



The State Bar of California

BOARD OF TRUSTEES

December 14, 2021

Senator Tom Umberg
Chair, Senate Committee on the Judiciary
Sent via email

Assemblymember Mark Stone
Chair, Assembly Committee on the Judiciary
Sent via email

RE: Legislative Concerns Regarding Closing the Justice Gap Working Group

Dear Chairs Umberg and Stone:

I write in response to your letter dated December 7, 2021, expressing concern about the State Bar's Closing the Justice Gap Working Group (CTJG). I want to assure you that the State Bar is fully committed to carrying out its statutory mission to protect the public, which expressly includes "support for greater access to, and inclusion in, the legal system." While it is my sincere belief that the CTJG has been diligently working with this mission firmly in mind, I appreciate your taking the time to share your concerns with me. I take your perspectives very seriously, as do my fellow Trustees on the Board.

Although your letter does not expressly direct the State Bar to put a stop to the efforts of the Closing the Justice Gap Working Group, disbanding or suspending the CTJG would be the logical result of the concerns you have expressed. Because the CTJG was created, and its charter adopted, by vote of the Board of Trustees, a decision of this type must be undertaken by action of the Board. Accordingly, I commit to promptly bringing the issue to the full Board for its consideration.

State Bar leadership and I share your concerns about improving the State Bar's discipline system. We have a great deal of work to do in this regard, but I do think it important to acknowledge recent efforts, which include appointing a highly qualified and motivated Chief Trial Counsel, Mr. George Cardona; Mr. Cardona has already brought a renewed focus on case processing efficiency and transparency to the role. In addition, we conducted a first-of-its kind analysis of racial disparities in the attorney discipline system and implemented a corresponding

Page 2

remediation plan, adopted recommendations to establish a Client Trust Account Protection Program, which, if authorized by the Legislature, would represent the first California effort to comprehensively and proactively regulate all attorney client trust accounts. Additionally, we established an Ad Hoc Commission on the Discipline System, which has a broad charge to recommend changes to increase the fairness and effectiveness of our discipline system. As directed in Senate Bill 211, we are also working to completely overhaul case processing standards, and we have engaged some of the State Bar discipline system's most vocal critics to inform this process. We know more is needed, and we look forward to continuing to partner with you in this work.

The State Bar is also working hard to improve access to justice in California and has been tackling this issue on a number of fronts, including, among other things: continued support for legal services; drafting new rules designed to expand California's Pro Bono Practice Program and developing a comprehensive strategy to encourage greater participation in pro bono work; implementing the California Strategies and Stories program to assist applicants improve their chances of passing the Bar Exam; re-evaluating the manner in which we determine minimum competence to practice law in California; publishing the 2019 Justice Gap study to help provide context and understanding for the ways in which legal services are not accessible to millions of Californians; and helping law schools to retain students of color—to name a few. But even as we continue with these efforts, given the Justice Gap Study's findings that 55 percent of Californians, at all income levels, experienced at least one civil legal need within one year but received inadequate or no legal help at all for 85 percent of these problems, we do not believe that the public can be being served sufficiently with our existing approaches to closing this access to legal services chasm.

We look forward to demonstrating our resolve both to improve the attorney discipline system and explore any and all solutions to the pervasive legal services access challenges we face.

In closing, thank you again for taking the time to share your concerns. I will ensure the Board considers your letter and its impact on the CTJG. I will be sure to keep you updated as we move through this process.

Sincerely,



Ruben Duran
Chair, State Bar Board of Trustees