

**ATTACHMENT E**

Case No. S294332

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

**THE STATE BAR OF CALIFORNIA'S RESPONSE TO  
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**



PREPARED BY  
THE STATE BAR OF CALIFORNIA

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**I. INTRODUCTION**

On December 11, 2025, attorneys for the Legal Aid Association of California (“LAAC”), 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).

The State Bar of California (“State Bar”) submits this response to provide background information on the State Bar’s involvement to date in the consideration of the community justice worker (“CJW”) concept, as well as procedural next steps the Court may wish to consider.

The State Bar cannot take a substantive position with respect to the CJW concept as articulated in the Petition at this time as the Board of Trustees has not considered or taken action with respect to the CJW concept in general or the specific rule proposed by the Petition.

**II. BACKGROUND AND PROCEDURAL HISTORY**

The State Bar first became involved in discussions regarding the concept and development of a CJW program in California approximately two years ago when State Bar staff

members attended the January 26, 2024, Conference on Access to Justice in California: Challenges and Policy Innovations (“Conference”). The Conference—co-sponsored by the RAND Institute for Civil Justice, Deborah L. Rhode Center on the Legal Profession at Stanford Law, the Program on Legal Ethics and the Profession at the UCLA School of Law, and the Civil Research Initiative at Berkeley Law—brought together national and California leaders to discuss reducing the access to justice gap in California by reforming the regulation of legal services. (1AE6–84.)<sup>1</sup> One panel, “Expanding the Impact: Justice Workers in Local Communities,” discussed the potential role of CJWs. (1AE30–34.)

In response to interest from legal aid organizations following the Conference, the State Bar initially planned to co-host an information and discussion session regarding different CJW models for Interest on Lawyers’ Trust Accounts (“IOLTA”) grantees. (1AE85–91.) In preparation for that session, the State Bar hosted a series of five planning meetings with various legal aid organizations—including LAAC, Frontline Justice, Legal

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<sup>1</sup> References to exhibits in the Appendix of Exhibits (AE) in this response are in the following format: [Volume]AE[Pages]. For example, the citation 1AE94 refers to page 94 of the AE, located in Volume 1 of the AE.

Link, and the Deborah L. Rhode Center on the Legal Profession at Stanford Law—between February 23 and March 11, 2024.

(1AE85–97.) The session for IOLTA grantees was ultimately held on March 21, 2024, hosted by LAAC (and not the State Bar).

(1AE89–90.)

In July 2024, LAAC, Legal Link, and OneJustice convened a CJW working group to consider potential models for a CJW program in California, existing structures that could support a CJW program in California, policy and legal changes that would be necessary to ensure the success of a CJW program, and entities that would need to be involved in effectuating any necessary changes. (1AE98–101.) This legal service organization-led working group planned to meet five times over four months and invited State Bar staff from the Office of Access & Inclusion (“OAI”) to attend the initial meeting on July 10, 2024. (1AE102–110.) OAI staff attended the initial meeting but did not attend subsequent meetings. (1AE102–110.) State Bar staff received occasional updates from the working group on their progress. (1AE113–115.) In October 2024, representatives of the working group informed OAI staff that the group had developed a rough proposal for a CJW program in California. (1AE112.) On October

28, 2024, the CJW working group hosted a meeting to present its proposal on a CJW program, which OAI Staff members Doan Nguyen and Jennifer Zelnick attended. (1AE125–126.)

In January 2025, the legal service organization-led working group publicly released its initial proposal, “Increasing Access to Justice Through Community Justice Workers – A Proposal for California” (“CJW Proposal”), and began presenting it to stakeholders. (1AE127–161.) The proposal outlined a framework for a CJW program in California and explored several pathways to enact the program, including: (1) the group filing a petition with this Court seeking a new section of California Rule of Court, rule 9.4; (2) the group filing a petition with this Court seeking a new section of California Rule of Court, rule 9.4 and seeking a statutory amendment to California Business and Professions Code section 6125; or (3) issuance of an order by this Court enabling the program. (1AE138–161.)

In February 2025, OAI staff and members of the working group met to discuss presenting the CJW Proposal to the State Bar’s Board of Trustees at its May 2025 meeting. (1AE162–167.)

On March 26, 2025, LAAC hosted a webinar to provide an overview of the CJW Proposal to IOLTA grantees. (1AE171.) OAI

staff attended the webinar and continued to discuss planning a presentation of the CJW Proposal to the Legal Services Trust Fund Commission (“LSTFC”) and the Board of Trustees with the working group. (1AE169–170, 172–192.)

On May 21, 2025, OAI staff delivered a presentation to the LSTFC on regulatory reform utilized in other states to expand access to legal services.<sup>2</sup> (1AE193–215.) The presentation included examples of legal service programs offered in other jurisdictions, including Alaska, Minnesota, and Utah. (1AE204–206.) OAI staff also presented on the CJW Proposal recommendations advanced by the working group, but the LSTFC did not make any recommendations or take any action at that time. (1AE208–213.) State Bar staff also presented this information to the Board of Trustees at its May 22–23, 2025, meeting as part of a discussion of the 2024 California Justice Gap Study and state-level approaches to expanding legal services.

