



The State Bar of California

Report on Proposed Statutory Changes to Implement the Community Justice Worker Program

Pursuant to Business and Professions Code Section 6229

October 23, 2026

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INTRODUCTION

This report is submitted to the Assembly and Senate Committees on Judiciary pursuant to the requirements of Business and Professions Code section 6229, adopted by SB 1129 (Ch. 678, Statutes of 2026), effective January 1, 2027. Pursuant to section 6229, “[a]fter the State Bar solicits public comment on the Proposed California Rules of Court Rule 9.45.1 to Establish a Community Justice Worker Program, as required by Administrative Order 2026-06-17-01 of the Supreme Court of California, the State Bar shall, at the time it resubmits the proposal to the Supreme Court of California, transmit to the Assembly and Senate Committees on Judiciary a report specifying any statutory changes the State Bar believes are necessary to implement the California Community Justice Worker Program.”

In accordance with this statutory requirement and in conjunction with the State Bar’s filing in response to Administrative Order 2026-06-17-01, this report presents the State Bar’s recommended statutory changes to implement the Community Justice Worker (CJW) Program. These statutory changes are identified based on the State Bar’s proposed version of California Rules of Court, rule 9.45.1 that was submitted to the California Supreme Court for its consideration pursuant to its order. All proposed statutory changes are provided as Appendix A. Any changes to the State Bar proposed version of the rule that are approved by the Court may necessitate further or other statutory amendments.

Before providing the statutory recommendations, this report first provides relevant context for those recommendations, including the background on CJW programs, the actions leading to and the requirements of California Supreme Court Administrative Order 2026-06-17-01, the subsequent public comments received, State Bar Board of Trustees (Board) action, and an overview of the proposed Community Justice Worker Program. More detailed background information is provided in the staff report for the Board of Trustees’ September 17–18, 2026, meeting and related attachments (see [Board of Trustees Sept. 17–18, 2026 meeting](#), item 6.4.), and in the file-stamped copy of the State Bar’s Response to the Supreme Court’s Administrative Order 2026-06-17-01, provided as Attachment A.

BACKGROUND AND RECOMMENDATION TO ESTABLISH A CJW PROGRAM

Over 60 years after *Gideon v. Wainwright* (1963) 372 U.S. 335 established the right to legal representation in criminal cases, the American legal system still does not guarantee a right to counsel for civil legal matters. As a result, many individuals who cannot afford an attorney either do not pursue legal help or choose to represent themselves in court. Declining to engage in the legal process can result in adverse outcomes, such as a loss of benefits, bankruptcy, or

eviction. Individuals who represent themselves in court—often referred to as unrepresented, self-represented, or *pro se* litigants—also risk poor case outcomes.¹

The State Bar’s [2024 California Justice Gap Study](#) found that 73 percent of California households reported at least one civil legal problem in the past year and 86 percent of the lowest-income people received no or inadequate help to resolve their civil legal problems. Faced with similar justice gaps, several jurisdictions throughout the country have deployed successful programs for CJWs, who are trained nonlawyers, to provide limited legal services to low-income individuals under attorney supervision. Currently, Alaska, Arizona, Delaware, Hawai‘i, Montana, South Carolina, and Utah operate CJW Programs. Other jurisdictions, including the District of Columbia, Illinois, Indiana, New Hampshire, Texas, Washington, and Wisconsin, have programs that are pending or approved but not yet operational.

In December 2024, a coalition of legal aid organizations, including several State Bar-funded grant recipients, published *Increasing Access to Justice Through Community Justice Workers: A Proposal for California (the CJW Proposal)*. *The CJW Proposal* seeks to establish a California-specific program for CJWs to provide limited legal services to low-income, legal aid-eligible residents of California under supervision of approved legal services organizations. Following publication of *the CJW Proposal*, the Legal Services Trust Fund Commission’s (LSTFC’s)² Program Development and Impact (PDI) committee³ formed a working group to further study *the CJW Proposal* and provide the authors with written comments. Ultimately, at its meeting on November 7, 2025, the LSTFC approved a [resolution](#) supporting the effort to establish a California CJW Program to help increase access to justice for low-income and underserved communities, and to provide feedback to *the CJW Proposal* authors to strengthen the proposal.

In December 2025, *the CJW Proposal* authors directly petitioned the California Supreme Court to adopt proposed California Rule of Court 9.45.1 (Case Number S294332) to establish the program. The State Bar filed its response to the petition on March 3, 2026 (Attachments D, E, and F), and the petitioners replied on March 17, 2026 (Attachment G). (See [Board of Trustees Sept. 17–18, 2026 meeting](#), item 6.4.) At that time, because the Board of Trustees had not taken any action with respect to *the CJW Proposal* or the proposed rule, the State Bar did not

¹ Rebecca Sandefur, “Elements of Professional Expertise: Understanding Relational and Substantive Expertise Through Lawyers’ Impact,” *American Sociological Review* 80, no. 5 (2015): 921, <https://journals.sagepub.com/doi/abs/10.1177/0003122415601157> [litigants with attorney representation are, on average, about 540 percent more likely to receive favorable outcomes than their unrepresented counterparts].

² The LSTFC is the governing body for the State Bar’s legal aid grantmaking and administers civil legal aid grants to nonprofit organizations serving indigent persons throughout California with the support of the State Bar’s Office of Access & Inclusion. The work of the LSTFC is governed by Business and Professions Code sections 6210–6228 and title 3, division 5, chapter 2 of the State Bar Rules (commencing with rule 3.660).

³ The PDI committee is a subcommittee of the LSTFC charged with advancing the LSTFC’s support for legal aid through new initiatives, innovations, and stakeholder engagement while ensuring effective evaluation and communication of program impacts.

take a substantive position on the proposal, but proposed several options for the Court to consider.

On June 18, 2026, the Court issued [Administrative Order 2026-06-17-01](#), directing the State Bar to solicit public comment on proposed California Rules of Court, rule 9.45.1, as modified by the Court, for a 45-day period. It further directed the State Bar to consider, following the public comment period, whether to recommend adoption of the proposed rule, with or without changes, or offer other recommendations.

On July 8, the State Bar released the Court's version of proposed rule 9.45.1 for public comment, with comments due by August 22, 2026, at 11:59 p.m.

During the 45-day public comment period, the State Bar received 110 public comments. (See [Board of Trustees Sept. 17–18, 2026 meeting](#), item 6.4, Attachment I.) The State Bar invited commenters to provide their general position regarding the establishment of a CJW Program and respond to 10 questions regarding the proposed rule. Commenters could also provide narrative comments to each question and were not required to respond to every question. Of the 110 public comments, 86 percent expressed support for establishing a CJW Program.

As part of the public comment process, staff also solicited feedback on the proposed rule from the LSTFC.⁴ The [LSTFC public comment](#) broadly supported establishing a CJW Program, offered recommended modifications to the draft rule, and recommended that the LSTFC serve as the Authorizing Body for the CJW Program.

Following the public comment period, at the Board's September 17–18, 2026, meeting, State Bar staff presented the key components of the proposal, a preliminary analysis of the public comments received, and initial areas for the Board's consideration in whether to recommend establishing a California CJW Program. Staff had intended to seek a final recommendation from the Board at its November 2026 meeting; however, the Board expressed strong support for taking immediate action to advance the CJW Program to the Court for its approval. Accordingly, on September 18, 2026, the Board adopted a resolution that expressed the Board's support for the establishment of CJW Program and directed staff to transmit to the Supreme Court the public comments on the court's proposed rule. The Board's resolution also directed staff to advance to the Supreme Court proposed rule 9.45.1 as modified by the LSTFC and further revised by the Board, with additional areas noted for consideration by the Court. Additionally, the Board directed staff to submit the report and information as required by Senate Bill 1129, once chaptered.

⁴ Although the LSTFC is a subentity of the State Bar Board of Trustees, because of its potential role in a CJW Program and its work with *the CJW Proposal* authors to develop their recommendation, it submitted formal public comment.

On October 22, 2026, the State Bar filed its Response to the Supreme Court’s Administrative Order 2026-06-17-01 Regarding Proposed California Rule of Court 9.45.1 to Establish a Community Justice Worker Program.

STATE BAR PROPOSED CALIFORNIA RULES OF COURT, RULE 9.45.1

The State Bar’s proposed rule 9.45.1 would establish a framework under which an “Authorizing Body,” the Legal Services Trust Fund Commission, would review and approve applications from legal services organizations (LSOs) to operate CJW Programs. (State Bar proposed rule 9.45.1(a)(3).)

The proposed rule defines an LSO as either a qualified legal services project (QLSP) or a qualified support center (QSC) receiving financial assistance from the State Bar under Business and Professions Code section 6213, subdivision (c). The State Bar, through the LSTFC, currently funds and monitors 118 QLSPs and QSCs that would be eligible to apply to become Authorized LSOs (ALSOs). As proposed, no other organizations could seek authorization until they meet the requirements and are approved to become a QLSP or QSC under Business and Professions Code section 6213, subdivision (c), and have been in good standing with applicable requirements for an LSO for at least one year (proposed rule 9.45.1(a)(2)).

An ALSO would recruit, train, supervise, and assume professional responsibility for certified CJWs (proposed rule 9.45.1(d)(1)(A)–(D)). ALSOs would also be required to certify to the State Bar and inform the Authorizing Body of each CJW’s identity, scope of practice, and proof of completed training (proposed rule 9.45.1(d)(1)(A)(i) and (ii)); maintain ongoing supervision capacity and adequately perform such supervision (proposed rule 9.45.1(d)(1)(B)); ensure CJWs perform only authorized activities (proposed rule 9.45.1(d)(1)(D)); if supervising CJWs employed by another entity, document an agreement with that entity describing which entity is responsible for ensuring the CJW’s pay, employment rights, supervision, and privilege and work product privilege are maintained (proposed rule 9.45.1(d)(1)(E)); notify the State Bar within 30 days of changes affecting the organization or a CJW’s eligibility or compliance (proposed rule 9.45.1(d)(1)(F)(i)–(vi)); and submit semiannual reports regarding program operations, including clients served, hours worked, case resolutions, complaints, and program costs (proposed rule 9.45.1(d)(1)(F)(i)–(v)).

Under the Board’s modified proposal, a CJW must:

- Be at least 18 years old;
- Possess a high school diploma or equivalent;
- Not be licensed by the State Bar;
- Satisfy training and other certification requirements established by an ALSO; and
- Engage in the limited practice of law only under the exclusive supervision of a Supervising Attorney at that ALSO (proposed rule 9.45.1(a)(4)(A)–(C)).

The proposed rule would permit a law student enrolled in a juris doctor, Master of Laws, or Law Office Study Program to serve as a CJW (proposed rule 9.45.1(e)(6)).

The State Bar would maintain a publicly available roster of ALSOs and their certified CJWs, including each CJW's scope of practice, and would annually report to the Supreme Court and the Legislature the number and disposition of complaints involving CJWs (proposed rule 9.45.1(f)(1) and (2)). The State Bar would be authorized to adopt rules related to the CJW program and has the authority to set appropriate application and other fees (proposed rule 9.45.1(f)(3) and (4)).

An ALSO's authorization to conduct a CJW Program would be revoked if it fails to comply with any of the requirements in proposed rule 9.45.1(d), or with any additional requirements established by the State Bar or the Authorizing Body, absent a showing of good cause. The Authorizing Body would develop a revocation process consistent with the proposed rule and applicable law (proposed rule 9.45.1(d)(2)). Similarly, a CJW's certification would be revoked if the CJW fails to comply with the Rules of Professional Conduct, Rules of Court, and all other relevant laws, absent a showing of good cause (proposed rule 9.45.1(e)(8)).⁵ The State Bar would also revoke a CJW's certification if they perform any activities constituting the practice of law that are outside the scope of their certification (proposed rule 9.45.1(e)(1)). If a CJW is suspected of the unauthorized practice of law, including if they continue activities constituting the practice of law after the supervisory relationship between the CJW and the ALSO ends for any reason, they may also be subject to penalties under Business and Professions Code, section 6125, et seq. (proposed rule 9.45.1(e)(1) and (2)).

