or call 1-800-777-8889

State Bar of California  
San Francisco, CA



## Members, California Commission on Access to Justice – 2008

### Commission Members

**Hon. Steven Austin**  
Co-chair  
Superior Court of  
Contra Costa County  
Martinez

**Joseph L. Chairez**  
Co-chair  
Baker & Hostetler LLP  
Coeira Mesa

**Ramon Alvarez**  
Alvarez, Lincoln/Mercy  
Riverside

**Kenneth W. Babcock**  
Public Law Center  
Santa Arza

**Marcia Bell**  
San Francisco County  
Law Library

**David N. Bigelow-  
Grand & Keese**  
Los Angeles

**Sheila Calabro**  
Administrative Office  
of the Courts Burbank

**Robin C. Crawford**  
Law Office Of Robin Crawford  
Petaluma

**Rozetta D. Cummings**  
California State  
Automobile Association  
, San Francisco

**Erika Frank**  
California Chamber of Commerce  
Sacramento

**Honorable James E. Herman**  
Superior Court of  
Santa Barbara County  
Santa Maria

**Michael J. Loeb**  
JAMS  
San Francisco

**Robert A. Long**  
Lalith & Walders LLP  
Los Angeles

**Sylvia Martin-James**  
Reined, Riverside Unified  
School District  
Riverside

**Hon. Nho Trong Nguyen**  
Superior Court of  
Orange County  
Westminster

**Ekwan E. Rhow**  
Blus, Maella, Weipert, Nassim  
Drooks & Linsenberg  
Los Angeles

**Hon. Ronald Robie**  
Court of Appeal,  
Third Appellate District  
Sacramento

**John Shersinger**  
California Polytechnic  
State University  
San Luis Obispo

**Hon. Julius M. Telle, Ret.**  
Superior Court of  
Los Angeles County  
Los Angeles

**Eric Wayne Wright**  
Santa Clara University  
School of Law  
Santa Clara

**Kathryn Eppright**  
Andre Morris & Buttery LLP  
San Luis Obispo

**Honorable Terry J. Hatter, Jr.**  
Chief Judge Emeritus  
United States District Court  
Los Angeles

**Honorable Earl Johnson, Jr.**  
Ret.  
Associate Justice,  
Court of Appeal  
Second Appellate District,  
Los Angeles  
Scholar-in-Residence  
Western Center on Law & Poverty

**Honorable James R. Lambden**  
Associate Justice,  
Court of Appeal  
First Appellate District,  
San Francisco

**Jack W. Londen**  
Morrison & Fleisher  
San Francisco

**Professor James Meeler**  
School of Social Ecology  
University of California, Irvine

**Tony L. Richardson**  
Reed Smith LLP  
Los Angeles

**Geoffrey L. Robinson**  
Bingham McCutchen  
Walnut Creek

**Toby J. Rothschild**  
General Counsel  
Legal Aid Foundation of  
Los Angeles

**Honorable Ronald L. Taylor**  
Ret.  
Superior Court of  
Riverside County  
Riverside

**Honorable Laurie D. Zelon**  
Court of Appeal  
Second Appellate District  
Los Angeles



# California Commission on Access to Justice

## 10<sup>th</sup> Anniversary Celebration

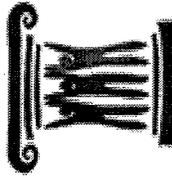
April 23, 2008

5:30 – 7:30 pm

California Culinary Academy  
625 Polk Street, San Francisco

*Thank you to the following firms that  
helped make this event possible:*

Baker & Hostetler LLP  
Bingham McCutchen LLP  
Morrison & Foerster LLP



**Mary Lavery Flynn**  
Director, Legal Services Outreach  
Office of Legal Services, Access & Fairness  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105  
415.538.2251

## California Commission on Access to Justice

**10th Anniversary Celebration**  
Wednesday, April 23<sup>rd</sup>, 5:30 to 7:30 PM

### Program

#### Welcome

Hon. Steven K. Austin and Mr. Joseph L. Chairez  
2008 Commission Co-Chairs

#### Reflections on the First 10 Years

Hon. Earl Johnson, Jr., (Ret),  
2002 Co-Chair, Access to Justice Commission  
Chair, Access to Justice Working Group, 1993-1996

Hon. Terry J. Hatter, Jr.  
Senior United States District Judge  
2003 Co-Chair, Access to Justice Commission

#### Presentation of Certificate of Appreciation to:

**Mr. Jeff Bleich**  
State Bar President

**&**

**Ms. Judy Johnson**  
State Bar Executive Director

#### Thank you to Program Supporters

Mary Lavery Flynn, Director, Legal Services Outreach

#### Closing Remarks

Hon. Steven K. Austin and Mr. Joseph L. Chairez  
2008 Commission Co-Chairs