



July 20, 2012

Attn: Invitations to Comment
Administrative Office of the Courts
455 Golden Gate Ave.
San Francisco, CA 94102
invitations@jud.ca.gov

Re: Public Comment re: Item SP12-05, the Strategic Evaluation Committee Report to the
Judicial Council

To Whom It May Concern:

I am writing on behalf of Bet Tzedek Legal Services to provide public comment to the Judicial Council as it considers the recommendations of the Strategic Evaluation Committee. Bet Tzedek Legal Services respectfully requests that the Judicial Council and its Executive Committee hold at the forefront of its analysis the impact on the public and especially California's most vulnerable populations of each of the SEC report's recommendations.

We commend the Judicial Council for adopting this public comment process, allowing additional time to supplement the information in the SEC report. This will allow additional voices to be heard and will aid in a careful analysis of the report.

Bet Tzedek was founded in 1974 by a small group of lawyers, rabbis, and community activists who sought to act upon a central tenet of Jewish law and tradition: "Tzedek, Tzedek tirdof – Justice, justice you shall pursue." This doctrine establishes an obligation to advocate the just cause of the poor and helpless. Consistent with this mandate, Bet Tzedek provides assistance to all eligible needy residents throughout Los Angeles County, regardless of their racial, religious, or ethnic background.

Bet Tzedek's pioneering projects combine direct legal representation with powerful outreach, education, and legislative advocacy. The result is a vital lifeline: equal access to justice for over 15,000 low-income Angelenos every year. Bet Tzedek's ability to deliver quality legal services to the community depends, in part, on partnerships with the private, non-profit, and public sectors, including the Administrative Office of the Courts, to address the root cause of poverty and exploitation in innovative and efficient ways.

1. The Judicial Council, and therefore also the Administrative Office of the Courts (AOC), must maintain as a central part of its mission preserving access to the courts for all Californians.

Over the years, Bet Tzedek Legal Services has been working hand in hand with the Court to develop projects that address the need for public access to the courts.

Self Help Conservatorship Clinic: Every year, over 1,000 low-income individuals and families obtain conservatorships through the Los Angeles County Superior Court system. The cost of retaining a private attorney to assist with a conservatorship can be as high as \$10,000. Yet without legal assistance, families can become lost in the process, are unsure how to resolve procedural complications, and are left no closer to securing a conservatorship. The process is all the more confounding for individuals who do not speak English. These various factors can result in litigants absorbing precious court time with multiple hearings to correct various deficiencies in their case.

In response to this need, Bet Tzedek Legal Services has collaborated with the Court to establish a series of Self Help Conservatorship Clinics designed to assist *pro se* litigants with the process of drafting, filing, and serving a Probate Conservatorship petition. Bet Tzedek coordinates with the Court to arrange the clinic days and space, while two Bet Tzedek attorneys and a dozen law school and community volunteers staff the clinic.

The impact on the community is staggering. The Clinic serves over 1,300 new litigants each year, and files as many as 1,000 new cases every year. As a result, over 40% of all petitions for conservatorship in Los Angeles County are drafted by Bet Tzedek through its clinic. The guidance provided by Bet Tzedek staff has resulted in an 85% success rate for all petitions filed through Bet Tzedek's clinic. The success is at least two-fold. Not only are the litigants successful with their claims, they are able to realize this success in just one hearing, rather than having to return for multiple hearings to correct deficiencies.

Finally, a significant percentage of the litigants helped by the clinic are monolingual Spanish speakers. Bet Tzedek's ability to recruit and make use of Spanish-speaking volunteers to work with these litigants allows the agency and the Court to facilitate greater court access for a significant section of the population.

Family Matters Clinic: A companion to its Conservatorship Clinic, Bet Tzedek's Family Matters Clinic provides direct representation to low-income families who need assistance obtaining a limited conservatorship over developmentally disabled children in their care. In collaboration with attorneys from the law firms of O'Melveny & Myers LLP and Paul Hastings LLP, Bet Tzedek staff attorneys meet with families at three special education schools throughout Los Angeles to conduct client intake and sign court documents. The court forms are filed by the volunteer attorneys, who then provide direct representation to the families throughout the conservatorship proceedings.

This innovative program is a shining example of facilitating access to justice by bringing the services to the families. Meeting with families in the school setting means families do not have

to find transportation or substitute caregiver services. Bringing the services to the families is critical in the case of one particular school, Joaquin Miller Careers and Transitions Center School, located in Reseda, California, an area of Los Angeles lacking in local community or legal services.

Bet Tzedek's collaboration with the Probate Court has, in turn, made it easier for the families, and their volunteer attorneys, to have their day in court. Judge Mitchell Beckloff, presiding judge of the Probate Division, has devoted hearing dates and a courtroom for Family Matters cases. The establishment of devoted dates and a courtroom facilitates the participation of the law firm attorneys, thereby creating a multiplier effect on the number of clients Bet Tzedek can serve. With just one staff attorney overseeing the work of dozens of volunteer attorneys, over 97 families have been helped in the last two years. More importantly, however, the designated court days and departments facilitate the clients' participation in the court proceedings. Many of Bet Tzedek's clients care for young adults with devastating and debilitating conditions that require accommodations. By having their matters heard separate and apart from the general public's, the families are provided a safe, non-threatening environment in which their matters can proceed. Lastly, the Court has been able to benefit from the efficiency created. In a matter of hours, the Court is able to hear and approve dozens of matters expertly marshaled through the court system by volunteer attorneys.