Finally, the proposed rule would require the Authorizing Body to evaluate the California CJW Program within two years after the first LSO is authorized to operate a CJW Program and must be submitted within six months of the end of the two-year period (proposed rule 9.45.1(c)(4)).

As previously described, at the Board's September 18, 2026, meeting, the Board directed staff to advance to the Supreme Court the State Bar proposed rule 9.45.1 with additional areas noted for consideration by the Court that may result in further changes to the proposed rule. State Bar Proposed Rule 9.45.1 is provided as Appendix B.

STATUTORY CHANGES NECESSARY TO IMPLEMENT THE CJW PROGRAM

If the Supreme Court adopts State Bar proposed rule 9.45.1, the State Bar has identified three statutory changes that are recommended to implement the CJW Program. Additional statutory amendments are identified for the Legislature's consideration. Consistent with the Board's direction, the State Bar's response to the Supreme Court identifies additional areas that the

⁵ It is unclear if the ALSO would also have authority to revoke a CJW's certification under the proposed rule. However, proposed rule 9.45.1(d)(1)(E)(iii) makes clear that ALSOs would have the ability to terminate the CJW.

Court may wish to consider in finalizing the rule. If the Supreme Court adopts a further revised version of proposed rule 9.45.1 based on the additional areas noted for consideration or otherwise, there may be additional or revised statutory amendments necessary or recommended to implement a CJW Program. The State Bar will provide the Legislature with any revised statutory amendments following Supreme Court action on the CJW Program as consistent with the initial requirements of Business and Professions Code section 6229.

AMEND BUSINESS AND PROFESSIONS CODE SECTION 6210.5 TO CLARIFY THAT THE LSTFC MAY SERVE AS THE AUTHORIZING BODY AND CLARIFY THE ROLE OF THE LSTFC IN RULEMAKING FOR THE CJW PROGRAM

Business and Professions Code sections 6210 through 6228, commonly referred to as the IOLTA statutes, provide statutory authority for the LSTFC and define its role. The LSTFC is provided with explicit authority to administer IOLTA accounts, Equal Access Funds, or similar funds or grant moneys intended to support qualified legal services projects and qualified support centers. (Bus. & Prof. Code, § 6210.5, subd. (a).) The statutes similarly set out the LSTFC's other authority related to these funds.

State Bar proposed rule 9.45.1 recommends that the Supreme Court names the LSTFC as the Authorizing Body to review and approve applications from legal services organizations seeking to operate a CJW Program. If the Court adopts this recommendation, Business and Professions Code section 6210.5, which codifies the LSTFC's authority, should be amended to give the LSTFC explicit authority both to approve CJW Programs and to adopt rules governing the administration of the program. A statutory change would not be strictly necessary if the Supreme Court promulgates court rules naming the LSTFC as the Authorizing Body; however, codifying that authority in statute would promote public transparency, clearly define the LSTFC's statutory responsibilities, and eliminate uncertainty regarding its authority to administer the CJW Program.

Similarly, Business and Professions Code section 6210.5, subdivision (e) provides the LSTFC with specific authority vis-a-vis the State Bar Board of Trustees. Specifically, paragraphs (e)(1) and (e)(2) empower the LSTFC to recommend to the Board rules to determine an applicant's eligibility for grants and rules related to grant administration, and the amount proposed to be made available for grant distribution from IOLTA funds. Paragraph (e)(3) provides that the Board shall approve these recommendations, absent a finding that the recommendation conflicts with a statutory, fiduciary, or legal obligation of the State Bar.

If the Supreme Court designates the LSTFC to serve as the Authorizing Body as recommended in proposed rule 9.45.1, the LSTFC, as a State Bar subentity, would have authority to develop rules, circulate proposed rules for public comment, and seek Board review and approval of those rules. The Legislature may wish to consider whether, if the LSTFC is the Authorizing Body, there should be a similar limitation on the Board that would require the Board to approve State Bar rules to implement the CJW Program "unless the [Board] makes a finding in writing that a

recommendation conflicts with a statutory, fiduciary or legal obligation of the State Bar.” (Bus. & Prof. Code, § 6210.5, subd. (e).)⁶

The State Bar recommends amending Business and Professions Code, section 6210.5, subdivision (a) and provides language for consideration for subdivision (e) as follows:

§ 6210.5 Legal Services Trust Fund Commission; Composition, Authority, Administration, and Reporting

(a) (1) There shall be created, within the State Bar, a Legal Services Trust Fund Commission to administer IOLTA accounts, Equal Access Funds, or similar funds or grant moneys intended for the support of qualified legal services projects and qualified support centers, as those terms are defined in Section 6213.

(2) Upon authorization by the California Supreme Court, the Legal Services Trust Fund Commission shall be authorized to approve applications from prospective authorized legal services organizations to operate Community Justice Worker Programs, including adopting rules governing the administration of the Community Justice Worker Program, pursuant to Rule 9.45.1 of the California Rules of Court.

(b)–(d) ***

(e) (1) The Legal Services Trust Fund Commission shall recommend to the Board of Trustees of the State Bar rules to determine an applicant’s eligibility for grants under this article and for rules related to grant administration, including rules to monitor and evaluate a recipient’s compliance with Legal Services Trust Fund requirements and grant terms based on criteria established by the Legal Services Trust Fund Commission.

(2) The Legal Services Trust Fund Commission shall recommend to the Board of Trustees of the State Bar the amount proposed to be made available for grant distribution from IOLTA funds, along with the amount to be maintained as a fiscally responsible reserve.

(3) The Legal Services Trust Fund Commission shall recommend to the Board of Trustees of the State Bar rules to implement and administer the Community Justice Worker Program under Rule 9.45.1 of the California Rules of Court.

⁶ In the State Bar’s State Bar’s Response to the Supreme Court’s Administrative Order 2026-06-17-01, the State Bar described this statutory rulemaking framework regarding the LSTFC and the Board so that the Supreme Court may decide to specify each body’s rulemaking authority and whether any State Bar rules relating to the CJW Program would require further review and approval by the Court.

~~(43)~~ The Board of Trustees of the State Bar shall approve each recommendation made pursuant to paragraphs (1) ~~and (2)~~ through (3) unless the Board of Trustees of the State Bar makes a finding in writing that a recommendation conflicts with a statutory, fiduciary, or legal obligation of the State Bar.

~~(54)~~ The decisions of the Legal Services Trust Fund Commission regarding individual grant awards shall take effect without approval by the Board of Trustees of the State Bar. However, the board may reverse or modify an individual grant award if it makes a finding in writing that the award violates Legal Services Trust Fund rules or a statutory, fiduciary, or legal obligation of the State Bar.

(f)–(h) ***

AMEND BUSINESS AND PROFESSIONS CODE SECTION 6213 TO INCLUDE CJW-RELATED ACTIVITIES AS QUALIFYING TO RECEIVE GRANT FUNDS

Business and Professions Code section 6213 defines “qualified legal services projects” (QLSPs) and “qualified support centers” (QSCs). These definitions are further refined by Business and Professions Code sections 6214, 6214.5, and 6215. In order to receive grant funding from the LSTFC, an organization must be either a QLSP or a QSC and use those funds for approved, qualifying activities.

The State Bar proposes amendments to Business and Professions Code section 6213 to clarify that the training and supervision of CJWs, as well as the work provided by a CJW, are qualifying activities for QLSPs and QSCs and satisfy the primary purpose requirement. The proposed amendments to section 6213, subdivisions (b) and (l) are as follows:

§ 6213 Definitions

As used in this article:

(a) “Qualified legal services project” means either of the following:

(1) A nonprofit project incorporated and operated exclusively in California that provides as its primary purpose and function civil legal services without charge to indigent persons and that has quality control procedures approved by the State Bar of California.

(2) A program operated exclusively in California by a nonprofit law school accredited by the State Bar of California that meets the requirements of subparagraphs (A) and (B).

(A) The program shall have operated for at least two years at a cost of at least twenty thousand dollars (\$20,000) per year as an identifiable law school unit

with a primary purpose and function of providing civil legal services without charge to indigent persons.

(B) The program shall have quality control procedures approved by the State Bar of California.

(b) “Qualified support center” means an incorporated nonprofit legal services center that has as its primary purpose and function the provision of legal training, legal technical assistance, or advocacy support for civil legal services without charge and which actually provides through an office in California a significant level of legal training, legal technical assistance, or advocacy support without charge to qualified legal services projects on a statewide basis in California.

(c)–(k) ***

(l) “Civil legal services” includes, in addition to matters traditionally considered civil, legal services related to expungements, record sealing or clearance proceedings not requiring a finding of factual innocence, and infractions. It includes civil legal services authorized by Rule 9.45.1 of the California Rules of Court.

AMEND BUSINESS AND PROFESSIONS CODE SECTION 6216 TO PERMIT THE USE OF IOLTA ADMINISTRATIVE FUNDS TO ADMINISTER THE CJW PROGRAM

Currently, there is no dedicated funding source to develop and administer the certification and monitoring functions a statewide CJW Program will require. If the LSTFC is named by the Supreme Court as the Authorizing Body under proposed rule 9.45.1, the LSTFC intends to use existing IOLTA administrative funds to support these administrative costs during an initial two-year period following authorization. Following that two-year period, the LSTFC intends to explore alternative funding mechanisms, including collecting certification fees from CJWs, application fees from ALSOs, or a dedicated funding stream as there will need to be a long term, stable resource to fund this program.

To allow for different funding options, proposed rule 9.45.1 provides authority for the State Bar to set appropriate application and other fees. Similarly, amending Business and Professions Code section 6216 would explicitly provide the LSTFC authority to use IOLTA administrative funds for this purpose. The proposed amendment to section 6216 is as follows:

§ 6216 Distribution of Funds

The State Bar shall distribute all moneys received under the program established by this article for the provision of civil legal services to indigent persons. The funds first shall be distributed 18 months from the effective date of this article, or upon such a date, as shall be determined by the State Bar, that adequate funds are available to initiate the program. Thereafter, the funds

shall be distributed on an annual basis. All distributions of funds shall be made in the following order and in the following manner:

(a) To pay the actual administrative costs of the program and the actual cost of administering the Community Justice Worker Program, including any costs incurred after the adoption of this article and a reasonable reserve therefor.

(b)–(c) ***

AMEND BUSINESS AND PROFESSIONS CODE SECTION 6210.5 AND 6026.7 TO PERMIT CLOSED SESSION MEETINGS FOR DISCIPLINARY PROCEDURES RELATED TO CJW CERTIFICATION, SUPERVISING ATTORNEY LICENSURE, AND POTENTIAL EMPLOYMENT CONSEQUENCES

The State Bar and the LSTFC are subject to the California Public Records Act and the Bagley-Keene Open Meeting Act, with limited exceptions not relevant here. (See Bus. & Prof. Code, §§ 6026.7 & 6210.5, subd. (d).) Proposed rule 9.45.1 provides the Authorizing Body and the State Bar with authority to revoke individual CJW certifications. (Proposed rule 9.45.1(c)(3) & (e)(1).) Because of these public record and open meeting requirements, any review of a complaint against a CJW or allegation that the CJW has engaged in the practice of law outside of the scope of their certification, regardless of the merit of such complaint or allegation, would likely have to occur in a public, open session meeting and such complaints or allegations would likely be required to be made public. Therefore, if the Legislature wishes for any portion of the consideration of a complaint or allegation against a CJW to be confidential, the Legislature may wish to consider an amendment to Business and Professions Code section 6210.5 to permit confidentiality of these records and to allow discussion and action to occur in closed session meetings.⁷ The State Bar provides the following language to amend section 6210.5 and/or section 6026.7 for the Legislature's consideration:

§ 6210.5 Legal Services Trust Fund Commission; Composition, Authority, Administration, and Reporting

(a)–(c) ***

(d) The Legal Services Trust Fund Commission shall be subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) and

⁷ State Bar staff does not also recommend a provision to allow for closed session discussion or confidentiality regarding complaints against an ALSO as similar complaints related to an LSO are currently conducted in open session by the LSTFC. However, the Legislature may wish to expand closed session to ALSOs where a complaint would require the State Bar or the Authorizing Body to consider the conduct of a CJW as relevant to the ALSO if it determines that complaints against CJWs should be addressed confidentially and in closed session.

the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(1) Notwithstanding any other law, any allegation or complaint against a Community Justice Worker under Rule 9.45.1 of the California Rules of Court and related records of investigations or review of the allegation or complaint shall be confidential and shall not be disclosed. This subdivision (d)(1) does not prohibit the disclosure of final determination on the complaint.

