



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-178

For business meeting on November 15, 2024

Title

Sargent Shriver Civil Counsel Act: Midcycle
Allocation to Current Projects

Report Type

Action Required

Effective Date

November 15, 2024

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

October 23, 2024

Recommended by

Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair
Ms. Rebecca Fleming, Vice-Chair

Contact

Melanie Snider, 916-263-5442
Melanie.Snider@jud.ca.gov

Executive Summary

The Trial Court Budget Advisory Committee recommends approving a one-time midcycle allocation of \$3.569 million from the Sargent Shriver Civil Counsel Act grant program's existing Trial Court Trust Fund reserves to current Shriver projects on a pro rata basis. The allocation will enable existing projects to increase and sustain legal representation and court services for low-income, unrepresented parties in housing, domestic violence and civil harassment restraining orders, probate conservatorships, guardianships, elder abuse, and child custody.

Recommendation

The Trial Court Budget Advisory Committee recommends the Judicial Council, effective November 15, 2024, approve a one-time midcycle allocation of \$3.569 million from the Sargent Shriver Civil Counsel Act grant program's existing Trial Court Trust Fund reserves to current Shriver projects on a pro rata basis according to the award amounts for the 2023–26 grant cycle, and to allow projects to spend their allocations during fiscal years 2024–25 and 2025–26.

Relevant Previous Council Action

On July 21, 2023, the Judicial Council approved the Shriver Civil Counsel Act Implementation Committee's recommendation of 14 three-year grants to qualified legal services providers and their court partners for the administration of projects during the 2023–26 grant cycle (Link A). The approved grants totaled \$15.832 million for 2023–24.

Also on July 21, 2023, the Judicial Council approved the 2023–24 Trial Court Trust Fund (TCTF) allocation of \$12.265 million for local assistance for the Sargent Shriver Civil Counsel Pilot Program (Link B). The Judicial Council approved the \$3.567 million allocation from the program reserves to fully fund the approved allocations on November 17, 2023 (Link C).

Analysis/Rationale

Funding for the Sargent Shriver Civil Counsel Pilot Program has been augmented in recent years by fee revenue and one-time settlement revenue directed to the program by the Legislature. Funding is allocated through a competitive solicitation process every three years to courts and their justice partners. Although the program makes every effort to disseminate the grant opportunity and encourage applications, overall revenues have exceeded expenditures. By statute, unspent funds are held in reserve for the program. The total reserve funding for the program before the recommended distribution is \$23.6 million. This is the first time the committee has recommended allocation or any other use of funds from the Shriver reserve. Shriver reserve funds are restricted to the Shriver program and cannot be used for other trial court purposes.

On April 12, 2024, the Shriver committee approved the distribution of up to \$5 million in program reserves to current pilot projects on a pro rata basis according to the award amounts for the 2023–26 grant cycle and allowed pilot projects to spend their allocation during fiscal years 2024–25 and 2025–26 (Link D). Projects are operated by qualified legal service providers in partnership with their local superior courts to provide legal representation and assistance to low-income Californians in housing, domestic violence prevention, civil harassment restraining orders, probate conservatorships, guardianships of the person, elder abuse, or child custody matters.

On April 25, 2024, a request for proposal was released to current projects to submit revised project plans, budgets, and budget narratives to demonstrate how they would spend their proposed pro rata amounts. Of the 14 pilot projects, eight submitted proposals for their pro rata amount, three submitted proposals for less than their pro rata share, and three pilot projects did not submit proposals. All proposals were approved by the pilot projects and court partners, as required.

Most projects budgeted their pro rata allocation for personnel costs, including (1) increasing staff to expand service levels and (2) increasing salaries and benefits to improve recruitment and retention and to align salaries with collective bargaining agreements and cost-of-living increases. Some projects budgeted their pro rata allocation to increase nonpersonnel costs to improve

delivery of legal services and staff development. One of the six court partners that currently receive funding requested a portion of the project’s pro rata amount. The remaining five court partners declined requesting a portion of this one-time funding.

Of the \$5 million, a total of \$3.6 million was requested by the pilot projects. On June 18, 2024, the Shriver committee approved the 11 proposals that were received.¹ Given that \$3.6 million of the \$5 million was requested by the pilot projects, the Shriver program will hold the unrequested amount of \$1.4 million in the program’s reserves to be allocated in the 2026–29 grant cycle.

Policy implications

The recommendation supports Goal I of *The Strategic Plan for California’s Judicial Branch—Access, Fairness, Diversity, and Inclusion*²—by increasing representation and court services for low-income persons, regardless of immigration status, in diverse geographic areas of California.

Comments

Public comments were not solicited for this proposal because the recommendation is within the Judicial Council’s purview to approve without circulation.

