

# CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

c/o State Bar of California – 180 Howard Street – San Francisco, CA 94105 – (415) 538-2251 – (415) 538-2524/fax

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March 21, 2013

**Hon. Harry E. Hull, Jr., Co-Chair**  
Member, Judicial Council of California  
Associate Justice of the Court of Appeal  
Third Appellate District

**Hon. Phillip Isenberg, Co-Chair**  
Delta Stewardship Council, Chair

Dear Justice Hull and Mr. Isenberg:

Please accept the attached modified ‘Minimum Standards for Access’ statement adopted by the California Commission on Access to Justice. Recognizing that appropriation and allocation of judicial resources is a complex matter, it was our intent to identify some basic needs that are faced by all courts and the litigants who use them, with the hope these goals will help to define necessary funding levels.

The Commission stands ready to assist in the development of a narrative that amplifies and explains these standards, as well as the identification of appropriate methods for measuring these standards wherever possible.

We will be happy to provide any further information or assistance that you would find beneficial.

Sincerely,



Hon. Ronald B. Robie – Chair  
Commission on Access to Justice

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## **Minimum Standards for Access**

### **Introduction:**

To ensure equal access to justice in California, courts must be funded adequately throughout all parts of the state, and courts must design their own processes to provide effective and efficient court services for all who use the courts.

Using standards now in court rules, and to be developed, concerning case disposition by case type, minimum hours at clerks' offices, self-help centers, etc., funding should be allocated based on a court's need to add resources to achieve minimum standards, and after that to expand services beyond the minimum.

Recognizing that each litigant, advocate, and witness may have different individual needs, courts should adopt procedures and rules that meet the constitutional mandate of due process and that do not disadvantage any identifiable cohort of the population. To meet these goals, and to ensure the most efficient use of available resources to provide the same access to justice for all litigants in all jurisdictions, the following principles of access are defined:

- **All litigants shall receive due process of law**
- **Courts shall be accessible to all court users**
- **An official record shall be made to preserve court proceedings and to preserve the right to a meaningful appeal**
- **Access to the courts shall be affordable**
- **Jurisdictions shall have adequate numbers of judicial officers, staff, and other non-judicial resources to meet caseloads**
- **Courts shall provide services to meet community needs**
- **The identified components of these access standards shall be tracked on a regular basis**

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## **Minimum Standards for Access**

- **All litigants shall receive due process of law**
  - Hearings will be conducted by impartial, trained bench officers according to applicable laws, rules and procedures.
  - Hearings will be conducted on a timely basis and dispositions will be reached without undue delay.
  - Hearings will be timely provided in all case types, from traffic and small claims to family, complex civil, and long cause criminal matters.
  - Services will be provided to ensure participants understand and can participate in the proceedings.
    - Court users will have access to accurate and timely information through adequate counter hours at clerks' offices and telephonic access to a live court staff member.
    - Court users will have access to accurate and timely information both on-line and through staffed self help centers.
    - Interpreter services will be provided.
  - Orders after hearing and judgments will be timely prepared and made available to litigants.
  
- **Courts shall be accessible to all court users**
  - Courthouses will be located so that users are not forced to travel unreasonable times or distances, especially where public transportation is inadequate or unavailable.
  - Court facilities will be safe and adequate to conduct the business of the courts.
  - Courts will maintain reasonable hours of operations so that court users can file documents and conduct their court business without undue delays.
  - Technology will be developed and maintained to meet the needs of the court and court users.
  - State and federal access requirements, including the Americans with Disabilities Act, will be met for all court facilities and services.
  - Copies of court pleadings, orders and judgments will be accessible in a timely manner and at a reasonable cost.
  
- **An official record shall be made to preserve court proceedings and to preserve the right to a meaningful appeal**
  
- **Access to the courts shall be affordable**
  - Courts will be funded principally from public funds, not user fees.
  - User fees will not be set at levels that deny access to persons of moderate income, nor at levels that create the perception that process is based upon incentives other than the fair administration of justice.
  - Petitions for fee waivers will be addressed in full compliance with the law.
  - Where technology is utilized, it will be designed for all users to have impartial and effective access and will not be deployed in a manner that

- excludes access to court proceedings and services to those without access to technology or the internet.
- Courts will not order participation in services or programs a litigant cannot afford.
  - **Jurisdictions shall have adequate numbers of judicial officers, staff, and other non-judicial resources to meet caseloads**
    - Courts will appropriately assign judicial and non judicial resources by case type.
    - Courts will make resources available for alternative dispute resolution to assist litigants in resolving their civil cases at a cost which does not create a barrier to utilization.
    - Regular training will be provided to all judicial officers and staff.
  - **Courts shall provide services to meet community needs**
    - Specialty courts will be maintained or established whenever they are the most effective way to serve population needs, such as drug courts, homeless courts, and veterans' courts.
    - Other services identified as special needs in the community to obtain access to the courts will be provided.
  - **The identified components of these access standards shall be tracked on a regular basis**
    - The allocation of resources will be adjusted if these standards are not achieved in the period under review.

Adopted by the Executive Committee, California Commission on Access to Justice,  
March 21, 2013