(2) In addition to the grounds authorized by the Bagley-Keene Open Meeting Act, a closed session may be held for those meetings, or portions thereof, relating to the Legal Services Trust Fund Commission's or any of its committees' consideration of revocation of a Community Justice Worker's certification under Rule 9.45.1 of the California Rules of Court; or consideration, investigation, or review of any allegation or complaint against a Community Justice Worker.

(e)–(h) ***

§ 6026.7 Meetings of the Board of Trustees— Open Meeting Requirements

(a) The State Bar is subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) and all meetings of the State Bar are subject to the Bagley-Keene Open Meeting Act.

(b) Notwithstanding any other law, the Bagley-Keene Open Meeting Act shall not apply to the Judicial Nominees Evaluation Commission or the State Bar Court.

(c) In addition to the grounds authorized in the Bagley-Keene Open Meeting Act, a closed session may be held for those meetings, or portions thereof, relating to any of the following:

(1) Appeals from decisions of the Board of Legal Specialization refusing to certify or recertify an applicant or suspending or revoking a specialist's certificate.

(2) The preparation of examination materials, the approval, the grading, or the security of test administration of examinations for certification of a specialist.

(3) The preparation of examination materials, the approval, the grading, or the security of test administration of the California Bar Examination or the First-Year Law Students' Examination.

(4) Matters related to the Committee of Bar Examiners' consideration of moral character, including allegations of criminal or professional misconduct, competence, or physical or mental health of an individual, requests by applicants for testing

accommodations in connection with an application for admission to practice law, or appeals of the Committee of Bar Examiners' determinations.

(5) Information about a law school's operations that constitutes a trade secret as defined in subdivision (d) of Section 3426.1 of the Civil Code.

(6) Matters related to the board's consideration of waiving confidentiality related to records of disciplinary proceedings under subdivision (c) of Section 6086.1.

(7) Matters related to the board's, the Legal Services Trust Fund Commission's, or another State Bar subentity's consideration of revocation of a Community Justice Worker's certification under Rule 9.45.1 of the California Rules of Court.

(d)–(e) ***

AMEND BUSINESS AND PROFESSIONS CODE SECTION 6034.1 TO CLARIFY THAT THE STATE BAR MAY ESTABLISH A CJW PROGRAM

State Bar proposed rule 9.45.1, if adopted, would permanently establish a CJW Program in California. To avoid any confusion that this program is statutorily permitted and exempt from the prohibitions and limitations on exploring or authorizing a regulatory sandbox, the State Bar proposes the following amendment to Business and Professions Code section 6034.1 for the Legislature's consideration:

6034.1 (a) Any entity of the State Bar of California exploring a regulatory sandbox shall do all of the following:

(1) Prioritize protecting individuals, especially those in need of legal assistance, from unscrupulous actors, including those actors seeking to do business in the legal field, above all else.

(2) Prioritize increasing access to justice for persons who qualify for legal assistance from qualified legal services organizations or from State Department of Social Services-funded immigration legal services.

(3) Exclude corporate ownership of law firms and splitting legal fees with nonlawyers, which has historically been banned by common law and statute due to grave concerns that it could undermine consumer protection by creating conflicts of interest that are difficult to overcome and fundamentally infringe on the basic and paramount obligations of attorneys to their clients.

(4) Adhere to, and not propose any abrogation of, the restrictions on the unauthorized practice of law, including, but not limited to, Sections 13405 and 16951 of the Corporations Code.

(b) This section does not limit the State Bar's ability to provide limited practice licenses to law students and law graduates under certain conditions, and with the supervision of an active State Bar-licensed attorney.

(c) This section does not limit the examination of the use of technology to increase access to justice for persons who qualify for legal assistance from qualified legal services organizations or from State Department of Social Services-funded immigration legal services, low-income individuals, and small businesses, so long as proposals adhere to, and do not propose any abrogation of, the restrictions on the unauthorized practice of law, including, but not limited to, Sections 13405 and 16951 of the Corporations Code.

(d) This section does not preclude the State Bar from seeking feedback from legal services organizations, including organizations that provide legal services in family law and immigration law, community-based organizations, and consumers about options for increasing access to legal services.

(e) This section does not limit the State Bar's ability to administer a Community Justice Worker Program under Rule 9.45.1 of the California Rules of Court.

(~~f~~e) The State Bar shall not expend any funds, regardless of the source, on activities that do not meet the requirements of this section.

(~~g~~f) This section shall become operative on January 1, 2025.

APPENDIX A: Redline of Statutory Changes Necessary or For Consideration to Implement the Community Justice Worker Program

§ 6210.5 Legal Services Trust Fund Commission; Composition, Authority, Administration, and Reporting

(a) (1) There shall be created, within the State Bar, a Legal Services Trust Fund Commission to administer IOLTA accounts, Equal Access Funds, or similar funds or grant moneys intended for the support of qualified legal services projects and qualified support centers, as those terms are defined in Section 6213.

(2) Upon authorization by the California Supreme Court, the Legal Services Trust Fund Commission shall be authorized to approve applications from prospective authorized legal services organizations to operate Community Justice Worker Programs, including adopting rules governing the administration of the Community Justice Worker Program, pursuant to Rule 9.45.1 of the California Rules of Court.

(b) (1) The Legal Services Trust Fund Commission shall be comprised of 24 commissioners as follows:

(A) Six commissioners shall be appointed by the State Bar Board of Trustees.

(B) Two commissioners shall be appointed by the Senate Committee on Rules.

(C) Two commissioners shall be appointed by the Speaker of the Assembly.

(D) Ten commissioners shall be appointed by the Chair of the Judicial Council, of which three shall be nonvoting judicial advisors. The three nonvoting judicial advisors shall be comprised of two superior court judges and one appellate justice.

(E) Four commissioners shall be appointed by the Legal Services Trust Fund Commission, of which at least two shall be, or have been within five years of appointment, indigent persons as defined by Section 6213.

(2) No employee or independent contractor acting as a consultant to a potential recipient of Legal Services Trust Fund grants shall be appointed to the Legal Services Trust Fund Commission. All commissioners shall be designated employees under the Conflict of Interest Code of the State Bar.

(3) Except as provided in paragraph (4), each commissioner shall serve for a term of four years that begins upon appointment. Upon completion of an initial term, a commissioner may be reappointed for a second four-year term. An initial or second term may be extended by one or two years, for a maximum of 10 years, to allow a commissioner to serve as chair or vice chair. A

commissioner currently serving as of January 1, 2022, may be reappointed to two additional full terms following the completion of their current term pursuant to paragraph (5).

(4) A commissioner appointed by the chair of the Judicial Council shall have no term limits.

(5) Each commissioner shall serve at the pleasure of the appointing entity. Each appointing entity may stagger their appointments so one-half of the commissioners are appointed in 2022 and the other one-half are appointed in 2023. A commissioner serving as of January 1, 2022, may continue to serve until replaced by the appointing entity or January 1, 2024, whichever occurs first.

(6) Commissioners who are not currently and have never been attorneys licensed in California or another jurisdiction and who submit a form designated by the commission to request a per diem shall be entitled to receive fifty dollars (\$50) per day for each day that they attend a commission meeting of at least one hour in length.

(c) The chair and the vice chair of the Legal Services Trust Fund Commission shall be selected by the Chair of the Judicial Council. The chair of the Legal Services Trust Fund Commission shall preside over the commission's meetings. The Chair of the Judicial Council may select up to two chairs and two vice chairs to lead the commission.

(d) The Legal Services Trust Fund Commission shall be subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) and the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(1) Notwithstanding any other law, any allegation or complaint against a Community Justice Worker under Rule 9.45.1 of the California Rules of Court and related records of investigations or review of the allegation or complaint shall be confidential and shall not be disclosed. This subdivision (d)(1) does not prohibit the disclosure of final determination on the complaint.

(2) In addition to the grounds authorized by the Bagley-Keene Open Meeting Act, a closed session may be held for those meetings, or portions thereof, relating to the Legal Services Trust Fund Commission's or any of its committees' consideration of revocation of a Community Justice Worker's certification under Rule 9.45.1 of the California Rules of Court; or consideration, investigation, or review of any allegation or complaint against a Community Justice Worker.

(e) (1) The Legal Services Trust Fund Commission shall recommend to the Board of Trustees of the State Bar rules to determine an applicant's eligibility for grants under this article and for rules related to grant administration, including rules to monitor and evaluate a recipient's

compliance with Legal Services Trust Fund requirements and grant terms based on criteria established by the Legal Services Trust Fund Commission.

(2) The Legal Services Trust Fund Commission shall recommend to the Board of Trustees of the State Bar the amount proposed to be made available for grant distribution from IOLTA funds, along with the amount to be maintained as a fiscally responsible reserve.

(3) The Legal Services Trust Fund Commission shall recommend to the Board of Trustees of the State Bar rules to implement and administer the Community Justice Worker Program under Rule 9.45.1 of the California Rules of Court.

~~(4)~~ The Board of Trustees of the State Bar shall approve each recommendation made pursuant to paragraphs (1) ~~and (2)~~ through (3) unless the Board of Trustees of the State Bar makes a finding in writing that a recommendation conflicts with a statutory, fiduciary, or legal obligation of the State Bar.

~~(5)~~ The decisions of the Legal Services Trust Fund Commission regarding individual grant awards shall take effect without approval by the Board of Trustees of the State Bar. However, the board may reverse or modify an individual grant award if it makes a finding in writing that the award violates Legal Services Trust Fund rules or a statutory, fiduciary, or legal obligation of the State Bar.

(f) Except as provided by subdivision (a) of Section 6033 and by Section 6140.03, the State Bar's actual administrative costs to administer the Legal Services Trust Fund Program, including IOLTA, Equal Access Funds, and similar funds and grant moneys shall be fully funded through these grant programs. The State Bar shall not provide administrative services to the Legal Services Trust Fund Commission in excess of the administrative costs allocated to the State Bar by the Legislature, or by the Legal Services Trust Fund Commission as part of any request by the Legal Services Trust Fund Commission's request for administrative support.

(g) At the conclusion of each fiscal year, the Legal Services Trust Fund Commission shall include a report of receipts of funds under this article, expenditures for administrative costs, and disbursements of the funds on a county-by-county basis, in the annual report of the State Bar's receipts and expenditures required pursuant to Section 6145. To ensure that awards made by the Legal Services Trust Fund Commission are consistent with statute, rules, and other governing authority, the State Bar shall develop a program to audit a representative sample of grant awards each year. The results of the most recent audit shall be included with the report of receipt of funds described in this subdivision.

(h) This section supersedes any conflicting State Bar rules regarding the Legal Services Trust Fund Commission or its responsibilities or oversight by the State Bar's board of trustees.

