

# IMPROVING CIVIL JUSTICE IN RURAL CALIFORNIA

## California Commission on Access to Justice

### RECOMMENDATIONS

This Report is intended to assist all key institutions and stakeholders concerned about the administration of justice in California in both urban and rural areas – the State Bar, local bar associations and individual attorneys and law firms; the Judicial Council, local courts and individual judges; legal services programs; other “justice partners” such as county law libraries, other service providers, and the Access to Justice Commission itself. While the focus of the report is on “rural California” in general, the Commission understands that each of the state’s rural communities is unique and each has unique needs and priorities. The Commission intends that implementation of these recommendations will be tailored so that local solutions are developed, where appropriate.

- 1. Pursue Geographic Equality:** All Californians should have access to justice, and the amount and type of legal assistance available to low and moderate income Californians should not depend on where those individuals reside.
- 2. Expand Funding for Rural Legal Services:** The significant lack of funding for California’s rural legal aid programs must be addressed. All legal aid programs face the challenge of inadequate resources, including programs in urban as well as in rural areas; therefore any initiative to address the severe lack of resources in rural areas should not be developed in a way that unnecessarily undermines urban programs. The goal is to increase the total resources available for all legal services programs across the state, not merely to reallocate existing resources.
- 3. Develop Minimum Access Guidelines.** Minimum access guidelines should be developed as a baseline for funding considerations so that, wherever feasible, funding can be allocated with the goal of moving toward parity across the state. These guidelines are particularly appropriate for the allocation of new funding because all legal aid programs, whether urban or rural, face the challenge of inadequate resources. The California Commission on Access to Justice should develop these minimum access guidelines in coordination with the State Bar’s Legal Services Trust Fund Program, Legal Aid Association of California (LAAC), legal service providers and other stakeholders.

**4. Establish Statewide “Friends of Rural Legal Aid” Committee.** A statewide rural legal services Support Committee should be established to support the work of nonprofit rural legal aid providers. The Support Committee should work to ensure adequate resources and improve pro bono services. The committee should include key rural leaders as well as representatives of urban law firms, corporate counsel, and other community leaders from urban areas. The California Commission on Access to Justice should work with rural legal services programs to establish this Support Committee.

**5. Fulfill Pro Bono Responsibility by Helping Rural Californians.**

California lawyers should consider ways to include service for under-served rural Californians when they are fulfilling their 50-hour pro bono responsibility. Because rural areas have fewer lawyers, law schools, and economic resources, urban bar associations and lawyers should consider partnering with rural organizations, being mindful that impoverished urban Californians are also underrepresented and need pro bono help as well. Attorneys who are precluded by ethics rules from representing some individuals should be made aware of all of the options for meeting the recommendation, such as devoting time or money to legal aid programs or otherwise furthering access to justice.

**6. Develop Innovative Ways to Use Technology to Bridge the Urban/Rural Divide.**

Effective use of technology can help address many of the barriers experienced by those serving the legal needs of low-income rural Californians. While technology alone is not a panacea, online resources can significantly help self-represented litigants; video-conferencing can connect a rural resident with an urban volunteer lawyer; and telephonic appearances and e-filing can help legal aid lawyers and volunteers avoid unnecessary travel.

**7. Convene Local Rural Access Task Forces to Coordinate and Strengthen All Components of Delivery of Rural Legal Services.**

Local stakeholders in rural communities throughout the state should be encouraged to convene local Rural Access Task Forces to evaluate and begin addressing the priorities unique to each community to increase access to civil justice. These local task forces might include representatives from legal aid providers, self-help centers, the local bar associations, and county law libraries, as well as other partners who also assist impoverished clients. One of the first projects for these Task Forces should be to identify gaps and target services for isolated, underserved groups, and to expand the availability of legal aid services locally. It is also important to improve language access and develop methods to effectively use urban resources, including pro bono attorneys and interpreters and to use innovative technological solutions where appropriate.