

# **Report: Sargent Shriver Civil Counsel Act: Report to the Legislature (Judicial Council of California 2020)**



On Monday July 13, 2020 at noon eastern, the SRLN Research Working Group hosted a presentation by Bonnie Hough of the California Judicial Council and Kelly Jarvis of NPC Research who reported on the major, multi-year research produced as a result of the California Sargent Shriver Civil Counsel Act. Commencing in fiscal year 2011-12, the legislation funded research and legal representation in housing, child custody disputes, domestic violence, a guardianship/conservatorship. The final report that covers the period beginning January 1, 2015, and ending December 31, 2019 was recently submitted to the CA legislature. The Shriver Report is attached below. This is some of the most comprehensive research we have comparing self-representation, full representation, and limited scope. We hope that many of you can join us for this important call featuring leaders of the research team. The key

findings and recommendations are pasted below.

[View the SRLN Research Working Group, July 13, 2020 recorded presentation.](#)

A copy of the report and the SRLN Research Working Group presentation slide show is attached to this page.

## **Executive Summary**

The Sargent Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council approve the Sargent Shriver Civil Counsel Act Evaluation (June 2020), and forward the report to the Legislature. This report is required by Government Code section 68085.1(c). The report examines the effect of providing legal representation to low-income persons over a period of five years in cases involving landlord/tenant matters, highly conflicted custody cases, and guardianship and conservatorship matters of the person. The report includes a review of data from legal services case records, court files, and interviews with clients, courts, and legal services programs and other stakeholders, in addition to providing a review of other research.

## **Recommendation**

The Sargent Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council, effective June 30, 2020, approve for submission the Sargent Shriver Civil Counsel Act Evaluation (June 2020), as required by Government Code section 68085.1(c).

*Additional highlights from the report are pasted below:*

## **Key evaluation findings**

Since the Shriver Program's inception in 2012, a total of 43,266 low-income litigants have received some type of civil legal service. More than 20,000 of these individuals received full representation by a Shriver attorney (help on all aspects of the case). Nearly 17,000 of them received limited-scope legal assistance ("unbundled services") provided by a legal services organization, such as brief counsel and advice, preparation of forms, and help with trial preparation. An additional 6,000 litigants received court-based services, such as mediation, settlement conferences, and expanded self-help services. Of the 43,000 litigants served, about 39,000 were involved in unlawful detainer (eviction) cases, about 3,000 were involved in child custody cases, and about 1,000 were involved in guardianship or conservatorship cases.

**Housing/unlawful detainers.** Six of the programs provided assistance with housing and unlawful detainers. Eviction is one of the most critical civil justice issues for low-income individuals, as the loss of housing poses a wide range of short- and long-term risks and consequences for families. Families can become homeless, children's education can be undermined, and even the health of family members can be at risk. Among cases that received full representation by Shriver counsel, the study found that:

- Significantly fewer Shriver cases ended by default.
- Representation by Shriver counsel helped tenants avoid evictions.
- Most cases settled, providing more certainty for both landlords and tenants.
- Shriver services supported longer-term housing stability.

The higher rate of settlement agreements among Shriver clients, and the terms of those agreements, helped families in the process of securing replacement housing.

**Child custody.** Child custody cases are complex, emotionally charged, contentious, and have critical implications for families and children. Three programs provided Shriver services to help parents who were otherwise self-represented and facing opposing parties represented by attorneys in cases where sole custody was at issue. Roughly half of these cases had intertwined issues of domestic violence. The study found that:

- A higher proportion of Shriver cases reached settlement;
- Judicial involvement in settlement conferences increases the rate of settlement;

- Attorneys increased collaboration between the parties; and
- Significantly fewer Shriver cases involved subsequent requests to modify orders.

***Guardianships and conservatorships.*** Improving family stability through the establishment of guardianships and conservatorships was the goal of the one pilot probate project, particularly where there were significant risk factors for the children or disabled persons involved. The study found that:

- Court proceedings in Shriver cases were more efficient and translated into cost savings for the court. The combined benefits of Shriver representation and assistance from the probate facilitator reduced the court costs to process a case by an average of 25 percent.
- Guardianship petitions were successfully filed.
- The project helped prevent the need for additional governmental services.

***Impact of legal assistance.*** The following findings were true across all three case types, unless otherwise indicated. The evaluation clearly supported the important role of attorneys in representing their clients, in reaching settlements, and in helping ensure more efficient use of judicial resources:

- Attorneys help settle cases, positively impacting all parties involved and freeing up limited judicial resources. Shriver counsel help individuals have more reasonable expectations regarding what can be accomplished and what is beyond the scope of the case. The random assignment study of three projects found that, among cases with Shriver representation, 67 percent were settled, 3 percent resolved via trial, and 8 percent ended by default. In contrast, among non-Shriver comparison cases, 34 percent were settled, 14 percent resolved via trial, and 26 percent ended by default.
- Balanced representation facilitates settlement of cases that should settle and trial of those that should be tried. This both improves litigant satisfaction and enhances court efficiency.
- Shriver cases involve more efficient court proceedings, including fewer continuances, fewer trials, and more settlements across all three case types. The provision of Shriver services made notable contributions to court efficiency and improved the quality of information available to the court. Cases with a Shriver attorney were resolved more efficiently than were cases without Shriver

services, and courts received more comprehensive and relevant information on which to base decisions.

- Attorney involvement improves the durability of court orders.
- Attorney resources are used most effectively with well-designed triage systems. Such systems are critical to the smooth functioning of the continuum of service.

## **Findings concerning court innovations**

- Court-based opportunities for settlement discussion, including mediation and settlement masters, are an effective way to resolve cases before trial, benefiting all parties.
- The improved use of technology, including expansion of e-filing, helps facilitate the efficient handling of cases.
- Expanded court-based self-help centers are a critical piece of the continuum of service.

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## **Document Author:**

- Judicial Council of California

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Files

[Sargent Shriver Civil Counsel Act Report to the Legislature \(May 2020\).pdf](#)

[SRLN presentation Shriver 7-23-2020.pptx](#)

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