§ 6213 Definitions

As used in this article:

(a) “Qualified legal services project” means either of the following:

(1) A nonprofit project incorporated and operated exclusively in California that provides as its primary purpose and function civil legal services without charge to indigent persons and that has quality control procedures approved by the State Bar of California.

(2) A program operated exclusively in California by a nonprofit law school accredited by the State Bar of California that meets the requirements of subparagraphs (A) and (B).

(A) The program shall have operated for at least two years at a cost of at least twenty thousand dollars (\$20,000) per year as an identifiable law school unit with a primary purpose and function of providing civil legal services without charge to indigent persons.

(B) The program shall have quality control procedures approved by the State Bar of California.

(b) “Qualified support center” means an incorporated nonprofit legal services center that has as its primary purpose and function the provision of legal training, legal technical assistance, or advocacy support for civil legal services without charge and which actually provides through an office in California a significant level of legal training, legal technical assistance, or advocacy support without charge to qualified legal services projects on a statewide basis in California.

(c) “Recipient” means a qualified legal services project or support center receiving financial assistance under this article.

(d) “Indigent person” means a person whose income is (1) 200 percent or less of the current poverty threshold established by the United States Office of Management and Budget or (2) who is eligible for Supplemental Security Income or free services under the Older Americans Act or Developmentally Disabled Assistance Act. With regard to a project that provides free services of attorneys in private practice without compensation, “indigent person” also means a person whose income is 75 percent or less of the maximum levels of income for lower income households as defined in Section 50079.5 of the Health and Safety Code. For the purpose of this subdivision, the income of a person who is disabled shall be determined (1) after deducting the costs of medical and other disability-related special expenses and (2) after deducting disability compensation from the United States Veterans Administration paid to a veteran with a service-related disability.

(e) “Fee generating case” means a case or matter that, if undertaken on behalf of an indigent person by an attorney in private practice, reasonably may be expected to result in payment of a fee for legal services from an award to a client, from public funds, or from the opposing party. A case shall not be considered fee generating if adequate representation is unavailable and any of the following circumstances exist:

(1) The recipient has determined that free referral is not possible because of any of the following reasons:

(A) The case has been rejected by the local lawyer referral service, or if there is no such service, by two attorneys in private practice who have experience in the subject matter of the case.

(B) Neither the referral service nor any attorney will consider the case without payment of a consultation fee.

(C) The case is of the type that attorneys in private practice in the area ordinarily do not accept, or do not accept without prepayment of a fee.

(D) Emergency circumstances compel immediate action before referral can be made, but the client is advised that, if appropriate and consistent with professional responsibility, referral will be attempted at a later time.

(2) Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other nonpecuniary relief, or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims.

(3) A court has appointed a recipient or an employee of a recipient pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction.

(4) The case involves the rights of a claimant under a publicly supported benefit program for which entitlement to benefit is based on need.

(f) “Legal Services Corporation” means the Legal Services Corporation established under the federal Legal Services Corporation Act of 1974 (P.L. 93-355; 42 U.S.C. Sec. 2996 et seq.).

(g) “Older Americans Act” means the federal Older Americans Act of 1965, as amended (P.L. 89-73; 42 U.S.C. Sec. 3001 et seq.).

(h) “Developmentally Disabled Assistance Act” means the federal Developmentally Disabled Assistance and Bill of Rights Act, as amended (P.L. 94-103; 42 U.S.C. Sec. 6001 et seq.).

(i) “Supplemental security income recipient” means an individual receiving or eligible to receive payments under Title XVI of the federal Social Security Act (42 U.S.C. Sec. 1381 et seq.) or payments under Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(j) “IOLTA account” means an account or investment product established and maintained pursuant to subdivision (a) of Section 6211 that is any of the following:

(1) An interest-bearing checking account.

(2) An investment sweep product that is a daily (overnight) financial institution repurchase agreement or an open-end money market fund.

(3) An investment product authorized by California Supreme Court rule or order.

A daily financial institution repurchase agreement shall be fully collateralized by United States Government Securities or other comparably conservative debt securities, and may be established only with any eligible institution that is “well-capitalized” or “adequately capitalized” as those terms are defined by applicable federal statutes and regulations. An open-end money market fund shall be invested solely in United States Government Securities or repurchase agreements fully collateralized by United States Government Securities or other comparably conservative debt securities, shall hold itself out as a “money market fund” as that term is defined by federal statutes and regulations under the federal Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.), and, at the time of the investment, shall have total assets of at least two hundred fifty million dollars (\$250,000,000).

(k) “Eligible institution” means either of the following:

(1) A bank, savings and loan, or other financial institution regulated by a federal or state agency that pays interest or dividends on the IOLTA account and carries deposit insurance from an agency of the federal government.

(2) Any other type of financial institution authorized by the California Supreme Court.

(l) “Civil legal services” includes, in addition to matters traditionally considered civil, legal services related to expungements, record sealing or clearance proceedings not requiring a finding of factual innocence, and infractions. It includes civil legal services authorized by Rule 9.45.1 of the California Rules of Court.

§ 6216 Distribution of Funds

The State Bar shall distribute all moneys received under the program established by this article for the provision of civil legal services to indigent persons. The funds first shall be distributed 18

months from the effective date of this article, or upon such a date, as shall be determined by the State Bar, that adequate funds are available to initiate the program. Thereafter, the funds shall be distributed on an annual basis. All distributions of funds shall be made in the following order and in the following manner:

(a) To pay the actual administrative costs of the program and the actual cost of administering the Community Justice Worker Program, including any costs incurred after the adoption of this article and a reasonable reserve therefor.

(b) Eighty-five percent of the funds remaining after payment of administrative costs allocated pursuant to this article shall be distributed to qualified legal services projects. Distribution shall be by a pro rata county-by-county formula based upon the number of persons whose income is 125 percent or less of the current poverty threshold per county. For the purposes of this section, the source of data identifying the number of persons per county shall be the latest available figures from the United States Department of Commerce, Bureau of the Census. Projects from more than one county may pool their funds to operate a joint, multicounty legal services project serving each of their respective counties.

(1) (A) In any county which is served by more than one qualified legal services project, the State Bar shall distribute funds for the county to those projects which apply on a pro rata basis, based upon the amount of their total budget expended in the prior year for civil legal services without charge for indigent persons in that county as compared to the total expended in the prior year for civil legal services without charge for indigent persons by all qualified legal services projects applying therefor in the county.

(B) The State Bar shall reserve 10 percent of the funds allocated to the county for distribution to programs meeting the standards of subparagraph (A) of paragraph (3) and paragraphs (1) and (2) of subdivision (b) of Section 6214 and which perform the services described in subparagraph (A) of paragraph (3) of Section 6214 as their principal means of delivering civil legal services. The State Bar shall distribute the funds for that county to those programs which apply on a pro rata basis, based upon the amount of their total budget expended for free civil legal services for indigent persons in that county as compared to the total expended for free civil legal services for indigent persons by all programs meeting the standards of subparagraph (A) of paragraph (3) and paragraphs (1) and (2) of subdivision (b) of Section 6214 in that county. The State Bar shall distribute any funds for which no program has qualified pursuant hereto, in accordance with the provisions of subparagraph (A) of paragraph (1) of this subdivision.

(2) In any county in which there is no qualified legal services projects providing services, the State Bar shall reserve for the remainder of the fiscal year for distribution the pro rata share of funds as provided for by this article. Upon application of a qualified legal

services project proposing to provide legal services to the indigent of the county, the State Bar shall distribute the funds to the project. Any funds not so distributed shall be added to the funds to be distributed the following year.

(c) Fifteen percent of the funds remaining after payment of administrative costs allocated for the purposes of this article shall be distributed equally by the State Bar to qualified support centers which apply for the funds. The funds provided to support centers shall be used only for the provision of civil legal services within California. Qualified support centers that receive funds to provide services to qualified legal services projects from sources other than this article, shall submit and shall have approved by the State Bar a plan assuring that the services funded under this article are in addition to those already funded for qualified legal services projects by other sources.

§ 6026.7 Meetings of the Board of Trustees— Open Meeting Requirements

(a) The State Bar is subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) and all meetings of the State Bar are subject to the Bagley-Keene Open Meeting Act.

(b) Notwithstanding any other law, the Bagley-Keene Open Meeting Act shall not apply to the Judicial Nominees Evaluation Commission or the State Bar Court.

(c) In addition to the grounds authorized in the Bagley-Keene Open Meeting Act, a closed session may be held for those meetings, or portions thereof, relating to any of the following:

(1) Appeals from decisions of the Board of Legal Specialization refusing to certify or recertify an applicant or suspending or revoking a specialist's certificate.

(2) The preparation of examination materials, the approval, the grading, or the security of test administration of examinations for certification of a specialist.

(3) The preparation of examination materials, the approval, the grading, or the security of test administration of the California Bar Examination or the First-Year Law Students' Examination.

(4) Matters related to the Committee of Bar Examiners' consideration of moral character, including allegations of criminal or professional misconduct, competence, or physical or mental health of an individual, requests by applicants for testing accommodations in connection with an application for admission to practice law, or appeals of the Committee of Bar Examiners' determinations.

(5) Information about a law school's operations that constitutes a trade secret as defined in subdivision (d) of Section 3426.1 of the Civil Code.

(6) Matters related to the board's consideration of waiving confidentiality related to records of disciplinary proceedings under subdivision (c) of Section 6086.1.

(7) Matters related to the board's, the Legal Services Trust Fund Commission's, or another State Bar subentity's consideration of revocation of a Community Justice Worker's certification under Rule 9.45.1 of the California Rules of Court.

(d) Notwithstanding subdivision (e) of Section 11125.7 of the Government Code, the State Bar shall accept public comment in open session on all matters that are agendaized for discussion or decision by the board of trustees, whether in an open or a closed session.

(e) The Committee of Bar Examiners shall not be considered an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body, as described in Section 11123.5 of the Government Code, for purposes of the Bagley-Keene Open Meeting Act.

§ 6034.1 Prioritizing Consumer Protection and Access to Justice in Legal Sandbox Initiatives

(a) Any entity of the State Bar of California exploring a regulatory sandbox shall do all of the following:

(1) Prioritize protecting individuals, especially those in need of legal assistance, from unscrupulous actors, including those actors seeking to do business in the legal field, above all else.

(2) Prioritize increasing access to justice for persons who qualify for legal assistance from qualified legal services organizations or from State Department of Social Services-funded immigration legal services.

(3) Exclude corporate ownership of law firms and splitting legal fees with nonlawyers, which has historically been banned by common law and statute due to grave concerns that it could undermine consumer protection by creating conflicts of interest that are difficult to overcome and fundamentally infringe on the basic and paramount obligations of attorneys to their clients.

(4) Adhere to, and not propose any abrogation of, the restrictions on the unauthorized practice of law, including, but not limited to, Sections 13405 and 16951 of the Corporations Code.

(b) This section does not limit the State Bar's ability to provide limited practice licenses to law students and law graduates under certain conditions, and with the supervision of an active State Bar-licensed attorney.

(c) This section does not limit the examination of the use of technology to increase access to justice for persons who qualify for legal assistance from qualified legal services organizations or from State Department of Social Services-funded immigration legal services, low-income individuals, and small businesses, so long as proposals adhere to, and do not propose any abrogation of, the restrictions on the unauthorized practice of law, including, but not limited to, Sections 13405 and 16951 of the Corporations Code.

(d) This section does not preclude the State Bar from seeking feedback from legal services organizations, including organizations that provide legal services in family law and immigration law, community-based organizations, and consumers about options for increasing access to legal services.

(e) This section does not limit the State Bar's ability to administer a Community Justice Worker Program under Rule 9.45.1 of the California Rules of Court.