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<sup>2</sup> Pursuant to Cal. Bus. & Prof. Code, § 6210.5, the LSTFC administers grant programs that fund qualified legal services projects and support centers to advance its mission, including IOLTA. (The State Bar of California, Legal Service Trust Fund Commission at <<https://www.calbar.ca.gov/about-us/who-we-are/committees/legal-services-trust-commission>> [as of Mar. 3, 2026].)

(1AE216–278.) The Board of Trustees did not take any action because it was not agendized to do so. The agenda item was limited to a presentation that discussed ways other states were exploring reforms to address the justice gap. (1AE216–278.)

LAAC, Legal Link, and OneJustice presented their CJW Proposal to the LSTFC Program Development and Impact (“PDI”)<sup>3</sup> Committee at its June 11, 2025, meeting. (2AE284–296.) Following that meeting, the PDI Committee formed its own working group to review the CJW Proposal and make recommendations to the LSTFC. (2AE304–332.) The PDI Committee working group met on August 1, 14, and 29, 2025. (2AE304–418.) At the Board of Trustees’ September 18–19, 2025, meeting, OAI staff presented on the CJW Proposal, the formation of the PDI Committee working group, and recommendations the PDI Committee working group proposed to make to the authors of the CJW Proposal. (2AE406–418.) OAI staff also advised the Board of Trustees that the PDI Committee working group’s

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<sup>3</sup> The PDI Committee’s purpose is “to advance LSTFC’s support for legal aid through new initiatives, innovations, and stakeholder engagement while ensuring effective evaluation and communication of program impacts.” (2AE302–303.)

recommendations would be presented to the PDI Committee and the LSTFC at their respective October and November 2025 meetings. (2AE415.)

On September 29, 2025, the PDI Committee working group drafted a letter to the legal service organization-led working group providing feedback on the CJW Proposal. (2AE419–443.) On October 24, 2025, the PDI Committee considered and approved resolutions recommending that the LSTFC (1) support the CJW Proposal authors' efforts to establish a statewide CJW program and (2) provide the PDI Committee working group's draft feedback to the authors of the CJW Proposal. (2AE444–501.) On November 7, 2025, the LSTFC, on recommendation from the PDI Committee, passed resolutions supporting the CJW concept and recommending that the feedback be provided to the CJW Proposal authors. (2AE502–562.)

On November 14, 2025, pursuant to the adopted resolutions, the LSTFC sent the written feedback to the CJW Proposal authors, which included recommendations to: (1) incorporate a more direct conversation of consumer protection and public harm; (2) implement minimum quality control standards to support consumer protection and ensure a degree of

parity for CJWs across the authorized legal service organizations; (3) demonstrate broader community support for a statewide CJW program; (4) provide more information about program costs and a funding source; (5) implement a staged two-year and five-year evaluation; and (6) update the CJW Proposal to reflect data from the *2024 California Justice Gap Study* and the *2024 Legal Market Landscape Report*. (2AE510–518, 563–565.) The letter also noted that the LSTFC agreed with the authors’ recommendation that the LSTFC serve as the authorizing body for the program, but suggested that further clarification regarding regulation of participants in the CJW program would help strengthen the proposal. (2AE520–521.) The letter recommended the authors work with the LSTFC Rules Committee to explore required statutory and/or rule changes (the CJW Proposal did not include a draft Rule of Court or draft statute, although some language from the proposal was ultimately incorporated into the Rule of Court proposed in the Petition). (2AE515–517, 1AE149–152.) The letter also noted that any formal requests by the State Bar or LSTFC for changes to statutes or Rules of Court would most likely need to be approved by the Board of Trustees. (2AE517.)

On December 11, 2025, Leigh Ferrin, chair of the legal service organization-led CJW working group, notified the State Bar by email that LAAC, OneJustice, and Legal Link had filed a petition with this Court to amend the California Rules of Court to allow CJWs to provide legal assistance under the supervision of IOLTA-funded legal service organizations. (2AE566–567.) The State Bar was not given an opportunity to review the proposed rule before the Petition was filed, and was not notified in advance that the Petition would be filed. The Petition was filed before this matter was agendaed or brought to the Board of Trustees for consideration, including whether or not to support the CJW concept generally.

