



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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RONALD M. GEORGE
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Chair of the Judicial Council

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Administrative Director of the Courts

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Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

May 14, 2009

Hon. Kevin de Leon, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 590 (Feuer), as amended April 30, 2009 – Fiscal Impact Statement

Dear Assembly Member de Leon:

The bill requires the Judicial Council to establish a 3-year pilot program in selected courts for the appointment of legal counsel for unrepresented low-income parties in civil matters involving basic human needs. AB 590 also requires that the pilot projects include the necessary court procedures, personnel, training, and case management and administration methods to ensure unrepresented parties in those civil cases have meaningful access to justice. The measure also directs the council to conduct a study to determine the effectiveness and need for continuation of the pilot program, and report its findings and recommendations to the Governor and Legislature by March 1, 2013, and every three years thereafter.

AB 590 also creates a new cause of action for fraudulent use of, or representation as, a legal aid organization.

Fiscal Impact:

1. This bill imposes a \$10 fee increase on a series of certain specified trial court services. That fee increase is estimated to generate approximately \$11.0 million in additional annual revenues to the Trial Court Trust Fund, beginning in 2009-10.

Hon. Kevin de Leon

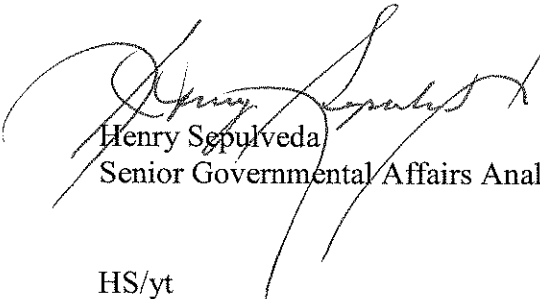
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2. The scope or size of the pilot projects are limited by the amount of funds available per the revenue provided in the measure. AB 590 specifically designates the revenue generated from the \$10 fee increase (\$11.0 million annually) to fully cover the costs incurred by the trial courts participating in the pilots and the Judicial Council costs to administer the program.
3. This measure is also expected to generate future savings in court case-processing costs to the extent that the pilot projects bring to light improved practices and allow the courts to achieve greater efficiencies in case management.
4. The bill may also produce ancillary savings for the state relating to low income litigants by reducing their need to use social services to address basic necessities, such as housing.
5. This measure creates a new cause of action. The creation of a new cause of action potentially increases the courts' caseload and contributes to existing backlogs in civil case processing. The creation of a new cause of action can impose additional costs on the courts to the extent that filings increase, exacerbating the need for additional courtrooms and judicial officers to manage the expanding caseload. The demand for additional courts and judicial officers increases pressure on the General Fund to cover the augmented costs.

Please contact me at 916-323-3121 or henry.sepulveda@jud.ca.gov if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,



Henry Sepulveda
Senior Governmental Affairs Analyst

HS/yt

cc: Mr. Kevin Baker, Deputy Chief Counsel, Assembly Judiciary Committee
Mr. Chuck Nicol, Principal Consultant, Assembly Appropriations Committee
Mr. Allan Cooper, Consultant, Assembly Republican Office of Policy
Ms. Teresa Calvert, Budget Analyst, Department of Finance



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RONALD M. GEORGE
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RONALD G. OVERHOLT
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July 30, 2009

Hon. Mike Feuer
Chair, Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Dear Assembly Member Feuer:

I am writing to follow up on our phone conversation last week regarding your intent to amend Assembly Bill 590 to include the civil legal representation pilot program provisions from Assembly Bill X3 37. Although these provisions were not included in the court budget trailer bill as recently enacted, I recognize that the court fee increases that were previously in AB 590 and that were included in the trailer bill for the support of the courts were intended to be directed to general court operations for two years only, and that we agreed that as of July 1, 2011, those revenues would be redirected to support the legal representation pilot program. Based on our conversation, I understand from what you indicated that the omission of these provisions in Senate Bill X4 13 was not intended to foreclose their future consideration in a policy bill.

