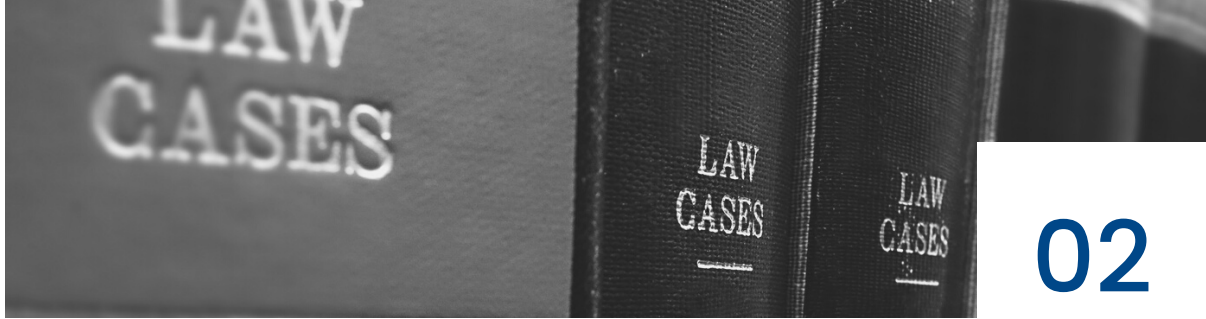


October 31, 2022



STRATEGIC PLAN FOR 2023-2025



MISSION STATEMENT

The California Access to Justice Commission advances access to justice for all Californians by expanding resources, removing barriers, and developing innovations so everyone can effectively and efficiently resolve their civil legal issues.

VISION STATEMENT AND GOALS

All Californians deserve justice. We envision a robust civil justice system that is well-integrated and coordinated so that everyone receives effective assistance to resolve their legal issues. Everyone should be able to get prompt access to the information and assistance they need, when and where they need it, in a format and language they can use. We collaborate with some of the most important stakeholders in the state, including the courts, the bar, the public, and the other branches of government, to achieve the following goals: Create a Continuum of Service; Improve Existing Systems; Expand Representation; and Promote Public Awareness and Trust. A more complete statement of our visions and goals is found at Appendix A.



THE JUSTICE GAP AND THE WORK OF THE ACCESS COMMISSION

03

The Access Commission works to reduce California's Justice Gap. The term "Justice Gap" was defined in a 2005 report by the Legal Services Corporation, "Documenting the Justice Gap in America," as the difference between the civil legal needs of low-income Americans and the resources available to meet those needs. [1]

As stated in the State Bar of California's Justice Gap Study, Executive Report, "the California Justice Gap is widespread, pervasive, and multifaceted." [2] Causes of the Justice Gap include not only inadequate resources – the "Service Gap" – but also the "Knowledge Gap" -- insufficient understanding that many problems and opportunities require or benefit from legal help. Id. Further, equal access to justice can be denied because barriers exist – economic, language, geographic, and immigration status barriers, among others.

To achieve our mission and vision, the Access Commission acts, and fosters collaboration among a wide array of stakeholders, to address all these aspects of the Justice Gap – reducing barriers, increasing the civil legal resources available to all Californians, and reaching people who do not understand that problems they face are legal or how to obtain help.

[1] Documenting the Justice Gap: The Current Unmet Civil Legal Needs of Low-income Americans. Legal Services Corporation. September 2005 (Second edition June 2007). <https://www.lsc.gov/sites/default/files/LSC/images/justicegap.pdf> ; see also The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans. Legal Services Corporation. June 2017. <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>

[2] The State Bar of California, California Justice Gap Study, Executive Report (2019), available at <https://www.calbar.ca.gov/Portals/0/documents/accessJustice/Justice-Gap-Study-Executive-Summary.pdf> ; NCSC Justice for All Initiative Guidance Materials (November 2019) available at https://www.ncsc.org/__data/assets/pdf_file/0021/25464/pdf-jfa-guidance-materials.pdf; American Bar Association Commission on the Future of Legal Services, Report on the Future of Legal Services in the United States (2016), available at https://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport_FNL_WEB.pdf

Our Strategic Planning Process

04

The founding document for the California Access to Justice Commission was a comprehensive report on the array of issues involved in achieving more equal civil justice for all. [3] Over the last 25 years we have addressed and made substantial progress on a number of the topics of that report, such as:



- Our role in establishing and increasing the Equal Access Fund to provide more resources to legal aid organizations serving low-income people;
- Our leadership on limited scope representation to make lawyers' help more affordable to modest-means people;
- Our report and efforts calling attention to language barriers facing Limited English Proficiency litigants, and
- Our continuing efforts to reduce the barriers to obtaining transcripts required to exercise the right to appeal and other procedural rights, particularly for those unable to afford an attorney.

