

**REPORT TO THE LEGISLATURE ON THE SHRIVER CIVIL COUNSEL ACT
JUDICIAL COUNCIL OF CALIFORNIA**

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EXECUTIVE SUMMARY

REPORT TO THE LEGISLATURE ON THE SHRIVER CIVIL COUNSEL ACT [AB 590] JUDICIAL COUNCIL OF CALIFORNIA

The Sargent Shriver Civil Counsel Act, enacted in 2009 on a bipartisan basis, authorizes pilot projects to study the provision of legal representation to low-income families facing critical legal problems involving basic human needs --such as possible loss of housing, child custody disputes, domestic violence, or the need for a family guardianship or conservatorship. The bill also supports innovative court services designed to ensure that unrepresented parties obtain meaningful access to justice and to guard against the involuntary waiver or other loss of rights or the disposition of those cases without appropriate information and regard for potential claims and defenses, and requires a comprehensive evaluation of the pilot projects.

In the legislative findings of the Shriver Civil Counsel Act, the Legislature concluded that “equal access to justice without regard to income is a fundamental right in a democratic society” ... and “in many cases the state has as great a responsibility to ensure adequate counsel is available to both parties...as it does to supply judges, courthouses, and other forums for the hearing of the cases...” The Bill was enacted to evaluate when the state needs to provide counsel in order to ensure equal access to justice and how that could be done most cost-effectively. It authorized the funding of several pilot programs designed to explore those possibilities.

This report documents the implementation of the Shriver Civil Counsel Act, describes what we have learned so far, and explains the steps taken to develop proposals, select grant recipients, launch pilot projects across the state, implement innovative court practices, and design and implement a comprehensive evaluation system. This report is based on evaluation data collected to date. More detail about the services rendered, client demographics, case results, findings and recommendations will be contained in the comprehensive evaluation report to be released later in 2016.

Addressing the Justice Gap: The Shriver Pilot Projects were designed to address the wide and growing “justice gap” – the gap between the need for legal assistance and the resources available to serve those in need. Funding for legal services has never come anywhere near addressing the need of low-income, vulnerable individuals and families in California. Even before the recent economic recession, understaffed legal aid programs were forced to turn away over half of the eligible clients who appeared at their offices while many other eligible poor people heard that no help would be available and never applied.¹ The recent recession made the situation even worse.

The number of eligible clients increased significantly as a result of the recession and the foreclosure crisis; at the same time, legal aid funding sources dropped precipitously. For example, the state's largest legal aid funding source, the statewide interest generated on lawyer trust accounts (IOLTA), went from \$22 million in 2008 to just over \$5 million in 2014, a drop of over 75%.²

This lack of adequate legal aid funding, and the stunning increase in the percentage of unrepresented litigants in courts across the state, particularly in housing and family law courts, contributed greatly to the widening gap between the need for legal representation and the available resources. The inability of millions of Californians to afford legal representation, even when facing dire consequences for their families, created a significant level of support for the pilot projects.

The Continuum of Service - The Framework for Achieving 100% Access: In response to the growing justice gap, a coordinated continuum of service emerged over the past 15-20 years as the only practical way to offer some level of legal help to the greatest number of otherwise unrepresented parties in need. The "Continuum" consists of a range of services, including online resources, self-help centers, limited scope representation, alternative dispute resolution, and full representation.

The goal of all of these components of the Continuum is "100% Access – the Commitment to Meaningful Access to Justice for All". Statewide court systems across the country are committed to partnering with their legislative branches to achieve this 100% Access goal³. As part of this recent national focus on 100% Access, California's Shriver Pilot Projects are models for other states, as we study how to expand the use of legal representation as part of that effective "continuum of service".

The Key Role of Legal Representation: In the years leading up to passage of AB 590, there was significant discussion about the importance of actual legal representation in the courtroom as a key component of the continuum of service. Research has shown that poor people often appear in court without counsel while their opponents often have lawyers⁴. There is great concern that justice is not being served when one side is represented and the other is not. Californians are not entitled to legal representation in the majority of civil cases, yet many believe that it is at least as important to provide an attorney to an indigent person who might lose custody of their children or lose their housing or their livelihood as it is to provide representation in a minor criminal matter.⁵ Legal representation may often be necessary to guard against unnecessary defaults or the involuntary waiver of rights.

The Civil Justice Community: The large and widening justice gap posed a serious challenge for courts, nonprofit legal aid providers, bar associations, legislatures, and all stakeholders concerned about the promise of equal justice.

California has a long history of collaboration among key stakeholders working to increase access to justice, including a statewide network of nearly 100 nonprofit legal aid programs, as well as court-based self-help centers, law libraries, pro bono lawyers, and other government and nonprofit service providers. These services provide assistance, not just to the indigent, but to those who cannot afford a private attorney. Together they work to ensure that all components of the continuum of service are available to the extent possible but limited due to funding constraints. This existing network was ideally situated to take responsibility for the Shriver pilot projects.

The Shriver Civil Counsel Legislation:

Although sometimes described as a “civil Gideon” measure, the Shriver Civil Counsel Act does not actually provide a guarantee of representation. Rather, it is an equal-access act designed to secure more just legal outcomes and a better-functioning court system by recognizing the need for appointment of counsel for those who need, but cannot afford, a private attorney in the most critical civil matters. AB 590 is intended to help level the playing field, and complements the state’s many other access-to justice initiatives, such as court-based self-help services, simplified court procedures, and unbundled legal services.

Legislative Findings on the Need for the Shriver Projects: The extensive legislative findings contain a comprehensive analysis of the need for these pilot projects and a compelling examination of how justice will be enhanced through their implementation. Declarations, such as that “Equal access to justice without regard to income is a fundamental right in a democratic society”... and “...the state has just as great a responsibility to ensure adequate counsel is available to both parties ... as it does to supply judges, courthouses, and other forums for the hearing of those cases,” are examples of the informative and inspirational principles that form the foundation for this transformational legislation.

The findings recognize that the lack of legal help for low-income litigants causes injustice in too many cases, and often threatens the ability of courts to dispense true justice. The bill recognized that these challenges undermine public confidence in the courts and impose avoidable costs on the courts and on society as a whole.

Legislative Provisions: The four central provisions of AB 590 include:

- plans for the development, selection, and operation of the pilot projects;
- creation and expansion of innovative court procedures to ensure meaningful access to justice;
- a funding mechanism; and
- a mandate for comprehensive evaluation of the services provided under the act.

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The Pilot Projects:

Through a competitive RFP process, conducted by the newly-formed Sargent Shriver Civil Counsel Act Implementation Committee appointed by the Chief Justice, the following ten pilot projects in eight counties were selected by the Judicial Council of California for the initial round of 3-year grants. The projects began operation in the Fall of 2011, and three-year renewals were approved by the Judicial Council in 2014:

<p><u>Kern County</u> Greater Bakersfield Legal Assistance Superior Court of Kern County Housing Pilot Project</p>	<p><u>Los Angeles County</u> Los Angeles Center for Law and Justice Superior Court of Los Angeles County Child Custody/Domestic Violence Project</p>
<p><u>Los Angeles County</u> Neighborhood Legal Services of Los Angeles County Superior Court of Los Angeles County Housing Pilot Project</p>	<p><u>Sacramento County</u> Legal Services of Northern California Superior Court of Sacramento County Housing Pilot Project [first cycle only]</p>
<p><u>San Diego County</u> Legal Aid Society of San Diego Superior Court of San Diego County Housing Pilot Project Child Custody Pilot Project</p>	<p><u>San Francisco County</u> Justice & Diversity Center of the Bar Association of San Francisco (formerly the Volunteer Legal Services Program of the Bar Association of San Francisco) Superior Court of San Francisco County Child Custody Pilot Project</p>
<p><u>Santa Barbara County</u> Legal Aid Foundation of Santa Barbara County Superior Court of Santa Barbara County Housing Pilot Project Probate Guardianship Pilot Project</p>	<p><u>Yolo County</u> Legal Services of Northern California Superior Court of Yolo County Housing Pilot Project</p>

The pilot projects faced a daunting challenge when they were launched in the Fall of 2011. Legal aid programs had lost a significant percentage of their funding due to the recession and had undergone disheartening staff layoffs, while at the same time the needs of the client community were increasing due to the foreclosure crisis and other recession-related challenges. The judicial branch was facing its own funding crisis, having experienced a \$1.1 billion reduction in 2011-2012⁶, and there were a significant level of layoffs as well as courtroom and courthouse closures

throughout the state. This made it challenging for both courts and legal services programs to undertake the innovative pilot projects, resulting in some implementation delays.

It was initially hoped that at least \$11 million per year would be available for the projects, derived from a small \$10 fee increase on certain post judgment court services. In reality, the available funding ranged from \$9.5 million in 2011-2012 to \$7.7 million per year in 2014-2015, which has limited the number of projects that could be funded, and reduced the level at which those projects could be supported.⁷

Pilot Project Components: For each of the Shriver Pilot Projects, the legal services agencies provide case assessment and direction, including providing representation to eligible individuals, and incorporating available pro bono services wherever possible. Some of the lead agencies also contract with other legal services providers in the community to provide services, particularly where there are potential conflicts of interest.

The lead legal services agency is also the central point of contact for referrals emanating from the court and other agencies providing services through the pilot and makes determinations of individuals' eligibility for services based on uniform criteria.

“Shriver Counsel” is the term used for the attorneys hired across the state to provide representation through the pilot projects. Services are categorized as either “full representation,” which involve Shriver Counsel providing legal services from start to finish on all aspects of the case, or “limited scope services” which include discrete legal tasks, such as legal assistance at the self-help center, brief counsel and advice, preparation of forms, educational materials for trial preparation, or representation only during mediation and settlement negotiations.

Court Innovation: Court innovation is also a key component of the statute, which provides funds to courts to pilot innovative practices. Local Superior Courts are an integral part of the pilot projects, and they have developed a range of services or improved procedures designed to achieve effective and efficient access, based on local needs. In addition to playing a leadership role in the community-focused planning and implementation of the pilot project, and dedicating staff to facilitate the court administration, courts participating in the pilot projects developed and implemented one or more of the following innovations:

- Special Mediation Procedures, including pre-filing mediation;
- E-Filing and online case tracking systems;
- Self-Help Center Expansion and Probate Facilitators;
- Expanded availability of Court Interpreters and translated materials;
- Housing Settlement Master Program; and
- Ongoing collaboration to address legal issues and ensure smooth functioning of the pilot project.

Each of the Shriver projects has an advisory committee overseeing the project. These advisory committees include court administrators and judges, legal services staff attorneys, private bar attorneys, and representatives from other local government and nonprofit agencies.

Evaluation Design: The evaluation requirement is at the heart of this legislation because the key goal is to study the importance of providing effective legal assistance for vulnerable, low-income litigants in civil proceedings affecting critical life issues, and the impact of providing actual legal representation. The evaluation collected service data from multiple sources, including client demographic and service data from a newly-designed case management system, regular service reports, and aggregated court summary data. Data on implementation and the perceptions of program impact were gathered via interviews with key stakeholders, such as project directors, managing and lead attorneys, judges and other associated court staff. To investigate the impact of Shriver services on case outcomes, the evaluation used data coded from individual court case files, comparing case outcomes for litigants who had a Shriver attorney and those who did not.

For the housing projects, this comparison was based on random assignment of litigants, at three sites, to either receive services or not. For custody and probate, because random assignment was not feasible, the comparisons were based on matched cases from before and after Shriver services began.

Case Selection: Across all three subject areas, the statute directed the lead legal services agency to use specific criteria to determine when to provide representation⁸. It also required the agency to target scarce resources at cases where representation is likely to make the greatest difference or avoid the most injustice.

In assessing whether to accept a particular case, the lead legal services agency was required to determine the client's need for representation, considering such issues as case complexity, whether the other party is represented, the availability and effectiveness of other types of services, such as self-help; the merits of the case; the nature and severity of potential consequences for the client without representation; and whether legal services may eliminate or reduce the need for and cost of public social services for the potential client and others in the household.

Overview of Services Provided

Since the launching of this project, four years ago, over 20,000 vulnerable clients have received critically-needed representation and legal assistance. Countless others received the benefit of improved court procedures, enhanced self-help centers, expanded mediation and many other new

or expanded services. The services were focused on helping vulnerable parties who were involved in the types of cases particularly susceptible to power imbalances between the parties.

Housing, Child Custody, and Guardianships/Conservatorships are the three subject areas of the pilot projects funded by the Shriver Civil Counsel Act.

Housing:

Housing that is affordable, stable and safe is clearly of major importance to families, as it is key to so many other family needs, such as economic stability, health and education. As envisioned in the Shriver legislation, clients facing the incredible disruption of eviction were able to receive representation, and were not left to face the legal system on their own, as the vast majority of them would have been.

Six of the initial ten pilot projects offered Landlord/Tenant services and studied the impact of that representation. These cases represented the bulk of the total number of clients served by all pilot projects as of the date of this report. These housing pilots were available in Kern, Los Angeles, San Diego, Santa Barbara, Sacramento, and Yolo counties, and involved ten participating community agencies and six Superior Courts.

These pilot projects offer invaluable legal assistance so that the system can function fairly, with both sides represented, making it more likely that the issues will be addressed appropriately and thoroughly.

