JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on July 27–28, 2017

Title
Judicial Council Report to the Legislature: Sargent Shriver Civil Counsel Act

Rules, Forms, Standards, or Statutes Affected
None

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

Agenda Item Type
Action Required

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July 28, 2017

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Executive Summary

The Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council approve the *Evaluation of the Sargent Shriver Civil Counsel Act (AB 590)* and forward the report to the Legislature. The Judicial Council submitted a preliminary evaluation to the Legislature on January 31, 2016—*Report to the Legislature on the Sargent Shriver Civil Counsel Act*—as required by Government Code section 68085.1(c). That report examined the effect of providing legal representation to low-income persons in cases involving landlord/tenant matters, highly conflicted child custody cases, and guardianship and conservatorship matters of the person. This more comprehensive evaluation reviews data from legal services case records, court files, and interviews with clients, courts, and legal services programs and other stakeholders, in addition to a providing a comprehensive review of other research.

Recommendation

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

1. Approve for submission the *Evaluation of the Sargent Shriver Civil Counsel Act (AB 590)* along with the *Findings and Recommendations from the Sargent Shriver Civil Counsel Pilot Projects*, which are a supplement to the report submitted to the Legislature on January 31, 2016, as required by Government Code section 68085.1(c);

2. Direct Judicial Council staff to transmit the evaluation as well as the findings and recommendations to the Legislature; and

3. Within the context of overall judicial branch priorities, consider the following recommendations based on the evaluation findings:

    a. Continue the Shriver civil counsel pilot project to build on the positive results reflected in the evaluation.

    b. Explore ways to seek additional funding for legal representation of low-income people across the state facing critical legal issues affecting basic human needs.

    c. Encourage courts to build on the lessons from the Shriver pilot projects and experiment with more structured opportunities for settlement discussions, such as mediation and early settlement conferences with judges.

    d. Expand litigant education.

    e. Expand use of triage and conduct further study within the Shriver pilot projects to clarify the best procedures for ensuring effective and efficient triage methods involving all key stakeholders.

    f. Simplify forms and procedures, particularly for guardianship, conservatorship, and housing cases.

    g. Expand e-filing wherever possible, and explore increased use of technology.

    h. Encourage regular planning meetings between legal services agencies and courts participating in the Shriver pilot projects.

    i. Develop best practices based on the evaluation of the pilot projects.

The findings and recommendations based on the evaluation is included in this council report as Attachment A and the full evaluation is included as Attachment B.

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.

On January 29, 2016, the Judicial Council approved 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), and directed staff to transmit the report to the Legislature.

Rationale for Recommendation

The Sargent Shriver Civil Counsel Act (AB 590) provides that, commencing in fiscal year 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. These issues include 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 required an evaluation of the pilot projects by January 31, 2016.[1]

The report provided to the Legislature on January 31, 2016, documented the implementation of the Sargent Shriver Civil Counsel Act and described what had been learned to date. It noted that a more comprehensive evaluation was still underway and would be submitted to the Legislature when completed. That report is now complete and provides a more comprehensive understanding of the project and the impact of providing Shriver services.

The report, prepared by NPC Research of Portland, Oregon, an organization with a long history of evaluation and policy analysis of judicial branch-related entities, is one of the most comprehensive evaluations of legal services programs conducted in the United States. In addition to information from the legal services agencies regarding the demographics of clients and the services provided, it involved case file review, interviews with clients and stakeholder interviews, as well as a comprehensive review of other research.

[1] Gov. Code, § 68651(c).

Key evaluation findings

In the first five years, the 10 pilot projects served nearly 27,000 individuals facing the loss of their homes, child custody disputes, or the urgent need for a family guardianship or conservatorship. The housing services alone affected over 73,000 household members.

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-terms 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.
- 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.
- In housing cases, the masking of the court files from public view is a key component to encourage settlements.
- Expanded court-based self-help centers are a critical piece of the continuum of service.

For a detailed summary of the *Evaluation of the Sargent Shriver Civil Counsel Act (AB 590)*, see *Findings and Recommendations from the Shriver Civil Counsel Pilot Projects,* Attachment A.

Comments, Alternatives Considered, and Policy Implications

This report to the Legislature has been considered by the 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.

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 used for the purposes intended by the legislation. Staff will also provide support to the 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 branch's strategic plan by increasing representation and court services for low-income persons.

Attachments and Links

1. Attachment A: *Findings and Recommendations from the Shriver Civil Counsel Pilot Projects*
2. Attachment B*: Report to the Legislature: Evaluation of the Sargent Shriver Civil Counsel Act (AB 590)*

ATTACHMENT A

Findings and Recommendations from the Sargent Shriver Civil Counsel Pilot Projects

JULY 2017

JUDICIAL COUNCIL OF CALIFORNIA

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Part 1

Key Findings and Recommendations from the Sargent Shriver Civil Counsel Pilot Projects

INTRODUCTION

These findings and recommendations highlight the results of a multi-year evaluation of access to justice pilot projects funded by the Sargent Shriver Civil Counsel Act.[1] The Shriver pilot projects are collaborative efforts between legal services programs and their local superior courts. They provide legal assistance and judicial system innovations to help low-income individuals and families facing critical legal problems involving basic human needs. The act also calls for an evaluation to demonstrate effectiveness and the continued need for counsel in order to achieve equal access to justice. The fundamental goal is to ensure that cases are properly decided on their merits, and the result is not affected by the fact that one side has legal representation while the other does not. A report with initial findings from the evaluation was submitted to the Legislature on January 31, 2016.[2] Based on that initial report, the Legislature removed a provision in the statute that would have ended the fees that support the program.

In the first five years of implementation, through December 2016, the 10 pilot projects served nearly 27,000 individuals facing the loss of their homes, child custody disputes, or the urgent need for a family guardianship or conservatorship. The housing services alone affected over 73,000 household members. As part of the pilot program, innovative court services were developed so that litigants could be meaningfully involved in their cases, including self-represented parties and those who received limited-scope legal assistance or full legal representation.

Most Shriver clients were female and nonwhite. Many experienced a disability or had limited proficiency with English. More than half had minors living in their households. Over half of Shriver custody cases had intertwined issues of domestic violence. For the Shriver housing cases, the overwhelming majority of clients were experiencing severe rental cost burden; across all six housing pilot projects, nearly three-quarters of Shriver clients spent more than 50% of their monthly household income on rent. The average monthly income of Shriver clients

[1] Assem. Bill 590 (Stats. 2009, ch. 457).

[2] *Report to the Legislature on the Sargent Shriver Civil Counsel Act,* as required under Government Code section 68085.1(c), is available at *www.courts.ca.gov/documents/lr-SargentShriverCivilCounselAct.pdf*.

was well below the 2014 Federal Poverty Level, and many demonstrated substantial needs in critical livelihood areas such as income, employment, and food security.

This has been one of the largest access to justice evaluations ever undertaken, and the detailed information compiled over the six-year period of the initial pilot projects will be of great interest to all those concerned with ways to offer affordable, effective, and efficient legal services.

The Shriver Civil Counsel Act Implementation Committee (Shriver Committee), appointed by the Chief Justice, was responsible for the program, including the selection of the pilot projects and oversight of the independent evaluation, conducted by NPC Research. The Shriver Committee developed the recommendations below, based on the findings from NPC's evaluation report. The committee hopes that these findings and recommendations guide the judicial branch and advise the Legislature and the administration as they continue to pursue efforts to ensure fair and equal justice to all litigants in our civil courts.

KEY EVALUATION FINDINGS

While there are extensive findings contained in the NPC Research report, the following findings focus attention on those areas that the Shriver Committee considered the most significant, and those that have the most promise for improving our judicial system. The findings in Section A below are specific to the three subject areas of the pilot projects. Section B includes findings concerning the role of attorneys and the impact of legal assistance and Section C addresses court-related findings.

A. Specific Subject-Area Findings

- **Housing/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[3] found that:
    - **Most cases settled**. Across all six housing pilot projects, 70% of Shriver unlawful detainer cases settled and only 5% ended in trials (18% were dismissed and 7% were unknown), resulting in savings for the parties and the court. The random assignment study showed that 67% of cases in which both sides had an attorney resolved by settlement, versus 34% of cases in which only the landlord had a lawyer. A mandatory

[3] All statistical figures in this document are from the *Evaluation of the Sargent Shriver Civil Counsel Act* prepared by NPC Research and released by the Judicial Council on July 28, 2017.

settlement conference program at one site proved promising. It encouraged early settlements and yielded agreements with a high rate of compliance.

- **Shriver counsel helped parties achieve a wide range of settlement options which helped tenants secure replacement housing**. Shriver counsel helped get tenants more time to move out. Cases were often "masked" from public view[4] and therefore kept off the public record, and frequently not reported to credit agencies. Counsel also negotiated reduced or waived fees. These workable negotiated settlements balanced the needs of low-income families forced to relocate with the needs of landlords to regain possession of their property. Settlements also provided more certainty to landlords as to when they would regain their property and its condition.
- **Representation by Shriver counsel helped tenants avoid evictions**. Although all Shriver clients were served eviction notices, formal evictions (i.e., where a court issues a judgment against a tenant who is ordered to immediately vacate the property) occurred in only 6% of cases across the six pilot projects.
- **Although most tenants had to leave their homes, they were in a better position as a result of the representation.** Across all six projects, 78% of tenants ended up leaving their homes (16% stayed and 6% were unknown). Though most Shriver clients ultimately moved, the majority did so as part of a negotiated settlement, avoiding the devastating and disruptive effects of an actual lockout. In addition, most of them were in a better position to find replacement housing than they would have been without legal representation.
- **Shriver services supported longer-term housing stability**. Of the small sample of tenants reached for an interview one year after case closure, significantly more Shriver clients (71%) reported living in a new rental unit, as compared to those who did not receive Shriver service (43%). This suggests that the higher rate of settlement agreements among Shriver clients, and the terms of those agreements, supported longer-term housing stability.

- **Child custody.** Child custody cases are complex, emotionally charged, contentious, and have critical implications for families and children. Shriver services helped parents who were otherwise self-represented and facing opposing parties represented by attorneys. These cases involved requests for sole custody, and roughly half included domestic violence issues. The project offered full representation for parents, but limited to the child custody components of the cases. The study found that:
  - **Client education helped shape reasonable expectations, creating efficiencies and easing tensions**. Shriver attorneys educated parents about the legal process and helped to shape reasonable expectations. This process created efficiencies for the court by

[4] Recent legislation strengthened the masking of eviction files. (See Code Civ. Proc., §§ 1161.2 & 1167.1; Assem. Bill 2819 (Stats. 2016, ch. 336).)

providing the judge focused information and minimizing emotional confrontations, which eased tensions between the parties.

- **A higher proportion of Shriver cases reached settlement**. Results from one project with comparison data showed that 54% of cases with Shriver full representation were settled and 40% were decided at a hearing, versus 30% and 63%, respectively, of cases without Shriver counsel.
- **Judicial and attorney involvement in settlement conferences increased the rate of settlement**. Shriver settlement conferences conducted by a judge when both parties were represented by an attorney reached full or partial agreement on the custody issue in 60% of cases. Among sampled cases, 34% were fully resolved during Shriver settlement conferences, versus 4% of Shriver cases that reached resolution during regular, mandatory mediation sessions where no attorneys were present.
- **Attorney involvement increased collaboration between the parties**. With attorney involvement, courts benefited from more-comprehensive information on which to base decisions, and litigants reported feeling supported even when they were disappointed with the outcome.
- **Significantly fewer Shriver cases involved subsequent requests to modify orders**. At one project, two years following Shriver child custody court orders, only 1 in 10 Shriver cases had filed a request to modify orders, versus 1 in 3 cases that did not receive Shriver services. Durable court orders ease court congestion, save resources, and increase family stability.

- **Guardianships and conservatorships.** Improving family stability through the establishment of guardianships and conservatorships was the primary goal of the probate pilot project, particularly when there were significant risk factors for the children and dependent adults involved. The study found that:
  - **Court proceedings in Shriver cases were more efficient and translated into cost savings for the court**. Cases with full representation from Shriver counsel were resolved faster and more often with no continuances and just one court hearing, compared to cases with self-represented litigants. The new probate facilitator assisted hundreds of individuals seeking guardianships and streamlined paperwork procedures within the court. The combined benefits of Shriver representation and assistance from the probate facilitator reduced the average court costs to process a case by approximately 30%.
  - **Guardianship petitions were successfully filed and more-comprehensive information was provided to the court**. Guardianship petitions, which are complex and frequently abandoned, were successfully filed among litigants receiving Shriver services, or other arrangements were pursued, such as a power of attorney for the child or caregiver's affidavit. Shriver clients more fully and effectively participated in the judicial system, as they were more likely to call witnesses and enter evidence to support their case than

were self-represented litigants. As a result, the court received more-comprehensive information on which to base its decision.

- **Shriver project staff educated parties**. Shriver project staff educated parties about the terms of guardianships and conservatorships, which often eased tensions and supported cooperation.
- **The work of the probate facilitator benefited the court and helped individuals seeking guardianships or conservatorships.** The probate facilitator assisted with the preparation of complicated and voluminous paperwork and saved considerable time for the court clerks and the bench officers charged with reviewing these documents.
- **The project helped prevent the need for additional governmental services.** By assisting family and friends to establish formal arrangements to care for persons who cannot care for themselves, the need for other government services was reduced. For example, 26% of cases receiving Shriver representation were referred from the child welfare system, suggesting that guardianships were seen as a viable alternative to foster care for those children.

B. Findings Concerning the Role of Attorneys and the 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, particularly when there is balanced representation. This both improves litigant satisfaction and enhances court efficiency, freeing up limited judicial resources. Attorney involvement facilitates settlement of cases that should settle and trial of those that should be tried.** The random assignment study of three housing projects found that, among cases with Shriver representation, 67% were settled, 3% resolved via trial, and 8% ended by default. In contrast, among non-Shriver comparison cases, 34% were settled, 14% resolved via trial, and 26% ended by default. Roughly one quarter of both groups (22% of Shriver cases and 26% of comparison cases) were dismissed.
  - Attorneys are able to successfully negotiate settlements and reduce emotional tensions between the parties. By thoroughly explaining the process to their clients, Shriver counsel help individuals have more reasonable expectations regarding what can be accomplished and what is beyond the scope of the case. They also help people resolve their own issues, armed with a clearer understanding of their options. In housing cases, negotiating reasonable repayment plans and workable move-out timelines helps mitigate the harmful impacts on families, while facilitating the landlords' recovery of the property.

- By balancing the playing field and providing individuals with expert help and support from knowledgeable attorneys, individuals are more likely to report satisfaction with case outcomes, even when outcomes were not what they originally wanted.

- **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. Reducing the percentage of self-represented parties enhances the efficiency of court proceedings because attorneys help parties prepare for and ably navigate the process. As a result, judicial officers have more time to focus on the many other issues facing judges, easing the demands on limited judicial and court staff resources.

- **Attorney involvement improves the durability of court orders**. Attorneys help improve the quality of settlement agreements, which reduces the number of times additional motions are filed to request changes in court orders. With more durable court orders, fewer issues are re-litigated and there is increased stability and predictability for all parties.

- **Attorney representation prevents the loss of legal rights and increases the involvement of parties in their cases.** Legal assistance prevents the loss of important legal rights by avoiding unnecessary defaults; the random assignment study at three housing pilot projects found the proportion of cases that ended by default was more than three times higher among comparison cases (26%) than among cases with Shriver representation (8%). Assistance also helps to ensure that parties participate actively in their cases. Attorneys raise key defenses on behalf of their clients that the client might not otherwise be aware of. In guardianship cases, in particular, ensuring that all family members are properly informed of proceedings enhances collaboration among parties who otherwise may have been in opposition.

- **Limited attorney resources are used most effectively with well-designed triage systems. Such systems are critical to the smooth functioning of the continuum of service.** In order to use limited attorney resources most effectively, referral mechanisms were established to try to ensure that litigants received the appropriate level of assistance, consistent with individual need. The range of services comprising the "continuum of service" included self-help assistance for those who would remain self-represented, limited-scope legal assistance for those who would receive legal assistance for a part of their case ("unbundling"), and full legal representation. The continuum of service involved all key stakeholders—the court, legal aid programs, and other nonprofits and government entities.

C. Findings Concerning Court Innovations

- **Court-based opportunities for settlement discussion, including mediation and settlement masters, appear to be an effective way to resolve cases before trial, benefiting all parties**. These options can be effective for both attorney-represented and self-represented parties, although care must be taken to ensure an even playing field where self-represented parties are involved. For custody cases in one project, among Shriver cases, 34% resolved their cases during a Shriver settlement conference, contrasted with 4% who did so during typical mediation sessions where no attorneys are present. In fact, 60% of Shriver settlement conferences reached at least partial agreement between parties. The heightened success of Shriver settlement conferences is likely attributable to the presence of counsel—parents were more willing to enter into agreements under the guidance of their attorney—and to the ability of the judge presiding over the settlement conference to facilitate immediate resolution. In the housing program that used the settlement master, when both parties appeared at the mandatory settlement conference, an agreement was reached 79% of the time, and among those cases that settled during the conference, 81% percent complied with the terms of the agreement.

- **In housing cases, the masking of the court files from public view is a key component to encourage settlements.** Workable settlement agreements are beneficial to all parties, and agreeing to mask the court file can support families' ability to find safe and secure replacement housing.

- **The use of code enforcement officers in one pilot project was a promising development that helped the court by investigating habitability issues and providing neutral information at trial.** Further study is needed to determine whether this is a best practice that should be replicated, and whether the involvement of housing inspectors has any preventative impact on how landlords address habitability concerns.

- **Expanded court-based self-help centers are a critical piece of the continuum of service**. They provide self-help assistance for those who will be self-represented and also can help in the triage process of getting litigants to the level of help they need, whether it is limited-scope legal assistance or full legal representation. A key example of an effective court-based self-help service is the probate facilitator, who provided an effective service, enabling parties to navigate the complex guardianship process in a timely, cost-effective way, benefitting families and the court.

- **The improved use of technology, including the expansion of e-filing, can help facilitate the efficient handling of cases when accommodations are made for those without access to technology**. Particularly in landlord-tenant cases, where e-filing had previously only been available to landlords at one site, the expansion of e-filing to tenants helped facilitate the efficient handling of these cases. The increased use of document assembly software

programs that make it easier to prepare court documents is more efficient and enables self-represented litigants to better represent themselves.

RECOMMENDATIONS

The Shriver Civil Counsel Implementation Committee makes the following recommendations for the Judicial Council to consider:

Recommendation 1: **The Shriver civil counsel pilot program should continue to be funded to build on the positive results reflected in the evaluation.** The ongoing research and evaluation of the projects regarding the effectiveness of different interventions should remain an integral component of the pilot projects.

Recommendation 2: **Explore ways to support increased funding for legal representation across the state for low-income people facing critical legal issues affecting basic human needs**. This evaluation report found that lawyers play a key role ensuring access to justice, and adequate funding for legal representation for the indigent should be a key statewide goal.

Recommendation 3: **Encourage courts to build on the lessons from the Shriver pilot projects and experiment with more structured opportunities for settlement discussions, such as mediation and early meetings with judges.** The court-based Housing Settlement Master was a good model for further exploration, as the settlement conferences had a high level of agreement between the parties and a high level of compliance with terms of the settlement agreement. The custody pilot project offering Shriver settlement conferences conducted by a judge was another promising model with good results, particularly when combined with representation available for both parties.

Recommendation 4: **Expand litigant education**. An adequate explanation of legal procedures leads to more reasonable expectations concerning what can and cannot be accomplished through the judicial process. These measures thus help people resolve their issues more efficiently.

Recommendation 5: **Expand the use of triage and conduct further study within the Shriver pilot projects to clarify the best procedures for ensuring effective and efficient triage methods involving all key stakeholders.** An effective assessment mechanism can help ensure appropriate referral for those cases warranting a higher level of service due to various risk factors or vulnerabilities. A fully operational, coordinated “continuum of service” offers a range of types of legal help on key legal issues to all litigants needing assistance. Key stakeholders such as the courts, legal aid programs, and other nonprofits should all be involved in this coordinated system.

Recommendation 6: **Simplify forms and procedures, particularly for guardianship, conservatorship, and housing cases**. Costs could be reduced by simplifying procedures so that litigants can better understand the process and complete more of the work themselves. Care should be taken to ensure that any simplification efforts do not inadvertently harm access for low-income people or remove important defenses and protections. Past simplification efforts have helped untold numbers of litigants, and those efforts should be expanded.

Recommendation 7: **Expand e-filing wherever possible and explore the increased use of technology.** In unlawful detainers, for example, e-filing can improve the efficiency of litigation, impacting all concerned, and should be available to assist tenants to complete answers in a timely manner. However, expanded e-filing should be optional when appropriate, accessible for all, and should not be required for those lacking access to the requisite technology. Expanded use of document assembly software can help attorneys serve more litigants with fewer resources, and can help self-represented litigants who otherwise may find it extremely difficult to prepare the necessary papers. The increased use of remote hearings may facilitate representation for litigants in remote areas.

Recommendation 8: **Encourage regular planning meetings between legal services agencies and courts participating in the Shriver pilot projects**. These planning sessions are key to addressing issues as they arise and conducting long-range planning for the effective and efficient operation of the pilot projects. In addition, the involvement of bench officers and court clerks in the day-to-day processing of pilot project case files is helpful for creating a more efficient process.

Recommendation 9: **Develop and disseminate best practices based on the evaluation of the pilot projects.** The promising practices developed as a result of the evaluation of the Shriver pilot projects should be broadly disseminated throughout the judicial branch and the legal services community. Specific examples include the thoughtful involvement of social workers within legal services programs, contracting with neutral building inspectors to provide valuable input for housing matters, and court-based settlement efforts.

Continuing Unmet Need: The Challenges and Barriers, and Additional Research Recommended

The Shriver pilot projects were conducted in the context of larger societal trends which posed a significant challenge and made the legal issues harder to pursue on behalf of the Shriver clients. During the next stage of the pilot projects, some of these issues and trends will need to be taken into account in order to increase the effectiveness of the services provided.

- **Potential reductions in legal aid funding**. The federal Legal Services Corporation (LSC) faces potential budget cuts or even elimination, and other federal legal services funding sources are also facing reductions or elimination, threatening to increase the justice gap, rather

than move closer to the goal of equal access. At the same time, some state funding sources are being increased to help compensate. This changing landscape will put significant pressure on the legal aid community and the pro bono volunteers who support their work. Priorities for legal assistance across the state may be reconsidered in light of reduced federal funding, and many individuals facing critical legal issues may find that they can no longer obtain the assistance they need.

- **Lack of affordable housing**. For housing representation, the fact that affordable housing is almost nonexistent in many areas of the state, and the housing that is available is very expensive, makes it extremely difficult to negotiate successful settlement agreements. These challenges will only increase as the cost of housing rises and the availability of affordable housing decreases. Key goals should be the preservation of low-income housing stock, particularly federally assisted Section 8 units and housing choice vouchers, which are important for this at-risk and vulnerable population.
- **Legal issues not recognized or addressed**. Research shows people often do not see their problems as legal issues, so they fail to seek legal help when they should. Others do not want to address the problems they are facing. Unfortunately, this often leads to their legal issues becoming significantly worse, such as when defaults are entered against them or alternative solutions are no longer feasible.
- **Need for attorneys willing to handle custody cases.** Attorneys can play a critical role in child custody cases, helping the parties reach settlement earlier and avoiding long-term family instability. However, there is a dearth of attorneys willing to take on these kinds of cases for low-income clients because of the conflict involved and because the cases can last for years until the children become adults.
- **Growing aging population**. The increasing number of frail seniors in the population will lead to a corresponding need for conservatorships. However, the paperwork is challenging and the number of attorneys who know how to handle these kinds of cases is inadequate to meet the need. The cases sometimes involve a high level of conflict, as different family members seek different solutions. Low-income seniors on fixed incomes may also need legal assistance to secure stable housing, despite increasing housing costs.
- **Limited Child Protective Services funding often leads to increases in guardianship petitions.** When there are reductions in funding for Child Protective Services leading to reduced assistance, there will be a corresponding increase in guardianship petitions being pursued. As with conservatorships, these cases involve significant amounts of paperwork, few attorneys are expert in the field, and there can be high levels of conflict involved with multiple contending parties needing legal assistance.

Further research recommended for the Shriver Program

As part of the functioning of the Shriver pilot projects, it became clear that additional research would be extremely valuable. Some of these research goals can be achieved through the

evaluation of future Shriver pilot projects, while others may require collaboration with appropriate entities.

- **Effective triage mechanisms and a comprehensive continuum of service.** A thorough analysis of triage mechanisms was beyond the scope of these pilot projects. However, important information was learned about how to ensure that individual court customers are referred to the level of service most appropriate for each individual and what components are necessary for a comprehensive continuum of service. Some individuals and some legal issues can be handled effectively with a certain level of self-help assistance, while others require representation by an attorney, either through limited-scope legal assistance or through full representation. Further study is needed to clarify the best procedures for ensuring effective and efficient triage methods involving all key stakeholders.
- **Impact of limited-scope legal assistance (otherwise known as "unbundling")**. While this project focused on the impact of providing full legal representation, it would be helpful to also study the impact of providing different levels of attorney assistance in limited-scope cases. Evaluation of such a pilot could help expand our understanding of how to best incorporate limited-scope programs, and how to establish truly workable and effective triage mechanisms.
- **Effective education and outreach**. Research is recommended concerning why some people access services and others do not, despite significant levels of outreach. Because early intervention might save resources and avoid unnecessary protracted litigation, methods could be studied that would encourage individuals to seek prompt legal assistance where appropriate.
- **Other potential subjects for pilot projects**. Research should be conducted concerning other litigation types that often involve uneven representation and that might benefit from a pilot project to evaluate the role of civil legal assistance.
- **Cost of providing services.** Further study is needed regarding the relative costs of different levels of legal assistance, keeping in mind the varying complexity of cases, delivery mechanisms, and geographic location. Because of the disparate nature of the projects in this study, a complete analysis of relative costs was not possible. However, there is a wealth of cost information compiled in this report that would be valuable when combined with any further study.
- **Mediation and mandatory settlement conferences.** Mediation and mandatory settlement conferences should be studied with regard to their effectiveness and their impact on pending litigation. The research should include the involvement of legal representation and the role of client education in improving outcomes.
- **Further evaluation of existing "promising" practices.** Further study is needed to establish a broader empirical foundation to determine whether the interventions seen as "promising" in the current Shriver pilot projects might become "best practices" that should be replicated more broadly. For example, further research about the integration of social services with legal services can help determine where social service components would help support

beneficial and sustainable outcomes for low-income litigants. Similarly, the effectiveness of providing neutral assessment of housing code compliance, when habitability is at issue, should be assessed.

Part 2

Subject-Area Summaries from Evaluation Report

Evaluation of the Shriver Housing Pilot Projects

Summary

Given the dearth of affordable housing in California and the rate at which rents have outpaced wages in most areas of the state, eviction is one of the most pressing 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. These risks can be particularly severe for vulnerable tenants, such as the elderly and people with disabilities. Among low-income populations, the vast majority of unlawful detainer cases involve landlords with legal representation and tenants without the resources to retain counsel. To level the playing field, the Shriver program sought to provide equal access to justice and to ensure that cases were decided on their merits and not as a result of one side having legal representation. The Shriver program funded housing pilot projects in six counties: Kern, Los Angeles, Sacramento, San Diego, Santa Barbara, and Yolo.

Data for the evaluation of the Shriver housing pilot projects were collected over the course of five years from multiple sources including program services data recorded by Shriver project staff, individual court case files, data from court case management systems, and interviews with defendants and Shriver project staff from both legal aid and the courts. Importantly, for a limited period of time, three pilot projects randomly assigned litigants to receive Shriver full representation or no Shriver services, and data for these two groups were compared.

Who was served by the Shriver housing pilot projects?

From October 2011 through October 2015, the first four years of implementation, the six housing pilot projects provided legal aid services to more than 19,000 low-income tenants facing eviction (and a small number of low-income landlords). Most Shriver clients were female and nonwhite. Many experienced a disability or had limited proficiency with English. More than half had minors living in their households. Within these cases, approximately 55,000 household members were impacted by the Shriver legal services.

The median monthly income among Shriver housing clients was $980, well below the 2014 Federal Poverty Level, and the overwhelming majority of them were experiencing severe rental cost burden. Across all six pilot projects, 92% of Shriver clients spent more than 30% of their monthly household income on rent, and 73% spent 50% or more. Most commonly, Shriver clients were being evicted for

alleged nonpayment of rent, and the average amount demanded on the eviction notice was $1,810, highlighting the financial vulnerability of many families.

What services were provided by the Shriver housing pilot projects?

More than half of Shriver housing clients received full representation by a Shriver legal aid attorney and the remainder received unbundled services, such as brief counsel and advice or help filing an answer. Of those tenants who received full representation from a Shriver attorney, 96% were facing a landlord who was represented by counsel (1% were not and 3% were missing information about opposing party representation).

Court-based Shriver services for unlawful detainer cases included self-help centers, mediation services, housing inspectors, and electronic filing systems. One court established a Housing Settlement Master and instituted mandatory settlement conferences for all unlawful detainer cases scheduled for trial.

Notable impacts of the Shriver housing pilot projects

Study findings demonstrated that, relative to cases with self-represented defendants, cases with Shriver full representation for tenants had the following impacts:

Increased participation in the justice system

Tenants' access to justice initially depends on their ability to successfully file a written response to the unlawful detainer complaint within a short timeframe. Inability to do so usually results in a default, landlords regaining possession of the property, and tenants never presenting their side of the case. Historically, in unlawful detainer cases, defaults are very common. Across all six pilot projects, an answer (or other response) was successfully filed in approximately 94% of cases that received representation by a Shriver attorney. The random assignment study of three projects showed that significantly more full representation cases filed an answer/response (91%) than did comparison cases (73%).

The increased likelihood of filing an answer to the unlawful detainer complaint led to fewer defaults among cases with full representation. The random assignment study found that Shriver full representation clients were significantly less likely to end their cases by default (8%) than were self-represented defendants (26%). The lower rate of default judgments is an important indication of access to justice for these families.

More settlements and fewer trials

Balancing the playing field did not appear to make unlawful detainer proceedings more combative or drawn-out. Instead, it increased the likelihood of settlement. Across all six pilot projects, 70% of defendants with Shriver representation settled their cases and 5% resolved their cases via trial (18% were dismissed and 7% were unknown). Random assignment study results showed that the settlement rate with balanced representation was significantly higher (67%) and the trial rate lower (3%) than what occurred when the tenant is self-represented (34% and 14%, respectively).

Impact of mandatory settlement conferences.

As part of its Shriver housing pilot project, the Superior Court of Santa Barbara County established a court-based Housing Settlement Master and required parties in unlawful detainer cases to meet with the Settlement Master before the trial date. Preliminary data suggest this intervention was effective. When both parties appeared at the conference, an agreement was reached 79% of the time. This greatly

reduced the number of cases that proceeded to trial, thereby reducing the burden on the court. Further, among those cases that settled during the conference, 81% complied with the terms of the agreement, suggesting that the Settlement Master helped negotiate terms that were both agreeable and tenable for both sides.

Case outcomes favored longer-term housing stability

Possession of the property.

Across all six pilot projects, among cases that received full representation, tenants in 78% of cases ultimately moved out of their homes (16% stayed in their homes and 6% were unknown). Likewise, the random assignment study found that possession was obtained by the landlord in roughly 75% of cases. Although comparatively fewer cases ended with the tenant retaining possession of the property, possession was retained more often among cases with Shriver represented tenants (5%) than among cases with self-represented tenants (1%). (Note that possession was unknown for cases that ended in dismissal, roughly 20% of the sample.)

Of those Shriver clients who moved out of the home, the majority did so as part of a negotiated settlement. Across the six pilot projects, formal evictions (i.e., court issues a judgment against a tenant) occurred in roughly 6% of cases. Moving as part of a settlement helps to calm emotional tensions on both sides and to foster a transition that is better planned, less disruptive, and less damaging for tenants by offering some additional stability. For example, tenants with full representation had, on average, 85 days to move, versus 74 days among self-represented defendants. This additional time gave Shriver clients more time to find alternate housing and plan their transition.

Financial and credit-related outcomes.

Across all six pilot projects, among those cases in which tenants had to move out of their homes as part of a settlement, the terms of the agreement included a reduction in or waiver of the back-owed rent to be paid by the tenant (65% of cases); the unlawful detainer action masked from the public record (74%); the case not reported to credit agencies (53%); and a neutral rental reference from the landlord (39%). Any of these elements alone, but more so when combined, provides tenants with increased opportunity to find alternative stable housing for themselves and their families.

Random assignment study results showed that many of these beneficial financial and credit-related outcomes were attained more often by defendants with Shriver representation than by self-represented defendants. In particular, compared to self-represented tenants, fewer Shriver-represented tenants were ordered to pay holdover damages (26% vs. 11%, respectively), attorney fees (28% vs. 18%), and other costs (33% vs. 15%). Further, 45% of Shriver clients received at least one positive credit-related outcome (e.g., masked case, not reported to credit agencies) compared to 17% of defendants without an attorney.

This support for longer-term housing stability was evident among the sample of tenants interviewed one year after their cases had closed. All interviewees except for one had moved out of their homes at the end of their housing cases. One year later, 71% of Shriver clients had obtained a new rental unit, compared to 43% of self-represented defendants. The benefits such as protected credit, masked records, and reduced/waived debt likely made it easier for Shriver clients to obtain stable replacement housing and to maintain stability for their households.

Improved efficiency for the courts

Although providing full representation to defendants did not shorten the time to resolve cases, it did reduce the level of involvement necessary by the court to bring cases to resolution. Shriver services enabled a large majority of unlawful detainer cases to resolve by settlement, which requires comparably fewer court resources, and limited the number of cases that went to trial, which is a more resource-intensive activity for court staff. These efficiencies can help alleviate court congestion by reducing the load on court clerks and judicial officers, and translate into cost savings over time.

Litigants felt supported

When asked about their housing cases, many Shriver clients expressed appreciation for the legal services they received. Even with this assistance, and certainly among those who did not receive Shriver services, defendants stated that the unlawful detainer case negatively impacted their lives and that being forced to move negatively affected others in the household, most notably dependent children. However, the presence of an attorney helped tenants make the stressful experience of an unlawful detainer case manageable, helped them feel supported in the process and not lost in the system, and in some cases, it helped them mount the motivation for a new start.

Evaluation of the Shriver Child Custody Pilot Projects

Summary

The Sargent Shriver Civil Counsel Act allocated up to 20% of program funding for child custody cases. The statute set several eligibility requirements, including that clients have low-income status (i.e., at or below 200% of the Federal Poverty Level), be facing an opposing party with an attorney (i.e., imbalanced representation), and be involved in a case with a parent trying to obtain a court order for sole custody of the child (Gov. Code, § 68651(b)(2)(B)).

Generally, child custody cases are complex and emotionally charged, have critical implications for families and children, and can remain open until the child turns 18 years old. A court order for sole custody can often leave the other parent with limited or no access to the child. Therefore, these cases can also be highly contentious. The act mainly aimed to level the playing field in these types of cases. Shriver projects served parents trying to obtain custody as well as those trying to preserve custody.

The unique attributes of families, parent personalities, relationship dynamics, and circumstances of children can add intricacy and tension to proceedings. When cases are contentious, as most cases served by the Shriver custody pilot projects were, the adversarial nature of the judicial process can be compounded. Moreover, there are innumerable factors that can influence court decisions and determinations regarding the best interests of the child, many of which are not reliably documented in court case files.

The Shriver program funded custody pilot projects in three counties: Los Angeles, San Diego, and San Francisco. Services were provided for one request for orders (RFO) during the life of a custody case. Data for the evaluation of the Shriver custody pilot projects was collected over the course of five years from multiple sources including program service data recorded by Shriver attorneys, individual court case files, and interviews with custody litigants and project staff from legal aid agencies and the courts. Random assignment was not conducted, but comparative samples of non-Shriver cases were drawn at two projects (San Diego and San Francisco).

Who was served by the Shriver custody pilot projects?

Shriver services were provided to both mothers and fathers, though most clients were female. The median monthly income of Shriver custody clients was $1,033, well below the 2014 Federal Poverty Level, and many demonstrated substantial needs in critical livelihood areas such as income, employment, and food security. Over half of Shriver cases had intertwined issues of domestic violence. Most clients were Hispanic/Latino or African American.

What services were provided by the Shriver custody pilot projects?

From October 2011 through October 2015, the first four years of implementation, the three custody projects provided services to 1,100 low-income parents. Over half of these clients received full

representation by a Shriver attorney throughout their custody pleadings, and the rest received unbundled legal services, such as brief counsel and advice, education, and mediation preparation. Over time, the pilot projects in Los Angeles and San Francisco incorporated social workers into their projects to address their clients' serious and persistent social service needs. Moving families out of crisis and into self-sufficiency became a project goal, as this transition also eased emotional duress, enabled the creation of more stable environments for children, and supported sustainability of custody arrangements. In addition to the legal aid services, the San Diego custody pilot project also offered Shriver settlement conferences conducted by a judge.

Notable impacts of the Shriver custody pilot projects

Studies have acknowledged the myriad benefits of providing legal assistance to litigants in complicated family law matters.[5] The Shriver custody pilot projects demonstrated several of these:

Shriver services helped level the playing field.

The statute required Shriver projects to serve cases with the potential for acute consequences for families. Specifically, services targeted self-represented parents who were facing opposing parties represented by attorneys in cases where sole custody was at issue. Legal aid services attorneys explained that their primary goal was to level the playing field, ensuring both parents had adequate access to justice. Across all three projects, data showed that 89% of Shriver representation cases had attorneys on both sides (10% of clients faced an unrepresented party at the time of Shriver service intake, and 1% were unknown)*.*

Attorneys educated parents, which created efficiencies and eased tensions.

Attorneys helped to educate parents about the legal process and to shape reasonable expectations for their case outcomes. Consequently, court proceedings became more efficient, as judges spent less time managing litigants and benefited from more-comprehensive information on which to base decisions. Shriver attorneys felt that they could ease tensions and reduce emotional turmoil that would otherwise cloud and complicate proceedings.

Litigants felt supported.

Parents reported feeling informed about their cases, supported throughout the process, and not lost in the system. Having an attorney's expertise and support mattered to parents beyond the case outcomes. Specifically, litigants' perceptions of fairness of the judicial system varied with their satisfaction with their case outcomes: If they were satisfied with their case outcomes, they found the process was fair; if they were not satisfied with their outcomes, they found it not fair. In contrast, litigants' perceptions of the Shriver attorney were overwhelmingly positive, regardless of their satisfaction with their case outcomes.

Attorneys supported collaboration between parties.

Shriver project staff thought litigants were more willing to enter agreements when their attorneys helped them understand when terms were reasonable. By supporting successful negotiations and reducing emotional tensions between parties, Shriver attorneys were able to increase the likelihood of

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[5] See, for example, Engler, R. (2010). Connecting self-representation to civil *Gideon*: What existing data reveal about when counsel is most needed. *Fordham Urban Law Journal, 37*, 37.

pretrial settlements, which had a positive impact on the court and the families. This finding is supported by the quantitative data culled from the court case files at the San Diego project, where 54% of Shriver full-representation cases resolved via settlement versus 30% of comparison cases.

This resulted in increased efficiencies for the court, as Shriver cases tended to involve fewer hearings and continuances than comparison cases. In San Diego, 16% of cases with Shriver representation resolved without a hearing versus 2% of comparison cases. Further, while nearly two-thirds (63%) of comparison cases required hearings to resolve the pleading, less than half (40%) of Shriver representation cases did.

Combined effect of attorney representation and Shriver settlement conferences was positive.
The San Diego custody pilot project offered Shriver settlement conferences conducted by a judge with attorneys present. Sixty percent of Shriver settlement conferences reached full or partial agreement during the session. Further, 34% of Shriver representation cases were fully resolved during the settlement conference, contrasted with 4% of Shriver cases that reached resolution during typical mediation sessions. The heightened success of Shriver settlement conferences is likely attributable to the presence of counsel—parents were more willing to enter into agreements under the guidance of their attorneys—and to the ability of the judge to provide immediate resolution.

Custody orders were more durable.
In San Diego, the combination of representation by a Shriver attorney and participation in a Shriver settlement conference yielded more durable custody orders. Within the two years after the orders were issued, only 1 in 10 Shriver cases had filed an RFO to modify the existing custody orders, versus 1 in 3 comparison cases.

Custody orders that endure can help stabilize families and reduce the burden on courts. Importantly, this can translate into cost savings, as the investment costs of Shriver court-based services are more than recovered by the reduction in subsequent filings requesting a change to custody orders.

Increasing settlements and improving the durability of custody orders are important project achievements. While it is difficult to disentangle the independent contributions of legal representation and settlement conferences, preliminary data suggest that both are useful.

Evaluation of the Shriver Probate Pilot Project

Summary

The Shriver program funded one probate pilot project in Santa Barbara County that focused on guardianship and conservatorship cases. Most guardianships were sought because wards' parents were unable or unavailable to care for them due to a range of complex and deleterious issues. Establishing legal guardianships and conservatorships helps to ensure that vulnerable children and adults are living in stable environments and have the care they need. These cases are technically complicated and involve volumes of paperwork that can be very challenging for self-represented litigants, and insurmountable for those with limited English proficiency or literacy abilities. Unlike the housing and custody pilot projects that sought to level the playing field, the Shriver probate pilot project fundamentally intended to provide individuals with meaningful access to the judicial system and assistance with these complex and emotionally charged cases that have critical implications for families, even when there is no opposing party.

The Shriver probate pilot project involved legal aid services provided by legal aid attorneys and court-based services provided by a newly established, Shriver-funded probate facilitator. Data for the evaluation of the Shriver probate pilot project were collected over the course of five years from multiple sources using various methodologies such as program services data, individual court case files, and interviews with project staff from legal aid and the court.

Who was served by the Shriver probate pilot project?

Families served by the Shriver project evidenced substantial dysfunction and considerable risk factors to the children involved. In short, guardianships were sought not because parents were deceased, but because parents were unable or unavailable to care for children due to issues such as substance abuse, incarceration, abandonment, maltreatment, and homelessness. The median monthly income was $1,600, below the 2014 Federal Poverty Level, and roughly one-fifth were reliant on food subsidies. Moreover, roughly a quarter of families were referred by Child Protective Services (CPS), suggesting that CPS recognized guardianships as a way to avoid foster care in these situations that would otherwise have been untenable for children. The most common case involved individuals seeking assistance with a petition for guardianship (e.g., couples, such as grandparents, seeking to care for grandchildren).

What services were provided by the Shriver probate pilot project?

From January 2012 to June 2015, 242 litigants sought help from Shriver legal aid attorneys. Of the 158 determined eligible, 40% received full representation and 60% received unbundled services (brief counsel and advice). The remaining 84 cases that did not meet eligibility criteria received unbundled services (i.e., brief counsel and advice) during their initial consultation with an attorney.

The probate facilitator assisted all parties who presented at the court (no income requirement) and, from January 2013 to June 2015, she assisted 286 self-represented litigants. The probate facilitator provided litigants extensive help with paperwork, including the initial petition for guardianship or conservatorship and the entire range of additional forms and documents related to the case. This assistance made it possible for litigants, who otherwise lacked the resources to retain an attorney, to meaningfully access the legal system.

Notable impacts of the Shriver probate pilot project

Findings demonstrated several beneficial impacts of the Shriver probate pilot project:

Petitions were successfully filed.

The Shriver probate project sought to stabilize families by removing barriers to filing petitions for guardianship and conservatorship and creating the opportunity for meaningful access to the judicial system. The complexity and volume of the paperwork necessary for petitions, as well as the skills and time required to locate family members for notification, present a significant barrier to successfully filing a petition. As a result, historically, many people who begin the process never successfully file. Among all litigants receiving full representation by a Shriver attorney, only 6% did not file a petition or pursue other arrangements, such as power of attorney for the child or a caregiver's affidavit.

Of those who successfully filed a guardianship petition, litigants with Shriver representation (70%) and those with probate facilitator assistance (71%) were about as likely to have their petitions granted as were self-represented litigants with no Shriver services (63%).

Impact of probate facilitator.

Court staff estimated that, before the Shriver project, it would take three attempts for litigants to successfully file a petition and many would give up before succeeding. However, litigants who received help from the probate facilitator were generally able to file successfully on their first attempt, which eased the burden on both the litigants and court clerks charged with reviewing the documents. The probate facilitator also streamlined the document revision and information collection once the petition was filed. She served as a resource for litigants as they attempted to complete any of a wide range of related legal forms and prepare their case, and for court staff (e.g., investigators) who needed additional information about a family. When interviewed, court staff were vocal about the numerous efficiencies and expertise this position added to the court.

There was increased participation in the legal system by relevant parties.

Individuals who received representation by a Shriver attorney were afforded meaningful access to the legal system and employed a range of strategies to support their cases. For instance, litigants with Shriver counsel called witnesses (31%) and submitted declarations (22%) significantly more often than did litigants without Shriver services (5% and 3%, respectively). These actions supported the petitioners' cases and offered the court more complete and comprehensive information on which to base decisions.

Shriver services, both representation and probate facilitator services, supported effective notification procedures, including those for relatives and tribes. Ensuring effective and complete notification provided other relevant parties with an opportunity to participate in the case. Increasing participation tended to enhance collaboration among parties who may have been in opposition otherwise. Shriver

staff educated parties about the terms of guardianships and conservatorships—e.g., parental rights are not terminated when guardianship is established—which often eased tensions and supported cooperation.

Court proceedings were more efficient.

The provision of Shriver services made notable contributions to court efficiency. Cases with a Shriver attorney were resolved more quickly than were cases with self-represented litigants. Specifically, 53% of Shriver representation cases were resolved within 60 days, compared to just over one-third of other cases. Further, these full-representation cases involved fewer hearings and continuances compared to cases with self-represented litigants.

Efficiencies in proceedings translated to savings for the court.

Court staff reported that the probate facilitator's assistance resulted in more petitions filed successfully the first time, rather than after multiple attempts, as had been typical before the Shriver project. Her assistance streamlined paperwork and increased the quality of information for the court, which created substantial efficiencies for clerks and for the court's probate attorney, as well as provided more thorough information for decisions by judicial officers.

Overall, the Shriver probate pilot project created efficiencies for the court through the Shriver probate facilitator (e.g., reduced clerk time to process petitions) and through the Shriver legal aid attorneys (e.g., fewer hearings and continuances). Taken together, these efficiencies reduced the average court costs to process a guardianship case by approximately 30%.

ATTACHMENT B

Evaluation of the Sargent Shriver Civil Counsel Act (AB590)

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Informing policy and improving programs to enrich people's lives

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For more information about the evaluation or this report, contact Kelly Jarvis, Ph.D., Senior Research Associate at NPC Research, at jarvis@npcresearch.com.

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EVALUATION OF THE SHRIVER CIVIL COUNSEL ACT EXECUTIVE SUMMARY

The Sargent Shriver Civil Counsel Act (AB590)[1] established pilot projects to provide legal representation for self-represented[2] low-income parties in civil matters involving critical livelihood issues such as housing, child custody, domestic violence, guardianship, and conservatorship. Ten pilot projects, in seven counties, were selected by the Judicial Council of California and funded in fall of 2011. Six pilot projects focused on housing cases, three projects focused on child custody cases, and one project focused on guardianship and conservatorship (probate) cases.

All ten projects involve one or more legal services agencies working in collaboration with their local superior courts. The purpose of the pilot projects is to improve court access, increase court efficiency, and improve the quality of justice. Shriver services were intended for individuals with an income at or below 200% of the federal poverty level and facing an opposing party with legal representation.

The type of services available varied across the pilot projects and depended on their local circumstances. At each project, the legal services agencies provided a range of services, including *full representation* by a Shriver attorney on all aspects of the case and a variety of limited scope legal assistance (*"unbundled" services*) for discrete legal tasks, such as brief counsel and advice, preparation of forms, educational materials for trial preparation, or representation during mediation and settlement negotiations. Some pilot projects also entailed *court-based services* and innovations, such as the creation of a Housing Settlement Master, the staffing of a Probate Facilitator, the implementation of judge-facilitated settlement conferences for custody cases, and the expansion of court-based self-help assistance.

The evaluation of the Shriver pilot projects is one of the largest access to justice studies undertaken. The study utilizes data collected over the course of 5 years from multiple sources. In total, across the ten projects, demographic and service data were collected for more than 20,000 litigants, individual court case files were reviewed for more than 700 litigants, telephone interviews were conducted with more than 150 litigants, and interviews were done with dozens of legal aid and court staff. In addition, summary data were gathered from court case management systems and cost data were gleaned from administrative sources. The totality of this information provides a comprehensive understanding of the operations, outcomes, and costs of the Shriver Program in its first 5 years of funding.

[1] Assem. Bill 590; Stats. 2009, ch. 457.

[2] The term "self-represented" is used to refer to litigants who appear in court or undergo their case proceedings without representation by an attorney.

Summary of Findings for the Shriver Housing Pilot Projects

Given the dearth of affordable housing in California and the rate at which rents have outpaced wages in most areas of the state, eviction is one of the most pressing 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. These risks can be particularly severe for vulnerable tenants, such as the elderly and people with disabilities. Among low-income populations, it is very common for unlawful detainer cases to involve landlords with legal representation and tenants without the resources to retain counsel. By balancing the playing field, the Shriver Program sought to provide equal access to justice and to ensure that cases were decided on their merits and not as a result of one side having legal representation. The Shriver Program funded housing pilot projects in six counties: Kern, Los Angeles, Sacramento, San Diego, Santa Barbara, and Yolo.

Data for the evaluation of the Shriver housing pilot projects were collected over the course of 5 years, from multiple sources including program services data by Shriver project staff, individual court case files, data from court case management systems, and interviews with tenants and Shriver project staff from both legal aid and the courts. Importantly, for a limited period of time, three pilot projects (that were oversubscribed) randomly assigned litigants to receive Shriver services or not, and data for these two groups were compared.

Who was served by the Shriver Housing Pilot Projects?

From October 2011 through October 2015, the first 4 years of implementation, the six housing pilot projects provided legal aid services to more than 19,000 low-income tenants facing eviction (and a small number of low-income landlords). Most Shriver clients were female and non-White. Many experienced a disability or had limited proficiency with English. More than half had minors living in their households. Within these cases, approximately 55,000 household members were impacted by the Shriver legal services.

The median monthly income among Shriver housing clients was $980, well below the 2014 Federal Poverty Level (FPL), and the overwhelming majority of them were experiencing severe rental cost burden. Across all six pilot projects, 92% of Shriver clients spent more than 30% of their monthly household income on rent, and 73% spent 50% or more. Most commonly, Shriver clients were being evicted for alleged non-payment of rent, and the average amount demanded on the eviction notice was $1,810, highlighting the financial vulnerability of many families.

What services were provided by the Shriver Housing Pilot Projects?

More than half of Shriver housing clients received full representation by a Shriver legal aid attorney and just under half received unbundled services, such as brief counsel and advice or help filing an answer. Of those tenants who received full representation from Shriver counsel, 96% were facing a landlord who was represented by counsel (1% were not and 3% were missing information about opposing party representation).

Court-based Shriver services for unlawful detainer cases included self-help centers, mediation services, housing inspectors, and electronic filing systems. One court established a Housing Settlement Master and instituted mandatory settlement conferences for all unlawful detainer cases that were scheduled for trial.

NOTABLE IMPACTS OF THE SHRIVER HOUSING PILOT PROJECTS

Study findings demonstrated that, relative to cases with self-represented defendants, cases with Shriver full representation for defendants had the following impacts:

Increased participation in the justice system

Tenants' access to justice depends on their ability to successfully file a written response to the unlawful detainer complaint within a short timeframe. Inability to do so usually results in a default, landlords regaining possession of the property after a forced eviction, and defendants never presenting their side of the case. Historically, in unlawful detainer cases, defaults are very common. Across all six pilot projects, an answer (or other response) was successfully filed in approximately 94% of cases that received representation by a Shriver attorney. The random assignment study of three projects showed that significantly more full representation cases filed an answer/response (91%) than did comparison cases (73%).[3]

The increased likelihood of filing an answer to the unlawful detainer complaint led to fewer defaults among cases with full representation. The random assignment study found that Shriver full representation clients were significantly less likely to end their cases by default (8%) than were self-represented defendants (26%). The lower rate of default judgments is an important indication of access to justice for these families.

More settlements and fewer trials

Balancing the playing field did not appear to make unlawful detainer proceedings more combative or drawn-out. Instead, it increased the likelihood of settlement. Across all six pilot projects, 70% of defendants with Shriver representation settled their cases and 5% resolved their cases via trial (18% were dismissed and 7% were unknown). Random assignment study results showed that the settlement rate with balanced representation is significantly higher (67%) and the trial rate lower (3%), than what occurs when the tenant is self-represented (34% and 14%, respectively).

Impact of Mandatory Settlement Conferences

As part of its Shriver housing pilot project, the Santa Barbara County Superior Court established a court-based Housing Settlement Master and required parties in unlawful detainer cases to meet with the Settlement Master before the trial date. Preliminary data suggest this intervention was effective. When both parties appeared at the conference, an agreement was reached 79% of the time. This reduced the number of cases that proceeded to trial, thereby reducing the burden on the court. Further, among those cases that settled during the conference, 81% complied with the terms of the agreement, suggesting that the Settlement Master helped negotiate terms that were both agreeable and tenable for both sides.

Case outcomes favored longer term housing stability

Possession of the Property

Across all six pilot projects, among cases that received full representation, tenants in 78% of cases ultimately moved out of their homes (16% stayed in their homes and 6% were unknown).

[3] Note that some cases were accepted for Shriver representation after the default had already been entered, and the project sought to get the default overturned.

Likewise, the random assignment study found that possession was obtained by the landlord in roughly 75% of cases, regardless of tenant representation. Although a minority of cases ended with the tenant retaining possession of the property, possession was retained more often among cases with Shriver-represented tenants (5%) than among cases with self-represented tenants (1%). (Note that possession was unknown for cases that ended in dismissal, roughly 20% of the random assignment sample.)

Importantly, although most tenants ultimately moved, Shriver full representation resulted in few tenants being formally evicted from their homes. Across all six pilot projects, cases with full representation ended with a formal eviction (i.e., the court issued a judgment against the tenant, and the tenant had to vacate) roughly 6% of the time. Given that all tenants had been served an eviction notice, it is notable that such a small proportion faced an actual lockout.

Instead, of the Shriver representation clients who ultimately moved, the majority did so as part of a negotiated settlement. Moving as part of a settlement helps to calm emotional tensions on both sides and to foster a transition that is better planned, less disruptive, and less damaging for tenants by offering some additional stability. For example, tenants with full representation had, on average, 85 days to move, versus 74 days among self-represented defendants. This added time gave Shriver clients more time to find alternate housing and plan their transition.

Financial and Credit-Related Outcomes

Across all six pilot projects, among those cases in which tenants had to move as part of a settlement, the terms of the agreement also included: a reduction in or waiver of the back-owed rent to be paid by the tenant (65% of cases), the unlawful detainer action masked from the public record (74%), the case not reported to credit agencies (53%), and a neutral rental reference from the landlord (39%). Any of these elements alone—but more so when combined—provides tenants with increased opportunity to find alternate stable housing for themselves and their families.

Random assignment study results showed that many of these beneficial financial and credit-related outcomes were attained more often by defendants with Shriver representation than by self-represented defendants. In particular, compared to self-represented tenants, fewer Shriver-represented tenants were ordered to pay holdover damages (26% vs. 11%, respectively), landlord attorney fees (28% vs. 18%), and other costs (33% vs. 15%). Further, 45% of Shriver clients received at least one positive credit-related outcome (e.g., masked case, not reported to credit agencies), compared to 17% of defendants without an attorney.

This support for longer term housing stability was evident among defendants interviewed 1 year after their case had closed. All interviewees except for one had moved out of their homes at the end of their housing case. One year later, 71% of Shriver clients had obtained a new rental unit, compared to 43% of self-represented defendants. It is plausible that benefits such as protected credit, masked records, and reduced/waived debt made it easier for Shriver clients to obtain stable replacement housing and to maintain stability for their households.

Litigants felt supported

When asked about their housing cases, many Shriver clients expressed appreciation for the legal services they received. Even with this assistance, and certainly among those who did not receive Shriver services, defendants stated that the unlawful detainer case negatively impacted

their lives and that being forced to move negatively affected others in the household, most notably dependent children. However, the presence of an attorney helped tenants make the stressful experience of an unlawful detainer case manageable, helped them feel supported in the process and not lost in the system, and in some cases, it helped them mount the motivation for a new start.

Improved efficiency for the courts

Although providing full representation to defendants did not shorten the time to resolve cases, it did reduce the level of involvement necessary by the court to bring cases to resolution. Shriver services enabled a large majority of unlawful detainer cases to resolve by settlement, which requires comparably fewer court resources, and limited the number of cases that went to trial, which is a more resource-intensive activity for court staff. These efficiencies can help alleviate court congestion by reducing the load on court clerks and judicial officers, and they also translate into cost savings over time.

Methodological limitations and considerations

Three of the six pilot projects implemented random assignment of litigants to receive service, a methodologically rigorous study design that lends considerable credence to the results. However, litigants could be assigned to the comparison group only if they presented at legal aid for assistance with their case. Given the high number of unlawful detainer defendants who default without ever seeking help, the comparison litigants in this study may not be representative of typical unrepresented tenants in unlawful detainer cases. This limitation presents a potential bias in the current sample, but one that would lead to an underestimation of the effect of representation. The larger drawback to this potential sample bias is the lack of information about those litigants who are most prone to default without seeking help.

Though the scope of this evaluation was broad, some information gaps remained. For example, due to attorneys' brief interaction with unbundled services clients, little was known about the outcomes of these cases and the impact of limited scope services. In addition, current data did not reflect the role of case merit, even though merit likely operated as an important variable in case triage and outcomes.

ADDITIONAL NEEDS NOTED BY PROJECTS

The dearth of affordable housing creates a constant struggle for low-income renters. Tenants frequently need more resources than just legal help, such as short-term rental assistance and help finding new housing. These services can be effective in preventing homelessness and implementing rapid re-housing, but they were not part of the Shriver Program parameters.

In larger geographic regions, Shriver project staff noted that accessing services was challenging for tenants with a disability, unreliable transportation, or inflexible work schedules. It may take hours by bus to get to the courthouse or to legal aid offices, which can be a significant impediment to accessing help, even when it is free.

Additionally, there was concern for tenants who did not qualify for Shriver services due to their income, but who could still not afford an attorney, and therefore tended to slip through the cracks. Further, some Shriver project staff thought that low-income landlords would benefit from legal assistance at a greater level than what was available in the current projects.

Summary of Findings for the Shriver Custody Pilot Projects

The Sargent Shriver Civil Counsel Act allocated up to 20% of program funding for child custody cases. The statute set several eligibility requirements, including that clients have low-income status (i.e., at or below 200% of the Federal Poverty Level), be facing an opposing party with an attorney (i.e., imbalanced representation), and be involved in a case with a parent trying to obtain a court order for sole custody of the child (Gov. Code Section 68651(b)(2)(B)).

Generally, child custody cases are complex and emotionally charged, have critical implications for families and children, and can remain open until the child turns 18 years old. A court order for sole custody can often leave the other parent with limited or no access to the child. Therefore, these cases can also be highly contentious. The Act mainly aimed to level the playing field in these types of cases by addressing imbalanced representation. Shriver projects served parents trying to obtain custody, as well as those trying to preserve custody.

The unique attributes of families, parent personalities, relationship dynamics, and circumstances of children can add intricacy and tension to proceedings. When cases are contentious, as most cases served by the Shriver custody pilot projects were, the adversarial nature of the judicial process can be compounded. Moreover, there are innumerable factors that can influence court decisions and determinations regarding the best interests of the child, many of which are not reliably documented in court case files.

The Shriver Program funded custody pilot projects in three counties: Los Angeles, San Diego, and San Francisco. Services were provided for one request for orders (RFO) during the life of a custody case. Data for the evaluation of the Shriver custody pilot projects were collected over the course of 5 years, from multiple sources including program service data recorded by Shriver attorneys, individual court case files, and interviews with custody litigants and project staff from legal aid agencies and the courts.

Who was served by the Shriver Custody Pilot Projects?

Shriver services were provided to both mothers and fathers, though most clients were female. The median monthly income of Shriver clients was $1,033, well below the 2014 Federal Poverty Level, and many demonstrated substantial needs in critical livelihood areas such as income, employment, and food security. Over half of Shriver cases had intertwined issues of domestic violence. Most clients were Hispanic/Latino or African American.

What services were provided by the Shriver Custody Pilot Projects?

From October 2011 through October 2015, the first 4 years of implementation, the three custody projects provided services to 1,100 low-income parents. Over half of these clients received full representation by a Shriver attorney throughout their custody pleadings, and just under half received unbundled legal services, such as brief counsel and advice, education, and mediation preparation. Over time, the pilot projects in Los Angeles and San Francisco incorporated social workers into their projects to address their clients' serious and persistent social service needs. Moving families out of crisis and into self-sufficiency became a project goal, as this transition also eased emotional duress, enabled the creation of more stable environments for children, and supported sustainability of custody arrangements. In addition to

the legal aid services, the San Diego custody pilot project also offered Shriver settlement conferences conducted by a judge.

NOTABLE IMPACTS OF THE SHRIVER CUSTODY PILOT PROJECTS

Studies have acknowledged the myriad benefits of providing legal assistance to litigants in complicated family law matters (e.g., Engler, 2010). The Shriver custody pilot projects demonstrated several of these:

Shriver services helped level the playing field.

The statute required Shriver projects to serve cases with the potential for acute consequences for families. Specifically, services targeted self-represented parents who were facing opposing parties represented by attorneys in cases with sole custody at issue. Legal aid services attorneys explained that their primary goal was to level the playing field, ensuring both parents had adequate access to justice. Across all three projects, data showed that 89% of Shriver representation cases had attorneys on both sides (10% of clients faced an unrepresented party at the time of Shriver service intake, and 1% were unknown)***.***

Attorneys educated parents, which created efficiencies and eased tensions.

Attorneys helped to educate parents about the legal process and to shape reasonable expectations for their case outcomes. Consequently, court proceedings became more efficient, as judges spent less time managing litigants and benefited from more comprehensive information on which to base decisions. Shriver attorneys felt that they could ease tensions and reduce emotional turmoil that would otherwise cloud and complicate proceedings.

Litigants felt supported.

Parents reported feeling informed about their cases, supported throughout the process, and not lost in the system. Having an attorney's expertise and support mattered to parents despite the case outcomes. Specifically, litigants' perceptions of fairness of the judicial system varied with their satisfaction with their case outcomes: If they were satisfied with their case outcomes, they found the process was fair; if they were not satisfied with their outcomes, they found it not fair. In contrast, litigants' perceptions of the Shriver attorney were overwhelmingly positive, regardless of their satisfaction with their case outcomes.

Attorneys supported collaboration between parties.

