

SARGENT SHRIVER CIVIL  
COUNSEL ACT

SAN DIEGO CUSTODY PROJECT




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GOALS

- Increase Court Efficiency
  - Reduce time from filing to order in custody disputes
  - Reduce the number of hearings/continuances
  - Reduce tension in families
- Level the Playing Field
- Assist Low-income Individuals

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ELIGIBILITY

- Low-income Californians who are at or below 200% of the federal poverty level;
  - Adult- \$1,915 per month
  - Adult plus dependent- \$2,585 per month
  - Adult plus two dependents- \$3,255 per month
- One party seeking sole legal or sole physical custody;
- Other side is represented by counsel

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## EVOLUTION OF PROGRAM

Original Program Expectations	Actual Program
<ul style="list-style-type: none"> <li>• Expedited time frame</li> <li>• ShriverSettlement Conference</li> <li>• FCS workshop/ of FCS appointment</li> <li>• RFO Hearing</li> </ul>	<ul style="list-style-type: none"> <li>• Rarely approached by moving party</li> <li>• All cases are high-conflict making them inappropriate for FCS workshops</li> <li>• Settlement Conferences often take place after FCS</li> </ul>

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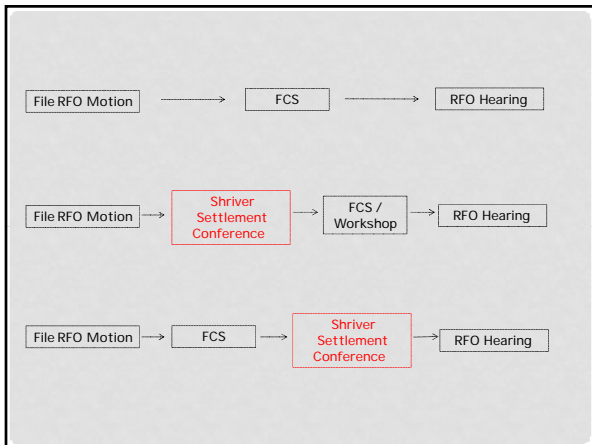
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## PROCESS

- Hotline Screening
- Intake
- Letterssent to opposing counsel; file Notice of Assignment of ShriverCounsel & Notice of Limited Scope Representation
- Receive Notice to Appear for ShriverSettlement Conference
- Attend Settlement Conference with both parties and counsel

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### SHRIVER SETTLEMENT CONFERENCES

- Time with Settlement Conference Judge (not trial judge)
- Parties meet together or separately with Judge
- Explanation of best interest/parenting
- Common issues/themes discussed at most settlement conferences
- If parties reach agreement, stipulation is prepared and RFO taken off calendar.

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### LESSONS LEARNED

- Satisfaction of clients
- Response of the Bar to program
- Do attorneys make a difference in custody disputes?

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### MODIFICATIONS TO PROGRAM

- Self-Represented Litigants
  - Not seeing the numbers we would like
  - Expanded program to offer assistance to SRLs
  - Operate Clinic in courthouse providing assistance drafting RFO
  - If other side retains counsel, we provide representation at RFO
  - Provide certified law students at Shriver Settlement Conferences
- Add a Second Settlement Conference Judge
- Add El Cajon

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**OUTCOMES**

- Statistics
  - Direct Representation
  - SRLs
- Client Stories

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**PROJECT OVERVIEW**

**PARTNERS**    LASC ■ LACLJ ■ L&Q

**FOCUS**        HIGH CONFLICT CUSTODY DISPUTES

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**PROJECT FACTORS**

- VOLUME
- REPRESENTATION
- COURT RESOURCES

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**PROJECT DESIGN**

<p><b>SETTLEMENT BARRIERS</b></p> <ul style="list-style-type: none"> <li>■ Domestic Violence</li> <li>■ Child Abuse</li> <li>■ Mental Health</li> <li>■ Substance Abuse</li> <li>■ Withholding</li> </ul>	<p><b>SELF-REPRESENTATION BARRIERS</b></p> <ul style="list-style-type: none"> <li>■ Language</li> <li>■ Literacy/Education</li> <li>■ Disability</li> <li>■ Safety/Lethality</li> </ul>
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**PROJECT DESIGN**

<p><b>PRIORITY</b></p>	<p>UNEQUAL REPRESENTATION</p>
<p><b>GOALS</b></p>	<p>REALISTIC EXPECTATIONS REDUCED LITIGATION INCREASED SETTLEMENTS LONG-TERM STABILITY</p>

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**PROJECT SERVICES**

<p><b>LEGAL</b></p>	<p>LIMITED SCOPE REPRESENTATION CASE MANAGEMENT</p>
<p><b>PARENTING</b></p>	<p>COMMUNICATIONS CONFLICT RESOLUTION</p>

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**REFERRAL CHALLENGES**

**CONFIDENTIALITY** Preserving privacy in referrals

**NEUTRALITY** Informing parents of referrals

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**REFERRAL CHALLENGES**

**RESISTANCE** Explaining services  
Facilitating referrals

**ASSESSMENT** Identifying high-conflict cases

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**PROJECT TRENDS**

**DEPENDENCY  
CROSS-OVER** DCFS-involved families  
Exit orders

**NON-CUSTODIAL  
PARENTS** Increased custodial time  
Change in custody  
Lack of resources

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**PROJECT CONTACT**

LOS ANGELES CENTER FOR LAW AND JUSTICE

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**San Francisco  
Pilot Project**

Supervising Attorney: Javier Bastidas of  
the Bar Association of San Francisco's  
Justice and Diversity Center

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**Project Overview  
Sargent Shriver Custody Project- SF**

- **The Staff:** Project Coordinator, Self-Help Attorney, Limited Scope Attorney
- **Who do we help?**
  - Low-income parents who fall under AB-590 guidelines
  - Parents seeking sole legal and/or physical custody
  - Other parent is represented by counsel

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## How We Find Our Clients

- Client Referrals:
  1. Readiness Calendar
  2. Self-Help Center
  3. JDC Family Project
  4. Judge Referral
  5. Private Bar

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## Control Group

- Time: October 2011–January 2012
- Group Statistics:
  - 25 unrepresented litigants in lopsided cases
  - 1/25 reached FCS stipulation- none otherwise

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## Control Group

- Group Feedback
  - "The legal language (of opposing counsel) undermines that I am innocent."
  - "My voice was not heard... It ruined me. I lost faith in the Court"
  - "A good lawyer = winnable case"
  - "The Court's inaction creates less faith"
  - "I was not given time to tell the Judge everything I wanted to say, and she only listened to the lawyer."
  - "I can't get anyone to listen to my visitation case."

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## Client Feedback

- Success: Over 1/3 of approximately 160 clients have reached resolution through stipulation versus 4% in control group
- *Voices heard!*

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## The Yale Law Journal:

“Why *Civil Gideon* Won't Fix Family Law”

- Thesis: To pursue civil *Gideon* accepts primacy of lawyer-centric adversary system, doing more harm than good for most domestic relations litigants.
  - Presupposes that attorneys feed adversary nature
  - SF attorney relations has shown the opposite
  - Furthermore in high-emotion and stressful environment clients need rational... detached actor

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## What We Noticed: Gap in Social Services

- Dependency Court
  - Reunification
  - Drug Addiction programs
  - Multitude of free services!
- Family Court
  - There is a disconnect/lack of free services for low-income clients once they move out of dependency court

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## Findings...Conclusions

- Unexpected...surprisingpatterns
- What to take away?

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