Child Custody:

The Shriver legislation makes child custody cases one of the highest priorities for funding, particularly in cases where a parent is seeking sole legal or physical custody and where only one side is represented. Up to 20 percent of available funding must be designated for these types of child custody actions.⁹

The three Child Custody Pilot Projects are located in Los Angeles, San Diego and San Francisco, and these projects receive just under the 20% cap provided in the statute. The child custody projects involve five main participating agencies as well as the Superior Courts in each of the three counties. On behalf of their clients, the Custody projects pursue legal custody goals, such as sole or shared joint custody; physical goals, such as when the child would live with the client; and visitation goals, including whether scheduled visitation is supervised or unsupervised. One project also began offering services in domestic violence cases in late 2014.

Child custody cases pose a particular challenge to Shriver projects, because they are often handling the most highly-contentious cases, and family law cases tend to last for years rather than months. In addition, it is very hard to determine a successful child custody case since good results are much more subjective. Leveling the playing field and ensuring a child-centered result

are much more important goals than whether the Shriver client obtained custody. Helping to mediate settlements is particularly important in custody cases, because that can help reduce family tension, increase compliance with settlement terms, and limit the number of times the parties need to make court appearances.

Guardianships/Conservatorships:

The Santa Barbara County pilot project is the only one focused on assisting eligible families needing guardianships and conservatorships. The project is based in the rural areas of the county with many monolingual Spanish speaking residents and no other services available. The project involves the Legal Aid Society of Santa Barbara and the Santa Barbara Superior Court, which houses the new Probate Facilitator, new Judicial Assistant for Probate Court, and expansion of the self-help center. This project is seen as a pure access project, not a leveling of the playing field like housing and family law. It addressed the sheer difficulty of unsophisticated litigants who may not successfully obtain the guardianship they so desperately need, even when not faced with opposition.

Initial Outcomes

As described in more detail below, early results are very encouraging. The pilot projects are providing invaluable legal representation addressing critical issues affecting basic human needs, and they are reaching the vulnerable and at-risk populations intended by the legislation. Of the over 20,000 low-income people served, most were female, non-White, and living with minors in the home. A notable proportion had limited education and/or proficiency in English. These are the individuals and families already at-risk and for whom eviction or child custody disputes can be devastating.

Early results suggest that Shriver services are improving the administration of justice by balancing the playing field in terms of legal representation, preventing the loss of important legal rights and ensuring that case outcomes are both more stable and perceived to be more fair. For housing cases, litigants who received Shriver services were very likely to have an answer filed and likely to resolve their case by settlement rather than by trial. Although the majority of Shriver clients were still faced with the necessity of ultimately leaving their homes, they were in a better situation to find stable and safe replacement housing.

Preliminary analyses indicate that cases involving representation by Shriver counsel, particularly in child custody and in guardianships/conservatorships, as well as in housing cases, may lead to increased court efficiencies, such as fewer continuances, fewer trials, and more settlements. These efficiencies result in better outcomes for the litigants and a cost savings to the court. Quicker resolution of cases may also mean that judicial officers can attend to more cases (increased efficiency and volume) or have more time to attend to complex cases (increased attention where needed).

Shriver Counsel helped clients have realistic expectations for their cases. Stakeholders reported that clients were more likely to perceive that the results of their cases were fair -- even if the outcomes were not what the client desired -- because they had had the opportunity to have their perspective heard.

Analysis of Cost Benefit and Ongoing Assessment of Need

The evaluation team is in the process of collecting and analyzing data to investigate the potential cost benefit of the Shriver Pilot Projects, as well as the continuing unmet need. These study activities are currently occurring and results will be presented in the comprehensive report to be submitted later in 2016. The evaluation plans to address the following lines of inquiry.

Court Efficiency:

Preliminary analyses suggest that cases with Shriver full representation may present efficiencies for the court that result in cost savings; that is, these cases may resolve faster with fewer resource-intensive events for the court. For example, early evidence suggests that, compared to cases without Shriver representation, Shriver housing cases may involve more dismissals, more settlements, and fewer trials, and Shriver probate and custody cases may involve fewer continuances, hearings, and unsuccessful filing attempts.

Other Costs and Benefits:

Housing:

Stakeholders perceived that Shriver services had both individual and system impacts. Services had helped increase clients' understanding of the legal system and achieved desired outcomes, such as retained housing, protected credit, or improved conditions for children. These results can help reduce the risk of the tenant falling into homelessness or bankruptcy. The evaluation team plans to estimate these costs. Eviction defense is a key part of a larger public-private partnership effort to avoid homelessness, particularly long-term, chronic homelessness.¹⁰

Child Custody:

Ensuring that parents focus on a longer-term solution that meets the best interests of the child behooves everyone involved. When parents are given an effective avenue to voice their opinions and when they are actively engaged in the process, research indicates that contentiousness outside of the courtroom declines. This may result in fewer calls to police, particularly during child exchanges, and reduced involvement of child protective services.

The evaluation will investigate the occurrence of these events and, if applicable, estimate costs per incident. A more peaceful and stable home life can result in better outcomes for the children, including improved physical and emotional health, improved school functioning, improved sociability and less probable behavioral dysfunction; all of which lead to improved outcomes in adolescence and adulthood (e.g., less criminal justice involvement, better health).

Probate:

Children without a competent parent or willing guardian can end up as wards of the court. Adults who need care but are without a willing conservator can end up in the care of the public guardian. Both of these entities are tax-payer funded services. When children become a ward of the court, the State pays for counsel for their children and each of their parents. It also takes on a wide range of other responsibilities including paying for medical, psychological, educational and other services, even if the child is not placed into foster care. If Shriver services facilitate the placement of children and disabled adults with family members, as opposed to these government safety net entities, then there would be a savings to the system.

Assessment of the Continuing Unmet Need

The evaluation team is reviewing court records regarding case filings in the subject case types and will use these statistics to estimate the number of litigants who would be eligible for Shriver services but are not receiving them—i.e., the actual need across the state. Other contributing factors, such as the fair market value for rent in certain areas and family size, will also be discussed. Other reports and data on unmet legal needs will be considered. Programs that are attempting to serve all low-income people within their target population will be studied to determine what types of potential clients do not use the services, as well as why they do not use these services, in order that the need for services is not overestimated.

Recommended Next Steps

- **Complete the In-Depth Evaluation of Project Services:** The Shriver Pilot Project is conducting one of the most comprehensive analyses and evaluations of legal services ever

undertaken. The Sargent Shriver Civil Counsel Project Implementation Committee should continue to work with the legal services programs and courts conducting the pilot projects, as well as with NPC Research, the organization under contract to conduct the study, to ensure that this evaluation is as thorough as possible. The data provided in this report will be valuable in assessing the best ways to move forward to increase access to justice in California.

- **Develop and Disseminate Best Practices:** As the details of the evaluation become available, the Shriver Project Implementation Committee should identify those services and procedures that have proven to be effective and efficient for legal services programs and courts, and seek to disseminate these best practices throughout the state to the extent that resources allow.
- **Identify Areas for Further Study:** In furtherance of the goal of 100% Access, the report should be analyzed to determine which types of projects and services would benefit from further study and pilot projects. These specific research goals could then be the focus of further study to clarify the protocols and conditions that should be in place in order to ensure the most efficient and effective services, resulting in expanded access to justice.

Closing

In an adversarial system, legal representation is often critical for the otherwise unrepresented client, and a more level playing field also benefits the judicial system as a whole. Fairness in the judicial system is a cornerstone of our democracy, and these pilot projects and accompanying court innovations are a critical step in the process of identifying ways to ensure a fair and just system.

The services already provided under this critical legislation have reached thousands of vulnerable Californians. The results presented in this report, though initial, suggest that the pilot projects are providing an invaluable service, and are helping us understand how to truly reach 100% access to justice in California.

THE SHRIVER CIVIL COUNSEL PROJECT:

SERVICES, FINDINGS, AND RECOMMENDED NEXT STEPS

The Sargent Shriver Civil Counsel Act, enacted in 2009 on a bipartisan basis, established pilot projects to provide legal representation for unrepresented low-income parties in critical civil matters. The representation was intended to help families with serious legal issues affecting basic human needs --such as housing, family law, domestic violence and guardianships --particularly where the other party was represented. The bill also supported innovative court services and procedures designed to make courts more efficient and accessible¹¹. This report on the implementation of the Shriver Civil Counsel Act describes the steps taken to develop proposals, select grant recipients, launch pilot projects across the state, implement innovative court practices, and design and implement a comprehensive evaluation system. The details contained in this report are based on information available since the inception of the pilot projects. The comprehensive independent evaluation report on the services provided through the pilot projects will be completed mid-2016, and will be made widely available.

The Shriver Pilot Projects were prompted by the wide and growing “justice gap” – the gap between the need for legal assistance and the resources available to serve those in need. The inability of millions of Californians to afford legal representation, even when facing dire consequences for their families, created a groundswell of support for the pilot project.

The findings in the legislation [AB 590, 2009] recognized that the lack of legal help for low-income litigants causes injustice in some cases, and often threatens the ability of many courts to dispense true justice. The bill acknowledged that these challenges undermine public confidence in the courts and impose avoidable costs on the courts and on society as a whole. The bill also recognized that it is as necessary for the state to provide legal representation in some cases as it is to provide judges and courthouses.¹² [See Legislative Findings Excerpts at pages 59-61]

The pilot projects were established to study the impact of providing legal representation as part of a thorough continuum of service. Legal representation has the potential to provide meaningful assistance for unrepresented parties to guard against unnecessary defaults or the involuntary waiver of rights, and to encourage fair and timely dispute resolution, consistent with principles of judicial neutrality.

It was initially hoped that at least \$11 million per year would be raised by the \$10 fee increase on certain post judgment court services. In reality, the available funding ranged from \$9.5 million in 2011-2012 to \$7.7 million per year in 2014-15, which has limited the number of projects that

could be funded, and reduced the level at which those projects could be supported.¹³ [See page 30 for information on the specific allocation of these funds.]

Through a competitive RFP process, conducted by the newly-formed Sargent Shriver Civil Counsel Act Implementation Committee, ten pilot projects were selected by the Judicial Council of California for the initial round of 3-year grants, and the projects began operation in the Fall of 2011. For the second 3-year grant cycle, nine of the initial projects were approved for continued funding by the Judicial Council in August of 2014, although at slightly reduced funding levels.¹⁴

The pilot projects are operated by legal services nonprofit corporations working in collaboration with the local Superior Courts. AB 590 requires that lead agencies for these projects have demonstrated expertise and a history of success as a recipient of funds from the State Bar's Interest on Lawyers Trust Accounts (IOLTA) program.¹⁵ The original pilot projects were located in the following seven counties:¹⁶

- Kern (Housing)
- Los Angeles (Custody and Housing)
- Sacramento (Housing) [first cycle only]
- San Diego (Custody and Housing)
- San Francisco (Custody)
- Santa Barbara (Probate and Housing)
- Yolo (Housing)

Since the launching of this project, four years ago, over 20,000 vulnerable clients have received critically-needed representation and legal assistance. Countless others received the benefit of improved court procedures, enhanced self-help centers, expanded mediation and many other new or expanded services.

As documented in the pages of this report, these services have supported access to justice by providing vulnerable litigants an opportunity to have their cases decided in accordance with the law and the facts (e.g., tenants not defaulting on their housing cases and grandparents not abandoning petitions for guardianships), ensuring meaningful participation in the justice system, and increasing resolution of cases through negotiation and settlement, which holds benefits both for the litigants and the court. In some cases, Shriver counsel services also supported efficiencies in the court management of cases.

Shriver counsel services helped individuals meet the demands of civil court cases that impact critical livelihood issues for them and their families. For example, this includes helping tenants retain resources and keeping the unlawful detainer action off their credit record to enable them to find housing, supporting parents to resolve custody disputes in a way that focused on the long-

term needs of the children, and aiding grandparents to obtain the guardianship status to adequately care for their grandchildren.

In an adversarial system, legal representation is often critical for the otherwise unrepresented client, and a more level playing field also benefits the judicial system as a whole. Fairness in the judicial system is a cornerstone of our democracy, and these pilot projects are a critical step in the process of identifying ways to ensure a fair and just system. The balance of this report provides background on the development and implementation of the legislation, details on the services provided, a description of the initial findings and recommended next steps, all of which are intended to help address the ongoing unmet need for legal assistance.

A. BACKGROUND ON THE ESTABLISHMENT OF THE SHRIVER PROJECT

Recognition of the Justice Gap.

The introduction of AB 590 reflected the conviction of key legislative and judicial branch leaders that there was an unacceptable justice gap in our judicial system. The legislative findings state that “[t]here is an increasingly dire need for legal services for poor Californians. Due to insufficient funding from all sources, existing programs ... are not adequate to meet existing needs.” As well-documented elsewhere, including in the Judicial Council Report to the Legislature on the Equal Access Fund (2005)¹⁷, funding for legal services has never come anywhere near addressing the needs of low-income, vulnerable individuals and families in California. Two-thirds of eligible clients were being turned away.¹⁸ This lack of adequate legal aid funding, and the stunning increase in the percentage of unrepresented litigants in courts across the state, particularly in housing and family law courts, contributed greatly to a widening gap between the need for legal representation and the available resources. According to the National Center for State Courts, there were 4.3 million Californians who were self-represented in 2009.¹⁹

The justice gap is even wider today. According to a 2015 report by the State Bar of California’s Civil Justice Strategies Task Force:

In recent years, the funding has reached critically low levels. One of the largest sources of state funding, interest on lawyers’ trust accounts (“IOLTA”), has dropped from over \$22 million in 2007-2008 to under \$5 million in 2013-2014. Not only did IOLTA revenue drop ..., but other sources of funding including government grants and contracts, foundation funding and private giving, have all been negatively affected by the economic downturn.