Shriver project staff thought litigants were more willing to enter agreements when their attorneys helped them understand when terms were reasonable. By supporting successful negotiations and reducing emotional tensions between parties, Shriver attorneys were able to increase the likelihood of pre-trial settlements, which positively impacts the court and the families. This finding is supported by the quantitative data culled from the court case files at the San Diego project, where 54% of Shriver full representation cases resolved via settlement versus 30% of comparison cases.

This resulted in increased efficiencies for the court, as Shriver cases tended to involve fewer hearings and continuances than comparison cases. In San Diego, 16% of cases with Shriver representation resolved without any hearings at all, versus 2% of comparison cases. Further,

while nearly two thirds (63%) of comparison cases required hearings to resolve the pleading, less than half (40%) of Shriver representation cases did.

Combined effect of attorney representation and Shriver settlement conferences was positive.

The San Diego custody pilot project offered Shriver settlement conferences conducted by a judge, with attorneys present. Sixty percent of Shriver settlement conferences reached full or partial agreement during the session. In total, 34% of Shriver representation cases were fully resolved during the settlement conference, contrasted with 4% of Shriver cases that reached resolution during typical mediation sessions (which attorneys do not attend). The heightened success of Shriver settlement conferences is likely attributable to the presence of counsel—parents were more willing to enter into agreements under the guidance of their attorneys—and to the ability of the judge to provide immediate resolution.

Custody orders were more durable.

In San Diego, the combination of representation by a Shriver attorney and participation in a Shriver settlement conference yielded more durable custody orders. Within the 2 years after the pleading was resolved, only one in ten (11%) Shriver cases had filed an RFO to modify the existing custody orders, versus one in three (32%) comparison cases.

Custody orders that endure can help stabilize families and reduce the burden on courts. Importantly, this can translate into cost savings, as the investment costs of Shriver court-based services are more than recovered by the reduction in subsequent filings requesting a change to custody orders.

Increasing settlements and improving the durability of custody orders are important project achievements. While it is difficult to disentangle the independent contributions of legal representation and settlement conferences, preliminary data suggest that both are useful.

Additional Needs Noted by Projects

Shriver project staff expressed concern about the restrictive nature of the statute eligibility requirements. Specifically, they stated that meeting the income requirement and the opposing party representation requirement is challenging for many litigants, because if one parent is low income, then the other party is generally also low income and therefore not able to afford an attorney. Additionally, staff felt that many contentious custody cases would benefit from service, but were ineligible because neither parent was explicitly asking for sole custody.

Summary of Findings for the Shriver Probate Pilot Project (Guardianship/Conservatorship)

The Shriver Program funded one probate pilot project in Santa Barbara County that focused on guardianship and conservatorship cases. Given the statutory guidelines, Shriver services were provided to cases involving the physical care of a dependent adult or child and were not provided to cases regarding financial resources. Most guardianships were sought because wards' parents were unable or unavailable to care for them due to a range of complex and deleterious issues. Conservatorships were generally sought by a family member to take care of a dependent adult. Establishing legal guardianships and conservatorships helps to ensure that vulnerable children and adults are living in stable environments and have the care they need. These cases are technically complicated and involve volumes of paperwork that can be very challenging for self-represented litigants, and insurmountable for those with limited English proficiency or literacy abilities. Unlike the housing and custody pilot projects that sought to level the playing field by addressing imbalanced representation, the Shriver probate pilot project fundamentally intended to provide individuals with meaningful access to the judicial system and assistance with these complex and emotionally charged cases that have critical implications for families, even when there is no opposing party.

The Shriver probate pilot project involved legal aid services provided by attorneys at the Legal Aid Foundation of Santa Barbara County (LAFSBC) and court-based services provided by a newly established, Shriver-funded Probate Facilitator.

Data for the evaluation of the Shriver probate pilot project were collected over the course of 5 years, from multiple sources, using various methodologies such as program services data, individual court case files, and interviews with project staff from legal aid and the court.

Who was served by the Shriver Probate Pilot Project?

About three-quarters of clients served by the Shriver probate pilot project were seeking guardianships. These families evidenced substantial dysfunction and considerable risk factors for the children involved. In short, guardianships were sought not because parents were deceased, but because parents were unable/unavailable to care for children due to issues such as substance abuse, incarceration, abandonment, maltreatment, and homelessness. The median monthly income among Shriver legal aid clients was $1,600, below the 2014 Federal Poverty Level (FPL), and roughly one-fifth were reliant on food subsidies. Moreover, roughly a quarter of families were referred by the child welfare system (CWS), suggesting that CWS recognized guardianships as a way to avoid foster care in these situations that would otherwise have been untenable for children. The most common case involved individuals seeking help with a petition for guardianship (e.g., couples, such as grandparents seeking to care for grandchildren). About one-quarter of Shriver clients were seeking help with a conservatorship.

What services were provided by the Shriver Probate Pilot Project?

LAFSBC aimed to provide full representation to all eligible litigants, including assistance with paperwork, service of notification, and representation in court. From January 2012 to June 2015, 242 litigants sought help from Shriver legal aid attorneys, and of these, 158 met eligibility criteria. Of those eligible, 40% received full representation and 60% received unbundled

services (brief counsel and advice). Of the 84 cases that were determined to be ineligible, all received unbundled services (i.e., brief counsel and advice) during their initial consultation with an attorney, but were ultimately deemed ineligible for project services due to reasons such as living out of jurisdiction or having an income above 200% of the FPL.

The Probate Facilitator assisted all parties who presented at the court (no income requirement). The Probate Facilitator provided litigants extensive help with paperwork, including the initial petition for guardianship/conservatorship and the entire range of additional forms and documents related to the physical care of the dependent adult or child. This assistance made it possible for litigants, who otherwise lacked the resources to retain an attorney, to meaningfully access the legal system. From January 2013 to June 2015, the Probate Facilitator assisted 286 self-represented litigants.

NOTABLE IMPACTS OF THE SHRIVER PROBATE PILOT PROJECT

Findings demonstrated several beneficial impacts of the Shriver probate pilot project:

Petitions were successfully filed.

The Shriver probate project sought to stabilize families by removing barriers to filing petitions for guardianship and conservatorship and creating the opportunity for meaningful access to the judicial system. The complexity and volume of the paperwork necessary for petitions, as well as the skills and time required to locate family members for notification, present a significant barrier to successfully filing a petition. As a result, historically, many people who begin the process never successfully file. Among litigants receiving full representation by a Shriver attorney, only 6% did not file a petition or pursue other arrangements, such as power of attorney for the child or a caregiver's affidavit.

Impact of Probate Facilitator

Court staff estimated that, before the Shriver project, it would take three attempts for litigants to successfully file a petition and many would give up before succeeding. However, litigants who received help from the Probate Facilitator were generally able to file successfully on their first attempt, which eased the burden on both the litigants and court clerks charged with reviewing the documents. The Probate Facilitator also streamlined the document revision and information collection once the petition was filed. She served as a resource for litigants as they attempted to complete any of a wide range of legal forms and to prepare their case, and for court staff (e.g., investigators) who needed additional information about a family. Court staff were vocal about the efficiencies and expertise this position added to the court.

There was increased participation in the legal system by relevant parties.

Individuals who received representation by a Shriver attorney were afforded meaningful access to the legal system and employed a range of strategies to support their cases. For instance, litigants with Shriver counsel called witnesses (31%) and submitted declarations (22%) significantly more often than did litigants without Shriver services (5% and 3%, respectively). These actions supported the petitioners' cases and offered the court more complete and comprehensive information on which to base decisions.

Shriver services, both legal representation and probate facilitator services, also supported effective notification procedures, including those for relatives and tribes. Ensuring effective and

complete notification provided other relevant parties with an opportunity to participate in the case. Increasing participation tended to enhance collaboration among parties who may have been in opposition otherwise. Shriver staff educated parties about the terms of guardianships/conservatorships—e.g., parental rights are not terminated when guardianship is established—which often eased tensions and supported cooperation.

Even with the use of the additional legal strategies and support for effective notification, litigants with Shriver representation (70%) and those with assistance from the Probate Facilitator (71%) were about as likely to have their petition granted as were litigants with no Shriver service (63%).

Court proceedings were more efficient.

The provision of Shriver services made notable contributions to court efficiency. Cases with a Shriver attorney were resolved more quickly than were cases with self-represented litigants. Specifically, 53% of Shriver representation cases were resolved within 60 days, compared to just over one third of other cases. Further, these full representation cases involved fewer hearings and continuances compared to cases with self-represented litigants.

Efficiencies in proceedings translated to savings for the court.

Court staff reported that the Probate Facilitator's service resulted in more petitions filed successfully the first time, rather than after multiple attempts, as had been typical before the Shriver project. The Probate Facilitator's assistance streamlined paperwork and increased the quality of information for the court, which created substantial efficiencies for clerks and for the court's probate attorney, as well as provided more thorough information for decisions by judicial officers.

Overall, the Shriver probate pilot project created efficiencies for the court via the Shriver Probate Facilitator (e.g., reduced clerk time to process petitions) and via the Shriver legal aid attorneys (e.g., fewer hearings and continuances). Taken together, these efficiencies reduced the average court costs to process a case by approximately 30%.

Limitations

Anecdotally, it is understood that, without legal help, many individuals are never able to successfully file petitions for guardianship or conservatorship, and many would-be guardians or conservators give up due to confusion and fatigue with the process. Because these individuals never file petitions with the court, there are no court data to reflect them. Thus, the evaluation was not able to investigate this population and compare it to the cases for which data were available.

ADDITIONAL NEEDS NOTED BY PROJECT

Shriver project staff appreciated that the income requirements set by the statute were higher than those for some other programs, which expanded their service reach. However, there was concern that many additional families in difficult situations who were just above the 200% threshold were not able to access help from legal aid. Additionally, project staff saw a need in the community for assistance with adoption cases, as well as guardianship, conservatorship, and other probate cases involving small estates.

INTRODUCTION

Over the last few decades, an increasing awareness has emerged regarding the prevalence of civil justice issues in the American public and the difficulties faced by low-income Americans in the civil justice system. An often-cited study by the Consortium on Legal Services and the Public (1994) estimated that roughly half of low- and moderate-income households experienced a civil justice problem in the prior 12 months. A recent study by the Legal Services Corporation (2017) found that 71% of low-income households had experienced at least one civil legal problem within the past year. This increase is hardly surprising, given that the economic recession has generally worsened circumstances for low-income Americans.

The prevalence of civil justice problems and the broad of range of livelihood issues that these problems impact is aptly described by Sandefur (2010):

> "For many members of the American public, civil justice problems emerge at the intersection of civil law and everyday adversity. These problems can involve family relationships, work, money, insurance, pensions, wages, benefits, housing, and property – to name just a few areas of contemporary life. Though these different types of problems affect different aspects of people's lives and concern different kinds of relationships, they share a certain important quality: they are problems that have civil legal aspects, raise civil legal issues and have consequences shaped by civil law."

Despite this, few low-income people receive legal assistance to resolve these issues. The Legal Services Corporation's recent report (2017) indicated that "86% of the civil legal problems reported by low-income Americans in the past year received inadequate or no legal help." This "justice gap" has persisted, and been documented, for at least a decade. In 2007, the Legal Services Corporation reported that 20% or fewer of the legal problems experienced by low-income people were addressed with the assistance of an attorney (private or legal aid).

Understanding the immense risks inherent in some civil cases (e.g., housing, child custody, domestic violence) and recognizing the indisputable disadvantage of unrepresented low-income litigants in the legal system led the American Bar Association to pass a resolution supporting the right to counsel in civil "adversarial proceedings where basic human needs are at stake." (American Bar Association, Resolution 112A, August 2006). In 2006, the California Conference of Delegates of the State Bar adopted a similar resolution.

IMPACT OF LEGAL REPRESENTATION IN CIVIL CASES

A small but growing body of literature has begun to address the question of whether and how attorney representation impacts civil case proceedings and outcomes, and some of these early studies have yielded mixed results. For example, in Sandefur's (2010) meta-analysis of 12 studies of representation for adjudicated cases across multiple areas of civil case law (e.g., eviction, Social Security Disability Insurance reconsideration, asylum requests), the likelihood of winning a case was anywhere from 19% to 1379% higher among represented parties than among unrepresented parties—a very wide range. Most of these studies did not employ random assignment, the lack of which can complicate the interpretation of results. Specifically, without random assignment, one cannot be sure that the study groups are equivalent. For example, it could be that people who seek out attorneys are different from those who choose

to self-represent, and it could be that cases taken on by lawyers are different (e.g., have higher merit) than cases not selected. The single study in Sandefur's sample that employed random assignment had middle-range results in her analysis (i.e., litigants with representation were approximately 4 times more likely to win than were unrepresented litigants). The author points out that the magnitude of the impact of legal representation is correlated with the level of procedural complexity in the case.

Housing cases

Eviction is one of the most urgent civil law issues for low-income individuals and families. The difficulties and obstacles faced by low-income renters in eviction (unlawful detainer) cases have been well documented (Public Justice Center, 2015; NY Office of Civil Justice Annual report, 2016). In addition to a host of characteristics that reflect considerable vulnerability should they lose their housing, tenants know very little about the housing court process or their rights as defendants (Public Justice Center, 2015). Further, research has shown that tenants are rarely represented, while most landlords are (e.g., Community Training and Resource Center, 1993). The lack of knowledge regarding housing court and eviction proceedings, coupled with the lack of legal representation, puts tenants at a considerable disadvantage in this process.

A small number of studies have investigated the impact of legal representation in unlawful detainer cases using a random assignment design. In New York, Seron, Frankel, Van Ryzin, and Kovath (2001) compared litigants who were randomly assigned either to receive representation by a legal aid attorney or to not receive services. This study found a range of positive outcomes for tenants who received representation relative to those who did not. Specifically, cases with represented tenants had significantly fewer defaults, fewer judgments against tenants, fewer writs issued, and fewer post-trial motions, as compared to cases with self-represented tenants. Further, a greater proportion of cases with represented tenants ended with stipulations for rent abatement or repairs, as compared to cases with self-represented tenants.

More recently, in Boston, two studies by James Greiner and colleagues investigated the impact of legal representation in eviction cases (Boston Bar Association, 2014). In one of these studies (Greiner, Pattanayak, & Hennessy, 2013), tenants were offered limited assistance which included education on the housing court process and help filing an answer. After this limited assistance, tenants were randomly assigned either to receive representation by an attorney or no further service. The study found that, compared to self-represented tenants, tenants with an attorney were more likely to retain possession of their homes and to obtain larger waivers of rent. Although cases with representation took longer to resolve, they did not place additional burden on the court.

In the second of these studies (Greiner, Pattanayak, & Hennessy, 2012), tenants were similarly offered limited assistance in the form of education and help filing an answer. After this limited service, tenants were randomly assigned either to receive a referral for representation from an attorney or a referral to the "lawyer for the day" program which provided tenants with brief, day-of-trial assistance (usually representation at trial or in hallway negotiations at the court). The study found no significant differences between these groups with regard to possession of the property or financial outcomes.

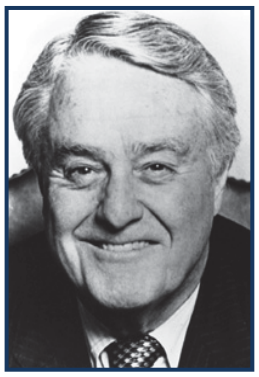
Child custody cases

The impact of representation in child custody cases has been less studied than the impacts for housing cases. However, Engler (2010) and Poppe and Rachlinksi (2016) review studies that have examined the impacts of counsel for various types of family law cases. Generally, when these studies involved a comparison, the method involved comparing cases with balanced representation (i.e., attorneys on both sides) to cases with imbalanced representation (i.e., one parent has an attorney and one does not), but none used random assignment. One study by Maccoby and Mnookin (1992) found that balanced representation yielded higher rates of joint legal custody than did imbalanced representation. Further, in cases with imbalanced representation, having an attorney tended to increase the likelihood of custody being awarded to the represented parent, relative to being unrepresented (Maccoby & Mnookin, 1992; Women's Law Center of Maryland, Inc., 2006). Child custody cases are as complex and diverse as the families they reflect, which presents challenges for standardization and aggregation. Despite this, there is evidence that the presence of counsel can impact whether or not parents obtain the legal or physical custody they are seeking.

Conclusion

These early studies establish a foundation, but mixed findings and the use of various methodologies preclude strong conclusions and demand that the investigation of the impact of legal assistance in civil cases remains an important research endeavor. The current evaluation contributes to this growing body of knowledge in some important ways. For housing court, the current evaluation offers a randomized design across multiple projects with larger samples than those collected previously. The current study also expands the investigation of representation to child custody and guardianship cases, two areas that have received less attention.

The Sargent Shriver Civil Counsel Act



Sargent Shriver

The Sargent Shriver Civil Counsel Act (California Assembly Bill 590), passed in 2009 on a bipartisan basis, authorizes pilot projects to study the provision of legal representation to low-income families facing critical legal problems involving basic human needs, such as possible loss of housing, child custody disputes, domestic violence, or the need for a family guardianship or conservatorship. The Act also supports innovative court services designed to ensure that self-represented parties obtain meaningful access to justice and to guard against the involuntary waiver or other loss of rights.

In the years leading up to passage of AB 590, there was significant discussion about the importance of legal representation in the courtroom as a key component of the continuum of service. All too often, poor people appear in court without counsel, while their opponents have lawyers. There is great concern that justice is not being served when only one side is represented. Californians lack a right to legal representation in the majority of civil cases, yet many believe that it is at least as important to provide an attorney to indigent individuals who might lose their housing or custody of their children as it is to provide representation in minor criminal matters. Legal representation is often necessary to guard

against unnecessary defaults or the involuntary waiver of rights. A fundamental goal is to have cases determined purely on the merits and not on the presence of legal representation.

In the legislative findings of the Shriver Act, it was concluded that "equal access to justice without regard to income is a fundamental right in a democratic society"… and "in many cases the state has as great a responsibility to ensure adequate counsel is available to both parties… as it does to supply judges, courthouses, and other forums for the hearing of the cases…" The Act was intended to evaluate when the state needs to provide counsel in order to ensure equal access to justice and how that can be done most cost-effectively. It authorizes the funding of several pilot programs designed to explore those possibilities. The purpose of the pilot projects is to improve court access, increase court efficiency, and improve the quality of justice.

The Pilot Projects

All pilot projects included one or more legal services agencies working in collaboration with their local superior courts. The following 10 pilot projects in seven counties were awarded funding by the Judicial Council of California in the fall of 2011:

Kern County

- Housing pilot project implemented by Greater Bakersfield Legal Assistance and the Superior Court of Kern County;

Los Angeles County

- Housing pilot project implemented by Neighborhood Legal Services of Los Angeles County (and partner agencies) and the Superior Court of Los Angeles County;
- Child custody pilot project implemented by the Los Angeles Center for Law and Justice (and a partner agency) and the Superior Court of Los Angeles County;

Sacramento County

- Housing pilot project implemented by Legal Services of Northern California—Sacramento and the Superior Court of Sacramento County;

San Diego County

- Housing pilot project implemented by the Legal Aid Society of San Diego and the Superior Court of San Diego County;
- Child custody pilot project implemented by the San Diego Volunteer Lawyer Program (via partnership with the Legal Aid Society of San Diego) and the Superior Court of San Diego County;

San Francisco County

- Child custody pilot project implemented by the Justice & Diversity Center of the Bar Association of San Francisco and the Superior Court of San Francisco County;

Santa Barbara County

- Housing pilot project implemented by the Legal Aid Foundation of Santa Barbara County and the Superior Court of Santa Barbara County;

- Probate (guardianship/conservatorship) pilot project implemented by the Legal Aid Foundation of Santa Barbara County and the Superior Court of Santa Barbara County;

Yolo County

- Housing pilot project implemented by Legal Services of Northern California—Yolo and the Superior Court of Yolo County.

PILOT PROJECT COMPONENTS

The continuum of services available at each pilot project varied and depended on the project's local circumstances. The specific components of each pilot project are described in the Project Descriptions and Service Summaries in this report. Most projects involved a range of legal aid services and court-based services.

Legal Aid Services. Each pilot project offered a range of legal aid services specific to its local implementation model. All projects offered full representation by a Shriver attorney as well as some form(s) of limited scope legal assistance (often referred to as "unbundling"). Full representation involved an attorney providing assistance and representation for all aspects of the case from start to finish. Limited scope assistance (unbundled services) entailed legal help provided for discrete tasks, such as preparation of forms, collection of evidence for court, brief counsel and advice, representation during mediation or settlement negotiations, or day of trial representation. All Shriver pilot projects provided full representation to some clients and a range of unbundled services to some clients; the proportions depended on their unique project model. Throughout this report, the terms ***full representation***[4] and ***unbundled services*** are used to indicate these two levels of Shriver legal aid service. To be eligible for Shriver services, individuals must have an income at or below 200% of the Federal Poverty Level and be facing an opposing party with legal representation. Some projects had additional eligibility requirements.

Court-based Services***:*** Court innovation is also a key component of the statute, which provides funds to courts to pilot innovative practices. Local superior courts are an integral part of the pilot projects, and several courts developed services or improved procedures designed to improve access and efficiency. Examples of ***court-based services*** included: special mediation procedures such as the creation of a Housing Settlement Master and judge-facilitated custody settlement conferences; new court staff positions such as the Probate Facilitator and dedicated judicial assistants; expanded self-help centers and litigant education efforts; and collaboration with housing inspectors.

Evaluation of the Sargent Shriver Civil Counsel Act

EVALUATION DESIGN

In 2012, the Judicial Council of California (JC) contracted with NPC Research to evaluate the recently funded Shriver pilot projects. NPC and the JC collaboratively formulated research questions that addressed the legislative mandates and the program stakeholders' broad range

[4] In the child custody pilot projects, the term ***representation*** is used to emphasize that Shriver attorneys provided full representation for the custody issue, but was limited in scope to custody only and did not include other family law matters.

of inquiries and worked with the pilot projects to establish parameters for data accessibility and information sharing. NPC designed an evaluation that encompassed four components:

1. *Project implementation* – This aspect of the study tracked the operation of each of the 10 pilot projects, including their project models, rates and types of service provision, and client populations. In short, this part of the study asked the question, "What services were provided and to whom?"
2. *Case outcomes* – This component of the study examined the outcomes of cases that received Shriver services, compared to similar cases that did not receive service. It addressed the question, "How did the provision of Shriver service affect the outcomes of cases?" Analyses used court case file data primarily to investigate the receipt of full representation by Shriver counsel.
3. *Project impacts* – This element of the study explored other impacts of the Shriver pilot projects that could not be reliably substantiated in the court case files. The perspectives of litigants and project staff were gathered to understand the potential impacts on the court, litigants, and the community.
4. *Cost* – This aspect of the study examined the costs to provide Shriver services, as well as any potential savings to the court as a result of this service provision.

The evaluation employed a mixed methods approach and used data from multiple sources to address the inquiries within each of these four study components. The methods and data sources are described in more detail below and are illustrated in Table 1.

METHODS AND DATA SOURCES

Project implementation

The evaluation tracked the implementation of all 10 pilot projects. Throughout the grant period, Shriver project staff recorded the services they provided and information on their clients and cases into the Shriver *Program Services Database*. Superior courts were also asked to provide *summary court statistics* to illustrate the context in which the pilot projects were operating and systemic trends over time.

Shriver Program Services Database. A uniform survey was developed to track client information in a standardized way across the pilot projects within each area (housing, custody, and probate). Collectively, these surveys are referred to as the ***program services database***. The database houses the following types of information: (a) client characteristics such as age, race, disability status, and income; (b) case characteristics such as whether the opposing party is represented, filing dates, the details of the eviction notice, and the pre-existing custody arrangements; (c) types of Shriver services provided such as brief counsel and advice, mediation services, or full representation and the number of attorney hours worked; and, whenever known, (d) case outcomes such as the manner in which the case was resolved (settlement, trial, dismissal, etc.), possession of the property, custody orders, and guardianship placements. Shriver project staff recorded demographic characteristics for all clients receiving any Shriver service, but case characteristics and outcomes were recorded for clients who received full representation, because that is when attorneys knew about case disposition.

Shriver project staff entered information into the program services database in an ongoing manner throughout the duration of the grant period. Because all 10 pilot projects provided data, this database represents the largest and most complete source of information about Shriver clients. At the end of 2015, the database held information for more than 20,000 Shriver clients. The program services database does not include information for non-Shriver cases.

Court Summary Statistics. Seven superior courts—specifically, those affiliated with the six housing pilot projects and the probate pilot project—were asked to provide summary statistics from their case management systems that spanned a 5-year period from before the Shriver pilot projects (2010-2011) to the mid-point of the Shriver project implementation (2014). The summary statistics included metrics relevant to understanding the service reach of the local Shriver pilot project (e.g., the number of unlawful detainer cases filed at the court, relative to the number of those that received Shriver services) and potential systemic changes related to project implementation (e.g., the number of unlawful detainer cases that ended by default before and after the Shriver pilot project began). Three housing courts and the lone probate court provided data.

Study of case outcomes

For the evaluation to make assertions about the effectiveness of the Shriver program on the outcomes of cases, it was necessary to compare litigants receiving services from Shriver counsel with a similar group of litigants undergoing the same civil court proceedings without representation (e.g., self-represented litigants). Innumerable, and often subjective, factors can be associated with case outcomes. For example, case merit and client vulnerability can impact the outcomes of unlawful detainer cases, whereas family dynamics and determinations of the best interests of the child can impact custody case outcomes. Quantifying all of the potentially relevant attributes predictive of case outcomes is complex and, in some cases, impossible. When implemented accurately, random assignment protocols can be assumed to establish intervention and comparison groups that can be considered equivalent across most factors. Therefore, when the groups are compared, any observed differences in outcomes can be reasonably attributed to the intervention, and not to characteristics of individuals. For this reason, random assignment is typically recognized as the gold standard of comparative study designs. However, random assignment protocols can be complicated to implement and are not appropriate for all contexts.

In the current evaluation, random assignment procedures were conducted for 1 month at three of the six housing pilot projects (Kern, San Diego, and Los Angeles). Random assignment methods were not possible at the custody or probate pilot projects, primarily due to the small number of litigants presenting for service. Thus, to examine case outcomes, alternate comparative study designs were implemented at two of the three custody projects (San Diego and San Francisco) and the probate project (Santa Barbara). The methods are described below.

Random Assignment Study of Housing Cases. At the three participating pilot projects, litigants who presented for services were checked for eligibility (had an income not more than 200% the FPL and were facing an opposing party with legal representation) and, if eligible, were randomly

assigned either to receive full representation by a Shriver attorney[5] or to receive no Shriver services (comparison). The comparison litigants were provided "business as usual" services, namely access to the respective county's free self-help services, which typically amounted to modest help filing an answer to the unlawful detainer complaint (not legal representation).

To address ethical concerns about serving as many people as possible, a 2:1 assignment protocol[6] was exercised, whereby two litigants were assigned to receive Shriver services for every one litigant assigned to the comparison group. One exception was made to the random assignment process. At two projects, individuals with housing subsidies (e.g., Section 8, Housing Choice Vouchers) were permitted to bypass the random assignment process and directly receive Shriver services. Shriver staff felt that the potential loss of current and future public assistance was too great a risk to justify a possible assignment to the comparison group (and non-receipt of services). Thus, these litigants were included in the program service database, but were excluded from the random assignment study.

Across the three housing pilot projects, 280 litigants were assigned to receive Shriver full representation, and 144 litigants were assigned to the comparison group. To examine the impact of Shriver representation on case outcomes, these two groups were compared using information from their individual court case files.

Court case file review. NPC Research worked with the Judicial Council to identify the data elements within case files that would best represent the events and outcomes of unlawful detainer cases. These included, for example, dates of filing and resolution; which party retained possession of the property; whether case ended by default, settlement, dismissal, or trial; and other orders involving financial and credit outcomes related to the case. A case review instrument was developed to guide the collection of information in a standardized manner. Due to issues of confidentiality and familiarity with court case file contents, the JC recruited legal experts to conduct the case file reviews using the standardized instrument. Once the review was complete, raw de-identified data files were sent to NPC for analysis.

Comparative Study of Custody Cases. At the San Diego pilot project, a sample of cases that had received representation by Shriver counsel was identified using the program services database. NPC Research worked with staff in the superior court, who selected comparison cases by querying their court case management system. The identified comparison cases met certain criteria to make them similar to Shriver cases (e.g., sole custody was at issue, at least one party had a fee waiver granted, case was seen by one of two judges handling Shriver cases), but did not receive Shriver services. Because durability of the custody orders was a key study question, all sampled cases had to have at least 2 years since the resolution of custody pleading. In total, this analysis compared 53 cases with a Shriver-represented party to 56 comparison cases.

At the San Francisco pilot project, before services began, the Shriver project staff observed court calendars and identified litigants who would be eligible for Shriver services (e.g., cases

[5] One of the three projects did a second tier random assignment among litigants whose opposing party was not represented. These individuals were randomly assigned to receive expanded self-help services (not full legal representation) or to a control group. Because the group sizes for this component of the study were very small, the findings are not presented here.

[6] NPC Research developed the assignment protocol and trained legal aid staff to implement it with fidelity. More detail on the assignment protocol can be obtained from the authors.

with imbalanced representation and sole custody at issue). These litigants were recruited for the comparison group. After Shriver services began, a sample of clients who received representation by a Shriver attorney was identified for analysis. These two groups—in total, 25 Shriver cases and 24 comparison cases—were compared.

Court case file review. As was done for the housing projects, NPC worked with the Judicial Council to develop a data collection instrument to standardize the reviewing and coding of the case files. Data elements of interest included dates of filings, other allegations such as domestic violence or child abuse, requests for legal and physical custody, orders for legal and physical custody, whether the case was resolved by settlement or judicial decision, number of hearings, and whether a request to modify the custody orders was filed afterward. The Judicial Council recruited experts to conduct the file review, and the data were sent to NPC for analysis.

Comparative Study of Probate (Guardianship and Conservatorship) Cases. Due to the small number of litigants presenting for service, random assignment was not possible at the probate pilot project. Instead, a group of litigants who received Shriver full representation was selected from the program services database, a group of litigants who received assistance from the probate facilitator (but not legal aid representation) was identified from the probate facilitator's database, and a group of comparison litigants who received no Shriver services was identified by superior court staff using the court case management system. All sampled cases had evidence of low-income status and had filed petitions to establish guardianships or conservatorships (i.e., not to terminate a guardianship or some other reason). In total, analyses compared 48 cases with Shriver full representation, 43 cases with probate facilitator assistance, and 47 comparison cases.

Court case file review. As was done for the other projects, NPC developed a data collection instrument to standardize the reviewing of the case files. Data elements of interest included dates of filings, number of hearings and continuances, and whether a guardianship or conservatorship was granted and to whom. The Judicial Council recruited experts to conduct the file review, and the data were sent to NPC for analysis.

Project impacts

To gauge the impacts of the pilot projects beyond those pertaining to case outcomes, interviews were conducted with litigants and with Shriver project staff.

Litigant Interviews. In 2013, litigants who were randomly assigned at two of the three projects (Kern and San Diego) were contacted for a telephone interview approximately 1 month after their housing case was closed. Interviews were primarily concerned with the outcomes of the housing case, the interviewees' perception of the case outcomes, and their experience with the legal system, including perceived fairness, procedural justice, and satisfaction with outcomes. Efforts were made to contact all litigants who were randomly assigned at the two projects. However, locating individuals after their case had closed proved difficult, as contact information was frequently invalid and voicemails were often not returned. Across the two projects, a total of 132 interviews were completed (92 Shriver clients and 40 comparison litigants).

A second round of qualitative interviews occurred in 2014, when NPC attempted to contact all litigants who had completed a case closure interview. These follow-up interviews were conducted when litigants' housing cases had been closed for approximately 1 year and they

sought to understand the circumstances of litigants' lives after their case closure, including their experience of eviction and relocation, any public services they needed and/or utilized, and their perception of the impact of the unlawful detainer case on their lives. Efforts were made to contact all 132 case closure interviewees. However, presumably due to the high mobility of the population and the age of the contact information (obtained at Shriver intake), locating these individuals proved difficult. Ultimately, 1-year follow-up interview surveys were conducted with 66 litigants (45 Shriver clients and 21 comparison litigants).

Staff and Stakeholder Interviews. Shriver project staff from both the legal aid agencies and superior courts across all pilot projects were interviewed twice during the grant period. The first interview focused on gaining a better understanding of each project's unique service model, goals, and operational context. The second interview, conducted in the fourth year of implementation, inquired about the impacts of the pilot projects, as perceived by the staff and stakeholders. This included impacts on litigants, the court, the community, and other relevant parties (e.g., landlords for housing cases, children for custody cases).

Cost information

Estimates of program costs—specifically, how much does it cost to provide legal assistance to low-income litigants?—were derived using information from the project invoices submitted to the Judicial Council and information in the program services database. These figures are used to estimate the average cost to provide representation for a housing case, a custody case, and a guardianship case at each of the projects.

In addition, staff from one court in each subject area were interviewed regarding the tasks involved in processing typical cases and the resources (e.g., staff time) required to complete those tasks. This information yielded estimated costs to process a typical case, and further analysis of the case file review data enabled a comparison of costs to process a case receiving Shriver services. This comparison helps elucidate any potential savings to the court as a result of the pilot projects.

Table 1 illustrates the range of data sources used in the evaluation and the representativeness of each.

Table 1. Data Sources and Sample Representation

Data Source	Number of Pilot Projects Represented	Litigants Represented: Shriver Clients	Litigants Represented: Comparison Litigants
Housing Pilot Projects (*n*=6)			
Implementation			
Program Service Data	6	Yes	No
Court Summary Statistics	3		
Study of Case Outcomes			
Court Case File Review	3	Yes	Yes
Project Impacts			
Litigant Interview	2	Yes	Yes
Staff/Stakeholder Interview	6		
Cost Study			
Program Costs	6	Yes	
Cost Effectiveness	1	Yes	Yes
Child Custody Pilot Projects (*n*=3)			
Implementation			
Program Service Data	3	Yes	No
Study of Case Outcomes			
Court Case File Review	2	Yes	Yes
Project Impacts			
Litigant Self-Sufficiency Assessment	1	Yes	No
Litigant Interview	1	Yes	No
Staff/Stakeholder Interview	3		
Cost Study			
Program Costs	3	Yes	
Cost Effectiveness	1	Yes	Yes
Probate (Guardianship) Pilot Project (*n*=1)			
Implementation			
Program Service Data	1	Yes	No
Court Summary Statistics	1		
Study of Case Outcomes			
Court Case File Review	1	Yes	Yes
Project Impacts			
Staff/Stakeholder Interview	1		
Cost Study			
Program Costs	1	Yes	
Cost Effectiveness	1	Yes	Yes

THIS REPORT

The 10 Shriver pilot projects began implementation in fall 2011. At the time of this report, all but one project (Sacramento housing pilot project) had continued service provision for 6 years. This evaluation report presents data and analyses on the services provided and outcomes achieved collected through the end of 2015, reflecting the first 4 years of project implementation.

This report is organized according to the three areas of law addressed by the 10 pilot projects. The Housing Chapter describes all data from the six housing pilot projects, the Child Custody Chapter presents findings for the three custody pilot projects, and the Probate Chapter reflects data for the guardianship/conservatorship pilot project. Each chapter provides readers with: (a) an overview of the chapter contents and structure, (b) an introduction to the case events and court proceedings typical for each area of law, (c) an overview of the cross-project implementation in that area and a description of each of the pilot projects, (d) results of case outcomes studies that compare court case file data for litigants who received Shriver representation with those who did not, (e) findings from interviews with litigants after their cases were closed, (f) a summary of the program impacts as described by pilot project staff and stakeholders, and (g) estimates of program costs and any potential cost savings to the court via the provision of Shriver services. Each chapter also has an appendix that provides more detailed Service Summaries for each pilot project and other additional data.

Evaluation of the Sargent Shriver Civil Counsel Act (AB590)

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Shriver Housing Pilot Projects

Chapter Overview

Chapter Overview

The Sargent Shriver Civil Counsel Act (AB590) allocated the bulk of the program funding for housing cases related to unlawful detainer (eviction). The broad service eligibility criteria established by the statute included low-income status (i.e., at or below 200% of the Federal Poverty Level [FPL]) and imbalanced representation (i.e., facing an opposing party with an attorney). By balancing the playing field, the law sought to provide equal access to justice and to ensure that cases were decided on their merits and not as a result of one side having legal representation. Among low-income populations, it is not atypical for unlawful detainer cases to involve landlords with legal representation and tenants without the resources to retain counsel. Thus, although the Shriver Program funded services for landlords and tenants, the majority of individuals served were low-income tenants, often with children, who were facing eviction. The Shriver Program funded housing pilot projects in six counties: Kern, Los Angeles, Sacramento, San Diego, Santa Barbara, and Yolo.

This chapter presents data collected from the six Shriver housing pilot projects that received Shriver Program funding in fall 2011. Data were collected from a variety of sources and stakeholders using a range of research methodologies, including compilation of service data, review of court case files, and interviews with litigants and project stakeholders. This chapter compiles and presents the findings across these evaluation activities implemented over the course of 5 years. This chapter is organized in the following sections:

Introduction to Housing Cases

This section provides an overview of the unlawful detainer (eviction) case process, including a description of the various events and proceedings in such court cases, which are essential to understanding the impact of Shriver services. This section also provides important and relevant context for these cases by highlighting the impact of eviction on low-income tenants, the importance of housing stability, and issues of rental cost burden and housing affordability.

Implementation Overview and Individual Pilot Project Descriptions

This section describes the overall implementation of the six housing pilot projects. In short, it summarizes the work done by legal aid and superior court staff, as a result of Shriver funding, across the projects and over the course of the first 4 years of the grant period. Service data reflect more than 19,000 clients. In addition, a description of each project outlines the project context, implementation model and service structure, and goals for clients, as articulated by project stakeholders during interviews and site visits. A more detailed Project Service Summary is provided in Appendix A. Each Service Summary presents data on the numbers and characteristics of people served, services provided, and case characteristics and outcomes. Information for these analyses was recorded by Shriver staff in an ongoing manner into the program services database, a standardized data collection platform, as they provided legal services to low-income clients. Summary data collected from each superior court provide context for the project service numbers.

Random Assignment Study of Case Outcomes

A random assignment study was conducted at three of the six housing projects (Kern, Los Angeles, and San Diego). For 1 month, each of these sites randomly assigned litigants either to receive Shriver representation or to not receive service (comparison group). Months later, the court case files for all randomly assigned litigants were reviewed and coded for relevant information, such as case resolution and outcomes. Analyses then compared the outcomes for 280 cases that received Shriver full representation and 144 cases that did not receive service (i.e., self-represented litigants) across the three projects. Random assignment protocols create study groups that can be considered equivalent on all aspects except for the receipt of service, enabling a confident interpretation of the results to reflect the impact of Shriver service.

Litigant Perceptions

Litigants who were part of the random assignment process at two projects (Kern and San Diego) were contacted at two points in time for phone interviews to discuss their perceptions of their cases and the legal process, as well as their experiences during and after the unlawful detainer process. Shriver clients were also asked about their experiences with the assistance they received. The first interview occurred approximately 1 month after the case was closed and involved 127 respondents (specifically, 65 Shriver full representation clients, 21 Shriver unbundled services clients, and 41 comparison litigants). The second interview occurred approximately 1 year later and 66 litigants were able to be located (45 former Shriver clients and 17 comparison litigants).

Staff and Stakeholder Perceptions

Four years into the project implementation, stakeholders at each pilot project were interviewed about their perceptions of the impact of the Shriver pilot project at their sites, including impacts on litigants, the court, and the community. Perspectives were gathered from 15 staff members from legal aid agencies across all six projects and from seven superior court staff members across three projects. A cross-project summary is presented.

Cost Study

The costs to provide Shriver services were estimated for all six housing pilot projects using data from project invoices submitted to the Judicial Council of California, online cost information, and data recorded in the project services database. Potential cost savings to the court were calculated for one project that had available data from court staff and sufficient sample size (San Diego). Potential costs beyond the court are also discussed.

Some key terms used in this chapter:

Throughout this report, the term ***self-represented*** is used to describe litigants who appear in court and go through their case proceedings without representation by an attorney.

Each pilot project offered a range of legal services specific to the local implementation model. All projects offered full representation by a Shriver attorney as well as some form(s) of limited scope legal assistance (often referred to as “unbundling”). Full representation involved an

attorney providing assistance and representation for all aspects of the case from start to finish. Limited scope assistance entailed legal help provided for discrete tasks, such as assistance with preparing and filing forms, collection of evidence for court, brief counsel and advice, representation during mediation or settlement negotiations, or day of trial representation. All Shriver housing pilot projects provided full representation to some clients and a range of unbundled (limited scope) services to some clients; the proportion depended on their unique project model. Throughout this report, the terms ***full representation*** and ***unbundled services*** are used to indicate these two levels of Shriver service.

All pilot projects served low-income defendants, and a few also served low-income plaintiffs. Because unlawful detainer cases are filed by the landlord, throughout this report, the terms ***plaintiff*** and ***landlord*** are used interchangeably. The terms ***defendant*** and ***tenant*** are also used to refer to the same group of people involved in a case. However, it is understood that a single case can have multiple defendants (e.g., a couple) and multiple tenants (e.g., a family with children). In most instances throughout this report, the data for a single defendant are used to represent a single case. However, it should be understood that the number of cases and the number of defendants served by Shriver does not equate to the number of tenants impacted by Shriver services. Given that most Shriver clients lived in households with other people, often minor children, the number of tenants impacted by services and by eviction is higher than the number of defendants impacted.

Shriver Housing Pilot Projects

Introduction to Housing Cases

Introduction to Housing Cases

This section provides an overview of unlawful detainer (UD) cases, because the elements of these case proceedings structure much of the data analyses presented in this report. In addition, this section briefly describes the importance of housing stability and explains rental cost burden, as both of these concepts provide context for understanding the potential causes and impacts of unlawful detainer cases.

Unlawful Detainer (UD) Cases

An unlawful detainer (UD) action is a court proceeding that centrally pertains to eviction. This type of action generally occurs when a tenant stays after the lease is up, the lease is canceled, or the landlord believes the tenant has not paid rent. At issue in an unlawful detainer case is the "possession" (i.e., the right to inhabit) of a property. The case will determine whether the landlord (the plaintiff) can take the property back from the tenant (the defendant), or if the tenant can retain possession of the property. Other issues, such as back-owed rent, are determined only in conjunction with possession. If the defendant moves out during the proceedings, the unlawful detainer case is dismissed or, if other issues persist, can be changed to a regular civil action.

Landlord Gives Notice of Eviction

A landlord can evict a tenant for many reasons, including that the tenant failed to pay rent, breached the lease or rental agreement, is doing something illegal on the property, or simply that the lease term has ended or that the landlord wants to take the property off the market. Before a landlord can evict a tenant, the landlord must first give the tenant written notice. The notice can be correctable, in which case it includes a method for the tenant to remedy the situation (e.g., pay owed money or perform other aspect of the rental agreement, like not subletting the premises) and a timeframe in which to complete the action (often 3 to 7 days). In other cases, the notice is not correctable, such as when the landlord wants to take the property off the market or would like to terminate a month-to-month tenancy, in which case the notice will only include a time period for the tenant to leave the premises (often a 30- or 60-day notice to move out). In both scenarios, the landlord can only evict (by filing and winning a case in court) if the tenant does not do what the notice asks by the time the notice expires.

Landlord Files a Complaint with the Court

An unlawful detainer lawsuit is a civil court proceeding that occurs when a landlord alleges that a tenant has failed to comply with the parameters listed in the notice. In order to evict the tenant from the premises, a landlord must take specific legal steps, typically initiated by the landlord filing a complaint with the local superior court. Once the complaint has been filed, the court will issue a summons (an order to appear before a judge), and a copy of the complaint and summons will be served to the tenant. In unlawful detainer cases, the landlord is referred to as the *plaintiff* and the tenant is referred to as the *defendant*. By design, unlawful detainer cases are considered *summary* or *limited* court procedures, which permit landlords to recover possession of the unit more quickly compared to more complicated cases involving disputes over ownership of the property.

Tenant Files an Answer to the Complaint

Most defendants (tenants) have only 5 calendar days (which includes weekends) to file a written response (an "answer") with the Clerk of Court after being served with a summons and complaint, and a judge usually will hear the case within 20 days after one of the parties files a request to set the case for trial. The California courts aim to resolve 90% of unlawful detainer cases within 30 days after complaint filing and 100% of cases within 45 days of filing. Although this speedy process appears as if it might favor the landlord, the law requires the landlord to strictly follow certain rules throughout the process and the tenant retains the right to occupy the premises while the case is being decided by the court.

For tenants, filing a prompt written response to a landlord's complaint is critical. If a tenant does not file an answer or some other proper legal response within 5 days, the landlord can ask the court to enter a default judgment against the tenant, and the court will issue the landlord a writ of possession, a legal document granting possession of the premises to the landlord. If the tenant does not leave immediately, the landlord can present the writ of possession to local law enforcement, who will post a lockout notice on the tenant's property (often a 5-day notice); if the tenant does not move out voluntarily within the timeframe, law enforcement will forcibly remove the tenant from the residence.

If the tenant believes he or she has a legally defensible right to the premises, the defense(s) must be stated in the written answer, or else the defense(s) might not be reviewed by the court. Some typical unlawful detainer defenses include: (a) the landlord served an incorrect notice or did not include legally required information in the notice; (b) the landlord was not entitled to the amount of rent demanded because the rental unit was uninhabitable; (c) the tenant did not breach the lease in the manner stated in the landlord's termination notice; and (d) the landlord filed the eviction in retaliation of the tenant exercising a tenant right, such as the tenant having complained to the building inspector about the condition of the rental unit.

Case Resolution

Once the answer has been filed, either party can request that the case be set for trial, at which point the parties can present their evidence and explain their cases before a judge or a jury (if a jury is requested). If the court rules in favor of the tenant and allows the tenant to retain possession of the premises, the tenant will not have to move and the landlord may be ordered to pay for court costs such as the tenant's filing and/or attorney fees. If the court rules in favor of the landlord and awards possession to the landlord, a writ of possession will be issued (process described earlier) and the tenant may be ordered to pay damages, penalties, court costs, and/or attorney fees. Further, the case (and tenant) may be recorded in the Unlawful Detainer Registry, which is public record (and often used by landlords to screen prospective tenants), and the judgment may appear on the tenant's credit report for 7 years or longer.

The unlawful detainer process is quick by legal standards, and the failure to address a small technicality on the part of the landlord or tenant can dramatically change the outcome of the case, such as to void the lawsuit altogether or to force the court to enter a default judgment against the tenant. In addition to state laws regulating unlawful detainer cases, there are some local ordinances such as rent control ordinances, as well as federal laws that may apply in specific incidents (e.g., special rules for tenants in the military or additional protections for

tenants with disabilities). For litigants, legal advice and assistance to help identify and/or prevent errors is crucial, as the impact of the unlawful detainer case can have a lasting impact on the tenant, their credit report, and their ability to rent in the future. Also, legal assistance may facilitate court efficiency if the litigant is more prepared, and may reduce court time spent on unlawful detainer cases if the parties can negotiate a mutually agreeable settlement before the hearing or trial date.

Reaching a mutually agreeable settlement before the trial can also benefit landlords by reducing legal costs and potentially increasing the likelihood that tenants will adhere to the negotiated conditions and/or leave the unit in better condition with less subsequent disturbance. There are often significant costs for landlords in advertising and preparing an apartment for rental, which can also be avoided if the tenant can stay in the building.

Potential Impacts of Eviction and Importance of Housing Stability

Housing stability is an important factor for personal health and well-being, as it supports fundamental aspects of livelihood, such as the ability to meet basic needs (e.g., a place to cook meals, a place to care for one's personal hygiene and health-related issues), the ability to maintain employment, and the development of community. A lack of housing stability can result in a range of challenges, from temporary transience to persistent homelessness. In research on the causes of homelessness, Burt (2001) used data collected in 1996 via homeless service providers (e.g., emergency shelters and transitional housing) from interviews with 2,938 clients. Of 31 reasons given for leaving the previous residence, the top two were "couldn't pay rent" and "lost job," underscoring the link between losing one's housing and subsequent homelessness. Similarly, Hartman and Robinson (2003) found that homelessness followed an eviction for two out of five homeless individuals surveyed in their study. Further, findings from a study of 536 current and former mothers who received Temporary Assistance for Needy Families (TANF) indicated that 20% of them were homeless at least once during the 6-year study period (Phinney, Danziger, Pollack, & Seefeldt, 2007), highlighting the vulnerability of families who lose their housing.

Eviction impacts all members of the household, and experiencing housing instability can be particularly negative for children. In a 2013 analysis of data gathered on housing court litigants, researchers found that an eviction was significantly more likely for litigants with children in the household than for those without children, controlling for other factors (Desmond, Weihua, Winkler, & Ferriss, 2013). In a report on the impact of foreclosure and eviction on children, Isaacs (2012) concluded that "children face not just the loss of their homes, but also the risk of losing friends and falling behind academically if they are forced to switch neighborhoods and schools." Indeed, other research findings indicate that high residential mobility is related to reductions in student achievement test scores, and that scores decrease further with each residential move (Beatty, 2010). This effect can begin early, as children who change schools during kindergarten have been found to lag in literacy skills, and children from low-income families tend to be most seriously impacted (Lee, Burkam, & Dwyer, 2009). Still other research has shown a link between high residential mobility and increased adolescent violence and earlier onset of sexual activity (Haynie & South, 2005; South, Haynie, & Bose, 2005). In summary, housing instability can create both immediate and long-term deleterious effects for adults and children.

Housing Affordability and Rental Cost Burden

Rental vacancy rates have been decreasing and rents have been increasing in metropolitan areas across the country. According to the U.S. Department of Housing and Urban Development (HUD), in 2015, California had six of the 10 metropolitan areas deemed the least affordable rental markets in the nation. The California Housing Partnership Corporation (CHPC, 2014) reported that from 2000 to 2012, statewide median incomes of renter households dropped by 8% while median rents increased by 20%. In 2016, CHPC briefs provided county-level figures for four of the counties involved in the Shriver program.

- Since 2000, median rent in San Diego County has increased by 32%, while the median income among renter households has declined by 2%, when adjusted for inflation.
- Median rent in Los Angeles County has increased 28% since 2000, while renter household median income has decreased by 8%.
- Median rent in Sacramento County has increased by 13% since 2000, as renter household median income has declined by 13%.
- Median rent in Kern County has increased 23% since 2000, while median renter income increased by only 2%. In 2013, Kern County was the most affordable metropolitan area in California, though nationwide, it ranked as the 122nd least affordable market out of 206 metropolitan regions (National Housing Conference, 2013).

Rental cost burden refers to the proportion of a household's income that is devoted to rent. HUD considers rental cost burden problematic when it is more than 30% of a household's income. The financial precariousness of having high rental cost burden means that any one major event, including job loss, reduction in work hours, a medical event, or car trouble, could impact a household's ability to afford rent that month and maybe for months to come. Households with severe rental cost burden may need to choose which bills are paid (utilities, groceries, medical prescriptions, etc.) and which are not, in order to reserve enough money to cover housing costs. When a month's rent requires a substantial proportion of that month's income, missing one payment can result in a compounded debt that is very difficult to surmount.

The Joint Center for Housing Studies of Harvard University (2015) reported that almost 50% of American renter households experienced rental cost burden (more than 30% of income spent on rent). HUD estimates that more than 12 million households are *severely* cost burdened—that is, they allocate more than 50% of household income to rent.[7] According to the National Low Income Housing Coalition (2016), 51% of low-income renters in California (those with incomes between 30% and 50% of area median income) are severely cost burdened. Importantly, 80% of California households at or below 30% of the area median income experience severe housing cost burden.

According to the National Low Income Housing Coalition (2016), California has 21 affordable housing units for every 100 low-income households. The California Legislative Analyst's Office (2015) determined the average monthly rent in California to be 50% higher than the national

[7] http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/affordablehousing

average. The state's shortage of affordable housing for low-income residents results in many families experiencing high rental cost burden and increased risk for eviction.

Subsidized housing

"Section 8" refers to the federally funded and locally implemented subsidized housing programs. Section 8 assistance can be "building-based," in which specific units are set aside as subsidized, similar to traditional public housing. Section 8 assistance can also be "tenant-based," also called the Housing Choice Voucher Program, through which low-income recipients are allotted a certain amount, based on their income, toward their monthly rent. This tenant-based voucher system was designed to afford families flexibility to live in lower crime areas, closer to employment or good schools, as compared to traditional public housing. The programs are administered by local housing authority agencies. Because the program has been "extremely oversubscribed" (Affordable Housing Online [AHO]), local administrators of these programs have created waiting lists. AHO reports that of the 2,320 housing authorities across the country, all have waiting lists for Section 8 rental assistance and most close their waiting lists for years at a time. Thus, obtaining a voucher can be difficult, and retaining one is critical.

The Shriver program funded housing pilot projects in six counties in which the Section 8 program could not meet the local demand for affordable housing. At the time of this report, in all six counties, the waiting lists were so long that they were closed.[8] For example, in San Diego, the Housing Authority website told individuals who were seeking to apply for a Housing Choice Voucher, "Approximately 46,000 households in San Diego are on a waiting list to obtain a federal Housing Choice Voucher (Section 8). The average wait to obtain a housing voucher is 8 to 10 years."

The under-availability of Section 8 rental assistance and the decrease in median income that is not keeping pace with the increase in the median rental cost all point to a housing shortage for low-income individuals and families. This shortage leads to low-income households using a greater proportion of their income for rent than is considered sustainable. This scenario can lead to eviction, which makes future renting even more difficult and can, in some cases, lead to homelessness.

[8] Websites for the Housing Authority in each county were checked in August 2016.

Shriver Housing Pilot Projects

Implementation Overview & Project Descriptions

Shriver client "Sara"

Sara received a notice to terminate her federally subsidized tenancy based on loud fighting emanating from her unit between herself and a person the landlord claimed was an "unauthorized occupant." Sara was subsequently served with an unlawful detainer based on the notice and she sought assistance from the Shriver project. The Shriver attorney quickly determined that Sara was a survivor of domestic violence and the incidents alleged in the notice to terminate tenancy were incidents of domestic violence. Sara had called the police after at least one of the incidents, but she was unable to prevent her abuser from coming onto the property. Shriver counsel assisted Sara with obtaining a restraining order and tried to negotiate a settlement with the landlord enabling her to remain housed. The landlord initially refused and the Shriver attorney prepped the case for trial. At trial, the judge encouraged the parties to resolve the case. After negotiating for some time, the landlord agreed to a settlement that enabled Sara to remain in her federally subsidized unit, so long as she agreed to call the police to enforce her restraining order when she saw the abuser on site. The case was dismissed and Sara retained her housing.

Implementation Overview & Pilot Project Descriptions

Implementation of the Shriver housing pilot projects was tracked through collection of quantitative service data. At each project, legal aid services agency staff entered information into the program services database to record characteristics of the clients, cases, and services provided. Information about case outcomes was entered for cases that received full representation, because the Shriver attorney remained with the case through resolution and was aware of the case disposition; however, this information was not available for cases that received unbundled services. A brief cross-project implementation overview based on the program services data aggregated across all six pilot projects is provided below.

To understand the unique implementation circumstances and approaches of each pilot project, legal aid agency staff and court staff were interviewed about their project's context, service structure, and goals. This information was synthesized to create a comprehensive description of each project. Descriptions of the six housing pilot projects follow in this section.

Detailed service summaries for each housing pilot project, inclusive of several additional indicators and project-specific service data, can be found in Housing Appendix A. To fully understand each Shriver pilot project, the reader is advised to read these detailed service summaries.

BRIEF OVERVIEW OF CROSS-PROJECT IMPLEMENTATION

What services were provided by the Shriver Housing Pilot Projects?

The legislation sought to create services for low-income individuals and families, specifically those with incomes at or below 200% of the Federal Poverty Level (FPL): $23,540 per year for an individual, or a total of $48,500 for a family of four.[9] The legislation also intended for services to reach those tenants who faced an opposing party with legal representation, had other potential disadvantages navigating the legal system (e.g., limited education or English proficiency), or had a heightened vulnerability if evicted (e.g., experienced a disability, had minors in the home). While some projects offered assistance to low-income landlords (plaintiffs), the requirement for opposing party representation generally limited eligibility among these individuals.

At the highest level of Shriver service, attorneys provided ***full representation*** to clients in their unlawful detainer case. This involved the attorney providing assistance and representation for all aspects of the case from start to finish. The pilot projects also offered a range of ***unbundled services***, which entailed legal help provided for discrete tasks, such as assistance with preparing and filing forms, gathering evidence for court, provision of brief counsel and advice, day-of-trial representation, representation during mediation or settlement negotiations, or assistance at the self-help center. All Shriver housing pilot projects provided full representation to some clients and a range of other unbundled services to some clients; the proportion depended on their unique program model. Some pilot projects also included ***court-based services*** provided by superior court staff.

Who Received Services from the Shriver Housing Pilot Projects?

During the first 4 years of implementation, from the start of the Shriver program in October 2011 to October 2015, across all six pilot projects, 19,231 cases with low-income defendants[10] received assistance from a legal aid agency in housing matters. Over half of these cases (54%) were provided full representation by an attorney, and 46% received unbundled services. Within these 19,231 cases across the six projects, approximately 56,500 tenants (includes household members not listed as defendants) were impacted by the Shriver legal services.[11]

DEMOGRAPHIC CHARACTERISTICS

The majority of Shriver clients were female (61%) and non-White (37% Hispanic/Latino, 28% African American). About one third had a high school diploma or less, one fourth experienced disability, and about one fourth had limited English proficiency. Over half of Shriver clients had minors living in their households, and over one third received food subsidies. Average monthly income of clients was $1,146 (median = $980), well below the 2014 Federal Poverty Level (FPL).

[9] Federal Poverty Guidelines; http://familiesusa.org/product/federal-poverty-guidelines

[10] Two of the six housing pilot projects provided legal aid services to landlords. In total, from October 2011 through October 2015, 66 landlords were helped. Data for these 66 individuals is presented separately in Appendix B.

[11] This number is likely an underestimate, as it only includes other household members entered into the program services database by the legal aid staff, and this information was not always available.

Case Characteristics

Of those litigants who received full representation from a Shriver attorney, 96% were facing a landlord who was represented by counsel (1% were not, and 3% were missing this information). The most common reason for the eviction notice was non-payment of rent (76%). Very few notices (2%) indicated a violation of lease terms or nuisance conditions. In cases where the eviction notice indicated non-payment of rent, the average amount demanded was $1,810 (median = $1,200; range = $0 to $65,567[12]). In 60% of cases, tenants owed between $501 and $2,000, according to the eviction notice. In 9% of cases, the amount was $500 or less, highlighting the financial vulnerability of many families.

Rental Cost Burden

The U.S. Department of Housing and Urban Development (HUD) considers a household to experience rental cost burden when more than 30% of the household income is devoted to rent. When 50% or more of the income is devoted to rent, the household is considered severely cost burdened. The National Low Income Housing Coalition (2016) estimated that 80% of California households at or below 30% of the area median income experience severe housing cost burden. Data from the Shriver program services database echo this finding. Across all six sites, roughly three quarters of Shriver clients experienced *severe* rental cost burden and only 10% had rental costs that are considered manageable.[13] Table H1 displays the average monthly household income, monthly rental amount, and proportionate rental cost burden for Shriver clients at each pilot project.

Table H1. Housing Affordability Among Shriver Clients

Project	Monthly Household Income[a]	Monthly Rental Amount[a]	Percentage of Cases at Each Level of Rental Cost Burden[b]		
	Mean (Median)	Mean (Median)	Below 30%: *Manageable*	30% to 49%: *Moderate*	50% or more: *Severe*
Kern	$1,089 ($1,000)	$679 ($650)	10%	24%	67%
Los Angeles	$1,200 ($1,000)	$877 ($850)	9%	18%	74%
San Diego	$1,179 ($960)	$986 ($950)	6%	17%	77%
Santa Barbara	$1,267 ($1,002)	$889 ($798)	11%	20%	69%
Sacramento	$1,037 ($897)	$741 ($729)	8%	21%	72%
Yolo	$1,081 ($893)	$717 ($693)	12%	23%	65%
Total	$1,147 ($981)	$866 ($825)	9%	19%	73%

Data source: Program services database. During their intake interview, clients were asked about, and substantiated, their monthly household income and their monthly rental amount.
[a] Reported at the time of Shriver intake.
[b] Proportion of monthly household income devoted to rent.

[12] Less than 1% of cases (*n*=10) had amounts great than $25,000 (the upper bound for limited jurisdiction cases). The number of such cases is shown individually for each site in the corresponding Project Service Summary.
[13] The 30 percent rule was designed to protect low-income households from extreme rental costs. However, some critics of the rule point out that it is an oversimplification of the problem of affordable housing. (https://www.huduser.gov/portal/pdredge/pdr_edge_featd_article_092214.html)

How Did Cases with Shriver Representation Proceed?

Across the clients who received full representation by a Shriver attorney at the six housing pilot projects, some consistent and noteworthy themes emerged:

Answers were filed. Tenants' access to justice depends on their ability to successfully file a written response to the unlawful detainer complaint within a short timeframe. Inability to do so usually results in a default and defendants never presenting their side of the case. Historically, in these cases, defaults are common. Shriver services addressed this need: Among those clients who received full representation, an answer (or other appropriate written response) was successfully filed in approximately 94% of cases.

Cases were likely to settle. Engaging more tenants in the legal system and providing them with counsel does not appear to have made the proceedings more combative or drawn-out. In fact, Shriver clients were most likely to end their cases by settlement. Of those cases that received full representation, 70% resolved by settlement, 18% by landlord dismissal, and 5% by trial. (Data were missing for 7% of cases.)

Outcomes favored longer term housing stability. Outcomes of cases with tenants represented by Shriver counsel tended to involve elements supportive of longer term housing stability. Among cases that received full representation, tenants in 78% of cases ultimately moved out of their homes as a result of their unlawful detainer cases, and those in 16% of cases stayed in their homes (6% were unknown). Among those who moved out of their homes:

- 46% of cases involved an adjusted move-out date, allowing tenants more time to find replacement housing;
- 30% of cases resulted in a reduction in the back-owed rent to be paid by the tenant and 35% in a waiver of the debt (16% owed full repayment and 19% were missing data);
- 74% of cases ended with the unlawful detainer action masked from the public record;
- 53% ended with the unlawful detainer case not reported to credit agencies; and
- 39% of cases ended with a neutral rental reference from the landlord.

Any of these elements alone—but more so when combined—provides tenants with increased opportunity to find alternate stable housing for themselves and their families.

SHRIVER PILOT PROJECT DESCRIPTION: KERN

This section describes how the Shriver Kern housing pilot project addressed unlawful detainer cases. This summary includes information on the project context, involved agencies, and service model. Detailed data on the litigants who received services, case characteristics, and outcomes can be found in the detailed Project Service Summary in Housing Appendix A.

Project Context

COMMUNITY

In 2014, the population of Kern County was an estimated 865,923 individuals,[14] of which 23% were living below the Federal Poverty Level (FPL). The median household income was $48,522 (or $4,046 per month) and the average number of persons per household was 3.2. The average monthly fair market value for a two-bedroom rental unit was $815.

