JUDICIAL COUNCIL OF CALIFORNIA

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Circulating Order Number: CO-16-02

Title
Sargent Shriver Civil Counsel Act: Report to the Legislature

Rules, Forms, Standards, or Statutes Affected
None

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

Martin Hoshino, Administrative Director

Action Requested
VOTING MEMBERS ONLY: Vote and return by fax. Additionally, return original signature page.

Please Respond by:
5 p.m. on January 28, 2016

Date of Report
January 28, 2016

Contact
Bonnie Rose Hough, 415-865-7668
bonnie.hough@jud.ca.gov

Executive Summary

The Sargent Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council accept the report to the Legislature on the Sargent Shriver Civil Counsel Act. The report is due to the Legislature on January 31, 2016. To expedite the council's review and submission of the report to the Legislature, voting is being conducted via circulating order memorandum.

Recommendation

The Sargent Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council:

1. Approve for submission the *Report to the Legislature on the Sargent Shriver Civil Counsel Act* by January 31, 2016, as required by Government Code section 68085.1(c).

2. Direct Judicial Council staff to transmit the report to the Legislature.

The proposed report to the Legislature is attached to this memorandum.

Previous Council Action

On April 29, 2011, the Judicial Council approved Sargent Shriver Civil Counsel Act grants in an amount not to exceed $9.5 million for distribution to seven legal services agencies and superior courts for pilot projects to provide legal representation and improved court services to eligible low-income litigants. On August 21, 2014, the Judicial Council renewed those grants to six legal services agencies and their superior court partners.

Rationale for Recommendation

The Sargent Shriver Civil Counsel Act (AB 590) provides that, commencing in fiscal year (FY) 2011–2012, pilot projects selected by the Judicial Council are to be funded to provide legal representation and improved court services to low-income parties on critical legal issues affecting basic human needs such as housing, child custody disputes, domestic violence, or the need for a guardianship or conservatorship. The pilot projects are to be operated by legal services nonprofit corporations, working in collaboration with their local superior courts. Partner courts are also provided funding to enable them to provide 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. The legislation requires an evaluation of the pilot projects by January 31, 2016.[i]

This report documents the implementation of the Shriver Civil Counsel Act, describes what has been 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 professional evaluation report to be released later in 2016.

Preliminary evaluation results are encouraging. To date, the pilot projects have provided invaluable legal representation to over 20,000 low-income Californians. The services are focused on helping vulnerable parties facing critical legal problems when there is an attorney representing the other party.

Early evidence suggests that Shriver services are improving the administration of justice and balancing the playing field by offering legal representation in key cases, and preventing the loss of important legal rights. Shriver attorneys appear to also be helping clients have realistic expectations for their cases. Clients are 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.

Preliminary analysis of court data suggests that, compared to cases without Shriver representation, Shriver housing cases may involve more dismissals, more settlements, and fewer trials, and Shriver probate cases may involve fewer continuances, fewer hearings, and fewer unsuccessful filing attempts. Stakeholders perceive similar impacts for custody cases, and court data are being inspected to substantiate these impressions.

Comments, Alternatives Considered, and Policy Implications

The report to the Legislature has been considered by the Sargent Shriver Civil Counsel Act Implementation Committee, which was appointed by the Chief Justice as provided by Government Code section 68651(b)(5). The statutory scheme does not contemplate public comment.

The council may wish to wait to submit a more detailed report to the Legislature but due to the extensive nature of that evaluation, it will not be completed before the statutory deadline of January 31, 2016.

Implementation Requirements, Costs, and Operational Impacts

Judicial Council staff will administer the Sargent Shriver Civil Counsel Act pilot project funding, including overseeing completion of the detailed evaluation of the project. Staff will provide oversight and technical assistance for the selected pilot projects to ensure that funding is spent for the purposes intended by the legislation. Staff will also provide support to the Sargent Shriver Civil Counsel Act Implementation Committee. Costs for Judicial Council staff support and the evaluation will be covered by the provision for administrative costs in the budget act appropriation.

Relevant Strategic Plan Goals and Operational Plan Objectives

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

Attachments and Links

1. Attachment A: Report to the Legislature
2. Attachment B: Sargent Shriver Civil Counsel Act Implementation Committee roster
3. Attachment C: Sargent Shriver Civil Counsel Act
4. Voting instructions
5. Vote and signature pages

[i] Gov. Code, § 68651(c)

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455 Golden Gate Avenue
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January 29, 2016

Report Summary

Report title: *Report to the Legislature on the Sargent Shriver Civil Counsel Act*

Statutory citation: Stats. 2009, ch. 457

Code section: Government Code 68651(c)

Date of report: January 29, 2016

The Judicial Council has submitted a report to the Legislature in accordance with Government Code 68651(c).

The following summary of the report is provided under the requirements of Government Code section 9795.

The Sargent Shriver Civil Counsel Act (AB 590) provided that, commencing in fiscal year (FY) 2011–2012, pilot projects selected by the Judicial Council were to be funded to provide legal representation and improved court services to low-income parties on critical legal issues affecting basic human needs such as housing, child custody disputes, domestic violence, or the need for a guardianship or conservatorship.

