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July 11, 2012

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

**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 the Legal Aid Association of California (LAAC) and our member organizations to provide public comment to the Judicial Council as it considers the recommendations of the Strategic Evaluation Committee. LAAC 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.

Founded in 1984, LAAC is a non-profit organization created for the purpose of ensuring the effective delivery of legal services to low-income and underserved people and families throughout California. LAAC is the statewide membership organization for almost 100 legal services nonprofits in the state.

The attorneys at our member programs represent low-income clients in matters in California's civil courts. These civil cases frequently involve critically important access to life's basic necessities, such as food, safe and affordable housing, freedom from violence, health care, employment, economic self-sufficiency, and access to the legal system.

These low-income Californians are court users who rely on the civil court system to protect and enforce their rights in ways that are critically important to these individuals, their families, and ultimately to our society as a whole. If not for our member organizations, most, if not all, of these represented court users would be self-represented litigants. Our member organizations also work closely with their local courts through partnerships with Self-Help Centers and Offices of the Family Law Facilitator. Without fully accessible courts, including the local Self-Help Centers and Family Law Facilitators, our members' clients and self-represented litigants would be unable to safeguard rights that many Californians take for granted. Based on this larger context of the importance of access to the courts, LAAC provides the following comment on the SEC recommendations for the Judicial Council's consideration.

- 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.**

As acknowledged in the Judicial Branch's Strategic Plan, one of the key missions of the Judicial Council is to preserve access to courts for all Californians. In the preface, the plan includes in the Judicial Council's mission the accessible administration of justice. Later, the first goal of the judicial branch is Access, Fairness, and Diversity, aiming for all Californians to have "equal access to the courts and court proceedings and programs."¹ Therefore, LAAC strongly recommends that the Judicial Council and its Executive Committee keep the needs of the public – and the public's access to the courts – as a core tenet as it considers the recommendations in the SEC report.

California is a large and diverse state with an increasing low-income population. In 2000, of California's total population of 33 million, only 4.7 million people lived below the federal poverty level. Now, of the total population of 37 million, there are 5.8 million who live below the federal poverty level, representing a slight increase in percentage as well as an increase in the total number of people in poverty. There are millions more that live just above the federal poverty level, at the 100-125% range, who qualify for legal services by virtue of their low income alone. As the low-income population increases, LAAC anticipates that the number of Californians in need of legal help will also increase. In order to prevent additional strains on our justice system, court efficiency and effectiveness is of primary importance.

Because our member organizations work closely with their local courts, they are able to see first-hand the benefits that the Administrative Office of the Courts provides. California's 58 counties are not identical, but the type of justice one can expect should be. Because of the AOC's oversight and prioritization of providing Self-Help Centers, creating collaborative courts, ensuring diversity on the bench, aiding in language access issues, and creating efficiencies in dependency matters, justice is more uniform throughout the state. These important efforts, and others, result in greater court efficiencies and effectiveness.

¹ *Justice in Focus: The Strategic Plan for California's Judicial Branch 2006-2012*, 24.

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.

Meeting the needs of the public is a core function of the Judicial Council, and the AOC's statewide coordination role ensures the needs of the public are addressed. To this end, the AOC may prioritize projects that are not mandated activities. Recommendations 6-8, 7-4, and 7-6 would seek to limit the AOC's ability to respond to public needs and would prevent the AOC from creating many rules, publications, or pieces of legislation that are responsive to the public. Additionally, recommendation 4-2 fails to include the public in stating that the AOC's primary role should be to serve the Judicial Council and the courts; this recommendation should also include the AOC's important role of serving the public.

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

As LAAC member organization's members know, providing and ensuring access to justice is not a "cheap" endeavor. For many of California's most needy, there are multiple barriers to accessing the courts. The AOC's work to address language access issues certainly adds a cost to local trial court budgets. However, there are many collateral benefits to providing fully accessible courts and allowing low-income Californians to fully litigate their cases. Only recently are studies in other jurisdictions, such as New York state and Chicago, starting to show the benefits in quantitative ways. Preventing homelessness by preserving a tenancy saves county resources and can help preserve employment. Providing help in obtaining protective orders, divorces, or child custody orders helps prevent domestic violence. In both of these examples, Californians get help from the AOC, through local Self-Help Centers and new Sargent Shriver pilot projects. Although a cost-benefit analysis may be important as the AOC considers options in providing new services, a cost-benefit analysis cannot be the main consideration in providing access to justice. Recommendation 4-3's requirement that the Judicial Council *demand* a business case analysis seems to prioritize cost over justice. Recommendation 7-21 echoes this false priority.

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.

Recommendation 7-9 makes reference to the need for maximizing and combining resources between Self-Help Center and Sargent Shriver Civil Counsel Programs. LAAC agrees that coordination is important in these completely separate but complementary projects. Self-Help Centers and the Shriver Projects both aim to increase court efficiency and effectiveness, but use completely different strategies for doing so. Self-Help Centers provide legal information to court users who then represent themselves in their matter. The Shriver Pilot Projects increase representation for low-income Californians in certain types of cases. LAAC provides statewide coordination support to the legal services nonprofits involved in the Shriver Pilot Projects throughout the state, and it has been our experience that the AOC staff involved in both Self-Help Center projects, the Shriver Pilot Projects, and other related programs are already working to ensure that resources are shared, best practices are implemented and disseminated, and that coordination between these project areas is strong and ongoing.

Therefore, on behalf of LAAC member organizations and the hundreds of thousands of low-income court users they assist each year, LAAC 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. In addition, LAAC 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.

Best,



Julia R. Wilson
Executive Director
Legal Aid Association of California