



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.:23-053

For business meeting on: January 20, 2023

Title

Equal Access Fund: CARE Act Planning
Funds for Legal Services Organizations

Agenda Item Type

Action Required

Effective Date

January 20, 2023

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

December 14, 2022

Recommended by

Legal Services Trust Fund Commission
Christian Schreiber, Chair

Contact

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Executive Summary

The Budget Act of 2022 (Assem. Bill 179; Stats. 2022, ch. 249) includes \$250,000 in the Equal Access Fund to be distributed by the Judicial Council through the Legal Services Trust Fund Commission of the State Bar of California to qualified legal services projects and support centers to be used for training, support, and coordination of the Community Assistance, Recovery, and Empowerment (CARE) Act. The Legal Services Trust Fund Commission requests approval of this distribution.

Recommendation

The Legal Services Trust Fund Commission recommends that the Judicial Council, effective January 20, 2023, approve distribution of \$250,000 to the State Bar for distribution by the Legal Services Trust Fund Commission to qualified legal services projects and support centers to be used for planning efforts related to the Community Assistance, Recovery, and Empowerment (CARE) Act.

Relevant Previous Council Action

The Judicial Council has approved allocations from the Equal Access Fund to the State Bar for the last 22 years.

Analysis/Rationale

The Budget Act of 2022 (AB 179) (see Link A) provides for the distribution of \$250,000 to the Legal Services Trust Fund Commission to distribute to legal services providers and support centers to be used for training, support, and coordination of the Community Assistance, Recovery, and Empowerment (CARE) Court Program Act.

The CARE Act (Sen. Bill 1338; Stats. 2022, ch. 319) (see Link B) provides in new Welfare and Institutions Code section 5981.5 that:

(a) The Legal Services Trust Fund Commission at the State Bar shall provide funding to qualified legal services projects, as defined in Sections 6213 to 6214.5, inclusive, of the Business and Professions Code, to be used to provide legal counsel appointed pursuant to subdivision (c) of Section 5976, for representation in CARE Act proceedings, matters related to CARE agreements and CARE plans, and to qualified support centers, as defined in subdivision (b) of Section 6213 of, and Section 6215 of, the Business and Professions Code, for training, support, and coordination.

(b) For purposes of implementing this part, the Legal Services Trust Fund Commission may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis, or award grants, provided that they make a finding that both of the following are satisfied:

(1) The state agency will retain control over the distribution of funds to the contractor or grantee.

(2) The contract or grant includes provisions to ensure transparency, accountability, and oversight in delivering the services, including measurement of outcomes established pursuant to Sections 5984, 5985, and 5986.

The funds set out in the State Budget Act are designed to help legal services providers and support centers to identify the most effective ways to provide services under these provisions of the CARE Act.

The Legal Services Trust Fund Commission is staffed by the State Bar. The Chief Justice, as chair of the Judicial Council, appoints one-third of the voting members to the commission: five attorney members and two public members, one of whom is a court administrator. The Chief Justice also appoints three nonvoting judges to the commission: two trial court judges and one appellate justice.

Policy implications

The distribution of these funds helps implement Goal I of the Judicial Council's strategic plan—Access, Fairness, and Diversity—by increasing representation for low-income persons.

Comments

The statutory scheme does not contemplate public comment.

Alternatives considered

There are no viable alternatives to distributing the funds other than as approved by the Legal Services Trust Fund Commission. The Budget Act provides that the commission shall make the grant award determinations.

Fiscal and Operational Impacts

Judicial Council staff will work with the staff of the Legal Services Trust Fund Commission to oversee administration of the funds. Staff will also provide support to the commission—including the third of its members appointed by the Chief Justice—to facilitate administration of the funds.

Attachments and Links

1. Link A: Budget Act of 2022 (Assem. Bill 179; Stats. 2022, ch. 249),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB179
2. Link B: Community Assistance, Recovery, and Empowerment (CARE) Court Program (Sen. Bill 1338; Stats. 2022, ch. 319),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1338