

Hearings on California's Civil Justice Crisis

Findings & Recommendations



THE CALIFORNIA
COMMISSION ON
ACCESS TO JUSTICE



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Hearings on California’s Civil Justice Crisis

Protect Our Justice System

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Protect Our Justice System

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* Titles and affiliations accurate as of the final hearing on December 11, 2011.

Hearings on California's Civil Justice Crisis

Protect Our Justice System

Introduction

Californians need a functioning judicial system to which they have meaningful and timely access to resolve disputes and protect their rights. A fair and just society requires open courts and services that provide the ability to use them. The courts are not a discretionary function of government, but instead make up the third branch of government, fulfilling the fundamental role of preserving the rule of law.

Dramatic cuts in funding to court budgets and legal services organizations in recent years have created a real and present danger. To better understand the nature and breadth of the danger, and to begin crafting solutions, four hearings were held around California in November and December 2011. The hearings—held in Sacramento, San Francisco, Los Angeles, and Irvine—convened Californians from all facets of society—including representatives from businesses, social services agencies, private foundations, and health care providers, as well as low-income individuals, seniors, and veterans—to testify on the importance of California's civil justice system to their lives and their livelihoods.

What follows is a summary of the findings of the Hearings on California's Civil Justice Crisis, documenting the ways in which the civil justice system serves Californians and showing the dire need for increased funding for both California's civil courts and nonprofit legal organizations that ensure access to those courts.

Who Depends on Courts and Legal Services?

Without the courts, there is no civil justice system to enforce the laws and regulations that are the work of the two other co-equal branches of government. When laws and regulations are not timely enforced, there is no assurance that businesses will have the predictability they need to operate, individuals will have the confidence to invest or purchase property, and entities and individuals will resist resolving disputes through extra-legal means. And, without legal assistance, such as representation from a legal services organization or legal information from a court-based self-help center, Californians—especially low-income and otherwise disadvantaged individuals—cannot navigate the courts and access the civil justice system.

Individuals depend on the civil justice system to protect them from harm and to help them assert their rights.

- **Children** depend on courts and the assistance of legal services to protect them from abuse and neglect, guarantee a proper home placement, and ensure they have access to the education they deserve.¹
- **People at risk of losing their homes**—either because of eviction or foreclosure—depend on courts and the assistance of legal services to enforce their right to stay in their homes and keep them off the streets and out of California’s welfare system.²
- **Domestic violence survivors** depend on courts and the assistance of legal services to ensure custody of their children and to acquire restraining orders protecting them from abusive spouses.³
- **Seniors** depend on courts and the assistance of legal services to help them establish guardianships for their grandchildren, conservatorships for themselves, and to protect them when they fall prey to predators and abusers.⁴
- **Doctors and their patients** depend on courts and the assistance of legal services to ensure access to necessary medical services.⁵
- **Families** depend on courts and the assistance of legal services to settle custody matters, peacefully finalize divorces, and establish and enforce parental obligations.⁶
- **Veterans** depend on courts and the assistance of legal services to stabilize their income by accessing benefits that they have both earned and need so they can integrate successfully back into the community.⁷

Businesses depend on the civil justice system to provide stability, predictability, and support for their organizations, their employees, their suppliers, and their customers.

- **Corporations** depend on courts to provide predictability about the application of law so they can avoid disputes and, when disputes do arise, they depend on courts to decide those disputes fairly and quickly so they can continue conducting business. A functioning judiciary system compels responsible behavior by putting Californians on notice that a forum exists to resolve disputes should they arise. Corporations also depend on legal services to ensure that both parties in litigation have appropriate legal assistance so that issues can be resolved quickly, efficiently, and within the framework of the law.⁸
- **Small businesses**, which often do not have the resources to pay for an attorney, depend on courts and the assistance of legal services to protect their interests and enforce their rights when they become subject to a wrongful increase in taxes or involved in a lawsuit.⁹

¹ The content for all numbered citations in this report, including this one, are located in Appendix A.

Community-based nonprofits and charitable organizations depend on the civil justice system to help them better serve communities in need.

- **Charitable foundations** provide significant services and support to California’s most vulnerable communities and rely on a functioning judicial system and adequate legal services to develop a comprehensive safety net for those communities.¹⁰
- **Community-based nonprofits** depend on access to the civil justice system so they can continue to serve low-income and otherwise underserved Californians by ensuring their rights are protected and they receive the benefits to which they are entitled.¹¹

How Does the System Work?

Courts permit Californians to protect and preserve their rights, settle disputes, seek protection from physical harm, and realize our government’s promises. Especially during turbulent economic and social times, courts are where people often turn to help reassert control of their lives. Ericka V., a domestic violence survivor who testified at the hearings, utilized the courts to regain custody of her children and protect herself from further abuse. Mary P., another witness, secured vital special education services for her children through the courts. The laws that exist to protect Ericka and Mary provide no meaningful protection without fully funded courts to enforce them.¹² “We exist to absolve the evils of the world in a fair manner under the rule of law,” Chief Justice Tani Cantil-Sakauye observed about the judicial branch during the hearings.

Legal services organizations provide legal assistance to those who would otherwise be forced to fend for themselves. Both Ericka and Mary, mentioned above, were assisted by attorneys from legal services organizations. Without their lawyers, Ericka and Mary would have to navigate a complex system on their own. Providing legal services to those in need saves significant court resources because cases in which both parties receive legal assistance or information move faster and more efficiently than cases in which one or more parties is self-represented.¹³ Legal services advocates bring economic benefits to California by helping low-income individuals access federal funds allotted to them, such as the Earned Income Tax Credit. Legal services programs further benefit society when they prevent someone from becoming homeless or from suffering abuse in domestic violence situations.

