



THE STATE BAR OF CALIFORNIA

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TO: Members, Committee on Legal Services, Pro Bono & Equal Access

FROM: Mary Lavery Flynn (415/538-2251)

SUBJECT: **Improving Civil Justice in Rural California – A Report of the California Commission on Access to Justice**

The California Commission on Access to Justice has finalized its policy paper entitled “Improving Civil Justice in Rural California.” The report is intended to focus attention on the challenges facing low-income residents of rural California who need legal help to address critical issues, to highlight the lack of resources available for the legal aid programs that serve them, and to make recommendations on ways to move toward geographic parity in the state.

The challenges faced in rural California touch every part of the state – ninety percent of all counties have significant rural areas. In fact, rural California is so large that, if it were a separate state, it would be the fourth largest state of the union.

Rural California has more inadequate housing, higher unemployment, lower pay, lower average educational levels, and less access to health care and transportation, compared to urban California. A larger percentage of rural than urban Californians are impoverished, elderly or disabled.

Rural areas have fewer lawyers, law schools, and economic resources, leaving legal aid programs with limited options to address the legal needs their clients face. Legal services are extremely sparse in rural areas, and legal aid programs are severely underfunded. For example, the three northernmost counties in the state receive an average of \$15 per poor person annually, compared to an average of \$63 per poor person in the urban Bay Area. According to one recent study, potential clients who must travel more than 25 miles to obtain legal assistance are six times less likely to have their legal needs met. This type of statistic calls out for a coordinated response. The three key recommendations of this report include:

1) **Need for Increased Legal Services Funding in Rural Areas.**

The report recommends increasing funding for rural legal services programs, including establishing minimum access funding goals. The Access to Justice Commission will take the lead to consider how to establish a minimum access

guideline, and will work with all key stakeholders in that effort. Since achieving this goal will probably involve a policy change by the Bar's Legal Services Trust Fund Commission, the Board of Governors will be kept apprised of the development of this proposal.

At the same time, the Commission emphasizes that rural initiatives should not undermine urban programs. No legal services program has adequate resources, and the goal is to increase the total resources available for all legal services programs across the state.

- 2) **Increasing Rural Pro Bono**. Another recommendation focuses on the need to increase pro bono by partnering with urban law firms, law schools, and bar associations. Because there is a high potential for rural legal aid programs to encounter conflict of interest problems, it is critical that urban resources be tapped to help fill the gap. Increasing pro bono support from urban areas will also involve improving the technological infrastructure to facilitate urban volunteers and allow them to "meet" the clients via video conference or other efficient methods.
- 3) **Convening Local Rural Access Task Forces**. Finally, the report envisions the establishment of local task forces to improve all components of the rural legal services delivery system. Task forces can play a key ongoing coordination role to establish local priorities, identify gaps, and target services for isolated, underserved groups. Task forces might include representatives from legal aid providers and local bar associations, local courts and self-help centers, county law libraries, and other community organizations that also assist impoverished clients.

The full list of recommendations is attached. For further information, please contact Mary Lavery Flynn at 415-538-2251; mary.flynn@calbar.ca.gov .

Attachments:

- Attachment A - Recommendations from "Improving Civil Justice in Rural California: A Report of the California Commission on Access to Justice"
- Attachment B - List of Members of the Access to Justice Commission's Rural Task Force