

Sargent Shriver Civil Counsel Act Evaluation

Results presented to the Shriver Implementation Committee




MARCH 26, 2020


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SHRIVER ACT EVALUATION

- AB590, passed in 2009, established the Shriver Program
- Pilot projects first funded in 2011. Evaluation began in 2012. Data have been collected since.
- AB330, passed in 2019, added funding, modified program requirements, and mandates an evaluation report every 5 years
- The current report presents data collected from FY2015 to FY2019



Because this reporting period overlaps with the previous reporting period for AB590, some of the data shown here have been previously reported.



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LEGAL NEEDS IN CALIFORNIA

2019 California Justice Gap Study: Statewide civil legal needs assessment conducted by the State Bar. Surveyed ~4,000 Californians.

- 60% of low-income Californians experienced at least one civil legal problem in the past year
- For 7 out of 10 civil legal problems, no legal help was sought or received.
- Reasons for not seeking legal help: belief that they needed to deal with the problem on their own, uncertainty about whether problem was a legal issue, fear of pursuing legal action, and concerns about costs
- For those who did receive legal assistance, services were usually one-time help (self-help, advice, hotline). Legal representation was rare.

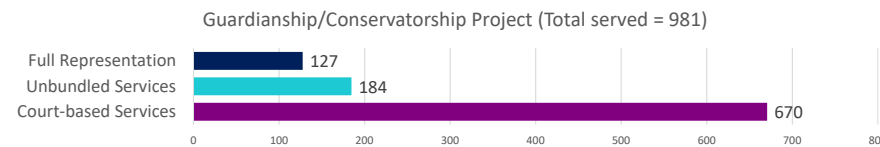
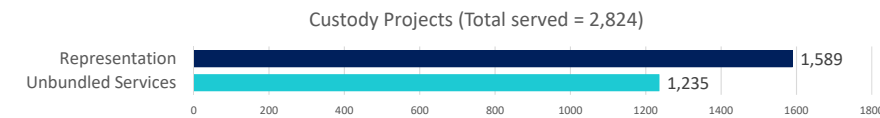
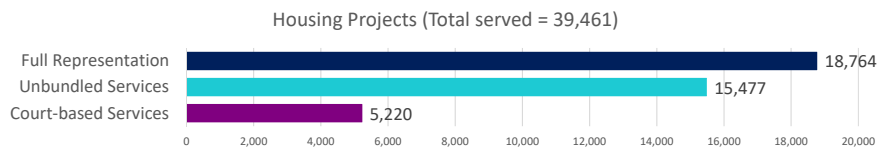


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SINCE SHRIVER PROGRAM INCEPTION

Across all projects, 43,266 litigants have received civil legal assistance.



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SHRIVER HOUSING CLIENTS

From FY2015 to FY2019, across all six pilot projects:

19,460 low-income tenants were served

- 73% were people of color and 62% were female
- 52% had **minors** living in the household
- 37% had a **disability** or chronic health condition
- 29% lived in **subsidized housing**
- Median monthly household income: \$1,069 -- well below FPL
- Many experienced **rental cost burden**:
 - 82% spent >30% of their income on rent; 61% spent >50%

10,855 (56%) were provided **full representation** by a Shriver attorney
 8,605 (44%) were provided at least one **unbundled legal service**.

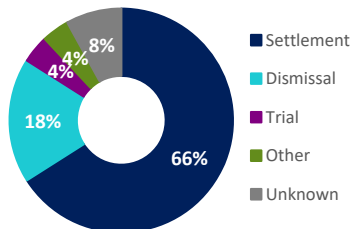



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FULL REPRESENTATION OUTCOMES

Among the 10,855 full rep. cases:

- Defaults were prevented.
- **Two thirds of cases settled,** 18% were dismissed, and **4% went to trial**



- **71% of tenants moved out.** Most did so as part of a negotiated agreement.
 - **Only 3% were evicted.**
 - 18% of tenants retained possession.
- **Settlements supported tenants' longer-term housing stability.** Most had their cases sealed, not reported to credit agencies, and neutral references.
- **Representation eased tenants' financial burdens.**
 - Median amount saved per case was \$903.