Similarly, the primary federal source of funding for legal services, the Legal Services Corporation (LSC), also has faced historic declines. In 2014, LSC provided \$365 million

nationally for civil legal assistance to low-income people – down from \$420 million four years ago. This marks a 30 percent decrease from 2007 to today.

*Civil Justice Strategies Task Force Report and Recommendations, State Bar of California (2015)*²⁰

The Continuum of Service: The Framework for Achieving 100% Access.

In response to this crisis, a coordinated continuum of service emerged over the past 15-20 years as the only practical way to offer some level of legal help to the greatest number of unrepresented parties in need. The “Continuum” consists of a range of services, including:

- **Self-Help.** Court-based self-help centers offering legal information, workshops, and referral to other government and nonprofit services;
- **Online Resources.** Online legal information and sample legal documents and forms;
- **Help with Document Preparation.** “Hotdocs” and other methods of providing document assembly assistance;
- **Limited scope representation.** Representation for certain hearings or specific legal issues, designed for parties unable to afford to hire an attorney to take on all aspects of their case;²¹
- **ADR.** Alternative dispute resolution such as mediation; and
- **Full scope representation.** Full legal representation through court hearings and trials, and obtaining court-ordered relief, as well as on appeal.

The goal of all of these components of the Continuum is “100% Access – the Commitment to Meaningful Access to Justice for All”. The judicial branch is committed to partnering with the legislative branch to achieve this goal. The Conference of Chief Justices, along with its companion Conference of State Court Administrators, recently adopted a resolution encouraging its member justices across the country to pursue efforts to reach 100% access in their states:

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators support the aspirational goal of 100 percent access to effective assistance for essential civil legal needs and urge their members to provide leadership in achieving that goal and to work with their Access to Justice Commission or other such entities to develop a strategic plan with realistic and measurable outcomes; and

BE IT FURTHER RESOLVED that the Conferences urge the National Center for State Courts and other national organizations to develop tools and provide assistance to states in achieving the goal of 100 percent access through a continuum of meaningful and appropriate services.²² [CCJ Resolution 5, 2015]

Role of Self-Help Centers

One significant component of this Continuum is the system of court-based self-help centers, developed and supported by both the legislature and the Judicial Council. Beginning in 1997 with the establishment of family law facilitator programs in every county, and expanded over the next decade to include attorney-staffed self-help centers in every Superior Court, these centers are now assisting over 1.2 million individuals each year.²³

The Judicial Council has provided extensive support and encouragement for these Centers through development of:

- court rules providing that attorney-supervised, court based self-help centers are a core service to be provided by the courts;
- detailed guidelines for the operation of local centers;
- desk manuals and training materials to help judicial officers facing courtrooms filled with self-represented litigants; and
- extensive self-help materials, sample pleadings and fillable court forms made available online through the Judicial Council's award-winning self-help website, which is fully translated into Spanish.

Together, these services are providing tremendous help to those without the resources to hire their own attorney. However, these centers do not provide legal advice or representation to litigants and also have inadequate resources to meet the increasing need, particularly during the recent recession when court budgets were significantly reduced and the number of vulnerable individuals seeking help significantly increased. The Centers often have nowhere to refer individuals who need further assistance or need representation inside the courtroom, and these unrepresented individuals then end up unintentionally burdening an already over-extended judicial system. These litigants have cases that are too complex, or they lack the language or other skills necessary to handle their lawsuit on their own, even with information, education and support from a self-help center. Without representation, they do not know how to prepare for hearings, do not know what a reasonable settlement might be or how to document it, and struggle with the complexities of the court system. This lack of assistance causes delay and frustration on all sides and leads to concerns about both procedural and substantive fairness.

The Need for Representation

In the years leading up to passage of AB 590, there was significant discussion about the importance of actual legal representation in the courtroom as a key component of the continuum of service. The widening justice gap -- particularly in housing, family law, domestic violence, guardianships, and other cases involving critical life issues -- posed a serious challenge for courts, nonprofit legal aid providers, bar associations, legislatures, and all stakeholders concerned about the promise of equal justice.

The important role of representation as part of the continuum of service was becoming clear around the country. Research has shown that availability of counsel is uneven, and there is great concern about whether justice is being served in cases where one party is represented and the other is not.²⁴ Californians are not entitled to legal representation in the majority of civil cases, yet many believe that it is at least as important to provide an attorney to an indigent person who might lose custody of their children or lose their housing or their livelihood as it is to provide representation in a minor criminal matter.²⁵ Legal representation may often be necessary to guard against unnecessary defaults or the involuntary waiver of rights.

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Both the American Bar Association and the California Conference of Delegates of California Bar Associations adopted resolutions endorsing the need for expanded civil representation. On a two-to-one vote, the California Conference adopted the following resolution in 2006, based on the previous ABA resolution adopted earlier that year:

All people shall have a right to the assistance of counsel in cases before forums in which lawyers are permitted. Those who cannot afford such representation shall be provided counsel when needed to protect their rights to basic human needs, including sustenance, shelter, safety, health, child custody, and other categories the Legislature may identify in subsequent legislation.²⁷

While these resolutions acknowledged that the need existed, it was difficult to determine the cost and scope of effort required to reach that goal. Each area of the country is different, and various models would need to be studied to determine how best to expand representation in a meaningful way, appropriate for different locations and client communities.

Strong Network of Civil Legal Aid Provides Framework for Shriver Pilot Projects.

Luckily, California has a long history of collaboration among key stakeholders working to increase access to justice, including an extensive statewide network of nearly 100 legal aid programs, as well as court-based self-help centers, law libraries, pro bono lawyers, and other government and nonprofit service providers. Together they work to ensure that as many components of the continuum of service are available as funding permits.

Each legal aid program develops its own priorities responding to local needs, in consultation with other local stakeholders, while also coordinating with other legal aid providers in the state. They are able to take advantage of expert training, consultation, and co-counseling available from statewide support centers with specific legal expertise, as well as support from the State Bar, the Judicial Council, the Legal Aid Association of California (LAAC) and other statewide institutions participating in efforts to improve access to justice.

A key player in this justice community is the California Commission on Access to Justice²⁸, a blue-ribbon Commission pursuing fundamental improvements in the civil justice system involving appointees from the Governor, the Legislature, the Supreme Court, the State Bar, the Chamber of Commerce, the Council of Churches, the League of Women Voters, and several other business and civic organizations.

The nonprofit legal aid programs that are the cornerstone of this network rely on two key funding sources:

- the State Bar’s Legal Services Trust Fund Program, funded by Interest on Lawyers Trust Accounts (IOLTA), and
- the Equal Access Fund, which was established by the legislature in 1999 as a joint effort involving the California Commission on Access to Justice, the California Judicial Council, and the State Bar of California. The Equal Access Fund also supports local collaborative efforts of legal services programs with their local Superior Court through special partnership grants.

These shared funding sources and collaborations further strengthen this network and make it an ideal system to undertake the Shriver Civil Counsel Pilot Project.²⁹

The Shriver Civil Counsel Legislation:

The Shriver Civil Counsel legislation was intended to address the widening justice gap by studying how best to expand the use of legal representation as part of a thorough continuum of service. AB 590 calls for the appointment of counsel for low-income clients in cases involving basic human needs where there is an independent determination that the client may benefit by representation³⁰.

Although sometimes described as a “civil Gideon” measure, the bill does not actually provide a guarantee of representation. Rather, it is an equal-access act designed to secure more just legal outcomes and a better-functioning court system by recognizing the need for appointment

of counsel for those who need but cannot afford a private attorney in the most critical civil matters. AB 590 is intended to complement the state’s many other access-to justice initiatives, such as court-based self-help services, simplified court procedures, and unbundled legal services.

The legislature took into account that these other issues are the subject of separate efforts, most notably via the Judicial Council’s Elkins Family Law Task Force and implementation of its recommendations. (see <http://www.courtinfo.ca.gov/jc/tflists/elkins.htm>)³¹

The five central provisions of AB590 include legislative findings; plans for the development, selection, and operation of the pilot projects; provisions for developing and expanding innovative court procedures designed to ensure meaningful access to justice; a mandate for evaluation; and a funding mechanism.

1. Legislative Findings.

The extensive legislative findings contain a comprehensive analysis of the need for these pilot projects and a compelling examination of how justice will be enhanced through their implementation. Declaring that “Equal access to justice without regard to income is a fundamental right in a democratic society”... and “...the state has just as great a responsibility to ensure adequate counsel is available to both parties ... as it does to supply judges, courthouses, and other forums for the hearing of those cases.” These informative and inspirational findings form the foundation for this transformational legislation. Please see below for key excerpts from these valuable findings.³²

2. Development, Selection, and Operation of the pilot projects

The central provisions of the Shriver Civil Counsel Act call for the establishment of pilot projects to provide legal representation for unrepresented low-income parties in critical civil matters. The representation was intended to help families with serious legal issues affecting basic human needs, particularly where the other party was represented. In order to target people most in need, the Act restricted representation services to low-income Californians at or below 200 percent of the federal poverty level and identified the following subject areas for representation:

- 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.

The Shriver legislation also requires that pilot projects providing legal representation in child custody cases in which a parent is seeking sole legal or physical custody, particularly when only one side is represented, should be among the highest priorities for funding. Up to 20 percent of available funding must be designated for these types of child custody actions.³³

This provision reflects the recognition that child custody, along with dependency, represents the most compelling family-law need. California already provides appointment of counsel for both children and parents in dependency cases, but not in custody matters or in domestic-violence cases. That was balanced with the recognition that, due to the complexity of custody cases, they can require a significant amount of attorney time, and that the demand would far outstrip any currently available resources.

Pilot Project Criteria: The legislation set forth the following criteria for successful applicants: ³⁴

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

Court-Nonprofit Partnerships: The legislation requires that each pilot project be a partnership between the court, a legal services agency serving as lead agency for case assessment and direction, and other legal services providers in the community. To the extent practical, legal services agencies are required to make use of attorney pro bono services, so as to maximize efficient and effective services.

3. Court Innovation:

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.”³⁵

4. Evaluation Component:

As a pilot project, extensive evaluation data was called for that would make it possible to analyze the range of services provided and their impact and outcome, as well as an estimate of the continuing unmet need. Ultimately, the Act intended to address “... the substantial inequities in timely and effective access to justice that often give rise to an undue risk of erroneous decision ...”³⁶

5. Source of Funds and Effective Date:

Total available funding for all projects was expected to be approximately \$11 million per year, funded by a \$10 fee increase on certain post-judgment court services; however, that amount has decreased as a result of lower revenues than anticipated. The effective date for the pilot projects was the 2011-12 budget year, providing time for the Judicial Council to establish the necessary grant selection and oversight procedures and for the pilot project applicants to develop local collaborations willing to design and implement a pilot project.³⁷

B. GRANT SELECTION AND PLANNING FOR EVALUATION

The Shriver Civil Counsel Act Implementation Committee was appointed by the Judicial Council in 2009 to provide oversight for the implementation process, including reviewing applications and making recommendations about funding allocations to implement AB 590. Chaired by Justice Earl Johnson, Jr. (Ret.), a jurist with decades of experience with the provision of legal services, the independent committee also includes representatives from the judiciary, legal services providers, the Chamber of Commerce, State Bar, and others.³⁸ [The roster is contained in the Appendix.]

The Committee worked closely with the Judicial Council staff from 2009 through 2011 to develop the mechanisms for implementing the pilot projects, including the following steps:

- developing detailed criteria and application procedures for the pilot project applicants;
- conducting informational workshops across the state for legal services programs and court staff interested in developing a proposal for a pilot project;
- preparing grant contracts and grant conditions, budget forms, and other oversight materials, including the evaluation protocols that recipient programs would be expected to follow;
- establishing a framework for evaluation and conducting a national search for the consultants responsible for implementing the comprehensive evaluation, including implementation of the gold standard of random assignment for some of the projects;
- designing a training system for the “Shriver Counsel” who would be hired by the pilot projects so that they would all receive valuable skills training and form a cohort who could learn from each other, particularly those working on similar subject matter pilot projects, so as to ensure a successful roll-out of the pilot projects across the state.

[Each of the documents developed as part of these selection and evaluation procedures can be found at www.courts.ca.gov/ShriverDocuments.]