A spectrum of legal services exists to assist individuals who may not necessarily need full legal representation, but do need help to effectively access the justice system. For instance, self-help centers, many funded by the courts, provide hands-on assistance to self-represented litigants with tasks such as filling out forms, understanding the legal process, and enforcing judgments. Many Californians who cannot afford to pay for representation, but cannot use or access free legal services, depend on self-help centers to guide them through the civil legal system.¹⁴ The availability of limited scope legal assistance—where, instead of full representation, clients receive help only for specified litigation tasks—helps lower costs for clients when they hire a private attorney and reduces

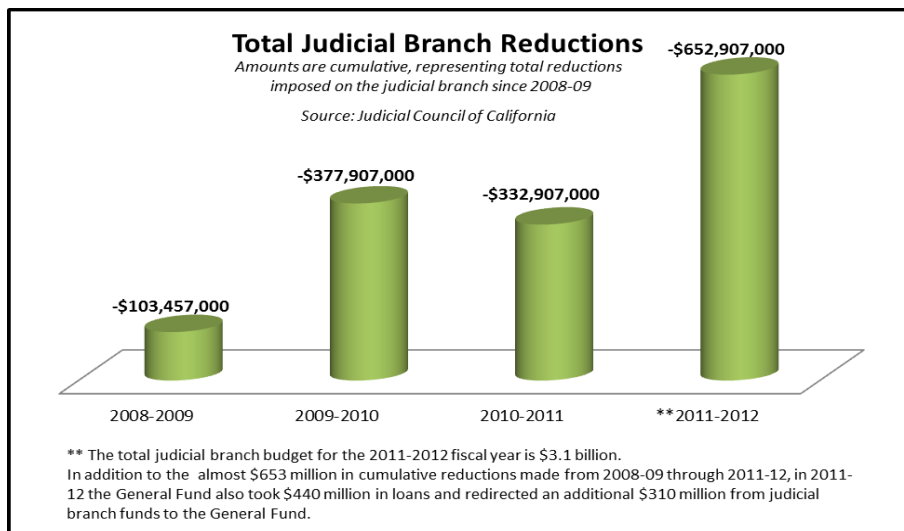
barriers to pro bono service by allowing private law attorneys to take on smaller tasks without accruing long-term volunteer responsibilities.

What Is the Impact of Funding Cuts?*

In 2011-12 alone, the courts have experienced a **\$1.1 billion reduction**. This includes:

- \$350 million reduction in operations funding for the judicial branch
- \$90 million loan to the State General Fund from SB 1407 courthouse construction fund (from filing fees and fine increases)
- \$350 million loan to the State General Fund from the State Court Facilities Construction Fund
- \$310 million one-time redirection of SB 1407 revenue into the State General Fund

These reductions were made *on top of* \$333 million in cumulative ongoing reductions over the three fiscal years immediately preceding 2011-12.

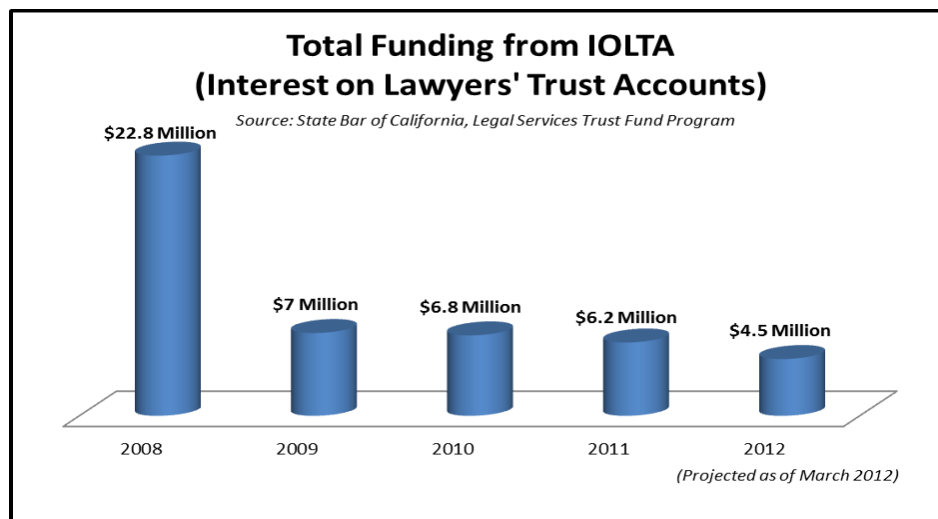


Budget cuts have forced courts to reduce their staff and services.¹⁵ There are fewer clerks to process documents, leading to delays in issuing restraining orders, child custody orders, support orders, and other critical matters. Phone service has been reduced and counter hours have been cut, making it more difficult for working persons to access the courts. Self-help centers have likewise had to cut their staff and reduce their hours.¹⁶ Some small claims courts, community courts, drug courts, and parole reentry courts have closed their doors. Clerk’s offices, which provide vital assistance to those who use the courts, are reducing their hours by up to two hours a day. Since 2009, Los Angeles

* All data in this report regarding funding cuts to both the courts and legal services organizations is accurate as of April 2012.

courts alone have lost more than 500 court employees due to layoffs and attrition. And, later this year, Los Angeles courts plan to lay off more than 350 additional court employees and close 50 courtrooms due to budget cuts. Other courts have already implemented or are planning similarly drastic reductions in services. These severe cutbacks have led to serious delays. For example, in early 2012 some California courts were scheduling contested custody hearings for mid-2013.