Our progress on a wide array of issues can be gauged from a summary of the work our committees have done over the years, are doing currently, and could do in the future. *See Past, Current, and Potential Future Work of the Program Committees, attached as Appendix B, here.*

This proposed plan is intended to identify the specific work that we can undertake during the next three years. Our recent experience has shown that the Access Commission can accomplish meaningful results. In the face of great need, we have purposely decided to be selective and focused to maximize our impact. To inform our work, the Strategic Planning Committee asked each of the Access Commission's program committees to prepare a list of activities and projects in its subject matter area and to indicate the top priorities on the list.

[3] "And Justice for All" available at <https://calatj.org/publication/and-justice-for-all-1996/>

Twenty-five current and Emeritus members of the Access Commission attended the Strategic Planning meeting – a deeply experienced group including eleven judges, five career legal aid lawyers, five other lawyers, a law librarian, a professor, as well as staff members from the Legal Aid Association of California and the Access Commission. The group was diverse, including thirteen women, and nine people of color.

The attendees discussed the priorities to be assigned to work in four general subject matter areas – Access to the Courts, Access to Lawyers, Access to Other Forms of Help, and Narrowing the Knowledge Gap – and the development of activities and projects in each area. Given the great need and the Commission’s limited resources, the Commission identified the following considerations to be used in setting its priorities:



Impact – meets needs

Higher priority should go to activities and projects that bring about improvements that directly affect Californians. This certainly includes projects such as white papers, studies, and advocacy whose impact will come indirectly -- through reducing institutional barriers or increasing systemwide resources. However, our reports and studies should be expected to have likely real-world, direct benefits to people, and the sooner the better.

Leverages the Access Commission’s unique role, and does not duplicate what others could do

There are efforts the Commission can pursue, that no other entity could easily undertake, because of our unique role. Our special capability is to focus sharply on barriers to equal justice or opportunities to bring additional resources to bear, and foster collaboration among different kinds of stakeholders who can implement improvements. We do not operate any programs (beyond a temporary involvement in some pilot projects). But we can identify barriers to be removed or places where additional resources will help most; we can add credibility and insight. We are especially well-positioned to have a positive impact because of the participation of key community leaders. Because of the breadth of involvement in the Commission, we can attract the help of the Bar, all three branches of government, and private stakeholders to enhance the fairness of the civil justice system.

To leverage the capabilities unique to the Access Commission, we should keep in close touch with, and listen to, other justice system stakeholders. What they are doing or can do on their own, we may support but should not duplicate or supplant.

Achievable within our staffing and funding limits

Work that requires staffing we do not have or funding we cannot afford must be given lower priority. That said, the Access Commission continues to benefit from very able volunteers who spend remarkable amounts of their own time on tasks such as research, drafting and editing – that in another organization would only be done by paid staff. We must, however, be realistic about the limits imposed by dependence on volunteers as well as by a small staff and budget.

Innovation

Higher priority should go to innovative work by which we can suggest new ways for help to be provided to those in need, new insights about how to eliminate barriers that should be eliminated, or new ways for people to better understand the legal problems or opportunities they face, and get the help they need.

Timeliness

A core capability of the Access Commission is to identify needs, and ways to meet those needs, and bring them to the attention of other stakeholders at the right moment. The right moment may be brought on by events such as a budget surplus, a natural disaster, or an intense media focus on issues such as homelessness or immigration. Opportune timing may lead to action. This factor may raise the priority of activities and projects that could seize the right moment.

Sustainability

Higher priority should go to projects for which there is reason to expect that the improvements will be continued and expanded by others, long after our own involvement has ended.

Concrete and measurable results

We should favor activities and projects for which we can identify concrete effects that can be objectively measured.