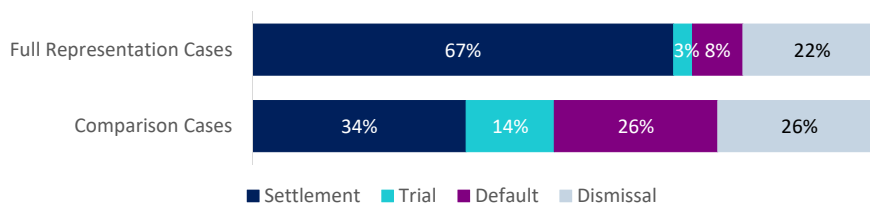
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RANDOM ASSIGNMENT STUDY

Compared to self-represented tenants, Shriver representation clients were:

- **Less likely to default (8% vs 26%)**
[No Shriver clients defaulted during service provision. These tenants presented for service with a default entered and the attorney was unable to have it set aside.]
- More likely to raise defenses (84% vs 60%)
- **More likely to settle their case (67% vs 34%)**
- **Less likely to go to trial (3% vs 14%)**



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RANDOM ASSIGNMENT STUDY cont'd

Possession Outcomes

- ~75% of Shriver clients and comparison tenants had to move
- Shriver clients **more often retained possession** (5% vs 1%)

Monetary Outcomes

- Shriver clients were **less likely to pay** holdover damages than comparison tenants were (9% vs 17%) and attorney's fees (19% vs 34%)
- Median **amount saved by tenants** per case was higher for Shriver clients (\$2,127) than for comparison tenants (\$1,365)

Other Outcomes

- Shriver clients **less likely to forfeit lease** (5% vs 13%)
- 50% of Shriver clients received **at least one beneficial case outcome** (e.g., record sealed, neutral references), versus 25% of comparison tenants



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LITIGANT PERSPECTIVES

Housing Stability

- One month after case closure, 31% of Shriver rep. clients and 22% of comparison tenants had **moved to a new rental unit**
- One year after case closure, 71% of Shriver clients and 43% of comparison tenants lived in a new rental unit



Satisfaction with Case Outcomes

- Full representation clients were **more satisfied with case outcomes**, even when they had to move
- When asked about the impact of the case on their lives, Shriver clients often described the **positive impacts of having an attorney on their side**



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TRIAGE PROCESS STUDY

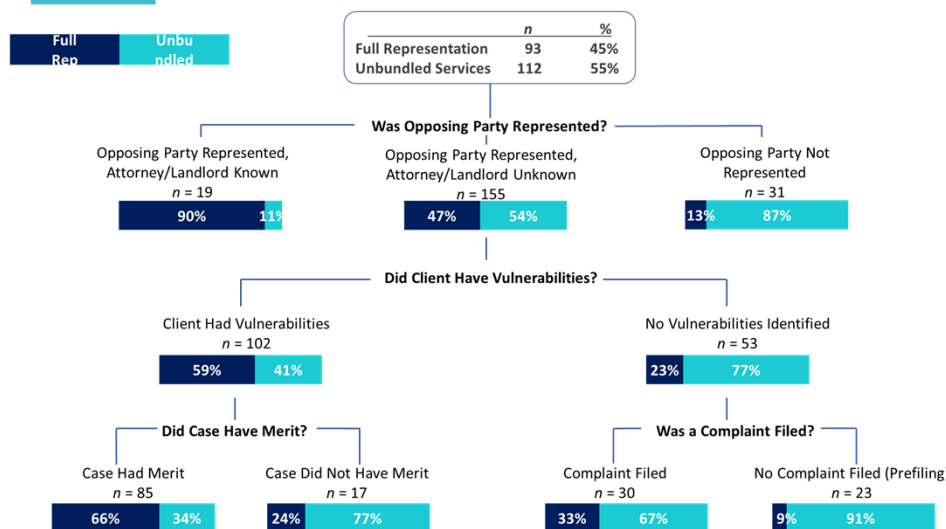
- Identified 11 factors integral to projects' triage processes
- Some factors worked for offering representation, others against
- Collected data for 205 cases

