

| Comment # | Name or Organization | Attorney or Public Member? | Position (A/AM/D/NP) ¹ | Public comments |
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| 1 | California Access to Justice Commission | Attorney | A | <p>May 10, 2024</p> <p>Board of Trustees The State Bar of California 180 Howard Street San Francisco, CA 94105</p> <p>Re: Support of Proposed Amendments to State Bar Rules Relating to Pro Bono Practice Program</p> <p>To the State Bar Board of Trustees: The California Access to Justice Commission writes again in support of the State Bar's proposed changes to the Pro Bono Practice Program (PBPP). We appreciate that the State Bar considered our letter dated January 12, 2024, and incorporated some of our recommended modifications.</p> <p>The California Access to Justice Commission advances access to civil justice for all Californians, expands civil justice resources for low and moderate-income people, and develops innovations that reduce barriers to civil justice for Californians from diverse backgrounds. To do so, the Access Commission facilitates collaboration among the courts, the Bar, and the public—including all three branches of government and stakeholders throughout the state.</p> <p>As previously explained, the PBPP, which offers attorneys the opportunity to contribute their legal experience to Californians in need while waiving their State Bar annual fees, already plays an important role in encouraging pro bono volunteerism and expanding access to justice for low-income Californians. We also agree with the State Bar that the program is</p> |

¹ A = Agree with proposal; AM = Agree if modified; D = Disagree with proposal; NP = No position on proposal

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| | | | | <p>underutilized. Therefore, we support the State Bar's efforts to improve the program and hopefully increase participation.</p> <p>The Commission Supports Expanding the PBPP to Include Additional Host Organizations.</p> <p>We thank the State Bar for supporting the expansion of the program to additional organizations whose purpose aligns with the State Bar's 2003 Pro Bono Resolution and the proposed revision to allow nonprofits with a mission statement related to "improving the law and the legal system, serving the indigent, or increasing access to justice in California" to apply for program participation.</p> <p>We note, however, that a separate revision to 3.325(c) proposes to delete the term "disadvantaged" from an approved "nonprofit that provides free legal services to or on behalf of indigent or disadvantaged Californians." While we are not sure of the intention of this change, we are concerned that it may unnecessarily limit the program and may unintentionally signal a narrowing of what qualifies as pro bono. Services to nonprofits that provide free legal services to or on behalf of the poor or disadvantaged qualify as pro bono under the State Bar's definition of pro bono, as outlined in the 2003 Pro Bono Resolution. https://www.calbar.ca.gov/portals/0/documents/accessJustice/2003-Pro-Bono-Res.pdf.) We encourage the Bar to keep the term "disadvantaged" or replace the term "disadvantaged" with "underserved."</p> <p>We acknowledge that the term "disadvantaged" may be dated and somewhat vague. Therefore, we recommend the alternative term "underserved." Including either "disadvantaged" or "underserved" in the definition is intentionally broader than using the term "indigent" alone.</p> <p>We understand the State Bar staff is not recommending other suggested revisions to qualifying organizations at this time. If the State Bar considers updating the 2003 Pro Bono Resolution in the future, the Access</p> |
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| | | | <p>Commission would welcome the opportunity to collaborate with State Bar staff.</p> <p>The Commission Recommends that the State Bar Amend its Proposed Rule to Collect Hours Data Directly from the PBPP Participants Instead of the Pro Bono Legal Services Provider.</p> <p>In our prior letter, we suggested that the State Bar require participating attorneys to report their hours to the State Bar and the host organization rather than requiring the nonprofits to collect and report the hours to the State Bar. We thank the State Bar staff for making proposed revisions to this part of the rule as well.</p> <p>Proposed Rule 3.329(G) would require a pro bono attorney to “[a]nnually report the number of pro bono legal services provided to the pro bono legal services provider.” We suggest that this be clarified to read: “[a]nnually report the number of pro bono legal serviceshours provided both to the pro bono legal services provider and to the State Bar.” This will clarify the responsibility of the participating attorneys. To accomplish this, we recommend revising the PBPP application form to require the applicant to insert their pro bono legal hours from the prior year into the form. By including this requirement on the PBPP application, the State Bar will assist the pro bono legal services providers in fulfilling their hours reporting requirement.</p> <p>The Access to Justice Commission greatly appreciates the State Bar’s efforts to increase pro bono legal services across California and your consideration of the Access Commission’s recommendations.</p> <p>Sincerely, Catherine Blakemore Commission Chair</p> |
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| 2 | | Attorney | AM | I support the proposed recommendations; however, attorneys participating in the program should have the option of having malpractice insurance coverage themselves or through another supervising organization because for some community-based nonprofits, getting malpractice insurance coverage of their own might be a barrier to receiving legal aid, particularly for nonprofits that are not primarily focused on legal aid. |
| 3 | Yael Massen | Attorney | A | |
| 4 | Mary Jane Sutliff | Attorney | A | <p>I am a retired active California member of the Bar who is involved only in pro Bono work. I have been doing it for about 3 years. I assist low income persons with navigating self-help legal issues and the court systems. I have had a very difficult time finding an agency that I can work with. I moved form Alaska and was inactive for a period while adjusting to the move. The 3 year requirement prohibited my involvement for a while. I am a former California Public Defender and former Alaska District Attorney. I was Attorney of the Day in Alaska who evaluated cases and assigned them to Pro Bono attorneys with the Alaska Bar Association.</p> <p>I have had a difficult time navigating pro Bono opportunities in Sacramento California. Maybe it is me, maybe it is the way pro Bono cases are assigned. I thought my comments may be useful in letting the Bar know some talent is available that is not being sought. Also, I now work with CBS/KOVR helping persons with consumer issues. I would like to do more. I have not found a pro Bono program like Attorney of the Day or a place with a pro Bono program who can use my services.</p> |
| 5 | Coalition of Parents Nationwide | Nonattorney | D | <p>Since inception of my case, CHildren law center and LOs Angeles dependency lawyers violated all the applicable court rules in violation of the contract for over 8years including the failure to cross examine the social worker required by Rules of Court, by constitutional, statutory, and case law that caused separation of my children. Counsel rarely, if ever, performed the services listed in the Contract.</p> <p>The monthly invoices and the quarterly detailed statistical workload data</p> |