**III. BECAUSE THE PROPOSED RULE OF COURT HAS NOT BEEN CONSIDERED BY THE BOARD OF TRUSTEES, THE STATE BAR CANNOT TAKE A SUBSTANTIVE POSITION ON IT**

California Business and Professions Code section 6010, subdivision (a), provides that the State Bar is governed by the Board of Trustees which “has the powers and duties conferred by this chapter.” The Board of Trustees “reserves authority over all matters pertaining to the State Bar, including whether actions or positions taken by a State Bar officer, agent, committee,

commission, or other entity are consistent with State Bar policies.” (Rules of the State Bar, rule 6.20.) As set forth in the Board of Trustees Policy Manual, “[t]he Board is the State Bar’s governing body, responsible for developing the guiding policies and principles underpinning its mission.” (The State Bar of California <<https://www.calbar.ca.gov/sites/default/files/portals/0/documents/bog/Board-of-Trustees-Policy-Manual.pdf>> [as of Mar. 3, 2026].)

Because the Board of Trustees is the State Bar’s policymaking body and the Board of Trustees has not made any decisions regarding the CJW concept including any proposed rules establishing a CJW program, the State Bar cannot, in this response, take a substantive position on the CJW concept or the proposed rule. Due consideration and approval by the Board of Trustees is especially important in this instance where the Petition proposes an exception to the general rule that only licensed attorneys can engage in the practice of law—a major policy change that may have significant impacts on public protection as well as access to legal services.

Further, pursuant to Rules of the State Bar, rule 1.10, the State Bar circulates its proposals for changes to the California

Rules of Court, subject to exceptions not applicable here (such as when a rule change is required to conform to specific changes in a law), for public comment prior to seeking Supreme Court approval. The State Bar has not had the opportunity to circulate the proposed CJW Rule of Court for public comment.

Indeed, whenever the State Bar proposes a new or amended Rule of Court or Rule of Professional Conduct to this Court, it does so only after the proposal has been approved by the Board of Trustees (and often the Board of Trustees' consideration occurs only after consideration by the State Bar subcommittee or subcommittees with applicable expertise). (See, e.g., Request that the Supreme Court of California Review and Approve Proposed Amendments to California Rules of Court, Rule 9.41.1 (Case No. S292292), filed, August 5, 2025 [approved by the Board of Trustees after consideration by the Committee of Bar Examiners]; Request that the California Supreme Court Review and Approve Recommended Changes to the Court's Proposed Amendments to Title Nine of the California Rules of Court (Case No. S292805), filed, September 4, 2025 [approved by the Board of Trustees after consideration by the Committee of Bar Examiners]; Request that the Supreme Court of California

Approve Proposed Amended Rule 9.7 of the California Rules of Court, and Proposed Amended Rules 1.2 and 8.4 and Proposed New Rule 8.4.2 of the California Rules of Professional Conduct (Case No. S281631), filed, August 28, 2023 [approved by the Board of Trustees after consideration by the Committee on Professional Responsibility and Conduct].)

The Petition was filed before the CJW concept was agendized for the Board of Trustees to take a position on; the presentations to the Board in May and September 2025 were for discussion only. The LSTFC voted to support the CJW concept based on the framework presented in the CJW Proposal, the May 2025 presentation, and the LSTFC PDI Committee's recommendation, but the Petition was filed before the Board of Trustees, LSTFC, or any other subentity (or State Bar staff) had the opportunity to review the proposed rule. Therefore, the State Bar has not been able to solicit public comment on the proposed rule nor has the Board of Trustees had an opportunity to consider it. As such, the State Bar cannot take a substantive position on the proposed rule at this time.

Notwithstanding the above, the State Bar offers, for this Court's consideration, several possible procedural next steps.

This Court may consider actions including: (1) declining to act directly on the Petition, deferring to the State Bar to decide whether to explore the CJW concept on its own timeline taking into consideration resource constraints and competing priorities; (2) directing the State Bar to consider the CJW concept, potentially with direction to refer the question to the appropriate subentity or committee (which could include the LSTFC or a new ad hoc committee), and to make a proposal to the Supreme Court on whether to implement a CJW proposal, including proposed rules for doing so if the State Bar recommends implementing a program; (3) approving the CJW concept and directing the State Bar to evaluate the proposed rule and recommend changes to make the proposed rule workable; (4) approving the CJW concept and directing the State Bar to develop its own proposal for a CJW program, possibly directing the State Bar to refer the matter for a recommendation by the LSTC or an ad hoc body; or (5) rejecting the CJW concept.

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The State Bar looks forward to the Court's action on the petition and/or other direction it may provide.

Dated: March 3, 2026    Respectfully submitted,

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By: /s/ Malissa Blake Mollberg  
MALISSA BLAKE MOLLBERG

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**DECLARATION OF SERVICE**

I, Ryan Sullivan, hereby certify that I electronically filed and served the attached **THE STATE BAR OF CALIFORNIA'S RESPONSE TO 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** with the Clerk of the California Supreme Court and Petitioners through their counsel listed on this Court's TrueFiling system.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Francisco, California, this 3<sup>rd</sup> day of March, 2026.

/s/ Ryan Sullivan  
Ryan Sullivan