

**CALIFORNIA RURAL LEGAL ASSISTANCE, INC.
PRIVATE ATTORNEY INVOLVEMENT (PAI) PLAN
JANUARY 1, 2017 – DECEMBER 31, 2017**

I. PROCEDURE

California Rural Legal Assistance, Inc. (“CRLA”) 2017 Private Attorney Involvement (“PAI”) Plan continues and refines the successful PAI efforts CRLA first implemented in 2012. Those efforts were developed to respond to the special characteristics of the CRLA’s rural service area and client population, the legal needs of eligible clients, and to employ delivery mechanisms which could most effectively provide the opportunity for private attorneys to meet the established priority legal needs of eligible clients connected to CRLA’s Development workplan. To both grow CRLA’s pro bono activities and increase CRLA resources, the PAI Plan links pro bono activities to CRLA development strategies.

As we have stated previously, by implementing its private attorney involvement program, CRLA has had to cope with factors identified by both the Legal Services Corporation (“LSC”) and the American Bar Association (“ABA”) as potential obstacles to successful program implementation. With expansive geography, lack of transportation, technological constraints, and only 20% of the bar practicing in sparsely populated communities of 50,000 people or less, rural pro bono programs face the challenge of having a small, limited pool of lawyers with which to develop a pro bono panel.

In most of CRLA's rural service areas, the attorney population is small and the legal community lacks a pro bono culture. Attorneys in these areas are typically solo practitioners or in small partnerships with a general practice. Rural private attorney practice areas and rural poor client needs often do not align since the practitioners do not have expertise in the areas of practice required by the needs of the rural poor. In those rare cases where they do meet, rural private attorneys often encounter conflicts of interest which prevent representation. Additional complications inhibiting private bar pro bono participation are the linguistic and cultural competency needs of CRLA's many non-English speakers and immigrant/migrant clients. These complications create barriers to effective representation by attorneys who are not fluent in Spanish or other community-appropriate languages, or attorneys culturally unaware of the needs of communities of color. At the same time, while a stronger pro bono culture and more opportunities may exist in the urban areas, these are countered by the time-and-expense implications (as well as psychological barrier) of exceptionally long distances between urban centers and CRLA’s service areas. Consequently, urban private attorneys’ lack of experience with rural communities, along with the logistical difficulties of navigating the geographic distances, create a substantial barrier to urban pro bono participation in the rural communities CRLA serves.

As is required by the LSC instructions and regulations on private attorney involvement, CRLA,

in initially developing its private attorney involvement plan, undertook consultations with bar associations and clients in its service areas. CRLA has distributed its Pro Bono needs assessment to the State Bar of California, local and county bars, minority and women's bar associations, and private attorneys (including non-profit legal providers) who co-counsel on CRLA litigation for their review and comment. CRLA field offices follow-up and consult with various key local bar officers and private attorneys. Information from the former and input from the latter are duly considered in preparation of the CRLA's PAI Plan. In addition, the plan is presented to attorney members on the CRLA Board of Directors for their review, input, and approval.

CRLA's PAI Plan incorporates a variety of private attorney activities that capitalize on the potential opportunities and resources available locally, regionally, and statewide. Accordingly, the current plan employs a mixed-model delivery system that has reflected increased diversification. In 2016, CRLA continued the integration of PAI activities with its development efforts and designated a full-time Pro Bono Coordinator whose role is to develop new ideas and diversify strategies in recruitment, resource identification, program implementation, and retention in CRLA's local office PAI planning. The Pro Bono Coordinator is responsible for CRLA's implementation of LSC's PAI regulations and coordinates the variety of private bar activities and resources available in collaboration with other LSC programs, volunteer lawyer projects and public interest advocates locally, regionally, and statewide. Additionally, the Pro Bono Coordinator is CRLA's liaison to state and national PAI/Pro Bono programs and functions. The Pro Bono Coordinator works to both recruit and retain private attorney involvement with CRLA's advocacy.

Historically, CRLA has had many challenges in attracting rural California's limited pro bono resources to agree to provide pro bono legal aid to low-income clients. Consequently, CRLA has always leveraged its connections with the urban private bar and CRLA's proximity to and trusted position with rural California's low-income population to bring both urban for-profit and non-profit private bar expertise to aid low-income individuals in geographic areas they would never have considered entering if not for their relationship with CRLA. As expected, and noted in CRLA's 2015 PAI Plan, LSC's new definition of "private attorney" under 45 CFR §1614.3(a) excluded many of CRLA's private, non-profit attorney partners who previously fell within LSC's definition of "private attorney". Consequently, in 2015 and again in 2016, meeting LSC's PAI requirement was a significant challenge for CRLA. CRLA was barely able to offset the loss of its traditional non-profit PAI partners by its continued increase in pro bono gains within the for-profit private bar and by its expanded work with law schools and the supervision of law students. In 2016, CRLA committed \$674,945 to PAI: \$47,729 more than the \$627,216 required by LSC. The success of CRLA's continued emphasis on establishing and capitalizing on pro bono relationships in 2016 is also reflected in the \$1,231,567 in *cy pres* awards we received from the private bar.