AGENCIES INVOLVED

The Kern housing pilot project is a collaboration between the local legal aid agency, Greater Bakersfield Legal Assistance (GBLA), the Kern County Superior Court, and the Volunteer Attorney Program (VAP) of Kern County. GBLA serves as the lead partner on the Kern housing pilot project, and subcontracts with the court and other local private attorneys to provide legal assistance to low-income litigants in the county (through VAP).

Prior to the implementation of the Kern housing pilot project, the only legal resources available to low-income litigants were services from GBLA, pre-trial mediation provided by non-attorney mediators (who could not offer legal advice and did not review pleadings), or the Kern County Law Library (which only provided sample packets to tenants completing answers and did not provide individualized legal assistance). With the implementation of the Shriver housing pilot project, the court expanded its Law Library to include more extensive pro se assistance (e.g., one-on-one assistance with document preparation), added an unlawful detainer advisor and a neutral evaluator to facilitate mediation earlier in the court process, and added a social services coordinator to help with additional litigant needs. These expanded court services evolved into what is now referred to as the Landlord Tenant Assistance Center (LTAC), which is operated at the court and staffed by personnel from the court, GBLA, and other contracted providers.

COURTHOUSE

The Kern County Superior Court, located in the city of Bakersfield, hears all unlawful detainer cases in the greater Bakersfield area. Table H2 shows the number of unlawful detainer (limited jurisdiction[15]) cases filed at Kern County Superior Court from fiscal year 2010 (2 years prior to Shriver implementation) through fiscal year 2014. Shriver services in Kern County began in March 2012. In the 2 years prior to Shriver implementation (i.e., FY 2010 and FY 2011), an average of 4,470 cases were filed at the court each year, with more than 50% of cases involving a default. During this period, an average of 691 unlawful detainer cases per year (about 15% of

[14] Demographic data were retrieved from the U.S. Census Bureau, County & States QuickFacts at www.census.gov in July 2015.

[15] Limited jurisdiction cases involve amounts less than $25,000 and exclude commercial properties.

cases filed) had fee waivers granted for a low-income defendant.[16] Although the eligibility requirements for a fee waiver are more restrictive than those for Shriver service eligibility, this group roughly approximates the intended population for Shriver services.

During the 2 years of full-scale Shriver implementation (FY 2013 and FY 2014),[17] an average of 3,843 unlawful detainer cases were filed per year at the court, and the overall default rate remained above 50%. An average of 1,026 cases per year involved a defendant with a fee waiver granted (about 27% of all cases filed). During this period, GBLA provided legal services to an average of 347 cases per year, and LTAC provided court-based services to an average of 1,640 litigants per year.[18]

Table H2. Unlawful Detainer (UD) Cases Filed in Kern County per Fiscal Year

	Before Shriver		During Shriver		
Number of UD…	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**
Cases filed[a]	4,478	4,461	4,258	4,007	3,678
Cases with a default	2,279	2,353	2,235	2,174	1,951
Cases with a fee waiver granted[b]	592	790	1,052	1,013	1,039
Cases receiving Shriver legal aid services[c]	--	--	152	316	378
Litigants receiving Shriver court-based services[d]	--	--	375	1,549	1,730

Note. Fiscal Year example: FY 2010 = the period of October 1, 2009 through September 30, 2010.
[a] Includes only limited jurisdiction cases. Data obtained from staff at the Kern County Superior Court.
[b] Fee waivers granted for defendant(s).
[c] Data obtained from the Shriver program services database (as of 10/18/15); Shriver services began 3/2012.
[d] Data obtained from the Shriver LTAC project coordinator (as of 7/20/15); services began 3/2012. LTAC can assist multiple litigants in a case.

Project Implementation Model

The Kern housing pilot project started in March 2012 and involves services offered by legal aid and the court. Litigants receive assistance on unlawful detainer and other housing-related matters using a four-pronged approach:

- representation and/or direct legal aid services (provided by GBLA, VAP),
- pro se (expanded self-help) assistance (provided by LTAC),
- participation in early dispute resolution (EDR) activities (provided by LTAC), and
- assistance from a social services coordinator (provided by LTAC).

There was some overlap in staffing and service delivery provided by the legal aid agencies and the court office. In this report, services provided by an attorney through legal aid services agencies (GBLA or Volunteer Attorney Program) are referred to as “legal aid services” and all other services provided at the court (LTAC) are referred to as “court-based services.”

[16] Low-income litigants (those with a household income of 150% or less of the Federal Poverty Level) can petition the court to have their court fees waived.
[17] These estimates do not include the data from FY 2012, because the Shriver project was ramping up and service did not begin until March 2012, halfway through the fiscal year.
[18] The total number of UD *cases* was not available from LTAC. Since LTAC assisted both defendants and plaintiffs, and since more than one defendant can be involved in each case, the number of litigants listed overestimates the number of UD cases assisted by LTAC.

LEGAL AID SERVICES

Services offered, referral sources, and eligibility requirements

GBLA serves as the central point of contact for the Kern housing pilot project, provides eligibility and service screening, and provides legal representation and assistance to litigants. In addition to representing litigants in unlawful detainer cases, legal aid attorneys also assist litigants on a wide range of housing problems, including mortgage default and foreclosure issues for homeowners, habitability cases, pre-filing housing disputes (e.g., demand and termination notices for renters), recovery of security deposits and related small claims matters, and landlord-tenant dispute resolution (pre-litigation, pending litigation, and post-judgment).

Most litigants are referred to legal aid from the LTAC. A kiosk was set up within LTAC where an attorney screens incoming litigants for Shriver service eligibility. To receive representation by a Shriver attorney, a litigant must have an income at or below 200% of the Federal Poverty Level (FPL), face an opposing party represented by legal counsel, and meet federal Legal Services Corporation immigration eligibility standards. After assessing for eligibility, the LTAC attorney guides the litigant to the appropriate avenue of service delivery (i.e., services offered by legal aid and/or services offered by the court).

Litigants meeting the eligibility requirements for legal aid services are scheduled to meet with an attorney from either GBLA or the Volunteer Attorney Program. At that point, legal staff review the facts and circumstances of the case and develop a case plan, which can include unbundled services such as legal education, brief counsel and advice, or representation during settlement negotiations, or full representation by an attorney. If litigants are deemed ineligible for full representation due to income or other aspects of the case such as an unrepresented opposing party, they are directed to the other services provided by the court in LTAC, namely mediation or expanded self-help services (discussed in more detail in the next section).

COURT-BASED SERVICES

Services offered, referral sources, and eligibility requirements

Prior to the Shriver housing pilot project, Kern County Superior Court offered limited mediation and self-help services. The court contracted with the Better Business Bureau (BBB) to provide mediation services. Mediation was conducted outside the courtroom, just before trial. These sessions were conducted by non-attorney mediators who could not offer legal advice or opinions and did not review pleadings. The Law Library also provided self-help services, but litigants could not get individualized attention or receive specific advice.

As part of the Kern housing pilot project, litigants can access additional court-based services through LTAC, which involves the litigant meeting with the intake coordinator to determine service eligibility and develop an individualized plan. The plan is based on litigant vulnerability, case merit, and other case characteristics, and can include being referred for representation from GBLA (if the opposing party is represented by counsel) or being offered LTAC services such as expanded self-help (“pro se”) assistance, early dispute resolution (EDR) activities, and/or social service referrals. Litigants can receive any or all of these services, and LTAC strives to provide pro se assistance to all eligible litigants. EDR services are provided when both parties agree to participate in mediation (and if the case has not already gone to trial), and social

services referrals are made as needed. LTAC provides services to both plaintiffs (e.g., landlords) and defendants (e.g., tenants).

Pro se assistance includes workshops, self-help materials, and one-on-one assistance with document preparation. The expanded EDR/mediation services were initially intended to be provided by attorneys with specialized training in unlawful detainer issues. However, the high volume of cases, quick summary nature, and number of available attorneys required the project to contract a professional mediator to facilitate the sessions. When a litigant is referred for Shriver mediation services, the case file is first reviewed by the Shriver attorney, who advises the litigant of the strengths and weaknesses of the case and provides talking points and strategy suggestions for resolution. The mediator then gets the file and contacts the parties to schedule the session as early as possible, with the goal of avoiding trials and other unnecessary court time. Mediation services offered by the BBB are still available on the day of trial.

When litigants have needs that cannot be addressed adequately by the legal system, or are outside the scope of legal services, they are referred to the social services coordinator, who provides linkages to government, community, and local services. Referrals include services such as affordable housing, emergency housing, job searching or job training, food or clothing sources, public assistance, and healthcare coverage.

Litigants are typically routed to LTAC via referrals from courthouse staff, flyers affixed to sample packets provided by the Law Library, word of mouth from previously assisted litigants, or local community agencies. LTAC is located next to the civil window at the courthouse, which makes it convenient for litigants seeking help with housing matters to get connected with LTAC services and information. Unlike Shriver legal aid services, a litigant does not have to face an opposing party represented by counsel to receive Shriver court-based services; however, they are still subject to the same income requirements (within 200% of the Federal Poverty Level [FPL]).

Table H3 illustrates the service offerings available to litigants eligible to receive Shriver services at legal aid and at the court.

Table H3. Legal Aid and Court-Based Shriver Services Available from the Kern Housing Pilot Project

	Shriver Service Location	
Services Available	**Legal Aid**	**Court**
Self-help center		✓
Pro se assistance (expanded self-help)		✓
Early dispute resolution (mediation)		✓
Social services referral		✓
Legal education	✓	
Brief counsel and advice	✓	
Limited representation	✓	
Full representation	✓	

GOALS FOR CLIENTS

The Kern housing pilot project reports that its top goals are to prevent homelessness and to provide representation to all litigants, particularly in cases where the opposing party has representation. The project aims to put individuals in the best position to move out of their homes if a move-out is inevitable, such as ensuring litigants know their rights and receive due process and/or housing authority rights.

For cases in which a low-income defendant is unrepresented while the plaintiff is represented by counsel (the most common type of "unbalanced" case), the Kern housing pilot project seeks to provide an attorney to help "level the playing field."[19] When a defendant does not have an adequate legal defense (e.g., economic hardship), the legal aid attorney provides unbundled limited scope services and focuses on negotiating a pre-trial settlement. A typical pre-trial settlement may allow the tenant to remain in the home as long as back-owed rent is paid. In some cases, the social services coordinator can help connect the tenant to resources that help ease the financial burden, making housing costs and debt more manageable. Another example of a typical pre-trial settlement is negotiating a voluntary move-out of the rental unit, in exchange for avoiding an adverse judgment on the defendant's public record.

When a defendant has a legitimate defense (e.g., habitability issues), risks the loss of subsidized housing, or when other factors warrant representation through trial, legal aid provides the tenant with full representation. In habitability cases, the Shriver attorney's strategy is dictated by the client's goals. If tenants want to remain in the home, attorneys do their best to achieve this outcome, while assisting in getting necessary repairs made. If the tenant wants to move, attorneys will attempt to secure an extended move-out date and a clear court and credit history (the case masked from public view and the lawsuit not reported to credit agencies). If the tenant lives in subsidized housing and could potentially lose a Section 8 Housing Choice Voucher (HCV) if ruled against in court, Shriver attorneys attempt to secure the HCV in the event the tenant must move. Overall, GBLA attorneys want to make sure that unlawful detainer cases do not prohibit their clients from obtaining fair and affordable housing.

Brief Summary of Shriver Service Provision

Below is an overview of the service provision at the Kern housing pilot project. For a more extensive and detailed summary of the services provided, see the full Project Service Summary in Appendix A.

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services database. Data from the Kern housing pilot project were collected on all parties seeking Shriver services from legal aid (GBLA) or the court (LTAC) from March 2012 through October 2015. GBLA and LTAC had different eligibility requirements and service offerings. Thus, their service data are presented separately. Litigants who were represented by a legal aid attorney for the entirety of their case are termed ***full representation*** clients, litigants who received any other type of service from legal aid (short of full representation) are referred to as ***unbundled services*** clients, and those who obtained help from LTAC received ***court-based services***.

[19] As of October 2015, only defendants received Shriver direct representation services from GBLA.

WHO RECEIVED SHRIVER PROJECT SERVICES?

Court-based services

Through fall 2015, the Kern housing pilot project had provided court-based services to more than 3,600 litigants in housing-related matters. According to LTAC service counts, 57% of litigants helped were plaintiffs (landlords)[20] and 43% were defendants (tenants). LTAC served over 1,600 defendants across 1,107 cases. Among these cases, 76% received pro se assistance (expanded self-help), 68% received a referral from the social services coordinator, and 58% received early dispute resolution (EDR, or "mediation") services. Most (64%) received two or more services, and 42% received all three.

Defendant Characteristics. The majority of these cases involved female defendants (64%). About one third (38%) were Hispanic/Latino, 25% were White, and 20% were Black or African American. Nearly one in five cases (18%) had a defendant with a disability (note that 39% were missing this information), and 11% had a defendant who could not effectively communicate in English without assistance (limited English proficiency). See Table H4 for the demographic characteristics of clients. Further, most (57%) tenants receiving court-based services had minors living in the household, and 32% received CalFresh[21] benefits. The median monthly income for litigants receiving court-based services was $1,000 (mean = $1,104), well below the federal poverty threshold.

[20] Data regarding case and individual characteristics were not available for plaintiff cases.

[21] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

Table H4. Demographic Characteristics of Defendants Receiving Shriver Court-Based Services

Litigant Level Characteristics	*N* (%)
Gender	
Male	373 (34%)
Female	709 (64%)
Transgender	1 (<1%)
Missing/unknown	24 (2%)
Race/Ethnicity[a]	
Black or African American	221 (20%)
Hispanic/Latino	420 (38%)
White	277 (25%)
Other	82 (7%)
Missing/unknown/declined	107 (10%)
Education	
High school degree or less	480 (43%)
Any post-secondary	214 (19%)
Missing/unknown	413 (37%)
Limited English Proficiency	
Yes	118 (11%)
No	949 (86%)
Missing/unknown	40 (4%)
Disability	
Yes	196 (18%)
No	476 (43%)
Missing/unknown	435 (39%)
Total	1,107 (100%)

Note. Data from the program services database (as of 10/18/15). [a] Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

Opposing Party Representation and Case Status at Shriver Intake. Information regarding opposing party representation status at case intake was unknown for nearly half (45%) of litigants receiving court-based services. With that proportion in mind, 15% of defendants were facing an opposing party with legal representation and 40% were not. At the time of Shriver intake, the defendant had not yet filed an answer or other response in 84% of cases.

Legal aid services

The Kern housing pilot project provided legal aid services to litigants, all of whom were tenants, in a total of 1,220 unlawful detainer cases. Of these cases, 38% received full representation and 62% received unbundled services. Attorneys worked an average of 13 hours (median = 9) per full representation case and an average of 4 hours (median = 2) per unbundled services case.

Client Characteristics. Table H5 shows the demographic characteristics of the primary client on the 1,220 cases served by legal aid, by level of service. Overall, the majority (71%) of clients were female, 34% were Black/African American and 33% were Hispanic/Latino, 25% had a known or observable disability (note that 25% of clients were missing this information), and 6% had limited proficiency with English.

Table H5. Demographic Characteristics of Shriver Legal Aid Clients

	Level of Service		
Client Level Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Gender			
Male	113 (25%)	226 (30%)	339 (28%)
Female	342 (74%)	524 (69%)	866 (71%)
Transgender	2 (<1%)	0 (0%)	2 (<1%)
Missing/unknown	4 (1%)	9 (1%)	13 (1%)
Race/Ethnicity[a]			
Black or African American	158 (34%)	254 (33%)	412 (34%)
Hispanic/Latino	150 (33%)	255 (34%)	405 (33%)
White	134 (29%)	212 (28%)	346 (28%)
Other	13 (3%)	30 (4%)	43 (4%)
Missing/unknown/declined	6 (1%)	8 (1%)	14 (1%)
Education			
High school degree or less	73 (16%)	183 (24%)	256 (21%)
Any post-secondary	51 (11%)	130 (17%)	181 (15%)
Missing/unknown	337 (73%)	446 (59%)	783 (64%)
Limited English Proficiency			
Yes	28 (6%)	49 (6%)	77 (6%)
No	430 (93%)	672 (89%)	1,102 (90%)
Missing/unknown	3 (1%)	38 (5%)	41 (3%)
Disability			
Yes	109 (24%)	197 (26%)	306 (25%)
No	204 (44%)	402 (53%)	606 (50%)
Missing/unknown	148 (32%)	160 (21%)	308 (25%)
Total	461 (100%)	759 (100%)	1,220 (100%)

Note. Data from the Shriver program services database (as of 10/18/15). Information about the age of the primary client was not available. [a] Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

As shown in Table H6, 67% of cases served by legal aid had at least one minor living in the home and 60% of households received CalFresh benefits. The median monthly income was $925 (mean = $1,075), and the median monthly rental amount was $650 (mean = $644). By comparison, recall that the median monthly household income in Kern County is $4,046 per month and the average fair market value for a two-bedroom apartment is $815. Nearly all (92%) Shriver legal aid clients were renters/tenants of a house, apartment, or condominium.

Table H6. Household Characteristics of Shriver Legal Aid Clients

	Level of Service		
Household Level Characteristics	**Full Representation**	**Unbundled Services**	**Total**
Minors in Household, *N* (%)			
Yes	319 (69%)	494 (65%)	813 (67%)
No	138 (30%)	253 (33%)	391 (32%)
Missing/unknown	4 (1%)	12 (2%)	16 (1%)
Received CalFresh Benefits, *N* (%)			
Yes	265 (57%)	463 (61%)	728 (60%)
No	186 (40%)	277 (36%)	463 (38%)
Missing/unknown	10 (2%)	19 (3%)	29 (2%)
Monthly Income			
Mean (*SD*)	$1,108 (696)	$1,055 (740)	$1,075 (722)
Median	$1,000	$900	$925
Range	$0 to $3,983	$0 to $4,355	$0 to $4,355
Missing/unknown	2 (<1%)	4 (<1%)	6 (<1%)
Monthly Rental Amount[a]			
Mean (SD)	$629 (309)	$654 (333)	$644 (323)
Median	$628	$650	$650
Range	$0 to $2,490	$0 to $4,040	$0 to $4,040
Missing/unknown, *N* (%)	23 (5%)	150 (20%)	173 (14%)
Total	461 (100%)	759 (100%)	1,220 (100%)

Note. Data obtained from the Shriver program services database (as of 10/18/15).
SD = standard deviation. [a] Monthly rental amount according to defendant at time of intake.

Opposing Party Representation and Case Status at Shriver Intake. At Shriver services intake, among clients who received Shriver full representation, 87% faced an opposing party with legal representation and 5% did not (this information was missing for approximately 8% of cases). Among clients receiving unbundled services, 41% faced an opposing party with representation and 36% did not (this information was missing for 23% of cases). At the time of Shriver intake, 78% of clients had not filed an answer or other response with the court.

Of those cases with information about an eviction notice, the most frequent reason listed was for non-payment of rent (76%), followed next by foreclosure (3%) and violation of lease terms (2%). In cases where the notice indicated non-payment of rent, the median amount demanded on the notice was $797 (mean = $1,130; range = $0 to $12,099). In 55% of cases, defendants owed between $501 and $2,000, according to the eviction notice. In 29% of cases, the amount was $500 or less, highlighting the financial vulnerability of many litigants.

KEY OUTCOMES AMONG SHRIVER FULL REPRESENTATION CASES

The remainder of this section highlights key outcomes of interest among cases provided full representation by the Kern housing pilot project. A more detailed review of case events and outcomes can be found in Appendix A.

Some key findings include:

Answers were filed. To participate in the justice system—that is, to avoid defaulting on an unlawful detainer case—defendants must file an answer (or other response) to the complaint filed by the landlord. Among full representation cases, nearly all defendants (97%) participated in the judicial system either by filing an answer (89%) or other response (2%), or by settling (2%) or having the case dismissed (4%). Notably, no default judgments were entered because the tenant failed to respond to the unlawful detainer complaint.

Cases were likely to settle. Half (51%) of Shriver full representation cases were resolved by settlement, 34% were dismissed by the plaintiff, and 11% were resolved through a trial or hearing (4% were resolved in other ways or had missing information).

Outcomes favored longer term housing stability. From the perspective of the tenants, remaining in one's home and avoiding the burden and disruption of looking for new housing (e.g., spending additional money to move or enrolling children in new schools) is a noteworthy and positive outcome. In instances when tenants must relocate, having additional time to move out, obtaining neutral references from landlords, or retaining housing subsidies (e.g., Housing Choice Vouchers) can support tenants' ability to find new and affordable replacement housing more quickly.

Possession of the Property. At the end of the unlawful detainer case, 22% of tenants were able to remain in the home, either because they retained possession of the unit or were granted relief from forfeiture.[22] In 76% of cases, the landlord was awarded possession and the tenant had to move (see Table H7). Of the cases in which tenants had to relocate, most did so as part of a negotiated agreement or before a hearing/trial, as opposed to being evicted.[23] The rates of possession varied by case resolution method.

[22] Relief from forfeiture typically applies when a defendant experiences a temporary income shortage and has the ability to pay back rent or other money owed.

[23] Evictions occur when defendants are ruled against in a court hearing, trial, or default judgment. They can also occur, later, when defendants fail to comply with the conditions of their settlement. This outcome usually results in a case viewable on the public record.

Table H7. Housing Stability Outcomes for Full Representation Clients by Case Resolution Method

	Case Resolution Method				
Housing Stability Outcome	**Plaintiff Dismissal** *n* (%)	**Settlement** *n* (%)	**Trial/ Hearing** *n* (%)	**Other/ Missing** *n* (%)	**Total** *n* (%)
Retained possession	25 (17%)	14 (6%)	4 (9%)	1 (2%)	44 (10%)
Relief from forfeiture	23 (16%)	20 (9%)	7 (15%)	0 (0%)	50 (12%)
Moved (not evicted)[a]	97 (67%)	169 (78%)	8 (17%)	7 (15%)	281 (66%)
Temporary stay of eviction[b]	0 (0%)	0 (0%)	6 (13%)	2 (4%)	8 (2%)
Evicted[c]	0 (0%)	12 (6%)	20 (43%)	1 (2%)	33 (8%)
Missing/unknown	0 (0%)	2 (1%)	1 (2%)	0 (0%)	9 (2%)
Total	145 (100%)	217 (100%)	46 (100%)	17 (37%)	425 (100%)

Note. Data obtained from the Shriver program services database (as of 10/18/15). [a] Defendant moved as part of negotiated agreement or before hearing or trial judgment. [b] Court granted possession of the unit to the plaintiff (landlord), but postponed the eviction due to extreme hardship on behalf of the defendant. [c] Defendant ruled against in court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement.

Other Case Outcomes for Tenants Who Moved. Among full representation cases of the Kern housing pilot project, 94% resulted in some positive outcome that supported tenants' longer term housing stability. These outcomes tended to be most common when cases were settled or dismissed by the landlord. Among full representation cases in which the tenant had to move:

- 67% had their move-out dates adjusted,
- 79% had their rental debts reduced or waived,
- 49% retained their housing subsidies (e.g., Housing Choice Voucher),
- 85% had their unlawful detainer records masked from public view, and
- 70% had their credit protected.

Table H8. Case Outcomes among Full Representation Cases with Tenants Who Moved

	Case Resolution Method				
Outcome	**Plaintiff Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
Physical Outcomes					
Move-out date adjusted	57 (59%)	151 (83%)	7 (21%)	1 (10%)	216 (67%)
Mean number of days to move (*SD*)[a]	33 (*27*)	52 (*35*)	43 (*27*)	--	45 (*33*)
Financial Outcomes					
Pay plaintiff's attorney fees	0 (0%)	16 (9%)	13 (38%)	0 (0%)	29 (9%)
Pay all rent owed	1 (1%)	7 (4%)	6 (18%)	0 (0%)	14 (4%)
Rental amount owed reduced	69 (71%)	138 (76%)	21 (62%)	4 (40%)	232 (72%)
Rental amount owed waived	3 (3%)	19 (10%)	0 (0%)	0 (0%)	22 (7%)
Payment plan for money owed	2 (2%)	29 (16%)	1 (3%)	0 (0%)	32 (10%)
Preserved Housing Choice Voucher/Sec. 8[b]	5 (63%)	13 (50%)	0 (0%)	2 (50%)	20 (49%)
Received Any Positive Financial Outcome[c]	***73 (75%)***	***162 (90%)***	***21 (62%)***	***5 (50%)***	***261 (81%)***
Credit-Related Outcomes					
Neutral references from landlord	53 (55%)	112 (62%)	9 (26%)	2 (20%)	176 (55%)
Not reported to credit agencies	74 (76%)	136 (75%)	11 (32%)	3 (30%)	224 (70%)
Record masked from public view	93 (96%)	158 (87%)	16 (47%)	7 (70%)	274 (85%)
Received Any Positive Credit Outcome[d]	***94 (97%)***	***164 (91%)***	***16 (47%)***	***7 (70%)***	***281 (87%)***
Received Any Positive Outcome[e]	**96 (99%)**	**173 (96%)**	**25 (74%)**	**9 (90%)**	**303 (94%)**

N = 322. Plaintiff dismissal *n*=97. Settlement *n*=181. Trial *n*=34. Other *n*=10.

Note. Data obtained from the Shriver program services database (as of 10/18/15).

[a] Calculated as the number of days from complaint filing to move-out date; dates were missing for the case resolved by "other" methods. [b] Calculated out of the number of cases where the defendant(s) lived in subsidized housing (*n*=41). [c] Calculated from all monetary items, except where the litigant had to pay for the plaintiff's (landlord's) attorney fees or had to pay back all money owed. [d] Calculated from all credit-related outcomes. [e] Calculated from all monetary and/or credit-related outcomes, except where indicated above.

SHRIVER PILOT PROJECT DESCRIPTION: LOS ANGELES

This section describes how the Shriver Los Angeles housing pilot project addressed unlawful detainer cases. This summary includes information on the project context, involved agencies, and service model. Detailed data on the litigants who received services, case characteristics, and outcomes can be found in the detailed Project Service Summary in Housing Appendix A.

Project Context

COMMUNITY

In 2014, the population of Los Angeles County was an estimated 10 million individuals,[24] of which 18% were living below the Federal Poverty Level (FPL). The median household income was $55,909 (or $4,659 per month) and the average number of persons per household was 3.0. The average monthly fair market value for a two-bedroom rental unit was $1,398.

AGENCIES INVOLVED

The Los Angeles housing pilot project is a collaboration between four local legal aid agencies, the Los Angeles Superior Court, and a network of pro bono attorneys. The legal aid agencies include Neighborhood Legal Services of Los Angeles County (NLSLA), Inner City Law Center (ICLC), Legal Aid Foundation of Los Angeles (LAFLA), and Public Counsel (PC). NLSLA serves as the lead partner on the project and its field office is located in the city of Glendale.

Prior to the implementation of the Los Angeles housing pilot project, there were few low-income services available to litigants dealing with unlawful detainer cases. While many of the courthouses located in Los Angeles have onsite self-help centers, the self-help center located at the Stanley Mosk Courthouse (the largest and busiest of the courthouses) did not offer assistance for unlawful detainer cases. Public interest law programs were able to provide legal aid assistance to an estimated 3% of the cases heard at the Mosk courthouse. Three of the current Shriver partners (NLSLA, LAFLA, and ICLC) helped to provide these services through a federal homelessness prevention grant and through other grant funding, but the grant expired in 2012. With the start of Shriver services in late 2011, the Los Angeles housing pilot project developed the Eviction Assistance Center (EAC), which is located at the Mosk courthouse. This center serves to streamline the referral process so that eligible unlawful detainer litigants are made aware of the legal services available from the four partnering legal aid agencies.

COURTHOUSE

The Superior Court of California, County of Los Angeles, has more than 40 courthouses that cover the 4,000 square mile county—from Pomona to Santa Monica, and from Lancaster to Long Beach. The primary courthouse serving Shriver litigants is the Mosk courthouse, which hears unlawful detainer cases daily and is the largest court in the Los Angeles Superior Court system. Mosk is the courthouse that covers many of Los Angeles' poorest neighborhoods—Skid

[24] Demographic data were retrieved from the U.S. Census Bureau, County & States QuickFacts at www.census.gov in July 2015.

Row, South Los Angeles, and Pico-Union—where many vulnerable individuals and families with limited capacity to access courts, secure representation, or represent themselves reside.

The following table shows the number of unlawful detainer cases filed at the Mosk courthouse from fiscal year 2010 (2 years prior to Shriver implementation) through fiscal year 2014. Shriver services in Los Angeles County began in March 2012, halfway through FY 2012. In the 2 years prior to implementation (FY 2010 and FY 2011), an average of 17,604 cases were filed at the court annually. During the 2 years of full-scale Shriver implementation (FY 2013 and FY 2014), an average of 16,364 unlawful detainer cases were filed annually, and the Los Angeles housing pilot project provided legal aid services to an average of 3,068 cases per year. Unfortunately, the numbers of cases that involved default and/or a fee waiver granted to the defendant (proxy for low-income status) were not available, which makes it difficult to estimate the proportion of low-income defendants reached by Shriver services.

Table H9. Unlawful Detainer (UD) Cases Filed in Los Angeles County per Fiscal Year

	Before Shriver		During Shriver		
Number of UD…	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**
Cases filed[a]	17,754	17,455	17,364	16,182	16,547
Cases involving a default	*unavailable*	*unavailable*	*unavailable*	*unavailable*	*unavailabl*
Cases with a fee waiver granted	*unavailable*	*unavailable*	*unavailable*	*unavailable*	*unavailabl*
Cases receiving Shriver legal aid services[b]	--	--	1,679	2,950	3,186

Note. Fiscal Year example: FY 2010 = the period of October 1, 2009 through September 30, 2010.
[a] Data obtained from staff at the Los Angeles County Superior Court and include only limited jurisdiction cases. Numbers of cases involving a default or a fee waiver were not available. [b] Data obtained from the Shriver program services database (as of 10/18/15) and include full representation and unbundled services cases. Shriver services began in March 2012.

Project Implementation Model

The Los Angeles housing pilot project started in March 2012. The Los Angeles County Superior Court provides space for the EAC, where NLSLA provides services for unlawful detainer litigants who meet the Shriver eligibility criteria. The project provides legal services to plaintiffs and defendants using a three-pronged approach: (a) unbundled services available at EAC including screening, referral, fee waiver and answer preparation, and trial preparation; (b) full representation available from one of the legal aid agencies (NLSLA, ICLC, LAFLA, PC), and (c) extended limited scope (a.k.a. "Attorney of the Day") services from NLSLA (*defunct*).[25]

Legal Aid Services

Services offered, referral sources, and eligibility requirements

Litigants are referred to the Shriver housing pilot project at the Eviction Assistance Center (EAC) in the Los Angeles County Superior Court. EAC assistance is available to plaintiffs (landlords) and defendants (tenants), and all services are available in person in English, Spanish, and Korean. If a litigant has another language interpretation need, EAC staff members use an over-the-phone language interpretation service. At the EAC, litigants sign in as they arrive and complete intake

[25] This test program only lasted a short period of time, approximately 1 month.

forms providing demographic, housing characteristic (e.g., subsidized housing, rent-controlled housing), and other eligibility information (e.g., income). The intake screener completes a first review for eligibility for Shriver services, and anyone the project is not able to assist (either due to eligibility requirements or if all appointments are booked for the day) is provided with a general assistance packet that provides generic guidance for filing paperwork with the court. All eligible litigants receive help preparing a complaint (for plaintiffs) or answer (for defendants).

Eligibility requirements for plaintiffs and defendants at the Los Angeles project are the same and require that the litigant have an active unlawful detainer case, have an income at or below 200% of the Federal Poverty Level (FPL), face an opposing party represented by legal counsel, and had a complaint filed at the Mosk courthouse. After the initial eligibility screen, an attorney reviews the case for merit and litigant vulnerability,[26] and, if the case is assessed to have sufficient merit and/or vulnerability, then the litigant is referred for full representation. If individuals are not eligible for full representation, they may be given brief counsel and advice from an attorney at the EAC. It is intended that all litigants who present at the EAC are provided with some legal service, but due to capacity constraints, some may have to return the next day.

When litigants are referred for full representation, they are scheduled for an appointment at one of the partnering legal aid agencies. After a litigant is connected to an agency, subsequent service is provided from the lawyers and staff at that agency. If the referred agency determines a conflict of interest, the litigant is re-referred to one of the other three agencies. Having a multi-agency collaboration minimizes the impact of issues, such as conflicts of interest, on receiving representation, as litigants have more than one option. Additional services come from a network of attorney volunteers throughout Southern California (referred to as the “Shriver Corps”). They are trained and mentored by attorneys from the partnering legal aid agencies and primarily serve as co-counsel on full representation cases.

One additional unbundled service briefly existed at the Los Angeles project. After the complaint and/or answer was filed, the EAC coordinator would work to connect the self-represented litigant with a Shriver pro bono attorney. These attorneys were typically connected with litigants on the day of trial and helped to explain the trial process, negotiate settlements, and—in limited circumstances—provided representation at trial. This “Attorney of the Day” program was not sustainable, because services were difficult to coordinate and there were insufficient resources to maintain it permanently.

Table H10 illustrates the variety of service offerings available to Shriver clients through the legal aid agencies at the Los Angeles project. *Limited scope before trial* includes brief counsel and advice, as well as referrals and access to educational materials and workshops. *Extended limited scope* includes everything under limited scope before trial (all provided at the EAC), and the ability to meet with an attorney on the day of their scheduled trial. Both of these services are considered unbundled. *Full representation* includes attorney assistance on all aspects of the case from discovery to representation during settlement negotiations or at trial.

[26] Merit includes concepts such as affirmative defenses (e.g., uninhabitable living conditions, improper notice). Vulnerability refers to the client/family vulnerability and the litigant’s ability to navigate the legal system without help (e.g., has a disability), or when a threat exists of severe displacement and potential for harm if evicted.

Table H10. Legal Aid Services Available from the Los Angeles Housing Pilot Project

	Shriver Project Service Providers		
Services	**EAC**	**Legal Aid Partners**	**Pro Bono Attorneys**
Self-help packet	✓		
Language interpretation	✓	✓	✓
Brief counsel and advice	✓	✓	
Limited scope before trial:			
Assistance with filing complaint/response	✓		
Education (e.g., online video)	✓		
Trial preparation workshop	✓	✓	
Extended Limited Scope/Attorney of the Day[a]	✓	✓	✓
Full representation		✓	✓

Note. All litigants, regardless of eligibility, are provided with a self-help packet. Eligible litigants receive some service (e.g., preparation of documents), regardless of their merit/vulnerability screening results. Counsel and advice may also be provided to tenants affected by the eviction, but not listed on the complaint. [a] This was a pilot program that lasted for approximately 1 month.

Court-Based Services

An additional judicial assistant was hired to work at the public counter in the clerk's office at the Mosk courthouse. The judicial assistant provides a variety of services to litigants and attorneys, including

- processing fee waivers and filing answers for litigants who qualify for fee waivers,
- processing status requests, including researching the Case Management System (CMS),
- other administrative duties, as needed, for litigants and Shriver attorneys (e.g., pulling files, making copies of documents, filing amended answers, processing substitutions of attorneys).

Goals for Clients

The Los Angeles housing pilot project staff, from legal aid, report that their ultimate goal is to keep individuals in their homes, but often such an outcome is not realistic. If staying in the home is not possible given the characteristics of the case, the project aims to minimize the impact of eviction on the individual's ability to obtain new housing.

To minimize this impact of eviction, the Los Angeles housing pilot project focuses on masking or "sealing" the record beyond the statutory period[27] and retaining tenants' Housing Choice

[27] All unlawful detainer cases are "masked" per statute for at least 60 days from filing. Cases dismissed within this 60-day period are not entered into the public record (the "UD Registry"). The court can extend the masking period beyond 60 days while the case proceeds, though this practice varies by jurisdiction. Having a case "sealed" permanently removes it from public view, regardless of whether it was dismissed. This process can only occur when it is ordered by the court.

(Section 8) Vouchers. They might also negotiate for an extended move-out date, financial relief or award for the client,[28] and credit protection.[29]

A typical case for the Los Angeles housing pilot project begins due to non-payment of rent with few or no defenses. Attorneys ask about possible illegal rent increases, tenant job loss, and changes in tenant public benefits, and attempt to use these circumstances to request reasonable accommodation for the case. Habitability cases, in which tenants do not pay rent due to the condition of the property, are also common; the goal of these cases is for the litigant to retain the housing, with the landlord making any repairs or habitability changes. Housing department inquiries and inspections may be part of these cases.

Brief Summary of Shriver Service Provision

Below is an overview of the service provision at the Los Angeles housing pilot project. For a more extensive and detailed summary of the services provided, see the full Project Service Summary in Appendix A.

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the Shriver program services database. Data from the Los Angeles housing pilot project were collected on all parties seeking services from March 2012 through October 2015.

Litigants who received full representation from an attorney at one of the four legal aid agencies are categorized as ***full representation*** clients, and litigants who received any other types of legal service (through the Eviction Assistance Center [EAC], any of the legal aid agencies, or an "Attorney of the Day") are referred to as ***unbundled services*** clients.[30]

WHO RECEIVED SHRIVER PROJECT SERVICES?

Through fall 2015, the Los Angeles housing pilot project had provided legal aid services to 10,182 clients. Of these, 52% received full representation and 48% received unbundled services. Shriver attorneys worked an average of 11 hours (median = 7) per full representation case and an average of 2 hours (median = 1) per unbundled services case. (Less than 1% of Shriver legal aid clients were plaintiffs; information about plaintiff clients can be found in Appendix B.)

Client Characteristics. The majority of Shriver clients (57%) were female, 45% were Hispanic or Latino, and 30% were Black or African American. About one fourth (24%) of cases had a tenant with a disability, and 38% involved a defendant who could not effectively communicate in English without the assistance of an interpreter (limited English proficiency). Table H11 shows the characteristics of the 10,182 primary clients served by legal aid, by level of service.

Table H11. Demographic Characteristics of Shriver Legal Aid Clients

[28] Under rent stabilization, the landlord might provide money as part of the stipulated settlement to help with relocation costs.

[29] Credit protection includes the lawsuit not being reported to credit agencies, as well as neutral references from the landlord. In the Los Angeles housing pilot project, Shriver attorneys negotiate to add language to settlements stipulating that landlords will only provide dates of tenancy, and no information about the eviction, if a housing reference is needed.

[30] Approximately 91 litigants (about 1% of all clients served by the Los Angeles housing pilot project) received extended limited scope ("Attorney of the Day") services.

	Level of Service		
Client Level Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Age (years)			
18 to 24	306 (6%)	410 (8%)	716 (7%)
25 to 44	2,414 (46%)	2,373 (48%)	4,787 (47%)
45 to 61	1,803 (35%)	1,739 (35%)	3,542 (35%)
62 or older	517 (10%)	307 (6%)	824 (8%)
Missing/unknown	184 (4%)	129 (3%)	313 (3%)
Gender			
Male	1,841 (35%)	2,209 (45%)	4,050 (40%)
Female	3,180 (61%)	2,629 (53%)	5,809 (57%)
Transgender	3 (0%)	6 (0%)	9 (0%)
Missing/unknown	200 (4%)	114 (2%)	314 (3%)
Race/Ethnicity[a]			
Black or African American	1,431 (27%)	1,598 (32%)	3,029 (30%)
Hispanic/Latino	2,511 (48%)	2,088 (42%)	4,599 (45%)
White	244 (5%)	385 (8%)	629 (6%)
Other	228 (4%)	286 (6%)	514 (5%)
Missing/unknown/declined	810 (16%)	601 (12%)	1,411 (14%)
Education			
High school degree or less	2,284 (44%)	1,958 (39%)	4,242 (42%)
Any post-secondary	1,167 (22%)	1,535 (31%)	2,702 (27%)
Missing/unknown	1,773 (34%)	1,465 (30%)	3,238 (32%)
Limited English Proficiency			
Yes	2,168 (42%)	1,663 (34%)	3,831 (38%)
No	2,866 (55%)	3,171 (64%)	6,037 (59%)
Missing/unknown	190 (4%)	124 (3%)	314 (3%)
Disability			
Yes	1,374 (26%)	1,068 (22%)	2,442 (24%)
No	2,669 (51%)	3,171 (64%)	5,840 (57%)
Missing/unknown	1,181 (23%)	719 (15%)	1,900 (19%)
Total	5,224 (100%)	4,958 (100%)	10,182 (100%)

Note. Data from the Shriver program services database (as of 10/18/15) and include only defendants. Demographic data describe the primary litigant. [a] Clients who identified as Hispanic/Latino and any other race/ethnicity are counted in the Hispanic/Latino row.

As shown in Table H12, half (52%) of cases served by Shriver legal aid had at least one minor living in the home, and 41% of households received CalFresh[31] benefits. The median monthly income was $1,000 (mean = $1,154), and the median rental amount was $850 (mean = $877). By comparison, recall that the median monthly household income in Los Angeles County is $4,659 and the average fair market value for a two-bedroom apartment is $1,398. Nearly all Shriver legal aid clients (96%) were renters/tenants of an apartment, condominium, or house.

Table H12. Household Characteristics of Shriver Legal Aid Clients

	Level of Service		
Household Level Characteristics	**Full Representation**	**Unbundled Services**	**Total**
Minors in Household, *N* (%)			
Yes	2,945 (56%)	2,314 (47%)	5,259 (52%)
No	2,078 (40%)	2,552 (51%)	4,630 (45%)
Missing/unknown	201 (4%)	92 (2%)	293 (3%)
Received CalFresh Benefits, *N* (%)			
Yes	2,189 (42%)	1,968 (40%)	4,157 (41%)
No	2,836 (54%)	2,895 (58%)	5,731 (56%)
Missing/unknown	199 (4%)	95 (2%)	294 (3%)
Monthly Income			
Mean (SD)	$1,197 (843)	$1,109 (886)	$1,154 (866)
Median	$1,037	$964	$1,000
Range[a]	$0 to $9,000	$0 to $8,500	$0 to $9,000
Missing	154 (3%)	65 (1%)	219 (2%)
Monthly Rental Amount[b]			
Mean (SD)	$820 (396)	$939 (460)	$877 (432)
Median	$802	$875	$850
Range	$0 to $4,120	$0 to $4,200	$0 to $4,200
Missing/unknown	243 (5%)	334 (7%)	577 (6%)
Total	5,224 (100%)	4,958 (100%)	10,182 (100%)

Note. Data obtained from the Shriver program services database (as of 10/18/15) and include only defendants. *SD* = standard deviation.
[a] The upper end of the range is high due to outlying values. At intake, 25 clients had monthly incomes greater than $5,000. Taking household size into account, 16 of them had monthly incomes above 200% of the 2014 Federal Poverty Level (FPL).
[b] Monthly rental amount according to defendant at time of intake.

Opposing Party Representation and Case Status at Shriver Intake. For clients who received full representation, 95% faced an opposing party with legal representation and 1% did not (this information was missing or unclear for 4% of clients). Among clients who received unbundled services, 98% faced an opposing party with legal representation and less than 1% did not (2% were missing data). At Shriver intake, 94% of clients had not yet filed an answer with the court.

[31] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

Of those cases with information about an eviction notice, the most frequent reason listed was for non-payment of rent (78%). In cases where the notice indicated non-payment of rent, the median amount demanded on the notice was $1,233 (mean = $1,902), ranging from $0 to $65,567.[32] In 60% of cases, defendants owed between $501 and $2,000, according to the eviction notice. In 8% of cases, the amount was $500 or less.

KEY OUTCOMES AMONG SHRIVER FULL REPRESENTATION CASES

The remainder of this section highlights key outcomes of interest among cases provided full representation by the Los Angeles housing pilot project. A more detailed review of case events and outcomes can be found in Appendix A.

Some key findings include:

Answers were filed. To participate in the justice system—that is, to avoid defaulting on an unlawful detainer case—defendants must file an answer (or other response) to the complaint filed by the landlord. Among full representation cases, nearly all defendants (98%) participated in the judicial system by either filing an answer (94%) or other response (2%), or by settling outside of court (2%). Notably, no default judgments were entered because the tenant failed to respond to the unlawful detainer complaint.

Cases were likely to settle. About two thirds (64%) of Shriver full representation cases were resolved by settlement, 22% by plaintiff dismissal, and 3% through a trial or hearing (11% were resolved in some other way or were missing information).

Outcomes favored longer term housing stability. From the perspective of the tenants, staying in their homes and avoiding the burden and disruption of a forced relocation (e.g., finding new housing, spending additional money to move, enrolling children in new schools) is a noteworthy and positive outcome. In instances where the tenant must relocate, other factors—such as having additional time to move, maintaining clean credit, or retaining housing subsidies—can contribute to a tenant being able to secure alternate, affordable housing more quickly.

Possession of the Property. At the end of their court cases, 22% of clients were able to remain in their homes, because the tenant either retained possession of the unit or was granted relief from forfeiture.[33] In 69% of cases, the landlord was awarded possession and the tenant had to move (see Table H13). (Award of possession was unknown for 10% of cases.) Of the cases in which tenants had to relocate, most did so as part of a negotiated agreement or a hearing/trial, as opposed to being evicted.[34] The rates of possession varied by case resolution method.

[32] Less than 1% of cases (n=6) had amounts greater than $25,000, the upper bound for limited jurisdiction cases.
[33] Relief from forfeiture typically applies when a litigant experiences a temporary income shortage and has the ability to pay back rent or other money owed.
[34] Eviction is used to describe the situation in which tenants are ruled against in a court hearing, trial, or through default judgment, or fail to comply with the conditions of their settlement. This outcome usually results in an unlawful detainer case viewable on their public records.

Table H13. Housing Stability Outcomes for Full Representation Clients by Case Resolution Method

	Case Resolution Method				
Housing Stability Outcome	**Plaintiff Dismissal** *n* (%)	**Settlement** *n* (%)	**Trial/ Hearing** *n* (%)	**Other/ Missing** *n* (%)	**Total** *n* (%)
Retained possession	670 (58%)	290 (9%)	56 (43%)	5 (1%)	1,021 (20%)
Relief from forfeiture	43 (4%)	54 (2%)	5 (4%)	4 (1%)	106 (2%)
Moved (not evicted)[a]	276 (24%)	2,797 (84%)	32 (24%)	288 (50%)	3,393 (65%)
Temporary stay of eviction[b]	1 (0%)	83 (2%)	2 (2%)	2 (<1%)	88 (2%)
Evicted[c]	4 (0%)	74 (2%)	19 (15%)	6 (1%)	103 (2%)
Missing/unknown	167 (14%)	46 (1%)	17 (13%)	0 (0%)	499 (10%)
Total	1,161 (100%)	3,344 (100%)	131 (100%)	574 (100%)	5,210 (100%)

Note. Data obtained from the Shriver program services database (as of 10/18/15) and include only defendants. [a] Defendant moved as part of negotiated agreement or before unlawful detainer hearing or trial judgment. [b] Court granted possession of the unit to the plaintiff (landlord), but postponed the eviction due to extreme hardship on behalf of the defendant. [c] Defendant ruled against in court hearing, trial, or through default judgment, or failed to comply with the conditions of settlement.

Other Case Outcomes for Tenants Who Moved. Among full representation cases of the Los Angeles housing pilot project, 89% resulted in some positive outcome that supported tenants' longer term housing stability. These outcomes were most common when cases settled. Among full representation cases in which the tenants had to move:

- 71% had their move-out dates adjusted,
- 79% had their rental debts reduced or waived,
- 45% retained their housing subsidies (e.g., Housing Choice Voucher),
- 86% had their unlawful detainer cases masked from public view, and
- 54% had their credit protected.

Table H14. Case Outcomes among Full Representation Cases with Tenants Who Moved

	Case Resolution Method				
Outcome	**Plaintiff Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial/ Hearing** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
Physical Outcomes					
Move-out date adjusted	52 (19%)	2,452 (83%)	21 (40%)	28 (9%)	2,553 (71%)
Mean number of days to move (*SD*)[a]	58 (45)	91 (46)	96 (43)	122 (47)	90 (46)
Financial Outcomes					
Pay plaintiff's attorney fees	2 (1%)	66 (2%)	5 (9%)	0 (0%)	73 (2%)
Pay all rent owed	31 (11%)	167 (6%)	10 (19%)	5 (2%)	213 (6%)
Rental amount owed reduced	40 (14%)	687 (23%)	14 (26%)	21 (7%)	762 (21%)
Rental amount owed waived	60 (21%)	1,975 (67%)	19 (36%)	11 (4%)	2,065 (58%)
Payment plan for money owed	6 (2%)	175 (6%)	1 (2%)	0 (0%)	182 (5%)
Preserved Housing Choice Voucher/Sec. 8[b]	18 (30%)	209 (58%)	1 (9%)	3 (4%)	231 (45%)
Received Any Positive Financial Outcome[c]	***112 (40%)***	***2,766 (94%)***	***34 (64%)***	***33 (11%)***	***2,945 (82%)***
Credit-Related Outcomes					
Neutral references from landlord	18 (6%)	818 (28%)	3 (6%)	3 (1%)	842 (23%)
Not reported to credit agencies	105 (37%)	1,792 (61%)	15 (28%)	11 (4%)	1,923 (54%)
Record masked from public view	162 (58%)	2,836 (96%)	30 (57%)	37 (13%)	3,065 (86%)
Received Any Positive Credit Outcome[d]	***176 (63%)***	***2,849 (96%)***	***31 (58%)***	***38 (13%)***	***3,094 (86%)***
Received Any Positive Outcome[e]	***204 (73%)***	***2,918 (99%)***	***40 (75%)***	***43 (15%)***	***3,205 (89%)***

N=3,584. Plaintiff dismissal *n*=281. Settlement *n*=2,954. Trial/hearing *n*=53. Other/Missing *n*=296.
Note. Data obtained from the Shriver program services database (as of 10/18/15).
[a] Calculated as the number of days from complaint filing to move-out date. [b] Calculated out of the number of cases where the defendant(s) lived in subsidized housing (*n*=515). [c] Calculated from all monetary items, except where the litigant had to pay for the plaintiff's (landlord's) attorney fees or had to pay back all money owed. [d] Calculated from all credit-related outcomes. [e] Calculated from all monetary and/or credit-related outcomes, except where indicated above.

SHRIVER PILOT PROJECT DESCRIPTION: SACRAMENTO

This section describes how the Sacramento housing pilot project addressed unlawful detainer cases. This summary includes information on the project context, involved agencies, and service model. Detailed data on the litigants who received services, case characteristics, and outcomes can be found in the detailed Project Service Summary in Housing Appendix A.

Project Context

COMMUNITY

In 2014, the population of Sacramento County was an estimated 1.5 million individuals,[35] of which 18% were living below the Federal Poverty Level (FPL). The median household income was $55,064 (or $4,589 per month) and the average number of persons per household was 2.7. The average monthly fair market value for a two-bedroom rental unit was $1,072.

AGENCIES INVOLVED

The Sacramento housing pilot project was a collaboration between the Legal Services of Northern California—Sacramento (LSNC-Sacramento), the University of the Pacific—McGeorge School of Law, and the Sacramento County Superior Court. The project was implemented in January 2012 and ended in September 2014. LSNC-Sacramento served as the lead project partner and operated from its field office in the city of Sacramento.

COURTHOUSE

The Superior Court of California, County of Sacramento, Carol Miller Justice Center houses the Unlawful Detainer division, which includes an Unlawful Detainer Advisor's Office and the Unlawful Detainer Mediation Office. While currently there is no self-help center, there are plans to open an Unlawful Detainer Self-Help Center in the future.

Shriver services in Sacramento County began in January 2012, halfway through FY 2012, during which the project served 392 litigants. In the subsequent 2 years, the project served 826 and 784 litigants, respectively. Unfortunately, it is not possible to estimate the reach of Shriver services because data from the Sacramento County Superior Court regarding the number of unlawful detainer cases filed were unavailable (Table H15).

Table H15. Unlawful Detainer (UD) Cases Filed in Sacramento County per Fiscal Year

	Before Shriver		During Shriver		
Number of UD…	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**
Cases filed[a]	*unavailable*	*unavailable*	*unavailable*	*unavailable*	*unavailable*
Cases with a fee waiver granted[b]	*unavailable*	*unavailable*	*unavailable*	*unavailable*	*unavailable*
Cases receiving Shriver legal aid services[c]	--	--	392	826	784

Note. Fiscal Year example: FY 2010 = the period of October 1, 2009 through September 30, 2010.
[a, b] Data unavailable. [c] Data from the Shriver program services database (as of 10/20/14); Shriver began 1/2012.

[35] Demographic data were retrieved from the U.S. Census Bureau, County & States QuickFacts at www.census.gov in July 2015.

Project Implementation Model

The Sacramento housing pilot project primarily involved (a) LSNC-Sacramento providing legal aid services to referred and/or walk-in clients facing unlawful detainer cases and (b) the University of the Pacific-McGeorge Housing Mediation Center (HMC) working with parties involved in housing disputes and offering various levels of mediation services if parties were willing to participate in the process. In addition, the court developed electronic filing services.

Legal Aid Services

Services offered, referral sources, and eligibility requirements

Legal aid services were provided by LSNC-Sacramento attorneys and students, as well as by mediators and volunteer attorneys from the HMC. Shriver services by LSNC-Sacramento included full representation and unbundled services. Full representation included assistance with all aspects of the case. Importantly, this also included advocacy staff monitoring and enforcing (through post-trial motions) court orders addressing nuisance abatement and/or repairs ordered in habitability cases. Unbundled services included expanded self-help, brief counsel and advice, and assistance with pleadings. Attorneys also worked to coordinate services with the Homelessness Prevention and Rapid Re-housing Program (HPRP), which was active until 2013, and provided emergency funding, employment, and social services to tenants to bridge economic crises.

The eligibility requirements for Shriver legal aid services included that the litigant did not earn more than 200% of the Federal Poverty Level (FPL), the opposing party was represented by legal counsel, and the complaint was filed at the Carol Miller Justice Center. The level of service provided was determined on a case-by-case basis by the assigned attorney. Shriver attorneys prioritized cases with vulnerable tenants for whom the potential consequences of eviction were most severe (e.g., elderly clients, clients with children, clients with absolutely no alternative housing), cases with tenants who had significant challenges representing themselves effectively (e.g., those with disabilities, limited English proficiency, or difficulty reading and writing), and cases with merit and a reasonable estimation that representation would make the greatest impact (e.g., reasonable requests made or affirmative defenses raised by the defendant).

Referrals to legal aid originated from various sources. Contact information for LSNC-Sacramento was listed in a resource pamphlet included in the *Notice of Unlawful Detainer* filing received by all tenants being sued. Legal aid also held a daily walk-in clinic and received referrals through the housing court website, the public housing authority, and flyers posted at the court.

LSNC-Sacramento attorneys also referred cases to the McGeorge Housing Mediation Center (HMC) when litigants would benefit from mediation services. HMC provided free mediation services in cases where at least one party qualified as low-income (income does not exceed 200% of FPL). Either party could initiate contact with HMC, as long as the property in dispute was located in Sacramento County. HMC provided assistance to interested parties at any stage of the dispute, including pre-filing, post-filing, post-judgment, and post-move-out. In addition to referrals from LSNC, HMC information was listed on the court's *Notice of Unlawful Detainer* filing, brochures, websites, and other literature. HMC also conducted its own outreach efforts and forged collaborative working relationship with a variety of community organizations.

COURT-BASED SERVICES

Court-based services[36] included expanded mediation opportunities, expanded self-help materials, and expanded electronic filing. The electronic filing component was permanent and continues beyond the scope of the Sacramento housing pilot project. Table H16 shows the variety of service offerings available to litigants eligible to receive Shriver services.

Table H16. Legal Aid and Court-Based Shriver Services Available from the Sacramento Housing Pilot Project

	Shriver Service Location	
Services	**LSNC**	**HMC**
Mediation		✓
Limited assistance representation		✓
Referrals	✓	
Assistance with pleadings	✓	
Brief counsel and advice	✓	
Expanded self-help	✓	
Full representation	✓	

GOALS FOR CLIENTS

Legal aid attorneys reported that their primary goal was to provide some level of service for every eligible client. Litigants with particular challenges or barriers to accessing the legal system (e.g., those with disabilities or limited English proficiency) were given priority for full representation. The overall goals were to correct the imbalance in representation often faced by low-income defendants, increase consistency and predictability in unlawful detainer case outcomes, reduce the burden on the courts by increasing the number of settled cases, and to create an incentive to use mediation services.

Brief Summary of Service Provision

Below is an overview of the service provision at the Sacramento housing pilot project. For a more extensive and detailed summary of the services provided, see the full Project Service Summary in Appendix A.

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the Shriver program services database. Data from the Sacramento housing pilot project were collected on all parties seeking services from LSNC-Sacramento from January 2012 through September 2014. Data from HMC on mediation services were not available. LSNC provided a range of services; litigants who received full representation from an LSNC attorney are categorized as ***full representation*** clients and those receiving any other type of service from LSNC are referred to as ***unbundled services*** clients.

[36] As part of the Shriver project, the Sacramento Court initially set out to include a Special Master to provide housing inspections and other evidence, expanded language services, and housing court orientation and training, including a housing court bench book to be developed and used to train new judges hearing unlawful detainer cases at the Carol Miller Justice Center. These project components were not fully implemented.

WHO RECEIVED SHRIVER PROJECT SERVICES?

Between January 2012 and September 2014, the Sacramento housing pilot project provided legal aid services to litigants, all of whom were defendants, in a total of 2,002 unlawful detainer cases. Of these cases, 36% received full representation and 64% received unbundled services. Shriver attorneys worked an average of 17 hours (median = 13) per full representation case and an average of 4 hours (median = 3) per unbundled services case.

Client Characteristics. Table H17 shows the demographic characteristics of the 2,002 clients served by legal aid, by level of service. The majority of Shriver clients (66%) were female, 40% were Black or African American, 31% were White (non-Hispanic), and 42% had disabilities.

Table H17. Demographic Characteristics of Shriver Legal Aid Clients

	Level of Service		
Client Level Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Age (years)			
18 to 24	36 (5%)	80 (6%)	116 (6%)
25 to 44	323 (45%)	596 (46%)	919 (46%)
45 to 61	274 (38%)	511 (40%)	785 (39%)
62 or older	78 (11%)	94 (7%)	172 (9%)
Missing/unknown	7 (1%)	3 (0%)	10 (0%)
Gender			
Male	233 (32%)	419 (33%)	652 (33%)
Female	477 (66%)	853 (66%)	1330 (66%)
Transgender	2 (0%)	1 (0%)	3 (0%)
Missing/unknown	6 (1%)	11 (1%)	17 (1%)
Race/Ethnicity[a]			
Black or African American	314 (44%)	477 (37%)	791 (40%)
Hispanic/Latino	83 (12%)	191 (15%)	274 (14%)
White	203 (28%)	419 (33%)	622 (31%)
Other	83 (12%)	143 (11%)	226 (11%)
Missing/unknown/declined	35 (5%)	54 (4%)	89 (4%)
Education			
High school degree or less	90 (13%)	188 (15%)	278 (14%)
Any post-secondary	175 (24%)	242 (19%)	417 (21%)
Missing/unknown	453 (63%)	854 (67%)	1307 (65%)
Disability			
Yes	314 (44%)	525 (41%)	839 (42%)
No	342 (48%)	637 (50%)	979 (49%)
Missing/unknown	62 (9%)	122 (10%)	184 (9%)
Total	718 (100%)	1,284 (100%)	2,002 (100%)

Note. Data from the Shriver program services database (as of 10/20/14). [a] Litigants who identified as Hispanic/Latino and any other race/ethnicity are counted in Hispanic/Latino row.

As shown in Table H18, half (52%) of cases served by legal aid had at least one minor living in the home, and 28% of households received CalFresh[37] Benefits. The median monthly household income was $897 (mean = $1,036), and the median monthly rental amount was $729 (mean = $741). By comparison, recall that the median monthly household income in Sacramento County is $4,589 and the average fair market value for a two-bedroom apartment is $1,072. Most (86%) Shriver legal aid clients were renters/tenants of an apartment, condominium, or house.

Table H18. Household Characteristics of Shriver Legal Aid Clients

	Level of Service		
Household Level Characteristics	**Full Representation**	**Unbundled Services**	**Total**
Minors in Household, *N* (%)			
Yes	382 (53%)	654 (51%)	1,036 (52%)
No	336 (47%)	630 (49%)	966 (48%)
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
Received CalFresh Benefits, *N* (%)			
Yes	237 (33%)	322 (25%)	559 (28%)
No	453 (63%)	548 (43%)	1,001 (50%)
Missing/unknown	28 (4%)	414 (32%)	442 (22%)
Monthly Income			
Mean (SD)	$1,086 (714)	$1,008 (745)	$1,036 (735)
Median	$900	$890	$897
Range [a]	$0 to $4,517	$0 to $5,100	$0 to $5,100
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
Monthly Rental Amount[b]			
Mean (SD)	$764 ($354)	$719 (338)	$741 (369)
Median	$745	$716	$729
Range	$0 to $4,000	$0 to $2,600	$0 to $4,000
Missing/unknown	65 (9%)	568 (44%)	633 (32%)
Total	718 (100%)	1,284 (100%)	2,002 (100%)

Note. Data obtained from the Shriver program services database (as of 10/20/14). *SD* = standard deviation.

[a] One client had monthly income greater than $5,000. Once household size was taken into account, this client's income was below 200% of the 2014 FPL.

[b] Monthly rental amount according to defendant at time of intake.

Opposing Party Representation Case Status at Shriver Intake. Among cases receiving full representation, 92% faced an opposing party with legal representation (information was missing for 7% of cases). Among cases that received unbundled services, 38% faced an opposing party with legal representation, and 20% did not (information was missing or unknown for 42%). At the time of Shriver intake, 59% of clients had not filed an answer or other response with the court (note that 21% of cases were missing this information).

[37] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

Of those cases with information about an eviction notice, the most frequent reason listed was for non-payment of rent (68%), followed next by foreclosure (5%) and violation of lease terms (5%). In cases where the notice indicated non-payment of rent, the median amount demanded on the notice was $1,031 (mean = $1,538, range = $0 to $13,200). In 62% of cases, defendants owed between $501 and $2,000 according to the eviction notice. In 11% of cases, the amount was $500 or less, highlighting the financial vulnerability of many tenants.

KEY OUTCOMES AMONG SHRIVER FULL REPRESENTATION CASES

The remainder of this section highlights key outcomes of interest among cases provided full representation by the Sacramento housing pilot project. A more detailed review of case events and outcomes can be found in Appendix A.

Some key findings include:

Answers were filed. To participate in the justice system—that is, to avoid defaulting on an unlawful detainer case—defendants must file an answer (or other response) to the landlord's complaint. Among full representation cases, nearly all (94%) defendants participated in the judicial system either by filing an answer (86%) or other response (3%), or by settling outside of court (4%) or having the case dismissed (1%). Notably, default judgments were entered in only 1% of cases. (Notably, 2% of cases had defaulted at the time of intake, so legal aid was successful in getting some of these defaults set aside.)

Cases were likely to settle. More than two thirds (69%) of Shriver full representation cases were resolved by settlement, 12% of cases were dismissed by the plaintiff, and 11% were resolved through a trial or hearing (8% were resolved another way or were missing data).

Outcomes favored longer term housing stability. From the perspective of the tenants, being able to stay in their homes and avoiding the burden and disruption of a forced relocation (e.g., looking for new housing, spending additional money to move, enrolling children in new schools) is a noteworthy and positive outcome. However, in instances when tenants must relocate, having additional time to move out, obtaining neutral references from landlords, or retaining housing subsidies can support their ability to find new and affordable housing more quickly.

Possession of the Property. At the end of the case, 20% of clients were able to remain in their homes, either because they retained possession of the unit or were granted relief from forfeiture.[38] In 75% of cases, the landlord was awarded possession and the tenant had to move. Of the cases in which tenants had to relocate, most did so as part of a negotiated agreement or before a hearing/trial, as opposed to being evicted.[39] Rates of possession varied by resolution method.

[38] Relief from forfeiture typically applies when a defendant experiences a temporary income shortage and has the ability to pay back rent or other money owed.

[39] Eviction describes the situation where tenants were ruled against in a court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement. This usually results in an unlawful detainer case viewable on the public record.

Table H19. Housing Stability Outcomes for Full Representation Clients by Case Resolution Method

	Case Resolution Method				
Housing Stability Outcome	**Plaintiff Dismissal** *n* (%)	**Settlement** *n* (%)	**Trial/ Hearing** *n* (%)	**Other/ Missing** *n* (%)	**Total** *n* (%)
Retained possession	26 (31%)	40 (8%)	8 (10%)	2 (3%)	76 (11%)
Relief from forfeiture	9 (11%)	46 (9%)	7 (9%)	0 (0%)	62 (9%)
Moved (not evicted)[a]	45 (54%)	332 (67%)	10 (12%)	11 (19%)	398 (55%)
Temporary stay of eviction[b]	1 (1%)	64 (13%)	16 (20%)	7 (12%)	88 (12%)
Evicted[c]	0 (0%)	14 (3%)	39 (48%)	5 (9%)	58 (8%)
Missing/unknown	2 (2%)	0 (0%)	1 (1%)	0 (0%)	36 (5%)
Total	83 (100%)	496 (100%)	81 (100%)	58 (100%)	718 (100%)

Note. Data obtained from the Shriver program services database (as of 10/20/14).
[a] Defendant moved as part of negotiated agreement or before unlawful detainer hearing or trial judgment.
[b] Court granted possession of the unit to the plaintiff (landlord), but postponed the eviction due to extreme hardship on behalf of the defendant. [c] Defendant ruled against in court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement.

Other Case Outcomes for Tenants Who Moved. Among full representation cases of the Sacramento housing pilot project in which clients moved, nearly all (93%) resulted in some positive outcome that supported the tenant's ability to retain new housing more easily. These outcomes were most common when cases settled. Among full representation cases in which the tenant had to move:

- 68% had their move-out dates extended,
- 80% had the amounts of back-owed rent reduced or waived,
- 71% retained their housing subsidies (e.g., Housing Choice Voucher),
- 56% had their credit protected, and
- 53% had their cases masked from public view.

Table H20. Case Outcomes among Full Representation Cases with Tenants Who Moved

	Case Resolution Method				
Outcome	**Plaintiff Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial/ Hearing** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
Physical Outcomes					
Move-out date adjusted	22 (48%)	318 (78%)	20 (31%)	9 (39%)	369 (68%)
Mean number of days to move (*SD*)[a]	31 (23)	56 (32)	48 (29)	77 (40)	53 (32)
Financial Outcomes					
Pay plaintiff's attorney fees	1 (2%)	80 (20%)	50 (77%)	8 (35%)	139 (26%)
Pay all rent owed	0 (0%)	40 (10%)	9 (14%)	1 (4%)	50 (9%)
Rental amount owed reduced	25 (54%)	319 (78%)	40 (62%)	10 (43%)	394 (72%)
Rental amount owed waived	0 (0%)	37 (9%)	3 (5%)	1 (4%)	41 (8%)
Payment plan for money owed	1 (2%)	173 (42%)	2 (3%)	1 (4%)	177 (33%)
Preserved Housing Choice Voucher/Sec. 8[b]	6 (86%)	41 (80%)	1 (14%)	2 (9%)	50 (71%)
Received Any Positive Financial Outcome[c]	***28 (61%)***	***400 (98%)***	***43 (66%)***	***12 (52%)***	***483 (89%)***
Credit-Related Outcomes					
Neutral references from landlord	15 (33%)	228 (56%)	7 (11%)	3 (13%)	253 (47%)
Not reported to credit agencies	22 (48%)	271 (66%)	9 (14%)	5 (22%)	307 (56%)
Record masked from public view	27 (59%)	242 (59%)	13 (20%)	8 (35%)	290 (53%)
Received Any Positive Credit Outcome[d]	***29 (63%)***	***323 (79%)***	***13 (20%)***	***10 (43%)***	***375 (69%)***
Total Received Any Positive Outcome[e]	**37 (80%)**	**408 (100%)**	**43 (66%)**	**19 (83%)**	**507 (93%)**

N=544. Plaintiff dismissal *n*=46. Settlement *n*=410. Trial/hearing *n*=65. Other/missing *n*=23.
Note. Data obtained from the Shriver program services database (as of 10/20/14).
[a] Calculated as the number of days from complaint filing to move-out date. [b] Calculated out of the number of defendants living in subsidized housing (*n*=70). [c] Calculated from all monetary items, except where the litigant had to pay for the plaintiff's (landlord's) attorney fees or had to pay back all money owed. [d] Calculated from all credit-related outcomes. [e] Calculated from all monetary and/or credit-related outcomes, except where indicated above.

SHRIVER PILOT PROJECT DESCRIPTION: SAN DIEGO

This section describes how the San Diego housing pilot project addressed unlawful detainer cases. This summary includes information on the project context, involved agencies, and service model. Detailed data on the litigants who received services, case characteristics, and outcomes can be found in the detailed Project Service Summary in Housing Appendix A.

Project Context

COMMUNITY

In 2014, the population of San Diego County was an estimated 3.2 million individuals,[40] of which 14% were living below the Federal Poverty Level (FPL). The median county household income was $62,962 (or $5,247 per month) and the average number of persons per household was 2.8. The average monthly fair market value for a two-bedroom rental unit was $1,354.

AGENCIES INVOLVED

The San Diego housing pilot project is a collaboration between the Legal Aid Society of San Diego (LASSD) and the San Diego County Superior Court. These entities coordinated to streamline the referral process so that all unlawful detainer litigants were made aware of the representation services available at LASSD. LASSD also encouraged litigants to participate in an Alternative Dispute Resolution (ADR) program (specifically, a settlement conference calendar) for unlawful detainer cases. Prior to the start of the Shriver project, legal services available for low-income litigants involved in eviction cases were almost exclusively provided by LASSD. Two other tenant defense law firms in the San Diego area provided some assistance, but they charged for their services. Most, if not all, of the Shriver target population (under 200% of the Federal Poverty Level [FPL]) would be unable to afford these services.

COURTHOUSE

At the outset of the project, San Diego Superior Court consisted of nine different court locations across the county. Due to court consolidation (based on decreased funding), in 2013, all unlawful detainer courts except for North San Diego County were consolidated into the Central Division (which covered the City of San Diego). The Central Division has been the location for the Shriver housing pilot project throughout these changes. An LASSD-funded (not Shriver-funded) unlawful detainer (UD) clinic located in this courthouse provides limited self-help services for unlawful detainer litigants, but does not provide counsel and advice.

The following table shows the number of unlawful detainer (limited jurisdiction[41]) cases filed at San Diego County Superior Court from fiscal year 2010 (2 years prior to Shriver implementation) through fiscal year 2014. Shriver services in San Diego County began in October 2011. In the 2 years prior to Shriver implementation (FY 2010 and FY 2011), an average of 15,124 cases were

[40] Demographic data were retrieved from the U.S. Census Bureau, County & States QuickFacts at www.census.gov in July 2015.

[41] Limited jurisdiction cases involve amounts less than $25,000 and exclude commercial properties.

filed at the court annually, roughly a third of which defaulted. An average of 4,776 cases—nearly half of the remaining cases—involved a defendant with a fee waiver.

During the 2 years of full-scale Shriver implementation (FY 2013 and FY 2014), the average number of unlawful detainer cases filed per year had decreased to 11,548. Project staff attribute this decline to the court consolidation, which made it more inconvenient for landlords across the county to file a complaint. Consistent with earlier years, over a third of these cases defaulted and over half (58%) of the remaining cases involved a defendant with a fee waiver granted. During these 2 years, LASSD provided services to an average of 1,250 cases annually, approximately 30% of cases with a fee-waivered defendant.

Table H21. Unlawful Detainer (UD) Cases Filed in San Diego County per Fiscal Year

	Before Shriver		During Shriver		
Number of UD…	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**
Cases filed[a]	15,666	14,581	13,418	12,086	11,009
Cases involving a default	5,613	5,057	4,602	4,735	3,943
Cases with a fee waiver granted[b]	4,692	4,860	4,879	4,250	4,088
Cases receiving Shriver legal aid services[c]	--	--	481	1,278	1,222

Note. Fiscal Year example: FY 2010 = the period of October 1, 2009 through September 30, 2010.
[a] Includes only limited jurisdiction cases. Data obtained from staff at the San Diego County Superior Court.
[b] Fee waivers granted for defendant(s). [C] Data obtained from the Shriver program services database (as of 08/31/15).

Project Implementation Model

The San Diego housing pilot project involves legal aid services offered by LASSD attorneys. San Diego Superior Court does not directly provide any Shriver services. However, the court did collaborate with LASSD to streamline the referral process and included Shriver legal aid service information in the *Notice That You Have Been Sued* mailed to all defendants by the courts after a case is filed. Importantly, this means that all tenants receiving an unlawful detainer complaint received the contact information for LASSD and notification that low-income tenants could receive free legal representation in their cases.

Legal Aid Services

Services offered, referral sources, and eligibility requirements

Shriver funding enabled LASSD to expand its service reach and to offer full representation to all eligible unlawful detainer litigants. Before the Shriver pilot project, only the most meritorious cases or those with the most complex issues to be presented in court were provided with representation during settlement negotiations or during trial. With the Shriver funds, the San Diego housing pilot project focused its resources toward providing as many eligible litigants as possible with full representation, and lifted eligibility requirements for case merit.

In addition to the direct legal representation, LASSD also staffs the court-based UD Clinic (which is not Shriver-funded). Volunteers and contract attorneys provide facilitator services at San Diego County courthouses, primarily assisting individuals in preparing answers to unlawful detainer complaints. LASSD also operates a Community Response Team (CRT) Hotline through which attorneys and advocates offer general advice to eligible litigants by toll-free telephone. Both of these entities refer eligible cases to LASSD for Shriver representation.

Most litigants are referred to the San Diego housing pilot project directly from the Superior Court. As indicated above, information regarding Shriver services is included in every *Notice That You Have Been Sued* mailed to unlawful detainer defendants from the court. The Notice directs the litigant to call the CRT Hotline to determine eligibility for free legal services. Additionally, a small proportion of referrals come via the UD Clinic at the courthouse and from word-of-mouth through former Shriver clients.

When individuals call the hotline, they are screened for eligibility for Shriver services. They are considered eligible if they do not earn more than 200% of the Federal Poverty Level (FPL), meet federal Legal Services Corporation immigration eligibility standards, are facing an opposing party with legal representation, and their case has no conflict of interest. If they are eligible for Shriver service, they are connected to an LASSD staff member who confirms eligibility and begins legal aid service provision. All eligible clients are offered services regardless of case merit. The project also strives to be particularly sensitive to the needs of individuals with disabilities. If litigants are not eligible for Shriver service, they may be given brief counsel and advice or referred to other services.

Goals for Clients

Legal Aid Society of San Diego (LASSD) attorneys report that their primary goal is to provide representation to as many unrepresented unlawful detainer defendants as possible in order to "level the playing field." Secondarily, the project aims to keep individuals in their homes, and if that is not possible given the characteristics of the case, then the project works to minimize the impacts of eviction on tenants' abilities to obtain new housing. To minimize the impacts of eviction, the project focuses on credit protection and retaining housing subsidies (e.g., Section 8, Housing Choice Vouchers).

A typical case for LASSD begins due to non-payment of rent with no or few defenses. Tenants in such cases are encouraged by their attorneys to seek new housing before the case masking period ends (60 days after the complaint filing), and attorneys attempt to negotiate a payment plan and/or other arrangements so that credit and/or housing vouchers are not impacted. LASSD also commonly sees habitability cases, where tenants purposefully withhold rent due to the condition of the property. The goal of these cases is for the litigant to retain the housing, with the landlord making the necessary repairs or habitability ameliorations.

The San Diego housing pilot project also serves a considerable number of individuals involved in unlawful detainer cases due to behavioral or nuisance issues, such as individuals acting out symptomatic mental health issues. According to project stakeholders, a large portion of these cases are based on discrimination against tenants with disabilities or mental health issues—often people who are vulnerable and for whom eviction could have severe consequences. In these cases, attorneys often seek judgments or settlements that allow for reasonable accommodation for disability, and/or allow the litigant to stay if treatment is sought and behaviors no longer disturb others.

Brief Summary of Service Provision

Below is an overview of the service provision at the San Diego housing pilot project. For a more extensive and detailed summary of the services provided, see the full Project Service Summary in Appendix A.

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services database. Data from the San Diego housing pilot project were collected on all parties seeking services from February 2012 through August 2015.

LASSD sought to provide ***full representation*** to all eligible litigants. Full representation entailed the litigant entering into a retainer agreement with LASSD for a Shriver attorney to be the attorney of record in an unlawful detainer matter, and an LASSD attorney remained attorney of record through disposition of the matter. In a minority of cases, litigants received less than full representation (typically because the litigants did not follow through with scheduled appointments), and these clients received ***unbundled services.***

WHO RECEIVED SHRIVER PROJECT SERVICES?

All 3,661 clients served by the San Diego housing pilot project between February 2012 and August 2015 were defendants in unlawful detainer lawsuits. Nearly all (92%) received full representation. Full representation clients received an average of 13 hours (median = 10) of attorney time and unbundled services clients received an average of 5 hours (median = 3).

Client Characteristics. Table H22 shows the demographic characteristics of the clients in the 3,661 cases served by legal aid, by level of service. The majority (61%) were female, 34% were White, 29% were Black/African American, and 27% were Hispanic/Latino. Close to one third (31%) of clients had disabilities, and 9% had limited proficiency with English.

Table H22. Demographic Characteristics of Shriver Legal Aid Clients

	Level of Service		
Client Level Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Age (years)			
18 to 24	181 (5%)	22 (8%)	203 (6%)
25 to 44	1,521 (45%)	122 (42%)	1,643 (45%)
45 to 61	1,356 (40%)	127 (44%)	1,483 (41%)
62 or older	307 (9%)	19 (7%)	326 (9%)
Unknown/not collected	5 (<1%)	1 (<1%)	6 (<1%)
Gender			
Male	1,313 (39%)	114 (39%)	1,427 (39%)
Female	2,054 (61%)	177 (61%)	2,231 (61%)
Transgender	2 (<1%)	0 (0%)	2 (<1%)
Unknown/not collected	1 (<1%)	0 (0%)	1 (<1%)
Race/Ethnicity[a]			
Black or African American	991 (29%)	62 (21%)	1,053 (29%)
Hispanic/Latino	907 (27%)	88 (30%)	995 (27%)
White	1,138 (34%)	111 (38%)	1,249 (34%)
Other	162 (5%)	13 (4%)	175 (5%)
Unknown/declined	172 (5%)	17 (6%)	189 (5%)
Education			
High school degree or less	576 (17%)	45 (15%)	621 (17%)
Any post-secondary	832 (25%)	46 (16%)	878 (24%)
Unknown/not collected	1,962 (58%)	200 (69%)	2,162 (59%)
Limited English Proficiency			
Yes	284 (8%)	29 (10%)	313 (9%)
No	3,086 (92%)	262 (90%)	3,348 (91%)
Unknown/not collected	0 (0%)	0 (0%)	0 (0%)
Disability			
Yes	1,064 (32%)	81 (28%)	1,145 (31%)
No	1,751 (52%)	132 (45%)	1,883 (51%)
Unknown/not collected	555 (16%)	78 (27%)	633 (17%)
Total	3,370 (100%)	291 (100%)	3,661 (100%)

Note. Data from the Shriver program services database (as of 08/31/15). [a] Litigants who identified as Hispanic/Latino and another race/ethnicity are coded in Hispanic/Latino row.

As shown in Table H23, half (49%) of legal aid clients had at least one minor living in the home, and 15% of households received CalFresh[42] benefits. The median monthly income was $960 (mean = $1,178), and the median monthly rental amount was $950 (mean = $985). By comparison, recall that the median monthly household income in San Diego County is $5,247 per month and the average fair market value for a two-bedroom apartment is $1,354. Most clients (84%) were renters of an apartment, condominium, or house.

Table H23. Household Characteristics of Shriver Legal Aid Clients

	Level of Service		
Household Level Characteristics	**Full Representation**	**Unbundled Services**	**Total**
Minors in Household, *N* (%)			
Yes	1,638 (49%)	140 (48%)	1,778 (49%)
No	1,730 (51%)	151 (52%)	1,881 (51%)
Missing	2 (<1%)	0 (0%)	2 (<1%)
Received CalFresh Benefits, *N* (%)			
Yes	516 (15%)	33 (11%)	549 (15%)
No	2,704 (80%)	223 (77%)	2,927 (80%)
Missing	150 (4%)	35 (12%)	185 (5%)
Monthly Income			
Mean (SD)	$1,179 (885)	$1,167 (895)	$1,178 (886)
Median	$960	$988	$960
Range [a]	$0 to $6,000	$0 to $4,660	$0 to $6,000
Missing	322 (10%)	61 (21%)	383 (10%)
Monthly Rental Amount[b]			
Mean (SD)	$989 (523)	$931 (542)	$985 (524)
Median	$950	$895	$950
Range	$0 to $4,400	$0 to $2,700	$0 to $4,400
Missing/unknown, *N* (%)	96 (3%)	73 (25%)	169 (5%)
Total	3,370 (100%)	291 (100%)	3,661 (100%)

Note. Data obtained from the Shriver program services database (as of 08/31/15).
SD = standard deviation
[a] The upper end of the range is high due to outlying values. At intake, 3 clients had monthly incomes greater than $5,000. Taking household size into account, 9 clients had monthly incomes above 200% of the 2014 Federal Poverty Level (FPL).
[a] Monthly rental amount according to defendant at time of intake.

Opposing Party Representation and Case Status at Shriver Intake. All clients (100%) receiving legal aid services from the San Diego housing pilot project faced an opposing party with legal representation. At the time of Shriver intake, an answer had not yet been filed in 53% of cases. In 4% of cases, the litigant had already missed the window to file an answer and a default

[42] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

judgment had been entered. In 37% of cases, an answer had been filed prior to seeking Shriver services, likely due to the services at the UD Clinic (non-Shriver funded).

Of those cases with information about an eviction notice, the most frequent reason listed was for non-payment of rent (81%), followed by foreclosure (4%), violation of lease terms (2%), or nuisance (2%). In cases where the notice indicated non-payment of rent, the median amount demanded on the notice was $1,276 (mean = $1,857; range = $0 to $46,555[43]). The majority (63%) of litigants owed between $501 and $2,000 according to the eviction notice. In 8% of cases, the amount was $500 or less, highlighting the financial vulnerability of many tenants.

Key Outcomes among Shriver Full Representation Cases

The remainder of this section highlights key outcomes of interest among cases provided full representation by the San Diego housing pilot project. A more detailed review of case events and outcomes can be found in Appendix A.

Some key findings include:

Answers were filed. To participate in the justice system—that is, to avoid defaulting on the unlawful detainer case—defendants must file an answer (or other response) to the unlawful detainer complaint filed by the landlord. Among full representation cases, nearly all defendants (99%) participated in the judicial system by either filing an answer (92%) or other response (2%), or by settling outside of court (4%) or having the case dismissed (1%). Notably, less than 1% of cases had a default entered. Recall that, at intake, 4% of defendants had already defaulted, so legal aid was successful is getting many defaults set aside.

Cases were likely to settle. More than three quarters (79%) of Shriver full representation cases were resolved by settlement, 14% were dismissed by the plaintiff, and 6% were resolved through a trial or hearing (2% were resolved another way or were missing information).

Outcomes favored longer term housing stability. From the perspective of the tenants, being able to stay in their homes and avoiding the burden and disruption of a forced relocation is a noteworthy and positive outcome. However, in instances where the tenant must relocate, having additional time to move, obtaining neutral references from landlords, or retaining housing subsidies can support the ability to find new and affordable housing more quickly.

Possession of the Property. At the end of the case, 6% of clients were able to remain in the home. In 93% of cases, the landlord was awarded possession and the tenants had to move (1% of cases had missing data; Table H24). Among clients who moved, the majority did so as part of a negotiated agreement, as opposed to a formal eviction.[44] The rates of possession varied by case resolution method.

[43] Less than 1% of case (*n*=2) had amounts greater than $25,000, the upper bound for limited jurisdiction cases.
[44] Evictions describe situations in which defendants were ruled against in a court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement; this usually results in an unlawful detainer case viewable on their public record.

Table H24. Housing Stability Outcomes for Full Representation Clients by Case Resolution Method

	Case Resolution Method				
Outcome	**Plaintiff Dismissal** *n* (%)	**Settlement** *n* (%)	**Trial** *n* (%)	**Other/ Missing** *n* (%)	**Total** *n* (%)
Housing Stability					
Retained possession	113 (25%)	53 (2%)	28 (15%)	2 (4%)	196 (6%)
Relief from forfeiture	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Moved (not evicted)[a]	331 (73%)	2,436 (91%)	28 (15%)	10 (22%)	2,805 (83%)
Temporary stay of eviction[b]	4 (1%)	80 (3%)	30 (16%)	4 (9%)	118 (4%)
Evicted[c]	2 (0%)	97 (4%)	105 (55%)	19 (41%)	223 (7%)
Missing/unknown	6 (1%)	0 (0%)	1 (1%)	0 (0%)	18 (1%)
Total	456 (100%)	2,666 (100%)	192 (100%)	46 (200%)	3,360 (100%)

Note. Data obtained from the Shriver program services database (as of 08/31/15).
[a] Defendant moved as part of negotiated agreement or before unlawful detainer hearing or trial judgment.
[b] Court granted possession of the unit to the plaintiff (landlord), but postponed the eviction due to extreme hardship on behalf of the defendant. [c] Defendant was ruled against in court hearing, trial, or through default judgment, or failed to comply with the conditions of the settlement.

Other Case Outcomes for Tenants Who Moved. Tenants in 94% of full representation cases moved out of their homes at the end of their cases. Few cases involved an extension of the move-out date. Table H25 shows the numbers and percentages of cases receiving each physical, financial, and credit-related outcome.

Among full representation cases in San Diego, nearly all (93%) resulted in at least one positive outcome that supported the tenant's longer term housing stability. These outcomes were the most common when cases were settled or dismissed by the plaintiff. Among full representation cases in which the tenant had to move:

- 46% had their rental debts reduced or waived,
- 44% kept their housing subsidies (e.g., Housing Choice Voucher),
- 67% had their unlawful detainer records masked from public view, and
- 49% had their credit protected.

Table H25. Case Outcomes among Full Representation Case with Tenants Who Moved

	Case Resolution Method				
Outcome	**Plaintiff Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial/ Hearing** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
Physical Outcomes					
Move-out date adjusted	6 (2%)	172 (7%)	29 (18%)	4 (12%)	211 (7%)
Mean number of days to move (*SD*)[a]	24 (*19*)	48 (*21*)	44 (*21*)	78 (--)	47 (*22*)
Financial Outcomes					
Pay plaintiff's attorney fees	8 (2%)	478 (18%)	87 (53%)	9 (27%)	582 (18%)
Pay all rent owed	13 (4%)	847 (32%)	87 (53%)	12 (36%)	959 (30%)
Rental amount owed reduced	23 (7%)	752 (29%)	36 (22%)	3 (9%)	814 (26%)
Rental amount owed waived	63 (19%)	551 (21%)	7 (4%)	3 (9%)	624 (20%)
Payment plan for money owed	7 (2%)	1,444 (55%)	8 (5%)	1 (3%)	1,460 (46%)
Preserved Housing Choice Voucher/Sec. 8[b]	11 (48%)	131 (45%)	2 (15%)	0 (0%)	144 (44%)
Received Any Positive Financial Outcome[c]	***100 (30%)***	***2,119 (81%)***	***50 (31%)***	***6 (18%)***	***2,275 (72%)***
Credit-Related Outcomes					
Neutral references from landlord	45 (13%)	1,648 (63%)	13 (8%)	4 (12%)	1,710 (54%)
Not reported to credit agencies	53 (16%)	1,461 (56%)	14 (9%)	4 (12%)	1,532 (49%)
Record masked from public view	292 (87%)	1,788 (68%)	21 (13%)	8 (24%)	2,109 (67%)
Received Any Positive Credit Outcome[d]	***296 (88%)***	***2,251 (86%)***	***27 (17%)***	***8 (24%)***	***2,582 (82%)***
Received Any Positive Outcome[e]	**308 (91%)**	**2,545 (97%)**	**60 (37%)**	**11 (33%)**	**2,924 (93%)**

Note. Data obtained from the Shriver program services database (as of 08/31/15).
N=3,146. Plaintiff dismissal *n*=337; Settlement *n*=2, 613; Trial/hearing *n*=163; Other/missing *n*=33.
[a] Calculated as the number of days from complaint filing to move-out date. SD=standard deviation, which could not be calculated for the other/missing category due to only one case having data.
[b] Calculated out of the number of defendants living in subsidized housing (*n*=327).
[c] Calculated from all financial items, except where the litigant had to pay for the plaintiff's attorney fees or had to pay back all money owed.
[d] Calculated from all credit-related outcomes.
[e] Calculated from all financial or credit-related outcomes, except where indicated above.

SHRIVER PILOT PROJECT DESCRIPTION: SANTA BARBARA

This section describes how the Santa Barbara housing pilot project addressed unlawful detainer cases. This summary includes information on the project context, involved agencies, and service model. Detailed data on the litigants who received services, case characteristics, and outcomes can be found in the detailed Project Service Summary in Housing Appendix A.

Project Context

COMMUNITY

The 2014 population of Santa Barbara County was an estimated 436,076 individuals, of which 16% were living below the Federal Poverty Level (FPL). Across the county, the median household income was $62,779 (or $5,231 per month) and the average number of persons per household was 2.9. The average monthly fair market value for a two-bedroom rental unit was $1,435. [45] Recent census data indicated four "high poverty areas" in Santa Barbara County, specifically areas in Santa Maria, Lompoc, Santa Barbara, and Isla Vista.[46] Despite accounting for 24% of the county's overall population, these areas were home to 61% of the children in poverty and 53% of the adults in poverty. A recent report by the County[47] also found a lack of funding and service provision to low-income residents in North County and Lompoc, as compared to South County.

AGENCIES INVOLVED

The Santa Barbara housing pilot project involves the collaboration between the Legal Aid Foundation of Santa Barbara County (LAFSBC) and the Santa Barbara County Superior Court. LAFSBC serves as the lead project partner and also subcontracts with pro bono attorneys to assist in providing services to low-income housing litigants.

LAFSBC runs three Shriver service locations throughout the county, at the three courthouses that hear unlawful detainer cases in Santa Barbara County (Santa Maria, Lompoc, and Santa Barbara courthouses). Prior to the Shriver project, LAFSBC assisted clients with unlawful detainer cases, but fewer attorneys were available and income requirements were more restrictive (150% of the Federal Poverty Level [FPL]). There were, and still are, self-help services available from the Legal Resource Center (LRC), which is operated by Santa Barbara Superior Court and staffed by an attorney from LAFSBC. However, the LRC attorney can only help with the preparation of forms and cannot provide legal advice, and due to the high demand for assistance with all types of legal matters, a housing litigant seeking help at the LRC is typically provided access to a research computer and a brief (e.g., 10-minute) interaction with the LRC attorney. Resource constraints at the LRC make meaningful access to the legal process virtually nonexistent for self-represented housing litigants. Through the Shriver project, LAFSBC was able to hire additional attorneys to provide services to litigants in housing matters and thus provide meaningful access to low-income tenants. The Shriver project also implemented court-based

[45] Demographic data were retrieved from the U.S. Census Bureau, County & States QuickFacts at www.census.gov in July 2015.
[46] Retrieved from: cosb.countyofsb.org/WorkArea/DownloadAsset.aspx?id=44136
[47] Ibid.

mandatory settlement conferences facilitated by the Housing Settlement Master, a neutral, third-party attorney, at two courthouses (Santa Maria and Lompoc).

COURTHOUSE

The Santa Barbara Superior Court is divided into three courthouses across the county: Santa Maria (the primary Shriver service location), Lompoc, and the city of Santa Barbara.[48] The city of Santa Barbara is located in the southern end of the county, while both Santa Maria and Lompoc are located in the northern end.

Table H26 shows the number of unlawful detainer (limited jurisdiction[49]) cases filed at each of the three courthouses from fiscal year 2010 (2 years prior to the Shriver project) through fiscal year 2014. In Santa Barbara County, Shriver services from legal aid began in February 2012 and court-based services began in January 2013. In the 2 years before Shriver implementation (FY 2010 and FY 2011), an average of 471 cases were filed in Santa Maria, 213 in Lompoc, and 466 in Santa Barbara annually. In North County (Santa Maria and Lompoc), roughly a third of cases defaulted and nearly half of the remaining cases involved a defendant with a fee waiver. In South County (Santa Barbara), an average of 16% of cases defaulted and less than a third of the remaining cases involved a defendant with a fee waiver.

During the 2 years of full-scale Shriver project implementation (FY 2013 and FY 2014), in North County, an average of 347 cases were filed annually at Santa Maria and an average of 222 at Lompoc. Consistent with earlier years, over 40% of these cases defaulted and over half of the remaining cases involved a defendant with a fee waiver granted. During these 2 years, across these two courthouses, the Legal Aid Foundation of Santa Barbara County (LAFSBC) provided services to an average of 200 cases annually. Also for each of these 2 years, an average of 169 cases participated in settlement conferences with the court-based Shriver-funded Housing Settlement Master. Every housing case set for trial at the Lompoc and Santa Maria courthouses is required to attend a settlement conference (regardless of income level), so it is possible that there is overlap in cases receiving services from legal aid and from the court Settlement Master.

In South County, an average of 497 unlawful detainer cases were filed annually at the Santa Barbara Courthouse, roughly a third of which defaulted. Of the remaining cases, an average of 43% involved a defendant with a fee waiver, and Shriver legal aid services reached approximately 71% of this population.

[48] Prior to October 19, 2014, there was a fourth courthouse, Solvang. However, all unlawful detainer matters filed in Solvang were heard by the Lompoc court, and no Shriver services were ever provided at the Solvang location.
[49] Limited jurisdiction cases involve amounts less than $25,000 and exclude commercial properties.

Table H26. Unlawful Detainer (UD) Cases Filed in Santa Barbara County per Fiscal Year

	Before Shriver		During Shriver		
Number of UD…	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**
Santa Maria Courthouse					
Cases filed[a]	455	486	357	345	349
Cases involving a default	161	163	137	144	146
Cases with a fee waiver granted[b]	140	158	119	110	132
Cases receiving Shriver legal aid services[c]	--	--	70	50	99
Cases receiving Shriver Settlement Conferences[d]	--	--	--	96	117
Lompoc Courthouse					
Cases filed[a]	210	216	225	262	182
Cases involving a default	79	77	91	127	71
Cases with a fee waiver granted[b]	57	59	72	76	62
Cases receiving Shriver legal aid services[c]	--	--	115	83	168
Cases receiving Shriver Settlement Conferences[d]	--	--	--	59	66
Santa Barbara Courthouse					
Cases filed[a]	428	504	567	516	478
Cases involving a default	78	72	68	166	161
Cases with a fee waiver granted[b]	105	131	182	139	149
Cases receiving Shriver legal aid services[c]	--	--	25	94	109

Note. Fiscal Year example: FY 2010 = the period of October 1, 2009 through September 30, 2010.
[a] Includes only limited jurisdiction cases. Data obtained from staff at the Santa Barbara County Superior Court.
[b] Fee waivers granted for defendant(s). [C] Data from the Shriver program services database (as of 10/18/15); Shriver service at legal aid began in February 2012 and occurred at all three courts. [d] Data from the court-based Shriver Housing Settlement Master program services database (as of 12/31/2014); Shriver court-based service began in January 2013, occurred at the Santa Maria and Lompoc courthouses only, and was available to all litigants regardless of income level.

Project Implementation Model

The Santa Barbara housing pilot project involves legal services, which began in January 2012, offered at three courthouses by LAFSBC attorneys. The Shriver project also implemented a court innovation—namely, mandatory settlement conferences facilitated by the Housing Settlement Master, a neutral, third-party attorney. This service was available for cases filed at two courthouses (Santa Maria and Lompoc) and began in January 2013. Lastly, the court hired an additional, bilingual judicial assistant, who began in March 2013 and was located at the Santa Maria courthouse.

Legal Services

Services offered, referral sources, and eligibility requirements

LAFSBC offers a range of services on housing matters, from brief counsel and advice to full representation. LAFSBC primarily represents tenants in unlawful detainer cases, but occasionally provides services to low-income landlords. In addition to assistance with unlawful detainer cases, legal aid attorneys also assist litigants on a wide range of housing problems, including mortgage foreclosures, security deposits, and post-judgment matters.

Litigants are referred to LAFSBC from the courthouse, the LRC, or are self-referred. To be eligible for Shriver services, litigants must have a monthly income not greater than 200% of the Federal Poverty Level (FPL), and the housing case must be in the Santa Barbara County jurisdiction. Litigants are not required to have an opposing party that is represented by counsel, although litigants with an opposing party represented by legal counsel are given priority over those with unrepresented opposing parties.

All litigants who are eligible for services are scheduled an appointment with an attorney. At that point, the attorney reviews the case and consults with the litigants about their goals (e.g., whether the litigant wishes to stay in the home or move out). Litigants could receive full representation from a Shriver attorney, or one or more of a list of unbundled services, such as education, brief counsel and advice, or limited representation. Table H27 illustrates the variety of service offerings available to litigants eligible to receive Shriver services.

COURT-BASED SERVICES

Services offered, referral sources, and eligibility requirements

The Santa Barbara County Superior Court offers services to litigants at its Santa Maria and Lompoc locations. An innovation implemented by the court was the addition of a Housing Settlement Master, a neutral third party and licensed attorney specializing in unlawful detainer and housing matters. Once an unlawful detainer case is set for trial, the clerk sends a combined notice of the trial date and the date of the settlement conference. The settlement conference is scheduled for 1 to 2 weeks before the trial and is mandatory for any case proceeding to trial.

At the beginning of each settlement conference, all parties watch a 15-minute video, developed by the Judicial Council, about the mediation process. Once the video concludes, the Settlement Master meets with each party, separately, in private chambers (i.e., no judge, bailiff, or clerk present) to review the circumstances of the case and to discuss whether a settlement between the two parties can be reached. At the end of the conference, the Settlement Master reports to the judge, either to deliver the terms of the stipulation (and to reschedule the hearing date until after the terms of the stipulation are to be met) or to indicate that a trial will take place.

Unlike the Shriver services provided by legal aid, the Settlement Master does not offer attorney-client privilege and can assist all parties involved in a case. Further, there is no income requirement to receive court-based services. Thus, the Housing Settlement Master can conduct conferences and facilitated settlements with all parties involved in unlawful detainer cases, as well as other housing-related matters (e.g., bank conflict and foreclosure cases, long cause housing cases). All unlawful detainer cases set for trial were required to attend a settlement conference; therefore, some litigants may have received Shriver services from both legal aid attorneys and the court.

The court also used Shriver funds to hire an additional, part-time judicial assistant to process unlawful detainer petitions in the Santa Maria courthouse. The judicial assistant was bilingual and provided Spanish interpretation services at the clerk's office and during settlement conferences. Judicial assistants commonly provide interpretation services at the clerk's office, but interpretation services at the settlement conferences were specific to the Shriver project.

Table H27. Legal Aid and Court-Based Shriver Services Available from the Santa Barbara Housing Pilot Project

	Shriver Service Location	
Shriver Services Available	**Legal Aid**	**Court**
Assistance with E-filing[a]	✓	
Education	✓	✓
Referral	✓	
Brief counsel and advice	✓	
Facilitated discussion	✓	
Limited representation:	✓	
Brief services (e.g., letter writing, phone calls)	✓	
Negotiation on behalf of client	✓	
Negotiation as attorney of record	✓	
Settlement conference		✓
Full representation	✓	

[a] E-filing became mandatory for all unlawful detainer cases in January 2016; however, prior to that time, legal aid attorneys assisted litigants with electronic filing at the court.

Goals for Clients

Attorneys from legal aid reported that, although there is no typical housing dispute, their general goals for clients are to provide more equitable access to the court process, especially in instances of unbalanced legal representation, and to help the court come to a more fully informed decision. Legal aid attorneys strive to provide their clients with education about the legal process, so that litigants have a better understanding of what is happening and feel more enabled during the proceedings. Legal aid staff also described a severe affordable housing shortage in Santa Barbara County, so if the tenant wishes to stay in the home, the attorneys attempt to negotiate a settlement where the tenant can stay if back-owed rent is paid or, at the very least, facilitate an extended move-out date. The LAFSBC team is also sensitive to defendants with disabilities, mental health issues, and criminal backgrounds, which can create unique hurdles and discrimination when attempting to navigate the legal process and housing market.

The Housing Settlement Master reports that his primary goals are to help empower both parties and to provide equitable access for litigants involved in housing disputes. Frequently, the cases he sees have unbalanced legal representation, and he strives to provide an equal opportunity to both parties to reach a mutually agreeable outcome, while avoiding unnecessary court time. Although the Settlement Master cannot suggest settlement terms to either party, by facilitating the communication and asking questions of both sides, he can help cases reach more flexible and satisfactory terms for both parties than might otherwise be ordered in court.

Brief Summary of Service Provision

Below is an overview of the service provision at the Santa Barbara housing pilot project. For a more extensive and detailed summary of the services provided, see the full Project Service Summary in Appendix A.

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services databases. Data from the Santa Barbara housing pilot project were collected on all parties seeking Shriver services from legal aid (LAFSBC) from January 2012 through October 2015, and on all parties receiving Shriver court-based services from the Housing Settlement Master from January 2013 to December 2014.

Shriver services were provided by two entities, LAFSBC and the court, which had different eligibility requirements and service offerings. Thus, data for these entities are presented separately. Litigants who received full representation from a legal aid attorney are categorized as ***full representation*** clients, litigants who received any other type of legal service from legal aid are termed ***unbundled services*** clients, and those who were assisted by the Housing Settlement Master are referred to as receiving ***court-based services***.

WHO RECEIVED SHRIVER PROJECT SERVICES BY LEGAL AID?

Through October 2015, the Santa Barbara housing pilot project provided legal aid services to litigants in a total of 1,133 unlawful detainer cases. Of these, more than 99% (*n*=1,125) were defendants,[50] so the remainder of this section concentrates on defendants. Of these cases, 20% received full representation and 80% received unbundled services. Attorneys worked an average of 15 hours (median = 12) per full representation case and an average of 2 hours (median = 1) on each unbundled services case.

Client Characteristics. The majority (68%) of Shriver clients were female, 44% were Hispanic or Latino, 41% were White (non-Hispanic), 35% had disabilities, and 20% could not effectively communicate in English without the assistance of an interpreter (limited English proficiency). Table H28 shows the demographic characteristics of the 1,125 defendants served by legal aid.

[50] Legal aid provided services to 8 low-income plaintiffs (landlords), representing <1% of cases. This section presents data on Shriver clients who were defendants. Information on Shriver clients who were plaintiffs can be found in Appendix B.

Table H28. Demographic Characteristics of Shriver Legal Aid Clients

	Level of Service		
Client Level Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Age (years)			
18 to 24	10 (4%)	50 (6%)	60 (5%)
25 to 44	94 (41%)	375 (42%)	469 (42%)
45 to 61	81 (35%)	309 (34%)	390 (35%)
62 or older	41 (18%)	137 (15%)	178 (16%)
Unknown/not collected	3 (1%)	25 (3%)	28 (2%)
Gender			
Male	74 (32%)	264 (29%)	338 (30%)
Female	151 (66%)	617 (69%)	768 (68%)
Transgender	0 (0%)	0 (0%)	0 (0%)
Unknown/not collected	4 (2%)	15 (2%)	19 (2%)
Race/Ethnicity[a]			
Black or African American	12 (5%)	51 (6%)	63 (6%)
Hispanic/Latino	104 (45%)	396 (44%)	500 (44%)
White	97 (42%)	362 (40%)	459 (41%)
Other	10 (4%)	52 (6%)	62 (6%)
Unknown/declined	6 (3%)	35 (4%)	41 (4%)
Education			
High school degree or less	88 (38%)	252 (28%)	340 (30%)
Any post-secondary	87 (38%)	286 (32%)	373 (33%)
Unknown/not collected	54 (24%)	358 (40%)	412 (37%)
Limited English Proficiency			
Yes	49 (21%)	172 (19%)	221 (20%)
No	180 (79%)	715 (80%)	895 (80%)
Unknown/not collected	0 (0%)	9 (1%)	9 (1%)
Disability			
Yes	98 (43%)	296 (33%)	394 (35%)
No	121 (53%)	495 (55%)	616 (55%)
Unknown/not collected	10 (4%)	105 (12%)	115 (10%)
Total	229 (100%)	896 (100%)	1,125 (100%)

Note. Data obtained from the Shriver program services database (as of 10/18/15) and includes only defendants. About two thirds of cases (*n*=706) included multiple individuals (e.g., couples). Demographic data describe the primary client. [a] Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

As shown in Table H29, half (51%) of cases served by Shriver legal aid had at least one minor living in the home, and 30% of households received CalFresh[51] benefits. The median monthly

[51] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

household income was $1,000 (mean = $1,258), and the median monthly rental amount was $782 (mean = $882). By comparison, recall that the median monthly household income in Santa Barbara County was $5,231 and the average fair market value for a two-bedroom apartment was $1,435. Most clients (79%) were renters of an apartment, condominium, or house.

Table H29. Household Characteristics of Shriver Legal Aid Clients

	Level of Service		
Household Level Characteristics	**Full Representation**	**Unbundled Services**	**Total**
Minors in Household, *N* (%)			
Yes	114 (50%)	459 (51%)	573 (51%)
No	106 (46%)	293 (33%)	399 (35%)
Missing/unknown	9 (4%)	144 (16%)	153 (14%)
Received CalFresh Benefits, *N* (%)			
Yes	71 (31%)	272 (30%)	343 (30%)
No	158 (69%)	621 (69%)	779 (69%)
Missing/unknown	0 (0%)	3 (<1%)	3 (<1%)
Monthly Income			
Mean (SD)	$1,162 (792)	$1,283 (1,064)	$1,258 (1,016)
Median	$900	$1,050	$1,000
Range [a]	$0 to $4,800	$0 to $7,000	$0 to $7,000
Missing/unknown	0 (0%)	3 (0%)	3 (0%)
Monthly Rental Amount[b]			
Mean (SD)	$978 (710)	$832 (558)	$882 (618)
Median	$807	$750	$782
Range	$0 to $4,139	$0 to $4,000	$0 to $4,139
Missing/unknown, *N* (%)	12 (5%)	479 (53%)	491 (44%)
Total	229 (100%)	896 (100%)	1,125 (100%)

Note. Data from the Shriver program services database (as of 10/18/15) and includes only defendants. *SD*=standard deviation.
[a] The upper end of the range is high due to outlying values. At intake, 7 clients had monthly incomes greater than $5,000. Taking household size into account, 13 clients (all receiving unbundled services) had monthly incomes above 200% of the 2014 FPL.
[b] Monthly rental amount according to defendant at time of intake.

Opposing Party Representation and Case Status at Shriver Intake. At intake, for clients receiving full representation, 87% faced an opposing party with legal representation and 11% did not (2% were missing data). Information about opposing parties was not well-known for clients receiving unbundled services: At least 22% faced an opposing party with legal representation and 26% did not, but this information was missing for 52% of these cases. At the time of Shriver intake, defendants in 71% of cases had not yet filed an answer with the court.

Of those cases with information about an eviction notice, the most frequent reason listed was for non-payment of rent (33%), followed by violation of lease terms (5%), and foreclosure (3%); this information was missing for approximately 26% of cases. In cases where the notice indicated non-payment of rent, the median amount demanded on the notice was $1,500 (mean

= $2,776; range = $0 to $55,100[52]). Twenty-nine percent of defendants owed between $501 and $2,000 according to the eviction notice. In an additional 19% of cases, the amount was $500 or less, highlighting the financial vulnerability of many tenants.

KEY OUTCOMES AMONG SHRIVER FULL REPRESENTATION CASES

The remainder of this section highlights key outcomes of interest among cases provided full representation by the Santa Barbara housing pilot project. A more detailed review of case events and outcomes can be found in Appendix A.

Some key findings include:

Answers were filed. To participate in the justice system—that is, to avoid defaulting on an unlawful detainer case—defendants must file an answer (or other response) to the complaint filed by the landlord. Among full representation cases, nearly all defendants (99%) participated in the judicial system, either by filing an answer (81%) or other response (2%) or by settling outside of court (14%) or having the case dismissed (1%). Notably, only two default judgments were entered because the tenant failed to respond to the unlawful detainer complaint. (At intake, four defendants had defaulted, so legal aid was successful getting some to be set aside.)

Cases were settled. The majority (80%) of Shriver full representation cases were resolved by settlement, 12% of cases were dismissed by the plaintiff, and 6% were resolved through a trial or hearing (3% were resolved in another way).

Outcomes favored longer term housing stability. From the perspective of the tenants, staying in their homes and avoiding the burden and disruption of a forced relocation is a noteworthy and positive outcome. However, in instances when the tenant must relocate, other factors—such as having additional time to move, obtaining neutral references from landlords, or retaining Housing Choice Vouchers—can contribute to the ability to secure new and affordable housing more quickly.

Possession of the Property. At the end of their court cases, tenants in 25% of cases were able to remain in their homes, either because they were awarded possession (most often when cases were dismissed) or were granted relief from forfeiture.[53] In 75% of cases, the landlord obtained possession and the tenants had to move. Of the cases in which tenants had to relocate, most did so as part of negotiated agreements, as opposed to being evicted.[54] Rates of possession varied by case resolution method.

[52] Less than 1% of cases (*n*=2) had amounts greater than $25,000, the upper bound for limited jurisdiction cases.
[53] Relief from forfeiture typically applies when a defendant experiences a temporary income shortage and has the ability to pay back rent or other money owed.
[54] Eviction describes the situation where a defendant was ruled against in a court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement; this usually results in an unlawful detainer case viewable on their public record.

Table H30. Housing Stability Outcomes for Full Representation Clients by Case Resolution Method

Housing Stability Outcome	Case Resolution Method				
	Plaintiff Dismissal *n* (%)	Settlement *n* (%)	Trial *n* (%)	Other/ Missing *n* (%)	Total *n* (%)
Retained possession	16 (62%)	22 (12%)	3 (23%)	0 (0%)	41 (18%)
Relief from forfeiture	3 (12%)	9 (5%)	2 (15%)	1 (17%)	15 (7%)
Moved (not evicted)[a]	6 (23%)	109 (61%)	1 (8%)	2 (33%)	118 (52%)
Temporary stay of eviction[b]	1 (4%)	27 (15%)	2 (15%)	0 (0%)	30 (13%)
Evicted[c]	0 (0%)	13 (7%)	5 (38%)	2 (33%)	20 (9%)
Missing/unknown	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (<1%)
Total	26 (100%)	180 (100%)	13 (100%)	6 (100%)	225 (100%)

Note. Data from the Shriver program services database (as of 10/18/15) and includes only defendants.
[a] Defendant moved as part of negotiated agreement or before unlawful detainer hearing or trial judgment.
[b] Court granted possession of the unit to the plaintiff (landlord), but postponed the eviction due to extreme hardship on behalf of the defendant. [c] Defendant ruled against in court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement.

Other Case Outcomes for Tenants Who Moved. Among full representation cases of the Santa Barbara housing pilot project, 96% resulted in some positive outcome that supported the tenant's longer term housing stability. These outcomes were most common when cases settled. Among full representation cases in which the tenant had to move:

- 64% had their move-out dates adjusted,
- 69% had their rental debts reduced or waived,
- 54% retained their housing subsidies (e.g., Housing Choice Vouchers),
- 60% had their unlawful detainer records masked from public view, and
- 51% had their credit protected.

Table H31. Tenants who Moved Out:
Percentage of Full Representation Cases Receiving Each Outcome

	Case Resolution Method				
Outcome	**Plaintiff Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial/ Hearing** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
Physical Outcomes					
Move-out date adjusted	4 (57%)	102 (68%)	2 (25%)	0 (0%)	108 (64%)
Mean number of days to move (*SD*)[a]	23 (*18*)	54 (*47*)	34 (*19*)	--	52 (*46*)
Financial Outcomes					
Pay plaintiff's attorney fees	0 (0%)	14 (9%)	2 (25%)	1 (25%)	17 (10%)
Pay all rent owed	0 (0%)	23 (15%)	1 (13%)	2 (50%)	26 (15%)
Rental amount owed reduced	0 (0%)	47 (32%)	5 (63%)	0 (0%)	52 (31%)
Rental amount owed waived	3 (43%)	58 (39%)	1 (13%)	1 (25%)	63 (38%)
Payment plan for money owed	0 (0%)	30 (20%)	0 (0%)	0 (0%)	30 (18%)
Preserved Housing Choice Voucher/Sec. 8[b]	0 (0%)	21 (60%)	1 (50%)	0 (0%)	22 (54%)
Received Any Positive Financial Outcome[c]	***3 (43%)***	***130 (87%)***	***6 (75%)***	***1 (25%)***	***140 (83%)***
Credit-Related Outcomes					
Neutral references from landlord	0 (0%)	72 (48%)	0 (0%)	1 (25%)	73 (43%)
Not reported to credit agencies	1 (14%)	84 (56%)	0 (0%)	1 (25%)	86 (51%)
Record masked from public view	5 (71%)	92 (62%)	2 (25%)	2 (50%)	101 (60%)
Received Any Positive Credit Outcome[d]	***5 (71%)***	***113 (76%)***	***2 (25%)***	***2 (50%)***	***122 (73%)***
Total Received Any Positive Outcome[e]	**6 (86%)**	**146 (98%)**	**7 (88%)**	**2 (50%)**	**161 (96%)**

N=168. Plaintiff dismissal *n*=7; Settlement *n*=149; Trial/hearing *n*=8; Other/missing *n*=4.
Note. Data obtained from the Shriver program services database (as of 10/18/15) and includes only defendants. [a] Calculated as the number of days from complaint filing to move-out date. [b] Calculated out of the number of defendants living in subsidized housing (*n*=41). [c] Calculated from all monetary items, except where the litigant had to pay for the plaintiff's (landlord's) attorney fees or had to pay back all money owed. [d] Calculated from all credit-related outcomes. [e] Calculated from all monetary and/or credit-related outcomes, except where indicated above.

WHO RECEIVED SHRIVER PROJECT SERVICES BY THE COURT-BASED HOUSING SETTLEMENT MASTER?

When an unlawful detainer case is set for trial at the Santa Maria and Lompoc courthouses, litigants are also scheduled for a mandatory settlement conference in advance of the trial date. Between January 2013 and December 2014, parties from a total of 333 housing-related lawsuits[55] were scheduled to meet with the Shriver Housing Settlement Master.

Program service data

Settlement Conference Characteristics. In 79% of cases, both parties appeared at the settlement conference. However, in 21% of cases, at least one party (most often the defendant) did not appear. When one party does not appear, the party in attendance still receives

[55] The large majority (92%; *n*=306) of these cases were unlawful detainer, but the Housing Settlement Master also assisted cases on other property matters, such as when possession is no longer at issue.

information about court process and discusses the case characteristics and goals with the Settlement Master. Most cases involved just one settlement conference, but some cases held more than one meeting. The average number of conferences per case and the number of parties failing to appear at the scheduled conference is displayed in Table H32. (Demographic information about these litigants was not available.)

Table H32. Number of Settlement Conferences and Attendance by Parties

	Case Type		
Settlement Conference Characteristics	**Unlawful Detainer**	**Other Property Dispute[a]**	**Total**
Conferences Scheduled per Case			
Mean (*SD*)	1.2 (0.5)	1.4 (0.7)	1.2 (0.5)
Median	1	1	1
Range	1 to 4	1 to 4	1 to 4
Missing N (%)	0 (0%)	0 (0%)	0 (0%)
Failed to Appear at Conference			
Defendant	58 (19%)	0 (0%)	58 (17%)
Plaintiff	6 (2%)	0 (0%)	6 (2%)
Both parties	6 (2%)	1 (4%)	7 (2%)
Neither party (all parties attended)	236 (77%)	26 (96%)	262 (79%)
Total	306 (100%)	27 (100%)	333 (100%)

Note. Data obtained from the Shriver Settlement Master services database (as of 12/31/14). [a] This category includes civil cases where possession is no longer at issue.

Case Resolution. Of the 333 cases scheduled for a settlement conference with the Housing Settlement Master, 70% ultimately settled their cases (see Table H33). Of those that settled, the majority (67%) did so during the conference with the Settlement Master. Of the 94 cases that did not settle and were ultimately decided by the court, all were decided through bench trial and 86% of rulings were in favor of the plaintiff.

Table H33. Case Resolution Method for Litigants Receiving Court-Based Services

	Case Type		
Case Resolution Characteristic	**Unlawful Detainer** *N* (%)	**Other Property Dispute[a]** *N* (%)	**Total** *N* (%)
Method of Resolution			
Settlement/stipulation	216 (71%)	18 (67%)	234 (70%)
Plaintiff dismissal	1 (<1%)	0 (0%)	1 (<1%)
Trial/hearing	85 (28%)	9 (33%)	94 (28%)
Other	1 (<1%)	0 (0%)	1 (<1%)
Missing/unknown	3 (1%)	0 (0%)	3 (1%)
Total	306 (100%)	27 (100%)	333 (100%)
If Settlement/Stipulation, Point of Settlement			
Before Settlement Conference	28 (13%)	4 (22%)	32 (14%)
During Settlement Conference	153 (71%)	3 (17%)	156 (67%)
After Settlement Conference	35 (16%)	11 (61%)	46 (20%)
Total	216 (100%)	18 (100%)	234 (100%)
If Trial/Hearing, Judgment in Favor of			
Defendant	3 (4%)	2 (22%)	5 (5%)
Plaintiff	80 (94%)	1 (11%)	81 (86%)
Court Dismissal	2 (2%)	1 (11%)	3 (3%)
Missing/unknown	0 (0%)	5 (56%)	5 (5%)
Total	85 (100%)	9 (100%)	94 (100%)

Note. Data obtained from the Shriver Settlement Master services database (as of 12/31/14). [a] This category includes civil cases where possession is no longer at issue.

KEY OUTCOMES FOR COURT-BASED SHRIVER MANDATORY SETTLEMENT CONFERENCES

Court file review data for a subset of cases

The preceding tables are based on the program services data collected by the Housing Settlement Master on all cases that received his help between January 2013 and December 2014. In addition to this basic service information, the Settlement Master also reviewed the individual court case files for a subset of 92 cases that received his assistance. These data are more fully presented in the detailed Service Summary for the Santa Barbara housing pilot project, in Appendix A. A summary of these results follows here.

Settlement Conference Characteristics. Of the 92 cases reviewed, 78% (*n*=72) had both parties appear at the settlement conference. In the remaining 22% of cases (*n*=20), one party did not appear at the conference. (In 19 of these 20 cases, the defendant did not appear but the plaintiff did). Settlement conferences are routinely scheduled for 1 to 2 weeks prior to the trial date. In most cases, the first settlement conference was held 1 month (median = 31 days; mean = 47 days) after the unlawful detainer complaint was filed.

Party Characteristics. As seen in Table H34, the typical unlawful detainer case had one plaintiff and two defendants. Fee waivers (a proxy for low-income status) were obtained by roughly 77% of defendants, versus 5% of plaintiffs. Regarding legal representation, four out of five plaintiffs had counsel, versus about one fifth of defendants.

Table H34. UD Party Characteristics by Mandatory Settlement Conference (MSC) Participation

	MSC Participation			
	Both Parties Appeared		One Party Appeared	
	Role in Dispute		Role in Dispute	
Party Characteristics	**Plaintiff**	**Defendant**	**Plaintiff**	**Defendant**
Number of Individuals per Case				
Mean (*SD*)	1.1 (0.3)	1.7 (0.8)	1.1 (0.3)	2.1 (1.2)
Median	1	2	1	2
Range	1 to 3	1 to 4	1 to 2	1 to 5
Missing	3 (3%)	3 (3%)	0 (0%)	1 (5%)
Fee Waiver Requests, *N* (%)				
None	63 (88%)	12 (17%)	20 (100%)	0 (0%)
Approved	5 (7%)	52 (72%)	0 (0%)	17 (85%)
Denied	0 (0%)	2 (3%)	0 (0%)	2 (10%)
At least one approved, one denied (mult. defs.)	0 (0%)	2 (3%)	0 (0%)	0 (0%)
Missing	4 (6%)	4 (6%)	0 (0%)	1 (5%)
Attorney Representation, *N* (%)				
None	16 (22%)	52 (72%)	3 (15%)	20 (100%)
Legal Aid	0 (0%)	6 (8%)	0 (0%)	0 (0%)
Private	56 (78%)	12 (17%)	17 (85%)	0 (0%)
Missing	0 (0%)	2 (3%)	0 (0%)	0 (0%)
Total, *N* (%)	**72 (100%)**	**72 (100%)**	**20 (100%)**	**20 (100%)**

Settlement Terms. When both parties appeared at the mandatory settlement conference, 79% of cases were able to reach an agreement before trial. Most (81%) agreements were conditional agreements, and many specified that if the defendants met certain terms (such as vacating the premises, 72%), the plaintiff would agree to other terms, such as dismissing the unlawful detainer case (42%) and/or reducing or waiving the amount owed. Assuming all the terms of the agreement were met, in 61% of cases the defendant would not have to pay any money, and in 28% cases, the defendant agreed to pay the plaintiff.

Case Resolution. Among cases in which both parties appeared at the settlement conference, 79% resolved their case via settlement or stipulation. Defendants in 81% of these cases complied with the terms of the agreement. Of the 20 cases in which only one party appeared at the settlement conference, 55% resolved via trial or hearing and 40% resolved via default (Table H35).

Table H35. Case Resolution Method by Mandatory Settlement Conference (MSC) Participation

	MSC Participation		
Resolution Method	**Both Parties Appeared *N* (%)**	**One Party Appeared *N* (%)**	**Total *N* (%)**
Case Resolved Via:			
Settlement/stipulation through MSC	57 (79%)	0 (0%)	57 (62%)
Trial/hearing	13 (18%)	11 (55%)	24 (26%)
Default "prove-up" [a]	1 (1%)	8 (40%)	9 (10%)
Other	1 (1%)	1 (5%)	2 (2%)
Total	72 (100%)	20 (100%)	92 (100%)
If Settlement/Stipulation, Compliance with Agreement:			
Defendant complied	46 (81%)	--	46 (81%)
Defendant did not comply	11 (19%)	--	11 (19%)
Total	57 (100%)	--	57 (100%)

[a] Default was entered because defendant did not appear at trial/hearing.

Case Outcomes. Plaintiffs obtained possession of the property in more than 90% of cases. When defendants complied with the terms of the agreement reached during their settlement conference, they paid nothing to the plaintiff 70% of the time. This contrasts with defendants who did not comply with their agreements, did not reach an agreement, or did not appear at the settlement conference. Among these cases, defendants paid something to the plaintiff roughly 70% of the time. Across all cases in which the defendant agreed, or was ordered, to pay the plaintiff, the average amount to be paid was $3,884 (median = $3,192; range = $27 to $13,354).[56] Table H36 shows the final stipulated judgments or court orders for MSC cases.

In addition to the monetary terms/orders regarding tenant debt, there were a small number of other terms/orders, such as the plaintiff paying the defendant, the move-out date being adjusted, the unlawful detainer record being sealed, and repairs being made. These orders occurred in a minority of cases (see Table H36). However, quite notably, these other terms only occurred in cases where both parties came to agreement during the settlement conference and complied with the terms.[57] (See the Service Summary in Appendix A for a fuller discussion of case outcomes.)

[56] Standard deviation = $3,004. In 17 cases (18%), the final amount owed to the plaintiff was unknown.

[57] In the five cases where the plaintiff agreed to pay the defendant, the average amount to be paid was $1,990 (median = $2,000; range = $450 to $3,500; standard deviation = $1,513).

Table H36. Other Final Judgments and Orders for Unlawful Detainer Cases by Mandatory Settlement Conference (MSC) Participation

	MSC Participation				
	Both Parties Appeared				
Other Final Stipulated Judgments or Court Orders	**Complied with Agreement *N* (%)**	**Did Not Comply with Agreement *N* (%)**	**No Agreement Reached *N* (%)**	**One Party Appeared *N* (%)**	**Total *N* (%)**
Party Awarded Possession					
Plaintiff	42 (91%)	10 (91%)	14 (93%)	19 (95%)	84 (91%)
Defendant	4 (9%)	1 (9%)[a]	1 (7%)[b]	1 (5%)	8 (9%)
Case Dismissed					
By Plaintiff	18 (39%)	1 (9%)[a]	1 (7%)[b]	0 (0%)	20 (22%)
By Court	14 (30%)	0 (0%)	0 (0%)	0 (0%)	14 (15%)
No	11 (24%)	9 (82%)	14 (93%)	20 (100%)	54 (59%)
Unknown	3 (7%)	1 (9%)	0 (0%)	0 (0%)	4 (4%)
Defendant to:					
Pay nothing	32 (70%)	1 (9%)	0 (0%)	0 (0%)	33 (36%)
Pay something:	10 (22%)	7 (64%)	10 (67%)	15 (75%)	42 (46%)
Plaintiff to:					
Pay relocation costs	3 (7%)	0 (0%)	0 (0%)	0 (0%)	3 (3%)
Pay other costs	2 (4%)	0 (0%)	0 (0%)	0 (0%)	2 (2%)
Return security deposit	1 (2%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Other terms:					
Move-out date adjusted	9 (20%)	0 (0%)	0 (0%)	0 (0%)	9 (10%)
Record sealed	2 (4%)	0 (0%)	0 (0%)	0 (0%)	2 (2%)
Tenancy reinstated	2 (4%)	0 (0%)	0 (0%)	0 (0%)	2 (2%)
Defendant to make repairs	1 (2%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Payment plan for money owed	1 (2%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Neutral credit references from plaintiff	1 (2%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Total	**46 (100%)**	**11 (100%)**	**15 (100%)**	**20 (100%)**	**92 (100%)**

SHRIVER PILOT PROJECT DESCRIPTION: YOLO

This section describes how the Yolo housing pilot project addressed unlawful detainer cases. This summary includes information on the project context, involved agencies, and service model. Detailed data on the litigants who received services, case characteristics, and outcomes can be found in the detailed Project Service Summary in Housing Appendix A.

