



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 21, 2014

Title

Sargent Shriver Civil Counsel Act:
Selection of Pilot Projects

Agenda Item Type

Action Required

Effective Date

October 1, 2014

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

August 12, 2014

Recommended by

Sargent Shriver Civil Counsel Act
Implementation Committee
Hon. Earl Johnson, Jr. (Ret.), Chair
Hon. Laurie D. Zelon, Vice-chair

Contact

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Executive Summary

The Sargent Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council award \$7,738,000 million in grants to qualified legal service organizations and court partners for pilot projects to provide legal representation and improved court procedures for eligible low-income litigants in civil cases affecting basic human needs.

Recommendation

The Sargent Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council, effective October 1, 2014, approve Sargent Shriver Civil Counsel Act grants in an amount of \$7,738,000¹ for distribution to the following legal service agencies and superior courts for pilot projects to provide legal representation and improved court services to eligible low-income litigants. If designated fee revenues are higher than projected, or if there are any encumbered and unspent funds from previous years, the project budgets are to be increased proportionately. Given that no program is receiving the entire amount it requested, the committee

¹ Subject to the availability of funding.

asks for authorization to request revised budgets and project plans from the projects once these allocations are approved by the Judicial Council.

Bar Association of San Francisco Voluntary Legal Services Program
Superior Court of San Francisco County
Child Custody Pilot Project..... \$394,364

Greater Bakersfield Legal Assistance
Superior Court of Kern County
Housing Pilot Project..... \$536,282

Legal Aid Society of San Diego
San Diego Voluntary Legal Services Program
Superior Court of San Diego County
Housing and Child Custody Pilot Project.....\$2,359,265

Legal Aid Society of Santa Barbara County
Superior Court of Santa Barbara County
Northern Santa Barbara County Housing and Probate Guardianship/Conservatorship
Pilot Project \$761,714

Legal Services of Northern California
Superior Court of Yolo County
Housing Pilot Project..... \$302,385

Los Angeles Center for Law and Justice
Superior Court of Los Angeles County
Child Custody/Domestic Violence Project..... \$843,419

Neighborhood Legal Services of Los Angeles County
Superior Court of Los Angeles County
Housing Pilot Project..... \$2,540,571

A chart of all of the proposals submitted, a roster of the Sargent Shriver Civil Counsel Act Implementation Committee, and a copy of the Sargent Shriver Civil Counsel Act (Assem. Bill 590 [Feuer]; Stats. 2009, ch. 457) are attached at pages 8–16.

Previous Council Action

On April 29, 2011, the Judicial Council approved Sargent Shriver Civil Counsel Act grants in an amount not to exceed \$9.5 million for distribution to seven legal services agencies and superior courts for pilot projects to provide legal representation and improved court services to eligible low-income litigants.

Rationale for Recommendation

The Sargent Shriver Civil Counsel Act (AB 590) provided that, commencing in fiscal year (FY) 2011–2012, one or more pilot projects selected by the Judicial Council are to be funded to provide legal representation and improved court services 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 lack of access to self-help or alternative dispute resolution services.

Selected legal services agencies will provide legal 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 by counsel.

Government Code section 68651(b)(2) states that pilot projects that provide legal representation in child custody cases in which a parent is seeking sole legal or physical custody, particularly when one side is represented and the other is not, should be given the highest priority for funding. Up to 20 percent of available funding must be designated for these types of child custody actions. The committee recommends that three child custody projects share the maximum 20 percent of available funding.

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

Government Code section 68651(b)(4) recognizes that even with the new funding available under the legislation, not all eligible low-income parties with meritorious cases can be provided with legal representation. So, in addition to the legal representation provided by the legal services providers, the statute provides for funds to courts to adopt innovative practices, which

can include “procedures, personnel, training, and case management and administration practices that reflect best practices to ensure unrepresented parties meaningful access to justice and to guard against the involuntary waiver of rights, as well as to encourage fair and expeditious voluntary dispute resolution, consistent with principles of judicial neutrality.”

