

Submitted via the State Bar of California public comment portal

Re: Comments in Support of Petitioners’ Proposal for the California Supreme Court to Review and Approve their Proposed California Rule of Court 9.45 to Establish a California Community Justice Worker Program

Dear Justices on the California Supreme Court,

We write on behalf of IAALS, the Institute for the Advancement of the American Legal System, regarding Salena Copeland, Zach Newman, Leigh E. Ferrin, and Sacha Steinberger’s (“the Petitioners”) proposal for the California Supreme Court to review and approve their proposed Rule of Court 9.45 to establish a California community justice worker program. IAALS is a national, independent research center at the University of Denver that innovates and advances solutions that make the civil justice system more just. IAALS identifies and researches issues in the legal system; convenes experts, stakeholders, and users of the system to develop and propose concrete solutions; and then goes one step further to empower and facilitate the implementation of those solutions to achieve impact. We are a nonpartisan organization that champions people-first reforms to the legal system and the legal profession. Since 2019, IAALS has had an Unlocking Legal Regulation initiative through which it has worked with leaders in states across the country to rethink how we regulate and deliver legal services to ensure a more robust ecosystem and market of models and providers—one that is competitive, broadly accessible, and better meets the needs of the people.

It is well documented that the vast majority of low and middle-income Americans do not have access to affordable legal help when they need it. The breadth and severity of the legal services gap will require a more robust ecosystem of business models and providers to meet the need.

Community justice worker (CJW) models—models tied to legal aid organizations and models tied to community-based organizations—are proving to be a successful avenue for serving people who are at or below the income eligibility line for free legal aid by serving those that legal aid is unable to serve due to capacity restraints. Those below this income eligibility line are a particularly vulnerable population and it is critical that we continue to innovate our justice system to ensure access to justice. We also know the access to justice crisis extends above this line as well, with serious social, legal, and economic consequences for individuals and communities. It is worth noting that the CJW model tied to community-based organizations and non-LSC-funded legal aid organizations offer the additional advantages of being able to serve people who sit slightly above the income eligibility line for free legal aid—a giant gap in the legal service delivery ecosystem—and people who fall within a LSC “restricted activity” such as undocumented individuals and prisoners. We recommend that the California Supreme Court consider authorizing CJW programs tied to community-based organizations, in addition to legal aid-based programs, now or in the near future.

While IAALS has supported the development of and monitored CJW programs across the country, we have not worked directly on any of these programs. Because of this, we recommend that the California Supreme Court look at the recommendations provided by other national organizations (i.e., Frontline Justice for legal aid-based models and Innovation for Justice for community-based models) that have worked extensively on creating and monitoring these CJW programs.

IAALS is grateful to the California Supreme Court for the opportunity to share our support for the Petitioner’s proposal for the California Supreme Court to review and approve their proposed Rule of Court 9.45 to establish a California community justice worker program. The Petitioners’ proposal to authorize a CJW program represents a critical effort to address the gap in legal services in California, and IAALS applauds the Petitioners and their respective organizations for their leadership in this process. We believe a CJW program in California will lead to more low-income residents obtaining the legal help they need. Because we know that many people who sit just above the income eligibility line for free legal aid also need help, we encourage the California Supreme Court to consider extending authorization to community-based organizations

as well. If the California Supreme Court has any follow-up questions based on our comments, we welcome the opportunity to discuss in more detail IAALS' work in this area.

Sincerely,

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