II. RANGE OF ACTIVITIES

Introduction

CRLA employs a mixed-model delivery system for its PAI program with a distinct rural focus and perspective. The organization engages in a comprehensive range of PAI activities, including co-counseling, pro bono and reduced fee panels, pro se clinics, lawyer referral programs, community legal education, emeritus and government attorney programs, and the ABA-sponsored LAPP. CRLA has continued exploring the potential of PAI in non-legal holistic approaches to delivery of social services, community economic development, and consumer advocacy. CRLA continues to seek non-traditional venues and opportunities to leverage private attorney and professional engagement to provide high quality representation to meet the ever-increasing demand in a broader array of substantive legal areas. Although CRLA continues its special emphasis on co-counseling with the private bar, nevertheless, each field office tailors its private attorney involvement to address the unmet legal needs of its service areas.

A. Co-Counsel with and Referrals to Private Attorneys

In light of the factors outlined above, the CRLA PAI Plan focuses the program's resources primarily, though not exclusively, on involving private attorneys as co-counsel with CRLA attorneys in priority matters and complex litigation, as well as referrals of less complex matters. Because of the limited attorney population available to CRLA in most of its service areas, and due to the program's priorities, co-counseling offers the most beneficial and cost-effective method of involving private attorneys who can provide direct service to CRLA clients. CRLA has found that co-counseling has been the most successful way of attracting non-LSC attorneys to work with California's rural poor. Co-counseling leverages donated private attorney resources and expertise with CRLA program resources to better serve priority legal needs and make an impact in rural California. By promoting a close working relationship between CRLA staff and private attorneys, co-counseling promotes mutual understanding and respect. CRLA is working with the State Bar to increase co-counseling between rural and urban attorneys. CRLA exerted considerable influence through its impact co-counseling and referral efforts in 2016:

1. In 2014, the California Department of Toxic Substances Control (DTSC), a regulatory arm of the state, approved the Kettleman Hills Facility (KHF) hazardous waste plant's renewal permit as well as a request to expand its operations. DTSC's approval was made over the objections of Kettleman City, Kings County residents who were alarmed because of the history of children in Kettleman being born with unaccounted for facial birth defects and high infant mortality. KHF is located only three miles from Kettleman City. A substantial number of Kettleman City's residents are monolingual Spanish speakers, yet, the environmental review documents were not translated into Spanish,

requests to have them translated were denied and key public meetings lacked interpreters.

CRLA and its pro bono co-counsel Golden Gate Environmental Law & Justice Clinic representing El Pueblo para el Aire y Agua Limpia de Kettleman City (El Pueblo), a community based environmental justice group, objected to DTSC's permit decision on numerous grounds, including that it violated Kettleman City residents' civil rights. OCR accepted the complaint for investigation by letter on April 17, 2015, and directed parties into alternative dispute resolution to resolve the complaint. The parties agreed to mediation and developed the agreement through numerous facilitated mediation sessions.

On August 10, 2016, CRLA and the Golden Gate Environmental Law & Justice Clinic entered into a landmark environmental justice settlement agreement with the State of California. The settlement will provide immediate support to the residents of Kettleman City. Public health programs, asthma intervention activities, clean water and air monitoring and a commitment to providing information in Spanish are some of the immediate remedies. The agreement is one of the first examples of a voluntary resolution jointly developed by state agencies and community groups under Title VI of the federal Civil Rights Act. The agreement establishes a new state-wide commitment to public participation and language access policies when expansion and renewal permits are sought for hazardous waste sites. The precedent setting agreement provides that the state permitting procedures will consider the special environmental risks found in vulnerable rural communities and conduct better coordination with other local and state agencies.

2. CRLA's Delano office represents a single mother with five minor children in a sexual and national origin discrimination lawsuit against her former landlord and employer, assisting her in securing her U-Visa. Our client is the survivor of severe domestic violence, trafficking, and emotional abuse from her ex-husband. One of the children has a cognitive disability, and a second child suffers from emotional trauma caused by the abuse from his father.