(fe) The State Bar shall not expend any funds, regardless of the source, on activities that do not meet the requirements of this section.

(gf) This section shall become operative on January 1, 2025.

APPENDIX B: State Bar Proposed Rules of Court, Rule 9.45.1

Title 9. Rules on Law Practice, Attorneys, and Judges

Division 4. Appearances and Practice by Individuals Who Are Not Licensees of the State Bar of California

Rule 9.45.1 Community Justice Worker

(a) Definitions

The following definitions apply in this rule:

- (1) A “Legal Services Organization” is an organization that is a “qualified legal services project” or a “qualified support center” receiving financial assistance under Business and Professions Code section 6213, subdivision (c).
- (2) An “Authorized Legal Services Organization” is a Legal Services Organization that satisfactorily completes the application process under (b) of this rule, has been in good standing with the applicable requirements of a Legal Services Organization for at least one year, and is approved by the Authorizing Body to implement and operate a Community Justice Worker Program.
- (3) The “Authorizing Body” is the Legal Services Trust Fund Commission, established under Business and Professions Code section 6210.5, and is designated by the California Supreme Court to accept, review, and approve applications from Legal Services Organizations to implement and operate Community Justice Worker Programs.
- (4) A “Community Justice Worker” is a person who:
 - (A) is at least 18 years of age and has a high school diploma or the equivalent;
 - (B) is not licensed by the State Bar; and
 - (C) has satisfied the training and other relevant volunteer or employment requirements, as certified to the State Bar, by an Authorized Legal Services Organization and will engage in the limited practice of law under this rule exclusively under the supervision of a Supervising Attorney at that Authorized Legal Services Organization.
- (5) A “Supervising Attorney” is a person who:

- (A) is an active licensee and in good standing with the State Bar;
 - (B) must have practiced law in any United States jurisdiction for at least four years;
 - (C) must not be inactive in California, have a pending Notice of Disciplinary Charges filed in California State Bar Court, or be ineligible to practice, actually suspended, under a stayed suspension order, or have resigned or been disbarred in any jurisdiction; and
 - (D) agrees to assume professional responsibility for any work that the Community Justice Worker performs under this rule while supervised by the Supervising Attorney.
- (6) A “Community Justice Worker Program” is a program allowing Authorized Legal Services Organizations to train and certify Community Justice Workers.

(b) Application to operate a Community Justice Worker Program

- (1) The Authorizing Body shall develop a process by which a Legal Services Organization may apply for approval to operate a Community Justice Worker Program.
- (2) The application must contain the following information:
 - (A) A narrative description of the proposed Community Justice Worker Program, including the proposed scope of practice for its Community Justice Workers;
 - (B) A training plan for the Community Justice Worker Program that details curricular components, testing, and experiential learning, for a minimum of ten hours, including:
 - (i) instruction on the California Rules of Professional Conduct and the provision of ethical legal services;
 - (ii) the unauthorized practice of law and supervision;
 - (iii) client confidentiality, attorney-client privilege and how this extends to supervised nonattorneys, safe practices to handle confidential client information, and best practices to ensure data security;

- (iv) substantive and experiential training in their area(s) of practice, including issue spotting and referral and escalation;
 - (v) the process by which the competency and practice readiness of each Community Justice Worker will be assessed; and
 - (vi) a plan for providing continuing training and education to Community Justice Workers in their practice areas, including a minimum of four hours of continuing education annually to maintain certification and ensure current understanding of relevant rules, authorities, and practice issues. Annual continuing education must include, at a minimum, ethics and substantive training and practice in a Community Justice Worker's practice area(s), including any updates to substantive law in a Community Justice Worker's practice area(s);
- (C) A plan for obtaining informed written consent as defined in Rules of Professional Conduct, rule 1.0.1(e)(1) from the client to receive services provided by Community Justice Workers;
 - (D) A plan for ensuring control and security of client files;
 - (E) Proof of legal malpractice and other insurance that covers Community Justice Workers as required by the Authorizing Body;
 - (F) A plan for ensuring adequate supervision of Community Justice Workers;
 - (G) The identity of each Community Justice Worker's Supervising Attorney(s) and attestation that each Supervising Attorney(s) satisfies the requirements under (a)(5);
 - (H) A procedure to receive, assess, and resolve client complaints involving Community Justice Workers, including revocation of Community Justice Worker certifications under (e)(8) of this rule;
 - (I) A showing of the ability to comply with the reporting requirements under (d)(1)(G) of this rule; and
 - (J) Any other information requested or requirements imposed by the

Authorizing Body or the State Bar.

(c) Responsibilities of the Authorizing Body

- (1) The Authorizing Body will consider an application submitted under (b) of this rule as soon as practicable after it is submitted and may request additional information or clarification from an applicant. If the application meets the requirements of (b) of this rule and any additional requirements imposed by the Authorizing Body, the Authorizing Body will approve the application and communicate its approval to the State Bar pursuant to procedures established by the State Bar.
- (2) The Authorizing Body shall develop a procedure to receive, assess, and resolve client complaints involving Community Justice Workers. The procedure must require Authorized Legal Services Organizations to report to the Authorizing Body the number, types, and dispositions of complaints received. For any sustained complaint, the Authorized Legal Services Organization must include information sufficient to promote public protection, such as the nature of the violation, the findings supporting the determination, and the corrective action taken.
- (3) The Authorizing Body may revoke a Community Justice Worker's certification for noncompliance with any applicable rule or law under (e)(8) of this rule, pursuant to a process developed by the Authorizing Body and consistent with applicable law.
- (4) The Authorizing Body shall develop a procedure to evaluate the Community Justice Worker Program as a whole. The evaluation shall analyze the first two years of the first operation of a Community Justice Worker Program and shall be submitted within six months of the end of the two-year period.

(d) Obligations of an Authorized Legal Services Organization

- (1) An Authorized Legal Services Organization must:
 - (A) Certify to the State Bar, pursuant to procedures adopted by the State Bar, and inform the Authorizing Body of:
 - (i) the name of each Community Justice Worker and proof that the Community Justice Worker has satisfactorily completed the prerequisite training and education requirements; and
 - (ii) the scope of practice for each Community Justice Worker that details the specific activities that the Community Justice Worker will

perform as part of the Community Justice Worker Program.

- (B) Ensure ongoing capacity and capability to adequately supervise Community Justice Workers, including, for example, pursuant to Rules of Professional Conduct, rule 5.3, and adequately perform such supervision;
- (C) Assume professional responsibility for the work product of Community Justice Workers under the supervision of a Supervising Attorney identified by the Authorized Legal Services Organization under (b)(2)(G);
- (D) Train and counsel Community Justice Workers to competently perform as authorized by this rule;
- (E) For any Community Justice Worker who is employed by an entity other than the Authorized Legal Services Organization, document an agreement with that entity describing which entity is responsible for ensuring compliance with wage and hour laws, payment for Community Justice Worker services provided, and other relevant employment laws for that person; the delegation of supervisory responsibilities over all Community Justice Worker activities to the Authorized Legal Services Organization; and how the employing entity will ensure nonwaiver of the Community Justice Worker's privilege and work product protection described in section (e)(5);
- (F) Notify the State Bar and the Authorizing Body within 30 days of any relevant change in status of the Authorized Legal Services Organization or any Community Justice Worker or Supervising Attorney, including if:
 - (i) the organization no longer provides the Community Justice Worker Program services that were approved by the Authorizing Body;
 - (ii) the organization no longer qualifies as a Legal Services Organization;
 - (iii) a Community Justice Worker is no longer eligible for inclusion in the Community Justice Worker Program, whether through resignation, termination, revocation of certification, or other reason;
 - (iv) there is a change to the Community Justice Worker's scope of practice;

- (v) a Community Justice Worker violates the Rules of Professional Conduct or other applicable rules; or
 - (vi) there is a change to the identity of any Community Justice Worker's Supervising Attorney(s).
- (G) Report twice yearly to the State Bar, pursuant to procedures adopted by the State Bar, the following information:
 - (i) number of clients served by Community Justice Workers;
 - (ii) total number of hours worked by Community Justice Workers;
 - (iii) resolutions of cases involving Community Justice Workers;
 - (iv) the number of client complaints involving Community Justice Workers, and their disposition, if any; and
 - (v) a summary of the costs of implementing and maintaining the Community Justice Worker Program.
- (2) Failure of an Authorized Legal Services Organization to comply with this section and any additional obligations imposed by the Authorizing Body or the State Bar will result in revocation of the authorization to conduct a Community Justice Worker Program, absent a showing of good cause. The Authorizing Body shall develop a revocation process consistent with this rule and applicable law.

(e) Restrictions on Community Justice Workers

- (1) A Community Justice Worker may not perform any activities constituting the practice of law outside of the scope of the certification submitted by the Authorized Legal Services Organization and approved under this rule. Performance of any activities constituting the practice of law that are outside the scope of the certification will result in revocation of the Community Justice Worker's certification by the State Bar, and may subject the Community Justice Worker to penalties, under Business and Professions Code, section 6125 *et seq.*, for the unauthorized practice of law.
- (2) A Community Justice Worker may participate in a Community Justice Worker Program only under the supervision of the Authorized Legal Services Organization that obtained certification for the Community Justice Worker under this rule. If that supervisory relationship ends for any reason, the Community Justice Worker will no

longer be certified and any continued activities constituting the practice of law may be subject to penalties under Business and Professions Code, section 6125 *et seq.* However, the Community Justice Worker may seek to be certified by a different Authorized Legal Services Organization, except that an individual whose certification was revoked, or whose participation ended for a reason reportable under (d)(1)(E)(iv), may be certified only with the approval of the Authorizing Body.

- (3) Community Justice Workers may not hold themselves out as authorized to generally engage in the practice of law. In any written documents or materials relating to their work as Community Justice Workers, they must give prominent notice, consistent with (b)(2)(C) of this rule, that they are not licensees of the State Bar and that they are authorized to provide legal assistance solely pursuant to this rule.
- (4) A Community Justice Worker may not charge any fees, including fees structured on a contingent or percentage basis, for services provided pursuant to a Community Justice Worker Program or for a referral for any services.
- (5) Communications between a Community Justice Worker acting under the supervision of a Supervising Attorney and a client shall be privileged to the same extent and under the same laws that govern the attorney-client privilege. A Community Justice Worker's work product generated while working under the supervision of a Supervising Attorney shall be protected to the same extent and under the same laws that govern and attorney work product doctrine.
- (6) A student who is enrolled in a juris doctor or a Master of Laws program or who is studying law in the Law Office Study Program under the Rules of the State Bar, rule 4.29, may serve as a Community Justice Worker, but must provide written notice to the student's law school or supervisor in the Law Office Study Program before beginning service.
- (7) Any individual who has been disbarred, resigned with disciplinary charges pending, or suspended from the practice of law in California or any other jurisdiction may not be certified as a Community Justice Worker.
- (8) A Community Justice Worker must comply with the Rules of Professional Conduct, Rules of Court, and all other relevant statutes and rules. Failure to do so will result in revocation of the Community Justice Worker's certification under this rule, absent a showing of good cause.

(f) Role of the State Bar

- (1) The State Bar shall maintain a roster of Authorized Legal Services Organizations and their active Community Justice Workers, including their scope of practice.

The roster must be publicly available on the State Bar website and updated at least annually.

- (2) The State Bar shall annually report to the Legislature and the California Supreme Court the number of complaints involving Community Justice Workers received by the State Bar and their disposition.
- (3) The State Bar is authorized to adopt rules relating to the Community Justice Worker Program.
- (4) The State Bar has the authority to set appropriate application and other fees.