Government Code section 68651(b)(5) requires the Judicial Council to appoint a committee to select pilot projects to recommend to the Judicial Council for funding. The Sargent Shriver Civil Counsel Act Implementation Committee, chaired by Justice Earl Johnson, Jr. (Ret.), was appointed by Chief Justice Ronald M. George on September 1, 2010. A summary of projects reviewed by the committee follows this report in Attachment A, and a roster of committee members is found in Attachment B.

Government Code section 68651(b)(5) also requires that selected pilot projects be authorized for the period from July 1, 2014, through June 30, 2017. Grants may be renewed by the Judicial Council for a period not exceeding three years, or one or more of the initial grantees may be replaced by a different grantee for that period, unless the Legislature extends the statutory authority for the pilot projects beyond the end of FY 2016-2017. Total available funding for all projects was expected to be approximately \$10 million per year, funded by a \$10 fee increase on certain postjudgment court services; however, that amount has decreased with lower revenues.

The Trial Court Budget Working Group approved expenditures for the program of \$8,238,000 for FY 2014–2015 based upon revenue projections. It allocated \$500,000 for the Judicial Council’s costs for administering and evaluating the program as required by Government Code section 68651(c), leaving \$7,738,000 available for distribution to the projects. Since these are designated funds set aside specifically for this project and since projections may change through the course of the year, the committee requests that the Judicial Council approve a pro rata increase for each of the programs if additional revenues become available through higher filing fees or from unexpended revenues in past years.

Government Code section 68651(b)(5) contains a preference for existing programs as it provides that the projects “shall initially be authorized for a three-year period, commencing July 1, 2011, subject to renewal for a period to be determined by the Judicial Council, in consultation with the participating project in light of the project’s capacity and success. After the initial three-year period, the Judicial Council shall distribute any future funds available as a result of the termination or nonrenewal of a project...”

The Judicial Council issued a request for proposals on April 29, 2014. Nine proposals were received with requests totaling \$10,877,288 or \$3,139,288 more than funds available. Seven

of those proposals were for continuing projects and two were for new projects². Given the significantly reduced funding available for the project and the statutory language in favor of renewing successful projects in order to ensure a comprehensive evaluation, the committee determined that it would be most appropriate to continue the existing projects.

The committee reviewed the budgets of each of the projects, and expenditures of the projects. While most legal services agencies fully spent their allocations in the last three years, not all did and many courts did not need as much support for the project as they had initially requested. Given the decreased revenues, the committee recommended a formula for allocation.

For the legal services agency portion of the allocation, the committee recommended the same level of the award for 2013–2014 or, if the request was for a lower amount than for 2013–2014, the full amount of the request. For the court portion of the allocation, the committee recommended the highest amount actually spent in any given year of the grant period. In the case of one court that had not previously requested funding and was requesting a modest amount, the committee recommended that level of funding. The court and project budget figures were added together and the entire amount was \$14,208 less than the amount available for allocation. The remaining \$14,208 was then distributed prorata between the programs.

Since no program is receiving the full amount requested, the committee further requests authority to ask each of the programs to prepare a revised budget and project plan based upon the allocations approved by the Judicial Council for the committee's review and final approval.

The committee was impressed by the quality of the proposals and hopes that additional funding becomes available to increase the amounts available for these pilots in the future. In order to minimize administrative costs, it recommends that if designated fee revenues are higher than projected, or if there are any encumbered and unspent funds from previous years, that the project budgets be increased proportionately.

While formal evaluation results are not yet available, the committee was very favorably impressed with the creativity and success of the projects which appear to increase efficiency and fairness in court proceedings.