Project Context

COMMUNITY

The 2014 population of Yolo County was an estimated 205,485 individuals, of which 19% were living below the Federal Poverty Level (FPL). The median household income was $55,918 (or $4,659 per month) and the average number of persons per household was 2.8. The average monthly fair market value for a two-bedroom rental unit was $1,104.[58]

AGENCIES INVOLVED

The Yolo housing pilot project involves a collaboration between Legal Services of Northern California's Yolo County office (LSNC-Yolo), Yolo County Superior Court, and the Yolo County Health Department. LSNC-Yolo served as the lead project partner and its field office is located in the city of Woodland.

COURTHOUSE

When the Shriver project began, Yolo County had four satellite courthouses in addition to the main courthouse, which is located in Woodland. In August 2015, the court consolidated courtrooms and administrative services into a new court building in Woodland. With Shriver funding, the court was able to offer self-help and mediation services to unlawful detainer litigants at this location.

Table H37 shows the number of unlawful detainer (limited jurisdiction[59]) cases filed at Yolo County Superior Court from 2009 (3 years prior to Shriver project implementation) through 2013 (calendar years). Shriver services in Yolo County began in February 2012. In the 3 years prior to Shriver implementation (2009-2011), an average of 779 cases were filed at the court annually, roughly half of which defaulted. An average of 303 cases per year—the majority of the remaining cases—involved a defendant with a fee waiver.[60]

During the 2 years of Shriver project implementation (2012 and 2013) the average number of unlawful detainer cases filed per year was lower, 589. Over half of these cases defaulted, and the majority of cases involved a defendant with a fee waiver granted. During these 2 years, LSNC-Yolo provided legal aid services to an average of 284 cases annually, over three quarters

[58] Demographic data were retrieved from the U.S. Census Bureau, County & States QuickFacts at www.census.gov in July 2015.
[59] Limited jurisdiction cases involve amounts less than $25,000 and exclude commercial properties.
[60] Low-income litigants (those with a household income of 150% or less of the Federal Poverty Level) can petition the court to have their court fees waived.

of cases with a fee-waivered defendant. In addition, an average of 225 cases were provided court-based services each year.[61]

Table H37. Unlawful Detainer (UD) Cases Filed in Yolo County per Calendar Year

	Before Shriver			During Shriver	
Number of UD…	**2009**	**2010**	**2011**	**2012**	**2013**
Cases filed[a]	740	776	820	580	598
Cases involving a default	434	394	438	401	334
Cases with a fee waiver granted[b]	203	337	369	374	342
Cases receiving Shriver legal aid services[c]	--	--	--	299	268
Cases receiving Shriver court-based services[d]	--	--	--	155	294

Note. Counts are based on calendar year (January – December), not fiscal year.
[a] Includes only limited jurisdiction cases. Data obtained from staff at the Yolo County Superior Court.
[b] Fee waivers granted for defendant(s).
[c] Data obtained from the Shriver program services database (as of 10/01/15); Shriver legal aid services began in February 2012.
[d] Data obtained from the Shriver services project coordinator (as of 10/01/15); services began in February 2012.

Project Implementation Model

The Yolo housing pilot project started in February 2012, and involves legal aid services offered by the Legal Services of Northern California's Yolo County office (LSNC-Yolo), as well as self-help assistance and mediation provided at the courthouse by LSNC-Yolo staff. The project also contracts with the County Department of Health to provide housing inspections, which are used by the court as an objective evaluation of a property in an unlawful detainer case involving breach of warranty of habitability as a defense.

Legal Aid Services

Services offered, referral sources, and eligibility requirements

LSNC-Yolo attorneys provide two levels of service for litigants in unlawful detainer cases: (a) full representation, and (b) expanded self-help. Expanded self-help is described by LSNC-Yolo as helping the litigant navigate the unlawful detainer process by providing assistance on everything short of serving as the attorney of record. Nearly all eligible cases receive some service, although LSNC-Yolo prioritizes cases with merit and/or vulnerable populations for representation.

The Shriver pilot project receives referrals from various sources. LSNC-Yolo is listed as a resource on the *Notice of Unlawful Detainer* that the court is required to send to defendants when an unlawful detainer complaint is filed. The notice (in English and Spanish) contains information about the agency's free legal services. LSNC-Yolo also receives referrals through the Public Housing Authority, the court self-help center, and other community-based organizations.

[61] LSNC-Yolo also provides pre-filing services to litigants. The total number of litigants served by LSNC-Yolo between 2012-2013 was 585, which includes clients seeking Shriver services pre-filing (e.g., after they receive an eviction notice, or if they had a dispute with the landlord). Based on the data provided, 18 cases resolved before an actual unlawful detainer complaint was filed with the court; these cases were removed from the figures above, but are included in subsequent descriptions of client and case characteristics.

To be eligible for Shriver services, a litigant must meet the statutorily defined income requirements (200% or less of the Federal Poverty Level [FPL]) and be facing an opposing party who is represented by an attorney. Litigants who meet these criteria receive some level of legal service. Further screening is conducted to determine the level of service provided.

Expanded self-help services are offered to litigants whose cases do not have a meritorious defense, such as non-payment of rent due to loss of employment, and those who are not part of a vulnerable population. For example, if a litigant lost a job and needed a little more time to move out, but is not part of a vulnerable group, the litigant might receive expanded self-help services, such as help filing an answer and/or a counter request.

Full representation is offered to litigants who are considered vulnerable should they lose their housing and those whose cases are deemed meritorious. Specific examples of cases prioritized for full representation include those involving

- breach of warranty of habitability as a defense;
- retaliation for complaints to code enforcement;
- mobile home park cases, in which the defendant could have cured the alleged violation, such as a park regulation;
- landlord served a 3-day notice and filed a complaint even though the tenant paid;
- subsidized housing where the landlord has not sufficiently alleged the cause for terminating the tenancy;
- defendants who have limited English proficiency;
- defendants who are members of vulnerable populations, such as domestic violence survivors and individuals with disabilities; and
- procedural defenses that can be raised, such as foreclosure cases, improper notices to terminate tenancy, or improper or lack of service of the notice or summons.

COURT-BASED SERVICES

Services offered, referral sources, and eligibility requirements

Shriver funds were used to support two court-based services: (a) a self-help center, and (b) mediation services. Both of these services are provided by the same attorney from LSNC-Yolo. Self-help services involve the attorney providing litigants (landlords and tenants, as needed) assistance with completing paperwork and/or submitting appropriate forms during the unlawful detainer process. A Spanish language interpreter is available as needed. The self-help attorney receives walk-in litigants at the self-help center and referrals from judicial officers and the clerk's office.

Housing mediation services are also available. The mediator (the LSNC-Yolo attorney) attends court sessions and is available to any litigant who requests services, so long as at least one party in the case is eligible for Shriver services. Litigants can be referred for housing mediation services from the self-help center and from the clerk's office. Unrepresented landlords who call LSNC-Yolo for help may also be referred for mediation services.

Early in the Shriver project, the Yolo County Superior Court established the housing self-help center at a satellite courthouse where unlawful detainer cases were heard, and the self-help attorney rotated between this center and another satellite courthouse (2 days per week at each site). In August 2015, with the opening of the new courthouse in Woodland, all Shriver court-based services were moved to the self-help center at this location, in a space reserved for Shriver services 4 days per week. Table H38 illustrates the variety of service offerings available.

Table H38. Legal Aid and Court-Based Shriver Services Available from the Yolo Housing Pilot Project

	Shriver Service Location	
Services Available	**Legal Aid**	**Court**
Self-help center		✓
Help with paperwork		✓
Mediation		✓
Expanded self-help	✓	
Full representation	✓	

Goals for Clients

The Yolo project legal aid staff members report that one of their primary goals for litigants is to avoid having the unlawful detainer case appear on the public records, as this seriously inhibits a tenant's rental options going forward, as well as possibly tarnishing their credit history. Often, this means prioritizing attempts to settle outside of court. Other goals include ensuring that landlords comply with their duties to provide habitable premises and making sure litigants are prepared for trial if they do have to go to court.

A typical case for the LSNC-Yolo involves an unlawful detainer complaint for non-payment of rent and habitability issues. In this common scenario, the tenant alleges habitability issues with the unit; these complaints have previously been made to the landlord, with no action to remedy them. This stalemate usually leads to frustrations on both sides, whereby the tenant withholds rent and is subsequently served with a 3-day eviction notice. In these situations, legal aid's typical objective is to facilitate a settlement between the parties, in which the plaintiff agrees to either make repairs in exchange for the defendant paying a reasonable amount of rent (considering the habitability issues), or the plaintiff agrees to dismiss the case and waive all rent, costs, and fees allegedly owed if the defendant agrees to move out of the unit.

Brief Summary of Service Provision

Below is an overview of the service provision at the Yolo housing pilot project. For a more extensive and detailed summary of the services provided, see the full Project Service Summary in Appendix A.

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services databases. Data from the Yolo housing pilot project were collected on all parties seeking Shriver services from legal aid (LSNC-Yolo) or the court between February 2012 and October 2015. Data are presented for litigants receiving ***full representation*** from a legal aid attorney, those receiving ***expanded self-help*** (i.e., the only unbundled service) from legal aid, and those receiving ***court-based services*** from the self-help attorney/mediator.

WHO RECEIVED SHRIVER PROJECT SERVICES?

Legal aid services

Through October 2015, the Yolo housing pilot project provided legal aid services to litigants, all of whom were defendants, on a total of 1,041 unlawful detainer cases. Of these cases, 38% received full representation and 62% received expanded self-help. Full representation cases received an average of 16 hours (median = 11) of attorney time and expanded self-help clients received an average of 4 hours (median = 2).

Client Characteristics. Table H39 shows the demographic characteristics of the primary client on the 1,041 cases served by legal aid, by level of service. The majority (67%) of clients were female, 47% were White (non-Hispanic), 30% were Hispanic or Latino, and 33% had disabilities.

Table H39. Demographic Characteristics of Shriver Legal Aid Clients

	Level of Service		
Client Level Characteristics	**Full Representation** *N* (%)	**Expanded Self-Help** *N* (%)	**Total** *N* (%)
Age (years)			
18 to 24	33 (8%)	72 (11%)	105 (10%)
25 to 44	183 (47%)	291 (45%)	474 (46%)
45 to 61	138 (35%)	223 (34%)	361 (35%)
62 or older	37 (9%)	61 (9%)	98 (9%)
Missing/unknown	2 (1%)	1 (0%)	3 (<1%)
Gender			
Male	119 (30%)	219 (34%)	338 (32%)
Female	270 (69%)	429 (66%)	699 (67%)
Transgender	0 (0%)	0 (0%)	0 (0%)
Missing/unknown	4 (1%)	0 (0%)	4 (%)
Race/Ethnicity[a]			
Black or African American	39 (10%)	67 (10%)	106 (10%)
Hispanic/Latino	101 (26%)	210 (32%)	311 (30%)
White	199 (51%)	288 (44%)	487 (47%)
Other	46 (12%)	72 (11%)	118 (11%)
Missing/unknown/declined	8 (2%)	11 (2%)	19 (2%)
Education			
High school degree or less	86 (22%)	102 (16%)	188 (18%)
Any post-secondary	81 (21%)	106 (16%)	187 (18%)
Missing/unknown	226 (58%)	440 (68%)	666 (64%)
Disability			
Yes	137 (35%)	203 (31%)	340 (33%)
No	239 (61%)	415 (64%)	654 (63%)
Missing/unknown	17 (4%)	30 (5%)	47 (5%)
Total	393 (100%)	648 (100%)	1,041 (100%)

Note. Data obtained from the Shriver program services database (as of 10/01/15). Limited English proficiency was not routinely assessed. [a] Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

As seen in Table H40, half (51%) of cases served by legal aid had at least one minor living in the home, and nearly one third (31%) of households received CalFresh[62] benefits. The median monthly household income was $935 (mean = $1,139) and the median monthly rental amount was $693 (median = $717). By comparison, recall that the average fair market value for a two-bedroom apartment in Yolo County is $1,104 and the median monthly household income is $4,659. Most (80%) Shriver legal aid clients rent an apartment, condominium, or house.

Table H40. Household Characteristics of Shriver Legal Aid Clients

	Level of Service		
Household Level Characteristics	**Full Representation**	**Expanded Self-Help**	**Total**
Minors in Household, *N* (%)			
Yes	202 (51%)	333 (51%)	535 (51%)
No	190 (48%)	315 (49%)	505 (49%)
Missing/unknown	1 (<1%)	0 (0%)	1 (<1%)
Received CalFresh Benefits, *N* (%)			
Yes	150 (38%)	169 (26%)	319 (31%)
No	198 (50%)	334 (52%)	532 (51%)
Missing/unknown	45 (11%)	145 (22%)	190 (18%)
Monthly Income			
Mean (SD)	$1,129 (859)	$1,146 (961)	$1,139 (923)
Median	$950	$916	$935
Range [a]	$0 to $6,996	$0 to $9,600	$0 to $9,600
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
Monthly Rental Amount[b]			
Mean (SD)	$686 (428)	$739 (470)	$717 (454)
Median	$665	$710	$693
Range	$0 to $2,475	$0 to $3,500	$0 to $3,500
Missing/unknown, *N* (%)	29 (7%)	126 (19%)	155 (15%)
Total	393 (100%)	648 (100%)	1,041 (100%)

Note. Data from the Shriver program services database (as of 10/01/15).
SD = standard deviation
[a] The upper end of the range is high due to outlying values. At intake, four clients had monthly incomes greater than $5,000. Taking household size into account, four clients had monthly incomes above 200% of the 2014 Federal Poverty Level (FPL).
[b] Monthly rental amount according to defendant at time of intake.

Opposing Party Representation and Case Status at Shriver Intake. Among cases that received full representation from legal aid, 90% of defendants faced an opposing party with legal representation and 3% did not (information was missing for 7% of cases). Among cases that received expanded self-help, 63% of defendants faced an opposing party with legal

[62] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

representation and 8% did not (information was missing or unknown for 29% of cases). At the time of Shriver intake, an answer had not yet been filed in 76% of cases.

Of those cases with information about an eviction notice, the most frequent reason listed was for non-payment of rent (65%), followed by violation of lease terms (7%), and foreclosure (6%). In cases where the notice indicated non-payment of rent, the median amount demanded on the notice was $1,050 (mean = $1,555; range = $0 to $15,000). In 61% of cases, defendants owed between $501 and $2,000 according to the eviction notice. In 14% of cases, the amount was $500 or less, highlighting the financial vulnerability of many litigants.

KEY OUTCOMES AMONG SHRIVER FULL REPRESENTATION CASES

The remainder of this section highlights key outcomes of interest among cases provided full representation by the Yolo housing pilot project. A more detailed review of case events and outcomes can be found in Appendix A.

Some key findings include:

Answers were filed. To participate in the justice system—that is, to avoid defaulting on an unlawful detainer case—defendants must file an answer (or other response) to the complaint filed by the landlord. Among full representation cases, nearly all defendants (92%) participated in the judicial system either by filing an answer (71%) or other response (3%), or by settling outside of court (17%) or having the case dismissed (1%). Notably, only one default judgment was entered because the client failed to respond to the unlawful detainer complaint.

Cases were settled. Three fourths (75%) of Shriver full representation cases were resolved by settlement, 7% were dismissed by the plaintiff, and 7% were resolved through a trial or hearing (11% were resolved in some other way or were missing data).

Outcomes favored longer term housing stability. From the perspective of the tenants, being able to stay in their homes and avoiding the burden and disruption of a forced relocation is a noteworthy and positive outcome. However, in instances when a tenant must relocate, other factors—such as having additional time to move out, obtaining neutral references from landlords, or retaining housing subsidies—can support one's ability to find new and affordable housing more quickly.

Possession of the Property. At the end of their court cases, tenants in 14% of cases were able to remain in their homes, because they retained possession of the unit. In 79% of cases, the landlord was awarded possession and the tenants had to move out of their homes. Although most tenants moved, there were very few (5%; *n*=21) instances of evictions.[63] In the majority of cases, tenants moved out of their homes as part of negotiated agreements.

[63] Eviction describes the situation where a defendant was ruled against in a court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement; this usually results in an unlawful detainer case viewable on their public record.

Table H41. Housing Stability Outcomes for Full Representation Clients by Case Resolution Method

	Case Resolution Method				
Outcome	**Plaintiff Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
Housing Stability					
Retained possession	6 (21%)	36 (12%)	10 (36%)	1 (2%)	53 (14%)
Relief from forfeiture	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Moved (not evicted)[a]	20 (69%)	220 (75%)	7 (25%)	7 (17%)	254 (65%)
Temporary stay of eviction[b]	2 (7%)	27 (9%)	3 (11%)	3 (7%)	35 (9%)
Evicted[c]	0 (0%)	10 (3%)	8 (29%)	3 (7%)	21 (5%)
Missing/unknown	1 (3%)	0 (0%)	0 (0%)	28 (67%)	29 (7%)
Total	29 (100%)	293 (100%)	28 (100%)	42 (100%)	392 (100%)

Note. Data obtained from the Shriver program services database (as of 10/01/15).
[a] Defendant moved as part of negotiated agreement or before unlawful detainer hearing or trial judgment.
[b] Court granted possession of the unit to the plaintiff (landlord), but postponed the eviction due to extreme hardship on behalf of the defendant. [c] Defendant was ruled against in court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement.

Other Case Outcomes for Tenants Who Moved. Among full representation cases of the Yolo housing pilot project, 88% resulted in some sort of positive outcome that supported the tenant's longer term housing stability. These outcomes were most common when cases settled. Among full representation cases in which the tenant had to move:

- 76% had their move-out dates adjusted,
- 62% had their rental debts reduced or waived,
- 28% retained their housing subsidies (e.g., Housing Choice Voucher),
- 54% had their unlawful detainer records masked from public view, and
- 54% had their credit protected.

Table H42. Outcomes among Full Representation Cases with Tenants Who Moved

	Case Resolution Method				
Outcome	**Plaintiff Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial/ Hearing** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
Physical Outcomes					
Move-out date adjusted	9 (41%)	214 (83%)	7 (39%)	7 (54%)	237 (76%)
Mean number of days to move (*SD*)[a]	23 (*9*)	8 (*41*)	64 (*20*)	64 (--)	46 (*39*)
Financial Outcomes					
Pay plaintiff's attorney fees	0 (0%)	29 (11%)	8 (44%)	3 (23%)	40 (13%)
Pay all rent owed	0 (0%)	41 (16%)	6 (33%)	2 (15%)	49 (16%)
Rental amount owed reduced	8 (36%)	144 (56%)	6 (33%)	3 (23%)	161 (52%)
Rental amount owed waived	0 (0%)	29 (11%)	2 (11%)	0 (0%)	31 (10%)
Payment plan for money owed	0 (0%)	55 (21%)	0 (0%)	1 (8%)	56 (18%)
Preserved Housing Choice Voucher/Sec. 8[b]	2 (50%)	13 (30%)	0 (0%)	0 (0%)	15 (28%)
Received Any Positive Financial Outcome[c]	***10 (45%)***	***207 (81%)***	***8 (44%)***	***4 (31%)***	***229 (74%)***
Credit-Related Outcomes					
Neutral references from landlord	5 (23%)	82 (32%)	3 (17%)	3 (23%)	93 (30%)
Not reported to credit agencies	9 (41%)	149 (58%)	4 (22%)	5 (38%)	167 (54%)
Record masked from public view	14 (64%)	146 (57%)	4 (22%)	3 (23%)	167 (54%)
Received Any Positive Credit Outcome[d]	***15 (68%)***	***194 (75%)***	***6 (33%)***	***5 (38%)***	***220 (71%)***
Received Any Positive Outcome[e]	**16 (73%)**	**238 (93%)**	**10 (56%)**	**8 (62%)**	**272 (88%)**

Note. Data obtained from the Shriver program services database (as of 10/01/15).
N=310. Plaintiff dismissal *n*=22; Settlement *n*=257; Trial/hearing *n*=18; Other/missing *n*=13.
[a] Calculated as the number of days from complaint filing to move-out date. SD=standard deviation, which could not be calculated for the other/missing column due to insufficient cell size. [b] Calculated out of the number of cases where the defendant(s) lived in subsidized housing (*n*=53). [c] Calculated from all monetary items, except where the litigant had to pay for the plaintiff's (landlord's) attorney fees or had to pay back all money owed. [d] Calculated from all credit-related outcomes. [e] Calculated from all monetary and/or credit-related outcomes, except where indicated above.

Court-based services

The Yolo housing pilot project provided court-based Shriver services to litigants in 1,711 unlawful detainer cases. Nearly all (95%) of these cases received assistance from the self-help attorney. Due to the brief exchange between the self-help attorney and litigant, information about demographics or case characteristics was not collected. The remaining 5% (*n*=81) cases were provided mediation services. As of October 2015, when the service data were collected, 65 cases had completed mediation and had available data. Among these cases, the primary litigants (i.e., the person initially seeking Shriver services from the court) included both defendants (55%; *n*=36) and plaintiffs (45%; *n*=29).

Litigant Characteristics. The average age of the primary litigant receiving Shriver court-based mediation services was 46 years (median = 45; although the median age of plaintiffs was higher than that of defendants). Approximately 55% of clients were female.

Case Resolution. At the conclusion of Shriver mediation services, 51% of cases successfully negotiated a settlement, 6% were dismissed by the plaintiff (typically because the defendant moved out of the unit, and possession was no longer at issue), and 18% of cases proceeded to trial. The remaining 25% of cases included those where no official unlawful detainer complaint was filed (pre-filing status) and the case was resolved through some other means, or the outcome was unknown to the mediator because one of the parties was unable to be reached.

Shriver Housing Pilot Projects

Random Assignment Study of Case Outcomes

Shriver clients, the "Marshalls"

Mr. and Mrs. Marshall, an elderly couple, received a notice of termination of tenancy from their federally subsidized apartment after their senior dog had accidents on the carpet. The couple lived in a third floor apartment that involved a lengthy walk to get to an area for their dog to void. Both Mr. and Mrs. Marshall had recent medical complications that made ambulation difficult. The landlord claimed that they committed waste and filed an unlawful detainer notice on that basis, even though their dog had since passed away. They sought assistance from the Shriver pilot project when they were served with an unlawful detainer notice and they were unable to negotiate an agreement with their landlord that enabled them to retain their housing. The Shriver attorney requested an inspection from the County's Environmental Health Department affiliated with the Shriver project to provide objective information about the condition of the apartment. The report showed there was some carpet damage, but not nearly at the level claimed by the landlord. The tenants subsequently had the carpets cleaned, which nearly resolved all of the issues complained of by the landlord. Shriver counsel requested that the opposing party permit the tenants to remain housed as a reasonable accommodation for their disabilities and used the information in the inspector's report to demonstrate that the landlord would have a difficult time proving the tenants committed waste. The landlord eventually agreed that the Marshalls could remain in their apartment provided they agreed to monthly inspections for a six-month period and entered into a stipulation reflecting those terms. The Marshalls complied and the case was dismissed, preserving their housing and credit record.

Random Assignment Study of Case Outcomes

Methodology and Analytic Approach

Though the housing pilot projects differed in their service structures and operational contexts (see individual project summaries), it is essential to investigate the broader impact of the Shriver program across jurisdictions. The fundamental question is, "What is the broad impact of providing funds to local agencies and Superior Courts to design and implement legal assistance projects for low-income individuals in unlawful detainer cases?" This section addresses this broader question by combining data across three (of six) projects and analytically comparing outcomes for litigants who received Shriver service with litigants who did not.

The study of case outcomes involved data from three housing pilot projects that undertook random assignment of litigants to one of two conditions: (a) full representation from a Shriver attorney, or (b) no Shriver services (i.e., self-represented litigants [SRL]). Data for the randomly assigned litigants at these sites were gathered from a review of their individual court case files. Analyses explored whether Shriver legal aid services impacted three general areas: (a) litigants' participation in the justice system, (b) court efficiency, and (c) case events and outcomes.

Outcome area #1: Participation in the justice system

Analyses examined the relationship between Shriver representation and various indicators of litigants' participation in the justice system, such as the number of answers filed, the number of default judgments, and whether affirmative defenses were raised.

Outcome area #2: Court efficiency

Analyses examined case elements that are potentially indicative of court efficiency, including case age, the rate of resolutions by trial and by settlement, and the timing of the settlement.

Outcome area #3: Unlawful detainer case outcomes

The study investigated case outcomes related to short-term housing stability, such as tenants remaining in their homes and the amount of time provided for move-out, and those related to longer term housing stability, such as obtaining feasible financial arrangements, protected credit, and neutral landlord references.

Random Assignment

Random assignment protocols were conducted, for 1 month, at three housing pilot projects that were routinely oversubscribed (i.e., having to turn away clients due to limited capacity): Kern, Los Angeles, and San Diego. Low-income tenants who presented for assistance with an unlawful detainer case and who were facing an opposing party with legal representation were randomly assigned to either (a) receive full representation by a Shriver attorney, or (b) receive no Shriver services (the "comparison group"). Across these three pilot projects, a total of 424 litigants were assigned. Overall, two thirds (66%, *n*=280) of litigants were assigned to receive full representation and one third (34%, *n*=144) were assigned to the comparison group.[64]

[64] The projects in Los Angeles and San Diego implemented a 2:1 assignment protocol, whereby for every two litigants assigned to receive full representation, one was assigned to the comparison group.

In general, random assignment protocols eliminate most sources of sampling bias and are therefore expected to yield samples that are generalizable. In this study, two sampling considerations are noteworthy: (a) Tenants with Section 8/Housing Choice Vouchers were omitted from the random assignment process, because the potential loss of a voucher due to lack of assistance constituted undue risk for the participant. (b) Litigants could be assigned to the comparison group only if they presented for assistance. Given the high number of unlawful detainer defendants who default without seeking help, the comparison litigants in the current study may or may not be representative of typical unrepresented defendants in unlawful detainer cases. They may be more involved in their cases and therefore more likely to achieve certain outcomes than other, less motivated tenants.

Table H43. Random Assignment of Litigants to Study Groups (Number of Litigants Assigned)

	Study Group	
Project	**Full Representation**	**Comparison**
Kern	35 (54%)	30 (46%)
Los Angeles	117 (66%)	60 (34%)
San Diego	128 (70%)	54 (30%)
Total	**280 (66%)**	**144 (34%)**

To inspect the validity of the random assignment (i.e., to confirm whether the assigned study condition bore out in practice), analysis examined the representation status, as documented in the court case file, of litigants in both assigned groups. Among the 280 litigants assigned to receive full representation, there was indication that 31 participants did not receive this level of assistance. In particular, either the program services database indicated that the client did not receive representation, or the program services database had no record of the litigant and the court case file had no attorney on record. Because these 31 individuals did not receive the service being evaluated, they were removed from the analytic sample. Notably, across the three sites, when offered legal representation, a large majority (89%) of tenants accepted the assistance and participated in the process. The number of tenants who declined representation or did not follow through with appointments varied across the sites: 2 (2%) in Los Angeles, 11 (9%) in San Diego, and 18 (51%) in Kern.

Among the 144 litigants assigned to the comparison group, the court case file indicated that 10 litigants (7%) ultimately received assistance for their case from a non-Shriver attorney. Because these 10 individuals were not self-represented (as the comparison group is designed to reflect), they were excluded from the analytic sample in this report. These 10 litigants were all from Los Angeles County, where help with unlawful detainer cases was available (though not free) from another agency.[65] Notably, no litigants in Kern or San Diego counties were able to find legal representation for their cases in the absence of the Shriver pilot projects.

[65] These 10 litigants' legal assistance primarily came from the Eviction Defense Network in LA, which charges for service. San Diego and Kern counties did not have other equivalent resources.

After removing these 41 cases, the sample was composed of 383 tenants: 249 having received full representation from a Shriver attorney and 134 in the comparison group. These groups, shown in Table H44, constituted the analytic sample for this report.

Table H44. Analytic Sample (Number of Litigants with Case File Data)

	Study Group	
Project	**Full Representation**	**Comparison**
Kern	17 (36%)	30 (64%)
Los Angeles	115 (70%)	50 (30%)
San Diego	117 (69%)	54 (32%)
Total	**249 (69%)**	**134 (31%)**

Analytic Approach

Data for litigants were compiled across the three housing pilot projects that conducted random assignment to yield two general study groups: (a) Shriver full representation clients, and (b) comparison litigants who did not receive Shriver service (self-represented litigants). This compilation increased the sample size and power of the subsequent statistical tests. Analyses then compared data for these two study groups to assess the impact of the Shriver service receipt on case outcomes.

Throughout this section, descriptive information is presented about the characteristics and outcomes of these unlawful detainer cases. In addition, whenever possible, differences between study groups were tested for statistical significance.[66] Categorical variables (e.g., whether an answer was filed, method of case resolution) were compared using chi-square analyses. If the omnibus chi-square test was significant, indicating that a significant group difference existed, individual pairwise comparisons were run to identify specific differences. Continuous variables (e.g., case age) were compared using Analysis of Variance tests (ANOVA) or Mann-Whitney U tests, depending on the distribution of the data. Post hoc pairwise comparisons were examined when applicable.

[66] When a result has less than a 5% probability of occurring by chance ($p < .05$), the result is said to be statistically significant.

Unlawful Detainer Complaints

Unlawful detainer cases typically begin with a landlord filing a complaint, which must list the landlord's demands, against the tenant. Table H45 shows the demands listed on complaints for the cases in each study group. The most common demands were for past due rent, forfeiture of rental agreement, and non-statutory damages. There were no differences between study groups in the proportion of cases with each demand on the complaint.

Table H45. Demands on Unlawful Detainer Complaint by Study Group

Demands on Complaint	Full Representation	Comparison
Past due rent	223 (90%)	115 (86%)
Attorney fees	192 (77%)	86 (72%)
Forfeiture of agreement	230 (92%)	119 (89%)
Damages (holdover rent)	237 (95%)	129 (96%)
Statutory damages	3 (1%)	4 (3%)
Other	27 (11%)	20 (15%)

Data source: Court case file review
Full Representation *N*=249. Comparison *N*=134.

Non-payment of rent was the primary reason for the unlawful detainer actions, and, in most cases, defenses involved proving that either the tenant had paid the rent, or was withholding rent due to a habitability problem and could pay the back-owed rent. The amount of past due rent and the amount of holdover rent demanded on the complaint are presented in Table H46. Amounts ranged widely, from less than $100 to nearly $10,000. (*Note*: Large amounts were due to multiple months of rent purportedly overdue, not to high rents.) The average amount demanded in full representation cases (mean = $1,873, median = $1,250) was similar to that in comparison cases (mean = $1,746, median = $1,283).[67]

Table H46. Amount ($) of Rent Demanded on UD Complaint by Study Group

	Past Due Rent		Holdover Rent	
	Full Representation	Comparison	Full Representation	Comparison
Mean (*SD*)	$1,873 (*1,688*)	$1,746 (*1,532*)	$1,967 (*1,578*)	$1,800 (*2,036*)
Median	$1,250	$1,283	$1,520	$1,225
Range	$0-$9,990	$16-$9,600	$4-$10,965	$15-$12,857

Data source: Court case file review
Full Representation *N*=219 for past due rent and *N*=245 for holdover rent.
Comparison *N*=111 for past due rent and N=132 for holdover rent.
Note. Amount demanded was missing in Kern for one comparison case, in San Diego for one representation case and three comparison cases, and in Los Angeles for three representation cases.
SD = standard deviation. No significant differences were found between study groups.

[67] Given the skewed distribution, a nonparametric test was used. Mann-Whitney U = 11,913, p = .768

Outcome Area #1: Litigants' Participation in the Justice System

Did more litigants file a legal response to the UD complaint?

One of the first steps a tenant must take in order to defend an unlawful detainer case is to file an answer (or, rarely, another response, such as a demurrer, if the landlord's pleading is legally insufficient) to the landlord's complaint, generally within 5 days of service. Failing to file an answer typically results in the clerk entering a default judgment for the landlord. Thus, filing an answer indicates that tenants are successfully taking initial steps to participate in the justice system and to provide their side of the case. Legal representation is expected to increase the likelihood of filing an answer or response, and thus decrease the likelihood of default.

Case file review data indicated that, across the three projects, 91% of litigants who received full representation filed an answer, compared with 73% of litigants in the comparison group (see Table H47). This difference was significant.[68] It is important to note that two of the three counties had existing self-help centers that provided assistance with preparing answers that were available to all unlawful detainer defendants, not just Shriver clients. Self-help centers did not, however, provide legal advice or representation.

Table H47. Response to Unlawful Detainer Complaint by Study Group

Response to UD Complaint	Full Representation	Comparison
Answer/response submitted *[sig.]*	226 (**91%**)	98 (**73%**)
Default entered	19 (8%)	22 (16%)
Other (Dismissals)	4 (2%)	14 (10%)

Data source: Court case file review
Full Representation *N*=249. Comparison *N*=134.
Note. "Other" category included cases involving landlord dismissal or failure to prosecute. It is possible that tenants moved out upon receiving the UD complaint and the landlord dropped the case before a default could be entered.
Sig.=statistically significant difference existed between groups, as noted in bold.

Tenants can submit amended answers that may better articulate their positions to defend their cases. An amended answer is filed after the initial answer, if the reviewing attorney finds other potential defenses that should be raised after the initial interview. Importantly, many defenses are waived if they are not raised in a defendant's answer, and, generally speaking, self-represented litigants may not have the expertise to identify these additional defenses. Analyses found that, of the 226 answers filed by full representation clients, 16% involved an amended answer, versus 7% of comparison cases. This difference was statistically significant[69] and was largely driven by San Diego. The San Diego housing pilot project accepted clients at every stage of the case—including after a default, trial, or eviction had occurred—which increased the likelihood of amending answers, whereas the Shriver projects in Los Angeles and Kern accepted clients at the start of their cases and therefore filed the initial answer.

[68] χ^2 (1) = 9.039, $p < .01$, Cramer's V = .157
[69] χ^2 (1) = 4.58, $p < .05$, Cramer's V = .119

Were litigants more likely to raise affirmative defenses?

In responding to an unlawful detainer complaint, tenants have the ability to raise affirmative defenses to support their side of the case. For instance, tenants may be purposefully withholding rent until a landlord remedies a habitability issue. Addressing affirmative defenses can also be important for the broader system. Several defenses are matters of public policy, including state statutes and federal regulations by the U.S. Department of Housing and Urban Development (HUD), related to fair housing. These include defenses pertaining to habitability, discrimination, rent control violations, a lack of reasonable disability accommodation, and negotiations/agreements in languages other than English. When an unlawful detainer case is effectively handled, enforcement of these policies can occur through action of the court and thereby alleviate pressure on other public agencies. For example, if the attorney(s) can work to remedy the issues, then other public agencies (e.g., City Building Inspector, HUD, Rent Control Board) are spared the effort, which can avoid costs.

There are several potential affirmative defenses that tenants may raise. However, it would likely be difficult for self-represented litigants to identify many of those issues—particularly legal issues such as inadequate notice or violations of rent control laws. Having an attorney could result in a more accurate depiction of the tenant's case. Case file review data were reviewed for mention of affirmative defenses, and the rates of defenses significantly differed between the study groups.[70] Among full representation cases, 84% raised at least one affirmative defense, compared with 60% of comparison cases (see Table H48).

Table H48 lists individual affirmative defenses that are possible in housing cases. The overall group difference in raising any defense appears to be largely driven by those related to habitability issues (65% full representation vs. 37% comparison), the landlord cancelling the original notice (42% full representation vs. 9% comparison), and a retaliatory eviction notice (41% full representation vs. 19% comparison). Los Angeles County has developed a form that details a more extensive list of possible defenses than the other two counties (these defenses are noted by two asterisks in Table H48). Los Angeles also has rent control laws, which neither San Diego nor Kern has. In LA, notable differences were also observed for defenses regarding a rent control violation (78% full representation vs. 24% comparison), defective notice (84% full representation vs. 28% comparison), and estoppel (45% full representation vs. 6% comparison).

[70] χ^2 (1) = 27.24, $p < .001$, Cramer's V = .267

Table H48. Cases with Affirmative Defenses by Study Group

Defense Raised	Full Representation	Comparison
Habitability	163 (65%)	49 (37%)
Tenant paid for repairs	19 (8%)	6 (4%)
Timely tender refused	10 (4%)	12 (9%)
Plaintiff waived, changed, or cancelled notice	105 (42%)	12 (9%)
Retaliatory eviction	102 (41%)	26 (19%)
Discrimination	49 (20%)	10 (7%)
Rent control violation*	90 (78%)	12 (24%)
Plaintiff accepted rent	24 (10%)	9 (7%)
Plaintiff committed acts of domestic violence**	2 (2%)	3 (6%)
Estoppel**	52 (45%)	3 (6%)
Defective notice**	96 (84%)	14 (28%)
No reasonable ADA accommodation**	8 (7%)	0 (0.0%)
Negotiations in other language, agreement in English**	15 (13%)	0 (0%)
Other	137 (56%)	47 (35%)
None (no defenses listed in case file)	39 (16%)	53 (40%)

Data source: Court case file review
Full Representation *N*=249. Comparison *N*=134.
*Rent control laws exist in Los Angeles County, but not in San Diego or Kern counties.
**Systematically collected on the list in Los Angeles, but not on forms at the other two counties.
Note. Full representation cases were significantly more likely than comparison cases to raise at least one affirmative defense.

Outcome Area #2: Court Efficiency

Along with improving fairness in the unlawful detainer process, the Shriver housing pilot projects intended that their services would impact court efficiency by increasing the likelihood of negotiated settlements between parties, thus saving the court resources necessary to hold a trial. Further, typically, the likelihood of post-settlement motions is lower than that of post-trial. When cases settle early, overall court congestion decreases.

How were cases resolved? Were there more settlements?

The proportion of cases resolved through various methods is presented in Table H49. Cases receiving full representation were most likely to resolve via negotiated settlement or stipulated judgment. Two thirds (67%) of full representation cases were resolved through settlement, as opposed to one third (34%) of comparison cases.[71] Very few (3%) full representation cases were resolved via trial, versus 14% of comparison cases. About 8% of full representation cases ended with a default, versus 26% of comparison cases (including seven cases in which the tenant filed an answer but did not appear at trial).

Roughly one quarter of cases in both groups (22% full representation, 26% comparison) ended with the landlord dismissing the case (including one comparison group case in which the landlord failed to prosecute and appeared to abandon the case). Preliminary data on a small subset of cases suggest that merit played a role in the dismissal rate. One project (Los Angeles)

[71] Settlements and stipulated agreements include conditional dismissals.

conducted a merit screen on its full representation cases. Of those cases deemed to have strong factual merit, 39% were dismissed, compared to 28% of the other cases.

The differences in three of four resolution methods between the study groups were statistically significant.[72] Overall, relative to comparison cases, cases that received full representation from a Shriver attorney were significantly more likely to resolve via settlement and significantly less likely to resolve via trial or default.

Table H49. Case Resolution Method by Study Group

Resolution Method	Full Representation	Comparison
Stipulation or Settlement[a] *[sig.]*	162 (**67%**)	45 (**34%**)
Trial[b] *[sig.]*	8 (**3%**)	19 (**14%**)
Dismissal	54 (22%)	34 (26%)
Default *[sig.]*	19 (**8%**)	34 (**26%**)

Data source: Court case file review
Full Representation *N*=243. Comparison *N*=132.
Note: Case outcome data were missing for four LA representation cases that had not been resolved at the time of file review, and two Kern comparison cases. Two full representation cases were resolved by an unspecified court ruling.
[a]Settlements include conditional dismissals. [b]Most often bench trials.
Sig.=statistically significant difference found between study groups, as noted in bold.

In general, the most common time for settlements to occur is on the date of the trial, typically when both parties and attorneys are present at the courthouse and can negotiate terms. However, notably, nearly one quarter (23%) of Shriver full representation cases reached a settlement *before* the trial date, compared to only one (2%) comparison case. The difference in the timing of settlements was significantly different across the study groups.[73]

Were cases resolved faster?

Case length was defined as the number of calendar days between the complaint filing and the judgment date. As shown in Table H50, all cases receiving full representation lasted, on average, 58 days (median = 50) and all those in the comparison group lasted, on average, 50 days (median = 37). This difference was statistically significant, such that full representation cases took longer to resolve.[74] Differences in the case lengths among the individual projects were largely attributable to differences in court practices regarding the masking of cases.[75]

Given the wide range of case lengths and the potential challenges that outlying values can present for analysis, case length was examined relative to the standard guidelines issued by the

[72] χ^2 (3) = 63.39, $p < .001$, Cramer's V = .410. Post hoc tests using Scheffe adjustment found a significant difference between groups in the percentages of cases resolved by settlement/stipulation ($p < .001$), trial ($p < .01$), and default ($p < .01$). There was no significant difference found in the percentage of cases resolved by dismissal.
[73] χ^2 (1) = 11.671, $p < .001$, Cramer's V = .264
[74] Given the skewed distribution, a nonparametric test was used. Mann-Whitney U = 11,411.5, $p < 0.01$
[75] Unlawful detainer cases are routinely masked—hidden from public view and not listed in the UD Registry—for 60 days. In some jurisdictions, like San Diego, the court adheres strictly to this timing. Thus, when negotiating the terms of a conditional dismissal, tenants will often have to move out within 60 days in order for the case to be dismissed (and other terms to be met) and to avoid being listed in the UD Registry. By contrast, in other jurisdictions, like Los Angeles, the court can allow the masking period to extend beyond 60 days, which allows a longer period of time for settlement terms to be met and the dismissal to occur without ramification.

Administrative Office of the Courts. Recall that California's Judicial Branch endeavors to resolve 90% of unlawful detainer cases within 30 days and 100% within 45 days. Table H50 below shows the percentage of cases, by study group, resolved within 30, 45, and 60 days. In each instance, a statistically greater percentage of comparison cases were resolved earlier.[76]

Table H50. Case Length (in Days) by Study Group

	Full Representation	Comparison
Mean (*SD*)	58.2 (33)	50.0 (43)
Median *[sig.]*	**50**	**37**
Range	10 - 206	6 – 309
Number of cases resolved within…		
≤30 days *[sig.]*	42 (**18%**)	34 (**27%)**
31- 45 days *[sig.]*	67 (**28%)**	53 (**42%)**
46- 60 days *[sig.]*	39 (**16%)**	17 (**13%)**
Over 60 days	92 (38%)	23 (18%)

Data source: Court case file review
Full Representation *N*=240. Comparison *N*=127.
Note: Case length could not be computed for four comparison cases in Kern, four representation cases from LA, five representation cases and three comparison cases from San Diego.
Sig.=statistically significant difference between study groups, as noted in bold.

Examining the average case length across all cases may obscure some important differences related to case resolution method. For instance, while cases that end in default are likely to have the shortest case length, they are also likely to entail the most deleterious outcomes for tenants. Recall that the full representation group had a larger proportion of cases resolved via settlement, and a smaller proportion resolved via trial or default, than the comparison group did. When looking at case lengths across study groups by resolution method (Table H51), one statistically significant difference was found. Among those settled, full representation cases had a longer median case length (median = 56) than did comparison cases (median = 37).[77] While full representation cases took longer to settle (perhaps due to more detailed negotiations), they still typically ended before the 60-day masking period concluded. No other significant differences were found between study groups within cases that were similarly resolved.

[76] Percentage of cases resolved within 30 days: χ^2 (1) = 4.35, p <.05, Cramer's V = .109
Percentage of cases resolved within 45 days: χ^2 (1) = 17.79, p <.001, Cramer's V = .220
Percentage of cases resolved within 60 days: χ^2 (1) = 15.79, p <.001, Cramer's V = .207
[77] Given the skewed distribution, a nonparametric test was used. Mann-Whitney U = 2,296.5, p < 0.01

Table H51. Case Length by Method of Resolution across Shriver and Comparison Cases

	Full Representation				Comparison			
	Settlement (*n*=160)	**Trial** (*n*=8)	**Dismissal** (*n*=54)	**Default** (*n*=16)	**Settlement** (*n*=43)	**Trial** (*n*=19)	**Dismissal** (*n*=33)	**Default** (*n*=32)
Mean (*SD*)	59.8 (30)	67.8 (34)	56.8 (40)	44.1 (39)	51.5 (39)	52.0 (36)	53.3 (59)	43.4 (31)
Median *[sig.]*	**56**	52	45	31	**37**	45	33	35
Range	20 – 204	40 – 126	10 – 206	19 – 177	25 – 189	31 – 197	6 – 309	8 – 134
Number of cases resolved within…								
≤30 days	17 (11%)	0 (0%)	17 (31%)	7 (44%)	7 (16%)	0 (0%)	14 (42%)	13 (41%)
31-45 days	48 (30%)	3 (38%)	10 (19%)	6 (38%)	26 (60%)	11 (58%)	6 (18%)	10 (31%)
46-60 days	30 (19%)	2 (25%)	6 (11%)	0 (0%)	2 (5%)	7 (37%)	5 (15%)	3 (9%)
>60 days	65 (41%)	3 (38%)	21 (39%)	3 (19%)	8 (19%)	1 (5%)	8 (24%)	6 (19%)

Data source: Court case file review. *SD*=standard deviation.
Full Representation *N*=238. Comparison *N*=127.
Note. Case length could not be computed for four comparison cases in Kern, four representation cases from LA, five representation cases and three comparison cases from San Diego. Two full representation cases were resolved by an unspecified court ruling and could not be categorized in the above table.
Sig.=statistically significant difference found between study groups, as noted in bold.

Outcome Area #3: Case Outcomes

In addition to benefitting court efficiency, increasing negotiated settlements between parties was key to the Shriver pilot projects' goal of improving case outcomes for low-income tenants. In unlawful detainer cases, negotiated settlements provide more remedies than are available at trial and can benefit both parties. Trials generally only determine possession of the property, and the time awaiting trial may accumulate more rent owed. Landlords who lose will not be able to regain their property, and tenants who lose will be forced to move in a few days and the judgments will be on their credit records. With a settlement, risk can be minimized for both parties; additional solutions are also available, such as agreements to determine a set date to move, to provide credit protection, and to structure a payment plan, including dealing with rental security deposits, the return of which otherwise may be subject to further litigation in small claims court.

Analyses examined case outcomes relative to short-term housing stability such as how often tenants remained in their homes and, if they moved, how much time they had to move. Outcomes related to longer term housing stability included important financial and credit-related impacts, such as reduced amount owed, payment plans, and credit protection that bear on tenants' abilities to find replacement housing.

Were more tenants able to remain in their homes? If they had to move out, did they receive more time to do so?

Possession of the Property. In most instances when a landlord dismissed the case, the party awarded possession could not be ascertained. This is because the two possible scenarios would yield different results: (a) Upon receiving the complaint, the tenant moves out, and the landlord dismisses the case because the unit has been vacated, or (b) In response to the complaint, the tenant remains in the unit and responds with numerous affirmative defenses, and the landlord dismisses the case to avoid complicated and expensive legal battles. As a result, the award of

possession remains "unknown" for approximately one quarter of the cases in each study group (Table H52).

Of the remaining three quarters of cases that were not dismissed and for which the award of possession could be ascertained from the court case file, nearly all of them resulted in the landlord obtaining possession of the unit. However, Shriver full representation clients were significantly more likely to retain possession of their units than were comparison clients. Specifically, tenants retained possession of their units in 13 (5%) full representation cases and one (1%) comparison group case, a statistically significant difference.[78]

Table H52. Award of Possession by Study Group

Possession Awarded to…	Full Representation	Comparison
Landlord	179 (74%)	98 (75%)
Tenant *[sig.]*	13 (**5%**)	1 (**1%**)
Unknown (Dismissals)[a]	50 (21%)	32 (24%)

Data source: Court case file review
Full Representation *N*=242. Comparison *N*=131.
Note. Data for possession were missing for two comparison cases in Kern, four representation cases in Los Angeles, and three representation cases and one comparison case in San Diego.
Sig.=statistically significant difference found between study groups, as noted in bold.
[a] Possession was typically unknown in cases that were dismissed by the landlord.

Table H53 displays possession by case resolution method within each study group. In cases that were resolved through a trial or default, and when possession was known, the landlord obtained possession in all cases, regardless of Shriver service receipt. In 92% of cases resolved via dismissal, the possession was not known. However, in the seven dismissed cases with possession data, five ended with the landlord obtaining possession and two ended with the tenant retaining possession—and both of these tenants were receiving full representation by a Shriver attorney.

Though very low, the rate of tenant possession was highest among cases that were settled. Across all cases resolved by settlement, 95% ended with the landlord obtaining possession and 5% with the tenant retaining possession. Among settled cases, 10 tenants (6%) in the full representation group retained possession, as opposed to one tenant (2%) in the comparison group. When taking case resolution method into account, this difference in the percentage of cases resulting in landlord possession was no longer significantly different across study groups.[79] That is, retaining possession was more likely for tenants who settled their cases, and this was true for litigants with representation and those without.

[78] χ^2 (1) = 4.587, $p < .05$, Cramer's V = .129
[79] χ^2 (1) = 1.085, $p = .298$

Table H53. Award of Possession by Case Resolution Method

Possession Awarded to…	Settlement/ Stipulation	Trial	Dismissal	Default
Full Representation	(*n*=159)	(*n*=8)	(*n*=54)	(*n*=19)
Landlord	149 (94%)	8 (100%)	3 (6%)	19 (100%)
Tenant	10 (6%)	0 (0%)	2 (4%)	0 (0%)
Unknown	0 (0%)	0 (0%)	49 (91%)	0 (0%)
Comparison	(*n*=44)	(*n*=19)	(*n*=34)	(*n*=34)
Landlord	43 (98%)	19 (100%)	2 (6%)	34 (100%)
Tenant	1 (2%)	0 (0%)	0 (0%)	0 (0%)
Unknown	0 (%)	0 (0%)	32 (94%)	0 (0%)
Total	(*n*=203)	(*n*=27)	(*n*=88)	(*n*=53)
Landlord	192 (95%)	27 (100%)	5 (6%)	53 (100%)
Tenant	11 (5%)	0 (0%)	2 (2%)	0 (0%)
Unknown	0 (0%)	0 (0%)	81 (92%)	0 (0%)

Data source: Court case file review
Note: Data for possession were missing for two comparison cases in Kern, four representation cases in LA, and three representation and one comparison case in San Diego.

Time to Move Out. Among cases in which the landlord obtained possession, the amount of time the tenant had to move out of the unit was examined. Time to move out was defined as the number of days from the complaint filing date to the date by which the tenant was ordered to move out of the property. Among full representation cases, the average number of days to move was 85 (median = 79). Among comparison cases, the average time to move was 74 days (median = 69). The difference between groups was statistically significant; full representation clients had almost 2 weeks longer to move out than did comparison cases (see Table H54).[80] As with case length, differences in the time from complaint filing to move-out among the individual projects were largely attributable to differences in court practices regarding the masking of cases.[81]

[80] Given the skewed distribution, a nonparametric test was used. Mann-Whitney U = 2,729.0, $p < .01$

[81] Unlawful detainer cases are routinely masked—hidden from public view and not listed in the UD Registry—for 60 days. In some jurisdictions, like San Diego, the court adheres strictly to this timing. Thus, when negotiating the terms of a conditional dismissal, tenants will often have to move out within 60 days in order for the case to be dismissed (and other terms to be met) and to avoid being listed in the UD Registry. By contrast, in other jurisdictions, like Los Angeles, the court can allow the masking period to extend beyond 60 days, which allows a longer period of time for settlement terms to be met and the dismissal to occur without ramification.

Table H54. Days to Move Out by Study Group

	Full Representation	Comparison
Mean (*SD*)	85.3 (*36.1*)	73.5 (*36.3*)
Median *[sig.]*	**79**	**69**
Range	6-313	28-254

Data source: Court case file review
Full Representation *N*=148. Comparison *N*=52.
Note: Days to move=number of days from complaint filing to ordered move-out date. Analysis includes only cases in which the landlord obtained possession and for which dates of complaint filing and move-out were known. Days to move out could not be computed for six representation and nine comparison cases in Kern, nine representation and 12 comparison cases in Los Angeles, and 11 representation and 18 comparison cases in San Diego.
Sig.=statistically significant difference between study groups, as noted in bold.

Were there differences in other case outcomes that support tenants' abilities to rent in the future, such as monetary awards, financial obligations, and credit protection?

Given that the majority of tenants ultimately had to move out of their homes, and their short-term housing stability was thus interrupted, the study examined how Shriver services may have impacted their longer term housing stability. In particular, analyses explored other case outcomes related to issues that could support tenants' abilities to successfully transition to new housing. This investigation involved a review of the judgment terms for all cases that had outcome information in the case files. Three types of case outcomes were coded:

- *monetary awards,*[82] including sums of money being awarded to either the landlord (tenant to pay) or the tenant (landlord to pay);
- *financial outcomes*, including the tenant receiving a temporary stay of eviction (generally due to financial hardship), having their relocation costs covered, or being able to structure a payment plan to repay back-owed rent over time; and
- *credit outcomes*, including the eviction case and tenant's delinquent rent not being reported to credit agencies, the landlord being required to provide a neutral reference for the tenant, and the unlawful detainer case being hidden from public view.[83]

Case outcomes were coded for all cases with available data. Outcomes were not mutually exclusive, and a single case could involve multiple outcomes. Indeed, negotiated settlements typically involved terms with some benefit for both the landlord and the tenant.

[82] The term "monetary award" is used in this section to denote when a plaintiff or defendant is ordered to pay or receive an amount of money from the opposing party. This can include a payment or a reduction/waiver of money owed. While the term "award" is less befitting of settlement terms, relative to judgments by trial or default, this language is used here across all case resolution types.
[83] Unlawful detainer cases are routinely "masked" from public view for 60 days. If a case is dismissed while masked, it will not be listed in the Unlawful Detainer Case Registry. However, if it is not dismissed, the case will remain out of the registry only if it is "sealed" as part of the orders. One of the three courts (Los Angeles) ordered cases to be sealed, so it was a possible case outcome for litigants at just one site.

Monetary awards. Table H55 shows the percentage of cases with money awarded to the plaintiff and those with money awarded to the defendant. Overall, roughly half of all cases involved money awarded to the landlord, most often past due rent and the security deposit, and the difference between study groups (56% of full representation and 48% of comparison) was not significant.[84] Further, very few cases resulted in money awarded to the defendant. Ten full representation (4%) and 17 comparison cases (13%) resulted in the landlord covering the defendant's costs and fees. This difference was statistically significant.[85]

California law stipulates that tenants are returned their security deposit if there is just normal wear and tear on the property and there is no delinquent rent. Because nearly all the unlawful detainer complaints involved a claim of delinquent rent, the return of the security deposit was considered a monetary award to the tenant. In total, there were eight cases in which the security deposit was returned to tenant—five full representation cases and three comparison—all of which had past due rent requested on the complaint.

Table H55. Monetary Awards by Study Group

Type of Award	Full Representation	Comparison
Money Awarded to Plaintiff		
Past due rent	89 (36%)	54 (41%)
Holdover damages	22 (9%)	22 (17%)
Attorney fees	42 (17%)	33 (25%)
Costs	36 (15%)	42 (32%)
Security deposit	49 (44%)	14 (28%)
Other	42 (17%)	17 (13%)
Money Awarded to Defendant		
Defendant costs and fees *[sig.]*	10 (**4%**)	17 (**13%**)
Repairs	0 (0%)	0 (0%)
Statutory damages	0 (0%)	0 (0%)
Relocation costs	3 (1%)	0 (0%)
Attorney fees	0 (0%)	0 (0%)
Return deposit	5 (2%)	3 (2%)
Other	4 (2%)	1 (1%)

Data source: Court case file review
Full Representation *N*=245. Comparison *N*=132.
Sig.=statistically significant difference found between study group, as noted in bold.

As described earlier, the majority of unlawful detainer cases involved a demand for past due rent. The landlord could also demand additional types of payments on the unlawful detainer complaint, such as holdover damages and attorney fees. Table H56 compares the percentage of cases with each type of demand on the complaint with the percentage of cases with each type awarded to the landlord at case closure. These percentages are computed out of the number of cases with each type of payment demand.

Generally, full representation cases and comparison cases had comparable levels of specific

[84] χ^2 (1) = 1.70, p = .192
[85] χ^2 (1) = 9.99, p < .01, Cramer's V = .163

demands on the complaints (e.g., 90% vs. 86% were demanded to pay back-owed rent, 77% vs. 72% to pay holdover damages). In both groups, fewer defendants were ordered to pay than the number from whom payment was originally demanded. However, overall, full representation cases tended be less likely to be ordered to pay than were comparison cases. Among cases that demanded past due rent, 40% of full representation and 47% of comparison cases were ordered to pay some or all past due rent to the landlord. Although this difference was not statistically significant,[86] monetary awards for holdover damages,[87] attorney fees,[88] and other costs[89] occurred for significantly smaller proportions of full representation cases than comparison cases.

Table H56. Types of Payments Demanded by Plaintiff on Complaint and Types Awarded to Plaintiff at Case Closure by Study Group

Type of Payment	Full Representation		Comparison	
	Demanded	Awarded	Demanded	Awarded
Past Due Rent	223 (90%)	89 (40%)	115 (86%)	54 (47%)
Holdover Damages	192 (77%)	22 **(11%)**	86 (72%)	22 **(26%)**
Attorney Fees	230 (92%)	42 **(18%)**	119 (89%)	33 **(28%)**
Costs	237 (95%)	36 **(15%)**	129 (96%)	42 **(33%)**

Data source: Court case file review
Full Representation *N*=245. Comparison *N*=132.
Sig.=statistically significant difference between study groups, as noted in bold.

As shown above, subsets of defendants were ordered to pay monies that were originally demanded on the unlawful detainer complaint. Of those litigants ordered to pay, were they held liable for the entire amount owed? To address this question, the total amount demanded on the unlawful detainer complaint was compared to the total amount awarded to the plaintiff at case closure. *Total amount demanded* was calculated by adding amount of past due rent, cumulative holdover damages (i.e., daily damages multiplied by the number of days from complaint to judgment), and if demanded, attorney fees.[90] *Total amount awarded* was the sum of all monies ordered to be paid (or forfeited) to the landlord by the defendant, as listed in the case file.

The total amount demanded was compared to the total amount awarded to assess whether the defendants were paying demanded amounts in full or in part (see Table H57). A substantive proportion of cases in both groups (42% of full representation and 38% of comparison) resulted in the defendant paying nothing. Most of these cases were dismissed, so it possible that the landlord filed a civil suit (i.e., not an unlawful detainer case, because possession was not at issue) to claim the money owed. Yet, many of these cases had the amount waived without a dismissal. Defendants in 16% of full representation cases had their amounts reduced, versus

[86] χ^2 (1) = 1.54, p = .214
[87] χ^2 (1) = 8.89, p < .01, Cramer's V = .179
[88] χ^2 (1) = 4.17, p < .05, Cramer's V = .109
[89] χ^2 (1) = 15.06, p < .001, Cramer's V = .203
[90] Because an amount for attorney fees was not listed on the complaint, this amount was estimated by using the amount ordered to pay for attorney fees. Many case outcomes involved a lump sum award that did not specify amounts for rent, holdover damages, or attorney fees. In these cases, the median attorney fee awarded for those cases with data ($500) was used.

12% of comparison cases. A small number of cases in both groups were ordered to pay the full amount demanded (2% and 4%, respectively). A notable number of cases (13% of full representation and 26% of comparison cases) involved monetary awards to the landlord that exceeded the original amount demanded. (*Note*. In about one quarter of cases, comparisons between amount demanded and amount awarded were not possible because information about the dollar amounts for one or both time points was not available.)

Table H57. Amount Awarded Relative to Amount Demanded by Study Group

Amount Ordered Paid by Defendant Relative to Amount Demanded	Full Representation	Comparison
No Payment: Amount demanded was waived	48 (20%)	16 (12%)
Dismissed Payment: Amount demanded waived via Dismissal	54 (22%)	34 (26%)
Reduced Payment: Amount awarded less than amount demanded	39 (16%)	16 (12%)
Full Payment: Amount awarded equal to amount demanded	4 (2%)	5 (4%)
Additional Payment: Amount awarded more than amount demanded	33 (13%)	34 (26%)
Unable to Determine[a] One/Both Amounts	67 (27%)	27 (20%)

Data source: Court case file review
Full Representation *N*=245. Comparison *N*=132.
[a] One or both amounts was not able to be computed, so comparison was not possible

Cases were further categorized into three groups based on the defendant being ordered to make no/dismissed payments (42% of full representation and 38% of comparison cases), reduced payments (16% of full representation and 12% of comparison cases), or full/additional payments (15% of full representation and 30% of comparison cases). Analyses compared the likelihoods of these outcomes between full representation and comparison cases, and a statistically significant association was found.[91] In particular, defendants in comparison cases more often were ordered to repay the entire debt or additional amounts, relative to defendants with full representation.

In considering whether defendants were ordered to pay back monies in full or in part, it is important to take the amount demanded into account. For instance, having a $200 debt waived is substantively different than having a $6,000 debt waived. Cases were categorized by the amount demanded on the unlawful detainer complaint: (a) those with demands for less than $2,000 (29% of full representation and 42% of comparison cases); (b) those with demands for amounts between $2,000 and $4,000 (42% of full representation and 35% of comparison), and (c) those with demands for more than $4,000 (29% full representation, 23% comparison cases). The cut points for these categories divided the cases into three groups with roughly equivalent size and, with an assumed rent of approximately $1,000 a month, the categories represent tenants with less than 2 months, 2 to 4 months, and more than 4 months of back-owed rent.

[91] χ^2 (2) = 9.25, $p < .01$, Cramer's V = .181

Table H58 shows outcomes for Shriver full representation and comparison cases by the amount demanded on the unlawful detainer complaint. Regarding monetary awards, regardless of Shriver services, there was a statistically significant association between the amount demanded and likelihood of having the debt waived or reduced.[92] In particular, compared to cases with less than $2,000 demanded, cases with more than $4,000 demanded were more likely to have their debt amount reduced (38% vs. 6%), less likely to have their debt waived (28% vs. 50%), and less likely to repay it in full (12% vs. 24%).

Next, consider the impact of full representation. Among cases with less than $2,000 demanded, a smaller proportion of defendants with representation were ordered to pay the debt in full than those in comparison cases (17% vs. 34%). Among cases with between $2,000 and $4,000 demanded, defendants with representation more often had their debt waived (46% vs. 31%) and less often were ordered to repay the entire amount (28% vs. 37%), relative to those in the comparison group. Among cases with more than $4,000 demanded, there were no substantive differences by representation status.

