

CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

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2009 Accomplishments **California Commission on Access to Justice**

The Access to Justice Commission had an extremely productive year under the leadership of 2009 Chair, Hon. Steven K. Austin, Judge of the Superior Court of Contra Costa County. The Commission continued its ongoing effort to make significant improvements in the administration of justice and to increase access to the judicial system for low and moderate income Californians.

Key Achievements/Accomplishments

Shriver Representation Pilot Project Bill Enacted:

The Right to Counsel Committee of the Access Commission played a key role in supporting AB590 (Feuer), which was signed into law by the Governor in October 2009. This landmark measure makes California the first state in the nation to establish a model program providing the right to counsel for low-income people in critical civil cases. The Shriver Pilot Project will continue to be a priority for the Commission, and the Right to Counsel Committee will be working closely with the Judicial Council on implementation. The pilots will involve collaborative efforts between the courts, legal services programs, local pro bono projects and bar associations to improve and expand legal assistance for seniors, youth, domestic violence victims, veterans, persons with disabilities, and other low-income residents.

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

Policy Paper on Access to Legal Services in Rural Areas:

The Rural Task Force disseminated an early draft of the Policy Paper in June of 2009 at the Annual Statewide Legal Services Stakeholders Conference, where a session was led by Task Force members to collect feedback and suggestions from Conference attendees serving in rural legal services programs. Additional drafts were developed, based on the comments and suggestions received from Task Force members, Rural Advisory Panel members, and other stakeholders. The final report will be published in 2010.

Funding/Analyzing Impact of the Recession:

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

Comment on Proposed Rules of Professional Conduct:

In 2009 the Commission was involved with the development of the proposed new Rule of Professional Conduct (RPC) 1-650 – Limited Legal Services Programs, based on the policy of ABA Model RPC 6.5 which provides some protection from imputed conflicts for attorneys who volunteer for advice and counsel clinics. The Commission submitted a letter in strong support of this rule, particularly since one of the recommendations the Commission made in its report, *Action Plan for Justice*, was to adopt ABA Model Rule 6.5 to facilitate attorney participation in advice and counsel clinics. The Commission has also followed all other rules that directly impact access to justice, and will continue to provide input to the Commission for the Revision of the Rules of Professional Conduct.

Administrative Agency Best Practices:

Launched in 2008, this new effort was initiated to analyze barriers in administrative agencies, particularly those key agencies serving the low-income community. While much work has focused on improving the courts over the past 15 years, there has not been a similar level of attention paid to administrative agencies, despite the fact that some of the highest priority legal needs of low-income Californians involve agencies and not courts.

The Administrative Agency Committee is compiling information on best practices and recommending ways to overcome unnecessary barriers. Throughout the 2009 meetings, presentations were made on various administrative agencies by Committee members with expertise on particular agencies. The Committee is also coordinating with other state access to justice commissions to see how they are approaching the concept of improving administrative agency practices.

Efforts to Strengthen Pro Bono:

Judicial Pro Bono Toolkit: A Pro Bono Toolkit for Judges was developed, submitted to the Judicial Council and disseminated to judges across the state to help them encourage lawyers in their courts to provide pro bono hours.

Pro Bono Summit – October 2009: The second annual Pro Bono Summit was convened, bringing together experienced pro bono practitioners from law firms, legal services organizations, and law schools to form an informal think tank for a

full day of strategic planning sessions, which covered family law, best practices, expanding pro bono resources, and statewide pro bono coordination.

Pro Bono Joint Committee: The new Pro Bono Joint Committee was formed to coordinate pro bono projects of the Commission's Pro Bono Task Force and the Standing Committee on the Delivery of Legal Services (SCDLS). A planning team of the Joint Committee met in December to finalize its mission statement, and the new committee will begin functioning in 2010.

Federal Courts Committee:

Composed of representatives from each of the federal districts in California, the Federal Courts Committee coordinated pro bono programs and self-help resources to ensure that each district could take advantage of the resources being developed elsewhere in the state, including the state court system. The Federal Courts Committee supported the establishment of two self-help centers in 2009 – one in Central California and one in Southern California.

Comments on Judicial Council and Legislative Proposals:

On an ongoing basis the Commission submits comments on Judicial Council and legislative proposals dealing with issues of "access to justice," and in 2009 submitted letters of support in principle on legislative bills AB 590 (Pilot Representation Project; Fraudulent Legal Aid) and AB 663 (Court Interpreters). The Commission also submitted a comment on the Report of the Judicial Council Elkins Family Law Task Force, agreeing in principle with the key recommendations of the Elkins Report that address access to justice issues, and highlighting the importance of right to counsel initiatives.

Long-Range Planning

Access to Justice Issues and The State Bar Board of Governors:

At their 2009 Planning Meeting, the Board of Governors made four "access to justice" issues its major priorities, and the Commission was actively involved in helping to organize and guide the discussions. The following issues were the focus of the meeting:

- Consideration of expanding MCLE credit for pro bono mentoring/training;
- ABA Model Rule 6.5 – modification of Rule 3.10;
- Limited scope legal assistance; and
- Family Law and the Elkins Task Force.

Action Plan for Justice:

The Access Commission reviewed the status of the recommendations in its Action Plan for Justice. The Action Plan was developed in 2007 at the request of the Assembly Judiciary Committee, and the document is a product of a collaborative effort including the Judicial Council, the State Bar, the Legal Aid Association of California (LAAC) and other entities. The publication included an overview of key principles for our legal services delivery system and twenty-seven recommendations to improve access to

justice. Since its publication, several key concepts have been implemented and the Commission's current projects are driven by these recommendations.

Legal Services Coordinating Committee:

On June 10, 2009, LSCC hosted the annual Statewide Legal Services Stakeholders Conference. LSCC is an umbrella group coordinating access activities of the Access to Justice Commission, the Legal Services Trust Fund Commission, SCDLS, the Judicial Council, LAAC and other key stakeholders. At the June Stakeholders Conference, sessions produced strategic recommendations that the Commission might consider. In addition to providing input to projects the Commission is already involved with, such as increasing funding for legal services and strengthening court-legal services collaborations, there were two additional concepts this year that the Commission is pursuing:

- **Meeting the needs of seniors.** This is a LAAC project to strengthen the statewide network of providers of legal services for seniors, and the Access Commission has named liaisons to work with LAAC and other partners on this project.
- **Foreclosure issues.** Following the Stakeholder Conference, the Commission helped launch an effort to host Foreclosure Summits, improve the statewide foreclosure legal services website, and coordinate efforts within the State Bar that has several foreclosure efforts, including disciplining lawyers guilty of loan modification scams and offering ethics information to lawyers in the foreclosure area, as well as the training and technical assistance offered by the Office of Legal Services.