

Big State, Big Crisis, Big Leadership

With California's poverty population swelling, Chief Justice George sets bold course

As the highest-ranking judicial officer in California, Chief Justice Ronald George is surrounded by pomp and circumstance. He swears in the governor after every election and testifies in front of the state legislature each year. Yet there is one ceremony that warms his heart the most.

One Saturday every November, the leader of the California Supreme Court swears himself in as a member of the Los Angeles Superior Court for a day, donning his black robe to oversee adoption hearings for 10 children and banging his gavel to signify each new familial bond he helps create.

Chief Justice George encourages his brethren on the bench to do the same, invites the media, and gives each newly adopted child a teddy bear to remember the day. Last year, the event resulted in approximately 400 legal adoptions, putting a major dent in the thousand-case backlog facing California family courts. For many attorneys, the day caps a year of performing pro bono work. For many orphans, it marks the transition from foster care to a permanent, loving family.

Chief Justice George feels strongly about attorneys' obligation to do pro bono work—all attorneys. He says he wants to see senior partners working on adoptions, not just associates who can count the volunteer hours as part of their regular workdays (although their involvement is important too, he says). George says more law firms ought to count pro bono work toward their overall billable hours quotas, which are scrutinized closely when a young attorney comes up for partner.



George's commitment to encouraging pro bono involvement is long-standing, though he took his most decisive action to address the issue in December 2000. Alarmed that law firms weren't doing more, he picked up his telephone and called a list of the most powerful lawyers in the Bay area. Days later, he assembled the managing partners of 14 of the largest local law firms on the steps of his San Francisco courthouse for a press conference.

With TV cameras rolling, all of the partners pledged to dedicate either three or five percent of their firm's billable hours to pro bono work. "If you don't do pro bono work, you're not a complete lawyer," attorney James Finberg of San Francisco-based Loeffler, Cabraser, Heimann & Bernstein told

reporters that day. "If only rich people have access to justice, no one is going to have faith in what goes on in this building."

While increased private attorney involvement is vital, some legal observers have called it a partial panacea for the justice problems facing the state's underserved. California has, by far, the largest poverty population of any state. According to 2000 U.S. Census data, the Golden State has 4.7 million residents living at or below the federal poverty threshold. (Texas, with the second-highest total, has a poverty population of 3.1 million; New York 2.7 million; Florida 1.9 million; Pennsylvania 1.3 million.)

What makes California's problem especially acute, however, is the influx of poor fami-

lies over the past decade. From 1990 to 2000, the number of low-income Californians grew by 1.1 million people—a startling 29.7-percent increase. To complicate matters further for the state's undermanned civil justice system, a substantial number of low-income Californians are recent immigrants with limited or no English proficiency. "The court has to translate everything from Albanian to Zapotec," George says.

The Chief Justice is aware of the depth of the state's growing access-to-justice problem, and he says a sturdier legal services infrastructure is one long-term solution. "I'd like to see more funding for legal services when times are better and see a dedicated and continuing appropriation," he says. In his 2001 State of the Judiciary speech, George said, "If the motto 'justice for all' becomes 'justice for those who can afford it,' we threaten the very underpinnings of our social contract."

ROAD TO JUSTICE

Chief Justice George's words have closely

mirrored his actions. In 1999, before California's state budget became mired in a \$35-billion deficit disaster, he helped secure a \$10-million appropriation for the Equal Access Fund, a grant-making body that supports 100 different legal services groups. He also has discussed the important work of state legal services programs in annual speeches to the California State Bar and in one-on-one meetings with key legislators during budget negotiations.

Cognizant of the bigger picture, George has tried to make the courts more service-oriented—helping people help themselves in ways that are inexpensive yet effective.

The most conspicuous result of the judge's work on behalf of legal aid is the establishment of the Equal Access Fund. "We had to fight strenuously to get the Access Fund," he recalls. "We did get it established, and we even had gubernatorial approval for \$15 million before the economy went sour."

Last year, the state judicial system's budget topped \$2.5 billion. This year, hundreds of

millions of dollars must be cut in order to help close the budget gap. However, legal services attorneys in California should not panic, the Chief Justice says. George is confident the Access Fund will not be eliminated and is hopeful that it will not be cut, especially not disproportionately to other judicial functions: "We want to do our share without impairing our functions."

Because of recent funding volatility, the Chief Justice knows full funding for legal aid and guaranteed civil representation for every citizen in California is not imminent. The next best thing, he says, may be a growing network of self-help kiosks in courthouses and other public buildings pioneered by LSC-funded Legal Aid Society of Orange County. The program's Interactive Community Assistance Network (I-CAN!) offers clients computerized instructions on how to print various forms and pleadings and file them *pro se*. So far the program has spread to 10 counties in California since it was launched by Executive Director Bob

PHOTO: Back in December 2000, Chief Justice George convened the managing partners of 14 major Bay-area law firms on the steps of the California Supreme Court for a press conference where they each pledged to dedicate at least three percent of their firm's billable hours to pro bono work.

