

# CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

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## **2010 Accomplishments** **California Commission on Access to Justice**

The Access to Justice Commission had an extremely productive year under the leadership of 2010 Chair, Hon. Ronald Robie, Justice of the Court of Appeal, Third Appellate District, and Vice-Chair Kenneth W. Babcock of the Public Law Center in Santa Ana. The Commission continued its ongoing effort to make significant improvements in the administration of justice and to increase access to the judicial system for low and moderate income Californians.

### **Published Report on Access to Legal Services in Rural Areas**

The Rural Task Force published *Improving Civil Justice in Rural California* in September 2010. After the publication of the report, the Task Force worked with a volunteer law firm marketer to develop a press release, talking points, articles and a speaker list to promote and complement the report. Print copies of the report were widely distributed to a broad audience, as well as hundreds of electronic versions and links to the report. The Task Force received positive comments from throughout the state and across the country.

#### **Key findings in the report include:**

- Those who must travel more than 25 miles to get legal assistance are six times less likely to get their legal needs met.
- Approximately 1.6 million of the 5 million rural Californians are eligible for legal aid services, and one-third of them need legal services each year for basic needs such as unemployment benefits, housing, and health care.
- Legal services programs only have resources to meet a fraction of the need.

Both urban and rural low-income communities face language barriers, low literacy, and significant legal issues. However, rural residents also have needs that are distinct from residents of urban areas. Migrant workers, reservation residents and rural battered women present far different issues of access and legal need than are usually seen in urban areas.

Based on the report's findings, the Access Commission recommended minimum levels of funding for legal services programs in rural areas, better collaboration between urban bar associations and rural organizations, establishment of action plans by local stakeholders, and the development of innovative technology to bridge the urban/rural divide.

## **Developed Best Practices for Administrative Agencies**

Launched in 2008, this committee analyzes barriers and proposed best practices for administrative agencies, particularly those priority agencies serving the low-income community. While much work has focused on improving the courts over the past 15 years, there has not been a similar level of attention paid to administrative agencies. The Access Commission is looking at ways to increase access to justice within agencies and to support their adoption of best practices, because some of the highest priority legal needs of low-income Californians involve agencies and not courts. During 2010, the Committee completed Phase 1 of the project:

- **Background Research.** Information was gathered on priority agency administrative practices, focusing on notice to claimants, procedural requirements, hearings, and related potential barriers.
- **Minimum Standards and Best Practices.** A draft policy paper on Minimum Standards and Best Practices for Administrative Agencies was developed;
- **Outreach.** An outreach campaign was launched to develop a collaborative effort with priority administrative agencies.
- **Website Resources.** The Committee began working with the Administrative Office of the Courts to develop and update information on administrative proceedings on the AOC self-help website.
- **Proposed Amendments to National Model APA.** As part of its Model Central Act Project, the committee continued to review the existing Administrative Procedures Act. The committee is examining topics such as readability of notices, procedures for notifying and providing language and disability access; and the duty to develop the record within the ALJ's neutral role. The Committee is also studying and developing proposed amendments to enabling statutes regarding procedures in administrative proceedings involving self-represented parties.

During 2011, the Committee will launch Phase II, which will involve finalizing its Policy Paper, formalizing outreach to priority agencies, developing training for administrative law judges, and continuing to develop and finalize the other efforts described above.

## **Strengthened Support for Pro Bono Attorneys**

Increasing pro bono became a higher priority for the Commission during 2010, as it launched a joint Pro Bono Task Force with the Bar's Standing Committee on the Delivery of Legal Services (SCDLS). The joint committee is working to coordinate pro bono efforts statewide and to eliminate duplication or competition in pro bono efforts so that more Californians will receive pro bono assistance.

- **Support for Rule 6.1 as part of Rules of Professional Conduct:** In 2010 the Commission suggested revisions to strengthen proposed new Rule of Professional Conduct 1-610. This rule is based on the policy of ABA Model 6.1, Voluntary Pro Bono Publico Service. This revised rule was ultimately adopted by

the Commission for the Revision of the Rules of Professional Conduct and the Board of Governors and recommended to the Supreme Court.

