



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-066

For business meeting on July 21, 2023

Title

Sargent Shriver Civil Counsel Act: Selection of Pilot Projects

Agenda Item Type

Action Required

Effective Date

October 1, 2023

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

June 2, 2023

Recommended by

Shriver Civil Counsel Act Implementation Committee

Hon. Terry Friedman (Ret.), Chair

Contact

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Executive Summary

The Sargent Shriver Civil Counsel Act Implementation Committee recommends approval of 14 three-year grants for a total of \$48,328,296 to qualified legal services providers and court partners for the administration of pilot projects that provide legal representation and improved court services to low-income parties, regardless of their citizenship or immigration status. The projects would provide legal services consistent with the Sargent Shriver Civil Counsel Act (as amended by Assem. Bill 2193; Stats. 2022, ch. 486) in civil matters involving housing-related matters, domestic violence and civil harassment restraining orders, probate conservatorships, guardianships of the person, elder abuse, or actions by a parent to obtain legal or physical custody of a child.

Recommendation

The Sargent Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council, effective October 1, 2023, approve 14 grants for a total of \$48,328,296 to qualified legal services providers and court partners for the administration of pilot projects. These grants are awarded for a three-year period beginning October 1, 2023, and ending September 30, 2026.

Relevant Previous Council Action

The Judicial Council has approved the committee's recommendations for Sargent Shriver Civil Counsel Act pilot projects as follows:

- Selection and funding of 7 pilot projects for the 2011–2014 grant cycle (Apr. 29, 2011);
- Selection and funding of 7 pilot projects for the 2014–2017 grant cycle (Aug. 21, 2014);
- Selection and funding of 8 pilot projects for the 2017–2020 grant cycle (July 27, 2017);
- Distribution of an additional \$2.5 million of General Fund on a pro rata basis to the existing pilot projects (Nov. 15, 2019); and
- Selection and funding of 11 pilot projects for the 2020–2023 grant cycle and deferred funding of 3 pilot projects (May 15, 2020); one of the deferred pilot projects was funded May 21, 2021, and approved for continuation March 11, 2022.

Analysis/Rationale

The Sargent Shriver Civil Counsel Act (Assem. Bill 590; Stats. 2009, ch. 457) provided that, commencing in fiscal year 2011–12, the Judicial Council fund one or more pilot projects to provide legal representation and improved court services to low-income parties on critical legal issues affecting basic human needs. The pilot projects are funded for three-year periods and operated by qualified legal services providers (as defined by Business and Professions Code 6213(a); see Link C) and their court partners. The pilot projects are selected by a committee appointed by the Judicial Council. The Shriver Civil Counsel Act Implementation Committee roster is included in this report as Link A.

Purpose of pilot projects

The purpose of the pilot projects is to improve timely and effective access to justice in civil cases. Doing so will avoid undue risk of erroneous court decisions resulting from the nature and complexity of the law in the specific proceeding or the disparities between parties in legal representation, education, sophistication, language proficiency, and access to self-help or alternative dispute resolution services.

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

- Housing-related matters;
- Domestic violence and civil harassment restraining orders;
- Elder abuse;
- Guardianship of the person;
- Probate conservatorship; and/or
- Child custody.

Funding

Government Code section 68651(b)(2) states that pilot projects that provide legal representation in child custody cases should be given the highest priority for funding. Up to 20 percent of available funds must be designated for child custody actions. The committee recommends fully funding five child custody pilot projects. They total \$6,718,091 or 14 percent of the recommended funding for the 2023–2026 grant cycle.

Each pilot project must be a partnership between (1) the court, (2) a qualified legal services provider (as defined by Business and Professions Code section 6213(a)) that serves as lead agency for case assessment and direction, and (3) other legal services providers in the community that are able to provide services for the program. To the extent practical, legal services agencies must identify and make use of pro bono services from attorneys to maximize available services efficiently and economically.

Government Code section 68651(b)(4) recognizes that even with the new funding available under the legislation, not all eligible low-income parties with meritorious cases can be provided with legal representation. Thus, in addition to the legal representation provided by the legal services providers, the statute provides for funds to courts to adopt innovative practices. These may 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 involuntary waiver of rights, as well as to encourage fair and expeditious voluntary dispute resolution, consistent with principles of judicial neutrality.”

Request for proposals

The Judicial Council issued a request for proposals on January 6, 2023. Fifteen proposals were received with requests totaling \$52,731,051 for the 2023–2026 grant cycle. Twelve proposals requested continuing their projects and three proposals were for new projects. A chart of all the proposals submitted is included in this report as Attachment A.

Criteria for selection

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

- Whether the persons to be assisted are likely to be opposed by a party who is represented by counsel;
- The applicants’ capacity for success, innovation, and efficiency;
- The likelihood that the pilot project would deliver quality representation in an effective manner that would meet the critical needs of the community;
- Whether the pilot project would address the needs of the court with regard 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 types 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;
- The unmet need for legal services in the geographic area to be served;
- The availability and effectiveness of other types of court services, such as self-help; and
- The program’s plan for providing service to all potential clients regardless of immigration status.