Grant Selection Process

For the first cycle, eighteen proposals were received. The Committee thoroughly vetted all proposals, and recommended to the Judicial Council that 10 projects be funded in 7 counties. Those recommendations were approved in April of 2011, and grant funding began in October, 2011.³⁹ All grant funds were to supplement services, not supplant existing resources. The Implementation Committee reported to the Judicial Council that the committee was impressed by the quality of the proposals and hoped that additional funding would become available to fund more pilots in the future.⁴⁰

For the second cycle, beginning in 2014, the Committee thoroughly vetted each of the 10 applications, analyzing their capacity and, for continuing projects, their record of success during the first cycle. 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 recommended to the Judicial Council that it would be most appropriate to continue only existing projects. One court declined to submit an application for renewal with the existing legal services grantee and proposed instead to work with a new lead agency with a change of focus in their project, and the Implementation Committee determined that this was not a renewed project. Therefore, for the second three-year Cycle, the number of funded projects was reduced by one.⁴¹ The grants for the second three-year cycle, while not as much as the programs requested, were funded at a level intended to avoid significant disruption of existing services.⁴²

The Pilot Projects⁴³

The following projects were recommended by the Implementation Committee and approved by the Judicial Council as the Shriver Civil Counsel Act Pilot Projects.⁴⁴ [Further information about the level of the grants, the services provided, and other details of the pilot projects are contained below in Part D, “Services Provided”, and in the Appendix.]

<p><u>Kern County</u> Greater Bakersfield Legal Assistance Superior Court of Kern County Housing Pilot Project</p>	<p><u>Los Angeles County</u> Los Angeles Center for Law and Justice Superior Court of Los Angeles County Child Custody/Domestic Violence Project</p>
<p><u>Los Angeles County</u> Neighborhood Legal Services of Los Angeles County Superior Court of Los Angeles County Housing Pilot Project</p>	<p><u>Sacramento County</u> Legal Services of Northern California Superior Court of Sacramento County Housing Pilot Project [first cycle only]</p>
<p><u>San Diego County</u> Legal Aid Society of San Diego Superior Court of San Diego County Housing Pilot Project Child Custody Pilot Project</p>	<p><u>San Francisco County</u> Justice & Diversity Center of the Bar Association of San Francisco (formerly the Volunteer Legal Services Program of the Bar Association of San Francisco) Superior Court of San Francisco County Child Custody Pilot Project</p>
<p><u>Santa Barbara County</u> Legal Aid Foundation of Santa Barbara County Superior Court of Santa Barbara County</p>	<p><u>Yolo County</u> Legal Services of Northern California Superior Court of Yolo County Housing Pilot Project</p>

Housing Pilot Project Probate Guardianship Pilot Project	
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Evaluator Selection

The Shriver Implementation Committee also oversaw selection of the evaluator responsible for the statutorily-mandated evaluation of the pilot projects. The first step was the examination of the operations of each of the legal services programs that would serve as the hub for the pilot projects to determine the best way to set up a coordinated evaluation system to capture all the necessary data from each of the pilots. The consultant hired for this purpose determined that the various legal services programs had such diverse case management systems and other operating procedures that it was necessary to design a new case management system to capture the data statutorily required for this project in a standardized manner across the agencies.

The Committee conducted a nationwide search for a firm to conduct the evaluation. After an RFP process, it ultimately chose NPC Research, of Portland, Oregon, an organization with a long history of evaluation and policy analysis of judicial branch-related entities in 12 states and the U.S. Department of Justice.⁴⁵

The Evaluation Design

The evaluation requirement is at the heart of this legislation because the key goal is to study the importance of providing effective legal assistance for vulnerable, low-income litigants in civil proceedings affecting critical life issues. The evaluation design was challenging because there are major differences among the three subject areas. Housing is a summary proceeding and prompt legal help is critical. Prompt legal assistance is also essential in child custody cases which can go on for many years, and the design of the Shriver projects were challenged because the attorneys needed to limit their involvement to the child custody and related issues, while separating themselves from other issues in the family law case. Guardianship and conservatorship petitions are normally shorter in duration, but the issues can be intense.

There are also different local needs in a state as diverse as California, including the areas' demographic profiles, median incomes, rates of poverty and unemployment, and rental market/housing availability. Further, in some counties, there are dozens of other nonprofits to coordinate with, and these agencies are often available to provide supplemental services. Other counties have no need to coordinate because there are no other providers. In response to this reality, some evaluation components were similar across all three subject areas, and some varied.

The general evaluation design sought to monitor and understand the implementation of the Shriver pilot projects, investigate the impacts of Shriver services, examine the costs associated with these projects, and better understand the unmet legal needs. Data on implementation, specifically clients served and services provided, were primarily collected through a newly designed case management system (the “program services database”). Additional data on implementation challenges and opportunities were gathered through site visits, phone interviews, and the review of project reports. The investigation of the impact of Shriver services involved identifying appropriate comparison groups and conducting comparative analyses. Random assignment was conducted at three of the housing projects, and retrospective “pre-Shriver” samples were selected at the two custody projects and the probate project. For this component, individual court files were reviewed and coded, and the case outcomes for Shriver clients were compared to those of non-Shriver clients. In addition, summary annual statistics were requested from each court to examine any change over time in key indicators at the court level, and interviews were conducted with various key stakeholders, including project directors, managing and lead attorneys, partnering law firm representatives, judges and other associated court staff. Cost information was collected during these interviews, document review, and searches of online resources. Other evaluation components were tailored to the subject matter. In housing and custody matters, the evaluators were able to call some clients and potential clients after the case was completed to hear about how the resolution of their case had affected them and their families. Wherever possible, the evaluator made use of data collected by the sites for their own purposes. For example, in one custody program, a tool was used that measured client change in several aspects of self-sufficiency as a result of the services provided.

C. IMPLEMENTATION

Ensuring Appropriate Administration and Oversight

The Judicial Council is responsible for administration of the Shriver Pilot Program, including distribution of all grant funds, fulfillment of the statutory requirements for an evaluation of the pilot projects, and preparation of a report to the Legislature. Following the grant-selection process, Judicial Council staff worked closely with the Shriver Implementation Committee to provide ongoing oversight and technical assistance for the selected pilot projects to ensure that funding was used for the purposes intended by the legislation. Each pilot project is subject to grant conditions, and the Judicial Council regularly reviews programmatic and budget reports from all pilot projects and court innovation efforts to ensure compliance with all legislative requirements and grant conditions.⁴⁶

Funding Allocations

The following chart indicates the allocation of the annual Shriver Pilot Project funding. Based on recommendations from the Trial Court Budget Working Group, the Judicial Council approves total expenditures for the program using designated funds set aside specifically for this project. The allocations include funding for the legal services providers, the local courts, and the Judicial Council's costs for administering and evaluating the program as required by Government Code section 68651(c). Any funds that remained unspent were kept within the program and made available for distribution in later cycles.

<u>Grant Year</u>	<u>Pilot Projects with Legal Aid Programs</u>	<u>Court Innovations</u>	<u>Administration & Evaluation</u>	<u>Total</u>
2011-12	\$7,599,578	\$1,900,333	\$500,000	\$9,999,911
2012-13	\$7,772,578	\$1,660,209	\$500,000	\$9,932,787
2013-14	\$7,950,846	\$1,542,174	\$500,000	\$9,993,020
2014-15	\$6,978,130	\$815,023	\$500,000	\$8,293,153
Totals:	\$30,301,132	\$5,917,739	\$2,000,000	\$38,218,871

The next chart shows the allocation of grant funding by case type, both by total funding and by percentages of grant funds available.

<u>Grant Year</u>	<u>Housing Law Pilot Projects</u>	<u>Custody * DV Pilot Projects</u>	<u>Guardianship/ Conservatorship Pilot Project</u>	<u>Total</u>
2011-12	\$7,121,288/75%	\$1,894,959/20%	\$483,664/5%	\$9,499,911/100%
2012-13	\$7,046,339/75%	\$1,906,412/20%	\$480,036/5%	\$9,432,787/100%
2013-14	\$7,081,448/75%	\$1,926,500/20%	\$485,072/5%	\$9,493,020/100%
2014-15	\$5,503,721/71%	\$1,874,060/24%	\$415,372/5%	\$7,793,153/100%

Totals:	\$26,752,796/74%	\$7,601,931/21%	\$1,864,144/5%	\$36,230,451/100%
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In 2014-2015, percentages for funding shifted because one of the housing projects was not refunded. Due to the legislative funding cap of 20% for custody, one of the custody projects modified its focus to include a small domestic violence component which had been identified as a critical supportive service by the agency and court.

Pilot Project Design

For each of the Shriver Pilot Projects, the legal services agencies provided case assessment and direction, including providing representation to eligible individuals, and incorporating available pro bono services wherever possible. The lead agency also contracted with other legal services providers in the community to provide services, particularly where there were potential conflicts of interest.

The lead legal services agency is also the central point of contact for referrals emanating from the court and other agencies providing services through the pilot and makes determinations of individuals' eligibility for services based on uniform criteria.

Each pilot project is responsible for keeping appropriate records on the referrals accepted and not accepted, tracking case information for each referral as well as information on the effect of the representation on the clients, and collecting data about the outcomes associated with the provision of legal services and court services. To facilitate project administration and to ensure that each project is fulfilling its objectives, local advisory committees have been formed for each pilot project involving court representation, legal services staff, private bar attorneys, and staff of other agencies involved with the pilot project.

The range of project designs reflected the fact that various case types need different strategies. For example, custody cases may take many more resources over a much longer period of time than a typical landlord-tenant case. The cases that meet Shriver criteria and therefore get referred to the legal aid program are generally the most complex custody cases. In addition to their complexity, child custody issues also play out over a significant length of time, compared with the fast-track nature of housing court.

The range of projects also addressed specific challenges within the client community. For example, the skid row population in Los Angeles had become more complex in the years leading up to implementation, requiring actual representation rather than self-help assistance that might have been effective in prior years. The project staff have reported that some of these clients, particularly those with mental illness, needed more intense legal and social service intervention

than anticipated. Similarly, the custody projects also found that many parents were struggling with a wide variety of issues and that immediate social services intervention was critical.

Some of these complexities were taken into account as the pilot projects were developed and proposals submitted. Other issues arose as implementation moved forward, requiring changes in the design to offer the most effective services possible.

Hiring and Training of Shriver Counsel

Within the network of Shriver housing pilot projects, approximately forty new advocates were hired across the state – essentially, they were the most important component of the Pilot Projects that would make or break the projects. Each of these advocates was sent to one week trial advocacy training, and some also attended two days of training on mediation. A list-serve was set up to facilitate sharing of information, and coordinated brief banks and other resources were made available to the cohort. This initial training and coordination was designed to ensure a strong network of Shriver Counsel, better able to implement the pilots within their own agency because of the support and resources available from the network of all Shriver Counsel. However, when anyone from this initial group of 40 attorneys left for other positions in their agency or other jobs, their replacements had to then be brought up to speed and brought into the network.

Court Collaboration and Innovation

Local Superior Courts are an integral part of the pilot projects. Each court that has elected to participate in one of the Shriver pilot projects began participating with local legal services programs during the pre-application design phase. They also have developed a range of services or improved procedures designed to achieve effective and efficient access, based on local needs. Courts have been receiving funding for the services that they provide through intra-branch agreements between the Judicial Council and each court, with appropriate grant conditions establishing expectations.

In addition to playing a leadership role in the community-focused planning and implementation of the pilot project, and dedicating staff to facilitate the court administration, courts developed one or more of the following innovations, described in more detail below:

- Special Mediation Procedures, including pre-filing mediation;
- E-Filing and online case tracking systems;
- Self-Help Center Expansion and Probate Facilitators;
- Provided space at already crowded courthouses for Shriver Counsel to consult with clients and facilitate representation;

- Expanded Court Interpreters and translated materials;
- Housing Settlement Master offering neutral evaluation and education, and providing continuity in the settlement of Shriver cases;
- Dedicated Court Clerks referring potential Shriver clients and otherwise expediting the handling of Shriver cases, and
- Other support and ongoing coordination to address concerns as they arise, analyze and help address legal issues, and facilitate the smooth operation of the Shriver Pilot Projects.

Overview of Context for Launching the Shriver Pilot Projects

The pilot projects faced a daunting challenge when they were launched in the Fall of 2011. Legal aid programs had lost a significant percentage of their funding due to the recession. For example, the State Bar's Legal Services Trust Fund Program revenue dropped over 75% -- from over \$22 million in 2008 to approximately \$5 million in 2010.⁴⁷

Other foundations and government agencies also were forced to reduce their grants for legal aid programs. As a result, legal aid programs had already had to face disheartening staff lay-offs, while at the same time the needs of the client community were increasing due to the foreclosure crisis and other recession-related challenges.

After funding reductions began in 2008, legal aid programs were able to obtain limited amounts of targeted funding, such as federal foreclosure-related efforts, but funding for their core services was reduced. This made it harder for legal aid programs to maintain acceptable levels of support for their central programmatic mission that was relied on by their client community.

The judicial branch was facing its own funding crisis, and there were a significant level of layoffs as well as courtroom and courthouse closures throughout the state. In 2011-12 alone, the courts experienced a \$1.1 billion reduction. These reductions were made on top of \$333 million in cumulative ongoing reductions over the three fiscal years immediately preceding 2011-12.⁴⁸ This made it challenging for courts to pursue innovative services as part of the Shriver project. In addition, there was less time available to perform the necessary administrative oversight and to coordinate with other local stakeholders on the project.

Inadequate technology within both the judicial branch and legal services programs also made it more challenging to pursue the innovative components of the Shriver pilots. Limitations in technology and data infrastructure (i.e., access to adequate and functional case management systems within the courts) impacted the data collection for the evaluation. Much of the data was only available via the paper case files, which are neither always kept in a consistent way nor documented consistently, which made the data collection and analysis effort more challenging.

Each pilot project needed to consider making changes over time as unanticipated challenges arose during initial implementation, and they studied the issues, their procedures, and their client community to understand how to focus and improve targeted services. As the projects were implemented, staff watched closely to see if the appropriate numbers of clients were being served; if they found that the criteria had been set too narrowly, adjustments were made over time to ensure that the highest numbers of clients could be served.

Each of these concerns made the implementation of the pilot projects somewhat challenging. In certain cases, modifications had to be developed during the implementation phase, and approved by the Judicial Council where necessary, to ensure the most effective and efficient provision of services under the contracts.

Local Implementation.

Each of the Shriver projects have an advisory committee overseeing the project. These advisory committees include court administrators and judges, legal services staff attorneys, private bar attorneys, and representatives from other local government and nonprofit agencies. Some committees include other key stakeholders; for example, one Housing Project that primarily represented tenants includes a landlord attorney on the advisory group for planning and coordination purposes. The advisory committees meet regularly to address issues as they arise, planning for the most efficient and effective operation of the project, and suggesting modifications where necessary to improve the project if possible.

These advisory committees recognized that there were many administrative challenges to be faced at a time of diminishing resources. The projects were hard to administer, both for legal aid programs and courts. At the legal aid programs, the evaluation was in addition to all the tracking they already did for multiple funding sources, but the need for comprehensive, comparable data for the Shriver evaluation mandated the duplicate system. For both courts and legal aid programs, this project was implemented at a time when they were facing cutbacks, so staff had to take on additional administrative duties, in addition to their many other obligations.

Case Selection.

Across all three subject areas, the statute directed the lead legal services agency to use the following criteria in determining when to provide representation⁴⁹. It also required the agency to target scarce resources at cases where representation was likely to make the greatest difference or avoid the most injustice. In assessing whether to accept a particular case, the lead legal services agency must determine the litigant's need for representation, considering

- 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;
- language issues;
- disability access issues;
- literacy issues;
- merits of the case;
- nature and severity of potential consequences for the client without representation;
- whether legal services may eliminate or reduce the need for and cost of public social services for the potential client and others in the household.

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D. OVERVIEW OF SERVICES PROVIDED

Housing, Child Custody, and Guardianships/Conservatorships (Probate) are the three subject areas of the pilot projects funded by the Shriver Civil Counsel Act. This section describes the services provided in each of these three areas, including any related court innovations, and presents data on implementation progress and initial outcomes. This report is based on available resources and evaluation data collected to date (i.e., through June-September 2015, depending on the project). Significantly more detail about the services rendered, client demographics, case results, information on cost-benefit and continuing unmet needs, and recommendations will be contained in the comprehensive evaluation report, which will be released in mid-2016.

Services Provided by Shriver-Funded Legal Aid Agencies.

From the start of the Shriver pilot projects in 2011, to the second half of 2015, more than 20,000 vulnerable, low-income people have received services from the Shriver-funded legal aid agencies. In this report, services are categorized as either “full representation,” which involved the attorney providing legal services from start to finish on all aspects of the case, or “limited services” which included discrete legal tasks, such as legal assistance at the self-help center, brief counsel and advice, preparation of forms, educational materials for trial preparation, or representation during mediation and settlement negotiations. Across the Shriver pilot projects to date, full representation was provided to just over half of the housing and custody clients and a quarter of the probate clients.

Number of Clients Served by Shriver Legal Aid Agencies [Including only cases already closed; not ongoing cases.]

Case Type	# Clients Provided Full Representation	# Clients Provided Limited Services	Total # Clients Served
Housing ^a	10,038	8,833	18,871
Child custody ^b	588	555	1,143
Guardianship/Conservatorship ^c	63	179	242
Total across case types	10,689	9,567	20,256

^a Clients served between October 1st, 2011 and October 19th, 2015.

^b Clients served between January 1st, 2012 and June 30th, 2015.

^c Clients served between January 1st, 2012 and June 11th, 2015.

Data for each of the program areas are presented below. The results shown here come primarily from the program services database and reflect the implementation progress and success of the pilot projects. Data have also been collected from the court case files and client interviews, for

Shriver clients and non-clients, the comparative analysis of which is current and ongoing. Where possible, preliminary results based on early comparative analysis of court data are mentioned. However, these initial findings should be considered preliminary until the statistical analyses are complete and reviewed. Evaluation activities are continuing, and additional data are being gathered and analyzed in order to support the most robust tests and generalizable findings possible.

Court-Based Innovations

This report also describes the innovative approaches being piloted by the Superior courts participating in the pilot projects. These innovations range from new mediation offices to technological improvements, and serve to complement the services provided by the legal aid agencies. Initial information on these activities is included here, but they will be covered in more depth in the comprehensive evaluation being released in 2016.

Shriver Housing Pilot Projects

Housing that is affordable, stable and safe is clearly of major importance to families, as it is key to so many other family needs, such as education, health, and economic stability. As envisioned in the Shriver legislation, clients facing the loss of their home by of eviction were able to receive appropriate legal assistance, and were not left to face the legal system on their own, as the vast majority of them would have been⁵⁰. This project offered invaluable legal assistance so that the system would function fairly, with both sides represented, making it more likely that the legal issues would be addressed appropriately and thoroughly. The goal is to have a case decided on the merits and not on whether or not there is legal representation.

Role of Legal Representation in Landlord/Tenant (“Unlawful Detainer”) cases:

An unlawful detainer lawsuit is a civil court proceeding that can be filed by a landlord seeking to evict a tenant for a variety of reasons, including the failure to pay rent. By design, unlawful detainer cases are considered *summary* or *limited* court procedures, which permit landlords who win judgments to recover possession of the unit more quickly compared to other types of proceedings. Where there is a Shriver housing project, the Courts notify all litigants about Shriver services, and how they might seek assistance in the case.

Most tenants have only five days to file a written response in court after they have received the Summons and Complaint. Filing a timely written response to a landlord’s written Complaint is critical, as otherwise the landlord can ask the court to enter a default judgment against the tenant. The swiftness of the proceedings and the potentially devastating impact of an eviction make this the kind of critical legal issue where legal representation can truly make a difference. Legal assistance can assure that the tenant submits a timely and accurate Answer or other responsive pleading with the court, avoiding a default. The attorney can work with the tenant to see if there are habitability issues or other legal defenses, and negotiate with the landlord’s attorney to try to resolve the case amicably, thus saving court time and bringing clarity and closure for all parties.

Negotiation normally involves questions such as whether there will be repayment of back rent, whether the tenant can stay in the property and for how long, whether habitability concerns will be addressed, whether there will be a public record, etc. These are the kinds of goals a tenant might have:

Physical goals, such as staying in the home or obtaining temporary stay of eviction, preserving a Housing Choice Voucher, getting health code violations addressed, or obtaining reasonable accommodation for a disability;

Monetary goals, such as relocation costs, discounts for problems with habitability, or a payment plan;

Credit-related goals, such as maintaining a masked record; and

Legal goals, such as a conditional dismissal of the eviction case or having the record masked or the case dismissed.

Components of Shriver Housing Projects:

Six of the initial ten pilot projects offered Landlord/Tenant services and provided data regarding the effects of that representation. These unlawful detainer cases represent the bulk of the total number of clients served by all pilot projects. These housing projects were available in Kern, Los Angeles, San Diego, Santa Barbara, Sacramento, and Yolo counties, and involved ten participating community agencies and six Superior Courts.

The Housing pilot projects involved services provided by both the legal aid agencies and the local Superior courts. Typically, each project included the following components:

Legal Aid Agency Services:

- Intake and triage function, to ensure that individuals were referred to the most appropriate level of service given funding constraints, based on their individual needs when compared with the statutorily-mandated case criteria described above.
- A referral system to help individuals receive necessary services.
- Arrangements for representation by other agencies or pro bono attorneys for cases where there appeared to be a potential conflict of interest.
- Housing Inspectors were available at some sites to help provide neutral information to the court about the habitability of the rental property.
- Significant community outreach to educate the client community about the services and to coordinate with key community resources for referral purposes, as well as involvement with broader community-wide discussions about housing policy.
- There were three levels of assistance provided and studied:
 - Assistance at the Self-Help Center, including help with pleadings, workshops, and navigation through the court process.
 - Limited Scope Legal Assistance, including getting an answer filed promptly and accurately, representation during settlement negotiations, and/or representation at a hearing. (This level of assistance is termed “limited services” in this report.)
 - Full legal representation for all aspects of a case, including negotiation, representation at trial, and post-trial assistance, if necessary. (This level of assistance is termed “full representation” in this report.)

Court-based Services or Innovations:

The following innovative approaches were developed by the courts with housing projects. Not all courts implemented the same innovations.

- Mediation. Mediation can be a powerful tool to help parties resolve their differences and avoid protracted litigation. Even in the landlord/tenant area, where the imbalance of power can make mediation challenging, a court-based, neutral mediation system can help ensure that the advantages of an early mediated settlement are available for housing cases.
- Housing Settlement Master. One project adopted a housing settlement master program, where the master meets with all litigants and counsel in the case in a Settlement Conference one week before the case is set for trial. This increased the consistency of the handling of these cases and the availability of a neutral settlement master and facilitated the resolution of these cases. This early procedure allowed the litigants to be heard in a civil and respectful manner.
- E-Filing and online case tracking systems. The improved use of technology in landlord-tenant cases, including expansion of e-filing to tenants where it had previously only been available for landlords, was intended to help facilitate the efficient handling of these cases.
- Self-Help Center Expansion – Because of the fast-track nature of landlord-tenant cases, it is invaluable to have the triage function located at the courthouse, enabling court clerks to refer individuals directly to the self-help center for assistance. Any issues that arise in the paperwork can be identified and addressed promptly, avoiding delays and continuances.
- Language Interpreters. The expanded availability of interpreters and translated forms and resources provides critical support for parties who might otherwise be unable to participate in their own defense, due to language barriers.

The Shriver housing projects had many similarities but also several differences. Each of these six Shriver housing programs had a unique set of priorities based on the particular local circumstances and the needs of the local client community. As a result, these programs implemented different service structures that included a wide range of approaches to their service model. For instance, one program aimed to provide full representation to all eligible tenants with cases filed at one courthouse, while other programs aimed to provide full representation to a selected number of eligible tenants and provide others with a more limited level of assistance. Some areas had rent control, which raised another whole set of legal issues. The evaluation was therefore designed to learn as much as possible from the differences among the programs while also tracking as many similar services as possible so as to have an adequate level of comparable data across all the projects.

The court self-help services were able to provide assistance to both landlords and tenants, but did not provide representation to either party. Shriver-funded legal aid agencies could serve both low-income landlords and tenants, but the vast majority (>99%) of clients were tenants because

most landlords had incomes above the income threshold and did not meet the Shriver eligibility criteria. Therefore, this report focuses on legal services provided to tenants by Shriver counsel. There were a few income-eligible landlords who sought Shriver services and they were referred for legal assistance. The majority of landlord/tenant cases involved landlords who were represented and tenants who were not--the kind of power imbalance that the Shriver Act was designed to study and address.

Preliminary Housing Pilot Project Outcomes:

Pending the availability of additional court data, this section describes aspects of the assistance provided by the legal aid agencies (not the court-based services) through fall 2015, as entered into the program services database. This data will be supplemented with data on court-based services in a forthcoming report. Since the start of the Sargent Shriver Civil Counsel Program, 18,871 low-income people have been provided legal assistance from a legal aid agency in housing matters. The majority of Shriver clients are female (62%) and non-White (38% Hispanic/Latino, 28% African American). Over half of these clients (52%) were provided full representation by an attorney, and just under half (48%) were provided more limited services.

Shriver services offered by these agencies are reaching the population intended by the legislation—namely, those tenants who are opposed by a party that is represented by an attorney and often have other potential disadvantages navigating the legal system (e.g., limited education or English proficiency) and/or who have a heightened vulnerability (e.g., experience a disability, have minors in the home): At least one third of Shriver clients have a high school diploma or less, at least one quarter experience a disability, and nearly one quarter have limited English proficiency. Over half (53%) of Shriver clients had minors living in their households, over one third (37%) received CalFresh benefits⁵¹, and their average monthly income was \$1,145 (median = \$1,000).

Of those litigants who received full representation from a Shriver attorney, 98% were facing a landlord who was represented by counsel. (0.5% were not, and 1.5% were missing information for opposing party representation data.)

Tenants' access to justice depends on their ability to successfully file a written response to the unlawful detainer complaint within a short timeframe. Not doing so usually results in a default and the tenant never presents his/her side of the case. Historically, in these cases, defaults are common. Shriver services are addressing this need: Of those litigants who received full representation, an answer (or other appropriate written response) was successfully filed in approximately 95% of cases.

Engaging more tenants in the legal system and providing them with counsel does not appear to have made the proceedings more combative or drawn-out. In fact, Shriver clients are most likely to end their case by settlement.

- Of those litigants who received full representation, 70% resolved their case by settlement, 19% by landlord dismissal, and 5% by trial (data were missing for 7% of cases).
- The majority (82%) of settlements happened on or before the day of trial, saving court resources, and half (50%) occurred within 30 days of the complaint filing.

The outcomes of the unlawful detainer cases with litigants represented by Shriver counsel seem to favor longer-term housing stability, which is important for this at-risk and vulnerable population.

- Of those tenants who received full representation, the majority ultimately moved out of their homes as a result of their unlawful detainer case: 69% moved out and 23% stayed in the home (data were missing for 8% of cases).
- Of those who moved out, 53% had their move-out dates adjusted to allow them more time to find replacement housing.
- Of those who moved out, a large majority (91%) received a positive financial outcome, such as reduction/waiver of rent owed, the case not reported to credit agencies, a neutral rental reference from the landlord, and the case masked from public record. Any one of these elements—but more so when combined—provide the tenant with increased opportunity to find alternate stable housing for themselves and their families.

Summary of Comments Regarding Shriver Counsel Impact (from Qualitative Interviews)

Sixty-six litigants from two housing sites were interviewed about one year after their housing case had closed. When asked how the case had impacted their lives, litigants reported a variety of negative effects, describing the experience as stressful and even “devastating.” However, the litigants who received help from a Shriver attorney also described the importance of this service both for their case and their well-being. Such comments included:

- “I would say it gave me the freedom to sleep easily knowing the law was on my side. The attorney that handled my case was very helpful and answered all of my questions.”
- “It gave me a broader knowledge of what my rights are as a renter. I know that if I had any concerns with paying rent, what I can and can’t do if things don’t get done in a timely manner by the landlord. When you’ve given them proper notification, then what steps can be taken as far as whether you should pay rent for that time.”
- “When it started, I was terrified. It was the most awful feeling in the world. Once I went to legal aid, it gave me a sense that I wasn’t alone. I felt like a person.”

Preliminary Comparative Analyses of Court Case File Data:

Preliminary analyses of court file data suggests that Shriver clients generally fare better in housing court as a result of the legal assistance received through the project. Initial results indicate that, compared with clients who did not receive Shriver assistance, Shriver full representation clients were less likely to default; more likely to reach a settlement; less likely to go to trial; more likely to receive a neutral credit report or a financial incentive; and, if they were required to move, they received a longer time to move out of their home. Although most Shriver clients were still faced with the necessity of ultimately leaving their homes, they were in a better situation to find stable and safe replacement housing as a result of the negotiated settlement terms, specifically increased time to move out and eased financial obligations. These current findings are based on a small sample and should be considered preliminary. The evaluation team is continuing to gather additional data to increase the robustness of these tests and generalizability of the results.

Child Custody/Family Law Pilot Projects

The Shriver Act made child custody cases a high priority for pilot projects, both in terms of providing legal services and in terms of studying the impact of those services.

“...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...”⁵²

Family courts have traditionally experienced some of the highest caseloads, while at the same time family law litigants have the lowest rate of representation. The low rate of represented parties also leads to lengthier hearings, more delays and continuances, and a significant amount of court time devoted to each case. Child custody litigation tends to be protracted and involve a high level of conflict between the parties, which is not surprising given the importance of the fundamental issues at stake.

Special provisions were included in the Shriver statute to both highlight the importance of this work but also to put some reasonable limit on the scope of such representation. It focused the representation on cases involving requests for sole legal or physical custody of a child and included a 20 percent cap on the amount of total Shriver funding that could be directed to such projects.⁵³

As explained in a law review article published just after the bill was enacted:

These limitations reflect the recognition that child custody, along with dependency, represents the most compelling family-law need. California already requires appointment of counsel for both children and parents in dependency cases, but not in custody matters or in domestic-violence cases. Recognizing that many institutional and political interests favor greater legal assistance in a variety of family-law matters because they present significant challenges for the courts, the bill’s supporters were nevertheless concerned that the volume of family-law cases might quickly overwhelm a pilot program with limited funding. Supporters were also concerned that the impact of the pilots be demonstrable both in terms of outcomes and speed, which may be more difficult to document in family-law cases.⁵⁴

Because joint custody is favored in California, the fact that the statute permitted the use of Shriver funds only in cases where a parent seeks “sole legal or physical custody” meant that the pilot projects were to focus on a relatively narrow percentage of family law matters. Those cases tend to involve factors such as domestic violence, mental or physical disability of one or both parents, or a very high conflict level between the parents.

Representation in child custody cases also tends to last longer than cases in other Shriver subject areas, and each client would often need to receive a relatively higher level of assistance

than clients in housing or guardianship projects. In addition, once accepted by a Shriver Program, the clients may have to move back and forth between the limited scope representation available from the Shriver agency on the child custody aspects of the case and seeking assistance from the self-help center or other service for issues unrelated to child custody.

There is often a fluidity of representation in family law cases, as previously unrepresented parties secure counsel for certain aspects of the case, or represented parties drop attorneys as a case drags on, and there is therefore often difficulty in determining whether a case meets the Shriver criterion of representation on the other side.⁵⁵

These factors, combined, made it particularly challenging to design and implement a successful pilot project. At the same time, the critical nature of the family issues involved made it imperative to do so.

Components of Child Custody Pilot Projects:

The three Child Custody Pilot Projects were located in Los Angeles, San Diego and San Francisco, and these projects received funds totaling just under the 20% cap provided in the statute. The child custody projects involved five main participating agencies as well as the Superior Courts in each of the three counties.

Legal Aid Agency Services:

The Custody projects identified the following specific goals for their clients:

- **Legal custody goals**, such as sole or shared joint custody;
- **Physical goals**, such as when the child would live with the client; and
- **Visitation goals**, including whether scheduled visitation is supervised or unsupervised.

The different pilot projects developed different visions for their projects, while maintaining many of the same components of project design, which helped with evaluation. In San Francisco, the project hoped to serve every eligible low-income San Franciscan with a case fitting the case criteria. Los Angeles, on the other hand, with such huge numbers of child custody cases, decided to focus their services on the most challenging child custody cases, based on direct referral from the court. The custody program in San Diego was designed to quickly identify eligible cases and get those parties into special settlement conferences with a judge. These settlement conferences are designed to help the parties agree to a parenting plan as soon as possible, thereby eliminating the need for protracted litigation.

Custody-related Court Innovations

The following court-based innovations were implemented as part of the Shriver Projects
Not all courts implemented the same innovations:

- Settlement conference. Special settlement conference tracks were set up for Shriver cases, helping ensure that the critical issues of child custody were handled on an expedited fashion, and that other services needed in Shriver cases were available in a coordinated fashion.
- Self-Help Center Expansion. It is invaluable to have expanded self-help services available for family law cases, particularly on the critical issues of child custody and visitation. Court clerks are able to refer individuals directly to the self-help center for assistance, and are able to help ensure that any issues that arise in the paperwork can be identified and addressed promptly, avoiding delays and continuances.
- Interpreters. The expanded availability of interpreters and translated forms and resources in family law cases is critical for Shriver parties who might otherwise be unable to understand the critical child custody and visitation issues being addressed, due to language barriers.
- Collaboration on Parent Education. The courts have worked with the legal services agencies to develop training for parents in high-stress cases, to help reduce the stress and improve parenting skills, thus facilitating the settlement of the custody and visitation issues in the litigation.

Good collaborative relationships between the legal services programs and the courts helped all the projects. In Los Angeles, they only handled cases referred directly by the court, and there was a significant level of communication to facilitate the process; court staff clearly saw the value of having somewhere to refer the most contentious cases. In San Francisco, there was a long history of collaborative efforts which helped ensure smooth implementation of this project. In San Diego, the courts and legal services programs worked closely together to develop an innovative settlement program and continually adapted the program to fine tune case acceptance criteria.

Preliminary Custody Pilot Project Outcomes:

Pending the availability of court data, this section describes aspects of the assistance provided by the legal aid agencies (not the court-based services) through June 2015, as entered into the program services database. This data will be supplemented with data on court-based services in a forthcoming report. Since the start of the Sargent Shriver program in fall 2011, over 1,000 low-income clients have been provided assistance with their child custody case. The majority of Shriver clients are female (74%) and non-White (56% Hispanic/Latino, 16% African American, 6% Asian). Half of these litigants were provided full representation by an attorney for the custody case, (but not other aspects of the Family Law case); half were provided limited services. Shriver services offered by these agencies appear to be reaching the intended population:

- Over 40% of Shriver clients have a high school diploma or less, nearly one quarter have limited English proficiency, and one fifth experience disability.
- One third of Shriver clients receive CalFresh benefits, and their average monthly income is \$1,194 (median = \$1,033).
- On average, Shriver custody cases involved 2 children. The average age of the children was 6 years and nearly one fifth experienced disability.

In addition to the demographic risk factors (e.g., low income, limited English proficiency), litigants who received Shriver services tended to report a variety of other risk factors for themselves and their children, making the receipt of legal assistance even more critical:

- Over half of the couples involved allegations of intimate partner violence in the past 5 years.
- Over one third involved allegations of drug and alcohol abuse.
- Over one quarter involved current or previous involvement with child protective services.
- Over one quarter reported police involvement in the previous 3 months.

The characteristics of the Shriver cases varied:

- Over half (52%) of Shriver clients were petitioners, and 38% were respondents (6% other and 4% missing data).
- Half were seeking to modify an existing custody order, and 40% were seeking to obtain a new order (5% other, 5% missing data).
- On average, the custody cases had already been open for over two years before the Shriver project attorneys were involved.
- Of those litigants who received full representation by Shriver counsel, 88% faced an opposing party who had representation (10% did not and 2% were missing data).

Evaluators and project staff understood from the outset that it is very hard to determine success in a child custody case because the evaluation of the results is so subjective. Leveling the playing field and ensuring a child-centered result are much more important goals than whether the Shriver client obtained custody, as that might not necessarily be the best result for the child. In addition, legal representation can help avert a much worse outcome for the client, but it is hard to capture that “success” in quantitative data. California Family Code section 3020 provides that “it is the public policy of this state to assure that children have frequent and continuing contact with both parents after the parents are separated... and to encourage parents to share the rights and responsibilities of child rearing...” unless that would not be in the best interests of the child. Family Code section 3011 sets out factors that must be considered by the courts in determining

those best interests. Those include a history of child or intimate partner abuse, habitual or continual abuse of alcohol or controlled substances.

Following those statutes, the courts appeared to favor joint custody in the Shriver cases, and judges also made orders to mitigate family risk factors for the children. Among Shriver clients who received full representation for their custody case, case outcomes included:

- For legal custody, 59% of couples were granted joint custody, 16% of Shriver clients received sole custody, and 16% of opposing parties received sole custody (10% missing or unknown).
- For physical custody, 38% of children lived most of the time with Shriver clients, 30% lived most of the time with the opposing party, and 21% shared equal time between parents.
- Therapy was ordered for 12% of Shriver clients, 15% of children, and 7% of opposing parties.
- Substance abuse counseling was ordered in 2% of cases.
- Parenting classes were ordered in 14% of cases.
- Restraining orders were granted to 8% of Shriver clients and 7% of opposing parties.

Key goals for the projects also included increasing settlement and decreasing unnecessary hearings, educating clients and avoiding misinformation that fuels conflict, and helping clients have more realistic expectations for their family law cases. In the next steps for the evaluation, data collected from the case file review will be analyzed to investigate whether Shriver services resulted in a higher rate of settlements, and whether those settlements resulted in more durable orders—and therefore, families coming back to court less often.

Data collected early in the project via site visits and staff interviews with stakeholders in San Diego commented on the importance of representation in these highly contentious matters.

The vast majority of individuals in this program have never had the benefit of legal representation before. As a consequence, they have never been provided with any education about how the legal process works, what is expected of them, and how to focus their attention on what is in the best interest of their children. With the benefit of counsel who are able to provide such education, the stakeholders have perceived an increase in settlements, which are always preferable to protracted litigation. Stakeholders explained that when the parties play a part in the negotiation and settlement of their cases, they have the ability to exercise control over the outcome of their case. When the parties go to a hearing over their disputes, the decision is taken out of their hands, leaving it to a judge to decide the outcome... The additional benefit is that for every settlement reached, the court's resources are freed up to handle other matters.

Some stakeholders commented that they feel that custody issues are being resolved more quickly and that outcomes are more equitable. The following examples help illustrate the impact of achieving more equitable outcomes.

- One of the Shriver Child Custody Projects helped a mother document evidence of abuse, which she had been unable to do on her own. As a result, a mother was reunified with her son and a criminal protective order was issued against the father who was criminally charged and prosecuted.
- Another project was able to intervene when an attorney for the father requested an order of sole physical and legal custody of a child with no visitation to the mother of a 7 week old child – when the father didn't even know the child's name.
- In another case, a father was able to obtain an order providing stability for his children when the mother was struggling with drug addiction.

Probate – Conservatorships and Guardianships

Guardianship and conservatorship cases seek to establish legally-recognized, reliable, and competent caregivers for individuals who require care and assistance. Guardianships pertain to minors, and conservatorships pertain to adults with developmental or cognitive disabilities. A typical guardianship case involves, for example, grandparents seeking a legal avenue to ensure their grandchildren have access to school and health care coverage, when parents are grappling with addiction or mental health problems (or are absent for some other reason such as incarceration or military service) and foster care may be the only other option available for the children. Typical conservatorship cases involve, for example, parents with developmentally disabled children who are turning 18 and need assistance making decisions for their own protection, and family members of seniors who are struggling with senility or dementia and need care. In conservatorship cases, attorneys are appointed for the potential conservatee, but there are generally no other resources for the proposed conservator who is seeking to provide protection.

