

---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair  
2019 - 2020 Regular

---

**Bill No:** SB 444 **Hearing Date:** January 8, 2020  
**Author:** Umberg  
**Version:** January 6, 2020  
**Urgency:** No **Fiscal:** yes  
**Consultant:** Olgalilia Ramirez

**Subject:** University of California: Bekeley and Irvine law schools: Pro Se Indigent Litigant Pilot Project.

**NOTE:** This bill has been referred to the Committees on Education and Judiciary. A “do pass” motion should include referral to the Committee on Judiciary.

### SUMMARY

This bill requests the Regents of the University of California (UC) to enact, by July 1 2021, a resolution to authorize UC Berkeley and UC Irvine law schools, in consultation with the superior courts of the Counties of Alameda and Orange, to participate in a pilot project to develop artificial intelligence or machine-learning solutions for purposes of addressing issues of access to justice faced by self-representing litigants who are residents of those counties. Additionally, the bill makes an appropriation of \$2,000,000 from the General Fund for the implementation of the pilot project.

### BACKGROUND

The California Constitution establishes the UC, a public trust to be administered by the Regents of the UC and grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services. (Article IX, Section (9)(a) of the California Constitution)

Current law further provides that the statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. (Education Code § 67400)

### ANALYSIS

This bill:

- 1) Requests the Regents of the UC to enact, by July 1, 2021, a resolution to authorize UC Berkeley and UC Irvine law schools, in consultation with the superior courts of the Counties of Alameda and Orange, to participate in a pilot project to develop artificial intelligence or machine-learning solutions for purposes of addressing issues of access to justice faced by *pro se indigent litigants* who are residents of those counties.

- 2) Makes all of the following requirements applicable provided that the Regents enact the resolution in a timely manner:
  - a) Allocation of \$1 million from the Controller, on July 1, 2022, to the Regents and distribution of up to \$500,000 of these funds, by the Regents, to each participating law school for expenditures for purposes of the pilot project. The bill specifies that each participating law school may use these funds to cover necessary expenses of the pilot project, which may include but are not necessarily limited to, all of the following:
    - i) Obtaining and licensing any data necessary for implementation of the pilot project.
    - ii) Reimbursing laboratory, equipment, and staff time that are used as part of the pilot project.
    - iii) Other relevant costs associated with building a workable prototype, meeting the milestone requirements specified, and preparing and distributing the reports required by the bill's provisions.
  - b) Authorization for each participating law school to work with other schools or departments within or outside of their respective campus in the implementation of the pilot project.
  - c) Authorization for each participating law school to work independently as specified.
  - d) Allocation of an additional \$1 million, on July 1, 2023, from the Controller to the Regents. The bill requires the Regents distribute up to \$500,000 of these funds to a participating law school for purpose of the pilot project, provided only if the Regents determine that the participating law school has accomplished at least one of the following milestones with respect to implementation of the pilot project:
    - i) Completion of a study analyzing the feasibility of the project.
    - ii) Completion of a comprehensive listing of the steps required to complete the project.
    - iii) Completion of a study listing and explaining all of the documentary and functional requirements for completing the project.
- 3) Requires each participating law school, by March 31, 2024, submit a report that includes the specified information and submit copies of the report to the Governor, the Attorney General, the Chief Justice of California, the President pro tempore of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate, the minority Leader of the Assembly, the Lieutenant Governor, and to the presiding judge of each superior court in the state.

- 4) Appropriates \$2 million from the General Fund to the Controller, to be allocated to the Regents for purposes of implementing the provisions of the bill.
- 5) Reverts funds that have not been distributed by July 1, 2024 to the General Fund.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Over 4.3 million Californians represent themselves in legal matters. Among these individuals, roughly 450,000 use self-help programs regularly each year. According to the Judicial Council of California, 80 percent of the 450,000 program users make less than \$3,000 a month. Furthermore, the California State Bar Association notes that the ratio of low-income clients to legal aid is 7,500:1. Self-representing litigants often lack familiarity with legal jargon and court procedures, which hampers their ability to adequately argue their case. For example, the San Diego superior court found that 60 percent of self-reporting litigants who had their cases dismissed after five months did not know that they had more to do. Therefore, in order for all Californians to have equal access to justice, more needs to be done for self-representing litigants.” Information provided by the author notes, that new technology may enable the provisions of more and better legal assistance. This may include, among other things, e-filing systems, automated legal service applications, remote access software to assist users find available self-help resources.

This bill seeks to address barriers faced by individuals who do not have access to counsel in legal matters. Additionally, the measure encourages the UC Regents to develop solutions by means of artificial intelligence for those individuals.

- 2) **Why UC Berkeley and Irvine?** There are five schools of law affiliated with UC. This bill designates two individual schools, UC Berkeley and Irvine, for participation in the pilot project and appropriates moneys from the state’s General Fund to support implementation at each institution and within the respective counties. The committee may wish to consider whether broadening the pilot project to give other UC law schools an opportunity to bid is merited.
- 3) **Statute not necessary to establish a pilot project at UC.** This measure requests the governing body of the UC to authorize participation in the proposed project. Should funds remain unused after a 2-year period, those funds are to be returned to the state’s General Fund under this measure. It appears that legislation is unnecessary to request that the UC establish a pilot project given the UC’s constitutional autonomy as noted in the background of this analysis. However, in prior years, the legislature has taken action to directly fund or augment funding, through the budget process, for various research initiatives at UC. Most recently, these initiatives include among others, the Firearm Violence Research Center at UC Davis and the Dyslexia Center at UC San Francisco. This bill, in statute makes an appropriation of \$2 million to develop solutions that could aid low-income persons who are lacking legal representation navigate the justice system.

**SUPPORT**

None received

**OPPOSITION**

None received

**-- END --**