



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-151

For business meeting on October 1, 2021

Title

Equal Access Fund: California Access to Justice Commission Grants

Agenda Item Type

Action Required

Effective Date

October 1, 2021

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

August 30, 2021

Recommended by

Advisory Committee on Providing Access and Fairness

Hon. Kevin C. Brazile, Cochair

Hon. Luis A. Lavin, Cochair

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Executive Summary

The Budget Act of 2021 (Sen. Bill 129, Stats. 2021, ch. 69) appropriated \$70 million to the Judicial Council for the Equal Access Fund, \$5 million of which must be allocated to the California Access to Justice Commission for grants to civil legal aid nonprofits. These grants are to be used to support the infrastructure and innovation needs of legal services in civil matters for indigent persons.

Recommendation

The Advisory Committee on Providing Access and Fairness recommends that the Judicial Council, effective October 1, 2021:

Approve distribution of \$5 million to the California Access to Justice Commission for grants to civil legal aid nonprofits as required by the Budget Act of 2021.

Relevant Previous Council Action

The Judicial Council has distributed funds from the Equal Access Fund since 1999. This is the first year that an allocation has been directed to the California Access to Justice Commission.

Analysis/Rationale

The California Access to Justice Commission was established in 1996. It works to improve access to justice for all Californians. The commission has been instrumental in establishing the Equal Access Fund, the Sargent Shriver Civil Counsel pilot program, guidance for limited scope representation, support for language access, and a variety of other access initiatives. The Judicial Council appoints two members to the commission, which is chaired by Judge Mark A. Juhas.

The Budget Act of 2021 provides that \$5 million will be annually appropriated

by the Judicial Council to the California Access to Justice Commission for grants to civil legal aid nonprofits, including qualified legal services projects and support centers as defined in Sections 6213 to 6215, inclusive, of the Business and Professions Code, to be used to support the infrastructure and innovation needs of legal services in civil matters for indigent persons. Of this amount, not more than 1 percent shall be available for administrative costs of the California Access to Justice Commission associated with distributing and monitoring the grants.¹

The Legal Services Trust Fund Commission of the State Bar is not involved in administering this program of the Equal Access Fund. No funds were allocated to the Judicial Council for administration.

The act further provides that the California Access to Justice Commission must make award determinations for the grants:

In awarding these grants, preference shall be given to qualified legal aid agencies' proposals that focus on services to rural or underserved immigrant communities regardless of citizenship status and proposals that are innovative or that involve partnership with community-based nonprofits.²

The grant process must “ensure that any [recipient] demonstrates a high need for infrastructure and innovation to ensure that funding is distributed equitably among qualified legal service projects and support centers.”³ These grant funds may not be used to supplant existing resources.

Policy implications

This recommendation helps implement Goal I of the judicial branch's strategic plan—Access, Fairness, and Diversity—by increasing representation for low-income persons. By supporting legal services agencies to increase innovation and improve infrastructure, these funds will help expand the ability of these agencies to provide increased and more efficient representation.

¹ Stats. 2021, ch. 69, item 0250-101-0001, provision 2.

² *Id.*, provision 3.

³ *Id.*, provision 4.

Comments

The statutory scheme does not contemplate public comment.

Alternatives considered

There are no viable alternatives to distributing the funds according to the recommendation of the Advisory Committee on Providing Access and Fairness. The Budget Act requires the council to distribute these funds to the California Access to Justice Commission.

Fiscal and Operational Impacts

The funds for the California Access to Justice Commission require no court implementation since all funds will be provided as grants to legal services agencies. Council staff will work with commission members and staff to develop a contract between the Judicial Council and the commission setting out responsibilities to comply with the terms of the Budget Act.

The recommendation contained in this report will have no direct fiscal effect on the courts. Nevertheless, courts will indirectly benefit from assistance provided to self-represented litigants.

Attachments and Links

1. Link A: Sen. Bill 129 (Stats. 2021, ch. 69),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB129