

JULY 54-154

California Commission on Access
to Justice – Proposed Change in
Terms of Service

Date: June 16, 2010

To: Members, Board of Governors
Members, Board Committee on Member Involvement, Relations &
Services

From: Justice Ronald M. Robie, Chair
California Commission on Access to Justice
Mary Lavery Flynn, Acting Director, Office of Legal Services
Staff, Commission on Access to Justice

Subject: **California Commission on Access to Justice – Proposed Change in
Terms of Service**

EXECUTIVE SUMMARY

There are 25 members of the California Commission on Access to Justice, 10 of whom are appointed by the State Bar. In its original by-laws, the terms of the 10 State Bar appointed members of the Commission were set up as two-year appointments, with members being eligible to serve a total of two consecutive terms, or four years, with the exception that officers may be extended for another one or two additional one-year terms to serve in that capacity.

In the twelve years since the Commission was established, the range of its work has extended to include projects that are complex in scope, and, as a result of the complexity, require several years of planning and strategy by our volunteers. This requires continued requests to the Board to extend the terms of both members and officers. We are requesting that the terms of service for Commission members be changed from two years to three years, with members eligible to serve two consecutive terms, for a total of six years.

Background

The broad-based California Commission on Access to Justice is dedicated to finding long-term solutions to the chronic lack of legal assistance available for low-income, vulnerable Californians. The Commission, established in 1997, was a collaborative effort involving all three branches of government, including judges and lawyers as well as professors, business and labor, and other civic leaders. Its establishment was

recommended in the 1996 State Bar report *And Justice For All*, which was prepared by the Bar's Access to Justice Working Group.

In establishing the Access to Justice Commission, the State Bar took the lead and offered to work in partnership with the other proposed appointing entities. The Commission has a total of 25 members. The State Bar makes 10 appointments, and the appointing entities for the other 15 positions include the Governor, the Attorney General, the President Pro Tem of the Senate, the Speaker of the Assembly, the Judicial Council, California Judges Association, Council of California County Law Librarians, Consumer Attorneys of California, California Chamber of Commerce, California Labor Federation, League of Women Voters, the California Council of Churches, and the Legal Aid Association of California.

The Commission pursues long-term strategies designed to make significant progress toward the goal of improving access to justice by developing cooperative efforts among the judiciary, local bar associations, legal services providers and the broader community. Working closely with the State Bar, Judicial Council, and other agencies to implement its recommendations, the Commission has pursued efforts to increase resources for legal services for the indigent, expand pro bono and language assistance, and increase the availability of self-help assistance and limited scope legal representation.

Commission Accomplishments:

- **Policy 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);
- **Legal Services Funding.** Worked with the Judicial Council to establish the Equal Access Fund in 1999, supporting 100 legal services programs in every county in the state;
- **Language Access.** Addressed the issue of language barriers in the courts;
- **Self-Help Centers.** Worked with the Judicial Council to expand attorney-staffed self-help centers;
- **Judicial Recognition.** Established the Benjamin Aranda III Access to Justice Award honoring California judges for their leadership and commitment to justice;
- **“Unbundling.”** Conducted innovative studies, published reports and risk management materials, offered training events, and helped develop new court rules and forms with the goal of expanding the availability of limited scope legal representation;
- **Online Resources.** Helped to develop LawHelpCalifornia, a statewide web site for legal services clients and lawyers, housed and maintained by the Public Interest Clearinghouse and the Legal Aid Association of California; and
- **National Collaboration.** Worked with the ABA and other national groups to ensure that similar commissions are available across the country, since California's Access Commission was the second in the country.

Discussion:

The Commission has several active committees, including a Legal Services Funding Committee, Communications Committee, Federal Courts Committee, Administrative Agency Committee, Aranda Award Selection Committee, Right to Counsel Committee, and the Rural Task Force, which is soon to release its report, *Improving Civil Justice in Rural California*. There are also two joint committees: The Joint Committee on the Justice Gap Fund, which includes members of both the Access Commission and the Legal Services Trust Fund Commission; and the Joint Pro Bono Coordinating Committee, comprised of members of the Access Commission and the Standing Committee on the Delivery of Legal Services.

Because of the work and scope of these committees, the Commission on Access to Justice has attracted statewide and national attention. The success of the Commission is, in no small part, the result of the untiring and dedicated work of its volunteer members. Their expertise and vision have been the driving force behind every effort the Commission has tackled and every accomplishment it has achieved. As our work has moved forward and expanded in scope, it has become clear that the terms of service should be extended. This will accomplish a two-fold purpose: extended time to work on and complete projects, and overlapping service and training of new members to continue the work and achieve smoother transitions.

Because the board's policies have always applied to appointments from the State Bar and not appointments by other appointing entities to the Commission, the attached revisions reflect that these policies apply to "State Bar" appointments.

Fiscal Impact:

No additional funds will be required to implement this recommendation.

Personnel Impact:

No additional staff will be required to implement this recommendation.

Board Book and Administrative Manual Impact:

This proposal amends Article 8, Section 3 of the Board Book. There is no change in the Administrative Manual.

Recommendation:

Staff and the Executive Committee of the Access to Justice Commission recommend that the Board change the terms of service for Commission members from two years to three years, with members eligible to serve two consecutive terms, for a total of six years.

Proposed Board Committee Resolution:

If the Board Committee on Member Involvement, Relations & Services concurs with the above recommendation, the following resolution is suggested:

RESOLVED, upon recommendation of the staff and Executive Committee of the California Commission on Access to Justice, that the Board Committee on Member Involvement, Relations & Services recommends to the Board of Governors that it approve extending the terms of the State Bar appointed members of the California Commission on Access to Justice from two to three years, with members eligible to serve two consecutive terms.

Proposed Board Resolution:

If the Board of Governors concurs with the recommendation of the Board Committee on Member Involvement, Relations & Services, the following resolution would be in order:

RESOLVED, upon recommendation of the Board Committee on Member Involvement, Relations & Services, that the Board hereby approves extending the terms of the State Bar appointed members of the California Commission on Access to Justice from two to three years, with members eligible to serve two consecutive terms.

Attachment A: Excerpts from Article 8, Section 3 of the Board Book, showing proposed changes.