In selecting which pilot projects to recommend, the committee used the criteria set forth in Government Code section 68651(b)(5), which include:

- The applicant's capacity for success, innovation, and efficiency;
- The likelihood that the proposed pilot project would deliver quality representation in

² One court declined to submit an application for renewal with the existing legal services grantee and proposed working with a new lead agency with a change in focus in their project. The committee determined that this was not a renewed project.

an effective manner that would meet critical needs of the community;

- Whether the pilot project would address the needs of the court with regards to access to justice and calendar management;
- Whether the pilot project meets unmet needs for representation in the community;
- The likelihood that representation in the proposed case type tends to affect whether a party prevails or otherwise obtains a significantly more favorable outcome in a matter in which they would otherwise frequently have judgment entered against them or suffer the deprivation 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 regarding the basic human need at stake if representation is not provided;
- Whether the provision of legal services may eliminate or reduce the potential need for and cost of public social services regarding the basic human need at stake for the client and others in the client's household; and
- The availability and effectiveness of other types of court services, such as self-help.

Selecting the pilot projects and distributing the funding once it becomes available through the state budget will put the funds available under the Sargent Shriver Civil Counsel Act into the hands of qualified legal services providers and the courts to provide legal representation and improved court services to qualified low-income litigants. Grant funds will be provided to the selected pilot projects commencing on October 1, 2014.

Comments, Alternatives Considered, and Policy Implications

The recommendation for the selection of the pilot projects has been made by the Sargent Shriver Civil Counsel Act Implementation Committee as provided by Government Code section 68651(b)(5). The statutory scheme does not contemplate public comment.

The council may select pilot projects other than the ones recommended by the implementation committee, provided that the pilot projects are selected based on the statutory criteria and the funding for the pilot projects does not exceed the amount of available funding.

Implementation Requirements, Costs, and Operational Impacts

Grant conditions will require courts that have elected to participate in the pilot projects to cooperate with the local legal services providers and provide court services in the manner specified in the grant proposals. Courts will receive funding for the services that they provide through intra-branch agreements between the Judicial Council and each court.

Judicial Council staff will administer the Sargent Shriver Civil Counsel Act pilot project funding, including fulfillment of the statutory requirements for an evaluation of the pilot projects and a report to the Legislature. Staff will provide oversight and technical assistance for the selected pilot projects to ensure that funding is spent for the purposes intended by the legislation. Staff will also provide support to the Sargent Shriver Civil Counsel Act Implementation Committee.

Costs for Judicial Council staff support and the evaluation will be covered by the provision for administrative costs in the budget act appropriation.

Relevant Strategic Plan Goals and Operational Plan Objectives

This recommendation helps implement Goal I—Access, Fairness, and Diversity—of the Judicial Council’s strategic plan by increasing representation and court services for low-income persons.

Attachments and Links

1. Attachment A: Sargent Shriver Civil Counsel Act proposal summary
2. Attachment B: Sargent Shriver Civil Counsel Act Implementation Committee roster
3. Attachment C: Sargent Shriver Civil Counsel Act

Attachment A

Pilot Project Applications for Sargent Shriver Civil Counsel Act Funding

#	Pilot Project Name, Lead Agency & Court	Project Summary	Budget request 3 years
1.	<p>Greater Bakersfield Legal Assistance, Inc.</p> <p>a) Contract with private attorneys who serve as Early Dispute Resolution panel members</p> <p>b) Volunteer Attorney Program</p> <p>Court: Kern</p>	<p>Housing-related matters: mortgage default and foreclosure issues for homeowners; eviction defense, including postjudgment motions (stays and set-asides); breach of covenants (habitability, quiet enjoyment); demand notices and termination notices for renters; recovery of renter's security deposits (and related small claims matters); landlord-tenant dispute resolution (prelitigation, pending litigation, and postjudgment).</p> <p>Full legal representation, self-help services, early dispute resolution, and referrals to government and community social services.</p>	<p>\$798,401</p> <p>\$825,961</p> <p>\$854,598</p>
2..	<p>Justice and Diversity Center of the Bar Association of San Francisco</p> <p>Court: San Francisco</p>	<p>Child custody.</p> <p>Limited-scope representation, self-help services, advice and assistance, social services, ADR.</p>	<p>\$408,842</p> <p>\$422,235</p> <p>\$436,100</p>
3.	<p>Legal Aid Society of Orange County</p> <p>a) University of California, Irvine Center for Excellence</p> <p>b) Orange County Bar Association</p> <p>c) Local law schools</p> <p>Court: Orange</p>	<p>Elder Abuse, Conservatorships, Limited Conservatorships.</p> <p>Central Justice Center in Santa Ana, CA.</p> <p>Full legal representation, clinic, interactive forms program, other self-help services, mediation, education, and outreach.</p>	<p>\$513,604</p> <p>\$565,865</p> <p>\$586,715</p>
4.	<p>Legal Aid Society of San Diego</p> <p>a) San Diego Volunteer Lawyer Program</p> <p>Court: San Diego</p>	<p>Housing cases (civil unlawful detainer) and child custody cases.</p> <p>Full representation, limited-scope representation.</p>	<p>\$2,742,488</p> <p>\$2,801,468</p> <p>\$2,931,238</p>
5.	<p>Legal Aid Foundation of Santa Barbara County</p>	<p>Unlawful detainers, mortgage foreclosures, discrimination, habitability, security deposits, appeals, guardianship of a person, conservatorship of a person.</p>	<p>\$1,101,307</p> <p>\$1,104,810</p>