Funding for legal services organizations has gone from low to dangerously-low levels in the last three years. There has never been adequate funding to ensure legal assistance for the millions of Californians who have nowhere else to turn. Even at the “height” of legal services funding, organizations only had enough resources to meet 30 percent of the legal needs of low-income Californians. In recent years, the funding has reached a critically-low level. One of the largest sources of state funding for California’s nearly 100 legal services organizations is the State Bar’s “IOLTA” Fund, which is funded by interest on lawyers’ trust accounts. The IOLTA Fund annual revenues have dropped from over \$20 million in 2008 to a projected \$4.5 million in 2012.



The single largest legal services funding source in California is the federal Legal Services Corporation (“LSC”). Funding from LSC for California legal services organizations has dropped by \$8 million this year alone—a reduction of 15 percent. That drop in funding is in addition to a nearly four percent reduction last year. Another critical source of funding is the Equal Access Fund, which includes a state appropriation and court filing fee revenue. While the Equal Access Fund has experienced relatively small reductions in recent years, the recipient legal aid providers have faced significant increases in requests for assistance—meaning more people are turned away because of inadequate resources.

Funding cuts hurt clients the most. California has the country’s largest low-income population, with nearly six million people living at or below the poverty line and nearly eight million people living at or below 125 percent of the poverty line (making them eligible for free legal services). Without adequate funding for the legal services organizations that are meant to serve them, those nearly eight million people do not have access to the legal services they need to protect their families, enforce

their rights, and settle their disputes. Funding reductions have forced legal services organizations throughout California to cut their staff—including attorneys, paralegals, and other administrative support staff—through layoffs and attrition. For example, the 11 LSC-funded legal services organizations in California—of the nearly 100 organizations in the state—have lost 23 attorneys and 59 other staff members in the last year. Those same 11 organizations are planning to lay off 18 more attorneys and 24 other staff members in the coming year. Reduced staff has meant an inability to serve all of the people in California who qualify for, and are in need of, legal assistance.¹⁷ Hundreds are turned away every day throughout the state. At Legal Services of Northern California, for example, 2,500 financially qualifying persons each month—or about 80 people a day—are being turned away due to lack of resources.

What Must Happen to Protect the Civil Justice System?

In order to protect the viability of California’s judicial branch, we recommend the following:

- **The Legislature should establish and support a stable baseline of funding for courts** to ensure the judicial branch can meet its constitutional and statutory obligations, protect the public safety, and hear matters that need resolution without undue delay. To start, funding for the judicial branch should be restored to pre-reduction levels and then increased as required to provide the services on which Californians rely.
- **Funding of the courts should be a General Fund obligation.** Instead of depending on user fees, baseline court funding should come primarily from the state’s General Fund in order to ensure stability and fair access to the courts. Every Californian, not just those who appear in court at any given time, benefits from the courts.
- **The Legislature should fund and support court programs that assist litigants and make the civil justice system more efficient,** including problem-solving courts, alternative dispute resolution programs, and self-help services.
- **Courts should continue to identify available and potential efficiencies in court operations** and develop strategies to enhance and implement those efficiencies.

To ensure that legal services organizations are able to provide low-income Californians with access to justice, we recommend the following:

- **The California legal services delivery system should establish the goal of turning away fewer eligible Californians in need of legal assistance** and reducing the so-called Justice Gap—the gap between *current* funding levels for legal services and the funding levels *necessary to serve all Californians in need*. This requires significant increases in funding for legal services organizations from stable and reliable sources and less reliance on temporary, unpredictable funding streams.

- **The statewide access to justice community should work jointly with the charitable foundation sector to identify and replicate successful strategies for funding projects that include legal services components.** While several charitable foundations currently partner with legal services organizations to provide increased access to free legal help for Californians in need, the access to justice community needs to convince many more foundations to follow suit.
- **The statewide access to justice community should examine ways to enhance the manner in which California’s legal services delivery system collects and analyzes data on the impact of providing legal services to Californians in need** to ensure that the delivery system is effective and efficient and to enhance the public’s understanding of the economic benefits such services bring not only to low-income communities, but to the entire state of California.
- **The private bar and legal services community should promote increased pro bono participation** specifically aimed at serving individual, low-income clients that are currently slipping through the so-called Justice Gap, while acknowledging the vital role that legal services organizations play in cultivating pro bono partnerships and providing training and guidance to pro bono counsel.
- **The Legislature should continue to allocate funds to innovative pilots and programs** aimed at identifying and expanding necessary services for low-income persons, which the Legislature did with the passage of AB 590 (Feuer), creating the Shriver Civil Counsel Act to develop mechanisms aimed at increasing representation for low-income Californians in civil matters affecting basic life necessities.

Hearings on California's Civil Justice Crisis

APPENDIX A: Citation Content from Report

October 2012

Citation Content from Report

¹ **Children and Youth Depend on the Civil Justice System**

“In 2010, California’s network of state-funded legal services nonprofits served nearly 23,000 low-income youth, and this particular client population segment has actually steadily trended upwards each year over the last three years[.]” Testimony of Cristin Zeisler, Los Angeles Hearing Transcript 123:22-124:4.

“There are approximately 58,000 children . . . in the California foster care system. And . . . every single one of those kids ha[s] cases pending in the dependency courts, and many of these foster youth also have related cases pending in our probate, civil, and family courts, too.” Testimony of Cristin Zeisler, Los Angeles Hearing Transcript, 123:10-15.

