



ADMINISTRATIVE OFFICE
OF THE COURTS
455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courtinfo.ca.gov

FACT SHEET

January 2010

Pilot Projects Under the Sargent Shriver Civil Counsel Act (AB 590 [Feuer])

Commencing in fiscal year 2011–2012, one or more pilot projects selected by the Judicial Council will be funded to provide representation to low-income parties on critical legal issues affecting basic human needs. The pilot projects will be operated by legal services nonprofit corporations working in collaboration with their local superior courts.

Purpose

The purpose of the pilot projects is to address the substantial inequities in timely and effective access to justice in civil cases. These inequities often give rise to an undue risk of erroneous court decisions because of the nature and complexity of the law in the specific proceeding or the disparities between the parties in education, sophistication, language proficiency, legal representation, and access to self-help or alternative dispute resolution services.

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

- Housing-related matters;
- Domestic violence and civil harassment restraining orders;
- Elder abuse;
- Guardianship of the person;
- Probate conservatorship; and
- Child custody actions by a parent seeking sole legal or physical custody of a child, particularly where the opposing side is represented.¹

¹ Initially this case type is capped at 20 percent of available funds, which may be increased in subsequent grant cycles if additional funds become available.

Selected court partners will implement improved court procedures, training, case management and administration methods, and best practices to ensure that unrepresented parties in the proposed case types have meaningful access, to guard against the involuntary waiver of rights in the selected legal areas or the disposition of cases by default, and to encourage fair and expeditious voluntary dispute resolution, consistent with principles of judicial neutrality.

Selection Requirements and Process

Pilots must be a partnership of a lead legal services nonprofit corporation (Bus. & Prof. Code, § 6213(a)), the superior court, and other legal services providers in the community. These entities will submit a joint application through a competitive request for proposals (RFP) process administered by the Judicial Council. It is anticipated that the RFP will be released in September 2010.

Judicial Council committee

The Judicial Council will appoint a committee with representation from key stakeholder groups, including judicial officers and legal services providers. This committee will assess the applicants' capacity for success, innovation, and efficiency, including the likelihood that the applicant can deliver quality representation in an effective manner that meets the critical unmet needs for representation in the local community and can address the needs of the local court with regard to access to justice and calendar management.

Selection criteria

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

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

Timeline and Funding

Pilot projects will start in fiscal year 2011–2012 and be initially authorized for a three-year period, subject to renewal by the Judicial Council. New projects may be added by competitive grants in subsequent years if funds become available as the result of the termination or nonrenewal of an earlier project. All pilots and funding will terminate after six years (in 2017) unless the Legislature extends the statutory authority. Total available funding for all projects is expected to be approximately \$11 million per year, funded by a \$10 fee increase on certain court services.²

Project Roles and Responsibilities

Selected legal services agencies will provide case assessment and direction, including providing representation to eligible individuals or contracting with other legal services providers in the community to provide services to individuals. In so doing, the lead agency shall make use of available pro bono services. The lead legal services agency also will be the central point of contact for referrals emanating from the court and other agencies providing services through the pilot and will make determinations of individuals' eligibility for services based on uniform criteria.

Records, Evaluation, and Local Oversight

Each pilot project will be 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. Local advisory committees will be formed for each pilot project to facilitate project administration and to ensure that the project is fulfilling its objectives.

Contact:

Bonnie Rose Hough, Managing Attorney, Center for Families, Children & the Courts,
bonnie.hough@jud.ca.gov

² The filing fee increase started in the current budget year to help address the judicial branch budget deficit; therefore, a system of collecting the fees will already be in place at the beginning of the pilot effort.