- **Pro Bono Summit – October 2010:** The Commission was involved with planning the Pro Bono Summit, involving pro bono practitioners from law firms, legal services organizations, and law schools seeking to expand pro bono resources, and improve statewide pro bono coordination.
- **Pro Bono Week:** The joint committee of the Commission’s Pro Bono Task Force and the Standing Committee on the Delivery of Legal Services (SCDLS) worked with groups statewide to promote the first ever national pro bono week in October, and began planning for statewide initiatives for 2011.

### **Supported Shriver Representation Pilot Projects.**

The Right to Counsel Committee of the Access Commission played a key role in supporting AB590 (Feuer), which was signed into law by the Governor in October 2009. This landmark measure makes California the first state in the nation to establish a model program providing the right to counsel for low-income people in critical civil cases on a pilot basis.

During 2010, the Commission continued to support development of the Shriver Pilot projects, and the Right to Counsel Committee is working closely with the Judicial Council on implementation. The pilots will involve collaborative efforts between the courts, legal services programs, local pro bono projects and bar associations to improve and expand legal assistance for seniors, youth, domestic violence victims, veterans, persons with disabilities, and other low-income residents.

The Right to Counsel Committee also continued its efforts to identify factors that help clarify the necessity of individual legal representation and the types of cases in which the high level of importance requires counsel. The Committee also looks at the role of self-help centers and pursues strategies to increase the availability of representation in California.

### **Launched New Communications Effort**

In 2010, the Access Commission launched a new communications effort to publicize its work and do outreach throughout the state and its accomplishments to date include:

- **Newsletter.** The new Communications Committee developed an electronic newsletter, “JUSTICE” and distributed two editions in 2010. The first edition was an introduction to the Access Commission and the second described the importance of the Justice Gap Fund, encouraging attorney-readers to contribute. The committee also worked on increasing distribution of the newsletter.
- **Toolkit and Talking Points.** The Committee began work on a Tool Kit and defined the Message Points about the Commission and its work. This work will

continue in 2011, as well as development of other tools such as PowerPoint Presentations, videos, and fact sheets that will provide basic information, practical step-by-step guides and other resources that can be used as part of an outreach and educational effort.

- **Project Teams.** The Communications Committee created three project teams.
  - The **Rural Justice Report Team** coordinated with the Rural Task Force on their Outreach Plan for *Improving Civil Justice in Rural California* and assisted in creating interest in the report and the justice issues it covers.
  - The **Legal Aid Funding Team** began coordination with the Funding Committee and the Justice Gap Fund Joint Committee to work on increasing the profile of the need for legal aid funding, as well as specifically seeking increased contributions to the Justice Gap Fund in the second edition of the JUSTICE newsletter in December 2010.
  - The **Outreach and Planning Team** began work on the preliminary segments of the Tool Kit.

### **Analyzed the Impact of the Recession on Legal Services Programs**

The Funding Committee worked with other statewide legal services entities to track the impact of the recession on legal services programs. The Legal Aid Association of California (LAAC) worked with the Committee to send periodic surveys to legal services programs to analyze the impact of the economic downturn. The Funding Committee also drafted and disseminated a fact sheet on the role of legal aid and the federal stimulus recovery effort.

### **Monitored Implementation of Action Plan for Justice**

The Access Commission continued to monitor progress toward implementation of recommendations in its 2007 Action Plan for Justice, which was developed at the request of the Assembly Judiciary Committee. The Action Plan is a product of a collaborative effort including the Judicial Council, the State Bar, and the Legal Aid Association of California (LAAC). The publication included an overview of key principles for our legal services delivery system and twenty-seven recommendations to improve access to justice. Since its publication, several key concepts have been implemented and the Commission's current projects are driven by these recommendations.

### **Hosted Annual Legal Services Stakeholder Conference**

In June of 2010, Legal Services Coordinating Committee (LSCC) hosted the annual Statewide Legal Services Stakeholders Conference. LSCC is an umbrella group coordinating access activities of the Access to Justice Commission, the Legal Services Trust Fund Commission, SCDLS, the Judicial Council, LAAC and other key stakeholders. At the June Stakeholders Conference, sessions produced strategic recommendations that the Commission might consider, provided significant input on the rural policy paper, and updated the community on the seniors and foreclosures issues that are key priorities statewide.