Mary Pinmental, a client of the legal services organization Mental Health Advocacy Services (“MHAS”), shared her story about how her daughter was denied required services at her school. Seeing that her daughter was suffering from emotional and behavioral problems, Ms. Pinmental requested that the school provide special academic support for her daughters, but her requests were denied. Ms. Pinmental then turned to the attorneys at MHAS, who filed a complaint against the school. In response to the complaint, the school finally put together an Individualized Educational Program (“IEP”) for Ms. Pinmental’s daughter. Ms. Pinmental reported that her daughter was “doing much better academically, emotionally, and [the] IEP’s like a treasure now. [W]ithout . . . Mental Health Advocacy Program, I wouldn’t know what to do, how to advocate on behalf [of] my daughter’s rights or my rights as a parent.” Testimony of Mary Pimentel, Los Angeles Hearing Transcript 130:13-23.

² **People at Risk of Losing Their Homes Depend on the Civil Justice System**

“[Property laws] have a lot to do with whether people have access to housing, but they don’t operate independently. They require a system of civil justice, meaning courts that are open and available to adjudicate disputes as they arise. And because of the complexity of these laws, invariably, access to that system means also access to a lawyer.” Transcript of Gary Blasi, Los Angeles Hearing Transcript 59:15-21.

“[O]ut of a random sample of 151 cases with habitability defenses, tenants who had received assistance from self-help centers or were unassisted succeeded in exactly zero cases, whereas the similar cases that were handled by lawyers for tenants won about half the time.” Testimony of Gary Blasi, Los Angeles Hearing Transcript, 62:1-62:3.

Zhanna Verny, a Russian immigrant, cancer survivor, and person with mental disabilities, testified to the life-changing assistance she received from Mental Health Advocacy Services (“MHAS”) in helping her retain her Section 8 voucher and securing housing where she could live with her support dog. Speaking to the importance of legal representation in Ms. Verny’s case, Professor Blasi testified that “knowing how to respond to [her] situation required understanding the local Section 8 administrative plan, the Americans with Disabilities Act, the SSI regulations, the regulations enforced by the Department of Fair Employment and Housing, and a whole array of things. . . . [N]o lay person, and frankly, no unsupported pro bono lawyer, . . . and certainly no law student

would be able to do that . . . Not having a lawyer under those circumstances would probably have had her lose her Section 8 certificate. That would mean that she would have had to pay market rate for that housing. She could not afford market rate on the SSI income that she had. She most likely would have become homeless, and . . . become a much more expensive consumer of public resources, to say nothing of the human costs.” Testimony of Gary Blasi, Los Angeles Hearing Transcript 89:1-6, 10-12, 91:3-17.

³ Domestic Violence Survivors Depend on the Civil Justice System

Ericka Valencia, a domestic violence survivor, testified to the help she received from the Legal Aid Foundation of Los Angeles (“LAFLA”), whose attorneys helped Ericka both terminate a restraining order her abusive husband had obtained against her—keeping Ericka from her two children—and obtain legal immigration status in the United States pursuant to the Violence Against Women Act (“VAWA”). “I know there [are lots] of people in the same situation. We know that we have rights, but we don’t know how to defend them. So we need the help of a professional. Sometimes . . . you don’t have the money to pay for that. And that’s not fair, because you don’t have money . . . you cannot defend your rights[.]” Testimony of Ericka Valencia, Los Angeles Hearing Transcript 106:8-16.

⁴ Senior Citizens Depend on the Civil Justice System

Elaine Musser, the vice chair of Yolo County on Aging and Adult Services, told the story of a senior who was scammed into joining a prescription drug plan that ended up charging him exorbitant fees and prices. Taking the case pro bono, Ms. Musser was able to “straighten out the entire mess.” But without Ms. Musser’s help, “the most likely result could have been far [grimmer] It is critical to the safety of our senior citizens, especially those of limited income, that they have access to legal services. Otherwise, they will be left to the mercy of predators and abusers who prey upon those without legal protection.” Testimony of Elaine Musser, Sacramento Hearing Transcript 87:13-91:3.

⁵ Doctors and Their Patients Depend on the Civil Justice System

Dr. Dana Weintraub, co-founder of a medical-legal partnership between the Legal Aid Society of San Mateo County and Lucille Packard Children’s Hospital at Stanford, testified as to how legal services organizations helped provide patients with access to the civil justice system. Medical legal partnerships now exist in 235 healthcare centers across the nation, 18 in the Bay Area alone. “[L]egal aid attorney[s] play an important, if not imperative role in insuring the health of those in need. Providing quality healthcare requires addressing social legal issues including access to healthcare programs, sanitary living environments and the ability to . . . navigate government and community systems.” Testimony of Dr. Dana Weintraub, San Francisco Hearing Transcript 70:17-23.

Renee Heidtman shared the story of how legal services attorneys helped her deal with legal issues getting in the way of her recovery from breast cancer. After being diagnosed in 2009, she had to stop working and was dependent on government programs. She ended up having her car repossessed while she was going through chemotherapy. The organization Shanti, which serves people in San Francisco with breast cancer, referred Renee to the Bar Association of San Francisco’s Volunteer Legal Services Program (“VLSP”). VLSP attorneys helped Renee deal with the auto deficiency case against her, and also helped settle tax problems that Renee was struggling to resolve. “[T]hey just helped me clean up my financial issues altogether which took a lot of stress off of me

and I think as we probably all know that when you are stressed, it is very hard to be healthy.”
Testimony of Renee Heidtman, San Francisco Hearing Transcript 79:6-80:1.

⁶ Families Depend on the Civil Justice System

Speaking to recent court funding cuts, Justice Laurie Zelon testified that “parents and the children who have no choice but to use our courts to solve their disputes will be trapped by the wreckage that is caused by these cuts.” Testimony of Justice Laurie Zelon, Irvine Hearing Transcript 40:22-24.