#	Pilot Project Name, Lead Agency & Court	Project Summary	Budget request 3 years
	a) Local attorneys—both contract and pro bono Court: Santa Barbara	Full legal representation, self-help, expanded settlement assistance.	\$1,113,607
6.	Legal Services of Northern California ("LSNC") Yolo County Office a) Yolo County Health Department Court: Yolo	Housing—unlawful detainer cases. Full legal representation, self-help services, voluntary dispute resolution services.	\$300,279 \$307,483 \$313,937
7.	Los Angeles Center for Law and Justice (LACLJ) a) Levitt & Quinn Family Law Center Court: Los Angeles	High-conflict custody cases involving domestic violence. Stanley Mosk Courthouse. Full legal representation, advice and counsel, parenting classes.	\$859,980 \$889,935 \$923,537
8..	Neighborhood Legal Services of Los Angeles County a) Legal Aid Foundation of Los Angeles b) Inner City Law Center c) Public Counsel Court: Los Angeles	Housing (eviction defense). Stanley Mosk Courthouse. Full legal representation, self-help services, ADR, code enforcement services, and referrals to government and community social services.	\$2,741,044 \$2,741,044 \$2,741,044
9.	University of the Pacific, McGeorge School of Law, Institute for Administrative Justice Court: Sacramento	Housing (eviction defense). ADR, full legal representation, self-help services, and referrals to government and community social services.	\$1,481,343 \$1,532,856 \$1,587,215

GRAND TOTAL OF FIRST YEAR REQUESTS:

\$10,877,280

Attachment B

Sargent Shriver Civil Counsel Act Implementation Committee

As of August 1, 2014

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Attachment B

Sargent Shriver Civil Counsel Act Implementation Committee

As of August 1, 2014

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Attachment C

The Sargent Shriver Civil Counsel Act

GOVERNMENT CODE

CHAPTER 2.1. CIVIL LEGAL REPRESENTATION

68650. This chapter shall be known, and may be cited, as the Sargent Shriver Civil Counsel Act.

68651. (a) Legal counsel shall be appointed to represent low-income parties in civil matters involving critical issues affecting basic human needs in those specified courts selected by the Judicial Council as provided in this section.

(b) (1) Subject to funding specifically provided for this purpose pursuant to subdivision (d) of Section 70626, the Judicial Council shall develop one or more model pilot projects in selected courts pursuant to a competitive grant process and a request for proposals. Projects authorized under this section shall provide representation of counsel for low-income persons who require legal services in civil matters involving housing-related matters, domestic violence and civil harassment restraining orders, probate conservatorships, guardianships of the person, elder abuse, or actions by a parent to obtain sole legal or physical custody of a child, as well as providing court procedures, personnel, training, and case management and administration methods that reflect best practices to ensure unrepresented parties in those cases have meaningful access to justice, and to gather information on the outcomes associated with providing these services, to guard against the involuntary waiver of those rights or their disposition by default. These pilot projects should be designed to address the substantial inequities in timely and effective access to justice that often give rise to an undue risk of erroneous decision because of the nature and complexity of the law and the proceeding or disparities between the parties in education, sophistication, language proficiency, legal representation, access to self-help, and alternative dispute resolution services. In order to ensure that the scarce funds available for the program are used to serve the most critical cases and the parties least able to access the courts without representation, eligibility for representation shall be limited to clients whose household income falls at or below 200 percent of the federal poverty level. Projects shall impose asset limitations consistent with their existing practices in order to ensure optimal use of funds.

(2) (A) In light of the significant percentage of parties who are unrepresented in family law matters, proposals to provide counsel in child custody cases should be considered among the highest priorities for funding, particularly when one side is represented and the other is not.

(B) Up to 20 percent of available funds shall be directed to projects regarding civil matters involving actions by a parent to obtain sole legal or physical custody of a child. This subparagraph shall not apply to distributions made pursuant to paragraph (3).

(3) For the 2012-13 fiscal year, and each subsequent fiscal year, any amounts collected pursuant to subdivision (d) of Section 70626 in excess of the total amount transferred to the Trial Court Trust Fund in the 2011-12 fiscal year pursuant to subparagraph (E) of paragraph (1) of subdivision (c) of Section 68085.1 and subdivision (d) of Section 70626 shall be distributed by the Judicial Council without regard to subparagraph (B) of

paragraph (2). Those amounts may be distributed by the Judicial Council as set forth in this subdivision beginning July 1, 2012. If the funds are to be distributed to new projects, the Judicial Council shall distribute those amounts pursuant to the process set forth in this subdivision.

(4) Each project shall be a partnership between the court, a qualified legal services project, as defined by subdivision (a) of Section 6213 of the Business and Professions Code, that shall serve as the lead agency for case assessment and direction, and other legal services providers in the community who are able to provide the services for the project. The lead legal services agency shall be the central point of contact for receipt of referrals to the project and to make determinations of eligibility based on uniform criteria. The lead legal services agency shall be responsible for providing representation to the clients or referring the matter to one of the organization or individual providers with whom the lead legal services agency contracts to provide the service. Funds received by a qualified legal services project shall not qualify as expenditures for the purposes of the distribution of funds pursuant to Section 6216 of the Business and Professions Code. To the extent practical, the lead legal services agency shall identify and make use of pro bono services in order to maximize available services efficiently and economically. Recognizing that not all indigent parties can be afforded representation, even when they have meritorious cases, the court partner shall, as a corollary to the services provided by the lead legal services agency, be responsible for providing procedures, personnel, training, and case management and administration practices that reflect best practices to ensure unrepresented parties meaningful access to justice and to guard against the involuntary waiver of rights, as well as to encourage fair and expeditious voluntary dispute resolution, consistent with principles of judicial neutrality.

(5) The participating projects shall be selected by a committee appointed by the Judicial Council with representation from key stakeholder groups, including judicial officers, legal services providers, and others, as appropriate. The committee shall 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, and the unique local unmet needs for representation in the community. Projects approved pursuant to this section shall initially be authorized for a three-year period, commencing July 1, 2011, subject to renewal for a period to be determined by the Judicial Council, in consultation with the participating project in light of the project's capacity and success. After the initial three-year period, the Judicial Council shall distribute any future funds available as the result of the termination or nonrenewal of a project pursuant to the process set forth in this subdivision. Projects shall be selected on the basis of whether in the cases proposed for service the persons to be assisted are likely to be opposed by a party who is represented by counsel. The Judicial Council shall also consider the following factors in selecting the projects:

(A) The likelihood that representation in the proposed case type tends to affect whether a party prevails or otherwise obtains a significantly more favorable outcome in a matter in which they would otherwise frequently have judgment entered against them or suffer the deprivation of the basic human need at issue.

(B) The likelihood of reducing the risk of erroneous decision.

(C) The nature and severity of potential consequences for the unrepresented party regarding the basic human need at stake if representation is not provided.