(g) Inherent authority of the Supreme Court

Nothing in this rule may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

Case No. S294332

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

**THE STATE BAR OF CALIFORNIA'S RESPONSE TO
THE SUPREME COURT'S ADMINISTRATIVE
ORDER 2026-06-17-01 REGARDING PROPOSED
CALIFORNIA RULE OF COURT 9.45.1 TO
ESTABLISH A COMMUNITY JUSTICE WORKER
PROGRAM**



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I. INTRODUCTION

Pursuant to the Court’s direction set forth in Administrative Order 2026-06-17-01, the State Bar of California (“State Bar”) submits its recommendation that this Court approve a Rule of Court establishing a Community Justice Worker program in California. Through this response, the State Bar submits a proposed version of Rule of Court 9.45.1 (“rule 9.45.1”) for this Court’s review, as well as a discussion of additional issues for this Court’s consideration in adopting a final rule.

In December 2025, a coalition of legal aid providers filed a petition with this Court seeking adoption of a rule establishing a Community Justice Worker program. (Case No. S294332.) In June 2026, this Court issued an order directing the State Bar to solicit public comment on a modified version of the rule, and to thereafter make a recommendation to this Court on whether to adopt the proposed rule, with or without changes, and to offer any other recommendations. The Board of Trustees (“Board”) considered the Court’s proposed rule and the public comment received, including a modified draft rule proposed by the Legal Services Trust Fund Commission (“LSTFC”), during its

September 17–18, 2026, meeting. The Board adopted a resolution supporting a Community Justice Worker program and through this response, submits its recommendation to adopt a modified proposed rule 9.45.1, as set forth in the Appendix of Exhibits. (6AE1521–1537.)¹ While this petition proposes a modified version of the rule for the Court’s review, at the Board’s direction, the petition also notes additional issues that the Court may wish to consider in adopting a final rule.

II. SUPREME COURT AUTHORITY TO ADOPT THE PROPOSED RULE

The Supreme Court has primary and inherent constitutional authority over the regulation of the practice of law in California, including the admission and discipline of attorneys. (*In re Attorney Discipline* (1998) 19 Cal.4th 582.) Amendments to title 9 of the California Rules of Court must be adopted by the Court to take effect. (See Rules of Court, rule 9.0.) Furthermore, this petition is being submitted pursuant to the Court’s directives set forth in Administrative Order 2026-06-17-01. (1AE3–10.)

¹ References to exhibits in the Appendix of Exhibits (AE) in this petition are in the following format: [volume]AE[Pages]. For this example, the citation 6AE1521–1537 refers to pages 1521–1537 of the AE, located in Volume 6 of the AE.

III. BACKGROUND AND PROCEDURAL HISTORY

A. Background

On December 11, 2025, attorneys for the Legal Aid Association of California, OneJustice, and Legal Link filed the Petition for the California Supreme Court to Review and Approve Proposed California Rule of Court 9.45.1 to Establish a California Community Justice Worker Program (“Petition”) (Case No. S294332, 1AE34–98.). The program would allow legal service organizations to train and certify nonlawyer Community Justice Workers to provide legal services to clients of authorized legal services organizations.

On March 3, 2026, the State Bar submitted a response to the petition explaining the State Bar’s involvement in the consideration of a Community Justice Worker (“CJW”) program prior to the filing of the petition. (Case No. S294332; 1AE129–146.) The State Bar did not take a substantive position in its response to the petition because the Board had not taken any action with respect to the CJW concept or proposed rule. (1AE132.)

In June 2026, this Court issued Administrative Order 2026-06-17-01. (1AE3–10.) That Order directed the State Bar to

solicit public comment on this Court’s modified version of proposed rule 9.45.1 and to thereafter “consider whether to recommend adoption of the proposed rule, with or without further changes, or offer any other recommendations.” (1AE3.)

B. Public Comment on Administrative Order 2026-06-17-01

On July 8, the State Bar circulated the Court’s proposed rule 9.45.1 for public comment for 45 days ending August 22, 2026. (3AE737–748.) The State Bar received 110 written public comments. (1AE17–20, 3AE749–6AE1520.) The Board considered those comments during its September 17–18, 2026, meeting, in addition to oral public comments made at the outset of that meeting. (1AE17–20, 3AE749–6AE1520.) Of the 110 written public comments received during the 45-day public comment period, 86 percent of the public comments expressed support for establishing a CJW program. (1AE17–20, 6AE1542–1546.)

In addition to public comments from individuals and external groups, the LSTFC, which is a subentity of the State Bar, also submitted public comment on the CJW proposal. (4AE1115–1139.) In 2025, the LSTFC explored and evaluated the potential for a CJW program in California and provided feedback

to the proposal’s authors prior to the submission of their original petition. (6AE1614–1655.)² Following the issuance of the Court’s administrative order, the LSTFC met and discussed the CJW program and developed recommendations to the Court’s proposed rule. (6AE1555–9AE2396.) The LSTFC’s public comment broadly supported establishing a CJW program, provided a modified version of the draft rule, and recommended that it serve as the “Authorizing Body” under the proposed rule. (4AE1115–1139.)

C. Legislative Action

Simultaneously with the State Bar’s public comment period on the Court’s proposed rule 9.45.1, the legislature enacted Senate Bill 1129, adding Business and Professions Code section 6229 to the State Bar Act, which becomes effective on January 1, 2027. The statute requires the State Bar to “transmit to the Assembly and Senate Committees on Judiciary a report specifying any statutory changes the State Bar believes are necessary to implement the California Community Justice

² Because the LSTFC contemplated that it might be named the “Authorizing Body” if the rule were enacted, the LSTFC submitted public comment as a stakeholder.

Worker Program” when it submits this petition to the Court.

(Bus. & Prof. Code, § 6229.)³

D. Board Action on the CJW Program

During the Board’s September 17 meeting, staff presented the Court-proposed CJW rule, summarized the public comment received, and facilitated Board discussion regarding the proposed rule.⁴ (1AE11–6AE1154.) The Board expressed support for taking immediate action to advance the program to the Court for its approval and reviewed the LSTFC’s redlined version of the rule. Broadly, the LSTFC proposed changes to the Court’s proposed rule and made other recommendations to the CJW program proposal, including:

- Naming the LSTFC as the Authorizing Body;
- Clarifying that CJWs must be supervised by licensed attorneys with specific minimum qualifications;

³ The State Bar anticipates transmitting the required report to the legislature once this petition has been accepted for filing. The State Bar intends to provide a copy to the Court once the report is transmitted to the legislature.

⁴ A recording of the September 17–18, 2026, Board meeting can be viewed at <<[<https://www.youtube.com/playlist?list=PLB-btDr1uRXzHN-pnyrlVc_qkqVO5L1jr>](https://www.youtube.com/playlist?list=PLB-btDr1uRXzHN-pnyrlVc_qkqVO5L1jr)>.

- Requiring Authorized Legal Services Organizations to maintain workers' compensation insurance for CJWs;
- Requiring documentation regarding employment and supervisory status when a CJW is employed by a third party;
- Providing Authorized Legal Services Organizations ("ALSO") and the Authorizing Body with the ability to revoke a CJW certification;
- Clarifying confidentiality obligations and extending the attorney-client privilege to communications between CJWs and clients;
- Standardizing the minimum training requirements for CJWs;
- Limiting eligibility to operate ALSOs to current recipients of Trust Fund Program grants that are in good standing;

- Revising that the evaluation of the program should analyze the first two years of the first operation of the CJW program;⁵
- Proposing funding the administrative costs of the programs with the Interest on Lawyers' Trust Accounts ("IOLTA") funds;
- Clarifying the State Bar's responsibility to maintain public rosters of ALSOs and CJWs by updating the rosters at least annually.

(4AE1115–1139.) The Board discussed the LSTFC's proposal and expressed support for moving the recommendation to the Court expeditiously. To address issues that staff had identified but had not been addressed in the LSTFC's redlines, staff revised the LSTFC's version of the proposed rule for the Board's

⁵ This recommendation also appears in the Board-approved proposal but it appears to be a Board-proposed change as opposed to a change recommended by the LSTFC. This was due to a technological glitch. (6AE1525.) The LSTFC included this recommendation in its proposal and that recommendation remains in the Board-approved proposal. (4AE1135.)

consideration. (6AE1521–1537.)⁶ On September 18, 2026, the Board considered staff’s proposed revisions including:

- Naming the LSTFC as the Authorizing Body in the rule (6AE1521 [rule 9.45.1(a)(3)]);⁷
- Requiring each CJW to have a designated Supervising Attorney who assumes professional responsibility for CJWs performing work while supervised by that attorney (6AE1522, 1524 [rule 9.45.1(a)(5)(D); (b)(2)(G)]);
- Setting forth minimum criteria for, and responsibilities of, Supervising Attorneys (6AE1522, 1524–1525 [rule 9.45.1(a)(5); (b)(2)(G); (d)(1)(B)]);
- Clarifying the language related to requiring informed written consent from clients who receive services provided by a CJW (6AE1523 [rule 9.45.1(b)(2)(C)]);

⁶ The staff-revised rule proposal contains edits in two colors. The blue edits are the edits that the LSTFC made to the Court’s proposed rule and the red edits are the rules that State Bar staff made to the LSTFC proposal, that were later adopted by the Board. (6AE1521–1537.)

⁷ The LSTFC made this recommendation but did not incorporate it into their redline version of the proposed rule attached to their public comment. (4AE1123–1124.)

- Expanding insurance requirements beyond malpractice and workers' compensation insurance for CJWs, as required by the Authorizing Body (6AE1523 [rule 9.45.1(b)(2)(E)]);
- Adding a requirement that the Authorizing Body develop a process for revoking CJW certification for noncompliance with applicable rules and laws (6AE1525; [rule 9.45.1(c)(3)]);
- Requiring the ALSO to notify the Authorizing Body and State Bar where there are changes to a CJWs Supervising Attorney (6AE1526 [rule 9.45.1(d)(1)(F)]);
- Adding a requirement that the Authorizing Body develop a revocation process to revoke ALSO authorization to have a CJW program (6AE1527 [rule 9.45.1(d)(2)]);
- Limiting recertification of CJWs where their participation had previously been ended for specific reasons (6AE1527–1528 [rule 9.45.1(e)(2)]);

- Clarifying language related to the applicability of the attorney-client privilege and attorney work product doctrine (6AE1528 [rule 9.45.1(e)(5)]);
- Clarifying the State Bar’s role in adopting rules related to the CJW program, and authority to set fees (6AE1529 [rule 9.45.1(f)]).

Following discussion of the changes, the Board approved the revised proposal and passed a resolution: (1) supporting the establishment of a CJW program; (2) directing staff to submit the public comments received to the Court; (3) recommending the revised proposed rule 9.45.1 to the Court and directing the Executive Director and Chair to further identify areas for additional consideration by the Court; (4) recognizing that the Board’s “recommendations on proposed rules from the Court are typically more comprehensive; however, in light of the public comments received during its September 17, 2026, meeting regarding the urgent need for the Community Justice Work[ers] Program and reports that the availability of private funding that may be jeopardized if a decision on the program is delayed, the Board [] acted expeditiously”; and (5) directing staff to submit information required by Senate Bill 1129. (9AE2398.)

Board members acknowledged that in recommending the proposed revised rule to the Court they were departing from staff's recommendation to consider the proposed rule again in November because they believed that timing was of the essence for advancing the rule. (1AE12–13; 9AE2398.) Recognizing that there may be issues that the Board had not fully considered with respect to the proposed rule, the Board delegated authority to the Executive Director and Chair to identify areas for that Court that may require additional consideration before issuing a final rule. (9AE2398.) Following the Board's approval of a revised proposed rule, the Executive Director and Chair exercised their delegated authority to identify additional issues for this Court's consideration for inclusion in this petition, which are set forth in section V, below.