Lauren Zorfas, a family law attorney, told the story of a client whose ex-husband cut spousal support payments in half, threatening her ability to care for her special needs son. After filing a contempt motion in August 2011, her hearing was continued twice and is now scheduled for February 2012. “In the meantime, she was forced to move into a tiny apartment for her and her teenage son so that she can still maintain a home in the school district where his needs can be met.” Testimony of Lauren Zorfas, Irvine Hearing Transcript 103:23-104:17.

Vivian Clecak, executive director of Human Options, spoke about how court cuts create barriers for her clients, victims of domestic violence, who seek justice in the courts. “The long lines are intimidating and the wait is especially hard for those clients who must bring small children. Often staffing is limited and the client feels confused and unable to deal with the forms herself. So she does what she has done much of her life; she simply withdraws. . . . The domestic violence clients who come to an emergency shelter or a counseling center are, by definition, disempowered. They typically lack a positive sense of self. They have been beaten down, literally and figuratively, isolated and demeaned. The legal system appears to them like a giant intimidating force. They are afraid to go there. . . . Too often, the lack of representation is crucial. The batterer wins again. He shows up in court with an attorney. He intimidates the victim and she loses her right to justice.” Testimony of Vivian Clecak, Irvine Hearing Transcript 45:11-47:4.

⁷ Veterans Depend on the Civil Justice System

Ricardo Vallejo, a public defender assigned to the combat veteran’s court in Orange County, testified that while assisting veterans with criminal issues, he is routinely asked questions about civil issues, like divorce, child custody, and social security benefits. . . . They have needs for their families. They have substance issues. They have so many different issues that aren’t being addressed right now.” Testimony of Ricardo Vallejo, Irvine Hearing Transcript 116:4-14.

Janice Tsao, executive director of the Salvation Army Haven in Los Angeles, testified that her organization serves about 2,500 veterans, who make up about one-third of the total homeless veteran population in Los Angeles County, and more than 40 percent have legal matters to deal with, “whether in family law or related to the VA system in terms of their benefits[.]” Testimony of Janice Tsao, Irvine Hearing Transcript 118:2-25.

A Salvation Army Haven client, Willie Thomas, spoke about how Public Counsel’s assistance helped him cope with legal issues regarding benefits owed to him as a veteran suffering from diabetes, hypertension, degenerative arthritis, and prostate cancer. According to Mr. Thomas, “without [these] free legal services, I will once again find myself living on the streets.” Testimony of Willie Thomas, Irvine Hearing Transcript 126:2-127:6.

⁸ Corporations Depend on the Civil Justice System

Erika Frank, general counsel for the California Chamber of Commerce, testified that when courts cannot provide easy access to the civil justice system it negatively impacts the business sector. “Fast and easy access to the courts is a priority for many businesses. Employers have a vested interest in seeing that disputes, whether it’s their own because they have some kind of contract dispute, or whether it’s their employees who are having a dispute, are resolved quickly.” Testimony of Erika Frank, San Francisco Hearing Transcript 84:16-21.

Jeffrey Reeves, a partner at Gibson Dunn who represents many of California’s largest corporations, said that “[b]usinesses need predictable, stable courts in order to settle disputes intelligently, peacefully, and quickly. Effective corporate decision making is abetted by effective judicial action.” Testimony of Jeffrey Reeves, Irvine Hearing Transcript 63:4-7. Bruce Ives of Hewlett-Packard agreed, noting that “[t]he courts interpret and enforce the fundamental rules of commerce.” Testimony of Bruce Ives, San Francisco Hearing Transcript 106:12-13.

⁹ Small Businesses Depend on the Civil Justice System

Nina Jun, the owner of a laundry business in Santa Ana, told the story of how Public Law Center and pro bono attorneys from the firm of Crowell & Moring helped her fight the wrongful increase of her taxes by approximately \$4,000. “For a small business like mine, an increase of this amount in tax is big . . . It was not only a monetary victory, but it was a triumph [of] spirit and the pride of . . . small business[es], who are looking for justice[.]” Testimony of Nina Jun, Irvine Hearing Transcript 80:21-84:16.

Andrew Halberstadt of the Boys and Girls Club of Garden Grove testified that with the help of the Public Law Center—a legal services organization in Orange County—the Club was positioning itself to purchase a restaurant and convert the business into a social enterprise “for the purpose of job training for our teen programs, community development outreach, and . . . getting the proper education to our kids that they need to become productive adults.” Mr. Halberstadt said, “If our project succeeds, a great deal of the success will belong to the [Public Law Center] because of their support[.]” Testimony of Andrew Halberstadt, Irvine Hearing Transcript 77:7-80:4.

¹⁰ Charitable Foundations Depend on the Civil Justice System

Holly Fujie of the California Bar Foundation testified that “[f]oundations such as ours need a fully funded and functioning court system to help provide the poor and disenfranchised of California with the services that they so desperately need.” Testimony of Holly Fujie, San Francisco Hearing Transcript 128:17-20.

Patti D’Angelo Juachon of the Marin Community Foundation testified that her foundation has “determined that the funding of legal services affirms its mission to support humane and democratic values” and warned that “funding cuts being imposed on providers and the court system jeopardize our collective ability to prevent or remedy crises that can quickly send low income families deeper into poverty.” Testimony of Patti D’Angelo Juachon, San Francisco Hearing Transcript 117:5-119:5.

Claire Solot of the Marced and Bigglesworth Family Foundations said, “We cannot effectively help lift people out of poverty or improve their quality of life without a strong network of legal service

organizations and access to the courts.” Testimony of Claire Solot, San Francisco Hearing Transcript 137:19-22.