THE ACCESS COMMISSION'S PROPOSED PRIORITY AREAS AND GOALS

The Access Commission's priority future activities fall into two broad categories: (A) Proposed high priority goals; and (B) Goals the Commission will address if it has the resources to do so.

A. PROPOSED HIGH PRIORITY GOALS

1. ACCESS TO THE COURTS

Two projects are proposed priorities in this category – access to the record, and e-justice. If the plan is adopted, we will make every effort to pursue and implement these priorities. That said, the actual work we undertake will reflect available staffing and funding, as well as “Timeliness” opportunities noted above.

Access to the Record in Court: The record of court proceedings must be made available to all

The Access Commission has worked for years to cast light on, and eliminate, barriers to civil justice for litigants who cannot obtain a transcript or other official record of oral court proceedings that affect them. The impact is clear. In many cases, an effective right to appeal, and other procedural options and benefits are denied to those who cannot obtain a transcript. Our Amicus Curiae Committee submitted a brief in *Jameson v. Desta* (2018) 5 Cal.5th 594, in which the California Supreme Court held that “when a superior court adopts a general policy under which official court reporters are not made available in civil cases but parties who can afford to pay for a private court reporter are permitted to do so, the superior court must include in its policy an exception for fee waiver recipients that assures such litigants the availability of a verbatim record of the trial court proceedings, which under current statutes would require the presence of an official court reporter.” (Id. at p.623; see id. at p. 599 [“an official court reporter, or other valid means to create an official verbatim record for purposes of appeal, must generally be made available to in forma pauperis litigants upon request”].)

This issue is also timely. Prominent courts in California have announced that court reporters are not being provided for many types of proceedings other than criminal cases because not enough reporters are available. Leaving it to the parties to secure a court reporter does not deliver equal access to justice.



The Access Commission may be well-positioned to help in convening and mediating among constituencies who must be involved in solutions. We may have more leeway to advocate for a compromise position than the court reporter representatives or the courts. The interests we seek to advance cannot be questioned. Our Strategic Planning Committee recommends this effort, which the Commission has been following for some time, be expanded as a specific project to be undertaken in the immediate future.

E-Justice: Leveraging technology in ways that enhance access and avoid creating new barriers

The topic of E-Justice encompasses many projects. Options discussed included remote hearings, hotspots for self-represented litigants, online dispute resolution, online translation and language access, online access to forms, and online “legal checkups” or assessments.

The Access Commission prepared and published a guide in 2020 on *Remote Hearings and Access to Justice During COVID-19 and Beyond*. [4] It was disseminated to courts throughout California by the California Judges Association, and to court systems throughout the country by the National Conference of State Courts. This work and considerable recent attention to the subject show that remote technology, well used, can be a boon to self-represented litigants, persons who must travel long distances and lose a day’s pay to attend a proceeding that may last only a few minutes, and to moderate-income clients who must pay lawyers for more time to attend in person than to participate in a proceeding virtually. On the other hand, digital divide barriers, absence of instruction on how to prepare for remote appearances, language issues, and other obstacles specific to remote proceedings may impair equal access.

Specific activities by the Access Commission could include participation in submitting information and views to the Judicial Council’s working group and the Legislature. We might also play a useful role in consulting with and advocating in the Legislature when it considers the report and new legislation to implement it. Our expertise, credibility, and dedication to access to justice may help the Legislature enact measures that lower some existing barriers, and avoid raising new ones, affecting self-represented litigants.

[4] <https://calatj.org/publication/remote-hearings-and-access-to-justice-during-covid-19-and-beyond-2020/>



The Commission might participate in the evaluation and assessment of new technologies and protocols in other areas of e-justice as well. For example, technology has been developed and assessed by others for online, out-of-court resolution of disputes between neighbors, tenants and landlords, and in family matters.

Under our current California Lawyers Foundation grant, we are working on use of technology for the delivery of pro bono legal help to remote clients. We could work to broaden the range of such help. There are disadvantaged communities that are not rural but could benefit from increasing the resources for delivering legal help through smartphones, for example.

Others in the field are developing triage or online check-up systems to help self-represented individuals identify and understand what type of legal issue they are facing – and provide resources to address the issue. The Commission could participate in these efforts to bridge the knowledge gap by promoting such efforts and evaluating, testing, and commenting on their efficacy and accessibility.

