

RFP Title: Evaluation of Pilot Projects under the Sargent Shriver Civil Counsel Act
RFP Number: CFCC 10-11-LM

**ATTACHMENT 7
OVERVIEW OF AB 590 EVALUATION THEMES**

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Outline of Hypotheses, Themes, Outcomes and Evaluation Methods Inferred from AB 590

The assertions in the first column are taken verbatim from the statute. Some may be grounded in research that has already been done. Others might present opportunities for further research, including the evaluation of the pilot projects funded under the Shriver Act.

Hypotheses	Themes implied by this hypothesis	Outcomes relevant to this theme	Evaluation Methods for producing useful insights about these outcomes	Comments
<p>1. The fair resolution of conflicts through the civil justice system offers financial and economic benefits by reducing the need for many state services and allowing people to help themselves.</p>	<ul style="list-style-type: none"> Cost savings; legal assistance for the poor produces ripple effects that benefit everyone. 	<ul style="list-style-type: none"> Low-income families are kept in their homes (in housing cases), saving taxpayers the cost of providing emergency housing. Women and children are protected from domestic violence, avoiding economic costs such as emergency room care. [Other outcomes that produce cost savings...] 	<ul style="list-style-type: none"> Case outcome measures that provide data on the numbers of cases that produce outcomes such as prevention of eviction that save costs for taxpayers. Financial modeling that applies the results of other research (e.g., the average cost of providing emergency housing to evictees in California) along with outcomes data to estimate economic impacts of the pilot projects. 	<p>Measures and modeling methods have been used to good effect in PA, VA, NY, NJ and MO to produce economic impact estimates for use in telling the “legal aid story.”</p>
<ul style="list-style-type: none"> Fairness for litigants; a level playing field; a chance for people to participate in our justice system who otherwise would be excluded. 	<ul style="list-style-type: none"> Stakeholders (clients, judges...) agree that fairness is enhanced under the circumstances produced by the Shriver Act projects. Examples and vignettes are produced that illustrate the impacts of a fair system – for example, better outcomes produced because of both sides having representation. 	<ul style="list-style-type: none"> Structured interviews with stakeholders – for example, with court staff, judges, pilot project staff. Surveys of pilot project clients – including questions about outcomes of clients’ cases and perceptions about them. Surveys of litigants not served by the pilot projects. Longitudinal case studies wherein specific innovations are followed throughout the life of the project and outcomes are tracked to generate insights that would be useful for future replication and/or management of this innovation. 	<p>Fairness is in the eye of the beholder; important to get perspectives of several stakeholders including litigants, clients, judges, court staff and lawyers.</p>	

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<p>2. Expanding representation will not only improve access to the courts and the quality of justice obtained by these individuals, but will allow court calendars that currently include many self-represented litigants to be handled more effectively and efficiently.²</p>	<ul style="list-style-type: none"> Smooth operation of the courts; moving the docket; relieving congestion. 	<ul style="list-style-type: none"> Fewer continuances than previously. Less time of court staff spent dealing with self-represented litigants Less congestion in the courts due to self-represented litigants. Litigants' papers are more likely to be well prepared, complete, and in conformance with court and legal requirements. Fewer litigants show up without papers in order. More completed hearings per month per 100 cases Judges feel they are able to make better use of judicial resources than previously. 	<ul style="list-style-type: none"> Analysis of court statistics (e.g., percentage of hearings postponed or continued; completed hearings per 100 cases per month) Statistical modeling – applying court data, along with well-documented assumptions, to develop models that can be exercised to produce useful insights about comparative efficiency of different delivery methods Structured interviews – see this column for Hypothesis 1, above In-court observation of litigants with lawyers, self-represented with pro per assistance/coaching, and self-represented with no assistance. Interviews of litigants. Structured review of pleadings by lawyers. Time studies of court clerks. 	<ul style="list-style-type: none"> Baseline information (e.g., court statistics and interview data) should be collected at beginning of evaluation for comparison with later results and outcomes

² Section 1(e)