PHOTO CREDIT: Gary Wagner

□ "If the motto 'justice for all' becomes 'justice for those who can afford it,' we threaten the very underpinnings of our social contract." —California Chief Justice Ronald George □

No child should miss out on washing behind his ears, doing chores or eating peas.

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Cohen and his team at the Legal Aid Society of Orange County.

George also has helped oversee the launch of what some equal justice leaders call America's most extensive legal services web site at www.courtinfo.ca.gov/selfhelp. Private attorneys and legal librarians often use the site as a valuable resource tool.

Chief Justice George talks approvingly of "unbundling" legal services to provide assistance when full-fledged legal representation is not available. Cohen and other legal services providers say that George helped move the program past the pilot stage and that his office continues to show enthusiastic support. "If we don't have money to employ attorneys, poor people will keep getting turned down even if they come to us with meritorious claims," Cohen says. "The Chief has a lot going on in his state, yet he's leading



a campaign to promote pro bono work. We are lucky to have him on our side."

Even with these innovations, the Chief Justice says California faces an uphill climb. In many counties, he observes, little or no representation is available for low-income residents. In 60 percent of all family-law cases, he estimates, both parties represent themselves, while both sides are represented by counsel in maybe 10 percent of such cases. These figures are corroborated by a broader November 2002 status report completed by the State Bar, which found that only 28 percent of low-income Californians have adequate access to civil justice.

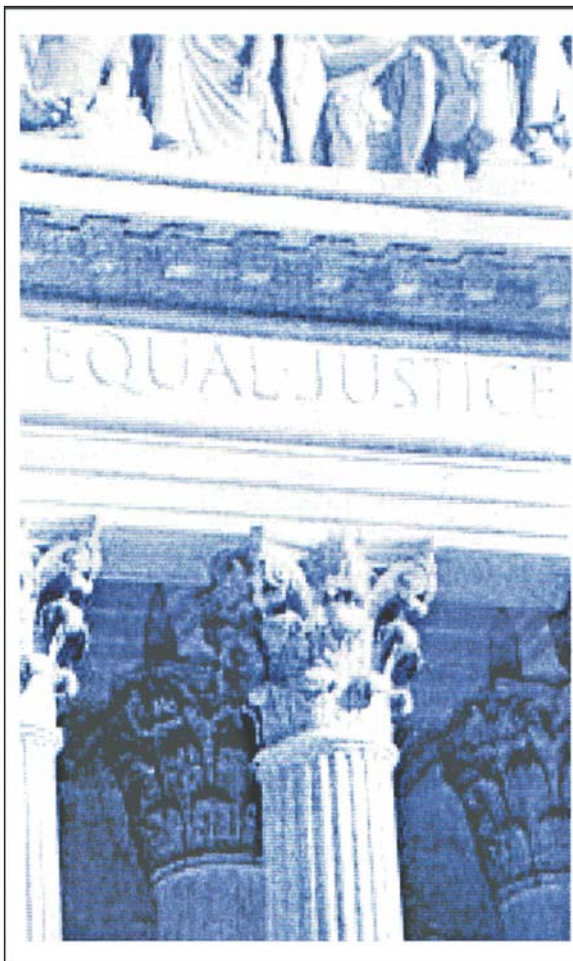
George, born and raised in Los Angeles, is a lifelong Republican who always wanted to be a judge. He was appointed to the Los Angeles Municipal Court in 1972 by Gov. Ronald Reagan. Five years later, Gov. Jerry Brown, a Democrat, elevated him to the Superior Court. George was named Chief Justice in 1994 by Gov. Pete Wilson.

A decade earlier, George gained national

notice when he presided over the Hillside Strangler case, a serial-killer trial in which he overruled the prosecutor's decision to drop the case due to a lack of evidence. The judge interviewed the witnesses himself and declared them reliable, and the new prosecutor ended up securing a conviction. The case, which became one of the decade's most high-profile murder trials, gave George a deserved reputation for being tough on crime.

Yet the judge has an unmistakable soft side, too. "He doesn't play the role of the intimidating guy," says Karen Lash, vice president of Equal Justice Works in Washington, D.C., and a past dean at University of Southern California Law School. "Chief Justice George is warm and friendly. I think he is the only chief justice who has ever personally visited every county courthouse. That's impressive." ■

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"...justice should be the same, in substance and availability, without regard to economic status."
 Justice Lewis Powell
 U.S. Supreme Court

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