Triage Factor	Factor Present in Case
Opposing party (OP) is represented	170 (83%)
Case has merit	162 (79%)
Client is vulnerable	132 (64%)
Housing is subsidized/rent control	75 (37%)
Case is pre-filing	56 (27%)
Tenant has other plans	55 (27%)
Case is complex	31 (15%)
OP/counsel known to Shriver agency	28 (14%)
Rent exceeds tenant income	21 (10%)
Tenant has money to pay back-owed rent	16 (8%)
Other factor	40 (20%)

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TRIAGE PROCESS STUDY: CHAID Model



Chi-square Automatic Interaction Detection (CHAID) algorithm assesses when there is a statistically significant difference in the outcome based on levels of a predictor variable (e.g., a difference in service decision based on whether the client had a vulnerability indicator), and then creates a "branch" of the tree based on that variable.

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STAFF & STAKEHOLDER PERSPECTIVES

Project Successes and Accomplishments

- Increased access to services for low-income tenants
- Better access to justice: balanced the playing field, fairer settlements
- Established collaborations between legal services and the courts
- Higher settlement rate
- Improved court efficiency



Challenges

- Social service needs among clients
- Service reach and capacity
- Income eligibility requirements omit people who need help but cannot afford it



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SHRIVER CHILD CUSTODY PILOT PROJECTS



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SHRIVER CUSTODY CLIENTS

From FY2015 to FY2019, across all three pilot projects:

1,565 low-income parents were served (4,798 children were impacted)

- 79% were female and 62% Latinx
- 23% had a **disability** or chronic health condition
- Median household income: \$1,200 /month
 - 2019 FPL for a household with one adult, two kids: \$1,778 /month
- 35% of cases involved current or previous **allegations of DV**
- 28% of cases had current or previous **involvement with CWS**

736 (47%) were provided **representation** by a Shriver attorney

829 (53%) were provided at least one **unbundled legal service**.



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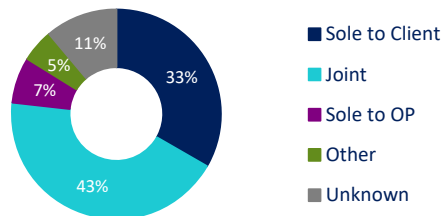
REPRESENTATION OUTCOMES

Among the 736 representation cases:

Legal Custody Orders:

33% of Shriver clients got sole custody

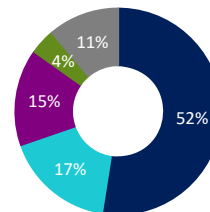
43% of cases ended with joint custody



Physical Custody Orders:

52% of Shriver clients got sole custody

15% of opposing parties got sole custody



Some cases involved other orders beyond custody:

- 26% parenting classes, 26% therapy, 23% temp. restraining orders



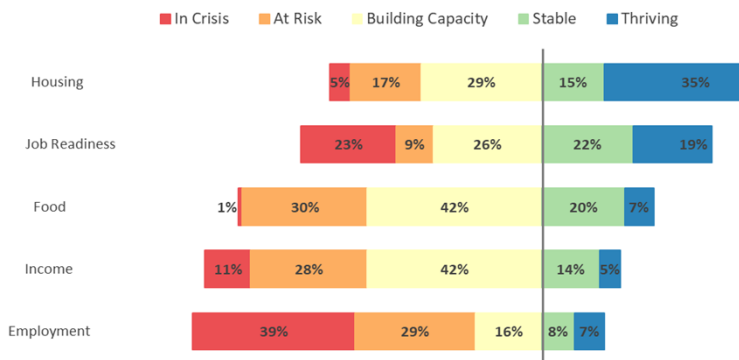
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CLIENT SOCIAL SERVICE NEEDS