The complexity of the probate process can make it very difficult for a lay person to navigate the system alone, and even attorneys can often not complete the paperwork correctly because it requires specialized knowledge. For litigants with limited understanding of the legal system, educational background, or proficiency in English, the process can be almost impossible. Self-represented litigants in guardianship and conservatorship cases often find it hard to know which of the many forms to submit, how to comply with complex service of process requirements, and to understand when and how to check tentative judicial rulings online so as to respond in a timely and accurate manner. These barriers can result in delays, continuances, and enough frustration and confusion that litigants give up on the process altogether. Abandoned petitions for guardianship and/or conservatorship require substantial court resources and leave vulnerable individuals and their caregivers without the support and assistance they need.

The pilot probate project is therefore seen as a pure access project, in contrast to the housing and family law projects that have a primary goal of leveling the playing field. This project addresses the sheer difficulty of unsophisticated litigants who may not successfully obtain the guardianship or conservatorship they so desperately need, even when not faced with opposition.

Components of Probate Pilot Project:

Only one of the Shriver pilot projects focuses on probate matters, specifically how to assist eligible low-income families needing guardianships and conservatorships. The project is based in the rural areas of Santa Barbara County with many monolingual Spanish speaking residents and no other services available. The project involves legal aid services, specifically full

representation and limited scope services, and court-based services including a new Probate Facilitator, and a new Judicial Assistant for Probate Court.

Both full representation and limited scope legal assistance are offered to those seeking guardianship or conservatorships of the person only (as opposed to those cases involving property issues, which are not covered by the Shriver project.) Potential clients are screened for eligibility according to the statutorily mandated case selection criteria. Court-based Judicial Assistants provide individuals with the appropriate and necessary legal forms, assist in filing completed forms, provide translators and interpreters, and referrals to Legal Aid, Family Court Services mediation, the Court's Probate Facilitator, and other community resources.

The Probate Facilitator assists self-represented litigants through education, help with properly completing necessary paperwork, and general navigation through the complicated legal process. The court regularly refers cases with self-represented litigants to the Probate Facilitator from the clerk's office and the courtroom. Probate Facilitator also assists with conflict cases from the legal aid program and other individuals not otherwise eligible for Shriver services.

Those clients needing actual legal representation are referred to the Legal Aid Foundation of Santa Barbara County.

Preliminary Probate Pilot Project Outcomes:

Court-based services:

One particular innovation implemented by the court was the addition of a probate facilitator, a licensed attorney specializing in guardianship and conservatorship cases who provided education and assistance to litigants. This service began in March 2013, and by December 2014, the probate facilitator had assisted 238 litigants.

- The majority of litigants assisted by the probate facilitator were female (69%), non-White (55% Hispanic/Latino, 6% African American).
- At least one quarter received public assistance, 11% spoke primarily Spanish.
- The majority sought help with guardianship cases (85%), and needed assistance filing a new petition (63%).

Legal aid services:

Since the start of the Shriver pilot project (fall 2011) through June 2015, legal services were provided to 242 litigants involved with guardianship and conservatorship cases. The average age of Shriver clients was 49 years, and most (56%) were Hispanic/Latino. Just over half (51%) were provided full representation by a Shriver attorney, and the remainder were provided limited

scope services. Shriver services are reaching the population intended—namely, those litigants who are at a potential disadvantage navigating the legal system:

- Approximately one quarter have a high school diploma or less, limited English proficiency, or a disability.
- Nearly three-quarters had minors living in the home, 15% received SNAP benefits, and their average monthly income was \$2,073 (median = \$1,781).
- Two-thirds sought help with guardianship cases, one-third with conservatorship cases. The majority (64%) needed help filing a new petition.

In line with the legislative goals, Shriver cases that received full representation from a legal aid attorney involved family members trying to obtain legal authority to effectively care for vulnerable individuals:

- Of those 47 guardianship cases that received full representation, 66% involved one ward (34% involved more than one ward). Among these 69 wards, the average age was 8 years (median = 8 years) and 9% had a disability.
- Of those 16 conservatorship cases that received full representation, each involved one conservatee and the average conservatee age was 34 years (median = 26 years).
- In all cases that received full representation, the Shriver client petitioning for guardianship or conservatorship was a relative (e.g., grandparent, sibling, adult child).

The ability of a family member to obtain legal status as a guardian or conservator depends on their ability to successfully complete and submit all of the relevant paperwork associated with these cases. Inability to do this frequently leads to abandoned petitions. Shriver services are effectively assisting litigants through this process.

Engaging the assistance of an attorney does appear to have streamlined the case processing and minimized the need for continuances, which can be costly to litigants and the court. Both guardianship and conservatorship cases require an investigator to do background checks and interviews with the parties in the case, and sufficient notice needs to be provided to the other relatives, requiring significant time between the filing of a petition and hearing; these cases appear to be completed with little delay.

- Case age for guardianship cases that received full representation was, on average, 4 months. Most cases did not involve a continuance. The average number of continuances was 0.7 (median = 0; range 0 to 5).
- Case age for conservatorship cases that received full representation was, on average, 3 months. Most cases did not involve a continuance. The average number of continuances was 0.7 (median = 0; range 0 to 2).

The likelihood that a case that received full representation from a Shriver attorney ended with guardianship and conservatorship letters being granted was high. Roughly two-thirds of cases ended with the guardianships or conservatorships established. The successful completion of guardianship and conservatorship cases results in more children and conservatees being in safer homes, cared for by more capable and responsible family members. In addition, this makes it possible for guardians and conservators to enroll children in school, obtain public benefits (like housing vouchers or food and nutrition benefits), and connect children and adults to the medical services they needed. Without these new arrangements, many children would have continued to live in dire conditions, been placed into foster care, or faced returning to a home where one or more parents were dealing with severe mental health or substance abuse problems, usually resulting in neglect and/or physical and emotional abuse.

Interviews with Key Court and Project Staff:

When asked about their perceptions of the impact of the Shriver pilot project, court staff felt there was a substantial improvement in the ability of litigants to participate in the legal process and of the court to respond to the needs of the families. Court staff perceived an increase in the quality of the paperwork filed, which allowed cases to proceed more easily. They were used to seeing petitioners get frustrated with the technicalities and often give up in the middle of the process, but now they are seeing more litigants persist with the process. Court staff reported that Shriver services made the entire probate filing process quicker, more accurate, and less stressful. Prior to Shriver services, judicial assistants estimated that it took an average of three attempted filings before a probate petitioner could successfully file their paperwork, but after the implementation of Shriver services at legal aid and the probate facilitator, paperwork was usually accepted on the first attempt, resulting in a huge time savings for court staff. Fewer continuances also allowed more cases to be scheduled on the calendar and to be resolved faster.

Project and court staff thought that Shriver litigants were more educated about the process, including what to expect and how to facilitate progress, and that proposed guardians/conservators were more familiar with their roles and responsibilities, such as how to comply with the court's investigation and be prepared to complete future status reports to the court. Because of this, judges felt that more guardianships and conservatorships were able to be continued, leaving wards and conservatees in more stable environments.

Most court staff reported that the quality of information provided to the court was vastly improved, due to more people participating in the process, more evidence presented, and clearer documentation. This allowed judges to make more informed decisions. In addition, there was a common perception that the load on Child Welfare Services and the public guardian (for adults) was lower, allowing them to focus on more serious cases of abuse or neglect, keeping more families out of the system and decreasing the number of children being placed in foster care.

Preliminary Comparative Analyses of Court Case File Data:

Preliminary analyses of court file data suggest that Shriver clients generally fare better in guardianship cases as a result of the legal assistance received through the project. Initial results indicate that, compared with clients who received no assistance, Shriver clients who received full representation for guardianship cases were more likely to utilize the legal process to most effectively support their petition—specifically, by calling witnesses or entering declarations. Also, Shriver full representation cases appear to be less likely to involve continuances and, when parental consent was obtained, came to resolution faster. These findings are based on a small sample and should be considered with caution. The evaluation team has also collected data for cases that received assistance from the probate facilitator, but not legal aid. Outcomes for these cases will be investigated relative to the other Shriver group. These data are still being analyzed.

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E. ANALYSIS OF COST BENEFIT AND ASSESSMENT OF ONGOING NEED

The evaluation team is in the process of collecting and analyzing data to investigate the potential cost benefit of the Shriver Pilot Projects, as well as the continuing unmet need. These study activities are currently occurring and results will be presented in the comprehensive report to be submitted later in 2016. The evaluation plans to investigate the following lines of inquiry.

Court Efficiency:

Preliminary analyses suggest that cases with Shriver full representation may present efficiencies for the court that result in cost savings; that is, these cases may resolve faster with fewer resource-intensive events for the court. For example, early evidence suggests that, compared to cases without Shriver representation, Shriver housing cases may involve more dismissals, more settlements, and fewer trials, and Shriver probate and custody cases may involve fewer continuances, hearings, and unsuccessful filing attempts.

The case file review data will be analyzed to inspect any differences between Shriver and non-Shriver cases in terms of case events and/or court resources. The evaluation team has been collecting information to estimate the costs of various events and will determine whether and the extent to which the provision of Shriver services has an impact on court resources.

Other Costs and Benefits:

Housing:

During site visits early in the project, stakeholders perceived that Shriver services had both individual and system-level impacts. For example, they reported that services had helped increase clients' understanding of the legal system and achieve desired outcomes (e.g., retained housing, protected credit, or improved conditions for children). Eviction carries significant costs to the individual tenant, who is already likely financially challenged. Receiving some relief from debt (e.g., lower back rent to be paid), some time to prepare (e.g., longer time to move out), and some future support (e.g., case records being masked, neutral credit references) can help reduce the risk of the tenant falling into homelessness or bankruptcy.

Further, interviewed stakeholders reported that Shriver services had impacted the broader community through increased collaboration among agencies serving the same community and by avoiding the need for clients to rely on other social service systems. The evaluation team plans to explore these individual costs and existing study data to determine the feasibility of calculating potential system costs.

These next study steps are critical activities. The costs of eviction and homelessness are high. As emphasized in the recent Silicon Valley Homelessness Study⁵⁶, eviction defense is a key part of a larger public-private partnership effort to avoid homelessness, particularly long-term, chronic homelessness. Preventing homelessness from the outset, rapid re-housing, ensuring foster care children have housing before they become independent, planning housing for returning veterans – all of these initiatives together are what is needed to help reduce homelessness. Through homelessness prevention, and the resulting saving in the many related public expenses, the limited funds available to help with homelessness can be focused on the small percentage of chronically homeless who account for nearly half of all of the costs for the homeless, including the medical costs and the law enforcement and judicial system expenses.⁵⁷

Child Custody:

Ensuring that parents focus on a longer-term solution that meets the best interests of the child behooves everyone involved. When parents are given an effective avenue to voice their opinions and when they feel heard and actively engaged in the process, research indicates that contentiousness outside of the courtroom declines. This may result in fewer calls to police, particularly during child exchanges, and reduced involvement of child protective services. The evaluation will investigate the occurrence of these events and, if applicable, estimate costs per incident. A more peaceful and stable home life can result in better outcomes for the children, including improved physical and emotional health, improved school functioning, improved sociability and less probable behavioral dysfunction; all of which may lead to improved outcomes in adolescence and adulthood (e.g., less criminal justice involvement, better health)⁵⁸ and reduced future costs to the public health and service systems.

Probate:

Children without a competent parent or willing guardian can end up as wards of the court. Adults who need care but are without a willing conservator can end up in the care of the public guardian. Both of these entities are tax-payer funded services. When children become a ward of the court, the State pays for counsel for their children and each of their parents. It also takes on a wide range of other responsibilities including paying for medical, psychological, educational and other services, even if the child is not placed into foster care. If Shriver services facilitate the placement of children and disabled adults with family members, as opposed to these government safety net entities, then there would be a savings to the system. The evaluation team will investigate this possible outcome.

Assessment of the Continuing Unmet Need

The evaluation team is gathering longitudinal summary data from the courts regarding case filings in the subject case types and will use these statistics to estimate the number of litigants who would be eligible for Shriver services but are not receiving them—i.e., the actual need

across the state. These estimates will take into account the growing numbers of individuals in poverty. Other contributing factors, such as the fair market value for rent in certain areas and family size, will also be discussed, and other reports and data on unmet legal needs will be considered. To the extent possible, additional inquiry will occur with programs that are attempting to serve all low-income people within their target population to determine what types of potential clients do not use the services, as well as why they do not use these services, and this information will help guard against an overestimation of the broader need for services.

F. RECOMMENDED NEXT STEPS

- **Complete the In-Depth Evaluation of Project Services:** The Shriver Pilot Project is conducting one of the most comprehensive analyses and evaluations of legal services ever undertaken. The Sargent Shriver Civil Counsel Project Implementation Committee should continue to work with the legal services programs and courts conducting the pilot projects, as well as with NPC Research, the organization under contract to conduct the study, to ensure that this evaluation is as thorough as possible. The data provided in this report will be valuable in assessing the best ways to move forward to increase access to justice in California.
- **Develop and Disseminate Best Practices.** As the details of the evaluation become available, the Shriver Project Implementation Committee should identify those services and procedures that have proven to be effective and efficient for legal services programs and courts, and disseminate these best practices throughout the state.
- **Identify Areas for Further Study.** In furtherance of the goal of 100% Access, the report should be analyzed to determine which types of projects and services would benefit from further study and pilot projects. These specific research goals could then be the focus of further study to clarify the protocols and conditions that should be in place in order to ensure the most efficient and effective services, resulting in expanded access to justice.