As you are aware, the Judicial Council and Chief Justice Ronald M. George have been strong advocates for the expansion of access to legal services for indigent litigants, and a pilot program similar to that contained in ABX3 37 was proposed by the council and included in the Governor's January 2007 budget proposal. Although that proposal was rejected by the Legislature, we continue to advocate for more resources to be dedicated to addressing the unmet needs of litigants who cannot afford legal representation in critical civil legal matters. If the civil representation provisions of ABX3 37 are enacted into law via AB 590, we are fully prepared and willing to implement them as they will improve and enhance access to justice in our courts

Hon. Mike Feuer

July 30, 2009

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and improve our understanding of how to most effectively and efficiently meet the legal representation needs of civil litigants.

Thank you again for your thoughtful support of the judicial branch, your leadership on access to justice, and your willingness to look for fiscal solutions for the courts during this fiscal crisis. If you have any questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Vickrey', with a long horizontal flourish extending to the right.

William C. Vickrey
Administrative Director of the Courts

WCV/CLC/TK/lb

cc: Mr. Ronald G. Overholt, AOC Chief Deputy Director
Mr. Curtis L. Child, Director, AOC Office of Governmental Affairs
Mr. Kevin G. Baker, Deputy Chief Counsel, Assembly Judiciary Committee



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CURTIS L. CHILD
Director, Office of Governmental Affairs

September 25, 2009

Hon. Arnold Schwarzenegger
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 590 (Feuer) – Request for Signature

Dear Governor Schwarzenegger:

The Judicial Council supports AB 590, which creates a pilot project to provide legal representation to indigent litigants in specified civil case types including domestic violence, elder abuse, child custody matters in which one parent is seeking sole legal or physical custody, and housing-related cases, because it will improve access to justice for litigants in California. The pilot project in AB 590 would be funded, beginning July 1, 2011, with the revenue from recently enacted increases to a number of miscellaneous civil court fees. The Judicial Council would be responsible for selecting the pilots and awarding the funds to the selected pilots. Pilot projects would require a partnership between a trial court and a legal services agency, with the trial court responsible for improving self-help, case flow, and/or training in the selected case types, while the legal services agency would take the lead role in providing representation for eligible litigants.

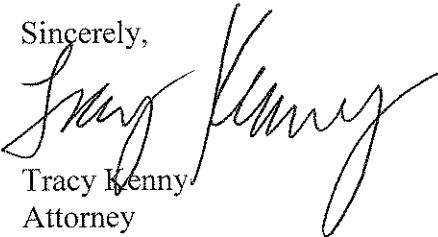
California courts are facing increasing and unprecedented numbers of litigants in civil cases who are not represented by counsel because they are unable to afford such representation. In some cases this lack of representation makes it very difficult for the court to provide meaningful access to justice to these litigants. These difficulties are magnified when one party to a case is represented while the other is not. The council supports AB 590 because it will promote access to justice for many unrepresented litigants and improve the state of our knowledge regarding the

optimal strategies to address the challenge of unrepresented litigants for our courts. The pilot program outlined in AB 590 is similar to a proposal included in the Governor's Budget in 2007 to provide legal representation to indigent litigants without representation in critical civil case types. The funding for that project was not included in the Budget Act in 2007, but identifying a workable strategy to begin to address these unmet needs has remained a key priority of the judicial branch.

AB 590 will allow the branch the opportunity to advance that objective by identifying a dedicated non-General Fund revenue stream to fully support the projects and their administration. The legal representation model in AB 590 would effectively and efficiently serve those litigants who are most disadvantaged by a lack of representation, while also ensuring that information could be gathered to inform future initiatives regarding legal representation in civil matters. The Judicial Council's strong support of AB 590 is consistent with the council's emphasis on improving access to justice for all Californians.

For these reasons, the Judicial Council requests your signature on AB 590.

Sincerely,



Tracy Kenny
Attorney

TK/yt

cc: Hon. Mike Feuer, Member of Assembly

Mr. Michael Prosio, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitcke, Deputy Director of Legislation, Governor's Office of Planning and Research