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| | | | | <p>would most certainly have revealed that CLC and LADL counsel developed no attorney client relationship, acted adverse to their clients’ interest by violating the law, the contract; failing to protect fundamental constitutional, human, and legal rights to cross examine the social workers at a trial on the merits, conducted no investigation, no research, filed no opposition to false court reports, interviewed no witnesses, developed no defense strategy, filed no witness list, filed no written opposition to hearsay statements pursuant to WIC 355, and failing to cross examine a social worker or expose the felonies.</p> <p>The extent of the work performed on this case from 2017 to 2024 was restricted to several minutes appearing at the detention hearing, the uncontested jurisdiction hearing, the uncontested status review hearings. The monthly invoices due to the Judicial Council total an estimated fifty-six (56) each for CLC and LADL for a total one hundred twelve (124) that were not submitted in violation of the contract. The quarterly workload data reports due are an estimated twenty four (24) each for CLC and LADL for a total of forty eight (48) data reports that were not submitted to the Judicial Council in further violation of the contract.</p> <p>The combined total of one hundred seventy-two (172) critical data entry points would have established the pattern and practice of CLC and LADL counsel to fail to perform no legal services leading to the illegal and unconstitutional restraint of my children for 8 years based on perjured child abuse allegations. The Judicial Council received no data at all regarding the services provided to any clients. This was the means to cover up blatant, systemic violations documented by Legislative hearings in 1994 that continued unabated. I asked counsel for the fifty-six monthly invoices on my case from 2017 to 2021 2022 2023 and he had none nor the quarterly workload data reports.</p> <p>My case is the tip of the iceberg as hundreds of thousands of parents have also lost their children with no trials on the merits, no due process due to IAC, lack of jurisdiction, unauthorized orders, termination of family</p> |
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| | | | | <p>reunification, and permanent placement. This is child trafficking under color of law. It is also racketeering - a criminal act, perjury, used to collect money.</p> <p>Many other parents who were denied due process are preparing their Bar complaints as well. LADL DENNIS SMEAL AND LESLIE HEIMOVE CHILDREN LAW CENTER LAWYERS are Very aware of what they are doing And this is very concerning and a Humanitarian Crisis knowing they are representing millions and millions of families and children is a danger To The Public Children including My Children drugged raped in foster care Now my 16 year old daughter having a baby in foster care and everyone has covered it up she is pregnant by a 20 year old man and I confirmed that when she ranaway from foster care I found her every time DCFS never went out to look for her csw Jacqueline smalls said she was waiting for me to find her ..this blood is on your hands. Enough is enough.we want our children stop this mass separation they are committing crimes against the public</p> |
| 6 | Helen Le | Nonattorney | D | <p>I none agree and I none allow any attorney /lawyer to represent for me before any JUDGE and any COURT</p> <p>because they are not my attorney or my lawyer , they none representative But they want me signed for them , It is seem act theft /fraud/lack ethic /misconduct</p> <p>Follow law California /USA attorney/lawyer representative for Victim , they Just be 1/3 their fee , But they did not representative for me before any Court and any JUDGE , opposite they want me signed for them , it is not legal</p> <p>also now I am not BUILD BACK BETTER before FEDERAL COURT and state Court by act abused POWER erase my human right and my civil right before JUDGE /COURT/JURY</p> <p>I would like to ask my default Judgment /my property by CONGRESS GRANT for me where is it stay ? why did CLERK OFFICE NORTHERN DISTRICT grant hearing for me 11/2/2023 BUT they unite expel me out of teacher</p> |

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