



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2011

Title	Agenda Item Type
Campaign for Justice Month: Judicial Council Resolution	Information Only
Submitted by	Date of Report
Task Force on Self-Represented Litigants Hon. Kathleen E. O'Leary, Chair	October 9, 2011
	Contact
	Bonnie Rose Hough, 415 865 7668 bonnie.hough@jud.ca.gov

Executive Summary

The State Bar Board of Governors has recognized October as Campaign for Justice Month and the last week in October as National Pro Bono Week, with the goal of increasing both pro bono and financial contributions to legal services agencies. On October 3, 2011, the Executive and Planning Committee of the Judicial Council took action on behalf of the Judicial Council to adopt a resolution recognizing Campaign for Justice Month and National Pro Bono Week in order to continue the council's efforts to support increased attorney representation and to show appreciation for the valuable pro bono contributions made by lawyers throughout the state.

Previous Council Action

On August 14, 2009, the Judicial Council approved a resolution recognizing National Pro Bono Week and approved a Pro Bono Toolkit to assist judges in encouraging pro bono services in a manner consistent with judicial ethics.

Rationale

With the economic recession and current low interest rates paid on lawyers' trust accounts, funds for legal services programs in California have decreased significantly over the last three years. In response, California legal services organizations and the California State Bar have undertaken a

“Campaign for Justice” to raise funds for legal services as well as to increase pro bono representation and heighten awareness of the financial crisis facing the legal services community.

This campaign coincides with National Pro Bono Week, which is the last week in October. National Pro Bono Week offers an opportunity to recognize the valuable pro bono contributions made by lawyers throughout the year and to focus attention on the need to increase pro bono participation in order to help narrow the justice gap. Lawyers across the country already donate more than 20 million hours of free legal services each year, yet 80 percent of the civil legal needs of America’s poor remain unmet.

This effort is particularly critical this year as funding for legal services programs has dropped dramatically. The economic crisis and resultant low interest rate have dramatically reduced revenue generated from lawyers’ trust accounts, the source of Interest on Lawyers Trust Accounts (IOLTA) grants—core funding for charitable legal services since 1984. Between January and June 2011, \$3.3 million in IOLTA revenue was collected, compared to \$11.3 million during the same period in 2008—a 71 percent drop over three years.

Over the past two funding cycles, the decline in available IOLTA grant funds has been mitigated through recourse to a reserve fund that augmented the reduced receipts of new income, so the total available for distribution did not dip too precipitously from year to year. Those reserves were essentially exhausted in the 2010–2011 grant year. Only a small amount remains to offset the reduction in IOLTA revenues. Without these reserves, the IOLTA program can now look only to rock-bottom interest payments and to the generosity of Californians who donate to the Justice Gap Fund, for continued support of the longstanding and critical IOLTA grants program.

California’s legal services agencies have also seen reductions in other sources of funding. Equal Access funds, which are administered by the Judicial Council and provide funding for legal services agencies, took a percentage reduction in the same proportion as funding for the trial courts. Federal stimulus funding has dried up, leaving in its wake many important housing and foreclosure efforts that no longer have dedicated resources. The primary federal source of funds for legal services, the Legal Services Corporation (LSC), also faces unprecedented threats. The Appropriations Committee of the House of Representatives in Washington, D.C., has proposed cutting the LSC budget by nearly 30 percent, to bring total national funding to levels last seen in 1999. LSC funding directly supports 11 of the largest legal service providers in California, and many others through subgrants. If funding is reduced as proposed, every legal assistance organization in California will face significant increases in requests for service with no new funding to accommodate them. The overall impact would be severe and widespread.

While funding for legal services is decreasing, the number of low-income clients needing assistance is growing. Many programs report eliminating staff positions and are preparing for the possibility of staff cutbacks in the future. Yet many more persons are calling for help,

particularly in areas relating to finances, such as debt collection, bankruptcy, foreclosure, wage and hour issues, and evictions.