Small Claims Clinic: In 2009, Bet Tzedek, HIV/AIDS Legal Services Alliance, the Center for Civic Mediation, the Los Angeles County Bar Association, Southwestern Law School, and the law firm of Greenberg Glusker LLP consulted with the Los Angeles Superior Court's Small Claims Court to launch a Small Claims Workshop to provide information on small claims procedures to people who have filed, who are considering filing, or who are defending small claims actions.

The workshop is held every second Thursday of the month, and consists of two parts. The first portion of the workshop consists of an informational session covering topics such as how to draft, file, and serve a complaint, and how to prepare for and persuasively present a case at trial. The presentation is followed by an overview of the mediation process and the services provided by the Center for Civic Mediation. Thereafter, attorneys and law students meet individually with litigants to answer questions or, for example, help draft a complaint or fee waiver forms.

As with Bet Tzedek's collaboration with the Court through the Conservatorship Clinic and Family Matters Clinic, the partnership has resulted in a more efficient court experience for all involved. The resulting decrease in the number of hearings required per case due to improper filings or the litigant's failure to prove their case results in fewer hearings for the Court and the ability to address a greater number of matters.

2. The SEC Report Recommendations must be viewed within the larger context of the work that the AOC does to promote public trust and confidence in the state courts.

While each of the programs described above currently address the needs of the Los Angeles community, Bet Tzedek is collaborating with the Administrative Office of the Courts to export these service delivery models to other parts of California.

For example, Bet Tzedek is currently working with Mr. Harry Jacobs, a senior attorney at the Administrative Office of the Courts, in order to develop computer software that would allow *pro se* litigants who participate in the Conservatorship Clinic to answer a few questions in order to populate all fields required in the Conservatorship petition forms. An attorney working with a *pro se* litigant currently takes between 4 and 5 hours to complete the various forms. This software would reduce the time to approximately 15 minutes. Bet Tzedek plans to work with Mr. Jacobs in order to make the software, and clinic model, available across the state, with a particular focus on bringing the program to rural parts of the state where access to the courts and legal aid is of particular concern.

In addition, it is Bet Tzedek's hope to expand its Family Matters Clinic to other courts. However, due to budget cuts, it is unclear whether the Court will have the means to facilitate the program as it currently exists, much less expand it to other locations.

Lastly, Bet Tzedek has been asked to expand its Small Claims Workshop to a variety of court locations throughout Los Angeles County. The Workshop's initial success was due, in large part, to the consultation and input provided by the Los Angeles Superior Court's Small Claims Court staff. Successful duplication at additional locations would therefore require the infrastructure provided by the Administrative Office of the Courts.

3. A simple cost-benefit analysis is not the only appropriate measurement of the value of the AOC's work and programs.

As with all new endeavors, initiating these projects has required the investment of considerable funds. Bet Tzedek has invested a significant amount of staff time and resources in the development of trainings, materials, and infrastructure. Similarly, Bet Tzedek's law firm partners have expended a tremendous amount of staff time and internal resources to help improve materials and provide assistance and representation to the litigants. In turn, the Court has had to devote resources to these collaborations. In short, developing such models comes with a significant monetary cost.

However, a complete and accurate analysis of these collaborations requires not only a fiscal analysis, but also an analysis of the community impact. The programs Bet Tzedek has created in partnership with the Courts and the Administrative Office of the Courts represent an opening of the doors of justice to literally thousands of individuals in Los Angeles County alone. Without the assistance of the Conservatorship and Family Matters Clinic, family members would lose the decision-making authority over developmentally disabled child in their care to a government agency that does not necessarily have the child's best interest in mind. The maintenance of the child's safety and stability as they transition into adulthood cannot be given a monetary value. It is similarly difficult to ascribe a dollar amount to the benefit derived from an individual's ability to

secure the information needed to successfully access the Small Claims Court and have meaningful participation in an adjudicative process where their grievances can be peacefully resolved pursuant to the rule of law. We therefore respectfully request the Judicial Council consider the impact of the Administrative Office of the Court's work in our communities as part of its cost-benefit analysis.

4. The Judicial Council should recognize the value of the function of the AOC through its diverse programs.

The AOC functions to provide a unified judicial branch. There are not major disparities among counties. The AOC shares best practices, provides support to local courts, and provides training to court staff. The AOC has been a key partner in major initiatives, including the Sargent Shriver Pilot Projects, creating technology standards, and carrying out the requirements of the Court Interpreter Act. There are no recommendations that address this key function outright, so we ask that you keep the value of the AOC in mind in considering all recommendations.

Therefore, Bet Tzedek Legal Services respectfully requests that the Judicial Council and its Executive Committee recognize the potential impact on the public and vulnerable Californians as the implementation of each recommendation is analyzed. Bet Tzedek Legal Services also recommends that additional public comment periods be used as specific, individual recommendations are considered for additional implementation. It is our understanding that legal services nonprofits and their attorneys may not have been consulted during the development of the SEC report. Therefore, we would welcome the opportunity to provide more detailed comment on the recommendations as they are considered by further implementation.

Very truly yours,

Elissa Barrett, Esq.
Vice President and General Counsel
Bet Tzedek Legal Services

Cc:

Encl.