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Hypotheses	Themes implied by this hypothesis	Outcomes relevant to this theme	Evaluation Methods for producing useful insights about these outcomes	Comments
<p>Hypothesis 2 (repeated below for reference): <i>Expanding representation will not only improve access to the courts and the quality of justice obtained by these individuals, but will allow court calendars that currently include many self-represented litigants to be handled more effectively and efficiently.</i></p>	<ul style="list-style-type: none"> • High effectiveness; Legal assistance for the poor enables people to achieve better outcomes than they could on their own in the civil justice system. 	<ul style="list-style-type: none"> • More clients are getting help with their legal problems than previously. • More litigants report they understood the court process and what was happening to them than previously. • More clients are getting outcomes they consider good, or at least fair, than previously. • On average, clients get better outcomes than they could on their own. • Judges feel they are able to make better, fairer decisions than previously, because of the improvements offered by the Shriver Act project(s). • Court staff members feel less stressed than previously because of being able to serve people better and quicker. • Stakeholders (judges, legal aid providers, Shriver Act project staff) and objective peer reviewers agree that quality of service is at least as high as (or higher than) traditional legal services delivery approaches. 	<ul style="list-style-type: none"> • Case output measures – Numbers of cases handled (per month, per advocate, etc.). • Client outcome measures – Results and benefits received by clients because of their encounter with the legal system. • Benchmarking – comparing a program’s “indicators” (e.g., problems addressed per \$10,000 in resources) with the average or median of similarly-situated programs • Structured stakeholder interviews - see this column for Hypothesis 1, above • Surveys of pilot project clients – see this column for Hypothesis 1, above. • Peer reviews – Site visits to Shriver Act projects by teams of qualified, outside observers that include legal aid practitioners, court staff, private lawyers, etc. Evaluation activities potentially could include interviews with project leaders and other stakeholders, and reviews of samples of cases with advocates responsible for the cases. 	<ul style="list-style-type: none"> • Important to collect baseline information at beginning of project – see above. • Case outcomes can be measured via case management systems of lead legal services providers. • Peer reviews can provide credible judgments about subjective topics such as quality of services and fairness of outcomes.

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Hypotheses	Themes implied by this hypothesis	Outcomes relevant to this theme	Evaluation Methods for producing useful insights about these outcomes	Comments
<p><i>Hypothesis 2 (repeated below for reference):</i> <i>Expanding representation will not only improve access to the courts and the quality of justice obtained by these individuals, but will allow court calendars that currently include many self-represented litigants to be handled more effectively and efficiently.</i></p>	<ul style="list-style-type: none"> • High efficiency; bang for the buck; making scarce resources go farther. 	<ul style="list-style-type: none"> • More legal problems are being addressed per \$10,000 of resources invested (all factors being equal) than previously. • More people are achieving good outcomes per \$10,000 of resources invested (all factors being equal) than previously. 	<ul style="list-style-type: none"> • Benchmarking – See above. • Financial modeling – applying cost data, along with well-documented assumptions, to develop models that can be exercised to produce useful insights about potential efficiency of different delivery methods. 	<ul style="list-style-type: none"> • Baseline information (e.g., court statistics and interview data) should be collected at beginning of evaluation for comparison with later results and outcomes • See Greacen cost-benefit study of (6) CA courts

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<p>3. While court self-help services are important, those services are insufficient alone to meet all needs... The experience and data collected through a pilot program will assist the courts and the legal community in developing new strategies to provide legal representation to overcome this challenge.³</p>	<ul style="list-style-type: none"> Innovation; discovering (and/or applying) solutions for problems in the justice system that people are concerned about. 	<ul style="list-style-type: none"> New methods have been created and tested. Best practices developed previously have been expanded to more locations and/or to allow more hours of operation than previously. Benefits of innovations for clients and other stakeholders have been documented with convincing evidence. 	<ul style="list-style-type: none"> Narrative good stories/vignettes from process evaluation, quarterly reports from pilot projects, media articles and other sources. Structured interviews with stakeholders – for example, with court staff, judges, pilot project staff. Longitudinal case studies wherein specific innovations are followed throughout the life of the project and outcomes are tracked to generate insights that would be useful for future replication and/or management of this innovation. 	<p>Narrative information should be collected throughout the evaluation via self-assessment reports from pilot projects, interviews of stakeholders and longitudinal case studies.</p>
<ul style="list-style-type: none"> One size cannot fit all; our solutions must tailor the level of service to the difficulty of the client's legal problem. 	<ul style="list-style-type: none"> “Continuum-of-service” approach is applied. Each client’s legal need is successfully assessed early in the service delivery process, and the client is matched with the lowest-cost type and level of service needed to address his or her specific legal situation. The <i>efficiency</i> of this approach (as documented by the efficiency measures listed above) is significantly higher than traditional legal services delivery systems. The <i>effectiveness</i> of this approach (as documented by the effectiveness measures listed above) is at least as high as, or higher than, traditional legal services delivery methods. 	<ul style="list-style-type: none"> Narrative mining of grant documents and grantee reports – in this case, narrative description of the intake and case assignment processes used by the Shriver Act projects, contrasted with those of the traditional legal aid delivery systems in place in most communities. Efficiency measures – see above. Effectiveness measures – see above. Baseline data derived from legal needs studies, especially the percentage of people having a legal need who are unable to obtain help. 	<p>Hypotheses 3, 6 and 7 frame the issues for analysis of the continuum-of-service model for providing appropriate legal assistance to low-income people who have a legal problem.</p>	