IV. RATIONALE FOR THE BOARD'S PROPOSED CHANGES TO THE LSTFC-PROPOSED RULE

As discussed at the Board meeting, the LSTFC had considered the CJW concept over the course of more than a year, and, following circulation of the Court's proposed rule, submitted public comment to the Board addressing the LSTFC's recommended proposed changes to the rule. (4AE1115–1139.)

The Board considered adopting the LSTFC-proposed rule without changes but ultimately recommended limited changes to the proposal including changes to clarify roles and enhance public protection and accountability.

A. Requiring an Assigned Supervising Attorney for All CJWs

The Court-proposed and the LSTFC-proposed rules did not require a specific licensee to take professional responsibility for CJWs working under their supervision. While the LSTFC-proposed rule added language requiring CJWs to engage in the limited practice of law “under the supervision of an attorney at that Authorized Legal Services Organization,” the rule only required the ALSO to assume professional responsibility for the work product of CJWs. (4AE1135–1136 [rule 9.45.1(d)(1)(C)].) In regulating licensees, the State Bar evaluates the conduct of individuals, rather than entities. (See, e.g., Bus. & Prof. Code, §§ 6075, 6078.) The Board-proposed rule makes clear that individual attorneys may be held accountable for the actions of the CJWs they supervise, which is consistent with the supervisory responsibilities of attorneys generally. (6AE1522, 1524; see Rules Prof. Conduct, rules 5.1–5.3.)

Along the same lines, the Board-proposed rule sets forth minimum criteria for serving as a Supervising Attorney and the attendant responsibilities. This clarification was made to ensure that Supervising Attorneys meet minimum criteria, such as maintaining an active license and being in good standing without disciplinary charges pending, and to ensure that Supervising Attorneys understand that they must actively supervise CJWs and take professional responsibility for CJW work. (6AE1522, 1524–1525.) This furthers public protection because the Authorizing Body and State Bar will be able to identify which licensee is responsible for each CJW if complaints or disputes arise. This framework is also consistent with other programs that are administered by the State Bar that allow non-licensees to practice law including the Certified Law Student Program (Rule of Ct., rule 9.42(d)(1)), the Registered Legal Aid Attorney Program (Rule of Ct., rule 9.45(h)(3), and the Provisional Licensure Program (Rule of Ct., rule 9.49(i)(1)(G).)

The Board also recommends requiring the ALSO to notify the Authorizing Body and State Bar where there are changes to a CJW's Supervising Attorney or the CJWs scope of practice. (6AE1526.) These ongoing obligations will ensure that the State

Bar and Authorizing Body have accurate records of the licensee responsible for the CJW and accountability for changes to participation in the program.

B. Naming the LSTFC as the Authorizing Body

Although the LSTFC recommended that it be named as the Authorizing Body in its public comment on the proposed rule, it did not include that change to its proposed rule. (4AE1115–1139.) The Board generally agreed that because the CJW program would be limited to legal aid organizations who were receiving grants that were administered by the LSTFC, the LSTFC could appropriately serve as the Authorizing Body under the proposed rule. Consistent with the LSTFC’s recommendation, the Board edited the rule to name the LSTFC as the Authorizing Body. (6AE1521 [rule 9.45.1(a)(3)].)

C. Additional Client Protections

The Board also recommended several changes that would strengthen protections for individuals who receive legal services from CJWs. The Court-proposed and the LSTFC-proposed rules required ALSOs to have a plan for gaining informed and written consent from clients to receive services from CJWs as part of their application; the Board included language clarifying that the

consent must comply with Rules of Professional Conduct, rule 1.0.1(e)(1). (6AE1523 [rule 9.45.1(b)(2)(C)].)

The Board’s recommendations also include revisions related to revocation of CJW certification. The Board recommends adding a requirement that the Authorizing Body develop a process for revoking CJW certification if a CJW fails to comply with applicable rules and laws. (6AE1525 [rule 9.45.1(c)(3)].) The Board-proposed rule gives primary oversight and authority over CJWs to the ALSOs but also grants the Authorizing Body the ability to revoke a CJW’s certification if it comes to their attention that a CJW did not comply with the rules of the program and appropriate action was not taken by the ALSO.

The Board-proposed rule also intended to require Authorizing Body approval prior to the recertification of any CJW whose certification has been revoked or terminated to ensure that CJWs with compliance issues do not move from one ALSO to another without appropriate review and safeguards.⁸ (6AE1527–

⁸ The Board-proposed rule contains a typographical error in section (e)(2). (6AE1527–1528.) The proposed rule provides “a reason reportable under (d)(1)(E)(iv), but no such section exists.

1528 [rule 9.45.1(e)(2)].) Because the Authorizing Body has purview over the program as a whole, it has the ability to obtain information about why a CJW had their certification revoked or terminated and could intervene and withhold recertification if doing so would further public protection.

Additionally, the Board recommended clarifying language regarding the applicability of the attorney-client privilege and work product doctrine to align with existing law. (6AE1528 [rule 9.45.1(e)(5)].) The attorney-client privilege is a statutory construction codified in Evidence Code section 954. While, if disputed, assertion of the attorney-client privilege would be evaluated by an appropriate court, the clarifying language is intended to convey that communications between a CJW acting under the Supervising Attorney are intended to be subject to the attorney-client privilege and attorney work product doctrine to

The intended reference was to (d)(1)(F)(iii) which identifies reportable changes to a CJW certification including “resignation, termination, revocation of certification, or other reason.” (6AE1526.) The Court may however determine that this reference is too expansive as it may require Authorizing Body approval for any recertifications as currently drafted. Alternatively, the Court may consider reference to (e)(8), which permits revocation of CJW certification for failure to comply with the Rules of Professional Conduct, Rules of Court, and other relevant statutes and rules.

the same extent as they would apply to a paralegal or legal assistant acting under the authority of and at the direction of counsel. Coupled with the recommendation to have identified Supervising Attorneys for each CJW, the Board-proposed rule changes are intended to further safeguard client confidentiality and enhance client protection.

The Board also recommended changes to the insurance requirements proposed by the LSTFC, which included legal malpractice insurance and workers' compensation insurance to cover CJWs. (6AE1523 [rule 9.45.1 (b)(2)(E)].) The Board recommended broader language that requires legal malpractice insurance and "other insurance" that covers CJWs. This expansion would allow the Authorizing Body or State Bar to identify what additional insurance may be appropriate. This provision, as proposed by the LSTFC, appears to be intended to protect the CJWs in the event they are injured in the course and scope of their work with the ALSO, however, the Authorizing Body or State Bar may identify additional types of insurance that would serve the dual purpose of protecting both the CJW and clients. Removing the specific workers' compensation requirement from the Rule of Court is also appropriate because

the ALSOs should determine whether they are required to have certain types of insurance as those determinations may be fact specific.

D. Clarification of Roles

As described in a comment to the redlined version of the Board-proposed rule, staff identified proposed clarifications to the roles and oversight responsibilities of the State Bar, the Authorizing Body, and the ALSOs. (6AE1524.) The Board did not incorporate changes throughout the rule to address the appropriate roles and responsibilities, but through this petition has identified that as an area for this Court's additional consideration. (See *post*, section V.) The Board recommended two specific changes to clarify rules and procedures under the CJW program. First, the Board recommended adding a requirement that the Authorizing Body develop a process to revoke ALSO authorization to have a CJW program under appropriate circumstances. (6AE1527 [rule 9.45.1(d)(2)]). Under the LSTFC-proposed rule, the Authorizing Body is granted the authority to revoke authorization, but it was unclear who would be responsible for developing a process for evaluating whether revocation of authorization is appropriate. Development of a

process would also ensure that such process complies with any applicable due process considerations for the ALSOs.

Second, the Board recommended clarifying the State Bar's role in adopting rules related to the CJW program and added that the State Bar has the authority to set appropriate fees. (6AE1529 [rule 9.45.1(f)(3)–(4)].) Consistent with the general recommendation to further clarify the roles and responsibilities of the State Bar, the Authorizing Body, and the ALSOs, this change was made to clarify that any adopted rules would become part of the State Bar rules and that if and when collection of fees for the CJW program is appropriate, the State Bar would have authority to set such fees, as they do with existing similar programs. (See Rules of Ct., rules 9.43(f), 9.44(f), 9.45(f), 9.46(f), 9.49(c)(1)(A).)

V. ADDITIONAL CONSIDERATIONS FOR CJW PROGRAM

As described above, the Board-recommended rule synthesizes recommendations from legal aid organizations, this Court, the LSTFC, public commenters, and the Board for the development of a California CJW program. Each iteration of the draft rule contained many similar themes and a common end goal: to recommend a rule that will establish a CJW program in California that expands access to justice while balancing public

protection. The Board recognized, however, that the Board-proposed rule may benefit from additional consideration by this Court on specific issues, and this petition identifies potential areas for additional consideration.

A. Roles and Responsibilities of the Authorizing Body and State Bar with Respect to ALSOs and CJWs

As approved by the Board, there is some ambiguity with respect to the responsibilities of the State Bar, the Authorizing Body, and the ALSOs. To ensure that the contemplated duties are carried out by the appropriate body, the State Bar recommends clarification of each body's authority and oversight. As set forth in a comment to the redlined-version of the Board-proposed rule, the State Bar did not make all changes required to clarify the roles and responsibilities, but the comment articulated the Board-approved roles and responsibilities under the program generally for the Court's consideration. (6AE1524.)

1. Rulemaking Authority

Rules of the State Bar of California must be adopted by the Board. (State Bar Rule 1.1.) Typically, staff and Board subentities develop rules that are circulated for public comment, which are then routed to the Board for approval. (State Bar Rules

1.10.)⁹ Among other things, the Rules of the State Bar concern the State Bar’s “programs and services and the requirements for participating in or using them[.]” (State Bar Rule 1.3(B).) The Board-proposed rule 9.45.1 contemplates that the Authorizing Body will be required to draft rules to effectuate the CJW program. As with other Rules of Court that have corresponding State Bar rules, the Rule of Court should grant the State Bar authority to administer the CJW program and adopt rules for that program. (See, e.g., Rules of Court 9.43(b), 9.44(b), 9.45(g), 9.46(g); State Bar Rules 3.360–3.411.) If this Court deems it appropriate to have the LSTFC serve as the Authorizing Body, as a State Bar subentity, granting authority to the State Bar would permit the LSTFC to develop rules, circulate proposed rules for public comment, and seek Board review and approval. Under the current proposal, it is not clear which body is responsible for creating rules or requirements for this program. (See 6AE1524, 1527; [rule 9.45.1(b)(2)(J) (“requirements imposed by the

⁹ The Court approves certain Rules of the State Bar, where required by the Rules of Court. (See Rule of Ct., rule 9.5(a).) In this instance, the Board-proposed rule does not require Court approval of State Bar rules adopted to administer the CJW program, but the Court may consider whether it would review and approve those rules.

Authorizing Body or the State Bar”); 9.45.1(d)(2) (“any additional obligations imposed by the Authorizing Body or the State Bar”).])

The rule proposal specifically provides the State Bar with rulemaking authority but the Court should consider whether clarification throughout the rule with respect to responsibilities and rules is necessary.

Significantly, the LSTFC is statutorily authorized to recommend to the Board, “State Bar rules to determine an applicant’s eligibility for grants. . . and for rules related to grant administration” and the Board is required to approve those recommendations “unless the [Board] makes a finding in writing that a recommendation conflicts with a statutory, fiduciary or legal obligation of the State Bar.” (Bus. & Prof. Code, § 6210.5, subd. (e).) Although the statutory rulemaking framework would not apply to State Bar Rules relating to the administration of a CJW program, the Court may decide to specify each body’s rulemaking authorities, and whether rules relating to the CJW program require review and approval by the Court.

Furthermore, consistency throughout the rule with respect to rulemaking authority would clarify that this is a program administered by the State Bar, but that the LSTFC is the

Authorizing Body and has the responsibilities and authorities are set forth in the rule.

