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FACT SHEET

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Sargent Shriver Civil Counsel Act (AB 590) (Feuer)

Seven pilot projects selected by the Judicial Council of California through a competitive RFP process have been funded, commencing October 1, 2011, to provide representation to low-income Californians on critical legal issues affecting basic human needs. The pilot projects will be available in a few geographic regions of the state, operated by legal services nonprofit corporations working in collaboration with local courts.

Pilot Project Overview

The pilot projects aim to address the substantial inequities in timely and effective access to justice that often arise because of the nature and complexity of the law and a particular proceeding or because of disparities between the parties in education, sophistication, language proficiency, legal representation, and access to self-help and alternative dispute resolution services.

Pilots, which are each a partnership of a lead legal services nonprofit corporation, the court, and other legal services providers in the community, will provide legal representation to low-income Californians at or below 200 percent of the federal poverty level. The purpose of these services is 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. Since not all eligible low-income parties with meritorious cases can be provided with legal representation, the court partners will implement improved court procedures, personnel training, case management and administration methods, and best practices.

Timeline

Pilot projects will start in fiscal year 2011–2012 and be initially authorized for a three-year period, subject to renewal. All pilots and funding will terminate after six years (in 2017) unless the Legislature extends the statutory authority.

Funding

Total available funding for all projects is expected to be approximately \$9.5 million per year, funded by a special \$10 supplemental filing fee on certain postjudgment motions. New projects may be added by competitive grants in subsequent years if any future funds are available as the result of the termination or nonrenewal of a project.

Pilot projects

The selected pilot projects include the following:

Bar Association of San Francisco Voluntary Legal Services Program
Superior Court of San Francisco County
Child Custody Pilot Project

Greater Bakersfield Legal Assistance
Superior Court of Kern County
Housing Pilot Project

Legal Aid Society of San Diego
Superior Court of San Diego County
Housing Pilot Project
Child Custody Pilot Project

Legal Aid Society of Santa Barbara County
Superior Court of Santa Barbara County
Housing Pilot Project
Probate Guardianship Pilot Project

Legal Services of Northern California
Superior Court of Sacramento County
Superior Court of Yolo County
Housing Pilot Project

Los Angeles Center for Law and Justice
Superior Court of Los Angeles County
Child Custody/Domestic Violence Project

Neighborhood Legal Services of Los Angeles County
Superior Court of Los Angeles County
Housing Pilot Project

Judicial Council Oversight and Evaluation

The Shriver Civil Counsel Act Implementation Committee was appointed by the Judicial Council to review applications and make recommendations about funding. Chaired by Justice Earl Johnson, Jr. (Ret.), the committee includes representatives

from the judiciary, legal services providers, the Chamber of Commerce, State Bar, and others.

The Judicial Council will conduct a study to demonstrate the effectiveness and continued need for the pilot program and report its findings and recommendations to the Governor and the Legislature on or before January 31, 2016. The study will report on the percentage of funding utilized by case type and will include data on the impact of counsel on equal access to justice, the effect on court administration and efficiency, and the level of enhanced coordination between courts and other government service providers and community resources. The report will describe the benefits of providing representation to those who were previously not represented, both for the clients and the courts, as well as strategies and recommendations for maximizing the benefit of that representation in the future. The report will describe and include data, if available, on the impact of the pilot program on families and children and will also include an assessment of the continuing unmet needs and, if available, data on those unmet needs.

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 will 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.

Case assessment factors

The lead legal services agency will determine the relative need for representation for potential clients, including all of the following factors:

- The complexity of the case;
- Whether the other party is represented;
- The availability and effectiveness of other means to resolve issues, such as self-help;
- Language, literacy, and disability access issues;
- The possibility that providing legal services might help reduce social service costs;
- The merits of the case; and
- The nature and severity of potential consequences for the prospective client if representation is not provided.

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 each project is fulfilling its objectives.

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