Now, more than ever, pro bono attorneys are needed to provide critical legal services to meet the needs of low-income Californians and ensure that all Californians have equal access to the courts and court proceedings.

Because judges can play an important role in recognizing and encouraging pro bono work, a Pro Bono Toolkit has been developed by the Judicial Council's Task Force on Self-Represented Litigants, in consultation with the California Commission on Access to Justice. The toolkit is designed to assist judges in encouraging pro bono service by California attorneys, and was created in honor of the late Justice Paul Boland, a founding member of the California Commission on Access to Justice and a strong proponent of pro bono work.

The toolkit include suggestions of ways that judges can encourage pro bono service, talking points for presentations on the value of pro bono service to the bar, a sample letter that can be sent to bar members about pro bono service, and links to online resources for sample speeches and other resources developed around the country as part of the National Pro Bono Week Celebration. Toolkit resources are available on the California Courts website at www.courts.ca.gov/partners/92.htm.

Concerns of Stakeholders

The resolution recognizing Campaign for Justice Month and Pro Bono Week does not require circulation for comment.

Policy and Cost Implications

Recognizing Campaign for Justice Month and Pro Bono Week provides significant benefits without disadvantages or significant costs. The Judicial Council's strategic plan recommends that the judicial branch "work with justice system partners to increase access to legal assistance."¹ This is an excellent opportunity to collaborate with the State Bar to encourage increased access to attorneys for low-income persons.

Implementation Efforts

Judicial Council recognition of Campaign for Justice Month and Pro Bono Week will not require any implementation action by the courts. The Pro Bono Toolkit is available online at www.courts.ca.gov/partners/92.htm for use by courts who wish to encourage pro bono activities.

¹ Judicial Council of Cal., *Justice in Focus: The Strategic Plan for California's Judicial Branch 2006–2012* (2007), Goal 1, Policy 5 at page 16, www.courts.ca.gov/documents/strategic_plan_2006-2012.pdf.

Relevant Strategic Plan Goals and Operational Plan Objectives

This resolution directly addresses goal 1 in the Strategic Plan to increase access to justice.

Attachments

1. Resolution Recognizing October as Campaign for Justice Month



JUDICIAL COUNCIL OF CALIFORNIA

Resolution

— RECOGNIZING OCTOBER AS —

Campaign for Justice Month

Whereas more than 6 million Californians live below 125 percent of the federal poverty level, and there are fewer than 800 legal aid attorneys to serve them;

Whereas funds for legal services in California have decreased significantly over the last three years, resulting in unavoidable cuts for legal services for Californians in need;

Whereas California attorneys donate thousands of hours of pro bono legal services and make annual financial contributions to the Justice Gap Fund and to legal services organizations to help address the huge unmet need for legal assistance for California's poor;

Whereas the judicial branch's operational plan calls for the expansion of the availability of legal assistance, advice, and representation for litigants with limited financial resources;

Whereas the State Bar of California has designated October 2011 as Campaign for Justice Month to coordinate efforts to encourage funding for legal services and increased pro bono services; and

Whereas the American Bar Association and the State Bar of California have designated the last week in October as National Pro Bono Week to recognize the valuable pro bono contributions made by lawyers throughout the year and to increase pro bono participation across the country to narrow the justice gap;

Now, therefore, be it resolved that the Judicial Council of California recognizes the month of October as Campaign for Justice Month and the last week in October as National Pro Bono Week. It further commends California attorneys for their ongoing pro bono contributions and encourages judges to use the Pro Bono Toolkit to inspire attorneys to engage in pro bono work in order to make a significant difference in the lives of Californians who would not otherwise have access to the legal system.

In witness whereof

I have hereunto set my hand this third day of October, 2011

Attest:

TANI CANTIL-SAKAUYE
Chief Justice of California and
Chair of the Judicial Council of California

RONALD G. OVERHOLT
Interim Administrative Director of the Courts and
Secretary to the Judicial Council of California