Despite providing no financial support to his children, the ex-husband continues to claim his children as dependents on his taxes. When our client claimed her five children on her taxes, the IRS audited her and claimed that she owed several thousands of dollars in unpaid taxes as well as penalties. CRLA secured pro bono tax attorneys from Reed Smith LLP, who filed an appeal with the IRS on the behalf of our client, and are confident the finding of unpaid taxes and assessment of penalties will be overturned.

3. CRLA's Santa Rosa office and private pro bono counsel continued litigation on a habitability claim filed on the behalf of 35 plaintiffs against Defendants over rat and

cockroach infestation, water intrusion/mold, and faulty sewage. Because of this case, the City of Santa Rosa has revamped its code enforcement procedures regarding how and when to notice red tag residences to minimize the possibility that affected residents will end up homeless. A \$950,000 settlement with some of the Defendants has just been reached.

4. The City of Manteca does not operate a public homeless shelter and its private homeless shelters are inadequate to house its homeless population. City officials perceived a growing homeless problem and passed three ordinances that effectively criminalized being homeless. Manteca's police enforced these ordinances by uprooting homeless encampments, confiscating personal property and arresting the homeless and transporting them to a detention facility nine miles from Manteca. CRLA's Stockton office, in collaboration with Morrison Foerster attorneys represented nine homeless residents of Manteca and filed for injunctive relief in the Sacramento Division of the United States District Court's Eastern District challenging the Manteca's policing practices and three city ordinances as violating constitutional protections against cruel and unusual punishment and equal protection under the law. The litigation resulted in a settlement which required the city to amend local ordinances, devote more resources to addressing homelessness, comply with their own homeless program requirements and compensate plaintiffs for their losses."
5. CRLA's Watsonville office continued its ongoing pro bono relationship with private attorney Steven Kociol. Mr. Kociol has provided his expertise, leadership, and support on Santa Cruz County wage and hour cases since 2008. In just over nine years, Steven has helped CRLA service more than 600 low-income people in employment matters. In recognition for his substantial and continued pro bono efforts on the behalf of CRLA clients, Mr. Kociol received the 2016 California Bar Association Presidents' Pro Bono Award. He currently provides 15 to 20 hours of pro bono support a week, or over 750 hours a year. Additionally, he participates in monthly free bilingual clinics which provide hands-on assistance to victims of wage theft in Watsonville and Santa Cruz.

B. Low-Bono Support

As a consequence of staff transitions in 2016, CRLA lost its primary U-Visa expert and case handler in our Stockton field office, resulting in an expertise vacuum in handling U-Visas and related matters. After making inquiries to both Northern and Southern California immigration specialists, CRLA placed 26 Stockton office U-Visa related clients and their derivative family members with a respected Oakland based immigration attorney who agreed to take on their cases at less than 50% of the market rate.

C. Other Private Attorney Involvement Activities

Although the mix of activities involving private attorneys varies between CRLA field offices, the following activities are undertaken by different CRLA offices at various times:

- 1. Clinic Programs.** With clinics, private attorneys are regularly scheduled to meet with clients seeking assistance. For example, the CRLA field office helps to establish a domestic violence clinic which is staffed by volunteer attorneys. Likewise, private attorneys advise on consumer law, bankruptcy, and foreclosure issues on a pro bono basis. For the past thirteen years private attorney, Doug Provencher, has conducted monthly bankruptcy workshops at CRLA's Santa Rosa office for LSC eligible clients. After the workshops, Mr. Provencher meets with individuals who have been screened and are eligible for LSC services and provides free consultation, legal advice, and, on occasion, continued legal services through CRLA's Santa Rosa office.
- 2. PAI Referrals.** CRLA has initiated relationships with national pro bono leaders and smaller boutique firms to provide pro bono legal services to rural California LSC eligible clients in school discipline, U-Visa, and incorporation/personnel guidance for community based organizations. CRLA continued its work with Brownstein, Hyatt Farber, and Schreck to prevent the expulsion of LSC eligible students in Ventura County. Training was not limited to simply school discipline law and procedure, but also included navigating the difficulties low-income students and their families face both at school and at home. Since 2015, Brownstein committed its pro bono work to advocating on the behalf of low-income students and their families in school discipline proceedings. CRLA's Foreclosure Project has also referred LSC eligible clients to the Oakland based legal services provider Housing and Economic Rights Advocates ("HERA") for foreclosure defense advocacy against unscrupulous banks threatening our clients' home ownership.
- 3. Community Legal Education.** In many CRLA service areas private and non-LSC Government attorneys meet with client groups to advise them of their legal rights or of changes in the law. This has been especially true with respect to Immigration, Fair Housing, Housing Foreclosure, and Education matters. CRLA's Foreclosure Project, in collaboration with attorneys for HERA, has done foreclosure defense and Survivor Bill of Rights (California SB 1150) trainings for both CRLA client populations and attorneys in CRLA service areas.
- 4. Volunteer Attorneys.** Recruiting and maintaining volunteer attorneys is extremely difficult in the rural communities in where CRLA has field offices. The CRLA Stockton, Oxnard, and Watsonville offices have all been able to secure regular volunteer attorneys who have regular schedules that vary from daily hours (Stockton) to weekly visits (Oxnard). The volunteer contributions range from mentoring and supervision of CRLA staff (Stockton) to direct representation of clients in wage and hour cases (Watsonville), and education cases (Oxnard).

