

Case No. S294332

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

**PETITIONERS' REPLY TO THE RESPONSE OF THE STATE
BAR OF CALIFORNIA'S RESPONSE TO THE PETITION FOR
THE CALIFORNIA SUPREME COURT TO REVIEW AND
APPROVE PROPOSED CALIFORNIA RULE OF COURT
9.45.1 TO ESTABLISH A CALIFORNIA COMMUNITY
JUSTICE WORKER PROGRAM**

Submitted by

Salena Copeland (State Bar No. 252222)
Zach Newman (State Bar No. 312934)
Legal Aid Association of California
1832 Second St., Suite 105
Berkeley, CA 94710
scopeland@laaonline.org
(510) 893-3000 x 106
znewman@laaonline.org
(415) 209-8144

Phil Hwang (State Bar No. 185070)
Dana Marquez Richardson (State Bar No. 338337)
One Justice
548 Market Street, Suite 27400
San Francisco, CA 94104
phwang@one-justice.org
(415) 834-0100 x317
dmarquez@one-justice.org
(415) 834-0100 x310

Katie aka Kate Crowley Richardson (State Bar No. 284810)
Legal Link
1721 Broadway, Suite 201
Oakland, CA 94612
kate@legallink.org
(415) 851-1755

March 17, 2026

Document received by the CA Supreme Court.

TABLE OF CONTENTS

I. INTRODUCTION..... 4

II. THE CALIFORNIA SUPREME COURT HAS THE DIRECT AUTHORITY TO REVIEW AND APPROVE THE PROPOSED RULE AS REQUESTED BY PETITIONERS..... 4

III. SHOULD THE COURT SEEK PUBLIC COMMENT, THE COURT SHOULD ISSUE THE RULE FOR COMMENT ITSELF OR DIRECT THE STATE BAR TO MOVE RAPIDLY TO OPEN A COMMENT PERIOD..... 7

IV. CONCLUSION..... 8

TABLE OF AUTHORITIES

Constitutional Provisions

Cal. Const. Art. IV, § 1 5

Statutes

Cal. Bus. & Prof. Code § 6026.7(d) 8

Cal. Bus. & Prof. Code § 6087 6

Rules

Cal. R. of Court 9.3..... 5

In re Attorney Discipline System, 19 Cal. 4th 582 (1998)..... 5, 8

I. INTRODUCTION

On December 11, 2025, attorneys for the Legal Aid Association of California (“LAAC”), One Justice, and Legal Link filed a Petition for the California Supreme Court to Review and Approve Proposed California Rule of Court 9.45.1 to Establish a California Community Justice Worker Program (“Petition”). On March 3, 2026, the State Bar of California (“State Bar”) filed a Response to the Petition (“Response”).¹

Petitioners submit this response to address certain issues raised by the State Bar and respectfully submit additional recommendations on next steps for the Court’s consideration.

II. THE CALIFORNIA SUPREME COURT HAS THE DIRECT AUTHORITY TO REVIEW AND APPROVE THE PROPOSED RULE AS REQUESTED BY PETITIONERS

The Petition requested that the California Supreme Court review and approve proposed California Rule of Court 9.45.¹ to establish a California Community Justice Worker (“CJW”) Program. As noted in the Petition, the California Supreme Court holds the inherent authority over the practice of law in California. Cal. Const. Art. IV, § 1; Cal. R.

¹ The State Bar of California is not a named party in this matter.

of Court 9.3. *See also In re Attorney Discipline System*, 19 Cal. 4th 582, 592 (1998) (“In California, the power to regulate the practice of law...has long been recognized to be among the inherent powers of the article VI courts.”) The State Bar acts as the administrative arm of the Court in admissions matters and serves “under the authority and at the direction” of the Court. Cal. R. of Court 9.3.

This Court is well within its authority to act directly on the Petition, including approving the proposed rule and directing the bar to move forward with implementation of the rule.² Cal. Bus. & Prof. Code § 6087 (“Notwithstanding any other law, the Supreme Court may by rule authorize the State Bar to take any action otherwise reserved to the Supreme Court in any matter arising under this chapter or initiated by the Supreme Court; provided, that any such action by

² Multiple other jurisdictions have authorized community justice worker programs via court order, including Alaska (Alaska S. Ct., Order No. 1994 (2022)), Arizona (Ariz. S. Ct., Admin. Order No. 2024-35 (2024) and Ariz. S. Ct., Admin. Order No. 2024-24 (2024)), Delaware (Del. S. Ct. R. 57.1 (2022)), Hawaii (Hawaii S. Ct., Order Establishing a Rural Paternity Advoc. Pilot Project in the Third Cir. (2023)), South Carolina (. *In re: S. Carolina NAACP Hous. Advoc. Program*, 897 S.E.2d 691 (2024)), and Washington, D.C. (District of Columbia Court of Appeals, Order M293-26 (Feb. 5, 2026)).

the State Bar shall be reviewable by the Supreme Court pursuant to such rules as the Supreme Court may prescribe.”)