¹¹ Communities Depend on the Civil Justice System

Max Gardner of the United Way Orange County testified about a partnership with the Legal Aid Society of Orange County to help residents file for and receive the earned income tax credit (“EITC”). “In 2010, alone, [the partnership] generated over \$10 million that was returned to over 7000 residents in Orange County . . . [a]nd most of that money, at least 80 percent of that money, goes back into the community and into the economic cycle because they are buying goods and services in the community.” Testimony of Max Gardner, Irvine Hearing Testimony 72:22-73:2.

Mayor Sukhee Kang of Irvine noted that a similar partnership with Legal Aid Society of Orange County resulted in more than \$1.9 million in refunds and credit to residents of Irvine. Introductory Speech of Mayor Sukhee Kang, Irvine Hearing Transcript 7:11-18.

¹² Laws Provide No Meaningful Protection without Fully Funded Courts to Enforce Them

Elaine Musser, who as vice-chair of the Yolo County Commission on Aging and Adult Services works to protect the rights of California’s seniors, stated in her testimony, “any and all statutes and regulations promulgated within the state by the California Legislature are not worth the paper they are written on if there is no way a citizen can enforce their rights under the law.” Testimony of Elaine Musser, Sacramento Hearing Transcript 90:8-12.

Jon Streeter, current president of the State Bar of California, stated, “It should never be forgotten that the rule of law ceases to be the foundation of government when courts are deprived of their capacity to hear and decide cases in a timely manner and to control the even-handed application of the law.” Testimony of Jon Streeter, San Francisco Hearing Transcript 4:13-23.

¹³ Providing Legal Services to Californians in Need Saves Significant Resources

In 2009, the New York Task Force to Expand Civil Legal Services found that, at its current levels of funding, each dollar of civil legal aid funding returns nearly \$5 to the state and local economies. The New York Task Force to Expand Civil Legal Services in New York, Report to the Chief Judge of the State of New York, November 2010. The New York study projected an annual cost savings of \$100 million to state and local governments as a result of providing civil legal assistance, with the most significant contributions coming from preventing homelessness and providing assistance to domestic violence survivors. *Id.* at 13-14.

The state of Missouri, conducting a similar analysis, found that in 2008 legal aid programs contributed \$24.9 million to the state’s economy. Missouri Legal Aid Network, “Investing in Justice, Strengthening Communities: How Everyone In Missouri Benefits from Legal Aid,” Fall 2009, pp. 5, 13. Similarly, Pennsylvania found that civil legal aid funding had an impact of \$154 million over four years, *see generally* The Pennsylvania IOLTA Board, “Results to the Commonwealth and the General Assembly, FY 2008-2009,” p. i, and Virginia found it had realized \$67 million in economic benefits as a result of civil legal aid programs in 2008 and 2009, *see generally* Florida Tax Watch, “The Impact of Legal Aid Services in the State of Florida,” February 2010.

Justice Laurie Zelon of the California Court of Appeal and the California Commission on Access to Justice stated, “[W]hen people have the information and assistance necessary to navigate the process effectively, through self-help where appropriate and representation where needed, they not only resolve their cases faster, but they leave the courts with more time and resources to devote to the other cases brought by individuals and business. This also saves money that courts can apply elsewhere to make the process better for everyone.” Testimony of Justice Laurie Zelon, Irvine Hearing Transcript 42:10-18.

¹⁴ **Californians Depend on Self-Help Centers to Guide Them through the Civil Legal System**

Coral Henning, director of the Sacramento County Law Library, testified about the self-help center that her library now hosts because Sacramento Superior Court was forced to cut funding and facilities for the center, and reported that her staff provides “hands-on assistance in completing the forms or drafting the pleadings necessary to obtain a fee waiver, claim of exemption, enforce a judgment, set aside a default, or provide general information about civil cases and court procedures.” Ms. Henning noted that “[m]ost of the customers are the working poor, people on fixed incomes, and the middle class. They cannot afford to pay for legal representation, yet they find themselves needing legal assistance.” Testimony of Coral Henning, Sacramento Hearing Transcript 80:10-81:19.

Diane Bras, who manages the self-help center for the Placer County Superior Court, testified to the many ways in which self-help centers provide Californians with better access to the civil justice system. She testified that self-help centers often are relied upon to help a parent get a restraining order against an abusive spouse, aid a spouse in filing for divorce, assist a tenant whose landlord has been foreclosed on so he or she can stay in his or her apartment, help a grandparent establish legal custody of his or her grandchildren when the children’s parents are absent, and aid an elderly landlord secure the eviction of a non-paying tenant. Testimony of Diane Bras, Sacramento Hearing Transcript 96:12-15.

¹⁵ **Budget Cuts Have Forced Courts to Reduce Their Staff and Services**

Justice Vance Raye, Presiding Justice of the Third District of the California Courts of Appeal, stated, “There are fewer clerks to process documents, fewer attorneys to assist judges in writing opinions, and, in our case, one fewer judge to decide cases. . . . If these vacancies go unfilled at staff level and attorneys, the consequences will be enormous in terms of the time it takes to get an appeal—to process an appeal out the door.” Testimony of Justice Vance Raye, Sacramento Hearing Transcript 32:14-37:15.

Justice Raye further stated, “Courts have reduced phone services, courts have reduced hours of self-help centers, have eliminated peer courts, drug courts, parole reentry courts, increased staff vacancies that impact processing cases, and taken other steps that affect the public’s ability to have justice done, all of this in order to respond to these budget reductions.” Testimony of Justice Vance Raye, Sacramento Hearing Transcript 34:9-35:1.