5. **Temporary Legal Counsel.** In the past, a limited number of CRLA offices have subcontracted with bilingual, private attorneys for limited periods of time (e.g. 3 months) to provide direct legal assistance to new and on-going CRLA clients and to provide clients experienced counsel in more complex litigation. While this was a common practice in the past, CRLA rarely utilizes this practice.

6. **MCLE trainings for the private bar.** In 2015, CRLA provided a number of MCLE trainings for the private bar on such issues as preparation of U-Visa applications, School Expulsion/Suspension Defense, Fair Housing, and California Wage and Hour law. In 2016, CRLA's Oxnard office continued to partner with the Juvenile Public Defenders' office of Ventura County to improve educational outcomes for youth in the juvenile justice system. CRLA provided trainings to increase capacity within the Juvenile Defenders' office to identify and address the educational needs of court-involved youth. Juvenile defenders expanded their initial screening tools for clients to include questions regarding educational services and educational placement and represented their clients in Individualized Education Program (IEP) meetings, expulsion hearings, and School Attendance Review Board (SARB) hearings. CRLA hopes to continue to expand its MCLE trainings for the private bar in 2017.

7. **Support for the Provision of High Quality Legal Services.** CRLA provides participating volunteer attorneys resources such as interpreter services, attorney consultations, and access to training programs. In addition, CRLA calls on private attorneys to provide training and consultation to CRLA staff. CRLA also provides MCLE training to non-LSC attorneys. Non-LSC attorney participation also includes in-kind assistance from law firms in the form of paralegal and secretarial assistance, accounting help, legal research, office space, etc.

D. California Emeritus Attorney Pro-Bono Program

CRLA actively recruits retired attorneys to work in local offices as staff attorneys or to work on special litigation. CRLA's Stockton office currently has a retired attorney who volunteers three hours a day to help mentor and supervise the work of newer CRLA attorneys and advocates. This is an area CRLA is currently developing as it expects a surge in retirements of long-time attorneys experienced in CRLA's practice areas and the specific needs of the client communities. All such attorneys are provided with training, supervision, and litigation support.

E. Inactive, Government Attorneys, Recent Bar Admittees, etc.

Building on its previous efforts, CRLA recruits temporarily inactive attorneys (e.g., maternity leave, sabbatical, etc.) looking to get back into active practice either full or part-time, government attorneys, recently admitted or entry-level attorneys seeking to learn the nuts and bolts of

lawyering, and attorneys from law firms subject to Business & Professions Code section 6072 pro bono certification. The organization affords them all necessary support to ensure high quality legal services. In that connection, CRLA pro bono solicitation includes in-kind pro bono assistance from law firms in the form of paralegal and secretarial assistance, interpreter or accounting help, legal research, office space, etc. Over the past six years a for-profit law firm has given CRLA an office rent free in downtown Los Angeles from which it is able to conduct both legal and resource development activities.

F. New Partnership with Non-Legal Providers

Many of CRLA's field offices have service providers in the areas of housing, social services, and consumer rights that engage government attorneys of one type or another in service to their clients that are also LSC-eligible. Various CRLA offices have successfully partnered with these providers to take a more holistic approach to addressing the problems of their mutual clients. For example, several offices have joined forces with HUD housing counselors, the local district attorney, and/or the state attorney general to assist their clients in impending foreclosures and/or to prosecute predatory lending and elder abuse. As another example, in one county, the CRLA field office partnered with the local bar and a community-based organization to establish a conflict resolution program. CRLA has used these alliances as an essential part of its PAI strategy.

G. Special Project Initiatives

In recent years, CRLA has initiated projects locally and regionally that require the substantive expertise of private lawyers in non-traditional legal services areas of practice (e.g. tax, business transaction, bankruptcy, land use, etc.). As a result, the organization has expanded its recruitment efforts directed at a large pool of private attorneys that are overlooked and seldom targeted for pro bono services.