Another project that might be undertaken within the scope of E-Justice is to develop training for lawyers who serve modest-income clients about how to use technology effectively in delivering legal services at lower cost. There could be savings of time on the part of lawyers that could lower the cost to clients, while reducing the time and travel required for clients to meet with their lawyers.

Court Self-Help Centers: Support for Increased Funding

The Access Commission supported the Judicial Council's initiative to provide Self-Help Centers in every Superior Court. We will actively support its efforts to obtain additional funding to improve the services that the Self-Help Centers provide on-site at the courts and online.



2. ACCESS TO LAWYERS

Continue support for California legal aid organizations.

We are already committed to programs to carry out this priority:

Two Grantmaking Programs:

The State of California has appropriated \$5 million for a second year of Infrastructure and Innovation Grants. We are committed to the work of soliciting and reviewing applications, selecting grantees, overseeing implementation of the grant projects, and reporting to the State. This is highly important and beneficial work to increase resources for Californians eligible for legal aid – including services from nonprofits that do not receive IOLTA and Equal Access Fund support. In year one we subsidized this grant program by spending more on administration than the amount of the administrative allowance. For year two the allowance is increased, and the additional work for the Access Commission that this commitment entails should be self-supporting (or close).

We are seeking a second year of funding from The California Endowment for grants to support partnerships between legal aid providers and community-based organizations to address the impact of evictions on disadvantaged urban areas of California.

Efforts to support and expand Loan Repayment Assistance Programs for Legal Aid Lawyers. The Access Commission prepared and published a report on *Legal Aid Retention, Recruitment, and Diversity* in 2021. [5] It noted the existence of a crisis in hiring and keeping legal aid lawyers, and documented the primary reasons: low compensation and high student debt. Acting in consultation with the State Bar's LRAP and Student Debt Forgiveness Strategy Group, the Access Commission prepared briefing papers for and met with legislative staff to advocate for state funding as the most efficient way to address the hiring crisis. The Legislature included an appropriation to cover five years of funding from Loan Repayment Assistance Programs for legal aid lawyers in its final budget. The Governor did not, however, approve that appropriation.

To continue the effort, and to seek to demonstrate the feasibility of the LRAP project, the Access Commission prepared a design document for a version of the LRAP program that might be funded primarily by legal aid programs themselves. The Executive Committee has approved continuing work by the staff to obtain information from legal aid programs about the feasibility and suitability of the new LRAP, which may be followed by proposals to implement the program. This will occupy some of the time of the (unpaid) Executive Director, but will not require funding unless and until implementation, including a funding source, is approved. While current federal loan repayment initiatives are tremendous, they will not solve the crisis faced by the legal aid community.

The Access Commission has committed to support a California Legal Aid Roundtable (LAIR), patterned on the Legal Aid Interagency Roundtable among federal agencies convened by the United States Department of Justice. [6] One of the benefits of a California version could be promoting legal aid work with agencies of the Executive Branch and support by the agencies for that work.

Two other specific activities that would support this priority include:

- Continue to seek adequate public funding for legal aid organizations. The Legal Aid Association of California advocates for needed funding for legal aid organizations, and the Access Commission can and should add its credibility to those requests.
- Support measures to enhance funding from other sources, such as *cy pres* awards and work with funders such as the Legal Services Funders Network.

[5] <https://calatj.org/publication/legal-aid-recruitment-retention-and-diversity-2022/>

[6] <https://www.justice.gov/atj/legal-aid-interagency-roundtable>

3. PROMOTING PUBLIC POLICY THAT SUPPORTS ACCESS TO JUSTICE

Comment Letters on Proposed Rules and Bills Affecting Access. A core function of the Access Commission has always been to make its support or concerns known when proposed Judicial Council or State Bar rules or forms or proposed legislation could affect access to civil justice in California. That will continue, with the involvement of staff and under the supervision of the Public Policy Committee or another committee of the Access Commission.

B. IF RESOURCES ARE AVAILABLE, THE COMMISSION WILL CONSIDER WORK IN ADDITIONAL AREAS.

1. ACCESS TO THE COURTS

Support funding and staffing required for California courts to assist self-represented litigants.