Following are the qualified legal services providers, court partners, and the three-year grant totals for each pilot project recommended for approval:

California Rural Legal Assistance

Superior Court of San Joaquin County

Housing Pilot Project \$2,456,611

Central California Legal Services

Superior Court of Fresno County

Housing Pilot Project..... \$1,979,657

Centro Legal de la Raza

Superior Court of Alameda County

Housing Pilot Project.....\$2,168,678

Greater Bakersfield Legal Assistance

Superior Court of Kern County

Housing Pilot Project.....\$3,066,468

Justice and Diversity Center of the Bar Association of San Francisco

Superior Court of San Francisco County

Child Custody Pilot Project.....\$1,514,283

Legal Access Alameda

Superior Court of Alameda County

Child Custody Pilot Project.....\$313,938

Legal Aid Foundation of Santa Barbara County

Superior Court of Santa Barbara County

Housing, Guardianship, Probate Conservatorship Pilot Project..... \$3,914,413

Legal Aid Society of San Diego Superior Court of San Diego County Housing Pilot Project	\$10,149,125
Legal Services of Northern California Superior Court of Yolo County Housing Pilot Project	\$1,147,846
Los Angeles Center for Law and Justice Superior Court of Los Angeles County Child Custody Pilot Project.....	\$3,007,407
Neighborhood Legal Services of Los Angeles County Superior Court of Los Angeles County Housing Pilot Project	\$12,911,086
Public Law Center Superior Court of Orange County Custody Pilot Project.....	\$489,484
San Diego Volunteer Lawyer Program Superior Court of San Diego County Child Custody Pilot Project..... Domestic Violence Pilot Project	\$1,392,980 \$961,185
San Luis Obispo Legal Assistance Foundation Superior Court of San Luis Obispo County Housing, Elder Abuse, Guardianship, Probate Conservatorship	\$2,855,136
2023–2026 Total: \$48,328,296¹	

A chart of all the proposals submitted is included in Attachment A. Government Code section 68651 is included at Link B, Sargent Shriver Civil Counsel Act.

Policy implications

The work performed by the projects helps to implement Goal I, Access, Fairness, Diversity, and Inclusion, of the judicial branch’s strategic plan by increasing representation and court services for low-income persons, regardless of immigration status, in diverse geographic areas of

¹ The Committee’s recommended award in Fiscal Year 2023-24 is \$15.832 million. This includes \$12.265 million presently allocated through the Trial Court Trust Fund and available for expenditure, and \$3.567 million available from the Shriver Reserve Fund. The Committee will seek subsequent Judicial Council approval to expend the Reserve funding.

California. Pilot projects will also perform case assessment that considers the relevant needs for representation, including language, disability access, and literacy issues.

Comments

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

Staff to the committee hosted a videoconference for interested applicants on January 20, 2023. Interested applicants submitted questions at the videoconference and through the committee’s public email. Answers to all applicant questions were posted to the committee’s webpage on the California Courts website on February 8, 2023.

Alternatives considered

The committee evaluated all applications received and met on March 27, 2023, to determine pilot project funding recommendations to be considered and approved by the Judicial Council. Fourteen of the fifteen proposals received meet the criteria of the Sargent Shriver Civil Counsel Act and are within the amount of funding available.

The committee does not recommend funding the following pilot project because the applicant is not eligible under the minimum requirements set forth in Government Code section 68651(b)(4):

Pro Bono Project Silicon Valley

Superior Court of Santa Clara County

All Case Types Pilot Project\$4,402,755

Fiscal and Operational Impacts

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

Judicial Council staff will administer the Sargent Shriver Civil Counsel Act pilot project funding, including fulfillment of the statutory requirements for an evaluation of the pilot projects and a report to the Legislature due in June 2025. Staff will provide oversight and technical assistance for the selected pilot projects to ensure that funds are expended for the purposes intended by the legislation. Staff will also provide support to the Shriver Civil Counsel Act Implementation Committee. Costs for Judicial Council staff support, and program evaluation will be covered by the provision for administrative costs in the Budget Act appropriation.

Attachments and Links

1. Attachment A: Sargent Shriver Application Summaries
2. Link A: Shriver Civil Counsel Act Implementation Committee roster,
<https://www.courts.ca.gov/documents/shriver-roster.pdf>
3. Link B: Sargent Shriver Civil Counsel Act, as amended by Assem. Bill 2193,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2193
4. Link C: Bus. & Prof. Code, § 6213,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6213.&lawCode=BPC

ATTACHMENT A

PILOT PROJECT APPLICATIONS FOR SARGENT SHRIVER CIVIL COUNSEL ACT GRANTS 2023-2026			
#	Applicants	Summary	Budget
1.	Lead Agency: California Rural Legal Assistance Court: San Joaquin Partner Organization: El Concilio California	New Project Case Type: Housing-related matters Types of Services: Full and limited-scope representation, self-help services, counsel and advise, ancillary services	Year 1: \$824,783 Year 2: \$802,079 Year 3: \$829,749
2.	Lead Agency: Central California Legal Services, Inc. Court: Fresno	Existing Project Case Type: Housing-related matters Types of Services: Full and limited-scope representation	Year 1: \$642,116 Year 2: \$655,697 Year 3: \$681,844
3.	Lead Agency: Centro Legal de la Raza Court: Alameda Partner Organization: Eviction Defense Center, Legal Access Alameda	Existing Project Case Type: Housing-related matters Types of Services: Full and limited-scope representation, document prep, advice and counsel, workshops	Year 1: \$693,444 Year 2: \$722,833 Year 3: \$752,401
4.	Lead Agency: Greater Bakersfield Legal Assistance, Inc. Court: Kern	Existing Project Case Type: Housing-related matters Types of Services: Legal representation, self-help assistance; Early Dispute Resolution; Unlawful Detainer Clinics	Year 1: \$1,001,021 Year 2: \$1,022,095 Year 3: \$1,043,352

ATTACHMENT A

PILOT PROJECT APPLICATIONS FOR SARGENT SHRIVER CIVIL COUNSEL ACT GRANTS 2023-2026			
#	Applicants	Summary	Budget
5.	Lead Agency: Justice and Diversity Center of the Bar Association of San Francisco Court: San Francisco	Existing Project Case Type: Custody Types of Services: Legal representation; Legal information, Document prep assistance	Year 1: \$487,383 Year 2: \$507,231 Year 3: \$519,669
6.	Lead Agency: Legal Access Alameda Court: Alameda	Existing Project Case Type: Custody Types of Services: Limited-scope representation during Request for Order (RFO) hearings	Year 1: \$100,409 Year 2: \$104,646 Year 3: \$108,883
7.	Lead Agency: Legal Aid Foundation of Santa Barbara County Court: Santa Barbara	Existing Project Case Type: Housing-related matters, guardianship of the person, probate conservatorship Types of Services: Full and limited-scope representation, mandatory settlement conferences, court-facilitator self-help assistance	Year 1: \$1,274,520 Year 2: \$1,301,395 Year 3: \$1,338,498
8.	Lead Agency: Legal Aid Society of San Diego Court: San Diego	Existing Project Case Type: Housing-related matters Types of Services: Full and limited-scope representation	Year 1: \$3,325,763 Year 2: \$3,359,315 Year 3: \$3,464,047

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PILOT PROJECT APPLICATIONS FOR SARGENT SHRIVER CIVIL COUNSEL ACT GRANTS 2023-2026			
#	Applicants	Summary	Budget
9.	Lead Agency: Legal Services of Northern California Court: Yolo Partner Organization: Yolo County Environmental Health Services Division	Existing Project Case Type: Housing-related matters Types of Services: Full and limited-scope representation, self-help services, mediation, housing inspections	Year 1: \$375,522 Year 2: \$384,027 Year 3: \$388,297
10.	Lead Agency: Los Angeles Center for Law and Justice Court: Los Angeles Partner Organization: Levitt & Quinn Family Law Center	Existing Project Case Type: Custody Types of Services: Limited-scope representation, unbundled services, advice and counsel	Year 1: \$981,100 Year 2: \$999,447 Year 3: \$1,026,860
11.	Lead Agency: Neighborhood Legal Services of Los Angeles County Court: Los Angeles Partner Organizations: Inner City Law Center, Legal Aid Foundation of Los Angeles, Public Counsel	Existing Project Case Type: Housing-related matters Types of Services: Full and limited-scope representation, document prep, filing assistance, workshops	Year 1: \$4,300,694 Year 2: \$4,303,667 Year 3: \$4,306,725
12.	Lead Agency: Pro Bono Project Silicon Valley Court: Santa Clara Partner Organizations: Elevate Community Center (non-custody cases)	New Project Case Types: Housing-related matters, domestic violence, civil harassment, elder abuse, probate conservatorship, custody Types of Services: Full and limited-scope representation, translation and interpretation services	Year 1: \$1,422,392 Year 2: \$1,465,834 Year 3: \$1,514,529

ATTACHMENT A

PILOT PROJECT APPLICATIONS FOR SARGENT SHRIVER CIVIL COUNSEL ACT GRANTS 2023-2026			
#	Applicants	Summary	Budget
13.	Lead Agency: Public Law Center Court: Orange	New Project Case Type: Custody Types of Services: Full-scope representation for Hague petition matters	Year 1: \$155,914 Year 2: \$163,042 Year 3: \$170,528
14.	Lead Agency: San Diego Volunteer lawyer Program Court: San Diego	Existing Project Case Type: Housing-related matters Types of Services: Legal representation, Self-Represented Litigant Clinic	Year 1: \$751,751 Year 2: \$783,363 Year 3: \$819,050
15.	Lead Agency: San Luis Obispo Legal Assistance Foundation Court: San Luis Obispo	Existing Project Case Type: Housing-related matters, elder abuse, guardianship of the person, probate conservatorship Types of Services: Full and limited-scope representation, Mandatory Settlement Conference, self-help, outreach education and training	Year 1: \$918,099 Year 2: \$952,233 Year 3: \$984,804

TOTAL ALL APPLICATIONS: Year 1: \$17,254,911**Year 2: \$17,526,904****Year 3: \$17,949,237**