(D) Whether the provision of legal services may eliminate or reduce the potential need for and cost of public social services regarding the basic human need at stake for the client and others in the client's household.

(E) The unmet need for legal services in the geographic area to be served.

(F) The availability and effectiveness of other types of court services, such as self-help.

(6) Each applicant shall do all of the following:

(A) Identify the nature of the partnership between the court, the lead legal services agency, and the other agencies or other providers that would work within the project.

(B) Describe the referral protocols to be used, the criteria that would be employed in case assessment, why those cases were selected, the manner to address conflicts without violating any attorney-client privilege when adverse parties are seeking representation through the project, and the means for serving potential clients who need assistance with English.

(C) Describe how the project would be administered, including how the data collection requirements would be met without causing an undue burden on the courts, clients, or the providers, the particular objectives of the project, strategies to evaluate their success in meeting those objectives, and the means by which the project would serve the particular needs of the community, such as by providing representation to limited-English-speaking clients.

(7) To ensure the most effective use of the funding available, the lead legal services agency shall serve as a hub for all referrals, and the point at which decisions are made about which referrals will be served and by whom. Referrals shall emanate from the court, as well as from the other agencies providing services through the program, and shall be directed to the lead legal services agency for review. That agency, or another agency or attorney in the event of conflict, shall collect the information necessary to assess whether the case should be served. In performing that case assessment, the agency shall determine the relative need for representation of the litigant, including all of the following:

(A) Case complexity.

(B) Whether the other party is represented.

(C) The adversarial nature of the proceeding.

(D) 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.

(E) Language issues.

(F) Disability access issues.

(G) Literacy issues.

(H) The merits of the case.

(I) The nature and severity of potential consequences for the potential client if representation is not provided.

(J) 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.

(8) If both parties to a dispute are financially eligible for representation, each proposal shall ensure that representation for both sides is evaluated. In these and other cases in

which conflict issues arise, the lead legal services agency shall have referral protocols with other agencies and providers, such as a private attorney panel, to address those conflicts.

(9) Each pilot project shall be responsible for keeping records on the referrals accepted and those not accepted for representation, and the reasons for each, in a manner that does not violate any privileged communications between the agency and the prospective client. Each pilot project shall be provided with standardized data collection tools, and required to track case information for each referral to allow the evaluation to measure the number of cases served, the level of service required, and the outcomes for the clients in each case. In addition to this information on the effect of the representation on the clients, data shall be collected regarding the outcomes for the trial courts.

(10) A local advisory committee shall be formed for each pilot project, to include representatives of the bench and court administration, the lead legal services agency, and the other agencies or providers that are part of the local project team. The role of the advisory committee is to facilitate the administration of the local pilot project, and to ensure that the project is fulfilling its objectives. In addition, the committee shall resolve any issues that arise during the course of the pilot project, including issues concerning case eligibility, and recommend changes in project administration in response to implementation challenges. The committee shall meet at least monthly for the first six months of the project and no less than quarterly for the duration of the pilot period. Each authorized pilot project shall catalog changes to the program made during the three-year period based on its experiences with best practices in serving the eligible population.

(c) The Judicial Council shall conduct a study to demonstrate the effectiveness and continued need for the pilot program established pursuant to this section and shall report its findings and recommendations to the Governor and the Legislature on or before January 31, 2016. The study shall report on the percentage of funding by case type and shall include data on the impact of counsel on equal access to justice and the effect on court administration and efficiency, and enhanced coordination between courts and other government service providers and community resources. This report shall describe the benefits of providing representation to those who were previously not represented, both for the clients and the courts, as well as strategies and recommendations for maximizing the benefit of that representation in the future. The report shall describe and include data, if available, on the impact of the pilot program on families and children. The report also shall include an assessment of the continuing unmet needs and, if available, data regarding those unmet needs.

(d) This section shall not be construed to negate, alter, or limit any right to counsel in a criminal or civil action or proceeding otherwise provided by state or federal law.

(e) The section shall become operative on July 1, 2011.