The pilot projects were to be operated by legal services nonprofit corporations, working in collaboration with their local superior courts who were to provide 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. The legislation required an evaluation of the pilot projects by January 31, 2016.

This report documents the implementation of the Shriver Civil Counsel Act, describes what has been 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 professional evaluation report to be released later in 2016.

Preliminary evaluation results are encouraging. To date, the pilot projects have provided invaluable legal representation to over 20,000 low-income Californians. The services are focused on helping vulnerable parties facing critical legal problems when there is an attorney representing the other party.

Early evidence suggests that Shriver services are improving the administration of justice and balancing the playing field by offering legal representation in key cases, and preventing the loss of important legal rights. Preliminary analysis of court data suggests that, compared to cases without Shriver representation, Shriver housing cases may involve more dismissals, more settlements, and fewer trials. Additionally, Shriver probate cases may involve fewer continuances, fewer hearings, and fewer unsuccessful filing attempts. Stakeholders perceive similar impacts for custody cases, and court data are being inspected to substantiate these impressions.

The full report can be accessed here: *www.courts.ca.gov/7466.htm*.

A printed copy of the report may be obtained by calling 415-865-7739.

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January 29, 2016

Ms. Diane F. Boyer-Vine
Legislative Counsel
State Capitol, Room 3021
Sacramento, California 95814

Mr. Daniel Alvarez
Secretary of the Senate
State Capitol, Room 400
Sacramento, California 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

Re: *Report to the Legislature on the Sargent Shriver Civil Counsel Act* as required under Government Code section 68085.1(c)

Dear Ms. Boyer-Vine, Mr. Alvarez, and Mr. Wilson:

Attached is the Judicial Council *Report to the Legislature on the Sargent Shriver Civil Counsel Act* as required under Government Code section 68085.1(c).

If you have any questions related to this report, please contact Diane Nunn, Director of the Center for Families, Children & the Courts at 415-865-7689 or diane.nunn@jud.ca.gov.

Sincerely,

Martin Hoshino
Administrative Director
Judicial Council of California

MH/BRH/bhh
Attachment
cc: Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Kevin de León
Fredericka McGee, Special Assistant to Assembly Speaker Toni G. Atkins
Anita Lee, Senior Fiscal and Policy Analyst, Legislative Analyst's Office
Tina McGee, Executive Secretary, Legislative Analyst's Office
Benjamin Palmer, Chief Counsel, Senate Judiciary Committee
Mike Petersen, Consultant, Senate Republican Policy Office
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Paul Dress, Consultant, Assembly Republican Office of Policy & Budget
Cory T. Jasperson, Director, Governmental Affairs, Judicial Council
Peter Allen, Senior Manager, Communications, Judicial Council
Yvette Casillas-Sarcos, Administrative Coordinator, Governmental Affairs, Judicial Council

Instructions for Review and Action by Circulating Order

Voting members

- Please indicate your **vote**, **sign, and return by 5pm, January 29, 2016,** if possible by one of these methods:

    1. Fax the signature pages to the attention of Judicial Council Support, Leadership Services Division at 415-865-4391
    2. Reply to the e-mail message with "I approve," "I disapprove," or "I abstain."

- If you are unable to reply by **January 29, 2016**, please do so as soon as possible thereafter.

- Additionally, **return the original** signature page to the Judicial Council Support, Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California, 94102-3688. **Please keep a copy for your records.**

Advisory members

The circulating order is being faxed to you for your information only. There is no need to sign or return any documents.

CIRCULATING ORDER
Judicial Council of California
Voting and Signature Pages

Effective immediately, the Judicial Council approves The Sargent Shriver Civil Counsel Act Implementation Committee recommendation that the Judicial Council:

1. Approve for submission the *Report to the Legislature on the Sargent Shriver Civil Counsel Act* by January 31, 2016, as required by Government Code section 68085.1(c).

2. Direct Judicial Council staff to transmit the report to the Legislature.

My vote is as follows:

☒ Approve ☐ Disapprove ☐ Abstain

Tani G. Cantil-Sakauye, Chair	/s/ Marla O. Anderson
/s/ Brian John Back	Richard Bloom
Mark G. Bonino	Daniel J. Buckley
/s/ Ming W. Chin	Emilie H. Elias
/s/ Samuel K. Feng	/s/ Harry E. Hull, Jr.
/s/ James M. Humes	/s/ Hannah-Beth Jackson

My vote is as follows:

☒ Approve ☐ Disapprove ☐ Abstain

/s/
Patrick M. Kelly

/s/
Donna D'Angelo Melby

/s/
Douglas P. Miller

/s/
Gary Nadler

/s/
Debra Elaine Pole

David M. Rubin

Marsha G. Slough

/s/
Dean T. Stout

/s/
Martin J. Tangeman

Date: _____

Attest: _____
Administrative Director and
Secretary of the Judicial Council