Table H58. Case Outcomes by Total Amount Demanded on Complaint

	Total Amount Demanded on the Unlawful Detainer Complaint					
	Less than $2,000		**$2,000 - $4,000**		**More than $4,000**	
	Full Representation (*n*=71)	**Comparison** (*n*=53)	**Full Representation** (*n*=102)	**Comparison** (*n*=44)	**Full Representation** (*n*=69)	**Comparison** (*n*=29)
Monetary Awards						
Amount demanded was…						
Waived/dismissed	35 (50%)	27 (51%)	47 (46%)	14 (31%)	19 (28%)	8 (28%)
Reduced	4 (6%)	3 (6%)	9 (9%)	2 (5%)	26 (38%)	11 (38%)
Paid in full or more	12 (17%)	18 (34%)	18 (28%)	16 (37%)	7 (10%)	5 (17%)
Unable to determine	20 (28%)	5 (9%)	28 (27%)	12 (17%)	17 (25%)	5 (17%)
Financial and Credit Outcomes						
Repayment plan	11 (15%)	3 (6%)	15 (15%)	0 (0%)	18 (26%)	4 (14%)
Not reported to credit agencies	10 (14%)	0 (0%)	19 (19%)	1 (2%)	10 (14%)	0 (0%)
Neutral credit references	21 (30%)	3 (6%)	33 (32%)	4 (9%)	25 (36%)	1 (3%)
Record sealed	11 (15%)	8 (15%)	28 (27%)	4 (9%)	11 (16%)	4 (14%)

[92] χ^2 (4) = 69.30, $p < .001$, Cramer's V = .432

FINANCIAL AND CREDIT OUTCOMES

A minority of cases involved other positive financial outcomes, and Shriver full representation cases were more likely to result in these outcomes than were comparison cases. As seen in Table H59, 22% of full representation cases resulted in at least one positive financial outcome for the defendant, versus 9% of comparison cases, and this was a statistically significant difference.[93] Primarily, this finding involved the establishment of payment plans (i.e., the ability to pay back-owed rent in installments), and the majority of these cases were in San Diego. A payment plan can be a positive outcome for both parties, in that it can increase tenants' ability to pay landlords in manageable increments, when the demand of a large lump sum judgment would not be possible. Very few cases (2% in any group) involved a temporary stay of eviction or return of the security deposit.

Nearly half (45%) of full representation cases received at least one positive credit outcome, versus 17% of comparison cases, which was a statistically significant difference.[94] The parties agreed not to report the unlawful detainer case to credit agencies in 16% of full representation cases and 1% of comparison cases, and the landlord agreed to provide neutral references in 33% of full representation cases and 6% of comparison cases. These credit outcomes were possible in all courts, but the differences below appear to be driven by cases at the San Diego project. In Los Angeles, the court allowed the parties to agree to seal the unlawful detainer case. This agreement meant that the case would not show up on the tenant's credit record, nor would the tenant appear on a list of individuals who had been previously evicted (UD Registry); both of these actions can support the tenant's ability to find other housing. In Los Angeles, parties agreed to seal the case in 20% of cases with full representation and 12% of comparison cases.

Table H59. Other Financial and Credit Outcomes by Study Group

Case Outcome	Full Representation	Comparison
Financial Outcomes		
Temporary stay of eviction[a]	6 (2%)	2 (2%)
Relocation costs	1 (<1%)	0 (0%)
Repayment plan	44 (18%)	7 (5%)
Return security deposit	5 (2%)	3 (2%)
Any Positive Financial Outcome *[sig.]*	53 **(22%)**	12 **(9%)**
Credit Outcomes		
Not reported to credit agencies	39 (16%)	1 (1%)
Neutral credit references	80 (33%)	8 (6%)
Record sealed	50 (20%)	16 (12%)
Any Positive Credit Outcome *[sig.]*	**111 (45%)**	**22 (17%)**

Data source: Court case file review
Full Representation *N*=245. Comparison *N*=132.
[a] Due to financial hardship on tenants.
Sig.=statistically significant difference between study groups, noted in bold.

[93] χ^2 (1) = 9.456, p <.01, Cramer's V = .158
[94] χ^2 (1) = 30.82, p <.001, Cramer's V = .286

As shown earlier in Table H58, the occurrence of other financial and credit-related outcomes differed for cases by the total amount demanded on the unlawful detainer complaint. Cases with more than $4,000 demanded more often resulted in a payment plan (26% full representation, 14% comparison) than did cases with less than $2,000 demanded (15% and 6%, respectively). The frequency of positive credit outcomes did not appear to differ by the amount demanded on the complaint, although it did differ between the full representation and comparison groups. In particular, defendants with full representation more often succeeded in not having the unlawful detainer case reported to credit agencies and receiving neutral rental references than did defendants in the comparison group, regardless of the amount owed.

Case outcomes were also impacted by the method of case resolution. Settled cases, especially those with full representation, tended to involve more positive outcomes for defendants. As shown in Table H60, defendants received any kind of positive financial or credit-related outcome only when their case was settled. This result was true for cases with and without representation. However, settlements reached by a Shriver attorney were more likely to involve a positive credit outcome for tenants than were settlements in the comparison group (68% vs. 49%), a statistically significant difference.[95]

Table H60. Monetary Awards, Financial Outcomes, and Credit Outcomes by Method of Case Resolution by Study Group

	Full Representation		Comparison	
Case Outcomes	**Settlement/ Stipulation** (*n*=162)	**Trial** (*n*=8)	**Settlement/ Stipulation** (*n*=45)	**Trial** (*n*=19)
Monetary Awards				
Tenant payment waived	38 (23%)	1 (13%)	8 (18%)	4 (21%)
Tenant payment reduced	42 (26%)	2 (25%)	7 (16%)	0 (0%)
Tenant payment in full	32 (20%)	4 (50%)	21 (47%)	12 (63%)
Unable to determine amounts	50 (31%)	1 (13%)	9 (20%)	3 (16%)
Other Financial Outcomes				
Any positive financial outcome for tenant[a]	53 (33%)	0 (0%)	11 (24%)	0 (0%)
No positive financial outcome for tenant	109 (67%)	8 (100%)	34 (76%)	19 (100%)
Credit-related Outcomes				
Any positive credit outcome for tenant *[sig.]*	110 (**68%)**	0 (0%)	22 (**49%)**	0 (0%)
No positive credit outcome for tenant	52 (32%)	8 (100%)	23 (51%)	19 (100%)

Data source: Court case file review.
Note. Cases resolved through a dismissal or default are not shown because they typically do not result in monetary awards or financial/credit outcomes. Court files for cases ending in default contained just the clerk's default, which does not involve the determination of money owed. Landlords must file a separate action for collection of rent rather than taking a judicial default in the counties studied.
[a] Positive financial outcomes were primarily driven by tenants having an option of a payment plan to repay past rent owed. Almost 90% of cases with a positive financial outcome were due to a payment plan.
Sig.=statistically significant difference between study groups, as noted in bold.

[95] $\chi(1) = 5.510$, $p < .05$. Cramer's V = .163

Summary

At three of the pilot projects, eligible litigants were randomly assigned to receive either full representation by a Shriver attorney (*n*=249) or no Shriver services (comparison; *n*=134). Court case files were reviewed to gather data regarding events and outcomes of these cases, and analyses compared the two study groups.

Random assignment appeared to create equivalent groups, as full representation and comparison cases were similar in terms of the demands on the unlawful detainer complaint. Nearly all cases involved a demand for past due rent, holdover rent, and forfeiture of the lease agreement. About three quarters also demanded that the defendant pay the plaintiff's attorney fees. The average amount of past due rent demanded was around $1,800 (median = $1,275).

Findings demonstrated that, relative to cases with self-represented defendants, cases with Shriver full representation for defendants had the following impacts:

Increased Litigant Participation in the Justice System

- More full representation cases successfully filed an answer/response to the unlawful detainer complaint (91%) than did comparison cases (73%), resulting in a lower rate of default (8% and 26%, respectively).
- Tenants with full representation (84%) more often raised affirmative defenses in their cases, versus those in comparison cases (60%). Raising issues of habitability, rent control violations, and ADA accommodations with the court not only enables tenants to clearly present their cases, but also allows the issues to be remedied as part of the unlawful detainer case and therefore alleviates pressure on other publicly funded agencies.

Increased Court Efficiency

- Full representation was associated with more settlements and fewer trials, which results in considerable resources saved for the court.
  - 67% of full representation cases settled, versus 34% of comparison cases.
  - 3% of full representation cases went to trial, versus 14% of comparison cases.
- Of those cases that settled, 23% of full representation cases settled before the trial, versus 2% of comparison cases.
- Case length was shorter for comparison cases (50 days) than for full representation cases (58 days). However, case age is intertwined with resolution method (e.g., fewer full representation cases defaulted; defaults occur faster than settlements) and is strongly impacted by local masking statutes (60 days).

Improved Outcomes Supporting Tenants' Long-term Housing Stability

- Few cases ended with the tenant retaining possession of the property, though this result occurred more often among those with full representation (5%; *n*=13) than among those without (1%; *n*=1).
- Across both study groups, three quarters of cases ended with the tenant moving out of the home, most often as part of a negotiated settlement. Tenants in full representation cases received, on average, 2 weeks longer to relocate than did those in comparison

cases, allowing them more time to find alternate housing. The average time to move was 85 days for tenants with Shriver counsel and 74 days for those without.

- At case closure, relative to comparison litigants, tenants with full representation were less often ordered to pay holdover damages (26% vs. 11%), attorney fees (28% vs. 18%), and other costs (33% vs. 15%). The proportion of full representation cases ordered to pay some or all past due rent (40%) was similar to that of comparison cases (47%).
- The amount of money awarded to the landlord (to be paid by the tenant) often differed from the amount demanded by the landlord on the complaint, in both study groups.
  - 42% of full representation and 38% of comparison litigants had the debt waived.
  - 16% of full representation and 12% of comparison cases involved a reduction of the debt owed.
  - 15% of full representation and 30% of comparison cases ended with the tenant ordered to repay the entire debt amount or more.
- Tenants were more likely to have their debt waived when they owed less than $2,000 and were more likely have their debt reduced when they owed more than $4,000.
- A greater proportion of full representation cases, relative to comparison cases, resulted in other financial or credit-related benefits for the tenants that supported their ability to secure alternate housing and maintain stability for their households.
  - 22% of full representation cases resulted in tenants receiving either a payment plan for debt owed, a temporary stay of eviction, return of security deposit, or payment of relocation costs, versus 9% of comparison cases.
  - 45% of full representation cases resulted in tenants having their case not reported to credit agencies, their case sealed, or a neutral reference from the landlord, versus 17% of comparison cases.

Methodological considerations and limitations

With three of the six pilot projects implementing random assignment of litigants to receive service, this study of case outcomes can be considered methodologically rigorous. However, even with random assignment protocols, the practicalities of field-based data collection can involve potential bias. In the current study, litigants could be assigned to the comparison group only if they presented for assistance. Given the high number of unlawful detainer defendants who default without seeking help, the comparison litigants in the current sample may not be representative of typical unrepresented tenants in unlawful detainer cases. They may be more involved in their cases and therefore more likely to achieve certain outcomes than other, less motivated tenants. In addition, excluding litigants with Section 8 vouchers from the random assignment may have impacted results. Anecdotally, Shriver attorneys felt that, as a whole, Section 8 cases were some of the best examples of the benefits of their services.

Available data did not reflect the potentially critical role of case merit in predicting case outcomes. Future studies should strive to examine this concept.

Shriver Housing Pilot Projects

Litigant Perceptions

Shriver clients, the "Solano" family

The Solano family was sitting at home when an unfamiliar visitor introduced himself as the new owner of the building and said, "How much time do you need to move out?" Stunned, the family inquired why they had to move, as they were good tenants who had paid rent for 26 years. The new landlord said that he was tripling their rent and they had to move. The family was shocked that they might lose their home and concerned that they might become homeless. They were especially concerned about the elderly, disabled grandmother who lived with them, and whose health was unstable.

The family lived in a rent-stabilized apartment, for which these kinds of rent increases are not allowed. However, the new owner still filed an eviction action. The owner offered the tenants $1,500 to vacate. With increasing rents, higher-than-ever move-in fees, and housing inventory at an all-time low, $1,500 would have done little to help the family.

Attorneys from the Shriver project gathered facts, filed the appropriate papers, and prepared for their day in court. The landlord refused to settle, delayed the case for 3 months, and engaged in what the tenants described as "intimidation and bullying." The case ultimately went before a jury. The Shriver attorney presented evidence to establish that the rental increase was illegal, that the tenants were able and willing to continue paying the proper rent, and that the landlord did not provide the proper eviction notices. After a brief deliberation, the jury returned with a 10-2 verdict in favor of the Solano family.

LITIGANT PERCEPTIONS AT CASE CLOSURE

To understand litigants' experiences of the unlawful detainer process and their perceptions of Shriver services, telephone interviews were conducted with a sample of litigants at two points in time. Litigants were invited to participate in an interview if they were part of the random assignment protocol at the Kern or San Diego housing pilot projects. The first interview occurred, on average, 1 month after the housing case had closed, and the second interview occurred, on average, 1 year later. This section presents findings from the case closure interviews; the next section describes the 1-year follow-up interviews. The interviews sought to collect litigants' perceptions of procedural justice and fairness, their satisfaction with the goals and outcomes of their cases, and the impact their cases had on their lives.

Methodology

SAMPLE

All litigants who were randomly assigned to study groups at the San Diego and Kern projects[96] were eligible for a case closure interview, and efforts were made to reach all of them. Contacting litigants for interviews was challenging for researchers and legal aid staff, due to the general housing instability that is characteristic of tenants at the end of unlawful detainer cases. In total, 127 litigants completed a case closure interview, yielding response rates of 40% among full representation cases, 70% among Shriver self-help cases (Kern only), and 49% among comparison cases (Table H61).

Table H61. Proportion of Litigants Interviewed at Case Closure

Project	Total Randomly Assigned *N*	Case Closure Interview *N* (% of total)
San Diego		
Full representation	128	57 (45%)
Comparison	54	22 (41%)
Kern		
Full representation	35	8 (23%)
Shriver self-help	30	21 (70%)
Comparison	30	19 (63%)
Total		
Full representation	163	65 (40%)
Shriver self-help	30	21 (70%)
Comparison	84	41 (49%)

[96] Litigants at the Los Angeles project were not interviewed because the random assignment protocol occurred in LA 2 years after the initial random assignment at the other sites. The study timeline could not accommodate follow-up on these cases.

Shriver full representation was available, at both projects, to income-eligible clients facing an opposing party with legal counsel. Shriver self-help services were offered only in Kern, for income-eligible litigants facing an opposing party who was not represented—thus, these cases involved two self-represented parties. Shriver self-help included a consultation with an attorney, sometimes in combination with facilitated mediation and/or referral to social services. The comparison group, from both projects, received no Shriver legal aid services.

Case closure interviews were conducted over the phone, approximately 1 month after the end of the unlawful detainer case. Interviewees were asked about their demographic characteristics (Table H62). The majority of litigants in each group were female (although a third of the Shriver self-help group was missing this information). Sizable proportions of each group (34% to 52%) did not self-report their race/ethnicity. However, taking these missing data into account, approximately half of the litigants in the full representation and comparison groups were African American or Hispanic/Latino, and one third were White. Among Shriver self-help clients, 29% were White, 14% African American, and 14% Hispanic/Latino.

Table H62. Demographic Characteristics of Interviewed Litigants

Characteristic	Full Representation *N* (%)	Shriver Self-Help *N* (%)	Comparison *N* (%)
Gender			
Female	37 (57%)	11 (52%)	26 (63%)
Male	21 (32%)	3 (14%)	13 (32%)
Missing/unknown	7 (11%)	7 (33%)	2 (5%)
Race/Ethnicity[a]			
Black/African American	20 (31%)	3 (14%)	8 (20%)
Latino/Hispanic	13 (20%)	4 (14%)	12 (29%)
White	21 (32%)	6 (29%)	14 (34%)
Missing/unknown	22 (34%)	11 (52%)	17 (42%)
Education			
Less than high school diploma	8 (12%)	3 (14%)	1 (2%)
High school degree or GED (only)	7 (11%)	9 (43%)	7 (17%)
Any postsecondary education	16 (25%)	2 (10%)	28 (68%)
Missing/unknown	34 (52%)	7 (33%)	5 (12%)

Data source: Case closure interviews.

Full representation *N*=65; Shriver self-help *N*=21; Comparison *N*=41.

[a]Respondents could indicate more than one race/ethnicity. Therefore, percentages do not sum to 100%.

Analytic Approach

Interview data were examined by level of service. That is, full representation clients were combined across both projects, comparison clients were combined across projects, and Shriver self-help clients constituted a third group. When statistical comparisons were possible, bivariate tests (such as chi-square and t-tests) were conducted to compare the study groups. When small sample sizes precluded significance testing, frequencies are shown.

Findings

Satisfaction with Case Outcomes and Perceived Fairness of the Legal System

Litigants were asked about their satisfaction with their case outcomes and their perceptions of fairness and procedural justice with regard to their cases.

Satisfaction with case outcomes

Interviewees were asked if what was ordered or agreed to in their case was *about what they expected*, *a lot better, somewhat better, somewhat worse,* or *a lot worse* than what they expected. The Shriver self-help group had the most positive perceptions of their case outcomes. Nearly two thirds of this group felt their cases ended better than expected, with 43% thinking it was *a lot better.* Nineteen percent felt the outcomes were worse than expected. Of the full representation group, half felt their case outcomes were better than expected, with 30% indicating *a lot better.* By contrast, 24% felt their case outcomes were worse than expected. Litigants in the comparison group had, comparably, the most negative perceptions of their case outcomes, although the perceptions within the group were balanced: 39% felt their outcomes were better than expected and 34% felt they were worse. One quarter of the interviewees in the full representation and comparison groups felt the case outcomes were about what they expected, as compared to 19% of the Shriver self-help group. These differences, shown in Table H63, were notable but were not statistically significant.[97]

Table H63. Outcomes and Litigant Expectations

Overall, what was ordered or agreed to was…	Full Representation	Shriver Self-Help	Comparison
A lot better	19 (30%)	9 (43%)	5 (13%)
Somewhat better	13 (21%)	4 (19%)	10 (26%)
About what I expected	16 (25%)	4 (19%)	10 (26%)
Somewhat worse	3 (5%)	1 (5%)	5 (13%)
A lot worse	12 (19%)	3 (14%)	8 (21%)

Data source: Case closure interviews.
Full representation *n*=63 (2 responses unknown); Shriver self-help *n*=21; Comparison *n*=38 (3 responses unknown).

Litigants' satisfaction with the case outcomes was assessed with one item: "*How satisfied are you with how your case turned out?"* Responses were on a 5-point Likert scale, with 1 being *very dissatisfied* and 5 *very satisfied*. Shriver full representation clients' ratings of satisfaction with their case outcomes were statistically higher than the comparison group ratings (Shriver self-help clients' ratings did not differ from either of the other groups).[98] As shown in Table H64, full representation clients had an average satisfaction rating of 3.6**,** compared with 3.3 for the Shriver self-help group, and 2.6 in the comparison group.

[97] F (2, 119) = 1.994, *p*=.141.
[98] F (2, 114) = 3.178, *p*=.045

Perceptions of fairness in the legal process

Fairness was assessed using a 4-item scale adapted from Frazer (2006) that included statements such as "*My case was handled fairly by the court"* and "*My legal rights were taken into account*." Interviewees were asked to rate how much they agreed with each statement on a 5-point scale, from 1 (*strongly disagree)* to 5 (*strongly agree).* A scale score was calculated by averaging across the items.[99] Higher scores indicate greater perceived fairness with court proceedings. Full representation clients had a mean score of 3.9, Shriver self-help clients had a mean score of 3.7, and the comparison group had a mean of 3.5. No significant differences existed between groups.[100]

Table H64. Satisfaction with Case Outcomes, Perceptions of Fairness, and Perceptions of Procedural Justice by Study Group

Perceptions	Full Representation	Shriver Self-Help	Comparison
Satisfaction with Case Outcomes			
Mean (*SD*) *[sig.]*	**3.6** (1.7)	3.3 (1.7)	**2.6** (1.6)
Median	4	3.5	2.0
Range	1– 5	1 – 5	1 – 5
Fairness of Legal Process			
Mean (*SD*) *[ns]*	3.9 (1.2)	3.7 (1.5)	3.5 (1.2)
Median	4.0	4.0	4.0
Range	1 – 5	1 – 5	2 – 5
Procedural Justice			
Mean (*SD*) *[ns]*	3.8 (1.2)	3.6 (1.7)	3.9 (1.0)
Median	4.3	4.4	4.0
Range	1 – 5	1.13 – 5	1 – 5

Data source: Case closure interviews.
Satisfaction: Full representation *n*=65; Shriver self-help *n*=21; Comparison *n*=41. Fairness: Full representation *n*=50; Shriver self-help *n*=19; Comparison *n*=33. Procedural Justice: Full representation *n*=37; Shriver self-help *n*=9; Comparison *n*=25.
Note. *Sig*.=statistically significant difference between study groups, as indicated by bold font. *ns*=no significant difference between study groups.

Perceptions of procedural justice

Perceptions of procedural justice were assessed by an 8-item scale adapted from the Specific Procedural Justice Scale (Bornstein, Tomkins, & Neeley, 2011) that included items such as "*The judge listened to what I had to say"* and "*I was treated the same as others in the same position*." Interviewees rated their agreement with each statement on the same 5-point scale used for the fairness scale. A scale score was calculated as a mean across the items.[101] Higher scores indicate greater perceived procedural justice. Full representation clients had an average score of 3.8, Shriver self-help clients had an average score of 3.6, and comparison cases had an average of 3.9. No significant group difference existed.[102]

[99] Mean scores were calculated for litigants who answered at least 75% (3 out of 4) of scale items.
[100] F (2, 120) = 1.014, p=.366
[101] Mean scores were calculated for litigants who answered at least 63% (5 out of 8) of scale items.
[102] F (2, 119) = .176, p=.839.

Moving from Primary Residence and Subsequent Residential Mobility

Interviewees were asked if, at the beginning of their cases, they wanted to move out of their homes and if, at the end of their cases, they had to move out. As shown in Table H65, within each group, about 60% of litigants wanted to stay in their homes at the start of their cases. At the end of the cases, 83% of the full representation group and 85% of the comparison group had to move, versus 67% of the Shriver self-help group. Having to move may or may not have been associated with a formal eviction (i.e., being locked out by the sheriff), as the majority of settled Shriver cases tended to include move-out as a negotiated term.

Table H65. Litigants Moving out of Home

	Full Representation	Shriver Self-Help	Comparison
Wanted to Move at Case Start			
Yes	23 (35%)	6 (29%)	14 (34%)
No	39 (60%)	13 (62%)	25 (61%)
Neutral	2 (3%)	2 (10%)	2 (5%)
Had to Move at Case Closure			
Yes	54 (83%)	14 (67%)	35 (85%)
No	11 (17%)	7 (33%)	6 (15%)
Missing/unknown	0 (0%)	0 (0%)	0 (0%)

Data source: Case closure interviews.
Full representation *n*=65; Shriver self-help *n*=21; Comparison *n*=41.

Residential mobility among tenants who moved out

Litigants who reported that they had to move were asked where they went upon leaving their homes. One quarter of the full representation group and of the Shriver self-help group moved directly into a new rental unit, versus 20% of the comparison group. Moving into another rental property—presumably, with a lease and secure space—is likely an indicator of housing stability.

In contrast, as seen in Table H66, roughly one third of each group indicated that they stayed with friends or family (29% of full representation, 33% of Shriver self-help, 29% of comparison groups). Importantly, moving in with friends/family is typically not considered a stable housing situation. When individuals move in with friends or family because they cannot afford their own space, this condition is typically referred to as being “doubled up for economic reasons” (as opposed to roommates who live in a space sufficient to accommodate them). This scenario can relate to overcrowded conditions, be a precursor to homelessness, and may create potential eviction risk for the renter of the space if the occupancy exceeds what the lease allows.

Studies have linked eviction to homelessness (Crowley, 2003; Holl, van den Dries, & Wolf, 2016; Houseman, 2014). Notably, at case closure, four (6%) full representation interviewees and two (5%) comparison interviewees reported being homeless (e.g., living in a shelter, abandoned building, or outside). Another 12 (19%) full representation and nine (22%) comparison litigants said they moved to a hotel or motel, which does not constitute stable or long-term housing. In addition, several litigants in each group reported being still unsure where they would go (3% to

5%). Thus, these individuals could also be considered homeless. Together, these responses suggest that 28% of the full representation group and 32% of the comparison group were essentially homeless at the end of their unlawful detainer cases. It is important to consider that these figures may very well be underestimates, in that litigants who became homeless after case closure would have been the most difficult to locate for an interview.

Table H66. Living Situation at Case Closure

Upon case closure, tenant moved to…	Full Representation	Shriver Self-Help	Comparison
New Rental	17 (26%)	5 (24%)	8 (20%)
Friends/Family	19 (29%)	7 (33%)	12 (29%)
Motel/Hotel	12 (19%)	0 (0%)	9 (22%)
Shelter/Outside/Homeless	4 (6%)	0 (0%)	2 (5%)
Subsidized Housing/Supported Living Env.	0 (0%)	0 (0%)	2 (5%)
Other (Uncertain/Still looking)	2 (3%)	1 (5%)	2 (5%)
Unknown/declined to answer	11 (17%)	8 (38%)	6 (15%)

Data source: Case closure interviews.
Full representation *n*=65; Shriver self-help *n*=21; Comparison *n*=41.

Interviewees were asked if they still lived in the same place to which they had moved when their cases ended. Recall that interviews were conducted, on average, 1 month after case closing; thus, moving multiple times during this period may be indicate housing instability. One quarter (24%; *n*=10) of comparison litigants were no longer living in the same place, whereas 11% (*n*=7) of full representation clients and one (5%) Shriver self-help client had moved again.[103]

Of the 18 litigants who moved a second time, five obtained a new rental—three of whom were in the full representation group. Most of the comparison group (70%; *n*=7) had moved in with friends and family. All of those seven litigants were transitioning from other unstable housing situations: three had been staying with other friends/family, one had been living in a shelter or outside, one had stayed in a motel and a car, and one had been living at a training center.

[103] $\chi^2 = 5.681$, $p=.058$

Table H67. Residential Mobility between Case Closure and Interview

	Full Representation	Shriver Self-Help	Comparison
Did tenant move again before interview?			
Yes	7 (11%)	1 (5%)	10 (24%)
No	47 (72%)	10 (48%)	23 (56%)
Unknown/declined to answer	11 (17%)	10 (48%)	8 (20%)
Of those who moved again, they moved to…			
New Rental	3 (43%)	1 (100%)	1 (10%)
Friends/Family	2 (29%)	0	7 (70%)
Other	2 (29%)	0	2 (20%)

Data source: Case closure interviews.
Full representation *n*=65; Shriver self-help *n*=21; Comparison *n*=41.

Impacts of the Unlawful Detainer Case for Litigants

Litigants were asked an open-ended question about how their unlawful detainer cases had impacted their lives. Overall, litigants overwhelmingly reported that the case had negatively impacted them. Across groups, 96 responses described negative impacts and 35 reflected beneficial impacts (16 interviewees said the case had no impact on their lives). The most common themes are listed in Table H68.

Themes that emerged across the groups included having nowhere to go (and being homeless), enduring financial hardship or loss of a job, suffering general stress, having bad credit (and difficulty finding housing), and having problems with transportation. One quarter of comparison litigants felt they had nowhere to go at the end of their cases, versus 15% of full representation clients. Twenty percent of comparison litigants endured financial hardship, opposed to 10% of full representation clients. One quarter of Shriver self-help clients suffered general stress as a result of the case, and 14% struggled with bad credit and difficulty finding housing. By contrast, seven litigants (11%) who received full representation reported feeling vindicated or coming to a resolution with their landlord, compared to one litigant in the other groups. Four (19%) self-help litigants reported moving to a better place, versus 5% or fewer of the other two groups.

Table H68. Case Impact on Litigants' Lives by Study Group

Response Themes	Full Representation	Shriver Self-Help	Comparison
Nowhere to go/Homeless	9 (15%)	2 (10%)	9 (26%)
Financial hardship/Job loss	6 (10%)	2 (10%)	7 (20%)
General Stress	5 (8%)	5 (24%)	4 (11%)
Bad credit/Difficulty finding housing	4 (7%)	3 (14%)	3 (9%)
Transportation problems/School changes	3 (5%)	2 (10%)	2 (6%)
Vindication/Resolution with landlord	7 (11%)	1 (5%)	1 (3%)
Moved into a better place	3 (5%)	4 (19%)	1 (3%)

Data source: Case closure interviews.
Full representation *n*=61 (4 unknown responses); Shriver self-help *n*=21; Comparison *n*=35 (6 unknown responses).

Themes were also compared across litigants who were ordered to move at the end of their cases (whether by court order or stipulation) and those who did not have to move (Table H69). Among those who had to move, 19% felt they had nowhere to go, 11% endured financial hardship, and 11% suffered general stress. Few (4%) reported feeling resolution with the landlord or having moved to a better place. By contrast, of those who did not have to move, 23% felt vindication or resolution with their landlord and 18% moved to a better place.

Table H69. Case Impact on Litigants' Lives by Award of Possession

Response Themes	Had to Move	Did Not Have to Move[a]
Nowhere to go/Homeless	20 (19%)	0 (0%)
Financial hardship/Job loss	12 (11%)	3 (9%)
General Stress	12 (11%)	2 (9%)
Bad credit/ Difficulty finding housing	9 (9%)	1 (5%)
Transportation problems/School changes	7 (7%)	0 (0%)
Vindication/Resolution with landlord	4 (4%)	5 (23%)
Moved into a better place	4 (4%)	4 (18%)

Data source: Case closure interviews.
Had to Move *n*=105; Did Not Have to Move *n*=22.
[a]Although these litigants report not being forced to move, most of them ultimately did.

Other Services Received by Litigants

Litigants were asked if they sought any government or community services or resources to help them with their situations during their housing cases, followed by a question about their success in getting the resources or services they sought. Thirty-two percent of interviewees in the full representation group reported seeking social services such as housing assistance, financial assistance, and medical assistance; of those who sought services, 29% received them. Similarly, 33% interviewees in the Shriver self-help group sought social services; of those, 57% received them. (Recall that part of Shriver self-help was connection with the social services coordinator in the Kern project.) Relative to the Shriver groups, a higher proportion of comparison group litigants sought social services: 42% of interviewees in the comparison group sought services and of those, 41% received them. Across groups, of those who sought services, between 43% and 67% were not successful in accessing them.

Table H70. Services Requested and Received by Litigants

	Full Representation	Shriver Self-Help	Comparison
Did you seek services?			
Yes	21 (32%)	7 (33%)	17 (42%)
No	44 (68%)	13 (62%)	24 (59%)
Declined to answer	0	1 (5%)	0
Did you receive those services?			
Yes	6 (29%)	4 (57%)	7 (41%)
No	14 (67%)	3 (43%)	10 (59%)
Unsure	1 (5%)	0%	0%

Data source: Case closure interviews.
Full representation *n*=65; Self-help *n*=21; Comparison *n*=41.

Summary

One hundred and twenty-seven litigants from San Diego and Kern counties, who were randomly assigned to study groups, were interviewed approximately 1 month after their unlawful detainer cases had closed. This sample included clients who had received Shriver full representation, those who had received Shriver self-help services (Kern only), and litigants who had received no Shriver services (comparison). Across groups, there were twice as many female as male litigants. Of those who provided information about race, over one third were White.

When asked about their perceptions of how their unlawful detainer cases ended, over half of Shriver clients—both full representation and self-help—felt that their case outcomes were better than they had expected, versus just over one third of comparison litigants. When asked to rate their satisfaction with their case outcomes, full representation clients reported being marginally satisfied (a mean score of 3.6 on a 5-point scale), and their ratings were significantly higher than those of comparison litigants. On average, litigants in all groups perceived modest levels of fairness in the legal process (mean scores = 3.5-3.9 on a 5-point scale) and of procedural justice (mean scores = 3.6-3.9 on a 5-point scale), and there were no significant differences in these perceptions among the groups.

Approximately two thirds of each group wanted to stay in their homes. However, consistent with earlier data from the program services database and court case files, the majority of litigants ended up moving out at the end of their unlawful detainer cases. A larger proportion of the full representation group and the comparison group (approximately 85%) had to move as part of the court order or stipulation, as compared to 67% of the Shriver self-help group. Of those litigants forced to move, one quarter of the full representation and Shriver self-help groups moved directly into a new rental unit, versus one fifth of the comparison group. By contrast, a sizable proportion of all three groups appeared poised to suffer acute housing instability. This finding was demonstrated by approximately one third of litigants moving in with friends or family, roughly one fifth of the full representation and comparison groups moving to a hotel/motel, another 5% of these two groups going to a shelter or the street, and another 5% of all three groups feeling uncertain about where they would go. Indeed, this instability became further apparent, especially for the comparison group. At the time of the interview (approximately 1 month after the case ended), one quarter of the comparison group litigants had moved a second time, versus 11% of full representation and 5% of self-help clients.

When asked about how the unlawful detainer case had influenced their lives, litigants related several negative impacts. Not surprisingly, many reported stress, anxiety, and hardship associated with the case, including having nowhere to go (and being homeless), enduring financial hardship or loss of a job, suffering general stress, having bad credit (and difficulty finding housing), and having problems with transportation. However, a minority of litigants (most of whom had received Shriver full representation) reported some positive impacts of the case closure, including feeling vindicated or having reached resolution with the landlord and having moved to a better place.

LITIGANT PERCEPTIONS 1 YEAR AFTER CASE CLOSURE

The 1-year follow-up interview study sought to gain a deeper understanding of the lives of unlawful detainer litigants after their cases had resolved. Forced relocation can impact many areas of people's lives, including employment, education, healthcare, and social networks. Litigants were asked about their experiences in these areas, services they sought and received since their cases ended, and reflections of the impact of the unlawful detainer case on themselves and others. Because of the small sample size, and the challenges inherent in locating tenants who moved, these findings may not generalize to all unlawful detainer litigants. However, they provide some insight into the circumstances of low-income people experiencing forced relocation.

Methodology

SAMPLE

Respondents for the follow-up interview were recruited from the 127 litigants who completed a case closure interview (see previous section). Multiple attempts were made to reach litigants using any contact information available, including U.S. postal mail, telephone, text, and email. When all of the existing contact information was exhausted, interviewers turned to Internet searches in a final attempt to connect with participants. In total, 66 individuals were interviewed at the 1-year follow-up point—specifically, 45 litigants who had received Shriver services[104] (either full representation or Shriver expanded self-help; "Shriver Services") and 21 litigants who did not receive Shriver services ("comparison"). As shown in Table H71, this sample constituted a response rate among the case closure interviewees of approximately 50%.

Table H71. Number of Study Participants That Were Interviewed

Project	Randomly Assigned *N*	Case Closure Interview *N*	Follow-Up Interview *N* (% of case closure interview)
San Diego			
Shriver clients	128	57	29 (51%)
Comparison	54	22	12 (55%)
Kern			
Shriver clients[a]	65	29	16 (55%)
Comparison	30	19	9 (47%)
Total			
Shriver clients	193	86	45 (52%)
Comparison	84	41	21 (51%)

[a] Due to small sample sizes at follow-up, full representation and Shriver self-help clients were combined into a single group of Shriver clients.

[104] Due to small sample sizes—in particular, only six litigants who received Shriver self-help were located—litigants who received any form of Shriver service (full representation or self-help) were combined for analysis.

Follow-up interviews were conducted over the phone and happened, on average, 52 weeks after the litigant's case had closed (range = 28 to 63 weeks). Similar to the broader Shriver service population, the majority (76%) of the interview sample were women.

Analytic Approach

Follow-up interview data were analyzed qualitatively to identify main emergent themes among respondents. Some questions elicited complex answers, such as the one asking about the case's impact on the litigant's life, and responses were organized by theme(s). Content analysis was also used to categorize some information. For example, respondents were asked a series of questions about their service needs across different areas. Based on their answers, each litigant was categorized as having a need or not, having received service or not, and so forth. Frequencies were used to display results. The small sample sizes precluded significance testing.

The 1-year interview questions were not direct follow-up inquiries to the case closure interview—that is, the interview studies were separate explorations, not two parts of a longitudinal study. This reason, and a retention rate that is likely biased in favor of more stable respondents at 1 year, precluded the ability to analyze data from the two interviews together.

Findings

Living Situation

Of the litigants reached for a follow-up interview, all but one had to move out of their homes at the end of their unlawful detainer cases (Table H72). At 1 year later, among those who were interviewed, 71% of the previous Shriver clients were living in a new rental unit, versus 43% of the comparison group. Shriver clients' ability to find a new rental property may be due to the elements of their unlawful detainer case that were supportive of their longer term housing stability, such as protected credit and masked court records.

Table H72. Living Situation Among Litigants Reached at Follow-Up Interview

Living Situation	Shriver Clients	Comparison
Result of case judgment		
Moved	44 (98%)	21 (100%)
Stayed in home	1 (2%)	0 (0%)
At case closure, relocated to…		
Another rental unit	16 (36%)	6 (29%)
Family/friends	21(47%)	10 (48%)
Homeless	4 (9%)	1 (5%)
Other	3 (7%)	4 (19%)
At follow-up interview, living in…		
Rental unit	32 (71%)	9 (43%)
Family/friends	10 (22%)	10 (48%)
Homeless	2 (4%)	1(5%)
Other	1 (3%)	1(5%)

Note. Data source: 1-year follow-up interview.
Shriver clients *N* = 45; Comparison *N* = 21.

One in five Shriver clients (22%) was living with friends/family at follow-up, versus half (48%) of comparison litigants. As described earlier, being "doubled up" for economic reasons constitutes unstable housing and can be a precursor to homelessness. A small numbers of litigants reported being homeless at 1 year (two Shriver clients and one comparison litigant). This proportion may be small because most litigants had found alternate living arrangements by 1 year after their case closed, or because those who were homeless were unable to be located to interview.

Forced relocation

Between the case closure and follow-up interviews, litigants moved an average of 2 times. Number of moves for the Shriver group ranged from 0 to 8, with 76% moving once or twice. Number of moves for the comparison group ranged from 1 to 4, with 81% moving once or twice.

When asked about their relocations, the majority (80%; *n*=53) of interviewees reported not having any housing options other than the one they found. For those who felt they did have another option, it was typically family and sometimes out of state. Many individuals explained their income was too low to afford anything else, and several respondents were recently unemployed and had no income. Other obstacles to obtaining a new rental included experiencing difficulty saving for the deposit in time for the move-out and having an eviction judgment on their records (mentioned by two Shriver clients and three comparison). Finally, a few people discussed transportation issues. One explained, "Even if I did find something affordable, it's hard to get around. Gas is too expensive." When asked about alternative housing options, one respondent explained, "None. I tried some of the places around here and no matter what I did, I couldn't get in. I told them I was a diabetic with my own funds and could pay once a month. Now that my car has been stolen, I can't get around." This individual's car was recovered by police, but towed before she could get to it, and she was unable to pay the tow and impound fees. A chronic lack of resources was a common theme throughout the interviews.

None of the respondents reported being forcibly removed from the home (i.e., locked out by the sheriff). One interviewee came close and explained, "The sheriff came to force the eviction but we were mostly moved out and handing over the keys." This individual added that, "The sheriff said this was the nicest he'd seen a house after an eviction." A few people indicated that their eviction notices were posted or given to them by the sheriff or police. One person reported, "I left before the actual lockout."

Interviewees described their reasons for moving (before being forcibly evicted). Of these, two litigants described moving because of habitability issues, such as "mold and mildew" and "roaches and bugs." One litigant explained, "The landlord found out I called a housing inspector, because I was on oxygen and smelled leaking gas," and felt that this complaint had prompted the eviction notice. A few people moved due to interpersonal issues. For example, one litigant explained that the management did not like her and another reported that his landlord was rude. Three interviewees decided to move after the threat of eviction, and two left due to foreclosure. Four people reported financial problems, including loss of employment, and not being able to pay their rent on time. There were also a few other, case-specific reasons. For example, one tenant explained that, "A new company bought the apartments from the previous owner, and without any written information on who the new people were, a representative put eviction notices on everybody's door for non-payment."

Affordable housing

Across all 66 litigants, when asked if they were able to find affordable housing, one in five (20%; *n*=13) respondents said they did. The remainder were unable to locate affordable housing and those who were renting described being rent-burdened. Options that were more financially affordable tended to come with different social costs. Some interviewees explained that the only housing they could afford without substantial cost burden was in a "bad part of town" or a "crime-ridden area."

At the follow-up interview, only one interviewee was receiving subsidized housing assistance or Section 8. (Recall that current Section 8 recipients were excluded from random assignment.) Since case closure, 26% (*n*=17) had applied for Section 8 or were on a waiting list. One was told that the waiting list would not reopen for additional names for another 2 years. Many litigants had already been on the waiting list for long periods of time, some as long as 6 years.

EMPLOYMENT & FINANCIAL STATUS

Employment Status. At the time of their housing cases, all litigants were screened for financial eligibility for Shriver services before being randomly assigned. Thus, all litigants in both study groups could not have incomes of more than 200% of the Federal Poverty Level (FPL). At the time of the follow-up interviews, respondents were asked about their current employment status. Across all 66 interviewees, 39% (*n*=26) were not employed, 32% (*n*=21) were employed full-time, 15% (*n*=10) were employed part-time or temporarily, 11% (*n*=7) reported being on work disability, and 3% (*n*=2) were retired. Employment status by study group is shown in Table H73.

Interviewees were also asked if they had lost a job, started a job, or received unemployment compensation since their housing cases had closed. Across all interviewees, 21% (*n*=14) reported they had lost a job, 38% (*n*=25) reported starting a new job, and 17% (*n*=11) reported receiving unemployment compensation.

Table H73. Employment Status of Follow-Up Interviewees

Employment	Shriver Clients	Comparison
Current Employment Status		
Employed, full-time	16 (36%)	5 (24%)
Employed, part-time/temporary	6 (13%)	4 (19%)
Unemployed	16 (36%)	10 (48%)
On disability	5 (11%)	2 (10%)
Retired	2 (3%)	-
Employment Changes since Case Closure		
Lost a job	10 (22%)	4 (19%)
Started a new job	18 (40%)	7 (33%)
Received unemployment	9 (20%)	2 (10%)

Data source: 1-year follow-up interview.
Shriver clients *N* = 45; Comparison *N* =21.

Public Assistance. Each county in California participates in federal public assistance programs, including the Welfare to Work program, which assists recipients in obtaining employment; Women, Infants and Children (WIC) program, which provides supplemental foods, healthcare referrals, and nutrition education to pregnant women and children age 5 and younger; and Temporary Assistance for Needy Families (TANF), which provides cash assistance to low-income parents with dependent children. Of the litigants interviewed at follow-up, 21% (*n*=14) reported receiving one or more of these types of assistance, including 18% (*n*=8) of the Shriver clients and 29% (*n*=6) of the comparison group.

The federal Supplemental Nutrition Assistance Program (SNAP; "food stamps") is also organized on a local level and named "CalFresh." Two thirds of interviewees (65%; *n*=43) were receiving these benefits at the time of their interviews, including 64% (*n*=29) of the Shriver clients and 67% (*n*=14) of the comparison group.

Health & Insurance

A 2010 Gallup health study of over 200,000 adults found that individuals with annual incomes of less than $24,000 experienced inferior mental and physical health compared to those with higher incomes. In the associated report, Mendes (2010) noted that, "Low-income Americans are more likely than their high-income counterparts to say they have been diagnosed with each of the chronic conditions Gallup asks about. The differences are largest for depression, high blood pressure, and diabetes."

Litigants were asked about any chronic health conditions or major illnesses since their unlawful detainer case had closed. Half (*n*=32) reported no major health problems. Nine percent (*n*=6) mentioned stress and anxiety as a major health problem, 11% (*n*=7) reported being diabetic, and 9% (*n*=6) reported back pain. Other major health problems mentioned by one or two respondents included asthma, broken bones, chronic pain, high blood pressure, neuropathy, seizure disorder, bone spurs, heart problems, depression, arthritis, sciatica, and glaucoma. Fourteen interviewees reported receiving disability payments for their health conditions.

Healthcare can be a substantial cost for low-income people and, when provided to people who cannot pay for it, for the healthcare system generally. When asked about medical insurance, respondents reported having publicly funded insurance (65%; *n*=43), private insurance (21%; *n*=14), or no coverage (9%; *n*=6); three did not answer the question. Across both groups, 24% (*n*=16) of respondents reported going to the emergency room since their case closed; of these, 11 had public insurance, four had private insurance, and one had no insurance. Nine percent (*n*=6) reported visiting urgent care; of these, five had public insurance and one had private insurance.

Criminal Justice Involvement

Using data from the National Crime Victimization Survey, research from the U.S. Department of Justice indicates that violent victimization is more than twice as likely for individuals living in households at or below the Federal Poverty Level (FPL) than those in high-income households (Harrell, Langton, Berzofsky, Couzens, & Smiley-McDonald, 2014). Findings also show that between 2008 and 2012, individuals in low-income households reported violence to police at higher rates and had higher rates of firearm-involved violence than did higher income households. Similarly, Heller, Jacob, and Ludwig (2011) posit, "Criminal offending and victimization are

disproportionately concentrated among disadvantaged people living in economically distressed areas" (p. 419). Research does not indicate that poverty is necessarily a predictor of involvement in the criminal justice system, but that those with the least financial resources are less able to avoid sanction and incarceration (Lyons & Walsh, 2010).

Despite their relative levels of economic hardship, interviewees rarely reported involvement with the criminal justice system in the year since their housing cases closed. Of the 66 interviewees, 6% (*n*=4) reported being arrested and 3% (*n*=2) reported spending time in jail. One respondent was on probation and eight (12%) reported having had contact (investigations only) with Child Protective Services during this time.

What Services Were Needed and/or Utilized?

Interviewees were asked about the various services they had received since their cases closed. Over two thirds (68%; *n*=45) reported receiving "healthcare services." These services included regular check-ups; appointments for chronic conditions, such as congestive heart failure and diabetes; pregnancy care; emergency care; and healthcare services received in the home. Fifteen interviewees reported having received mental health services, and one respondent reported receiving treatment for alcohol or drug use. Two respondents reported receiving legal services beyond their housing cases, including one for child support. Three respondents reported receiving publicly funded transportation services. Two respondents were military veterans or living with a military veteran and received Veterans Affairs services. Table H74 shows the numbers and percentages of litigants in each study group that received services.

Table H74. Services Used Since Case Closure

Services	Shriver Clients	Comparison
Healthcare services	33 (73%)	12 (57%)
Mental healthcare	9 (20%)	6 (29%)
Legal services	1 (2%)	1 (5%)
Veterans Affairs services	1 (2%)	1 (5%)
Transportation services	1 (2%)	2 (10%)

Data source: 1-year follow-up interview.
Shriver clients *N* = 45; Comparison *N* = 21.

Who in the Household was Impacted by the Relocation?

Interviewees were asked about others in the household who may have been impacted during the unlawful detainer case, and family members—most often children—were frequently mentioned. Nearly half (*n*=31) reported that children in the household were impacted by the move, and another 20% (*n*=13) reported that "sons" and "daughters" in the household had been impacted, but age was not ascertained (so, in some cases, these may have been other adults in the household). One in three litigants (*n*=22) said no one else was impacted.

WHAT IMPACT HAS THIS CASE HAD ON LITIGANTS' LIVES?

Interviewees were asked, "Overall, how has this case impacted your life?" Statements were extracted from all interviews, by an analyst who was blind to the study group membership of each litigant, and coded.

The majority of interviewees in both study groups gave generally negative comments about the impact of the unlawful detainer case on their lives (see Table H75). Specifically, nearly two thirds (63%) of Shriver clients and 82% of the comparison group shared negative perceptions. Some reported that their mental health had been impacted by the case, as indicated by their increased stress, anxiety, and/or depression, describing the experience as "traumatic" and "devastating." A few individuals expressed a sense of hopelessness, others were concerned about the lack of stability, fear about where they would go, and worry about how to care for their families.

Although a minority of both groups offered generally positive comments, the proportion of litigants with a positive perspective was twice as high among previous Shriver clients (37%) as among the comparison group (18%). These positive perceptions had more to do with the legal aid services they received than about the case itself. When asked about their unlawful detainer cases, previous Shriver clients consistently mentioned the impact of having an attorney and the feeling that they were not alone, and others talked about what might have happened if they did not have legal aid. They also explained what they had learned about the process and housing laws. Finally, some saw the case as the impetus for a new start. One person explained that it was motivation to "better my life." Comments from the litigants' interviews are listed below.

Table H75. Case Impact on Lives of Litigants

Valence of Comments	Shriver Clients	Comparison
Generally Positive	15 (37%)	3 (18%)
Generally Negative	26 (63%)	14 (82%)

Data source: 1-year follow-up interview.
Shriver clients *N* = 41, Comparison *N* = 17.
Note. Eight comparison group respondents are not included in the counts above because they refused to answer, said the case had no impact, or gave ambiguous answers.

Below is a sample of statements made by litigants during their follow-up interviews, chosen as generally representative of what was being reported by all 66 respondents. Some statements have been altered slightly for purposes of clarity.

Comments from Shriver clients

Generally Positive Impact:

I would say it gave me the freedom to sleep easily knowing the law was on my side. The attorney that handled my case was very helpful and answered all of my questions.

I'd say it made it for the better. If it wasn't for the court giving us more time to move out, we wouldn't have found our house in [another state].

I think it was fabulous because I didn't have to worry about it going on my record. It was a positive thing considering what could have happened. I would recommend it to anyone and not just let landlords do whatever they want to. Nine times out of 10 people just take it.

It helped me out a lot. It was a great help. Without the service, I would have ended up in court paying the amount they wanted. I didn't have to pay the fees that the landlord wanted.

It motivated me to better my life. It was motivating between the legal process and the homeless center…to get my life in order for me.

Positive. I am in a better place right now. Not in the roach-infested, slumlord place.

When it started, I was terrified. It was the most awful feeling in the world. Once I went to legal aid, it gave me a sense that I wasn't alone. I felt like a person.

It gave me a broader knowledge of what my rights are as a renter. I know that if I had any concerns with paying rent, what I can and can't do if things don't get done in a timely manner by the landlord. When you've given them proper notification, then what steps can be taken as far as whether you should pay rent for that time.

Generally Negative Impact:

It affected my whole world. I felt loss of self because of being homeless. I have less confidence and feel stuck.

I feel like I'm in a bucket of crabs. Every time I take two steps up, something pulls me back down.

It made my depression and anxiety worse. It's hard for me to trust people that I am trying to rent from. I had to step down to a small apartment and had to give my dog to another household.

It put me into depression. I was [in former place] for 21 years. I lost a lot - had to give up cats, birds. The dog was put down. I sold off furniture to downsize for a rinky-dink new place.

It's taken a really big toll on our lives. Our lives have been nothing but stress and chaos since the first case. I think from the start, from the first case the system wasn't there for us. The first housing was a foreclosure and we weren't responsible.

The move presented an economic hardship in having to relocate and refurnish a new apartment with beds, etc., so children will have a bed to sleep in. It was too expensive to move the furniture.

It was pretty devastating. It shook my life up. I lived in my housing for 7 years.

I went through a lot, but I got through it. A lot of stress and worries.

Comments from comparison litigants

Generally Positive Impact:

It's gotten me to refocus and rethink some things. I grew and learned from it.

I didn't realize until after I moved that it affected me a lot. I started getting better when we moved. My seizures started going down. Before I was getting them frequently. My daughter does not get as many skin flare-ups. I do miss a bigger space to put my stuff in, but I would give that up to help my health.

Generally Negative Impact:

It was a learning experience for sure. It's all been self-inflicted. Now, I'm making sure it doesn't happen again and thinking about other people in the family because everyone suffers.

I stress out every day. It's been very hard…wish I could win the lottery. I play every day.

The stability of my life and family was torn apart. My son blamed me. My wife, it worsened her mental health problems. It tore my mind apart. It tore my confidence up. I was suicidal. But thank God. I am coming back. I am still here and I am still living.

It left me pretty shaken, but I'm hanging in there like anyone else. This was the first time I had an eviction or a case like that.

It made it hard. It's made it difficult to find housing for my family. It's tainted our reputation. We received a bad reference from a previous landlord and it's been really hard.

It's very traumatic being accused of something that you didn't do. We couldn't get our mail. You can't put in a change of address card when you live at a motel.

At the end of the interview, respondents were asked to rate the impact the case had on their lives on a scale from 1 ("generally positive") to 5 ("generally negative)," with 3 being "neither positive nor negative." Shriver clients had a mean score of 2.7, versus the comparison group's mean score of 3.4, indicating that Shriver clients tended to feel more positively about their circumstances related to their housing cases.

Summary

Several months after their unlawful detainer cases, of the 66 litigants who were interviewed, nearly all described fairly stressful and unstable life circumstances, including low financial security, considerable health concerns, and a general and chronic lack of resources. This result was true for litigants in both study groups. Where the groups differed the most was their living situations: Overall, of the 66 litigants interviewed 1 year after their cases ended, Shriver clients reported having more stable housing situations than their comparison counterparts.

All interviewees except for one had moved out of their residences at the end of their housing cases. One year later, 71% of Shriver clients had obtained a new rental unit, compared to 43% of litigants who did not receive Shriver services. Though a notable proportion of litigants were either homeless or unstably housed, this was the case for twice the proportion of comparison litigants than Shriver clients. One quarter of the Shriver clients were in this situation, with 22% living with friends/family and 4% homeless. By contrast, 53% of the comparison group were unstably housed, with 48% doubled up with friends/family and 5% homeless.

The increased housing stability for Shriver clients may be a result of the work of the Shriver legal aid attorneys by negotiating terms such as protecting credit records, keeping the court cases off the public record, and obtaining neutral references from landlords. Together, these elements make it easier for tenants for find replacement housing.

It was evident from the interviews that the circumstances related to possible eviction and the court process were stressful for almost everyone. When asked about the impact of the case on their lives, 63% of Shriver clients relayed negative perceptions, versus 82% of the comparison group. Litigants in both groups reported that their cases negatively impacted their mental health,

including increases in depression and anxiety, and that they suffered from the lack of stability and stress of having nowhere to go. Being forced to move not only impacted the litigant, but also others in the household, most notably dependent children.

A minority of litigants in both groups reported that the case had positive impacts for them. However, twice the proportion of Shriver clients (37%) as comparison litigants (18%) relayed positive perceptions. Any positive impact typically pertained to the receipt of legal aid services and feeling supported in the otherwise stressful process. The presence of a legal aid attorney helped some clients make the stressful experience of an unlawful detainer case manageable, and in some cases, a motivation for a new start.

These findings are based on a small sample (66 litigants in total) and may be biased toward litigants who were more stable and therefore more easily located 1 year after their housing cases. This bias may mean that the number of individuals who were homeless is an underestimate relative to the population as a whole. However, it is important to note that even with this potential bias, which would have been equally present for both the Shriver and comparison groups, a notable difference was found regarding housing stability, indicating that a larger proportion of Shriver clients were able to find alternate housing within 1 year and fewer were doubled up with relatives and friends.

Shriver Housing Pilot Projects

Staff and Stakeholder Perceptions

Shriver client "Miranda"

Miranda was a disabled older adult fighting cancer, who lived in federally subsidized housing. She received a 60-day notice to terminate her tenancy for alleged breaches that included having an unauthorized occupant and a roach infestation due to clutter. The notice to terminate her tenancy included the right to a meeting with management, which is required by the funding source for the property, but it omitted the required notice of her right to request a reasonable accommodation. Miranda contacted the Shriver pilot project because she did not understand the notice. The management met with Miranda without counsel; they refused to rescind the notice and refused to let her support person speak. The Shriver attorney requested another meeting, with counsel, and the attorney for the landlord agreed. Instead of discussing the incidents in the notice, the landlord offered an extended move-out date. Miranda offered to have the unauthorized occupant, her adult son who was assisting with her care, move out and to clean up her apartment. The landlord refused to negotiate. The Shriver attorney filed a Motion for Summary Judgment requesting that the Court enter judgment for tenant on the basis that the notice to terminate tenancy failed to include the required reasonable accommodation language. Before the motion was heard, the landlord reconsidered and agreed to allow Miranda to remain in her housing, provided she agree to inspections of her unit for a period of 6 months and remove any unauthorized occupants. Miranda agreed and the case was ultimately dismissed with no impact on her credit.

Staff and Stakeholder Perceptions

Telephone interviews were conducted in 2015 with stakeholders (staff and partner agency personnel) at all six housing pilot projects. Interviewees were asked about the impacts they perceived the Shriver housing pilot project had on litigants, the court, and the community. This section provides a summary of their responses gathered across the sites, presented separately for staff members from legal aid services agencies and the courts.

Methodology

Sample

Legal aid services agencies. Interviews were conducted with 15 legal aid representatives from the six pilot projects (two in Kern County, three in Los Angeles County, three in San Diego County, two in Sacramento County, four in Santa Barbara County, and one in Yolo County).

Superior courts. Attempts were made to interview relevant court personnel in all six counties. Interviews were conducted with seven court representatives from three of the six projects (a judge in San Diego County; a referee and a self-help attorney in Yolo County; and two judges, the Housing Settlement Master, and a file clerk supervisor in Santa Barbara County).

Analytic Approach

Interview questions about project impacts were open-ended, and stakeholders' responses were captured as close to verbatim as possible during the phone interviews (none were audio-recorded). Responses were then summarized to represent the main themes articulated by the interviewees. Data were analyzed separately for stakeholders from legal aid and from the courts.

Legal Aid Services Agencies Staff Perceptions of Project Impacts

Impact of Shriver Project Generally

Overall, legal aid services stakeholders felt that the Shriver housing pilot project allowed low-income tenants meaningful access to the judicial system and gave them the knowledge that legal aid attorneys were there to help with their cases. Stakeholders also mentioned that Shriver funding allowed an increase in legal aid staff, which led to the provision of more services, which, in turn, changed the flow of cases and increased overall efficiency.

Impact on Defendants in Unlawful Detainer Cases

The majority of legal aid stakeholders described how Shriver services helped to "level the playing field" for low-income tenants faced with evictions. Respondents explained that, without Shriver services, tenants who receive eviction notices are often scared and do not do anything. Without help, tenants often default (merely by not filing an answer) and are then evicted. In this common scenario, their credit is negatively impacted, making it even more challenging to obtain replacement housing. Interviewees felt that Shriver services have helped alleviate this situation for many low-income tenants.

Legal aid stakeholders thought that tenants receiving Shriver representation were able to stay in their homes more often than self-represented litigants did and, importantly, were able to retain their subsidized housing vouchers. "Lives that would have been in turmoil made it through [the case] without homelessness or families coming apart," reported one interviewee. Another stakeholder explained that as many as one third of legal aid clients have disabilities, and Shriver attorneys are able to help those tenants using provisions of the Fair Housing Act. With Shriver services, "tenants' rights are preserved."

Moreover, many legal aid staff emphasized the importance of settling cases and felt that settlements were more likely, and terms were better, when both sides had legal representation. Interviewees mentioned that when parties are able to negotiate an agreement, as opposed to being forcibly and quickly removed from their homes, tenants and their families benefit from the afforded stability. For example, children are able to remain in their school districts and are not uprooted and missing school days, and other services for the family are not disrupted.

Even if clients are not able to stay in their current housing, interviewees explained, the relocation is made less stressful by the tenants having legal assistance to help negotiate terms and to provide education about the court process. Stakeholders felt that legal representation affords defendants a "more stable transition" to alternate housing. For example, attorneys can work to support their clients' ability to rent in the future by ensuring that the unlawful detainer case does not impact their credit (this is not something self-represented litigants can generally do for themselves). The critical importance of this kind of support for the longer term was obvious to interviewees; as one stakeholder put it, "Housing stability is life and death."

Impact on Landlords

Legal aid stakeholders had differing perspectives on how their Shriver projects had impacted landlords in their areas. One interviewee explained that balanced representation can help the landlord and the tenant be more reasonable in a situation that can be very emotional. Some landlords appreciate the legal services for defendants, because in eviction circumstances, a tenant can otherwise be emotionally driven. In projects that assisted landlords, legal aid stakeholders explained that, "Very small mom and pop landlords don't know how to give notice. Shriver services are beneficial to them." On the other hand, interviewees felt that some landlords did not like the Shriver project because they were more likely to be held accountable by Shriver attorneys if they were doing something incorrectly.

Legal aid stakeholders also explained that the Shriver projects had impacted the way landlord attorneys handled unlawful detainer cases. One interviewee described that Shriver services had "eased the whole process for the landlord bar and the court." Specifically, because attorneys were familiar with the process, landlord attorneys were no longer resistant to talk to the defendants' attorneys. Another respondent explained that landlord attorneys were now "more amenable to negotiations and agree to reasonable settlements." Many felt that, prior to the Shriver project, landlord attorneys would not settle even if the tenant had a strong case.

One legal aid interviewee mentioned that landlord attorneys did not like the Shriver project in their county because it made their jobs more difficult. This interviewee explained that evictions used to be fairly easy and affordable for landlords. However, with legal representation being

provided to low-income tenants, some landlords were now spending more time and money and had to really consider what they were doing and whether they had a case to take to trial. This respondent explained how this was a result of "leveling the playing field."

IMPACT ON THE COMMUNITY

Some legal aid interviewees thought that as a result of the Shriver project, the community knew more about the legal aid services that were available to them. Staff reported an increase in the number of calls they were receiving from tenants facing eviction. Likewise, other agencies were referring clients to their Shriver projects as the program's recognition grew in the community.

One interviewee explained that, through the Shriver project, low-income community members now had a way to "get out with some dignity" and the opportunity to positively impact their own futures. Additionally, an interviewee explained the impact of providing services to tenants with limited English proficiency, stating the "monolingual community feels empowered knowing they have rights." Before, the interviewee explained, members of these communities did not look for help, but now they know they have resources.

In one county, a legal aid stakeholder noted that work was being done to solve the "systemic problem of code enforcement responding to low-income tenants complaining about habitability issues." This interviewee explained that response to these issues had not been satisfactory in the past, and the Shriver project was able to push the issue further.

Finally, one stakeholder hypothesized that the community was likely experiencing a cost savings because the Shriver projects were minimizing the number of people becoming homeless as a result of eviction and minimizing the trauma and high costs of unexpected, forced relocation. These costs include, for example, providing emergency shelter for individuals and families and moving children from one school to another.

IMPACT ON THE COURT

When asked about the impact on the courts, legal aid interviewees consistently reported that the Shriver project had a positive impact on the court system and that judges appreciated it. They explained that trial calendars proceed more smoothly because "attorneys know what they are doing." Self-represented litigants, by contrast, often bring up irrelevant matters before the judge, making hearings particularly frustrating (and time-consuming) for everyone involved.

Additionally, with counsel, many litigants were choosing mediation and cases were therefore diverted from the courts. Legal aid stakeholders thought that judges did not have to see as many unlawful detainer cases because so many Shriver cases were settling outside of court. "All of those things in combination have relieved the court in a positive way," reported one interviewee. Further, one stakeholder explained that Shriver-funded innovations that made filing more efficient had improved the relationships between attorneys and court staff.

Impact on judges

Legal aid stakeholders felt that their Shriver project had positively impacted judges by helping cases proceed more smoothly than they had before. Also, it was reported that there are fewer frivolous, non-meritorious cases being brought before judges. One stakeholder explained that judges are happy to see people represented. "Helping people understand where they are

legally helps the whole court process overall." Importantly, the case outcomes were also perceived to be more "just." Another stakeholder reported that having counsel in court "gets [judges] out of the awkward position of advising, which they cannot do."