One custody project assessed service needs across 13 domains: *housing, income, employment, job readiness, food security, healthcare coverage, safety, health/disabilities, mental health, child care, transportation, family/social relations, life skills*

At service intake, 5 areas of greatest need among clients:

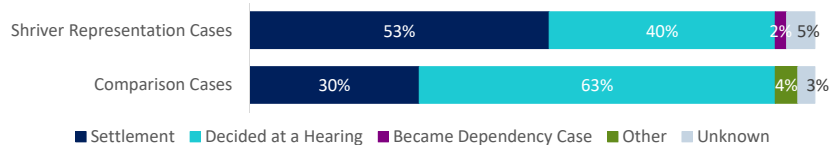


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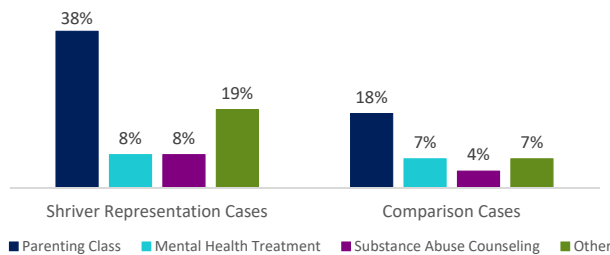
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COMPARATIVE OUTCOMES STUDY

Shriver representation cases more often settled.



Shriver representation cases more often involved orders beyond custody.



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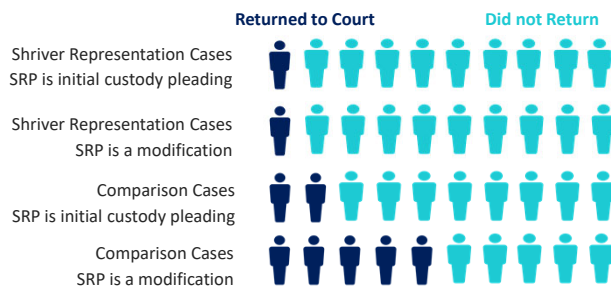
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COMPARATIVE OUTCOMES STUDY cont'd

Custody orders among Shriver cases were more durable over a 2-year period.

- 11% of Shriver cases returned to court to modify orders (89% did not)
- 32% of comparison cases returned to court to modify orders (68% did not)

Durability in orders was especially noticeable among families that were farther along in their custody case and had already used the court to modify orders.



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LITIGANT PERSPECTIVES

Parents expressed high satisfaction with Shriver services, regardless of their case outcomes.

- When parents were dissatisfied with their case outcomes, they perceived the legal process to be less fair and diminished procedural justice.
- However, they still perceived Shriver services positively.

Shriver clients explained how important Shriver services were to them:

“Having somebody in the court is very important. The Shriver attorney helped me. He is knowledgeable and fair. He knows the law and could tell me what was possible.”

“The other lawyer might have pushed me around or confused me with legal jargon. The Shriver attorney was able to make sure my voice was heard. It leveled the playing field. When it came from an attorney, it weighed more. Having the Shriver attorney there for me, it was priceless. He was phenomenal.”

“Yes, through the Shriver attorney’s support I got my children. He made me believe in the court system.”

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STAFF & STAKEHOLDER PERSPECTIVES

Project Successes and Accomplishments

- Better access to justice: balanced the playing field, fairer settlements
- Provided legal education, eased tensions
- Increased collaboration between parties
- Improved court efficiency



Challenges

- AB590 eligibility requirements too restrictive
 - *AB330 has remedied some of this concern*
- Emotions and stress of poverty
- Capacity and resources



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SHRIVER GUARDIANSHIP/ CONSERVATORSHIP (PROBATE) PILOT PROJECT



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SHRIVER GUARDIANSHIP/ CONSERVATORSHIP CLIENTS

From FY2015 to FY2019, at the sole probate pilot project:

Low-income litigants in 173 cases were served by legal services

- 122 guardianship cases, impacting 154 wards, and 51 conservatorship cases

Of these litigants:

- 62% were **multiple people** (e.g., grandparents)
- 75% were **people of color**
- 29% had a **disability** or chronic health condition
- 57% had a HS diploma or less
- 31% had limited proficiency with English

*In addition:
The court-based **Probate
Facilitator** assisted a total
of 472 litigants: 384 in
guardianship cases and 88
in conservatorship cases.*

71 (41%) were provided **full representation** by a Shriver attorney

102 (59%) were provided at least one **unbundled legal service**



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FULL REPRESENTATION OUTCOMES

Among the 71 representation (57 guardianship, 14 conservatorship) cases:

Petitions were successfully filed.

- 77% of guardianship cases successfully filed a petition
- 94% (all but one) of conservatorship cases successfully filed a petition

Letters of guardianship/conservatorship were granted.

- 68% of guardianship cases
- 86% (all but two) of conservatorship cases

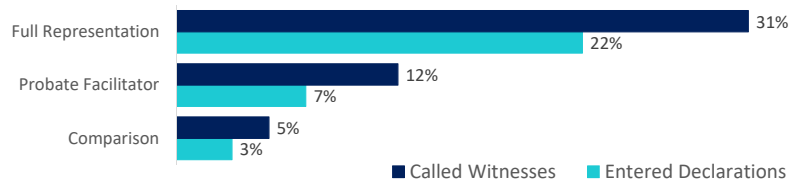


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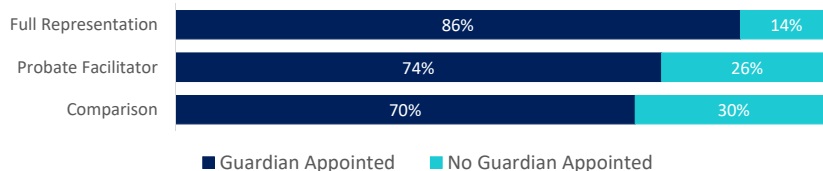
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COMPARATIVE OUTCOMES STUDY

Shriver representation clients **more actively participated in case.**



Guardianships were granted most often to Shriver representation clients.



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COMPARATIVE OUTCOMES STUDY cont'd

Shriver representation cases were more likely **to resolve with one hearing and no continuances.** As a result, these cases tended to resolve more quickly.

	Full Representation	Probate Facilitator	Comparison
Hearings			
Cases with one hearing	39%	12%	25%
Cases with more than one hearing	61%	88%	75%
<i>Average number of hearings</i>	2.4	3.4	3.1
Continuances			
Cases with no continuances	48%	30%	20%
Cases with at least one continuance	52%	70%	80%
<i>Average number of continuances</i>	1.0	1.8	2.2

Shriver services created cost savings for the court.

- Fewer hearings, fewer continuances, reduced clerk time to review and process petitions, and reduced court probate attorney time to prepare case
- Collectively reduced the cost per case by 28%



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STAFF & STAKEHOLDER PERSPECTIVES

Project Successes and Accomplishments

- Better access to justice; meaningful participation in system; made the probate process accessible
- More petitions successfully filed; fewer rejected or unnecessary petitions
- Probate facilitator position
- Improved court efficiency
- Family harmony



Challenges

- Income eligibility requirements omit people who need help but cannot afford it



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SUMMARY



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THE SHRIVER PROGRAM HAS...

- Reached the **intended populations**.
- Provided low-income litigants with **improved and more meaningful access** to the legal system.
- Helped low-income litigants utilize appropriate legal tools and procedures and fostered their **active participation in their cases**.
- **Educated litigants** and helped them **settle their cases**.
- **Improved court efficiency**.
- **Supported the longer-term stability** of low-income litigants.



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QUESTIONS?



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THANK YOU

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