2. State Bar Authority and Role

In part due to the edits made to the rule, the role of the State Bar is not clear in the Board-proposed rule. Some of the language of the rule suggests that the State Bar's role would be limited to maintaining a roster of ALSOs and CJWs and their scope of practice, and reporting complaints about CJWs to the legislature. (6AD1529 [rule 9.45.1(f)(1)–(2)].) There are also provisions of the rule that suggest the State Bar may create and apply additional requirements on ALSOs and CJWs. (6AE1521–1529 [compare rule 9.45.1(f)(1)–(2) with (b)(2)(J), (c)(1), (d)(1), (d)(2)].) As described above, in the event the Court gives rulemaking authority to the State Bar, the rule should clarify what authorities and role the State Bar serves vis a vis the Authorizing Body.

3. Revocation of CJW Certification

Under the proposal approved by the Board, ALSOs certify individual CJWs and may also terminate CJW certification. (6AE1525–1527 [rule 9.45.1(d)(1)(F)(iii)].) But under the proposed rule, the Authorizing Body also has authority to revoke

individual CJW certifications (6AE1525 [rule 9.45.1(c)(3)]) as does the State Bar. (6AE1527 [rule 9.45.1(e)(1)].) Although this may be appropriate, the Court may wish to consider the circumstances that would permit each body to revoke individual CJW certifications and how they may do so.¹⁰ This is also significant to ensure that regardless of which body takes action, the CJW receives sufficient due process, different bodies are not simultaneously reviewing the same conduct, and that those bodies are not making inconsistent decisions regarding revocation based on their review of the same conduct.

Furthermore, in at least some cases, the Authorizing Body and ALSO may be required to determine whether a particular CJW has failed to comply with applicable rules or laws, specifically those related to professional responsibility. This would require the Authorizing Body and ALSO to become expert in, among other rules, the Rules of Professional Conduct, to

¹⁰ This is significant because it is likely that the Authorizing Body will be subject to the Bagley-Keene Open Meeting Act, and therefore, how such determinations are made, including whether those determinations are made at open meetings or in closed session, is relevant to whether the State Bar must seek legislative changes to ensure the privacy of CJWs while balancing public protection.

evaluate whether a CJW violated those rules. (See, e.g., 6AE1525–1526 [rule 9.45.1(c)(3), (d)(1)(F)(v)].) While trained staff in the Office of Chief Trial Counsel make those determinations as to attorney misconduct, this would require a separate body to apply those rules to nonattorneys. (See Bus. & Prof. Code, § 6044.) Although the process for CJW certification revocation does not necessarily need to be included in the rule if the Rule of Court permits another body to make rules to effectuate the CJW program, the Rule of Court should make clear which bodies may exercise various authorities, including revocation. (See, e.g., 6AE1527 [rule 9.45.1(d)(2) (“The Authorizing Body shall develop a revocation process consistent with this rule and applicable law.”)].)

4. Revocation of ALSO Authorization and Complaints Against ALSOs

The Board-proposed rule makes clear that the Authorizing Body approves applications for ALSOs to operate CJW programs, but the rule is less clear on which bodies may revoke that approval and how and when they may do so. (See 6AE1521 [rule 9.45.1(a)(3), (c)(1), (c)(3), (d)(2) (noting that the Authorizing Body develops a revocation process)].) Because the rule, as drafted,

permits revocation of authorization for failure to comply with “obligations imposed by the Authorizing Body or the State Bar” it is unclear whether both bodies, or only one of them, may revoke the authorization. As with revocation of CJW certifications, it is important that reasons for revocation and the process for revocation are consistent, even if carried out by different bodies.

The Board-proposed rule is also silent as to complaints about the ALSOs, as opposed to the CJW individually. The Court may wish to clarify that the Authorizing Body may receive and resolve complaints about ALSOs and may terminate an ALSO’s authorization if complaints are substantiated and reflect a failure of the ALSO to comply with the program requirements.

B. Scope of Practice for CJWs

As set forth in the staff report, every jurisdiction that has approved a CJW program has restrictions on the CJW’s scope of services and/or permissible areas of law. (1AE20–23.) The Board declined to add limitations to the types of work CJWs could do or areas of law that CJWs could work in, but because this is a departure from other established CJW programs, the State Bar is highlighting this issue so the Court may determine whether additional consideration is appropriate. If the Court does not

modify the rule to limit practice areas or types of work, it may wish to consider adding additional safeguards to ensure that CJWs have adequate knowledge and training for the work they perform. Significantly, with the changes adopted by the Board, the Supervising Attorney will retain professional responsibility for the actions of the CJW and the Authorizing Body can also evaluate the scope of practice for CJWs, so there are some limits in the proposed rule. Nonetheless, some of the existing Rules of Court limit the types of work that attorneys who are not California licensees may perform, and the Court may wish to consider similar limitations here. (See, e.g., Cal. Rule of Court, rule 9.44(d) [limiting legal services that may be performed by foreign legal consultants].)

C. Training Requirements for CJWs

The proposed rule requires that ALSOs develop a training plan for CJWs that “details curricular components, testing, and experiential learning, for a minimum of ten hours” and specifies that training must include instruction in the Rules of Professional Conduct and the provision of ethical legal services, the unauthorized practice of law, client confidentiality and privilege, and training in the area(s) of practice. (6AE1522–1523

[rule 9.45.1(b)(2)(B)(i)–(iv)].) The rule also contemplates a minimum of four hours of continuing education per year to maintain certification. (6AE1523 [rule 9.45.1(b)(2)(B)(vi)].) Public comments on the amount and content of training varied, but to the extent the Court deems it appropriate to have minimum training standards, including the number of hours of training and subjects that must be included, it could elect to include those in the Rule of Court. (See, e.g., Rule of Court 9.46(c)(5) [requiring registered in-house counsel to comply with Minimum Continuing Legal Education requirements].) Alternatively, the Court could elect to delegate the authority to develop rules, including those related to training requirements to the State Bar.

D. Whether CJWs Should Be Subject to the State Bar Act

California licensees are subject to, among other laws, the State Bar Act. (Rules Prof. Conduct, rule 1.0.) The Board-proposed rule provides that CJWs “must comply with the Rules of Professional Conduct, Rules of Court, and all other relevant statutes and rules.” (6AE1528 [rule 9.45.1(e)(8)].) Because licensees are explicitly bound by the State Bar Act, the Court can consider whether it would be appropriate to clarify through the

rule that CJWs are also subject to the State Bar Act. (Rules Prof. Conduct, rule 1.0(b).) While reference to the State Bar Act is not necessary to apply clearly applicable provisions to nonlawyers, such as the provisions related to the unauthorized practice of law, including reference to the State Bar Act may provide guidance to ALSOs with respect to their oversight responsibilities in ensuring that CJWs adhere to all relevant laws. Significantly, there are some obligations set forth in the State Bar Act and Rules of Professional Conduct that are not identical but should be deemed applicable to CJWs. (Compare Bus. & Prof. Code, § 6106.8 with Rule Prof. Conduct, rule 1.8.10 [sexual relations with clients]; compare Bus. & Prof. Code, §§ 6157 et seq. with Rule Prof. Conduct, rules 7.1 et seq. [advertising and solicitation of clients].) Nonetheless, because under the proposed rule Supervising Attorneys are professionally responsible for CJWs, and because Supervising Attorneys are subject to the State Bar Act, the Court may deem this addition unnecessary.

E. Limitation on Number of CJWs a Supervising Attorney May Supervise

The Board-proposed rule does not contemplate a limitation on how many CJWs a single Supervising Attorney may supervise

at any given time. Under the proposed rule, Supervising Attorneys must assume professional responsibility for the work of any CJWs they supervise and ALSOs must have an adequate plan for supervision, so these requirements may be self-limiting, but the Court may wish to consider whether the Rule of Court should specify a limit. (6AE1522–1523 [rule 9.45.1(a)(5); (b)(2)(F)].) Alternatively, the State Bar and Authorizing Body could adopt State Bar rules to address whether limits are appropriate. (See, e.g., State Bar Rule 3.7(D) [permitting supervising attorneys to supervise no more than five certified law students at a time, or 25 certified law students if the supervising attorney is employed full-time to supervise law students in a law school or government training program].)

F. Outside Employment Issues

In developing a draft rule, the LSTFC made substantial efforts to ensure that there will be adequate employment protections for CJWs. (4AE1124–1125.) Specifically, the LSTFC called for ALSOs to have workers’ compensation coverage for CJWs, which the Board ultimately expanded to include “other insurance” as required by the Authorizing Body so as not to limit

the requirements and allow for consideration of other appropriate insurance. (6AE1523 [rule 9.45.1(b)(2)(E)].)

In the same vein, the LSTFC recommended language that requires an ALSO to “document an agreement” where a CJW is employed by another entity that describes “which entity is responsible for ensuring compliance with wage and hour laws, payment for Community Justice Worker services provided, and other relevant employment laws for that person” among other things. (4AE1136, 6AE1526.) The Court may wish to consider whether such requirement is appropriate for a Rule of Court. This provision, although well-intentioned and likely recommended to address situations where CJWs are otherwise employed in the legal industry, may ultimately serve as a barrier for CJWs if their employers are unwilling to enter into agreements regarding their legal obligations. The applicability of wage and hour laws is fact specific, as are other employment laws, and CJWs may have difficulty obtaining the documentation required by the proposed rule. Further, wage and hour laws are directly within the purview of the legislature and additional wage and hour obligations cannot be created through a Rule of Court. (See, e.g., Lab. Code, §§ 200 et seq.) In the event a CJW has an

employment conflict, with their employer and/or an ALSO, there are appropriate venues for resolving those conflicts, including the Department of Labor Standards Enforcement and through the courts.

While some of the information provided in this section of the Board-proposed rule may be helpful in setting policy for the program, the Court should consider whether the specifics of these requirements are better situated in State Bar rule, rather than the Rule of Court.

G. Authority to Collect Fees

While the proposed rule provides authority for the State Bar to set appropriate application and other fees, the State Bar does not anticipate doing so at the outset of the program.

(6AE1529 [rule 9.45.1(f)(3)].) In the event the LSTFC is named as the Authorizing Body, the State Bar intends to seek clarification from the legislature as to whether the LSTFC may use administrative funds to fund the CJW program at the outset.

(See 4AE1130.) Over the long term, the State Bar will need to identify and procure a stable resource to fund the program and consistent with other programs, this may include application and other fees. The Board has requested the Court's authority to

charge such fees, but there was some public comment arguing against charging any fees to ALSOs or CJWs because such fees could create barriers to participation. The Board requests that the Court permit the State Bar to charge and collect appropriate fees and allow the State Bar and Authorizing Body to determine whether and how to charge such fees, subject to Board approval. In light of that comment, the State Bar has identified this issue for the Court's further consideration.

VI. CONCLUSION

The Board of Trustees of the State Bar of California respectfully requests that the Supreme Court review the proposed amended Rule of Court, rule 9.45.1, (6AE1521–1529 [redline] 6AE1530–1537 [clean], and make any modifications it deems necessary to commence a CJW program in California. Should this Court adopt rule 9.45.1, the State Bar will work with the Authorizing Body to recommend and adopt rules to administer a CJW program and seek any necessary legislative changes for administration of the program.

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Dated: October 22, 2026

Respectfully submitted,

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WORD COUNT CERTIFICATE PURSUANT TO
CALIFORNIA RULE OF COURT 8.520(C)(1)

Pursuant to rule 8.520(c)(1) of the California Rules of Court, I hereby certify that this brief contains 5714 words. I have relied on the word count of the computer program used to prepare the brief.

Dated: October 22, 2026

/s/ JEAN R. KRASILNIKOFF
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