



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date	Action Requested
September 23, 2010	Please review and consider applying for funding
To	Deadline
Legal Services Agencies Superior Courts	November 5, 2010
From	Contact
Justice Earl Johnson, Jr. (ret.) Chair of the Shriver Civil Counsel Act Implementation Committee	Bonnie Rose Hough Managing Attorney Center for Families, Children & the Courts 415 865 7668 phone 415 865 7217 fax bonnie.hough@jud.ca.gov
Subject	
Request for Letters of Interest to Apply for Grant Funding to Operate a Pilot Project Under the Sargent Shriver Civil Counsel Act	

The purpose of this memorandum is to solicit Letters of Interest from qualified legal services organizations and their superior court partners in submitting a proposal for funding to provide legal representation in civil cases to qualified low income persons under the Sargent Shriver Civil Counsel Act.

The Sargent Shriver Civil Counsel Act

The Sargent Shriver Civil Counsel Act (AB 590 (Feuer), Stats. 2009 Ch. 457) provides that commencing in fiscal year 2011–2012, one or more pilot projects selected by the Judicial Council will be funded to provide legal representation to low-income parties on critical legal issues affecting basic human needs. The pilot projects will be operated by legal services nonprofit corporations working in collaboration with their local superior courts.

The purpose of the pilot projects is to improve timely and effective access to justice in civil cases and thereby avoid undue risk of erroneous court decisions resulting from the nature and complexity of the law in the specific proceeding or the disparities between parties in legal representation, education, sophistication, language proficiency, and access to self-help or alternative dispute resolution services.

Selected legal services agencies will provide representation to low-income Californians who are at or below 200 percent of the federal poverty level and need representation in one or more of the following areas:

- Housing-related matters;
- Domestic violence and civil harassment restraining orders;
- Elder abuse;
- Guardianship of the person;
- Probate conservatorship; or
- Child custody actions by a parent seeking sole legal or physical custody of a child, particularly where the opposing side is represented.

Among the highest priorities will be pilot projects that provide representation in child custody cases. Up to 20% of available funding shall be allocated for pilot projects that provide representation in child custody cases.

Each pilot project must be a partnership between the court, a legal services agency that shall serve as the lead agency for case assessment and direction and other legal services providers in the community. To the extent practical, legal services agencies must make use of pro bono services from attorneys.

Selected court partners will be required to implement improved court procedures, training, case management and administration methods, and best practices to ensure that unrepresented parties in the proposed case types have meaningful access to justice, to guard against the involuntary waiver or other loss of rights in the selected legal areas or the disposition of cases by default or without appropriate information and regard for potential claims and defenses, and to encourage fair and expeditious voluntary dispute resolution, consistent with principles of judicial neutrality.

Selection Requirements and Process

Pilot projects must be a partnership of a lead legal services nonprofit corporation which meets the requirements of Bus. & Prof. Code, § 6213(a), the superior court, and other legal services providers in the community. Each pilot project will be required to form a local advisory committee to include representatives from the bench and court administration, the lead legal services agency and the other agencies that are part of the pilot project. These entities will submit a joint application through a competitive request for proposals (RFP) process administered by the Judicial Council. It is anticipated that the RFP will be released in December 2010.

Project Roles and Responsibilities

The lead legal services agencies will provide case assessment and direction, including providing representation to eligible individuals or contracting with other legal services providers in the community to provide services to individuals. In so doing, the lead agency must make use of available pro bono services to the extent it is practical. The lead legal services agency also will be the central point of contact for referrals emanating from the court and other agencies providing services through the pilot and will make determinations of an individual's eligibility for services based on uniform criteria. When both parties to a dispute are financially eligible for services, the lead agency must evaluate representation for both parties and have referral protocols in place to other agencies or private attorneys for conflicts.

Judicial Council Committee

The Chief Justice has appointed an Implementation Committee with representation from key stakeholder groups, including judicial officers and legal services providers. This committee will make recommendations on which projects should be funded to the Judicial Council.

Selection Criteria

The committee will select projects to recommend to the Judicial Council based on whether the persons to be assisted are likely to be opposed by a party who is represented by counsel. Additional factors to be considered include:

- The likelihood that representation will tend to affect whether a party prevails or otherwise obtains a significantly more favorable outcome in a matter in which that party might otherwise have judgment entered against them or be deprived of the basic human need at issue;
- The likelihood of reducing the risk of erroneous court decisions;
- The nature and severity of potential consequences for the unrepresented party if representation is not provided;
- The possibility that providing legal services might help reduce social service costs;
- The unmet need for legal services in the geographic area to be served; and
- The availability and effectiveness of other types of court services, such as self-help.

The committee will assess the applicants' capacity for success, innovation and efficiency, including, but not limited to, the likelihood that the project would deliver quality representation in an effective manner that would meet critical needs in the community and address the needs of the court with regard to access to justice and calendar management. The committee will also assess whether the legal services organizations and the courts have the technological capability to provide data for the evaluation that is required by AB 590.

Timeline and Funding

Pilot projects will start in fiscal year 2011–2012 and be initially authorized for a three-year period, subject to renewal by the Judicial Council. New projects may subsequently be added by competitive grants if funds become available as the result of the termination or nonrenewal of an earlier project. All pilots and funding will terminate after six years (in 2017) unless the Legislature extends the statutory authority for the pilot projects. Total available funding for all projects is expected to be approximately \$10 - 11 million per year, funded by a \$10 fee increase on certain post-judgment court services.

Records, Evaluation, and Local Oversight

AB 590 requires an evaluation of the pilot projects and a report to the Legislature in 2016. The Judicial Council has entered into a contract for the evaluation design. Each pilot project will be responsible for: keeping appropriate records on the referrals accepted and not accepted, tracking case information for each client represented and referred, collecting information on the effect of the representation on the clients, collecting data about the outcomes associated with the provision of legal services and court services, and providing other data and information for the evaluation as requested by the Judicial Council.

Role of the Letter of Interest

In recognition of the fact that this is a new program and that proposals will take a significant amount of thought and collaboration, the implementation committee is requesting a letter of interest from those programs that are considering requesting funds. Based on those letters of interest, the Committee will design an appropriate evaluation method of the project and will provide additional guidance for applicants when it issues the Request for Proposal (RFP).

If an agency does not submit a letter of interest it WILL NOT be eligible to submit a response to the RFP that will be circulated later this fall.

However, proposals, partners and projected budgets may be changed in response to the RFP.

Anticipated Key Dates

September 23, 2010 - Letters of Interest solicitation issued

October 19, 2010 - Bidders Conference – by conference call 12 noon – 1:30 pm (optional)

November 5, 2010 - Letters of Interest due

December 1, 2010 - Request for Proposals posted

September 23, 2010

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January 21, 2011 - Proposals due

April 2011 - Judicial Council selects pilot projects, courts and legal aid agencies notified of selection

May 1—September, 2011 - Pilot projects start up

October 1, 2011 - Pilot projects begin providing services (contingent on state budget)

Attachments

Letter of Interest Requirements

Attachment A – Proposed Budget Form

Attachment B – Questionnaire Regarding Capabilities of Pilot Projects' Data Collection Systems