- The Center for Families, Children & the Courts of the Judicial Council is updating and improving the statewide self-help website. The Access Commission could support the improvements and investigate whether to participate in efforts to improve LawHelp California in parallel, to address legal issues outside the focus on court-related matters.
- When the Chief Justice and the Judicial Council renew their request for funding for Court Navigators, the Access Commission and its Judicial Support Committee will, if staffing constraints permit, support the request with advocacy and substantive materials.

Support accommodations in court proceedings for speakers of all languages involved.

- Renew and strengthen our liaison relationship with the Language Access Subcommittee of the Judicial Council's Advisory Committee on Providing Access and Fairness; and work to support progress in implementing the judicial branch's Language Access Plan.
- Investigate ways to increase the availability of certified interpreters; and investigate appropriate uses of translation technology, in consultation with certified interpreters.

2. NARROWING THE KNOWLEDGE GAP

We have received funding from the State Bar of California to develop and test public communications to reach Californians who have legal protections they may not know about, and direct them to legal help. Our initial work addresses issues of access to health care, working with three regional service providers in the Health Consumer Alliance. [7] If based on data regarding the effectiveness of these efforts, the State Bar decides to expand the project, we are committed to continuing the work.

3. ACCESS TO LAWYERS

- The Right to Counsel Committee continues to support the recognition and implementation of a Right to Counsel for appropriate issues and proceedings and to monitor and support implementation of policies to provide lawyers in eviction proceedings.
- The Right to Counsel Committee and the Access Commission should continue to monitor the Sargent Shriver Civil Counsel Program and participate in or comment on designs for its expansion.

4. ACCESS TO OTHER FORMS OF HELP

Revive work on access issues in administrative agencies.

The Access Commission developed and published Minimum Access Standards for Administrative Agencies 2019. [8] If support is available, we will continue to address this subject.

[7] See <https://healthconsumer.org/>

[8] Available at <https://calatj.org/publication/minimum-access-standards-for-administrative-agencies-2019/>

Support practices that enable and motivate lawyers to provide modest means people with high-quality service at an affordable cost.

15

Possible specific projects, if funding and staffing is available, include:

- Presenting MCLE programs for lawyers on ways to provide modest-income clients with needed help at more affordable cost.
- Conduct an updated assessment of the Incubator Project [9] and investigate whether to seek to expand and enhance it.

Support County Law Librarians' delivery of useful and accurate information to unrepresented people facing legal problems or opportunities.

- Disaster Preparedness education in partnership with County Law Libraries.
- Investigate the use of County Law Libraries as sites for kiosks for self-represented litigants to participate in remote court proceedings.
- Investigate the development of educational materials for use by County Law Libraries (and to publish on other channels) on topics such as “How to Prepare for an Online Court Hearing,” and others suggested by the librarians.



9] See <https://calatj.org/publication/incubator-guide-2014/>



STRENGTHENING THE ACCESS COMMISSION AS AN ORGANIZATION

Based on discussions during and after the Retreat, the Strategic Planning Committee proposes that the plan should include several measures to guide efforts to strengthen the Access Commission as an organization.

A

RECOGNIZING AND ADDRESSING THE LIMITS ON OUR FUNDING

To continue our current level of work with paid staff and to expand our work to include other goals or objectives will require additional multi-year core funding to cover our operating costs. We are pursuing that level of funding.

C

STRENGTHENING OUR RELATIONSHIPS WITH ACCESS TO JUSTICE PARTNERS

Collaboration with other civil justice system stakeholders is central to the mission and function of the Access Commission. We will provide additional staff support to the Commissioners in maintaining their reporting to and consultation with the entities that appoint Access Commission members. We will continue the practice of consulting with and listening to partner organizations, attending their meetings, and inviting them to attend and present at ours, and pursue more formal liaison relationships where that would strengthen our mutual relations.

B

EVALUATING OUR GOVERNANCE

17

The Access Commission is committed to ensuring its effectiveness and efficiency through a review of its operations. This review will include reviewing the number and responsibilities of our committees. We will also consider and address ways to use the expertise and time of current and Emeritus members most effectively and keep them informed about and engaged in the Commission's work.

Strengthening the Access Commission



NEXT STEPS: PUBLIC COMMENT AND ADOPTION OF THE PLAN BY THE ACCESS COMMISSION

18

The Access Commission has expressed a commitment to a transparent strategic planning process that provides partners and other stakeholders with an opportunity to comment on our Strategic Plan. To obtain public comment and consideration of the Strategic Plan:

1

This Plan is posted on CalATJ's website and has been sent to partner organizations.