Judge Lee Edmon called the effects of funding cuts “decimating,” noting that since 2009 Los Angeles courts have lost more than 500 valuable court employees due to layoffs and attrition. And, those courts are expecting more than 600 more court employees to be laid off by October 2012. Testimony of Judge Lee Edmon, Los Angeles Hearing Transcript 8:19-9:23.

Justice Laurie Zelon testified, “People in Northern California reported waiting in one courthouse for eight hours online to file a pleading. After having waited eight hours, the clerk’s office closed and they were told to come back the next day. That means someone lost a day of work, if they were working. They had to arrange for childcare. Since it was a custody matter, you know there were children involved. And that has effects.” Testimony of Justice Laurie Zelon, Irvine Hearing Transcript 57:4-5.

Joey Cox, who assists domestic violence survivors at Kings Community Action Organization testified, “Three years ago we could fill out the paperwork for a restraining order and within three days we had the orders and we were processing everything. Now it’s taking up to seven to ten days.” Testimony of Joey Cox, Los Angeles Hearing Transcript 112:1-4.

¹⁶ Budget Cuts Have Negatively Impacted Self-Help Centers and the Californians Who Use Them

Diane Bras, who manages the self-help center for the Placer County Superior Court, testified, “Three years ago, I had me, another attorney, two paralegals, a halftime paralegal from Legal Services of Northern California, and a crew of interns from local paralegal schools that came in and helped. We were open every day, the same hours as the public filing counter, eight to three. . . . we’ve lost about a third of our staff. Our hours at self-help have been cut back. We’re open from eight to noon four days a week and eight to three one day a week. The telephone help line service is gone. We don’t have nearly as much one-on-one service available. And people are having to wait longer to get in to see us.” Testimony of Diane Bras, Sacramento Hearing Transcript 97:17-98:13.

¹⁷ Reduced Legal Services Staff Has Meant Fewer Californians in Need Can Be Served

In 2012, the 11 legal services organizations in California funded by LSC laid off more than five attorneys, 20 paralegals, and 14 support staff members. When attrition (i.e., retirements, resignations, etc.) is included in that data, LSC funded organizations in California lost 23 attorneys, 26 paralegals, and 33 staff members. Those same organizations are planning to lay off 18 more attorneys, six more paralegals, and 18 more support staff members in the coming year. LSC California Grantee Responses to Budget Questions, 2012.

David Lash, Managing Counsel for Public Interest and Pro Bono Services at O’Melvany & Myers, testified that organizations estimate they are turning away 100 people for every 20 they serve because of reduced funding for legal services. Testimony of David Lash, Los Angeles Hearing Transcript 32:10-15.

Hearings on California's Civil Justice Crisis

APPENDIX B:

Presiding Panelists & Witnesses at the
Hearings on California's Civil Justice Crisis

October 2012

Presiding Panelists & Witnesses* at the Hearings on California's Civil Justice Crisis

NOVEMBER 15, 2011 HEARING
Sacramento—Pacific McGeorge School of Law

Opening Speakers

Professor Leslie Jacobs

Director of the Capital Center for Public Law & Policy and Professor of Law, Pacific McGeorge School of Law

Justice Ronald Robie

Associate Justice, California Court of Appeal, Third Appellate District

Presiding Panelists

Justice Ronald Robie (Chair)

Associate Justice, California Court of Appeal, Third Appellate District

Kevin Baker

Deputy Chief Counsel, Assembly Judiciary Committee

James Brosnahan

Senior Partner, Morrison & Foerster LLP

Associate Dean Julie Davies

Associate Dean for Academic Affairs and Professor of Law, Pacific McGeorge School of Law

Dean Kevin Johnson

*Dean, Mabie-Apallas Professor of Public Interest Law, and Professor of Chicana/o Studies,
UC Davis School of Law*

Saskia Kim

Chief Counsel, Senate Judiciary Committee

Joe Stephenshaw

Consultant, Senate Budget & Fiscal Review Committee

Jon Streeter

President, The State Bar of California

Allan Zaremborg

President and Chief Executive Officer, California Chamber of Commerce

Panels and Witnesses

Foundational Panel

Sharon Browne

Principal Attorney, Pacific Legal Foundation

Board Member, Legal Services Corporation

* All titles and affiliations are accurate as of the date of each respective hearing.

Justice Vance Raye
Presiding Justice, California Court of Appeal, Third Appellate District

Right to Counsel Panel

James Brosnahan
Senior Partner, Morrison & Foerster LLP

Justice Earl Johnson, Jr. (Ret.)
Scholar-in-Residence, Western Center on Law & Poverty

Judge James Mize
Judge, Sacramento Superior Court

Senior Services Panel

Coral Henning
Director, Sacramento County Public Law Library

Elaine Roberts Musser
Volunteer Attorney, Yolo County Adult Protective, Services Multidisciplinary Team

Continuum of Services Panel

Diane Bras
Family Law Facilitator, Placer County Superior Court

Martin Carr
Partner, Law Offices of Belzer & Carr
Board Member, Legal Services of Northern California

Sue Talia
Private Family Law Judge
Member, Limited Representation Committee of the California Commission on Access to Justice

NOVEMBER 30, 2011 HEARING
San Francisco—Administrative Office of the Courts

Opening Speakers

Chief Justice Tani Cantil-Sakauye
Chief Justice, Supreme Court of California

Jon Streeter
President, The State Bar of California

Presiding Panelists

James Brosnahan (Chair)
Senior Partner, Morrison & Foerster LLP

Dean Jeffrey Brand
*Dean, Professor, and Chairman of the Center for Law and Global Justice,
University of San Francisco School of Law*