Alternatives considered

The Shriver committee considered opening proposals to new projects but decided to focus on current pilot projects due to limitations of time to complete a new, statewide request for proposals in line with obtaining Judicial Council and advisory body approvals, executing contracts with new providers, and staff capacity.

Fiscal and Operational Impacts

This recommendation is for the allocation of funds designated for the program. No additional costs or impacts are anticipated.

Attachments and Links

1. Attachment A: Midcycle Allocation Pro Rata Distribution Amounts
2. Link A: Judicial Council report, June 2, 2023, Item 23-066, *Sargent Shriver Civil Counsel Act: Selection of Pilot Projects*,
<https://jcc.legistar.com/View.ashx?M=F&ID=12124930&GUID=FB567EA4-D0EA-4B2E-A554-6352E555984D>
3. Link B: Judicial Council report, June 23, 2023, Item 23-033, *Trial Court Budget: Allocations from the Trial Court Trust Fund and Trial Court Allocations for 2023–24*,
<https://jcc.legistar.com/View.ashx?M=F&ID=12124713&GUID=2A166CFF-E318-4E77-AA91-C06AE38FDFC2>

¹ The June 18, 2024, Shriver Civil Counsel Act Implementation Committee meeting was closed to the public under California Rules of Court, rule 10.75(d)(9) (evaluation of individual grant applications).

² California Courts, *The Strategic Plan for California’s Judicial Branch* (July 2019), p. 5, www.courts.ca.gov/documents/Strategic_Plan_Companion_2022.pdf.

4. Link C: Judicial Council report, September 30, 2023, Item 23-196, *Shriver Civil Counsel Act: 2023–24 Trial Court Trust Fund Allocation Adjustment*, <https://jcc.legistar.com/View.ashx?M=F&ID=12400780&GUID=0E411F3C-C780-413E-A944-022036EB3FAA>
5. Link D: Shriver Civil Counsel Act Implementation Committee meeting minutes, April 12, 2024, <https://www.courts.ca.gov/documents/Shriver-20240412-Minutes.pdf>

Midcycle Allocation Pro Rata Distribution Amounts

A	B	C	D	E	F	G
Lead Legal Services Agency	Court Partner	Case Type	Approved 2023–26 Grant Awards	\$5M Pro Rata Amount	Amount Requested	Total Revised 2023–26 Grant Amounts*
California Rural Legal Assistance	San Joaquin	Housing	2,456,611	255,716	255,716	2,712,327
Central California Legal Services	Fresno	Housing	1,979,657	206,068	206,068	2,185,725
Centro Legal de la Raza	Alameda	Housing	2,168,678	225,745	225,745	2,394,423
Greater Bakersfield Legal Assistance	Kern	Housing	3,066,468	319,198	319,077	3,385,545
Justice & Diversity Center of the Bar Association of San Francisco	San Francisco	Child Custody	1,219,949	126,988	126,988	1,346,937
Legal Access Alameda	Alameda	Child Custody	313,938	32,679	0	313,938
Legal Aid Foundation of Santa Barbara	Santa Barbara	Housing Guardianship Conservatorship	3,914,413	407,463	117,125	4,031,538
Legal Aid Society of San Diego	San Diego	Housing	10,149,125	1,056,453	0	10,149,125
Legal Services of Northern California	Yolo	Housing	1,147,846	119,483	119,483	1,267,329
Los Angeles Center for Law and Justice	Los Angeles	Child Custody	3,007,407	313,050	313,050	3,320,457
Neighborhood Legal Services of Los Angeles	Los Angeles	Housing	12,911,086	1,343,954	1,343,954	14,255,040
Public Law Center	Orange	Child Custody	489,484	50,952	0	489,484
San Diego Volunteer Lawyer Program (custody)†	San Diego	Child Custody	1,392,980	144,999	144,202	1,537,182
San Diego Volunteer Lawyer Program (domestic violence)	San Diego	Domestic Violence	961,185	100,053	99,774	1,060,959
San Luis Obispo Legal Assistance Foundation	San Luis Obispo	Housing Elder Abuse Guardianship Conservatorship	2,855,136	297,200	297,200	3,152,336
TOTAL			\$48,033,963	\$5,000,000	\$3,568,382	\$51,602,345

* Total Revised 2023–26 Grant Amounts are inclusive of approved TCTF allocations for 2023–24, 2025–25, and the allocation to be requested for 2025–26.

† San Diego Volunteer Lawyer Program is one pilot project. Its funding is separated by case type to show compliance with Government Code section 68651(b)(2), which states that proposals to provide counsel in child custody cases should be considered among the highest priorities for funding and that up to 20 percent of available funds shall be directed to programs involving actions under the Family Code (https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=&title=8.&part=&chapter=2.1.&article=).