2

Members of the public are invited to share comments by November 28. The Strategic Planning Committee will review the comments and publish any proposed revisions to the Plan.

3

The Strategic Plan will be sent to the full Commission and made public as part of the December meeting materials.

4

The Access Commission intends to consider and act on the strategic Plan at its public meeting on December 9. Go to our Calendar tab at CalATJ.org for meeting details.

THANKS TO OUR PARTICIPANTS

September 16 attendees: Judge Lucy Armendariz, Catherine Blakemore, David Daniels, Judge Timothy Dillon, Justice Gail Feuer, Mary Lavery Flynn (Emeritus), Judge Rosa Fregoso, Amos Hartston, Janis Hirohama, Judge Lisa Jaskol, Justice Earl Johnson (Emeritus), Judge Mark Juhas, Judge Victoria Kolakowski, Sandra Levin, Michael Levy, James Meeker, Angelica Millan, Crystal Miller-O'Brien, Anne Marie Murphy, Judge Tony Richardson (Emeritus), Justice Ron Robie (Emeritus), Toby Rothschild (Emeritus), Panida Rzonca, Justice Jon Streeter, Elica Vafaie

Staff: Koleen Biegacki, Jasmine Kaddoura, Lorin, Kline, Jack Londen

The Access Commission gratefully acknowledges the work of Elizabeth Sadlon, who facilitated our September 16, 2022 Strategic Planning Retreat.

Members of our Strategic Planning Committee:

Judge Timothy Dillon and Amos Hartston, Co-Chairs
Catherine Blakemore
Salena Copeland
Mary Flynn
Judge Rosa Fregoso
Judge Mark Juhas
Sandra Levin
Crystal Miller-O'Brien
Justice Ron Robie
Justice Laurie Zelon



info@CalATJ.org



www.CalATJ.org

MISSION STATEMENT SUBCOMMITTEE FINAL PROPOSED DRAFTS

Brief Mission Statement

The California Access to Justice Commission advances access to justice for all Californians by expanding resources, removing barriers, and developing innovations so everyone can effectively and efficiently resolve their civil legal issues.

OUR VISION AND GOALS

All Californians deserve justice. We envision a robust civil justice system that is well-integrated and coordinated so that everyone receives effective assistance to resolve their legal issues. Everyone should be able to get prompt access to the information and assistance they need, when and where they need it, in a format and language they can use. We collaborate with some of the most important stakeholders in the state, including the courts, the bar, the public, and the other branches of government, to achieve the following goals:

Creating A Continuum of Service

To address the full scope and span of legal needs in California, we are helping create an integrated, coordinated range of services to help every Californian understand their rights and obligations, gain ready access to effective legal services, and obtain an appropriate remedy when faced with a legal problem. Those services must also address legal needs in and out of civil courts and administrative agencies as well as the impact that related issues in the criminal justice system, including the imposition of excessive fines and fees, have on individuals and communities. We are helping build a justice system that incorporates high-quality information and screening to identify individuals' needs and align them with the help they need.

Improving Existing Systems

We identify needs, gaps, and barriers to access, especially for low and middle-income Californians. We advocate for innovative solutions to provide better access and information, including expanded language access, lay-friendly forms and processes, simplified rules and procedures, court navigators and self-help centers, and resources for those who cannot afford representation. We support and fund enhanced services for indigent communities and self-represented individuals.

Expanding Representation

We promote access to legal aid for those with low income and low-cost legal services for individuals with modest means. We support funding for the chronically underfunded legal aid delivery system and efforts to create and sustain a right to counsel for indigent litigants in appropriate civil cases. We encourage private attorneys, paralegals, and others to offer pro bono, reduced rates, and limited scope legal assistance. We collaborate with partners to strengthen the infrastructure and improve the delivery of legal aid.

Promoting Public Awareness and Trust

We recognize that expanded services will only be truly effective if individuals understand their legal needs, know what services are available and how to access those services, and trust that the justice system can, in fact, deliver justice. We therefore support and promote making information available in more locations and languages, improving the effectiveness of referrals, and making the public aware that civil legal help is available.