The proposed rule was drafted based on research and discussion conducted by the California Community Justice Worker Working Group, made up of multiple leaders of California’s legal services community, over the course of six months, followed by a full year of consulting and discussion by the leaders of the Working Group with various stakeholder groups around California, including the State Bar.³ The Petition makes a clear case for the need for more legal help for vulnerable Californians, presents the Court with the emerging

³ As the State Bar’s Response makes clear, the State Bar staff was a key stakeholder group involved in these discussions from the genesis of the Working Group. Indeed, the State Bar’s Office of Access and Inclusion, which also staffs the independent Legal Services Trust Fund Commission, provided the funds to LAAC to launch the Working Group and presented on the proposal, as well as comments from the Program Development and Impact Committee of the Legal Services Trust Fund Commission, to the Board of Trustees on September 18, 2025. It is unclear to Petitioners why the State Bar’s Board of Trustees never formally agendized the issue, generally or in response to the Working Group’s January 2025 Proposal or after the Petition was filed. Since the filing of the petition on December 11, 2025, the Board of Trustees has met on January 22, 2026, through a joint meeting with the Committee on Bar Examiners on January 23, 2026, and again on a regularly scheduled meeting on February 26-27, 2026.

evidence from other jurisdictions on the impact of these programs, and sets forth a simple and workable approach for creating a program that can harness the great power and diversity of California's legal services organizations to increase the public's access to legal help. The Court has more than sufficient grounds for deploying its inherent power over the practice of law to immediately and directly approve this rule.

III. SHOULD THE COURT SEEK PUBLIC COMMENT, THE COURT SHOULD ISSUE THE RULE FOR COMMENT ITSELF OR DIRECT THE STATE BAR TO MOVE RAPIDLY TO OPEN A COMMENT PERIOD.

It is Petitioners' position that the Court is not required to issue the proposed rule for public comment when it acts directly to authorize a rule related to who may practice law. Although the Court has traditionally relied on the State Bar's rulemaking process for the development of practice rules, which does require public comment, the Court's inherent authority does not require it to do so. Cal. Bus. & Prof. Code § 6026.7(d).

However, Petitioners understand the importance of public participation and government accountability in this process and recognize that the Court may wish to hear from the public on this issue. To that end, Petitioners recommend that the Court act directly to

issue the rule for public comment on its own action for a period of 45 days. *See In re Attorney Discipline System*, 19 Cal. 4th at 587 (stating that the court issued an order soliciting public comment on).

In the alternative, Petitioners recommend the Court direct the State Bar to immediately act to issue the proposed rule for public comment. If the Court prefers this approach, Petitioners request that the Court direct the State Bar to call a special meeting of the Board of Trustees as soon as possible to issue the rule for public comment for 45 days, as the next regularly scheduled Board of Trustees meeting is not until May 14-15, 2026. The Board should then meet again at the close of the comment period, by special meeting if necessary, to make its recommendation to the Court. Petitioners stress that in its directive to the State Bar, the Court should make clear that the Board of Trustees should not start this process from the ground up but should consider the rule as proposed in the Petition, or as modified by the Court, making its recommendation to the Court on those grounds.

IV. CONCLUSION

The rule proposed in the Petition is a simple and straightforward approach to increasing the supply of qualified legal help for the most vulnerable Californians. Multiple other state

supreme courts have acted to launch similar justice worker programs. Additional help is urgently needed and it is supported by stakeholders across California. California legal services organizations stand ready to move forward with needed programs.

Contrary to the implication of the State Bar's Response, this Court can, and should, act quickly and directly to approve the rule as proposed in the Petition. In the alternative, the Court should issue the proposed rule for public comment for 45 days or direct the State Bar to call a special meeting of the Board of Trustees, issue the proposed rule for public comment for 45 days, and then quickly move to make a recommendation to the Court. Petitioners note that with the Court's quick action, and Legislative support, Petitioners believe that it will be possible for the Legal Services Trust Fund Commission, if authorized,⁴ to finalize the parameters for eligible and interested legal services organizations by September 2026, with applications to open

⁴ Senator Anna Caballero, herself a former legal aid attorney with California Rural Legal Assistance, has introduced a bill, SB 1129, to show her support for the creation of a Community Justice Worker program. The bill, if passed, and upon the approval of the Community Justice Worker model by the Court, would expressly authorize the Legal Services Trust Fund Commission to oversee the grantee organizations that would sponsor individual CJWs working under their attorney supervision.

soon after, and recruitment and training of Community Justice
Workers to begin in January 2027.⁵

Dated: March 17, 2026 Respectfully submitted,

SALENA COPELAND

ZACH NEWMAN

PHIL HWANG

DANA MARQUEZ RICHARDSON

KATIE RICHARDSON

By: /s/ Salena Copeland

SALENA COPELAND

Executive Director

Legal Aid Association of California

⁵ Petitioners recognize that the first year of the program, if authorized, will include a substantial investment of nonprofit staff time and resources to design training hubs and curriculum that meets minimum standards. Legal services organizations will need time to recruit and begin training of Community Justice Workers before people receive legal advice from those workers.