Senator Noreen Evans
Chair, California Senate Judiciary Committee

Dean Drucilla Ramey
Dean and Professor of Law, Golden Gate University School of Law

Jon Streeter
President, The State Bar of California

Kim Turner
Court Executive Officer, Marin County Superior Court

Stephen Walters
Partner, Allen Matkins LLP

Dean Frank Wu
Chancellor and Dean, William B. Lockhart Professor of Law, UC Hastings College of the Law

Panels and Witnesses

Foundational Panel

Associate Dean Diane Chin
Associate Dean for Public Service and Public Interest Law and Lecturer in Law, Stanford Law School

Justice James Lambden
Associate Justice, California Court of Appeal

Businesses Panel

Evangelina Almirantearena
Senior Counsel, Competition Compliance, Intel Corporation

Erika Frank
Vice President and General Counsel, California Chamber of Commerce

Bruce Ives
Vice President and Deputy General Counsel, Hewlett-Packard Company

Medical Services Panel

Dr. Dana Weintraub
Medical Director, Peninsula Family Advocacy Program, and Clinical Assistant Professor, Division of General Pediatrics, Lucille Packard Children's Hospital at Stanford

Renee Heidtman
Client, Volunteer Legal Services Program of the Bar Association of San Francisco

Foundations Panel

Holly Fujie
Board Member, California Bar Foundation

Patti D'Angelo Juachon
Associate Program Officer, Education and Legal Services, Marin Community Foundation

Toni Rembe
President of the Board of Trustees, van Löben Sels/RembeRock Foundation

Claire Solot
Managing Director, Bigglesworth Family Foundation and Board of Trustees Member, Marbled Foundation

**December 2, 2011 Hearing
Los Angeles—Southwestern Law School**

Opening Speakers

Judge Lee Edmon
Presiding Judge, Los Angeles Superior Court

Senator Joe Dunn (Ret.)
Executive Director, The State Bar of California

Presiding Panelists

Senator Joe Dunn (Ret.) (Chair)
Executive Director, The State Bar of California

Joanne Caruso
Partner, Baker & Hostetler LLP

Assemblymember Mike Feuer
Chair, California Assembly Judiciary Committee

Dean Bryant Garth
Dean and Professor of Law, Southwestern Law School

Dean Deanell Reece Tacha
*Duane and Kelly Roberts Dean and Professor of Law,
Pepperdine University School of Law*

Panels and Witnesses

Foundational Panel

Judge Terry Friedman (Ret.)
*Member, Judicial Council of California
Former Assemblymember, California State Assembly
Former President, California Judges Association*

David Lash
*Managing Counsel of Public Interest and Pro Bono Services,
O'Melveny & Meyers LLP*

Safe and Stable Housing Panel

Professor Gary Blasi
*Professor of Law, UCLA School of Law
Board Member, Inner City Law Center*

Zhanna Verney
Client, Mental Health Advocacy Services

Domestic Violence Panel

Joey Cox

*Intervention, Prevention & Support Services Director,
Kings Community Action Organization*

Ericka Valencia

Client, Legal Aid Foundation of Los Angeles

Education and Child Welfare Panel

Judge Margaret Henry

Supervising Judge, Dependency Court, Los Angeles Superior Court

Cristin Zeisler

Partner & Director of Pro Bono Services, Manatt, Phelps & Phillips LLP

Mary Pinmentel

Client, Mental Health Advocacy Services

December 7, 2011 Hearing
Irvine—University of California, Irvine School of Law

Opening Speakers

Mayor Sukhee Kang
Mayor, City of Irvine

Dean Erwin Chemerinsky
*Founding Dean and Distinguished Professor of Law,
University of California, Irvine School of Law*

Justice Kathleen O’Leary
Associate Justice, California Court of Appeal, Fourth Appellate District

Presiding Panelists

Justice Kathleen O’Leary (Chair)
Associate Justice, California Court of Appeal, Fourth Appellate District

Dean Erwin Chemerinsky
*Founding Dean and Distinguished Professor of Law,
University of California, Irvine School of Law*

Judge Andrew Guilford
Judge, United States District Court for the Central District of California

Gwen Moore
Board Member, The State Bar of California

Justice Maria Rivera
Associate Justice, California Court of Appeal, First Appellate District

Jon Streeter
President, The State Bar of California

Justice Laurie Zelon
Associate Justice, California Court of Appeal, Second Appellate District

Panels and Witnesses

Foundational Panel

Roger Grable
Counsel, Manatt, Phelps & Phillips LLP

Justice Maria Rivera
Associate Justice, California Court of Appeal, First Appellate District

Family Law Panel

Justice Laurie Zelon
Associate Justice, California Court of Appeal, Second Appellate District

Vivian Clecak
Co-Founder and Chief Executive Officer, Human Options

Lauren Zorfafas
Private Law Attorney
Former Executive Director, Legal Aid Society of San Mateo County
Former Family Law Facilitator, San Mateo County Superior Court

Economic Engine Panel

Jeffrey Reeves
Partner-In-Charge, Orange County Office of Gibson, Dunn & Crutcher LLP
Board Member, Executive Committee Member, and Legal Affairs Committee Chair,
Orange County Business Council

Max Gardner
President and Chief Executive Officer, Orange County United Way

Andrew Halberstadt
Facilities and Safety Manager, Boys & Girls Club of Garden Grove

Nina Jun
Client, Public Law Center

Veterans Panel

Ricardo Vallejo
Deputy Public Defender, Orange County Public Defender's Office

Janice Tsao
Executive Director, The Salvation Army Haven

Willie Thomas
Client, The Salvation Army Haven and Public Law Center

Carl Nagel
Client, The Salvation Army Haven and Public Law Center