Impact on court staff

Legal aid stakeholders thought that the Shriver projects had a beneficial impact on court staff, by giving them other resources to which they could refer litigants who needed help. One interviewee explained that a good relationship had developed between legal aid and the court clerk, who refers unlawful detainer defendants to them for Shriver services.

Impact on court processes and efficiency

Legal aid stakeholders thought their services enabled the courts to be more efficient. Specifically, court processes move faster with an attorney present. Relative to cases with self-represented litigants, the judge needs to explain less to the parties and the case is less likely to go to trial, which can be a long and resource-intensive event. With Shriver services, there are more settlements and fewer trials. Stakeholders overwhelmingly thought that when tenants are not represented, the court system easily gets congested with trials and continuances.

Impact on court culture and relationship with legal aid

Interviewees expressed different perceptions of the impact of Shriver projects on court culture. One stakeholder explained that Shriver advisory meetings were held at the central courthouse, which helped strengthen relationships between the project partners and supported the dissemination of important information to all Shriver attorneys. In this setting, the court would consider recommendations from legal aid representatives about ways to make the unlawful detainer process easier for litigants. By contrast, another legal aid stakeholder reported overhearing a judicial officer complain that the system was already running efficiently and was being "mucked up" by the new services. According to the legal aid staff who overheard the comment, the judge felt it "helped only one side."

A couple of interviewees noted how the Shriver projects had contributed to changes in the court procedures. One explained how standards with regard to case masking had changed—namely that the court had become more comfortable with masking cases beyond the statutory 60-day period. Another remarked that interpreters were now provided for all unlawful detainer trials (this was originally a Shriver service, but became a standard operation of the court).

ADDITIONAL NEEDS

In discussing the unmet needs, legal aid staff in some projects reported having to turn away litigants whom they did not have the capacity to serve. Interviewees lamented the long-term impacts for tenants of having an eviction on their records, a result that legal representation can often mitigate, and were saddened that they could not fully meet the demand for services in their areas.

Another interviewee mentioned that additional resources were needed for habitability cases, in which tenants were withholding rent until repairs were made and then being evicted for back-owed rent. "Someone may come in with respiratory problems and we may need to send someone out to investigate. Shriver didn't build in the funding for those types of expert witnesses," explained the interviewee.

In larger geographic regions, legal aid stakeholders noted that access to the system is challenging when defendants have a disability or unreliable transportation. It may take hours, by bus, to get to the courthouse or to legal aid offices, which can be a significant impediment to accessing help, even when it is free. Stakeholders explained, "It's a lot to commit to in terms of time off work, money, etc. Some people cannot take time off work…they may get fired and be in an even more difficult situation." If attorneys are available, this stakeholder explained, they try to accommodate clients with disabilities by going out to their homes for the initial meeting.

Tenants frequently need more resources than just legal help, reported one stakeholder. They often expect financial rental assistance and/or want help finding new, affordable housing. Neither of these services is offered by the Shriver housing pilot projects, and they are outside the parameters of the current funding, but legal aid staff recognize that these needs often go unmet. This idea was echoed by others who mentioned the importance of preventing homelessness and implementing rapid re-housing. Overwhelmingly, interviewees lamented the unavailability of affordable housing.

Superior Court Staff Perceptions of Project Impacts

Impact of Shriver Program Generally

Court stakeholders, the majority of whom were judges, explained that the cases they are seeing are more defensible and more appropriate for trial proceedings. They also thought the Shriver projects were effective vehicles for low-income tenants to be able to access expert help with their cases that they would otherwise not be able to afford. One stakeholder explained that, as a result of Shriver services, self-represented litigants were more educated about the system: "Everyone knows more about the legal process and how the law works."

Impact on Defendants in Unlawful Detainer Cases

Court stakeholders pointed out that the Shriver projects have increased the number of cases that settle, and settlements make for a quicker transition period for both the landlord and the tenant, if a property has to be vacated. Settlements also tend to relax the tension in the court as well, which can help alleviate some of the stress inherent in the process. One interviewee explained further that both sides had the ability to resolve the case as best they could without a straight default or going to trial "where a tenant doesn't even know what to do."

Tenants are educated about their rights and how to negotiate their way out of a lease without having an eviction on their record, reported one stakeholder. They can also work constructively with the landlord to pay back their rent if they need to and to keep their rental credit history in good standing. Without Shriver services, court stakeholders thought that the ability of defendants to get future housing would be severely limited. Overall, interviewees thought that tenants "felt understood and that the law was explained to them. They weren't taken advantage of."

Court interviewees mentioned that the Shriver projects have also increased the number of settlements and improved the outcomes of cases for tenants. One respondent described that defendants are now more likely to receive discounts due to issues of habitability, and to have evictions kept off of the public record. In meritorious cases, repairs are actually happening, added a court representative.

IMPACT ON LANDLORDS

Court staff had differing perspectives about the Shriver projects' impacts on landlords. One interviewee reported that "plaintiff attorneys were concerned initially because it was so much easier to win without Shriver." This individual explained that legally represented tenants would cause landlords to have to pay more and, in some instances, the case would become "overburdensome" for landlords to prosecute.

Most Shriver projects did not represent landlords. However, for one that did, the perceived impact on landlords was similar to the impact on defendants. This court interviewee indicated that Shriver services "completely reduced (the landlord's) stress," because most landlords are not comfortable evicting people and with representation from Shriver counsel, they could do it "professionally and timely…minimizing stress."

One project involved mandatory settlement conferences, and stakeholders in that project described some benefits of these conferences. In addition to creating efficiency for the court in the form of fewer trials, these conferences were noted to have "emotional efficiency" for both parties, by not dragging the matter out. These conferences also created an important financial efficiency for landlords. Settlement conferences occurred 1 to 2 weeks before the trial date and were mandatory for all cases headed to trial. If a settlement was reached and the tenants agreed to move out as part of the terms, they were typically out of the unit well before the time it would have taken for the trial to conclude, and the writ of possession to be issued by the court and executed by the sheriff. In these instances, the landlord was able to regain possession of the unit much faster (than if the case went to trial) and therefore be able to more quickly find a new tenant and begin collecting rent again.

IMPACT ON THE COMMUNITY

According to court staff, word had gotten out in the community that "landlords need to do it right, and also for tenants, that there is help out there." One court interviewee explained how this is a positive shift. This individual described that, before Shriver services were offered, people who could not afford an attorney felt the justice system only worked against them, because they had to go to court without representation and without knowing what to do. This stakeholder explained, "When that is happening in one room of the courthouse, the feeling bleeds over into the next room…if you are not wealthy, [the system] is not fair."

IMPACT ON THE COURT

Court staff expressed that the Shriver project had positively impacted the court by educating and supporting litigants, reducing emotional tensions in cases, increasing the likelihood of settlement, and facilitating efficiency of court proceedings.

Impact on judges

One court stakeholder stated that the Shriver project has positively impacted the court by offering "great assistance" to whatever judicial officer was presiding over the case. "Having an attorney organize the evidence and focus clients on relevant facts…it's a high art form to try to get the information in a fair but efficient way."

As with the legal aid staff, the court interviewees pointed to the decreased number of trials and the increased quality of paperwork and preparation of litigants, which has made these cases better for judges. "The impact is courthouse-wide," explained a respondent. "With more settlements, the court can handle a bigger volume of work and that bled over into other areas."

Impact on court staff

Respondents explained that the court clerk's office has benefitted from the Shriver project. Clerks are often in the awkward position of not being able to accept incomplete or incorrect paperwork and also not being able to help fill in the forms or tell the litigant precisely what is wrong. Now, more of the paperwork is correct and complete, and it is much faster to process. When there are problems, the court staff can refer litigants to the Shriver project for help.

Impact on court processes and efficiency

As noted above, several court stakeholders mentioned that the increase in settlements is a major benefit for the court, in terms of efficiency and fairness (i.e., trials can be time-consuming and resources-intensive, and self-represented litigants tend to not know how to prepare for a trial appropriately). Further, the accuracy and completion of paperwork and the compilation of evidence by Shriver attorneys make the court process smoother for everyone. One judge felt the cases were better prepared.

A stakeholder identified mandatory settlement conferences as a particularly beneficial. These conferences were seen as increasing efficiency, reducing the need for additional research by attorneys, and decreasing the number of trials held. Not having a trial or hearing saves various types of resources—for example, 1 to 2 hours of a court reporter's time to record everything is not needed and can be spent elsewhere.

Additional Needs

When asked about the unmet needs for legal help in their communities, court stakeholders identified low-income landlords as a population that needed representation and legal assistance. They also felt that there was a group of tenants who did not qualify for Shriver services due to their incomes, but who could still not afford an attorney, who often slipped between the cracks. These individuals would benefit from legal help.

One respondent mentioned that better education and information dissemination about the Shriver project was needed throughout the community. This stakeholder reported that the broader population of eligible tenants had not been sufficiently informed about the project, and this was evident when defendants showed up to trial and realized, at that point, that they could have had a lawyer. This interviewee also expected that, even if the information is widely disseminated, some people will still not follow through on accessing available services.

Shriver Housing Pilot Projects

Cost Study

Shriver clients, the "Lee" family

Mr. and Mrs. Lee complained about extensive mold throughout the master bathroom and the children's bathroom for 18 months. The landlord waited a year before inspecting the unit for the first time. He then failed to take any action to remedy the mold infestation. The Lees had lived in the unit for 7 years and had always paid rent on time, but withheld for 1 month based on the landlord's failure to make repairs.

The landlord began eviction proceedings, and the Shriver project stepped in to represent the Lee family. Shriver counsel arranged for an inspection by the County Health Department. At trial, the inspector testified that there was extensive mold that needed to be addressed by a mold specialist. The landlord tried to establish that the mold was caused by the tenant's "bathing habits," but testimony showed that the tenants had re-painted 8 months earlier, and that the extensive mold infestation would not normally have reappeared in 8 months, and was probably due to a leak. The judicial officer reduced rent for May and June and ordered the landlord to hire a mold specialist to conduct testing; if the mold is determined to be hazardous, then the landlord must repair it and rent will be reduced pending completion of the repairs. The landlord was ordered to bring evidence of the renovations at a court date scheduled for 1 month later.

Cost Study

Cost analysis is used to determine the **investment** that has been made in a particular program or service and whether the program has had an economic **impact** on the communities, systems, and agencies involved either directly or indirectly with the services provided and the populations served. In other words, what did the program cost and did the program result in cost savings due to the services provided? The purpose of this cost analysis is to establish the costs and savings related to providing legal representation and court-based services to litigants in unlawful detainer cases. Unlike some other studies, funds used to provide legal services were counted as costs (rather than as benefits to the state or staff who were employed), while savings constituted any reduction in taxpayer costs attributable to the outcomes associated with attorney representation or court-based services. Information was gathered to ascertain whether Shriver services led to any differences in short-term outcomes associated with court efficiency or longer term outcomes related to broader system costs.

This cost study estimates the annual costs and savings related to Shriver service provision. The reader may extrapolate longer term costs and savings as appropriate. Cost analyses focused on the fiscal year spanning 10/1/2013 to 9/30/2014 (FY 2014). This year was chosen because Shriver services at all six projects were fully operational during this time.

Methodology and Analytic Approach

The cost study seeks to address the following questions:

Cost Topic #1: a. What were the estimated costs of the Shriver housing pilot projects?
b. What are the estimated costs to provide services to all eligible litigants?

These questions were addressed by reviewing the invoices submitted to the Judicial Council (JC) as part of Shriver project implementation by the legal aid services agencies (legal aid services program costs) and the Superior Courts (court-based services program costs). This information was used to calculate an estimate of the cost per case served by each entity.

Analytic Approach for 1a: Program costs for Shriver services were estimated separately for each of the six pilot projects. Estimates were derived using the available information sources to represent the costs for 1 year. Two estimates of per case costs were calculated.

- *Total Program Costs*. Total program costs were calculated as the total amount invoiced to the JC for FY 2014[105] and are delineated for different Shriver-funded staff.
- *Per Case Costs.* Estimates of the cost per case were derived two ways: (a) dividing the total invoiced amount for FY 2014 by the number of cases served in FY 2014, as recorded in the program services database, and (b) multiplying the average[106] number of attorney hours per case by the loaded[107] hourly rate for the contracted attorney.

[105] The total amount invoiced was compared to the total allocation in the project proposal.
[106] Calculations were conducted using mean and median values.
[107] The loaded rate includes non-attorney staff time and other agency costs. This rate was established in the contract between legal aid services agencies and the Judicial Council and is lower than a typical hourly rate.

- *Per Case Program Costs By Level of Service:* Estimates of costs per case by level of service (full representation vs. unbundled services) were derived two ways: (a) dividing the FY 2014 invoiced amount by the number of cases served in FY 2014 adjusted to account for the level of effort (i.e., relative number of attorney hours) for each level of service (see Appendix C for calculations), and (b) multiplying the average[108] number of attorney hours for each service level in the program services database by the loaded[109] attorney rates.

Note about estimated costs per case. Across projects, there was a range between the two calculations of per case cost. The second estimate, based on the program services database information, is based on the hours spent by the staff attorneys working on cases. The first estimate, based on invoiced amounts, also includes costs associated with supervising attorneys (who did not log hours in the program services database) and time spent by staff attorneys doing other background and supportive work.

Analytic Approach for 1b: The cost per case figures were then used to estimate the resources needed to supply legal services for all eligible litigants in the participating counties.

- *Estimated costs associated with addressing the unmet need for legal services among low-income litigants* are based on court summary statistics that reflect the number of unlawful detainer cases filed per year in which the defendant was granted a fee waiver (indicating low-income status). Costs were calculated by multiplying the average cost per case (above) by the number of cases.

Cost Topic #2: If the provision of Shriver services improves court efficiency, do these efficiencies result in cost savings for the court?

Analyses examined the costs (e.g., amount of staff time spent on tasks, staff salaries) associated with various court activities (e.g., hearings) involved in processing an unlawful detainer case and compared the frequency of these activities between cases that received Shriver services and those that did not. This analysis was possible at one of the projects (San Diego) that conducted random assignment, yielded a sufficient sample size, and provided time estimates for court staff for case processing activities. The intent was to understand whether the provision of Shriver services resulted in increased efficiencies in case processing or in other areas of court functioning, and thereby in potential cost savings to the court.

Sometimes cost benefits can be understood in terms of o*pportunity resources*. The concept of opportunity resources from the economic literature suggests that system resources are available to be used in other contexts if they are not spent on a particular transaction. The term *opportunity resource* describes the resources that become available for different use. For instance, if legal services available to clients increase the number of unlawful detainer cases that end in pre-trial settlement, reducing the number of trials, an opportunity resource is afforded to the court in the form of clerk and judge time available for other cases.

Analytic Approach: These cost analyses compared the two groups of randomly assigned cases from San Diego that were analyzed in the outcome study (previous section): (a) cases in which the defendant received full representation by a legal aid attorney and (b) comparison cases that did

[108] Calculations were conducted using mean and median values.

[109] The loaded rate includes non-attorney staff time and other agency costs. This rate was established in the contract between legal aid services agencies and the Judicial Council and is lower than a typical hourly rate.

not receive Shriver services. Indicators of court efficiency, such as the frequency of settlements and trials, were calculated for the groups and the associated costs were estimated.

Cost Topic #3: Are Shriver services related to potential cost savings beyond the court? What costs to the system are avoided or reduced as a result of Shriver services?

Information was gathered to explore potential savings to the broader system or in the longer term. As an example, if housing stability increases as a result of Shriver service, costs associated with homelessness could decline. In most instances, these possible savings could not be verified empirically in the current study, because the relevant data were not available. This limitation typically existed because either the current sample was not large enough to reflect low-frequency but costly events (e.g., few tenants who could be located at follow-up reported being homeless) or the longer term outcomes had not yet occurred. Therefore, this question is addressed through a combination of analysis of available data and a review of the literature.

INFORMATION AND DATA SOURCES

Information used to develop cost estimates was gathered from the Judicial Council, the legal aid agencies, the Superior Courts, and online resources. Data sources included:

- The Judicial Council provided program invoices for the fiscal year spanning 10/1/2013 to 9/30/2014 (FY 2014) for both legal aid agencies and for courts.
- Superior Court staff in San Diego County provided staff titles and related tasks for unlawful detainer cases. Salaries, benefits, indirect support rates, and jurisdictional overhead rates used to calculate the cost per hour for each staff person were located in online budget resources.
- Superior Court staff in San Diego County provided time estimates for court activities related to unlawful detainer case processing.

Additional data were used to calculate the frequencies of various indicators within the study sample. These included:

- For all six pilot projects, the program services database provided the number of cases receiving legal aid services in FY 2014, the level of service received, the total number of attorney hours, and the average number of hours per case.
- For the San Diego pilot project, court case file review data provided characteristics and outcomes for cases that were randomly assigned to receive Shriver representation or not to receive any Shriver service.
- Court summary statistics were provided, when available, by court administrative staff to indicate the number of unlawful detainer cases filed each year and the number that entailed a fee waiver granted to the defendant (i.e., a proxy for low-income status).

Cost Topic 1a. What were the estimated costs of the Shriver housing pilot projects?

COSTS FOR SERVICES AT THE KERN PILOT PROJECT IN FY 2014

Legal aid program costs

Total Program Cost. The Greater Bakersfield Legal Assistance's (GBLA's) contract with the Judicial Council (JC) allocated $405,197 for housing case services in FY 2014. The total amount invoiced for this time period was $405,197. Of this, $3,825 was spent on contract services to programs, $15,495 was spent on contract services to clients, $127,339 was spent on a GBLA attorney staffed at the court-based Landlord-Tenant Assistance Center (LTAC), and $258,538 was spent on direct legal aid services to clients (see Table H76). This amount includes costs for casework by staff attorneys and oversight by a supervising attorney. According to the program services database, during FY 2014, GBLA attorneys worked a total of 2,485 hours on Shriver housing cases (not including the LTAC attorney's time).

Table H76. Legal Aid Services Program Cost Estimates in FY 2014 – Kern

Invoice Components	Amount
Contract services to programs	$3,825
Contract services to clients	$15,495
Court-based attorney (LTAC)[a]	$127,339
Direct services to clients[b]	$258,538
Kern Pilot Project invoice total (GBLA)	**$405,197**
Kern Pilot Project Allocation	**$405,197**

[a] The invoiced amount for the court-based self-help attorney is not included in the average estimated cost to provide legal services (Table H77).

[b] Direct services costs included estimated costs for attorney time listed on project invoices. For Kern, this included approximately two full-time staff attorneys and 10 hours per week of a supervising attorney.

Overall Per Case Cost. As shown in Table H77 (bottom row), the average amount spent per case by the legal aid services agency at the Kern housing pilot project was between $415 and $879. The total amount invoiced by GBLA for legal aid services ($258,538) divided by the number of cases served (378) yielded an overall average of $684 spent per case. When the cost per case was calculated by multiplying the mean number of attorney hours per case by the loaded attorney hourly rate, this yielded an estimated per case cost of $879. When this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $415.

Per Case Cost by Level of Service. Table H77 (first and second rows) shows the average cost per case taking into account the level of service provided. The average amount spent per full representation case was between $977 and $1,575 and the average amount spent per unbundled services case was between $244 and $342. When the total invoiced amount ($258,538) for legal aid services was divided by the number of cases at each service level, it yielded an average cost of $1,333 per full representation case and $289 per unbundled services case. For full representation cases, when the cost per case was calculated by multiplying the mean number of attorney hours by the loaded attorney hourly rate, this yielded an estimated per case cost of $1,575; when this

calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $977. For unbundled services cases, when the cost per case was calculated using the mean number of attorney hours, this yielded an estimated per case cost of $342; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $244.

Note on the calculations for cost per case: Estimates derived from the invoiced amount (left side of the table) included hours worked by supervising attorneys and hours spent by staff attorneys doing background and supportive work, in addition to their direct case work. Estimates derived from the program services database (right side of the table) pertain only to time spent by staff attorneys working on cases.

Table H77. Average Estimated Cost to Provide Legal Aid Services per Case in FY 2014 – Kern

Invoice			Program Services Data and Contracted Hourly Rate					
Level of Service	Number of Cases[a]	Average Cost per Case[b]	Average Hours per Case[c]		x	Atty Hourly Rate[d]	=	Average Cost per Case
Full reprstn.	143	$1,333	Mean	12.9		$122.09		$1,575
			Median	8.0		$122.09		$977
Unbundled svcs.	235	$289	Mean	2.8		$122.09		$342
			Median	2.0		$122.09		$244
All cases	378	$684	Mean	7.2		$122.09		$879
			Median	3.4		$122.09		$415

[a] Number of cases opened in FY 2014, receiving each service, as recorded in the program services database.
[b] See Table HA79 in Housing Appendix C for full calculations.
[c] Mean and median number of attorney hours spent on cases opened in FY 2014, by service level, as recorded in program services database.
[d] Loaded hourly rate established in contract with Judicial Council.

Court-based services costs

The Kern County Superior Court was allocated $134,221 to provide unlawful detainer services. The total invoiced amount was $139,852. In addition, GBLA's invoice included $127,339 for the self-help attorney staffed at the court-based LTAC. In FY 2014, LTAC provided services to 1,431 landlords and 299 tenants.

Table H78. Estimated Costs for Court-Based Services in FY 2014 – Kern

Partner	Invoice total[b]	Total # served[c]	Average cost per litigant	Services provided
Kern County Superior Court	$139,852	1,431 landlords 299 tenants	$81	LTAC –printed information for both landlords and tenants, pre-filing paperwork review.
GBLA	$127,339	*unknown*	*unknown*	Self-help services.

[a] Amount in contract for court-based services for FY 2014.
[b] Amount invoiced for unlawful detainer services provided in FY 2014.
[c] Data from Superior Court of California, Kern County.

COSTS FOR SERVICES AT THE LOS ANGELES PILOT PROJECT IN FY 2014

Legal aid program costs

Total Program Cost. The Neighborhood Legal Services of Los Angeles (NLSLA) contract with the Judicial Council (JC) allocated $2,434,538 for housing case services in FY 2014. The total amount invoiced for this time period was $2,358,024. Of this, $68,262 was spent on contract services to clients (e.g., translation services). A total of $575,832 was spent on the Eviction Assistance Center (EAC), $457,796 of which was spent by NLSLA and $118,126 of which was spent on contracts with partner organizations to provide attorney help at the EAC. A total of $1,713,930 was spent on direct legal services to clients, of which $144,539 was spent by NLSLA and $1,569,391 was spent on contracts with partner organizations to provide direct legal aid services to clients (see Table H79). These amounts include costs for casework by staff attorneys and oversight by supervising attorneys. According to the program services database, during FY 2014, NLSLA and partner organization attorneys worked a total of 18,834 hours on Shriver housing cases.

Table H79. Legal Aid Services Program Cost Estimates in FY 2014 – Los Angeles

Invoice Components		Amount
Contract services for clients		$68,262
Eviction Assistance Center (EAC) services total		$575,832
Contracts with partner organizations for EAC	*$118,126*	
NLSLA for EAC	*$457,706*	
Direct services to clients[a]		$1,713,930
Contracts with partner organization for direct services	*$1,569,391*	
NLSLA for direct services	*$144,539*	
Legal aid services total		$2,289,762
NLSLA and partners invoice total		$2,358,024
Los Angeles Pilot Project allocation		**$**2,434,538

[a] Direct services costs included estimated costs for attorney time listed on project invoices. For Los Angeles, this included approximately 14 full-time staff attorneys and four supervising attorneys.

Overall Per Case Cost. As shown in Table H80 (bottom row), the average amount spent per case by the legal aid services agency was between $167 and $715. The total amount invoiced by NLSLA and partner organizations ($2,289,762) divided by the number of cases served (3,201) yielded an overall average of $715 spent per case. When the cost per case was calculated by multiplying the mean number of attorney hours per case by the loaded attorney hourly rate, this yielded an estimated per case cost of $543. When this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $167.

Per Case Cost by Level of Service. Table H80 (first and second rows) shows the average cost per case taking into account the level of service provided. The average amount spent per full representation case was between $601 and $1,425 and the average amount spent per unbundled services case was between $100 and $169. When the total invoiced amount ($2,289,762) for legal aid services was divided by the number of cases at each service level, it yielded an average cost of

$1,425 per full representation case and $169 per unbundled services case. For full representation cases, when the cost per case was calculated by multiplying the mean number of attorney hours by the loaded attorney hourly rate, this yielded an estimated per case cost of $986; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $601. For unbundled services cases, when the cost per case was calculated using the mean number of attorney hours, this yielded an estimated per case cost of $117; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $100.

Note on the calculations for cost per case: Estimates derived from the invoiced amount (left side of the table) included hours worked by supervising attorneys, hours worked by EAC attorneys to screen and triage clients, and hours spent by staff attorneys doing supportive work in addition to their direct case work. Estimates derived from the program services database (right side of the table) pertain only to time spent by staff attorneys working on cases.

Table H80. Average Estimated Cost to Provide Legal Aid Services per Case in FY 2014 – Los Angeles

Invoice			Program Services Data and Contracted Hourly Rate					
Level of Service	Number of Cases[a]	Average Cost per Case[b]	Average Hours per Case[c]		x	Atty Hourly Rate[d]	=	Average Cost per Case
Full reprstn.	1,392	$1,425	Mean	11.8		$83.55		$986
			Median	7.2		$83.55		$601
Unbundled svcs.	1,809	$169	Mean	1.4		$83.55		$117
			Median	1.2		$83.55		$100
All cases	3,201	$715	Mean	6.5		$83.55		$543
			Median	2.0		$83.55		$167

[a] Number of cases opened in FY 2014, receiving each service, as recorded in the program services database.
[b] See Table HA80 in Housing Appendix C for full calculations.
[c] Mean and median number of attorney hours spent on cases opened in FY 2014, by service level, as recorded in program services database.
[d] Loaded hourly rate established in contract with Judicial Council.

Court-based services costs

The Los Angeles Superior Court was allocated $325,063 to provide unlawful detainer services. The total invoiced amount was $81,766. The number of litigants served by the court-based services was unavailable, thus a cost per case could not be determined.

Table H81. Costs for Court-Based Services in FY 2014 – Los Angeles

Allocation[a]	LASC invoice total[b]	Total # served[c]	Services provided
$325,063	$81,766	*Unknown*	Dedicated Clerk

[a] Amount in contract for court-based services for FY 2014.
[b] Amount invoiced by the Superior Court or unlawful detainer services provided in FY 2014.
[c] Court-based services in Los Angeles did not track the number of cases served.

COSTS FOR SERVICES AT THE SACRAMENTO PILOT PROJECT IN FY 2014

Legal aid program costs

Total Program Cost. The Legal Services of Northern California (LSNC)-Sacramento contract with the Judicial Council (JC) allocated $814,578 for housing case services in FY 2014. The total amount invoiced for this time period was $726,513. Of this, $312,561 was spent on contract services to partner organizations (including the McGeorge School of Law for mediation services) and $413,952 was spent on direct legal aid services to clients (see Table H82). This amount includes costs for casework by staff attorneys and oversight by a supervising attorney. According to the program services database, during FY 2014, LSNC-Sacramento attorneys worked a total of 5,283 hours on Shriver housing cases.

Table H82. Legal Aid Services Program Cost Estimates in FY 2014 – Sacramento

Invoice Components	Amount
Contract services to partner organizations [a]	$312,561
Direct services to clients[b]	$413,952
Sacramento Pilot Project invoice total (LSNC-Sac)	**$726,513**
Sacramento Pilot Project Allocation	**$814,578**

[a] Includes costs for mediation services by University of the Pacific-McGeorge School of Law.
[b] Direct services costs included estimated costs for attorney time listed on project invoices. For Sacramento, this included approximately four full-time staff attorneys and 5-10 hours/week of a supervising attorney.

Overall Per Case Cost. As shown in Table H83 (bottom row), the average amount spent per case by the legal aid services agency was between $339 and $599. The total amount invoiced by LSNC-Sacramento for direct services to clients ($413,952) divided by the number of cases served by LSNC (783) yielded an overall average of $529 spent per case. When the cost per case was calculated by multiplying the mean number of attorney hours per case by the loaded attorney hourly rate, this yielded an estimated per case cost of $599. When this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $339.

Per Case Cost by Level of Service. Table H83 (first and second rows) shows the average cost per case taking into account the level of service provided. The average amount spent per full representation case was between $751 and $1,050 and the average amount spent per unbundled services case was between $166 and $235. When the total invoiced amount ($413,952) for legal aid services was divided by the number of cases at each service level, it yielded an average cost of $1,050 per full representation case and $235 per unbundled services case. For full representation cases, when the cost per case was calculated by multiplying the mean number of attorney hours by the loaded attorney hourly rate, this yielded an estimated per case cost of $967; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $751. For unbundled services cases, when the cost per case was calculated using the mean number of attorney hours, this yielded an estimated per case cost of $217; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $166.

Note on the calculations for cost per case: Estimates derived from the invoiced amount (left side of the table) included hours worked by supervising attorneys and hours spent by staff attorneys doing background and supportive work, in addition to their direct case work. Estimates derived from the program services database (right side of the table) pertain only to time spent by staff attorneys working on cases.

Table H83. Average Estimated Cost to Provide Legal Aid Services per Case in FY 2014 – Sacramento

Invoice			Program Services Data and Contracted Hourly Rate					
Level of Service	Number of Cases[a]	Average Cost per Case[b]	Average Hours per Case[c]		x	Atty Hourly Rate[d]	=	Average Cost per Case
Full reprstn.	282	$1,050	Mean	13.4		$72.17		$967
			Median	10.4		$72.17		$751
Unbundled svcs.	501	$235	Mean	3.0		$72.17		$217
			Median	2.3		$72.17		$166
All cases	783	$529	Mean	8.3		$72.17		$599
			Median	4.7		$72.17		$339

[a] Number of cases opened in FY 2014, receiving each service, as recorded in the program services database.
[b] See Table HA81 in Housing Appendix C for full calculations.
[c] Mean and median number of attorney hours spent on cases opened in FY 2014, by service level, as recorded in program services database.
[d] Loaded hourly rate established in contract with Judicial Council.

Court-based services costs

The Sacramento Superior Court was allocated $277,800 for unlawful detainer services. The total invoiced amount was $110,854. The number of litigants served by the court-based services was unavailable, thus a cost per case could not be determined.

Table H84. Costs for Court-Based Services in FY 2014 – Sacramento

Allocation[a]	SCSC Invoice total[b]	Total # served[c]	Services provided
$277,800	$110,854	*Unknown*	E-filing

[a] Amount in contract for court-based services for FY 2014.
[b] Amount invoiced by the Superior Court for unlawful detainer services provided in FY 2014.
[c] Court-based services in Sacramento did not track the number of cases served.

COSTS FOR SERVICES AT THE SAN DIEGO PILOT PROJECT IN FY 2014

Legal aid program costs

Total Program Cost. The Legal Aid Society of San Diego (LASSD) contract with the Judicial Council (JC) allocated $2,213,521 for housing and custody case services in FY 2014 (the Shriver custody pilot project is detailed in a following chapter of this report). The total amount invoiced for this time period was $2,040,530. Of this, $21,898 was spent on capital additions, $38,028 on contract services to programs, and $416,313 on contract services to partner organizations (the custody pilot project). $1,624,217 was spent on direct legal aid services to clients with housing cases (see Table H85). This amount includes costs for casework by staff attorneys and oversight by a supervising attorney. According to the program services database, during FY 2014, LASSD attorneys worked a total of 13,407 hours on Shriver housing cases.

Table H85. Legal Aid Services Program Cost Estimates in FY 2014 – San Diego

Invoice Components	Amount
Contract services to programs	$38,028
Capital additions	$21,898
Direct services to clients[a]	$1,564,291
Housing invoice total (LASSD)	**$1,624,217**
Custody invoice total	$416,313
San Diego Pilot Project invoice total (Housing and Custody)	$2,040,530
San Diego Pilot Project Allocation	**$2,213,521**

[a]Direct services costs included estimated costs for attorney time listed on project invoices. For San Diego, this included approximately 12 full-time staff attorneys.

Overall Per Case Cost. As shown in Table H86 (bottom row), the average amount spent per case by the legal aid services agency was between $831 and $1,280. The total amount invoiced by LASSD ($1,564,291) divided by the number of cases served (1,222) yielded an overall average of $1,280 spent per case. When the cost per case was calculated by multiplying the mean number of attorney hours per case by the loaded attorney hourly rate, this yielded an estimated per case cost of $1,071. When this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $831.

Per Case Cost by Level of Service. Table H86 (first and second rows) shows the average cost per case taking into account the level of service provided. The average amount spent per full representation case was between $797 and $1,325 and the average amount spent per unbundled services case was between $343 and $601. When the total invoiced amount ($1,564,291) for legal aid services was divided by the number of cases at each service level, it yielded an average cost of $1,325 per full representation case and $601 per unbundled services case. For full representation cases, when the cost per case was calculated by multiplying the mean number of attorney hours by the loaded attorney hourly rate, this yielded an estimated per case cost of $1,019; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $797. For unbundled services cases, when the cost per case was calculated using the mean number of attorney hours, this yielded an estimated per case cost of $463; when this

calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $343.

Note on the calculations for cost per case: Estimates derived from the invoiced amount (left side of the table) included hours worked by supervising attorneys and hours spent by staff attorneys doing background and supportive work, in addition to their direct case work. Estimates derived from the program services database (right side of the table) pertain only to time spent by staff attorneys working on cases.

Table H86. Average Estimated Cost to Provide Legal Aid Services per Case in FY 2014 – San Diego

Invoice			Program Services Data and Contracted Hourly Rate					
Level of Service	Number of Cases[a]	Average Cost per Case[b]	Average Hours per Case[c]		x	Atty Hourly Rate[d]	=	Average Cost per Case
Full reprstn.	1,146	$1,325	Mean	11.9		$85.64		$1,019
			Median	9.3		$85.64		$797
Unbundled svcs.	76	$601	Mean	5.4		$85.64		$463
			Median	4.0		$85.64		$343
All cases	1,222	$1,280	Mean	12.5		$85.64		$1,071
			Median	9.7		$85.64		$831

[a] Number of cases opened in FY 2014, receiving each service, as recorded in the program services database.
[b] See Table HA82 in Housing Appendix C for full calculations.
[c] Mean and median number of attorney hours spent on cases opened in FY 2014, by service level, as recorded in program services database.
[d] Loaded hourly rate established in contract with Judicial Council.

Court-based services costs

The San Diego Superior Court (SDSC) was allocated $302,952 to provide unlawful detainer and custody services at the court. The total invoiced amount for housing services was $29,301. The number of litigants served by the court-based services was unavailable, thus a cost per case could not be determined.

Table H87. Costs for Court-Based Services in FY 2014 – San Diego

Allocation[a]	SDSC invoice[b] total	Total # served[c]	Services provided
$302,952	$29,301	*Unknown*	Counter and courtroom clerk staff for Shriver cases

[a] Amount in contract for court-based services for both housing and custody projects, FY 2014.
[b] Amount invoiced by the Superior Court for unlawful detainer services provided in FY 2014.
[c] Court-based services in San Diego did not track the number of cases served.

COSTS FOR SERVICES AT THE SANTA BARBARA PILOT PROJECT IN FY 2014

Legal aid program costs

Total Program Cost. The Legal Aid Foundation of Santa Barbara County's (LAFSBC's) contract with the Judicial Council (JC) allocated $578,307 for housing and probate case services in FY 2014 (the Shriver probate pilot project is detailed in another chapter of this report). The total amount invoiced for this time period was $578,307. Of this, $4,392 was spent on community outreach, $15,750 was spent on contract services to programs, $72,562 was spent on the probate pilot project, and $485,604 was spent on direct legal aid services to housing clients (see Table H88). This amount includes costs for casework by staff attorneys and oversight by a supervising attorney. According to the program services database, during FY 2014, LAFSBC attorneys worked a total of 1,689 hours on Shriver housing cases.

Table H88. Legal Aid Services Program Cost Estimates in FY 2014 – Santa Barbara

Invoice Components	Amount
Community Outreach/Education	$4,392
Contract Services to Programs	$15,750
Direct Services to Clients - Housing invoice total (LAFSBC)[a]	$485,604
Probate invoice total (LAFSBC)	$72,562
Santa Barbara Pilot Project invoice total (Housing and Probate; LAFSBC)	$578,307
Santa Barbara Pilot Project Allocation	**$578,307**

[a]Direct services costs included estimated costs for attorney time listed on project invoices. For Santa Barbara, this included approximately three full-time staff attorneys.

Overall Per Case Cost. As shown in Table H89 (bottom row), the average amount spent per case by the legal aid services agency was between $184 and $1,281. The total amount invoiced by LAFSBC for legal aid services ($485,604) divided by the number of cases served (379) yielded an overall average of $1,281 spent per case. When the cost per case was calculated by multiplying the mean number of attorney hours per case by the loaded attorney hourly rate, this yielded an estimated per case cost of $497. When this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $184.

Per Case Cost by Level of Service. Table H89 (first and second rows) shows the average cost per case taking into account the level of service provided. The average amount spent per full representation case was between $1,012 and $3,923 and the average amount spent per unbundled services case was between $92 and $672. When the total invoiced amount ($485,604) for legal aid services was divided by the number of cases at each service level, it yielded an average cost of $3,923 per full representation case and $672 per unbundled services case. For full representation cases, when the cost per case was calculated by multiplying the mean number of attorney hours by the loaded attorney hourly rate, this yielded an estimated per case cost of $1,288; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $1,012. For unbundled services cases, when the cost per case was calculated using the mean number of attorney hours, this yielded an estimated per case cost of $221; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $92.

Note on the calculations for cost per case: Estimates derived from the invoiced amount (left side of the table) included hours worked by supervising attorneys and hours spent by staff attorneys doing background and supportive work, in addition to their direct case work. Estimates derived from the program services database (right side of the table) pertain only to time spent by staff attorney working on cases.

Table H89. Average Estimated Cost to Provide Legal Aid Services per Case in FY 2014 – Santa Barbara

Invoice			Program Services Data and Contracted Hourly Rate				
Level of Service	Number of Cases[a]	Average Cost per Case[b]	Average Hours per Case[c]		x	Atty Hourly Rate[d]	= Average Cost per Case
Full Reprstn.	71	$3,923	Mean	14.0		$91.97	$1,288
			Median	11.0		$91.97	$1,012
Unbundled Svcs.	308	$672	Mean	2.4		$91.97	$221
			Median	1.0		$91.97	$92
All Cases	379	$1,281	Mean	5.4		$91.97	$497
			Median	2.0		$91.97	$184

[a] Number of cases opened in FY 2014, receiving each service, as recorded in the program services database.
[b] See Table HA83 in Housing Appendix C for full calculations.
[c] Mean and median number of attorney hours spent on cases opened in FY 2014, by service level, as recorded in program services database.
[d] Loaded hourly rate established in contract with Judicial Council.

Court-based services costs

The Santa Barbara County Superior Court was allocated $186,447 to provide unlawful detainer services, specifically the Housing Settlement Master. The total invoiced amount was $82,226. The number of litigants served by the court-based services in the Santa Maria and Lompoc courthouses was 163, indicating an average cost per case of $504.

Table H90. Estimated Costs for Court-Based Services in FY 2014 – Santa Barbara

Allocation[a]	SBCSC invoice total[b]	Total # served[c]	Average cost per case	Services provided
$186,447 [b]	$82,226	163	$504	Mandatory settlement conferences with the Housing Settlement Master

[a] The amount in contract for court-based services for FY 2014.The contracted allocation for both the probate and housing projects from the JC was $372,893. The number here reflects 50% of this amount.
[b] Amount invoiced by the Superior Court for unlawful detainer services provided in FY 2014.
[c] Data from the Settlement Master database at the Superior Court of California, Santa Barbara County.

COSTS FOR SERVICES AT THE YOLO PILOT PROJECT IN FY 2014

Legal aid program costs

Total Program Cost. The Legal Services of Northern California (LSNC)-Yolo contract with the Judicial Council (JC) allocated $317,716 for housing case services in FY 2014. The total amount invoiced for this time period was $219,206. Of this, $20,415 was spent on contract services to partner organizations, $27,831 was spent on legal aid services to clients based in the court, and $170,961 was spent on legal aid services to clients (see Table H91). This amount includes costs for casework by a staff attorney. According to the program services database, during FY 2014, LSNC-Yolo attorneys worked a total of 2,339 hours on Shriver housing cases.

Table H91. Legal Aid Services Program Cost Estimates in FY 2014 – Yolo

Invoice Components	Amount
Contract services to partner organizations	$20,415
Court-based legal services to clients[a]	$27,831
Direct services to clients[b]	$170,961
Yolo Pilot Project invoice total (LSNC-Yolo)	**$219,206**
Yolo Pilot Project Allocation	**$317,716**

[a] The invoiced amount for the court-based self-help attorney is not included in the average estimated cost to provide legal services (Table H92).
[b] Direct services costs included estimated costs for attorney time listed on project invoices. For Yolo, this included approximately three full-time staff attorneys.

Overall Per Case Cost. As shown in Table H92 (bottom row), the average amount spent per case by the legal aid services agency was between $295 and $678. The total amount invoiced by LSNC-Yolo ($170,961) divided by the number of cases served (252) yielded an overall average of $678 spent per case. When the cost per case was calculated by multiplying the mean number of attorney hours per case by the loaded attorney hourly rate, this yielded an estimated per case cost of $518. When this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $295.

Per Case Cost by Level of Service. Table H92 (first and second rows) shows the average cost per case taking into account the level of service provided. The average amount spent per full representation case was between $668 and $1,071 and the average amount spent per unbundled services case was between $187 and $359. When the total invoiced amount ($170,961) for legal aid services was divided by the number of cases at each service level, it yielded an average cost of $1,071 per full representation case and $359 per unbundled services case. For full representation cases, when the cost per case was calculated by multiplying the mean number of attorney hours by the loaded attorney hourly rate, this yielded an estimated per case cost of $879; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $668. For unbundled services cases, when the cost per case was calculated using the mean number of attorney hours, this yielded an estimated per case cost of $295; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $187.

Note on the calculations for cost per case: Estimates derived from the invoiced amount (left side of the table) included hours worked by supervising attorneys and hours spent by staff attorneys

doing background and supportive work, in addition to their direct case work. Estimates derived from the program services database (right side of the table) pertain only to time spent by staff attorneys working on cases.

Table H92. Average Estimated Cost to Provide Legal Aid Services per Case in FY 2014 – Yolo

Invoice			Program Services Data and Contracted Hourly Rate					
Level of Service	Number of Cases[a]	Average Cost per Case[b]	Average Hours per Case[c]		x	Atty Hourly Rate[d]	=	Average Cost per Case
Full reprstn.	113	$1,071	Mean	14.6		$60.17		$879
			Median	11.1		$60.17		$668
Unbundled svcs.	139	$359	Mean	4.9		$60.17		$295
			Median	3.1		$60.17		$187
All cases	252	$678	Mean	8.6		$60.17		$518
			Median	4.9		$60.17		$295

[a] Number of cases opened in FY 2014, receiving each service, as recorded in the program services database.
[b] See Table HA84 in Housing Appendix C for full calculations.
[c] Mean and median number of attorney hours spent on cases opened in FY 2014, by service level, as recorded in program services database.
[d] Loaded hourly rate established in contract with Judicial Council.

Court-based services costs

The Yolo County Superior Court was allocated $29,260 to provide services to unlawful detainer litigants. The Court did not access these funds in FY 2014. However, LSNC-Yolo staff provided court-based legal services—namely, staffing an attorney who provided self-help and mediation services—and invoiced a total of $27,831 for these services. The number of litigants served by the court-based services in Yolo County was 484, indicating an average cost per litigant of $58.

Table H93. Costs for Court-Based Services in FY 2014 – Yolo

Partner	Invoice total	Total # served[b]	Average costs per litigant	Services provided
Yolo County Superior Court	$0	--	--	--
LSNC-Yolo	$27,831[a]	Self-help services: 452 Mediation: 32[c]	$58	Self-help services and mediation

[a] Amount invoiced by LSNC-Yolo in FY 2014 for court-based legal aid services.
[b] Data from LSNC-Yolo on court-based services provided at the Yolo County Superior Court.
[d] Mediation was provided to both litigants in each of 16 cases (= 32 litigants).

Cost Topic 1b. What are the estimated costs to provide services to all eligible litigants (to address the broader need)?

Annual resources necessary to address the broader need for legal services in unlawful detainer cases were estimated by multiplying the cost per case figures (above) by the number of cases filed at the court. Costs to address the unmet need among low-income litigants were calculated according to the number of cases filed in which the defendant was granted a fee waiver in FY 2014. Because the eligibility requirements for a court fee waiver (150% of the Federal Poverty Level [FPL]) are stricter than the Shriver eligibility requirements (200% of the FPL), and there are additional low-income defendants who would need and benefit from legal assistance, this cost should be considered an underestimate.

Table H94 shows, for each pilot project with available court summary data, the number of unlawful detainer cases filed with a fee waiver granted to a defendant, and the range of costs to provide services to this broader population. The numbers of cases filed in FY 2014 include those served by the Shriver housing pilot projects in that year.

Findings from these housing pilot projects suggest that, even when legal aid services intend to reach the full population of eligible litigants, not all individuals will accept or follow through with service. The reasons for this are not well understood. It may be that, upon receipt of an eviction notice, some individuals just move and prefer to avoid the conflict entirely, whereas other individuals may struggle to access services even when they are free. Transportation barriers and work schedules can make it difficult for low-income people to take time from work and coordinate travel to downtown in order to adequately engage in the process.

Table H94. Estimated Annual Costs to Address Need for Legal Aid Services among Low-Income Litigants in Unlawful Detainer Cases

	Number of Cases Filed with Fee Waiver Granted	Range of costs
Kern County	1,039	
Cost of full representation ($977 - $1,575 per case)		$1,015,103 - $1,636,425
Cost of unbundled services ($244 - $342 per case)		$253,516 - $355,338
San Diego County	4,088	
Cost of full representation ($797 - $1,325 per case)		$3,258,136 - $5,416,600
Cost of unbundled services ($343 - $601 per case)		$1,402,184 - $2,456,888
Santa Barbara County	343	
Cost of full representation ($1,012 - $3,923 per case)		$347,116 - $1,345,589
Cost of unbundled services ($92 - $672 per case)		$31,213 - $230,496
Yolo County	342	
Cost of full representation ($668 - $1,071 per case)		$228,456 - $366,282
Cost of unbundled services ($187 - $359 per case)		$63,954 - $122,778

Note. Estimates based on FY 2014 data. Los Angeles and Sacramento courts did not have this information available.

Cost Topic 2: If the provision of Shriver services improves court efficiency, do these efficiencies result in cost savings?

Court efficiency is conceptualized as either reduced court activities (e.g., fewer trials) or reduced time spent by staff on an activity. These efficiencies result in savings that can be financial (money saved) or opportunity resources (i.e., staff time conserved and then available for other tasks). Court efficiency cost analyses were possible for one site—San Diego—because it met all of the following criteria: (a) the project conducted random assignment, which yielded court case file reviews that are the basis for comparison between Shriver and non-Shriver cases; (b) the random assignment study yielded sufficient sample sizes; and (c) court staff participated in interviews during which they provided information about the time and resources used for specific court activities. An average cost was calculated for each activity, and then the rates of these activities among Shriver and non-Shriver cases were compared.

Average costs for bench trials, settlements, and dismissals

San Diego County Superior Court staff explained that the court time necessary to process an unlawful detainer case centrally pertained to how the case was resolved—specifically, whether a case was resolved via (a) trial, including preparation; (b) settlement, or (c) dismissal. (Cases that ended in default did not require additional court staff time.) Staff provided time estimates for each of these resolution methods and named the personnel involved in each. Salaries, benefits, indirect support rates, and jurisdictional overhead rates for each position were located online[110] and used to calculate hourly rates. The time estimates were multiplied by the hourly rate to develop a cost associated with each resolution method: $80.84 for a bench trial, $21.25 for a settlement, and $3.42 for a dismissal. Table H96 shows these calculations.

Costs of Shriver and Non-Shriver Cases

Table H95 shows the proportions of Shriver full representation and non-Shriver comparison cases, randomly assigned in San Diego, that were resolved via settlement, trial, dismissal, and default. Note that these rates are specific to the San Diego housing pilot project (thus the proportions differ from the aggregated figures in the random assignment analyses presented earlier).

Table H95. Numbers of Cases Resolved via Each Method (San Diego)

Case Resolution Method	Full Representation	Comparison
Stipulation/Settlement	90 (77.0%)	17 (31.5%)
Bench Trial	3 (2.5%)	12 (22.0%)
Dismissal	10 (8.5%)	15 (28.0%)
Default	14 (12.0%)	10 (18.5%)

Data source: Court record review.
Full representation *N*=117; Comparison *N*=54.

The relative costs to resolve cases with and without full representation for defendants can be estimated by taking into account the proportion of cases resolved by each method. Cases with full representation by a Shriver attorney were settled 77% of the time, versus 32% of the time among

[110] http://publicpay.ca.gov/Reports/Counties/County.aspx?entityid=42&fiscalyear=2013

cases with a self-represented defendant. Cases with full representation were resolved by trial approximately 3% of the time, versus 22% of the time among cases with a self-represented defendant. Each time a case is resolved by settlement (estimated to cost $21.25), instead of by trial (estimated to cost $80.84), the court saves approximately $59.59. If a case is dismissed (estimated to cost $3.42), instead of resolved by trial ($80.84), the court saves approximately $77.42. Although defaults may represent the least expensive case resolution method for the court, they arguably carry the highest cost for tenants and work against goals for equal access to justice.

Estimated Annual Costs Savings Based on Court Efficiencies

To estimate the potential savings to the court as a result of the per case savings described above, these figures were extrapolated across the total number of fee-waivered unlawful detainer cases filed in San Diego County in FY 2014 (*n*=4,088, as indicated by the court administrative data). The lower rates of trials and higher rates of settlements among Shriver full representation cases, compared to cases with self-represented defendants, led to an estimated annual savings of approximately $27,643.

Table H96. Case Resolution Method Rates and Associated Costs (San Diego)

	With Shriver Full Representation			**Without Shriver Full Representation**			
	Unit Cost[a]	Estimated Number of Cases per Year[b]	Estimated Annual Cost to Court[c]	Unit Cost[a]	Estimated Number of Cases per Year[b]	Estimated Annual Cost to Court[c]	*Estimated Annual Savings*
Settlement	$21.25	3,148	$66,890	$21.25	1,288	$27,364	
Bench Trial	$80.84	102	$8,262	$80.84	899	$72,704	
Dismissal	$3.42	347	$1,188	$3.42	1,145	$3,915	
Default	$0	491	$0	$0	756	$0	
Total		**4,088**	**$76,340**		**4,088**	**$103,983**	***$27,643***

Data source: Estimates based on court case file data in San Diego County.

[a] Unit costs relate to the estimated costs to resolve an unlawful detainer case via each method in San Diego County, based on information from court staff. Detailed information in Table HA85 in Housing Appendix C.

[b] Estimated number of cases per year was derived by multiplying the number of fee-waivered cases filed in FY 2014 by the proportion of cases resolved by each method (in San Diego; see Table H95).

[c] Estimated annual costs to the court were derived by multiplying the unit cost to resolve a case via each method by the estimated number of cases resolved via that method.

Cost Topic 3: Are Shriver Services Related to Potential Cost Savings Beyond the Court?

Additional and Often Unseen Costs of Eviction

Aside from unlawful detainer costs to the court, there are other costs related to frequent evictions and relocations. In the short term, there are costs to the tenant and costs to taxpayers for services provided, such as emergency sheltering and other crisis and support services. In the longer term, there are also indirect costs to the people impacted by involuntary relocations, including children and society. According to the research presented in this section, the very real potential exists for a single eviction event to lead to substantial, long-term negative consequences, such as a child's future earning potential or involvement with the criminal justice system.

These varying consequences are often difficult to quantify. However, several studies have attempted to measure the costs of homelessness, costs of shelter usage, and costs to tenants, including impacts on children and single mothers. Many of these studies use terms such as "residential mobility" and "forced relocation" to describe the process of having to move from place to place. Frequent moves are typically due to rent arrears, as was seen for the vast majority of Shriver clients, but there can be other requirements not being met by tenants, which can bring about eviction proceedings.

Eviction and Homelessness

Several studies have linked eviction with homelessness (Canada Mortgage & Housing Corporation, 2005; Crowley, 2003; Holl et al., 2016; Houseman, 2014). Across studies, eviction was found to be a major contributing factor to homelessness for approximately 10% to 20% of homeless individuals. For example, Crane and Warnes (2000) found that, of 313 homeless individuals studied, 45 (14%) reported eviction contributed to their homelessness. Studying homelessness prevention policy in five communities, Burt and colleagues (Burt, Pearson, & Montgomery, 2007) reported that eviction predicted homelessness 20% of the time. In San Francisco's 2015 "Point In Time Count & Survey" report, 13% of the 1,046 homeless individuals surveyed indicated that eviction was the primary cause of their homelessness and an additional 3% reported a raise in rent as the primary cause. Studies have also shown that a lack of resources and stability among individuals facing eviction can have dire consequences. In Desmond's (2012) interviews with 70 just-evicted families, four indicated they were going to homeless shelters, two to hotels, two to the street, one to a car, and 40 did not know where they would go next.

Emergency shelters and other services

As was the case with Shriver interview respondents, not all homeless evictees seek emergency shelter. However, for those who do seek shelter and the associated services, the cost to taxpayers can be high. In a study of British evictees (Holl et al., 2016), it was reported that the cost of one night in an emergency shelter for an "evicted household" was more than the cost of intervention that would have prevented that homelessness.

In a 2009 study of homeless individuals in Los Angeles County, the average monthly cost for homeless general relief recipients was $1,446 (Flaming, Burns, Matsunaga, & Sumner, 2009). However, this average was largely impacted by the top 10% of this sample, who had monthly costs of $8,083. In fact, the top 10% of this sample was responsible for over half of all public costs for

the homeless sample in this study, and the greatest costs were associated with hospital and emergency room visits and medical/mental healthcare (often while incarcerated). In this study, the four public agencies that assumed most of the costs were the Department of Health Services hospital-inpatient, the Department of Public Social Services (DPSS) General Relief, DPSS Food Stamps, and the sheriff's mental health jail facility. Specifically, general relief grants averaged $180 per month and food stamps averaged $160 per month. While it is likely that this 10% represents individuals who are chronically homeless and perhaps qualitatively different from Shriver clients who were recently housed, the high cost of caring for unsheltered individuals remains relevant.

Regarding newly homeless individuals—a population potentially more similar to Shriver clients—a 2010 HUD study reported that average "mainstream service delivery system" costs, including emergency shelter, for an individual who experiences homelessness for the first time were $1,634 to $2,308. The cost can increase more than tenfold for a homeless family ($3,184 to $20,031), which was defined as 3.5 family members, typically including one adult.

Crowded Housing

After forced relocation, many tenants move in with family or friends. Oftentimes, they are "doubled up," or "couch surfing," in conditions that are unstable and temporary, and sometimes they are still paying rent. Of the 66 Shriver clients in Kern and San Diego counties who completed a follow-up interview 1 year after their UD cases closed, more than half (55%) were either staying with friends or family at the time of the interview, or had stayed with friends/family temporarily after being forced to move at the end of the case.

Staying with family or friends is sometimes the only viable option for evicted low-income tenants. This arrangement can allow an individual to save enough money to relocate into a new home. However, staying with friends or family can pose its own problems. If there are no available rooms in the residence, individuals may need to double up or sleep in rooms other than bedrooms, leading to crowded living conditions.[111] One study participant explained that she and her husband moved to a friend's house and lived in a 9' x 10' room for $400 per month.

Studies have shown that living in crowded housing has negative outcomes, not unlike those associated with frequent forced relocation. Researchers (Lopoo & London, 2016) have reported that "household crowding during one's high school years is an engine of cumulative inequality over the life course" (p. 1). Other research on child development has shown lower academic achievement, lower graduation rates, increased behavioral problems, greater physical and emotional stress, and poorer physical health among children in crowded households (Evans, Eckenrode, & Marcynyszyn, 2007; Kling, Liebman, & Katz, 2007; Leventhal & Newman, 2010; Ludwig et al., 2011; Solari & Mare, 2012) and many of these negative outcomes persist into adulthood (Solari & Mare, 2012). In 2015, the California Legislative Analysts' Office (2015) found that the state's overall crowding rate is four times higher than the national average and that high-cost housing was associated with crowded housing.

[111] Researchers use a number of measurements to describe overcrowded living situations, the most common being the persons-per-room description. More than one person per room is considered a crowded household (by HUD). Rooms are described as big enough to offer privacy and a place to sleep, but not originally intended to be a bedroom.

COSTS TO TENANTS

There are also a variety of tangible costs to tenants, including the direct financial costs of relocation and the indirect emotional costs to individuals, especially children.

Relocation costs

Researchers with the Canada Mortgage and Housing Corporation (2005) studied renters in the United States, Canada, and the United Kingdom. They conducted focus groups and interviews with 32 people who had a history of recurring evictions. When asked about the greatest costs related to having to move, respondents most commonly reported loss of belongings and loss of security deposits. Other costs, in order of frequency, included moving expenses, the cost to set up a new residence, and higher transportation costs. Among this sample, $2,234 was the reported average cost of each eviction to the tenant. Most evictions are related to a tenant's inability to pay rent, and a forced relocation poses even more financial barriers for a tenant to then secure stable housing. The heavy burden of back-owed rent, coupled with the costs of moving and negative rental and credit reporting, renders it unsurprising that many evictees struggle to relocate into stable, independent living situations.

Table H97 uses data from the program services database to estimate the cost of a forced relocation for Shriver clients at each of the six projects. The total cost was calculated by adding the amount of back-rent owed to the landlord for the current unit and the amount needed to secure a new rental unit (i.e., first month rent, last month rent, and security deposit), based on the average rental cost across tenants at that site. Moving to a new home usually involves an increase in rent. However, for the purposes of this section, it was assumed that an evicted household could find replacement housing with a similar monthly rental amount. A civil right to counsel reference document by Bay Area Legal Aid (2011) estimated the cost for the physical move to be $200.

Table H97. Estimated Costs of a Forced Relocation for a Shriver Client Obtaining a New Rental

County	Amount Owed to Landlord on Complaint[a]		Cost of Physical Move[b]	Amount Needed to Secure New Rental[c]		Total Moving Costs	
	Mean	Median		Mean	Median	Mean	Median
Kern	$950	$650	$200	$2,037	$1,950	$3,187	$2,800
Los Angeles	$1,898	$1,230		$2,631	$2,550	$4,729	$3,980
San Diego	$1,860	$1,277		$2,958	$2,850	$5,018	$4,327
Santa Barbara	$2,677	$1,398		$2,667	$2,394	$5,544	$3,992
Sacramento	$1,515	$1,020		$2,223	$2,187	$3,938	$3,407
Yolo	$1,480	$1,000		$2,151	$2,079	$3,831	$3,279

[a] The average amount owed to landlord on the unlawful detainer complaint was reported in the program services database and averaged across the tenants at each project.
[b] The cost of a physical move was estimated in a 2011 Bay Area Legal Aid benefit and outcomes report.
[c] New housing costs were estimated using the average rental amount reported by tenants in the program services database, by project. The average monthly rental amount was multiplied by three to estimate the amount of money needed to secure a new rental, namely, first month's rent, last month's rent, and the security deposit equivalent to 1 month's rent.

On average, across sites, Shriver clients would need to have approximately $4,000 (mean = $4,374; median = $3,631) to cover what they owed their previous landlord, the costs to physically move their belongings, and the cost to secure the new rental. Considering that Shriver clients had average monthly incomes between $1,036 and $1,258, at project intake, these moving costs would necessitate considerable time and savings. Moreover, these costs do not take into account other potential expenses related to moving, such as storage costs or the costs to replace any lost property left behind, lost wages due to missed work, and the cost of setting up utility services.

Physical and emotional costs

The stressors of having to relocate without adequate resources can and often do impact the physical and emotional well-being of those being evicted. Desmond and Kimbro (2015) have found that, compared to non-evicted mothers, evicted mothers are more likely to suffer from depression and have worse physical health outcomes for themselves and their children. The authors explain that the impacts of these stressors often have long-term consequences. This connection is important, considering that low-income, minority women make up the largest demographic group of evictees, and they are at higher risk for eviction if they have children (Desmond et al., 2013; Hartman & Robinson, 2003).

Costs to children: Education, behavioral problems, and protective services

Households with children are more likely to endure forced relocations than other households (Desmond & Perkins, 2016). Families with children who move often due to eviction have additional challenges that carry substantial individual and societal costs. Children whose education is disrupted by having to change schools fare worse than their more stable counterparts (Crowley, 2003; Desmond, 2012; Pribesh & Downey, 1999). A literature review (Scanlon & Devine, 2001) of residential mobility's impact on children's academic well-being found evidence that high residential mobility degrades academic performance, impedes grade advancement, and increases dropout rates. Furthermore, these effects are especially strong for poor children from single-parent families. Ersing, Sutphen, and Loeffler (2009) also found that academic problems are correlated with high residential mobility, defined as three or more address changes in a student's cumulative school file. In this study, 495 fifth grade students were studied over time to understand the impact of residential mobility. Students with high mobility scored lower on statewide reading tests, by 97 points. The authors report that children in highly mobile households are an "at-risk population who are likely to have academic and behavioral problems in school" (p. 12).

Conversely, research findings from the Moving to Opportunity for Fair Housing (MTO) program—a randomized social experiment sponsored by HUD that offered housing vouchers to 4,600 low-income families with children living in high-poverty public housing projects—indicated that moving to a lower poverty area (i.e., an area with a higher median income) positively impacted the eventual college attendance rates and future earnings for children who had moved frequently before age 13 (Chetty & Hendren, 2015). For older children who had experienced high residential mobility, moving to a lower poverty area did not have the same buffering effect.

Research has also shown an association between a student's disciplinary record and her/his residential mobility (Ersing et al., 2009). Youth who moved frequently were twice as likely to be referred by teachers for disruptive behavior, which may set the groundwork for further delinquent behavior. Students who are suspended or expelled from school are more likely to be arrested closely following these disciplinary events (Monahan, VanDerhei, Bechtold, & Cauffman, 2014).

Research out of Chicago has shown that frequent moves within city limits "elevates the risk of violence" for adolescents. Moreover, renters who are forced to move, typically through eviction, and because they have few resources available to them, tend to move to neighborhoods with higher poverty and crime rates (Desmond & Shollenberger, 2013).

Following this course of increased school discipline, increased violence, and higher arrest rates, when considering the impacts of involuntary residential mobility, policymakers may also want to consider the costs of crime to society. The costs to taxpayers of juvenile delinquency are high and often extend, in one form or another, into adulthood. According to the California Legislative Analyst's Office (2012), the average annual cost of housing a juvenile offender in a state Department of Juvenile Justice facility in 2012 was $179,400, and 54% of those released from these facilities recidivated and were re-incarcerated within 3 years of release. While it is difficult to assign dollar amounts to the endless trajectories an individual's life may take, there is a strong argument to be made that adolescents who have experienced repeated forced relocations are at greater risk for involvement with the criminal justice system.