G. CLOSING

In an adversarial system, legal representation is often critical for the otherwise unrepresented client, and a more level playing field also benefits the judicial system as a whole. Fairness in the judicial system is a cornerstone of our democracy, and these pilot projects and accompanying court innovations are a critical step in the process of identifying ways to ensure a fair and just system.

The services already provided under this critical legislation have reached thousands of vulnerable Californians. The results presented in this report, though initial, suggest that the pilot projects are providing an invaluable service, and are helping us understand how to truly reach 100% access to justice in California.

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EXCERPTS FROM AB 590 LEGISLATIVE FINDINGS

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) **[Dire Need for Legal Services]** There is an increasingly dire need for legal services for poor Californians. Due to insufficient funding from all sources, existing programs providing free services in civil matters to indigent and disadvantaged persons, especially underserved groups such as elderly, disabled, children, and non-English-speaking persons, are not adequate to meet existing needs.

(b) **[Documentation of the Need for Legal Services]** The critical need for legal representation in civil cases has been documented repeatedly, and the statistics are staggering.... Over 4.3 million Californians are believed to be currently unrepresented in civil court proceedings, largely because they cannot afford representation. Current funding allows legal services programs to assist less than one-third of California's poor and lower income residents... The effect is that critical legal decisions are made without the court having the necessary information, or without the parties having an adequate understanding of the orders to which they are subject.

(c) **[Role of Sargent Shriver]** The modern movement to offer legal services for the poor was spearheaded by Sargent Shriver in 1966, aided by the American Bar Association, then headed by future Supreme Court Justice Lewis Powell, driven by the large disparity that existed between the number of lawyers available for poor Americans compared with the availability of legal services for others.... According to federal poverty data, there was one legal aid attorney in 2006 for every 8,373 poor people in California. By contrast, the number of attorneys providing legal services to the general population is approximately one for every 240 people – nearly 35 times higher.

(d) **[Economic Benefits]** The fair resolution of conflicts through the legal system offers financial and economic benefits by reducing the need for many state services and allowing people to help themselves...

(e) **[Impact on the Courts]** 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.... [C]ourts presented with disputes regarding basic human needs that involve low-income litigants facing parties who are represented by counsel have a special responsibility to employ best practices designed to ensure that unrepresented parties obtain meaningful access to justice and to guard against the involuntary waiver or other loss of rights or the disposition of those cases without appropriate information and regard for potential claims and defenses, consistent with principles of judicial neutrality. 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.

(f) [**Equal Justice Under Law**] The doctrine of equal justice under the law is based on two principles. One is that the substantive protections and obligations of the law shall be applied equally to everyone, no matter how high or low their station in life. The second principle involves access to the legal system. Even if we have fair laws and an unbiased judiciary to apply them, true equality before the law will be thwarted if people cannot invoke the laws for their protection. For persons without access, our system provides no justice at all, a situation that may be far worse than one in which the laws expressly favor some and disfavor others.

(g)[**Encourages Settlements and Improves Public Trust and Confidence**] ... Judicial leaders and scholars also believe that the presence of counsel encourages settlements. Just as importantly, court opinion surveys show that more than two-thirds of Californians believe low-income people usually receive worse outcomes in court than others. Unfairness in court procedures and outcomes, whether real or perceived, threatens to undermine public trust and confidence in the courts...

(h)[**Equal Access to Justice is a Fundamental Right**] Equal access to justice without regard to income is a fundamental right in a democratic society. It is essential to the enforcement of all other rights and responsibilities in any society governed by the rule of law...

(i) [**Lack of Representation Harms Court Functioning**]... The absence of representation not only disadvantages parties, it has a negative effect on the functioning of the judicial system. When parties lack legal counsel, courts must cope with the need to provide guidance and assistance to ensure that the matter is properly administered and the parties receive a fair trial or hearing. Those efforts, however, 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.

(j)[**State Has Responsibility to Ensure Adequate Counsel**] Because in many civil cases lawyers are as essential as judges and courts to the proper functioning of the justice system, the state has just as great a responsibility to ensure adequate counsel is available to both parties in those cases as it does to supply judges, courthouses, and other forums for the hearing of those cases.

(k)[**State Must Provide Legal Counsel Without Cost**] ... In some cases, justice is not achievable if one side is unrepresented because the parties cannot afford the cost of representation.... In order for those who are unable to afford representation to exercise this essential right of participants in a democracy, to protect their rights to liberty and property, and to the pursuit of basic human needs, the state has a responsibility to provide legal counsel without cost. In many cases decided in the state's adversarial system of civil justice 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 nonlawyer advocates, and other forums where parties can represent themselves if they receive self-help assistance.

(1) **[The State Has an Interest in Providing Publicly-Funded Legal Assistance]** The state has an interest in providing publicly funded legal representation and nonlawyer advocates or self-help advice and assistance, when the latter is sufficient, and doing so in a cost-effective manner by ensuring the level and type of service provided is the lowest cost type of service consistent with providing fair and equal access to justice...

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¹ Documenting the Justice Gap in America:

http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf

² Civil Justice Strategies Task Force Report and Recommendations, State Bar of California (2015)

³ Conference of Chief Justices Resolution 5, 2015

⁴ Helping the Pro Se Litigant: A Changing Landscape; Paula Hannaford Agor (Winter 2003), Court Review 39, no. 4:8; [Self Represented Litigants and Court and Legal Services Responses to their Needs: What We Know](#). John Greacen (2003). *Center for Families, Children, and the Courts, California Administrative Office of the Courts*

⁵ “California’s Sargent Shriver Civil Counsel Act Tests Impact of More Assistance for Low-Income Litigants”, Clare Pastore, Clearinghouse Review Journal of Poverty Law and Policy; (July-August, 2013);

⁶ Hearings on California’s Civil Justice Crisis; Findings & Recommendations; Judicial Council of California, State Bar of California, California Chamber of Commerce (October, 2012)

<https://californiahearings.files.wordpress.com/2012/10/report-hearings-on-californias-civil-justice-crisis.pdf>

⁷ Judicial Council Agenda Item, “Sargent Shriver Civil Counsel Act: Selection of Pilot Projects”; August 13, 2014

⁸ “California’s Sargent Shriver Civil Counsel Act Tests Impact of More Assistance for Low-Income Litigants”, Clare Pastore, Clearinghouse Review Journal of Poverty Law and Policy; (July-August, 2013); California Government Code Section 68651

⁹ Government Code section 68651(b)(2)

¹⁰ “Home Not Found: The Cost of Homelessness in Silicon Valley”; Economic Roundtable (2015)

<http://destinationhomesc.org/wp-content/uploads/2015/05/FactSheetDestinationHome.pdf>

¹¹ California Government Code Section 68650, et. seq

¹² “California’s Sargent Shriver Civil Counsel Act Tests Impact of More Assistance for Low-Income Litigants”, Clare Pastore, Clearinghouse Review Journal of Poverty Law and Policy; (July-August, 2013); California Government Code Section 68651

¹³ Judicial Council Agenda Item, “Sargent Shriver Civil Counsel Act: Selection of Pilot Projects”; August 13, 2014

¹⁴ Judicial Council Shriver Fact Sheet, “Sargent Shriver Civil Counsel Act” (AB 590) (Feuer) August, 2012

¹⁵ “Stepping Across the Threshold: Assembly Bill 590 Boosts Legislative Strategies for Expanding Access to Civil Counsel”; Kevin Baker and Julia Wilson; Clearinghouse, Review Journal of Poverty Law and Policy (March-April, 2010) at page 555.

¹⁶ Judicial Council Shriver Fact Sheet “Sargent Shriver Civil Counsel Act” (AB 590) (Feuer) August, 2012

¹⁷ Judicial Council Report to the Legislature on the Equal Access Fund (2005),

¹⁸ Legal Aid Association of California

¹⁹ “New Law Creates Right to Counsel”, Mathew Pordum and Catherine Ho, Daily Journal, October 13, 2009

²⁰ Civil Justice Strategies Task Force Report and Recommendations, State Bar of California (2015)

²¹ California Commission on Access to Justice Limited Representation Report, State Bar of California, 2001

²² Conference of Chief Justices Resolution 5, 2015

²³ Fact Sheet: Programs for Self-Represented Litigants, Judicial Council, May 2015

²⁴ “California’s Sargent Shriver Civil Counsel Act Tests Impact of More Assistance for Low-Income Litigants”, Clare Pastore, Clearinghouse Review Journal of Poverty Law and Policy; (July-August, 2013); Judicial Council Shriver Fact Sheet, “Sargent Shriver Civil Counsel Act” (AB 590) (Feuer) August, 2012

²⁵ “California’s Sargent Shriver Civil Counsel Act Tests Impact of More Assistance for Low-Income Litigants”, Clare Pastore, Clearinghouse Review Journal of Poverty Law and Policy; (July-August, 2013);

²⁶ “California’s Sargent Shriver Civil Counsel Act Tests Impact of More Assistance for Low-Income Litigants”, Clare Pastore, Clearinghouse Review Journal of Poverty Law and Policy; (July-August, 2013);

²⁷ Conference of California Bars; Resolution 1-06-2006 <http://calconference.org/html/wp-content/Archives/R2006/01-06-06.pdf>

²⁸ California Commission on Access to Justice 2014 Annual Report, State Bar of California, http://www.calbar.ca.gov/Portals/0/documents/accessJustice/2014%20AJC%20Annual%20Report_Final%20on%20Letterhead.pdf

²⁹ State Bar of California

³⁰ Stepping Across the Threshold, supra, at 554.

³¹ Stepping Across the Threshold, supra

³² California Government Code Section 68650

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- ³³ California Government Code section 68651(b)(2)
- ³⁴ California Government Code section 68651(b)(5); Judicial Council Agenda Item 8-2014, page 5
- ³⁵ California Government Code § 68651
- ³⁶ California Government Code § 68651(b)(1).
- ³⁷ Judicial Council Agenda Item August 13, 2014, page 4
- ³⁸ Judicial Council Fact Sheet “Sargent Shriver Civil Counsel Act” (AB 590) (Feuer) August, 2012
- ³⁹ Judicial Council Agenda item, “Sargent Shriver Civil Counsel Act: Selection of Pilot Projects”, July 1, 2011
- ⁴⁰ Judicial Council Agenda item, “Sargent Shriver Civil Counsel Act: Selection of Pilot Projects”, July 1, 2011
- ⁴¹ Judicial Council August 13, 2014 Agenda Item, Pages 4, 5
- ⁴² Judicial Council August 13, 2014 agenda item; <http://www.courts.ca.gov/15703.htm>
- ⁴³ Judicial Council Agenda item, “Sargent Shriver Civil Counsel Act: Selection of Pilot Projects”, July 1, 2011
- ⁴⁴ Judicial Council Agenda item, “Sargent Shriver Civil Counsel Act: Selection of Pilot Projects”, July 1, 2011
- ⁴⁵ <http://npcresearch.com/>
- ⁴⁶ Judicial Council agenda item, August, 2014, page 6
- ⁴⁷ <http://www.caforjustice.org/about/>
- ⁴⁸ Hearings on California’s Civil Justice Crisis; Findings & Recommendations; Judicial Council of California, State Bar of California, California Chamber of Commerce (October, 2012)
<https://californiahearings.files.wordpress.com/2012/10/report-hearings-on-californias-civil-justice-crisis.pdf>
- ⁴⁹ “California’s Sargent Shriver Civil Counsel Act Tests Impact of More Assistance for Low-Income Litigants”, Clare Pastore, Clearinghouse Review Journal of Poverty Law and Policy; (July-August, 2013); California Government Code Section 68651
- ⁵⁰ Source will be added
- ⁵¹ The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly “foodstamps”), provides qualified, low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.
- ⁵² California Government Code Section 68651(b)(2)(A and B)
- ⁵³ California Government Code Section 68651(2)(A)and (B)
- ⁵⁴ “Stepping Across the Threshold: Assembly Bill 590 Boosts Legislative Strategies for Expanding Access to Civil Counsel”; Kevin Baker and Julia Wilson; Clearinghouse, Review Journal of Poverty Law and Policy (March-April, 2010)
- ⁵⁵ “California’s Sargent Shriver Civil Counsel Act Tests Impact of More Assistance for Low-Income Litigants”, Clare Pastore, Clearinghouse Review Journal of Poverty Law and Policy; (July-August, 2013), p. 105
- ⁵⁶ “Home Not Found: The Cost of Homelessness in Silicon Valley”; Economic Roundtable (2015)
<http://destinationhomesc.org/wp-content/uploads/2015/05/FactSheetDestinationHome.pdf>
- ⁵⁷ “Home Not Found: The Cost of Homelessness in Silicon Valley”; Economic Roundtable (2015)
<http://destinationhomesc.org/wp-content/uploads/2015/05/FactSheetDestinationHome.pdf>
- ⁵⁸ Felitti, V.J., Anda, R.F., Nordenberg, D., Williamson, D.F., Spitz, A.M., Edwards, V., Koss, M.P., & Marks, J.S. (1998). The Relationship of Adult Health Status to Childhood Abuse and Household Dysfunction. *American Journal of Preventive Medicine*, vol 14, pp 245–258.