³ Section 1(e)

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<p>4. Indigent parties who lack representation regularly lose cases that they would win if they had counsel.⁴</p>	<ul style="list-style-type: none"> Effectiveness ; Legal assistance for the poor enables people to achieve better outcomes than they could on their own in the civil justice system. 	<ul style="list-style-type: none"> See “Effectiveness” outcomes, above See “Fairness” outcomes, above. See “One size cannot fit all” outcomes, above. 	<ul style="list-style-type: none"> See above 	

⁴ Section 1(g)

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<p>5. [The efforts of the courts to provide guidance and assistance to people lacking counsel] deplete scarce court resources and negatively affect the court's ability to function as intended, including causing erroneous and incomplete pleadings, inaccurate information, unproductive court appearances, improper defaults, unnecessary continuances, delays in proceedings for all court users, and other problems that can ultimately subvert the administration of justice.⁵</p>	<ul style="list-style-type: none"> • Smooth operation of the courts (see above). • High effectiveness (see above) • High efficiency (see above) 	<ul style="list-style-type: none"> • See above 	<ul style="list-style-type: none"> • See above 	

⁵ Section 1(i)

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Hypotheses	Themes implied by this hypothesis	Outcomes relevant to this theme	Evaluation Methods for producing useful insights about these outcomes	Comments
<p>6. In many cases...the parties cannot gain fair and equal access to justice unless they are advised and represented by lawyers. In other cases, there are some forums in which it may be possible for most parties to have fair and equal access if they have the benefit of representation by qualified non-lawyer advocates, and other forums where parties can <u>represent themselves if they receive self-help assistance.</u> (Emphasis added).⁶</p>	<ul style="list-style-type: none"> • One size cannot fit all (see above) • Fairness for litigants (see above) 	<ul style="list-style-type: none"> • See above 	<ul style="list-style-type: none"> • See above 	<p>Hypotheses 3, 6 and 7 frame the issues for an evaluation of the continuum-of-service model for providing appropriate legal assistance to low-income people who have a legal problem.</p>
<p>7. The state has an interest in... ensuring the level and type of service provided is the lowest cost type of service consistent with providing fair and equal access to justice.⁷</p>	<ul style="list-style-type: none"> • High efficiency (see above) • One size cannot fit all (see above) • Fairness for litigants (see above) 	<ul style="list-style-type: none"> • See above 	<ul style="list-style-type: none"> • See above 	

⁶ Section 1(k)

⁷ Section 1(l)

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<p>8. To ensure the most effective use of the funding available... the lead legal services agency... shall determine the relative need for representation of the litigant, including all of the following:⁸</p> <ul style="list-style-type: none"> • Case complexity • Whether the other party is represented • The adversarial nature of the proceeding • The availability and effectiveness of other types of services, such as self-help, in light of the potential client and the nature of the case • Language issues • Disability access issues • Literacy issues • The merits of the case • The nature and severity of potential consequences for the potential client if representation is not provided <p><i>Continued on next page...</i></p>	<ul style="list-style-type: none"> • High efficiency (see above) • High effectiveness (see above) • One size cannot fit all (see above) • Fairness for litigants (see above) 	<ul style="list-style-type: none"> • See above 	<ul style="list-style-type: none"> • See above 	<p>This section of the statute identifies factors that the drafters considered most important in determining whether a litigant needs representation by a lawyer or not.</p>

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<p>Hypothesis 8, continued</p> <ul style="list-style-type: none"> • Whether the provision of legal services may eliminate or reduce the need for and cost of public social services for the potential client and others in the potential client's household. • If both parties to a dispute are financially eligible for representation 	<ul style="list-style-type: none"> • See above 			

END OF ATTACHMENT 7