



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-069

For business meeting on January 19, 2024

Title

Judicial Council: Judicial Council
Appointments to the California Access to
Justice Commission

Agenda Item Type

Action Required

Effective Date

January 19, 2024

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

January 5, 2024

Recommended by

Executive and Planning Committee
Hon. Brad R. Hill, Chair

Contact

Melanie Snider, 916-263-5442
melanie.snider@jud.ca.gov

Executive Summary

The Judicial Council Executive and Planning Committee recommends appointing the following judicial officers to the California Access to Justice Commission (the Commission): Justice Gail Ruderman Feuer, Court of Appeal, Second Appellate District, Division Seven; Justice Jon B. Streeter, Court of Appeal, First Appellate District, Division Four; and Judge Erica Yew, Superior Court of Santa Clara County. These appointments are to fulfill the statutory requirement of the Commission to include three members appointed by the Judicial Council. The purpose of the Commission is to advance efforts to ensure equal access to civil justice for populations unable to fulfill their legal needs.

Recommendation

The Judicial Council Executive and Planning Committee recommends that the Judicial Council, effective January 19, 2024, appoint Justice Gail Ruderman Feuer, Court of Appeal, Second Appellate District, Division Seven; Justice Jon B. Streeter, Court of Appeal, First Appellate District, Division Four; and Judge Erica Yew, Superior Court of Santa Clara County, to the California Access to Justice Commission as provided in Government Code section 68657(a)(4). The recommended appointment terms are as follows:

- Justice Feuer: January 19, 2024–June 30, 2027;
- Justice Streeter: January 19, 2024–June 30, 2024; and
- Judge Yew: January 19, 2024–June 30, 2026.

Relevant Previous Council Action

In 2020, the Judicial Council appointed Justice Feuer and Judge Yew to three-year terms on the Commission that expired June 30, 2023. In 2021, former Chief Justice Tani Cantil-Sakauye appointed Justice Streeter to a two-year term that expired on June 30, 2023.

Senate Bill 133 (Stats. 2023, ch. 34) codified the membership of the Commission, with three members to be appointed by the Judicial Council and specifying that each Commission member's term shall be four years. The statute also specified that all appointees may continue their term until the appointment of their successors (Gov. Code, § 68658(b).) At the time the legislation was codified, the following members were serving on the commission:

- Justice Gail Ruderman Feuer, Court of Appeal, Second Appellate District, Division Seven; term expired June 30, 2023 (continued to serve per Gov. Code, § 68658(b)).
- Justice Jon B. Streeter, Court of Appeal, First Appellate District, Division Four; term expired June 30, 2023 (continued to serve per Gov. Code, § 68658(b)). (Formerly Supreme Court appointment, position converted to Judicial Council appointment through Senate Bill 133.)
- Judge Erica Yew, Superior Court of Santa Clara County; term expired June 30, 2023 (continued to serve per Gov. Code, § 68658(b)).

Analysis/Rationale

The Commission was established in 1996 to advance efforts to ensure equal access to civil justice regardless of income, language capacity, or other barriers. The Commission was staffed by the State Bar of California until 2019, when Senate Bill 133 (Stats. 2023, ch. 34, § 7), effective June 30, 2023, added Government Code sections 68655–68659 and codified the Commission as a nonprofit public benefit corporation authorized to receive funding appropriated by the Legislature.

Whereas the Judicial Council previously appointed two members, and the Chief Justice of California appointed one member to the Commission, Government Code section 68657(a)(4) provides that three members shall be appointed by the Judicial Council and does not provide an appointment by the Chief Justice. Additional state official appointments provided by Government Code section 68657(a) include two members by the Governor of California, one member by the Senate President pro Tempore, and one member appointed by the Speaker of the Assembly. Under its bylaws, the Commission may also appoint a broad coalition of lawyers; professors; and business, civic, and legal aid leaders as members.

The Commission is assigned to (1) provide leadership in efforts to achieve full and equal access to justice for all Californians who are unable to meet their legal needs, (2) coordinate efforts to

identify and promote improved methods of delivering legal help, (3) administer grant programs to support the recruitment and retention of legal aid attorneys, and (4) encourage increases in the resources available to achieve equal access to justice.

On September 9, 2023, the Commission voted to institute staggered terms for its members and, with the Judicial Council's approval, recommended the following term expiration dates for the council's appointees: June 30, 2027, for Justice Feuer; June 30, 2024, for Justice Streeter; and June 30, 2026, for Judge Yew (see attachment A). To allow continuity on the Commission as they transition to their new structure, it is recommended that the council confirm this recommendation.

Policy implications

None.

Comments

Public comment has not been solicited on this recommendation.

Alternatives considered

The Judicial Council may choose not to reappoint Justice Feuer and Judge Yew, and instead open all three positions during the regular nominations cycle in February, in which case Justice Feuer and Judge Yew would be able to continue to serve in these positions until a successor is appointed pursuant to Government Code section 68658(b). Justice Streeter's position will be included in the council's regular nominations cycle.

Fiscal and Operational Impacts

Commissioners are uncompensated volunteers. The costs and operational impacts of this appointment are negligible.

Attachments and Links

1. Attachment A: Letter from Catherine J. Blakemore to Amber Barnett, Judicial Council of California, December 26, 2023
2. Link A: Gov. Code, §§ 68655–68659,
[https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=
&title=8.&part=&chapter=2.2.&article=](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=&title=8.&part=&chapter=2.2.&article=)

CATHERINE J. BLAKEMORE, Chair
Sacramento

HON. GAIL RUDERMAN FEUER
Vice-Chair
Court of Appeal, Second District

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ELICA VAFAIE
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HON. MONICA WILEY
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HON. ERICA R. YEW
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December 26, 2023

Amber Barnett
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Re: Appointments to the Access to Justice Commission

Dear Amber:

The California Access to Justice Commission is grateful for the appointments the Judicial Council has made over the past 27 years. As you know, CalATJ is now recognized in Government Code Sections 68655 – 68659, and Section 68657(a)(4) authorizes the Judicial Council to appoint three members, and Section 68658(a) provides that members' terms shall be four years.

At its September 9 meeting, the Access Commission voted to institute staggered terms for the members. According to its Governance Committee's proposal for staggering, with the Judicial Council's approval its appointees' three current terms would have the following respective end dates: June 30, 2024, June 30, 2026, and June 30, 2027. Thereafter, regular four-year terms would maintain the staggering. The respective current appointees, in the sequence corresponding to the Governance Committee's suggested staggering, are Justice Jon Streeter, Judge Erica Yew, and Justice Gail Ruderman Feuer.

We would be grateful if the Judicial Council would let us know its decisions on the appointees and their respective term end dates. Of course, if you have any questions about the terms, please let Jack Londen or me know.

The Access Commission looks forward to continuing and strengthening its long and important relationship with the Judicial Council.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Blakemore".

Catherine J. Blakemore
Chair