Disruption of social networks and support

Clearly impacted by a change in residence, but not often discussed in terms of cost, are social networks and support systems, the disruption of which can have serious ramifications for low-income individuals and families. For example, when faced with eviction, families may have to break up and children may be sent to live with relatives in more stable housing situations, if such an option is available. If more stable family members are not nearby, and if a family becomes homeless, children may be placed into foster care.

Families who move frequently are five times more likely than those in more stable households to be involved with child protective services (Ersing et al., 2009). In a foster care report from the National Conference of State Legislatures, it was explained that, "[a]lthough housing, financial support, and access to healthcare can be effectively addressed so that children can be kept safely with their families and are not required to enter foster care, a growing percentage of children are entering foster care each year because of neglect and housing problems" (Freundlich, 2010, p. 1). The average time spent in foster care for children in California is 15.2 months.[112] As of July 2014, the statewide rates to provide foster care ranged from $671 to $838 per month, depending on the child's age.[113] This amount does not factor in the costs of the considerable administrative work necessary to sustain a foster care system and dependency court proceedings. Depending on how far away they move, children and adults alike may lose friends, jobs, supportive networks, and even family pets.

POTENTIAL SAVINGS TO OTHER TAXPAYER SYSTEMS

In responding to an unlawful detainer complaint, tenants have the ability to raise affirmative defenses to support their side of the case. For instance, tenants may be purposefully withholding rent until a landlord has remedied a habitability issue. Addressing affirmative defenses can also be important for the broader system. Several defenses are matters of public policy, including state statutes and federal regulations by the U.S. Department of Housing and Urban Development (HUD) related to fair housing. These include defenses pertaining to habitability, discrimination,

[112] Data are for 2012 foster care placement. www.kidsdata.org
[113] Data retrieved from California Department of Social Services website

rent control violations, a lack of reasonable disability accommodation, and negotiations/agreements in languages other than English. When an unlawful detainer case is effectively handled, enforcement of these policies can occur through action of the court and thereby alleviate pressure on other public agencies. For example, if the attorney(s) can work to remedy the issues, then other public agencies (e.g., City Building Inspector, HUD, Rent Control Board) are spared the effort, which can avoid costs.

SUMMARY

The costs and associated negative impacts of eviction and forced relocation are many, and can have profound, deleterious consequences for children, families, and communities. Some of these consequences have the potential to create longer term challenges in many areas of life in ways that can be difficult to quantify financially. Across the six pilot projects, the average cost to provide full representation to a defendant in an unlawful detainer case ranged from $601 to $3,923. In most cases, the average cost for this level of service fell in a slightly narrower range, between $750 and $1,500. The actual cost to provide full representation for any case will vary according to the case characteristics and, perhaps, the court. Across the six pilot projects, the average cost to provide unbundled services to a defendant in an unlawful detainer case ranged from $100 to $672. In most cases, the average cost for this level of service fell between $100 and $350. The actual cost to provide unbundled services will depend on the type of service being provided. Each of the six pilot projects provided a unique combination of limited scope services, from help preparing an answer to day of trial representation, and the relative intensity of any of these services should be weighed when considering the costs. Full representation by Shriver counsel led to a higher rate of settlements and a lower rate of trials. Using data from the San Diego pilot project, it was estimated that this change could save approximately $27,643 per year in court-related costs for processing cases.

Shriver Housing Pilot Projects

Summary of Findings

Summary of Findings for the Shriver Housing Pilot Projects

The Shriver Program endeavored to ensure access to justice and to support fair judicial decisions for cases that pertained to critical livelihood issues. Given the dearth of affordable housing in California and the rate at which rents have outpaced wages in most areas of the state, eviction is one of the most urgent civil justice issues for low-income individuals, as the loss of housing poses a wide range of risks and consequences for families. These risks are severe for vulnerable tenants, such as the elderly and people with disabilities.

Among low-income populations, it is very common for unlawful detainer cases to involve landlords with legal representation and tenants without the resources to retain counsel (Community Training and Resource Center, 1993). By balancing the playing field, the statute sought to provide equal access to justice and to ensure that cases were decided on their merits and not as a result of one side having legal representation.

Data for the evaluation of the Shriver housing pilot projects were collected over the course of 5 years, from multiple sources, using various methodologies. Program services data were recorded by Shriver legal aid services staff at all six projects as they worked with clients and by court-based staff as they provided help to cases. In addition, for 1 month at three pilot projects that were routinely oversubscribed, litigants in unlawful detainer cases were randomly assigned to receive Shriver representation or not. Subsequently, the individual court case files were reviewed for these randomly assigned cases and the litigants were invited to participate in phone interviews. Lastly, staff members from each pilot project were interviewed about their perceptions of the program's impact. Together, these data help elucidate the impact of providing legal assistance to low-income tenants in unlawful detainer cases.

Who was served by the Shriver Housing Pilot Projects?

From October 2011 through October 2015, the six housing pilot projects provided legal aid services to more than 19,000 low-income tenants facing eviction (and a small number of low-income landlords). Most Shriver clients were female and non-White. About one quarter experienced disabilities, and another quarter had limited proficiency with English. More than half had minors living in their households, and over one third received food subsidies. Within these 19,000 cases across the six projects, approximately 55,000 tenants (including household members not listed as defendants) were impacted by the Shriver legal services.

The median monthly income among Shriver housing clients was $980, well below the 2014 Federal Poverty Level (FPL), and the overwhelming majority of them experienced considerable rental cost burden. The U.S. Department of Housing and Urban Development (HUD) considers a household to experience rental cost burden when more than 30% of the household income is devoted to rent. When 50% or more of the income is devoted to rent, the household is considered severely cost burdened. Across all six pilot projects, 92% of Shriver clients spent more than 30% of their monthly household income on rent; 73% spent 50% or more. Most commonly, Shriver clients were being evicted for the alleged non-payment of rent, and the average amount demanded on the notice

was $1,810. In 60% of cases, tenants owed between $501 and $2,000, and in 9% of cases, the amount was $500 or less, highlighting the financial vulnerability of many families.

WHAT SERVICES WERE PROVIDED BY THE SHRIVER HOUSING PILOT PROJECTS?

The housing pilot projects offered two levels of legal aid service: (a) full representation by a Shriver attorney, and (b) unbundled services (help with discrete legal tasks). Across the six projects, more than half of Shriver clients received full representation and just under half received unbundled services. Of those tenants who received full representation from a Shriver attorney, 96% were facing a landlord who was represented by counsel (1% were not and 3% were unknown).

Shriver court-based services for unlawful detainer cases included self-help centers, mediation services, and electronic filing systems. One court (Santa Barbara County) established a Housing Settlement Master and instituted mandatory settlement conferences for all unlawful detainer cases that were scheduled for trial.

WHAT WERE THE IMPACTS OF THE SHRIVER HOUSING PILOT PROJECTS?

Study findings demonstrated that, relative to cases with self-represented tenants, cases with Shriver full representation for tenants had the following outcomes:

Increased participation in the justice system

With the help of an attorney, tenants were better able to engage with the judicial system and to defend their cases. Tenants' access to justice depends on their ability to successfully file a written response to the unlawful detainer complaint within a short timeframe. Inability to do so usually results in a default and tenants losing possession of their homes, after a forced eviction, without ever presenting their side of their cases. Historically, in these cases, defaults are common. Shriver services addressed this need: Program service data from all six projects indicated that, among those clients who received full representation, an answer (or other response) was successfully filed in approximately 94% of cases. Case file data from the random assignment study of three projects showed that significantly more full representation cases successfully filed an answer/response to the unlawful detainer complaint (91%) than did comparison cases (73%). Recall that the comparison cases in the random assignment study had to present to legal aid for service before being assigned to a study group and in some cases, these courts had self-help services that assisted with answer filing (but no other legal help). Anecdotally, it is understood that many tenants default on their cases without ever seeking help, and in many areas court self-help centers are not available. Thus, the 73% of answers filed among the comparison group in these three counties may be an overestimation for the broader group of self-represented tenants around the state, which would make the potential impact of Shriver services even greater.

Moreover, attorneys enabled tenants to more effectively defend their cases and to present the court with comprehensive information on which to base decisions. Tenants with full representation (84%) more often raised affirmative defenses in their cases, compared to those without representation (60%). Raising issues of habitability, rent control violations, and Americans with Disabilities Act (ADA) accommodations with the court not only enables tenants to clearly present their cases, but also allows the issues to be remedied as part of the unlawful detainer case and therefore alleviates pressure on other publicly funded agencies.

Fewer defaults

The increased rate of filing answers to the unlawful detainer complaints led to fewer defaults among cases with full representation. The random assignment study of three projects showed that Shriver full representation clients were significantly less likely to end their cases in default (8%)[114] than were self-represented defendants (26%). The lower rate of default judgments is an important indication of access to justice for these families, and this impact of legal representation is consistent with previous research (Seron et al., 2001).

More settlements and fewer trials

Balancing the playing field did not appear to make unlawful detainer proceedings more combative or drawn-out. Instead, it increased the likelihood of settlement. Among tenants with full representation across all six projects, program services data indicate that 70% resolved their cases by settlement, and 5% by trial (18% were dismissed and 7% were unknown). Random assignment study results demonstrated that the settlement rate with balanced representation is significantly higher, and the trial rate lower, than what occurs when one side is self-represented. In particular, case file data showed that 67% of cases with Shriver full representation settled, versus 34% of comparison cases, and just 3% of Shriver full representation cases went to trial, versus 14% of comparison cases.

Impact of mandatory settlement conferences

As part of their Shriver housing pilot project, the Santa Barbara County Superior Court established a court-based Housing Settlement Master. Parties in unlawful detainer cases that were scheduled for trial were required to meet with the Settlement Master for a mandatory settlement conference before the trial date. Preliminary data on the impact of these settlement conferences suggest that they were effective at helping parties reach agreements that were tenable over time. When both parties appeared at the settlement conference, agreements were reached 79% of the time. This greatly reduced the number of cases that proceeded to trial, thereby reducing the burden on the court. Further, among cases that settled during the conference, 81% complied with the terms of the agreement, suggesting that the Settlement Master helped negotiate terms that were both agreeable and tenable for both sides. In most cases, the settlements were conditional: Contingent on the tenants moving out by a certain date (and sometimes paying money), the landlords agreed to reduce (or waive) the rental debt and dismiss the case (so it would not appear on the public record). These settlements were beneficial for both landlords and tenants. Landlords regained their property without having to go through the trouble and expense of a trial or executing a writ of possession. Tenants had their debts reduced (or waived) and had their credit protected, both of which supported their ability to find replacement housing.

Case outcomes favored longer term housing stability

Possession of the property

The provision of Shriver attorneys for defendants in unlawful detainer cases did not result in a significant decrease in forced relocations among low-income tenants, but representation did

[114] Recall that some pilot projects accepted cases that had a default entered and Shriver counsel attempted to have the default set aside.

appear to limit the rate of formal evictions. Across all six pilot projects, among cases that received full representation, tenants in 78% of cases ultimately moved out of their homes. The majority of these tenants moved as part of a negotiated settlement. By contrast, tenants in just 6% of full representation cases across the six projects were subjected to an actual lockout. Moving as part of a settlement helps to calm emotional tensions on both sides (the date is agreed upon in advance, there is no surprise visit by the sheriff) and offers some extra stability for tenants. Specifically, tenants in full representation cases received, on average, 2 weeks longer to relocate than did those in comparison cases (85 days and 74 days, respectively), allowing them more time to find alternate housing.

In the current study, the proportion of cases that ended with the tenant retaining possession of the property was generally smaller than those reported in studies done in other cities (Greiner et al., 2013; Seron et al., 2001). The different locations of the studies (Boston, New York City, and the three California sites) and the varying local housing regulations (e.g., rent control) may partly explain some of these differences. However, similar to the earlier studies, the current evaluation found that possession was retained more often among cases with represented tenants (5%) than among cases with self-represented tenants (1%).

Financial and credit-related outcomes

Outcomes of cases with tenants represented by Shriver counsel tended to involve elements supportive of longer term housing stability. Across all six projects, among those cases in which tenants had to move out of their homes, settlement terms also included: a reduction in or waiver of the back-owed rent to be paid by the tenant (65%), the unlawful detainer action kept off the public record (74%), the case not reported to credit agencies (53%), and a neutral rental reference from the landlord (39%). Any of these elements alone—but more so when combined—provides tenants with better opportunity to find alternate stable housing for themselves and their families.

Financial outcomes. Results of the random assignment study showed that beneficial financial outcomes were attained significantly more often for tenants with Shriver representation. In the current study, overall, just under half of tenants, regardless of representation status, had to pay back some (or all) past due rent. However, compared to self-represented tenants, Shriver-represented tenants were less often ordered to pay holdover damages, attorney fees, and other costs. This finding echoes earlier research that linked legal representation to better financial outcomes for tenants, including financial awards (Greiner et al., 2013) and stipulations for rent abatement (Seron et al., 2001).

In the current study, the amount of money to be paid by the defendant at case closure varied by the amount demanded on the eviction notice. In particular, defendants were more likely to have their debt waived when they owed less than $2,000, and more likely to have the amount reduced if they owed more. In addition to the amount owed, having an attorney helped determine the amount ordered for repayment. Among cases with less than $2,000 owed, defendants with representation were less likely to be ordered to pay the full debt compared to self-represented defendants. Among cases with between $2,000 and $4,000 owed, defendants with representation more often had their debt waived and less often were ordered to repay the entire amount, relative to those without attorneys.

This finding is relevant for both tenants and landlords. While landlords were often amenable to waiving small debts, large debt amounts were likely to be recouped at least in part. Having balanced representation on both sides of the cases likely helped to facilitate terms that were agreeable for both parties.

Credit-Related Outcomes. A greater proportion of defendants who received full representation by a Shriver attorney (45%) ended their cases with other beneficial credit-related outcomes, relative to those without representation (17%). Full representation clients more often received either a payment plan for debt owed, a temporary stay of eviction, return of security deposit, or payment of relocation costs, as compared to litigants who did not receive Shriver services. Full representation also resulted in defendants having their cases not reported to credit agencies, their cases sealed (permanently removed from public view), and neutral references from the landlord. When tenants had to move, these financial and credit-related outcomes supported their ability to secure alternate housing and maintain stability for their households.

This support for longer term housing stability was evident when talking with defendants 1 year after their cases had closed. All 66 interviewees except for one had moved out of their homes at the end of their cases. One year later, 71% of Shriver clients had obtained new rental units, compared to 43% of litigants who did not receive Shriver services. Several litigants remained either homeless or unstably housed, but this was the case for twice as many self-represented defendants as Shriver clients. It is certainly plausible that benefits such as protected credit, masked records, and reduced/waived debt made it easier for Shriver clients to find stable replacement housing.

Litigants felt supported

When asked about the impacts of the unlawful detainer cases on their lives, many Shriver clients expressed appreciation for the legal aid services they received. Despite this service receipt, and especially among those who did not receive Shriver services, defendants stated that the unlawful detainer case negatively impacted their lives and their mental health, including increases in depression and anxiety, and that they suffered from the lack of stability and stress of having nowhere to go. Being forced to move also negatively affected others in the household, most notably dependent children. However, the presence of an attorney helped some clients make the stressful experience of an unlawful detainer case manageable, helped them to feel supported in the process and not lost in the system, and in some cases, it helped them mount the motivation for a new start.

Improved efficiency for the courts

Although providing full representation to defendants does not appear to shorten the time to resolve cases, it does reduce the level of involvement necessary by the court to bring cases to resolution. Consistent with Greiner et al. (2013) and Seron et al. (2001), the current study found that unlawful detainer cases with both sides represented took longer to resolve than did cases with imbalanced representation but did so without putting additional burden on the court. Shriver services enabled roughly 70% of unlawful detainer cases to resolve by settlement, which requires comparatively fewer court resources, and limited the number of cases that went to trial, which is a more resource-intensive activity for court staff. Further, across cases that resolved by settlement, 23% of cases with a Shriver attorney settled before the trial date, versus 2% of cases with self-

represented defendants. These efficiencies can help alleviate court congestion by reducing the load on court clerks and judicial officers, and they also translate into cost savings over time.

Shriver representation did not appear to significantly shorten the length of time to resolve cases, in part because case length is inextricably tied to resolution method. That is, overall average case length is impacted by the number of defaults (which take less time than, say, settlements). Importantly, in most jurisdictions, case length was strongly shaped by the statutory 60-day masking period, during which unlawful detainer cases are shielded from public view. If cases are dismissed during this period, they do not appear on the public record. Whereas tenants may not be aware of this, attorneys paid close attention to these details, as they can have strong impacts on individuals' abilities to secure future housing.

Methodological limitations and considerations

Three of the six pilot projects implemented random assignment of litigants to receive service, a methodologically rigorous study design that lends considerable credence to the results. However, even with random assignment protocols, the practicalities of field-based data collection can involve potential bias. In the current study, litigants could be assigned to the comparison group only if they presented at legal aid for assistance with their cases. Given the high number of unlawful detainer defendants who default without ever seeking help, the comparison litigants in this study may not be representative of typical unrepresented tenants in unlawful detainer cases. This limitation presents a potential bias in the current sample, but one that would lead to an underestimation of the effect of representation. If this bias exists in the current data, it would make it harder to find an effect of representation. The larger drawback to this potential sample bias is the lack of information about those litigants who are most prone to default. Further, the post-case closure interviews may have underrepresented litigants who became homeless after their forced relocation. While homelessness and unstable housing was a clear theme among those interviewed, it is possible that the litigants who were not located for interviews were more likely to be those in less stable situations.

Though the scope of this evaluation was broad, some information gaps remained. For example, due to attorneys' brief interaction with unbundles services clients, little was known about the outcomes of these cases and the impact of limited scope services. In addition, current data did not reflect the potentially important role of case merit. Assessment of merit likely influenced legal aid's case triage procedures (i.e., which cases received full representation), and the aspects of cases that contribute to the determination of merit may also impact case outcomes.

Further study is also needed regarding the relative costs of different levels of legal assistance, keeping in mind the varying complexity of cases, delivery mechanisms, and geographic location. Although a complete analysis of relative costs was not possible in this study, there is a wealth of cost information that could be valuable when combined with future research.

ADDITIONAL NEEDS NOTED BY PROJECTS

Shriver staff overwhelmingly lamented the dearth of affordable housing, which makes finding replacement housing very difficult for those who have to move. Tenants frequently needed more resources than just legal help, such as short-term rental assistance and help finding new housing,

neither of which was included in the Shriver Program parameters. These services can be particularly important when trying to prevent homelessness and to implement rapid re-housing.

In several areas, the Shriver pilot project was the only provider of free assistance to low-income tenants facing eviction. In some places, the demand for service exceeded the capacity of the project and litigants were turned away. In other areas, especially larger geographic regions, Shriver staff noted that accessing services was challenging for tenants with disabilities, unreliable transportation, or inflexible work schedules. It could take hours, by bus, to get to the courthouse or to legal aid offices, which can be a significant impediment to accessing help, even when it is free. Enabling Shriver staff to accommodate clients by going to their homes for the initial meeting might help surmount these barriers.

Additionally, project staff expressed concern for those tenants who did not qualify for Shriver services due to their income, but who could still not afford an attorney, and therefore tended to slip through the cracks. Further, they felt that low-income landlords would benefit from legal assistance at a greater level than what was available in the current projects.

Evaluation of the Sargent Shriver Civil Counsel Act (AB590)

CHAPTER ON CHILD CUSTODY PILOT PROJECTS

SHRIVER CHILD CUSTODY PROJECTS
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Shriver Custody Pilot Projects

Chapter Overview

Chapter Overview

The Sargent Shriver Civil Counsel Act (AB590) allocated up to 20% of program funding for child custody cases. In addition to the broader service eligibility criteria for low-income status (i.e., at or below 200% of the Federal Poverty Level) and imbalanced representation (i.e., facing an opposing party with an attorney), the statute also required custody projects to handle cases in which one party was seeking sole custody of the child (Gov. Code Section 65661 (b)(2)). Sole custody requests are not typical in California, and such arrangements can often leave one parent with limited or no access to the child. These cases can also be highly contentious. The legislation mainly aimed to level the playing field in these types of cases. Shriver projects served parents trying to obtain custody as well as those trying to preserve custody. Services were generally provided for one pleading (i.e., one request for orders [RFO]) during the life of a custody case (which remains open until the child turns 18). The Shriver Program funded custody pilot projects in three counties: Los Angeles, San Diego, and San Francisco.

This chapter presents data collected from the three Shriver custody pilot projects that received Shriver Program funding in the fall of 2011. Data were collected from a variety of sources and stakeholders using a variety of research methodologies, including compilation of service data, review of court case files, and interviews with litigants and project stakeholders. This chapter compiles and presents the findings across these evaluation activities implemented over the course of 5 years. This chapter is organized in the following sections:

Introduction to Child Custody Cases

This section provides an overview of the child custody case process, including a description of the various events and proceedings related to the processing of custody pleadings, which are essential to understanding the impact of Shriver services. This section also provides important and relevant context for these cases by highlighting the “best interests of the child” guidelines and the impact of contentious custody disputes on children and the court system.

Implementation Overview and Pilot Project Descriptions

This section provides a brief overview of the work done by legal aid service agencies and superior court staff, as a result of Shriver funding, to serve 1,100 low-income litigants across the three pilot projects. In addition, an individual description is provided for each project that outlines the project context, implementation model and service structure, and goals for clients, as articulated by project stakeholders during interviews and site visits. In Appendix A, the reader can find a detailed Service Summary for each project that presents quantitative data on the numbers and characteristics of people served, services provided, and case characteristics and outcomes. Information for these analyses was recorded by Shriver staff in an ongoing manner into the program services database, a standardized data collection platform, throughout the grant period as they provided legal services.

Litigant Experiences

Child custody arrangements can be strongly influenced by characteristics and conditions of the parents. However, these factors are often subjective and are rarely documented in a standardized way in service logs or court case files. To better understand the life situations of

the families seeking Shriver services, the evaluation analyzed self-sufficiency assessment data collected from 109 Shriver clients at one of the custody projects (Los Angeles). These data help elucidate how these families were functioning across a variety of life domains—such as employment, health, housing, child care, and social support networks—at the time of Shriver service intake.

A small sample of 21 litigants from one of the custody projects (San Francisco) were interviewed over the phone after their pleading was resolved to discuss their perceptions of their case and the legal process, as well as the level of cooperation with the other parent. These Shriver clients were also asked about their experiences with the assistance they received.

Case Outcomes Study

A study of case outcomes was conducted at two of the three custody projects (San Diego and San Francisco) using data gleaned from individual court case files. Random assignment was not conducted in any of the custody projects, primarily due to the small numbers of cases, but comparative samples were drawn at these two sites. In San Diego, a group of 53 cases that received Shriver representation were compared to a group of 56 custody cases without Shriver services identified by the court database. In San Francisco, legal aid services attorneys recruited a sample of 25 comparison cases by reviewing the court calendar and identifying cases that would otherwise be eligible for Shriver services, and this was done before the project funding began. These cases were compared to 25 cases that received Shriver representation. For both projects, after the custody pleadings were resolved, the court files for the Shriver and non-Shriver comparison cases were reviewed for relevant information, such as case resolution and outcomes. Analyses then compared the outcomes for cases that received Shriver representation and those that did not.

Staff and Stakeholder Perceptions

Four years into the project implementation, stakeholders at each pilot project were interviewed about their perceptions of the impact of the Shriver pilot project at their site, including impacts on litigants, the court, and the community. In total across the three projects, perspectives were gathered from five staff at the legal aid services agencies and six staff at the participating Superior Courts. A cross-project summary is presented.

Cost Study

The costs to provide Shriver services were estimated for all three custody pilot projects using data from project invoices submitted to the Judicial Council, online cost information, and data recorded in the project services database. Potential cost savings to the court were calculated for one project that had available data from court staff and sufficient sample size (San Diego). Potential costs beyond the court are also discussed.

Summary

Findings from the various study components and preceding sections are synthesized to offer a summary of the Shriver custody pilot projects' implementation and impacts.

Typical Shriver Custody Case

It is difficult to describe a "typical" child custody case because every family is different. For example, differences in relationship dynamics and history, personalities, child age, parental capacity and desires, and available resources can have strong implications for custody cases. The legislative directives regarding income, imbalanced representation, and sole custody requests fostered some situational homogeneity among Shriver cases, but there was still wide variability in the case characteristics and outcomes. Cases served by the Shriver custody pilot projects often involved procedural complexities, highlighting the need for counsel. Many involved intersecting issues of domestic violence. And most Shriver clients also needed social services in addition to their legal services. To illustrate the types of cases served by the Shriver pilot project, some examples of cases are provided throughout this chapter.

Some key terms used throughout this chapter:

Throughout this report, the term ***self-represented*** is used to describe litigants who appear in court and go through their case proceedings without representation by an attorney.

Each pilot project offered a range of legal services specific to the local implementation model. All projects offered representation by a Shriver attorney as well as some form(s) of limited scope legal assistance (often referred to as "unbundling"). Representation involved an attorney providing representation for all aspects of the child custody pleading from start to finish—but not other aspects of the family law case (i.e., "limited scope" within the family law case). Unbundled services entailed legal help provided for discrete tasks, such as assistance with preparing and filing forms, collection of evidence, provision of brief counsel and advice, representation during mediation or settlement negotiations, or assistance at the self-help center. Projects differed in the types of unbundled services offered. All Shriver pilot projects provided representation to some clients and a range of unbundled services to some clients; the proportion depended on their unique program model. Throughout this chapter, the terms ***representation*** and ***unbundled services*** are used to indicate these two levels of Shriver service.

All custody pilot projects served low-income parents, regardless of gender or role in the case. Thus, Shriver clients could be the ***moving party*** (i.e., the party who filed the pleading and requested orders from the court) or the ***responding party*** (i.e., the party who was responding to the pleading filed by the moving party, who may or may not request something of the court). Shriver clients' goals were also variable; clients could be petitioning the court for sole custody of child(ren) or attempting to stop the other parent from obtaining sole custody (i.e., attempting to reserve what parenting time they currently had).

Shriver Custody Pilot Projects

Introduction to Child Custody Cases

Shriver client "Martina."
Until she was 8 years old, Anna had lived with Martina, and her father visited sporadically. After the Juvenile Dependency Court found that Martina did not do enough to protect Anna from witnessing domestic violence against Martina by a subsequent partner, the court ordered sole physical and legal custody of Anna to her father. The court also gave Martina monitored visits three times per week at unspecified times, with the father to approve the monitor. Despite the orders, after a few months, the father returned Anna to Martina and resumed visiting sporadically. After 4 years, a support hearing was set by the County. Before that hearing, the father left with Anna to an unknown location in Seattle. Martina tried and failed three separate times to obtain ex parte (emergency) orders to have the child returned, finally losing her composure with the clerk in the courtroom. But the court did set a hearing and the self-help center referred her to the Shriver project. At the hearing, where the father did not appear, the Court said that it was uncomfortable changing the Juvenile Dependency Court order because: (a) multiple ex parte orders were denied, and (b) Martina had an outburst in court. The Shriver attorney was able to address the Court's concerns, successfully arguing that the ex parte orders were denied because of procedural problems and not due to the facts in the case. The attorney pointed out that Anna had been living with Martina her whole life, and submitted extensive supporting evidence. After considering the evidence in its totality, the court concluded that Anna had been living with Martina. The court issued orders for Martina to have sole custody of Anna, and for the father to have visits to take place at Martina's discretion which would be supervised by a professional to be paid by father.

Introduction to Child Custody Cases

Child Custody Cases

Child custody cases are heard in family law courtrooms in California. Child custody cases arise when the parents of minor children are separated (or otherwise not together) and need a court order to determine how to share parenting responsibilities. Sometimes parents can agree to a parenting plan on their own, and other times they need the help of the court to come up with a plan that is in the best interests of their child(ren). Parenting plans may include general or specific schedules of days and times, including vacations, transportation, counseling and treatment services, and other details. Orders in child custody cases stand, and can be modified based upon the best interests of the child, until the child turns 18 years old or is emancipated. The Family Code is flexible and provides judicial officers wide discretion to make orders specific to the best interests of the child in each case. Given that, there are some basic concepts and terms that apply to child custody cases generally.

Types of Custody

Child custody is composed of two major types: ***legal custody*** and ***physical custody***. Legal custody involves the authority to make important decisions such as those related to healthcare, education, religion, and other child welfare issues. Physical custody is defined as with whom the child(ren) will live and how much time each parent spends with the child(ren).

For legal custody, a parent can have *sole custody* (i.e., only one parent has the right and responsibility to make important decisions about health, education, and welfare) or the parents can have *joint custody,* by which either parent can make such decisions. Under joint custody, parents do not have to agree on every decision, but both parents have the right to make decisions about aspects of their child's life (i.e., either parent can decide alone). However, if parents do not cooperate with one another, they may ask the court to make a decision.

Physical custody is similar to legal custody, in that a parent can have *sole* (or primary) *custody* or share *joint custody*. Sole physical custody means that the child lives with one parent most of the time, and usually visits the other parent. Likewise, joint physical custody means the child lives with both parents. Joint physical custody does not mean that the child must spend exactly half the time with each parent, but the amounts of parenting time allotted to both parents are substantial. Although a child support order is separate from a child custody and visitation order, they are related, as the amount of time each parent spends with the child will affect the amount of child support paid. The percentage of parenting time associated with sole physical custody varies by jurisdiction, but is typically 70% or more for the primary custodian.

Parents may share joint legal custody, but one parent may have primary physical custody. In this case, both parents share the responsibility of making important decisions in the child's life such as where the child will go to school, but the child lives with one parent most of the time.

If a parent has less than half time with the child, the time that parent spends with the child is generally characterized as ***visitation*** or ***parenting time***. Visitation orders are varied and can be used to specify parenting time schedules when parents share joint physical custody. There are generally four different types of visitation orders: reasonable visitation, visitation according to a

schedule, supervised visitation, and no visitation. **Reasonable visitation** orders are typically open-ended and allow parents the flexibility to work out the schedule outside of court. This type of visitation plan can work if parents get along and communicate well with one another. Generally, it helps the parents and child to have detailed visitation plans to prevent conflicts and confusion, so parents and courts often come up with a **visitation schedule** detailing the dates and times that the child will be with each parent. Visitation schedules can include holidays, special occasions (such as birthdays, Mother's Day, Father's Day, and other important dates for the family), and vacations.

In cases where the child's safety and well-being are in question (e.g., concerns about domestic violence, child abuse, or parental drug use), supervised visitation may be ordered. The person supervising the visit can be the other parent, another adult, or a professional. Supervised visitation can also be used in cases where a child and a parent need time to become more familiar with each other—for example, if a parent has not seen the child in a long time and they need to slowly get to know each other again. In some situations, it is in the child's best interests to have **no visitation** with the parent. This option is used when visiting the parent, even with supervision, would be physically or emotionally harmful to the child.

Inclination toward joint custody

California Family Code Section 3020 provides that "it is the public policy of this state to ensure that children have frequent and continuing contact with both parents after the parents are separated...and to encourage parents to share the rights and responsibilities of child rearing…" unless that would not be in the best interests of the child. Family Code Section 3011 sets out factors that must be considered by the courts in determining those best interests. Those include the health, safety, and welfare of the child; the nature and amount of contact with both parents; a history of child or intimate partner abuse; and habitual or continual abuse of alcohol or controlled substances.

General Court Process

If parents can agree to parenting plans, they do not necessarily need to go through a court process. However, if one parent does not follow the agreement, a court cannot enforce it until it becomes a *court order*. If both parents agree to a parenting plan, but want a court order that either parent can enforce, they can prepare their agreement in the form of a legal document and file it in an existing family law court case or establish a new case. A judge will review and generally sign such an agreement. After the agreement is signed by the judge, it is filed with the clerk's office and becomes a court order that is enforceable.

Filing the initial petition & requests for orders

If the court has not previously ruled on child custody and visitation, a parent will file a petition to open a child custody case. The kind of petition filed depends on the parents' current status and case circumstances. One of the most common types of petitions is for *dissolution of marriage* (i.e., divorce). Custody and visitation orders are included in any divorce that involves children. If the parents are not married or registered domestic partners, a parent may file a *parentage* case, which asks the court to issue an order to establish the legal parents of a child.

There are three other common types of petitions that either married or unmarried parents may file to obtain custody and visitation orders. These include a request for a *domestic violence restraining order* (when there are allegations of abuse, harassment, stalking, etc.), *petition for custody and support of minor children*, or a *governmental child support* case. A governmental child support case arises in two circumstances: (a) either one of the parents has applied for public benefits for the child and the state is asking for a child support order to help reimburse the state and to allow the requesting parent to help care for the child, or (b) a parent simply requests the assistance of the government in establishing a child support order. Once any of the above types of cases are opened, a parent may ask for custody and visitation orders.

If parents are unable to come to agreement on a parenting plan, either parent may file a request for orders (RFO) with the court to set a hearing and have the judge make a decision about child custody and visitation. The RFO may raise other issues such as child support, a request for orders of protection, or division of property. The parent filing the RFO is referred to as the *moving party* and is responsible for having the other parent (the *responding party*) served with a notice about the court hearing. The moving party must generally have this notice served at least 16 days before the hearing, which gives the responding party time to prepare a *responsive declaration* (i.e., an optional, formal response to the pleading), which will be reviewed at the hearing. The moving party must also file *proof* that the service of notice was completed. Both parties are usually required to attend mediation provided by Family Court Services (FCS), and additional activities may be required, depending on the case characteristics. If the parents are not able to come to an agreement at mediation, the judge will review all the information at the hearing and will come to a decision or continue the hearing to a new date, if more information is needed (such as an evaluation). A trial may also be scheduled for more complex or contested issues.

If the court has issued an order in a child custody case and a parent would like to make a modification to the existing custody or visitation order, the parent would file a new RFO. Notice would need to be given to the other party, and the parties would normally be required to attend mediation again before a hearing.

In some situations, a parent may believe that there is risk of immediate harm to the child (e.g., domestic violence, sexual abuse, child maltreatment) or they may believe that the child is at risk of being removed from the State of California. In these situations, a parent may ask for emergency (*ex parte*) orders along with the RFO. An ex parte hearing will be set by the court as soon as possible to review the facts of the case. These orders are difficult and complicated to obtain, and are only in place for a short time until a regular hearing is held on the RFO and longer term orders are made.

Relationship with juvenile court

When Child Protective Services has concerns that a child has been subjected to abuse or neglect, they remove the child from the parents' case and open a case in Juvenile Dependency Court. When this happens, the juvenile court acquires exclusive jurisdiction over the issue of child custody. Juvenile dependency cases have a strict timeline and guidelines. The files are confidential. If the child is returned to one or both parents, the juvenile court issues a final judgment (commonly known as an "exit order") which sets out an order regarding custody and any provisions for visitation. This judgment can either start a new and non-confidential family

law case or be filed in an existing family law case. Any modifications to the final judgment from juvenile court are then made in the family law case using the RFO procedure. It was possible for Shriver cases to be initiated from juvenile exit orders, and it was also possible for cases to be transferred from family court to juvenile court if it appeared that there was grave risk to the child (or if Child Protective Services opens a case while the family court case is pending). In juvenile dependency cases, both parents and children are provided with their own attorneys.

Hearings and trials

A hearing on the issue of child custody is an appropriate procedure during which to ask the court to decide on a discrete issue(s) when the parties cannot agree. A regular hearing takes a relatively short period of time (about 20 minutes) and is conducted in a less formal manner than a trial (usually based on the parties' written declarations and their testimonies before the judicial officer at the hearing). Parties often request a hearing for the court to make temporary orders about how they will share custody before a judgment is made in the case. They can also ask for a hearing when they want to modify the temporary child custody or parenting plan orders if circumstances change before a judgment is entered. Other typical hearings are about where a child will attend school, whether a child can travel outside of the state or country with a parent for vacation, or how a child will spend summer vacations with a parent. A hearing is also a process by which the court can determine whether the matter needs to proceed to trial before the judicial officer can make a determination.

In addition to regular hearings, there are review hearings, temporary emergency (ex parte) hearings, and long cause hearings. A review hearing is often scheduled by the court to check in and see how a custody and visitation arrangement is working. It provides the opportunity for parties to return to court for review and to potentially change the order without having to file additional pleadings. An ex parte or emergency hearing is held in cases where there is an immediate threat of danger to the child or for handling scheduling issues such as needing to change a court hearing date.

When a party requests, or the court sets, a trial, the process is more formal. The parties (or their counsel) often propound discovery, issue subpoenas for witnesses to testify, exchange trial briefs, and lodge exhibits and present evidence in court so that the judicial officer can make a determination on specific issues relating to child custody. The "trial day" is generally a period of no less than two and a half hours of a single court day, though trials can last for many days or weeks. While there are many issues that can be raised at trial, typical issues include those addressing legal and physical custody and parenting plans that will be entered into the judgment. If one parent wants to move with the child to a location that will make it difficult for regular physical contact with the other parent, a trial may be required so that the parents can present evidence about the relationship each has with the child, the reason for the move, and the child’s specific needs. Following a trial, the court usually enters a judgment on the matter.

BEST INTERESTS OF CHILD

Up until the late 20th century, mothers in child custody cases had a distinct advantage. The tender years doctrine was a legal principle in common law that presumed the mother should have custody of a young child, because she was considered to be the best parent to raise the child during these “tender years.” By the late 20th century, all states replaced this doctrine with

a focus on what kind of custody arrangement would best serve a child's physical and emotional well-being (Burchard v. Garay, 1986). According to the case law, courts do not automatically give custody to the mother or the father, no matter what the age or sex of the children. Absent a showing of harm to the child, courts will also not deny a parent's right to custody or visitation just because they were never married to the other parent, or because one parent has a physical disability or a different lifestyle, religious belief, or sexual orientation (Judicial Council of California, n.d.).

Interparental Contentiousness

If parents are asking the court to make decisions about their children, there is generally some interparental contentiousness. As described by Koel, Clark, Straus, Whitney, and Hauser (1994), "Litigation is often an index of interparental conflict and/or poor communication" (p. 265). In a national study, researchers discovered that only 25% of custody cases involved active collaboration between parents 2 years following the custody litigation (Furstenberg, Nord, Peterson, & Zill, 1983). In fact, in the majority of the custody cases reviewed, communication between parents happened only around visitation schedules.

Contentiousness in custody cases has a range of impacts, including protracted legal disputes, heightened emotional tensions, and negative effects on the children. It can also cause parents to return to the court repeatedly for custody-related matters that they are unable to resolve on their own, which can contribute to court congestion, family instability, and increased conflict.

Contentiousness and Child Outcomes

Exposure to interparental conflict has been related to a wide range of child adjustment difficulties, from depression and anxiety to conduct and behavioral problems to poor academic performance. In fact, acrimony between parents has been recognized as the primary cause for a child's emotional maladjustment following their parents' separation, having a stronger impact than the divorce itself (Booth & Amato, 2001; Chase-Lansdale, Cherlin, & Kiernan, 1995; Leon, 2003; Schepard, Atwood, & Schlissel, 1992). The level of conflict also matters: Researchers who studied the guardian ad litem reports for 105 children involved in custody cases found that emotional distress among children was linked to the level of conflict between their parents (Ayoub, Deutsch, & Maraganore, 1999). Contentiousness between parents often leads to protracted custody cases and repeated pleadings over time. Substantial research has found that contentious custody battles and continual litigation can have harmful effects on the children involved (Grych & Fincham, 1992; Johnston, 1994; Kelly, 2003; Zeitler & Moore, 2008). The typical challenges faced by children of divorced parents are aggravated when parents continually use the court system to resolve custody disputes (Zeitler & Moore, 2008).

Contentiousness and Court Involvement

Many parents seek the assistance of the courts to establish custody orders. One study found that approximately one fifth of California divorce cases with children ended up in the court system to adjudicate custody matters (Johnston, 1994). A study of more than 1,000 California families found that 10% of parents in custody litigation experienced "substantial legal conflict" and an additional 15% experienced "intense legal conflict" (Maccoby & Mnookin, 1992). While California instituted a requirement that parents attempt to resolve their case with the

assistance of court-provided mediators before their hearing, parents often need the assistance of a judge in making an order.

Custody cases can remain open for years (until the child reaches the age of majority). While the court endeavors to establish custody arrangements that are in the best interests of the child and are durable, it is not uncommon for parents to request modifications to existing custody orders. One might think that joint custody orders would be more likely to endure. However, Elrod (2001) reviewed law studies and legal cases and found that joint custody orders were just as likely to be re-litigated as were sole custody orders.

In many cases, these modifications are necessary to accommodate changing life circumstances of parents and children. However, in some instances, frequent re-litigation is a symptom of interparental conflict and limited ability to negotiate independently. Studies have found anywhere from 10% (Hetherington & Kelly, 2002) to roughly half (Koel et al., 1994) of divorced parents continue to use the court system to re-litigate related, and sometimes the same, custody issues following initial divorce proceedings. Contentious cases are more likely to recur on the court calendar (Henry, Fieldstone, & Bohac, 2009; Kelly, 2003). Estimates indicate that approximately 10% of parents—those who are high conflict—are responsible for using 90% of the time and resources spent by family courts on custody cases (Neff & Cooper, 2004). Thus, it is no surprise that "The longer a case lingers in the court system, the higher the cost to the court and the community" (Henry et al., 2009). The costs of attorney fees, experts, and other professionals can often add extraordinary stress on parents and potentially take away resources that could be provided to the children for their education and other needs.

Potential Value of Mandatory Settlement Conferences

In research on interventions for contentious custody cases, Kelly (2003) writes that a small group of chronically contentious and litigious parents are responsible for using the court's resources and exposing children to events that may harm them emotionally and in other ways. Kelly concludes that "Mandatory settlement conferences with judges, immediately following failed mediations, give those angry parents who want their day in court the opportunity to be heard, without all the preparation for a more formal hearing or trial" (p. 40). The San Diego Shriver custody pilot project implemented mandatory settlement conferences, conducted by a judicial officer, for this purpose, and this report includes an examination of this court innovation. Settlement conferences are also held for custody cases in Los Angeles County, but were not specific to the Shriver project.

Shriver Custody Pilot Projects

Implementation Overview & Project Descriptions

Shriver client "Suzanne."
When Suzanne applied for Shriver services, she had already filed a motion with the court seeking an order allowing her to move with her children out of the county. The father was largely absent in the children's lives, but the children had spent quite a bit of time with their paternal grandparents, who lived nearby. The paternal grandparents were adamantly opposed to the move and hired an attorney to embark on extensive litigation in an effort to prevent Suzanne from moving. The paternal grandparents successfully intervened in the case, and then both the father and the paternal grandparents were seeking custody of the children due to Suzanne's request to move. This meant Suzanne was fighting for custody against both the father and his parents, who both were represented by attorneys. Suzanne was clearly at a great disadvantage in the proceedings. This changed after she became a Shriver client. Her attorney represented her during a lengthy and contentious battle. The case culminated in a trial that involved testimony from multiple witnesses and hundreds of proposed exhibits for the court to consider. In the end, the opposing party and his parents' requests were denied and Suzanne's request was granted. She was allowed to move with the children, and they are doing well in their new home.

Implementation Overview & Pilot Project Descriptions

Implementation of the Shriver custody pilot projects was tracked through the collection of quantitative service data. At each project, legal services agency staff entered information into the program services database to record characteristics of the clients, cases, and services provided. In this section, a brief cross-project implementation overview is provided based on these aggregated data.

To understand the unique implementation circumstances and approaches of each pilot project, legal services staff and court staff were interviewed about their project's context, service structure, and goals. This information was synthesized to create a thorough description of each project, which are also provided in this section.

Detailed Service Summaries for each custody pilot project, inclusive of several additional indicators and project-specific service data, can be found in Custody Appendix A. To fully understand each Shriver pilot project, the reader is strongly advised to read these Project Service Summaries.

BRIEF OVERVIEW OF CROSS-PROJECT IMPLEMENTATION

What services were provided by the Shriver Custody Pilot Projects?

The legislation sought to create services for low-income individuals and families, specifically those with incomes at or below 200% the Federal Poverty Level. The legislation also intended for services to reach parents who faced an opposing party with legal representation and who had other potential disadvantages navigating the legal system (e.g., limited English proficiency) or other risk factors that could impact their or their child's well-being (e.g., domestic violence, mental health issues). Services were offered to mothers and fathers, as well as to parents who sought to obtain custody and those who sought to preserve it.

As the highest level of Shriver service, attorneys provided representation to clients for their custody cases. This involved the attorney working on all aspects of the child custody case (essentially providing full representation for the custody proceedings), but was "limited scope" in that the legal assistance did not address other family law matters. In this report, this level of service is termed Shriver ***representation***. The projects also offered a range of ***unbundled services***, which entailed legal help for discrete tasks such as assistance preparing forms, education, brief counsel and advice, and representation for a mediation session.

Shriver projects offered a range of legal services and each project employed a unique service model based on its local circumstances. At all sites, Shriver services involved legal assistance provided by legal aid services attorneys, and some included services provided by Superior Court staff. A description of each project's service structure follows.

Who was served by the three Shriver Custody Pilot Projects?

The legislation sought to create services for low-income individuals and families, by reaching parents who faced an opposing party with legal representation and who had other potential disadvantages navigating the legal system or other risk factors that could impact their or their child's well-being. Service data indicate that Shriver projects reached this population.

From the start of the Sargent Shriver program in October 2011 through October 2015, across the three custody pilot projects, 1,100 low-income clients received legal assistance with their child custody cases. Just over half of these litigants (54%; *n*=592) were provided representation by an attorney for the custody case, and just under half (46%; *n*=508) were provided unbundled services. The type of unbundled services offered and the proportion of clients who received representation versus unbundled services varied across the pilot projects and was based on their unique program models.

DEMOGRAPHIC CHARACTERISTICS OF CLIENTS

The majority of Shriver clients were female (73%) and non-White (55% Hispanic/Latino, 17% African American, 6% Asian). Over 40% of Shriver clients had a high school diploma or less, nearly one third had limited English proficiency, and one fifth experienced disability. One third of Shriver clients received CalFresh benefits, and their average monthly income was $1,197 (median = $1,033), well below the 2014 Federal Poverty Level threshold of $2,613 for a family of at least two.

Family and Contextual Characteristics

In addition to the demographic risk factors (e.g., low income, limited English proficiency), Shriver clients also tended to report a variety of other risk factors for themselves and their children. More than half of the cases involved allegations of domestic violence within the past 5 years. More than one third involved allegations of drug and alcohol abuse. Over one quarter involved current or previous involvement with Child Protective Services, and over one third reported police involvement in the 3 months prior to seeking Shriver services.

Case Characteristics

Roughly half (54%) of Shriver clients were the moving party (i.e., the person who initiated the pleading), and 39% were responding parties (6% were other, <1% were missing data). Half of clients were seeking to modify an existing custody order, and 43% were seeking to obtain an initial custody order (6% were other issues, <1% were missing data). On average, the custody cases had been open for 2 years before the Shriver attorneys became involved.

Of those litigants who received representation by a Shriver attorney, 89% were facing an opposing party who had representation at the time of Shriver intake (10% had self-represented opposing parties at the time of intake and 1% were missing data). On average, Shriver custody cases involved one or two children. The average age of the children was 6 years and nearly one fifth of them experienced disability.

How Did Custody Cases with Shriver Representation Proceed?

Data on case outcomes in the program services database centered largely on the custody and visitation orders. However, it is understood that these data elements, alone, may be insufficient to reflect the complexity of these cases or the impact of Shriver services on case outcomes. Determining successful outcomes in a child custody case is difficult because evaluation of the results can be subjective (one party's opinion may not agree with another party's opinion, and some circumstances may weigh more heavily than others). Leveling the playing field and ensuring child-centered results are more important goals than whether the Shriver client obtained custody, as that might not necessarily be the best result for the child. Further, in some instances, the client's goal may not be to obtain sole custody, but instead to prevent the loss of parenting time or prevent the other parent from moving out of state with the child, and legal representation may help avert these negative outcomes for the client. While important, these outcomes are difficult to capture in a standardized manner with quantitative data.

Despite the measurement challenges, across the three pilot projects, the following themes emerged:

Joint legal custody orders occurred in half or more of cases. Across the three projects, 59% of cases resulted with parties sharing joint legal custody, 16% of clients were awarded sole legal custody, and 16% of opposing parties were awarded sole legal custody. The rate at which parties were ordered to have joint legal custody ranged across projects from 49% in Los Angeles, to 58% in San Francisco, to 71% in San Diego.

Joint physical custody orders occurred in less than one quarter of cases. Despite California's statutorial inclination toward joint physical custody, and the notable frequency of joint legal custody orders, across the three projects, just 22% of cases resulted in joint physical custody

orders. This ranged from 16% in Los Angeles, to 18% in San Diego, to 29% in San Francisco, potentially highlighting the special parenting challenges present in these cases.

Sole physical custody orders varied. Across the three projects, at intake, 23% of Shriver clients had sole physical custody of the child and 66% wanted it. At resolution, 38% of clients were awarded sole physical custody. In contrast, at intake, 25% of opposing parties had sole physical custody and 54% wanted it. At resolution, 30% of opposing parties were awarded sole physical custody. These proportions varied by project, likely due to the differences in client populations across the sites. Among Los Angeles cases, 55% ended with the Shriver client awarded sole physical custody and 16% with the opposing party obtaining sole custody. Among San Diego cases, 40% ended with the Shriver client awarded sole physical custody and 30% with the opposing party awarded sole physical custody. In San Francisco, where a smaller proportion of Shriver clients were seeking to gain sole custody, 23% of cases ended with the Shriver client awarded sole physical custody and 43% with the opposing party awarded sole physical custody.

Scheduled, unsupervised visitation for the non-custodial parent was common. Of the cases in which one party was awarded sole physical custody, 66% of non-custodial parents were awarded parenting time that was scheduled and unsupervised. Orders for “reasonable visitation” (i.e., parenting time that is unscheduled and determined via negotiation between parents) were rare (1% to 10% of cases across sites), underscoring the necessity for the court to provide structure for the custody arrangements and parental interactions given the issues in these cases.

Among the three projects, 18% of cases involved non-custodial parents (sometimes the Shriver client, sometimes the opposing party) being awarded scheduled and supervised parenting time with the children. Primary reasons for supervision pertained to concerns regarding domestic violence, reintroduction, abduction, or a combination of these concerns.

Other orders occurred in a minority of cases. Across the three projects, parenting classes were ordered for either the client or the opposing party in 14% of cases. Therapy was ordered for Shriver clients in 12% of cases, for the opposing parties in 7% of cases, and for children in 16% of cases. Orders issued by a criminal court, such as protective orders and participation in a batterer intervention program, were documented rarely with regard to the family law case, but this is likely because those orders occurred in separate proceedings.

SHRIVER PILOT PROJECT DESCRIPTION: LOS ANGELES

This section describes how the Shriver Los Angeles custody pilot project addressed child custody cases. This summary includes information on the program context, involved agencies, and service model. Detailed information on the litigants served, case characteristics, and outcomes can be found in the Project Service Summary in Custody Appendix A.

Project Context

COMMUNITY

In 2014, the population of Los Angeles County was an estimated 10 million individuals, of which 17.8% were living under the Federal Poverty Level. The median household income was $55,909 (or $4,659 per month) and the average number of persons per household was 3.0.[115]

AGENCIES AND COURTS INVOLVED

The Los Angeles custody pilot project is a collaboration between the Los Angeles Center for Law and Justice (LACLJ) and the Levitt & Quinn Family Law Center (L&Q), which offer legal aid services,[116] and three entities at Superior Court's Stanley Mosk ("Mosk") Courthouse—namely, the Self-Help Resource Center (SHRC), Family Court Services (FCS), and the domestic violence clinic of the Los Angeles County Bar Association. LACLJ serves as the primary point of contact for the project and coordinates all services. The two-firm structure allows the project to handle conflicts of interest and to provide services to both parents in family law cases if the parties are eligible. All LACLJ and L&Q client-facing staff members are bilingual in English and Spanish.

The Superior Court of California, County of Los Angeles has more than 40 courthouses that cover the 4,000-square-mile county. The Mosk courthouse, which houses the Los Angeles custody pilot project, is in the Central District; it is the largest court and has the largest SHRC and FCS offices in the County. Mosk also covers many of the poorest areas of Los Angeles—Skid Row, South Los Angeles, and Pico-Union—where many vulnerable individuals and families with limited capacity to access courts, secure representation, or represent themselves reside.

Legal aid services to litigants with family law cases have diminished in recent years and, in Los Angeles County, had been limited primarily to cases involving domestic violence. Before the implementation of the Shriver custody pilot project in Los Angeles, there were few agencies offering free or low-cost legal services to litigants in custody cases, and many of the litigants who are eligible for free Shriver services may not have qualified for the free or low-cost services that LACLJ or L&Q offered previously. Furthermore, the Shriver project targeted services toward the most complex cases, whose long-lasting and high-conflict natures often made it impossible for existing nonprofit agencies to effectively address. Self-represented litigants could also seek assistance from the SHRC, which provides legal information and education to help parties complete their paperwork and represent themselves in their cases, but services are based on a

[115] Demographic data were retrieved from the U.S. Census Bureau, County & States QuickFacts at www.census.gov in July 2015.

[116] The Los Angeles custody pilot project initially contracted with Barrio Action Youth and Family Center to offer case management services and also with the Asian Pacific American Legal Center for interpreter services, but these programs were discontinued due to underutilization.

first-come, first-served basis and are limited to basic information and assistance rather than coaching, advice, and representation.

Project Implementation Model

The Los Angeles custody pilot project entailed legal aid services provided by two agencies, with referrals coming through the SHRC, FCS, and LA Bar Association located at the Mosk Courthouse. LACLJ staffed a project coordinator and stationed the pilot project office at the courthouse to manage the referrals and services.

Legal Aid Services

Services offered, referral sources, and eligibility requirements

The Los Angeles custody pilot project offers unbundled legal services, such as legal advice and document preparation, as well as limited scope representation ("representation") to eligible clients. The project also funded interpreters for clients when meeting with their lawyers and other court staff, such as FCS, a service now provided by the court.

LACLJ and Levitt & Quinn provide legal services for clients meeting the project criteria: (a) a monthly income not greater than 200% of Federal Poverty Level, and a case that (b) involves a "high-conflict" custody issue and (c) is pending at the Mosk courthouse. To assess whether a case is high conflict and to determine eligibility and level of service, attorneys determine whether the opposing party has legal representation and consider the legal merits of the client's position, history of mental illness and other disabilities, domestic violence, immigration status, age, language access, current custodial status, and child welfare. Every client, whether or not they are offered representation, is provided with a detailed assessment of and advice about their case and education about the legal process.

Partners at the Mosk courthouse—namely, the SHRC, FCS, and the Los Angeles Bar Association Domestic Violence Services Project—are the primary sources of project referrals. Many self-represented litigants seek assistance from the SHRC, which provides information to help litigants represent themselves in their custody cases. SHRC services are provided through workshops and on a first-come, first-served basis and are generally not appropriate for litigants with complex, high-conflict custody issues. FCS also sees many self-represented litigants, who are ordered to complete mediation in custody cases. The Los Angeles Bar Association Domestic Violence Services Project provides legal help to victims of domestic violence, many of whom are simultaneously contending with issues related to child custody. SHRC staff, FCS mediators, and DV Services Project staff screen and refer litigants in high-conflict custody cases to the Los Angeles custody pilot project office. LACLJ and L&Q enroll eligible litigants as clients and provide legal advice, document preparation, representation, mediation, and support services.

In addition to legal services, the Los Angeles custody pilot project provides clients with social service support and referrals. LACLJ includes master's-level social work student interns as part of its legal team. These "Community Care Advocates" (CCAs) conduct a comprehensive assessment of litigants when they present for Shriver services. Litigants who receive brief legal services (e.g., legal advice) are given a list of available local services, and litigants who receive extended legal services receive more ongoing support and assistance from the CCA over the course of their cases. The services provided are determined by the case attorney, supervised by

a Licensed Clinical Social Worker (LCSW), aligned with client goals, and might include education about domestic violence, safety planning, warm handoff for mental health treatment, referrals for housing placements, or accompaniment to various appointments.

Additional referral sources include other legal aid agencies in Los Angeles County, private bar attorneys, and judges. The court also includes notices in its mailings to litigants informing them of services available at the self-help center, and the project coordinator stays in contact with court deputies who are aware of eligible cases. The Shriver project also works closely with other local nonprofits, including local domestic violence services agencies, to refer clients to the LACLJ for legal assistance needs.

COURT-BASED SERVICES

Services offered, referral sources, and eligibility requirements

At the start of the Los Angeles custody pilot project, the court offered an 8-hour, Shriver-funded parenting class which was designed for parents in high-conflict custody disputes and explained the impacts of such disputes on children. The project offers the class to all parents going through FCS. LACLJ collaborated with FCS to create a six-part video series (in English and dubbed in Spanish) that is available online, and accessible when the court orders litigants to complete parenting courses. FCS also created a shorter version, to be publicly available via the court and LA custody pilot project websites.

These Shriver-funded services are in addition to the existing (not Shriver-funded) mediation services, through FCS, that are mandatory for all families in custody disputes. As part of these mediation services, Los Angeles Superior Court offers an online program to prepare families for the sessions. The program is designed to provide information to litigants on the mediation process and to prepare them to attend. The online program is available in English and Spanish.

Table C1. Legal Aid Services and Court-Based Shriver Services Available from the Los Angeles Custody Pilot Project

	Shriver Service Location	
Services Available	**Legal Services**	**Court**
In-person parenting class		√
Online parenting class		√
Brief counsel and advice	√	
Document preparation	√	
Legal education	√	
Court representation	√	
Language interpretation	√	√
Representation	√	

GOALS FOR CLIENTS

The main goal of the Los Angeles custody pilot project is to provide access to quality legal services for parents in high-conflict custody cases to help bring about the most beneficial results for the family. The project avoids tactics that needlessly discredit the opposing party, as that is not conducive to resolving conflict (and typically increases it). The project encourages settlement when appropriate, attempts to decrease non-meritorious litigation, and strives to obtain child-centered custody orders. In cases where the attorney determines that the client's legal position lacks merit or that the client is encouraging conflict, the attorney provides legal advice and will not encourage the client to move forward with that particular request.

Brief Summary of Service Provision

Below is a list of service provision highlights. For a more extensive and detailed accounting of services provided, the reader should refer to the full Project Service Summary in Appendix A.

Information regarding the service provision, case characteristics, and outcomes was obtained from the program services database. Data were collected by LACLJ and L&Q staff on all parties seeking services from February 2012 through November 2015. This section presents data pertaining to the legal aid services clients only; data were not available for the litigants who attended parenting classes or watched the parenting video at the court.

WHO RECEIVED LEGAL AID SERVICES?

Between February 2012 and November 2015, the Los Angeles custody pilot project provided legal aid services to litigants in 403 cases. At intake, Shriver attorneys collected information about their clients, including demographics, household characteristics, and aspects of the custody case. Overall, the average client age was 35 years (median = 34), 82% were female, 73% were Hispanic or Latino, 46% had some post-secondary education, 17% had known or observable disabilities,[117] and 62% had limited English proficiency (i.e., could not effectively communicate in English without the assistance of an interpreter). Demographic characteristics varied slightly between the litigants who received representation and those who received unbundled services. Table C2 shows the characteristics of the 403 litigants receiving Shriver legal aid services, by level of service received.

[117] The most common type of disability or disorder was a psychiatric or emotional disability (6%, *n*=25), followed next by more than one disability/disorder, (5%, *n*=22), physical disability (2%, *n*=7), or other disability (4%, *n*=16).

Table C2. Demographic Characteristics of Shriver Legal Aid Services Clients

	Level of Service		
Client Level Characteristics	**Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Age (years)			
18 to 24	19 (10%)	27 (13%)	46 (11%)
25 to 44	157 (81%)	140 (67%)	297 (74%)
45 to 61	17 (9%)	39 (19%)	56 (14%)
62 or older	0 (0%)	2 (1%)	2 (<1%)
Unknown/not collected	1 (1%)	1 (<1%)	2 (<1%)
Gender			
Male	26 (13%)	44 (21%)	70 (17%)
Female	164 (85%)	165 (79%)	329 (82%)
Transgender	1 (1%)	0 (0%)	1 (<1%)
Unknown/not collected	3 (2%)	0 (0%)	3 (1%)
Race/Ethnicity[a]			
Black or African American	19 (11%)	44 (20%)	63 (16%)
Hispanic/Latino	153 (78%)	142 (68%)	295 (73%)
White	8 (4%)	14 (7%)	22 (5%)
Other	12 (6%)	9 (4%)	21 (5%)
Unknown/declined	2 (1%)	0 (0%)	2 (<1%)
Education			
High school degree or less	98 (50%)	115 (55%)	213 (53%)
Any post-secondary	92 (47%)	93 (45%)	185 (46%)
Unknown/not collected	5 (3%)	0 (0%)	5 (1%)
Limited English Proficiency			
Yes	128 (66%)	122 (58%)	250 (62%)
No	66 (34%)	87 (42%)	153 (38%)
Disability			
Yes	29 (15%)	41 (19%)	70 (17%)
No	163 (84%)	164 (79%)	327 (81%)
Unknown/not collected	2 (1%)	4 (2%)	6 (1%)
Total	194 (100%)	209 (100%)	403 (100%)

Note. Data from the Shriver project services database (as of 11/12/15). [a] Litigants who identified as Hispanic/Latino and any other race are included in the Hispanic/Latino row.

Approximately half (45%) of Shriver clients received CalFresh benefits[118] and 53% received public health benefits, such as Medi-Cal.[119] The median monthly household income was $952 (mean = $1,126), which is far below the 2014 income threshold of $2,613 for a family of at least

[118] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified, low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.
[119] Medi-Cal offers free or low-cost health coverage for low-income children, pregnant women, and families.

two. (The income of the opposing party was not known.) Table C3 shows the household characteristics for litigants receiving Shriver legal services, by level of service.

Table C3. Household Characteristics of Shriver Legal Aid Services Clients

Clients' Household Level Characteristics	Level of Service		
	Representation	Unbundled Services	Total
Monthly Income			
Mean	$1,182	$1,074	$1,126
Median	$995	$906	$952
SD	$892	$752	$823
Range	$0 to $4,575	$0 to $3,530	$0 to $4,575
Received CalFresh Benefits, *N* (%)			
Yes	77 (39%)	104 (50%)	181 (45%)
No	117 (61%)	105 (50%)	222 (55%)
Received Public Health Benefits, *N* (%)			
Yes	101 (52%)	113 (54%)	214 (53%)
No	93 (48%)	96 (46%)	189 (47%)
Total	194 (100%)	209 (100%)	403 (100%)

Note. Data from the Shriver project services database (as of 11/12/15).

Case Characteristics and Outcomes

From February 2012 through November 2015, the Los Angeles custody pilot project provided services to litigants in 403 cases. Nearly half (48%) of these cases received representation, and half (52%) received unbundled services. Of those litigants who received representation, 70% were facing an opposing party with legal representation. When Shriver attorneys provided representation for a case, they spent an average of 237 days (or 7.8 months) and worked an average of 46 hours (median = 28). When Shriver attorneys provided unbundled services, they worked an average of 6 hours (median = 4) on each case.

Among cases that received representation by Shriver counsel:

Legal custody. At intake, 19% of Shriver clients had sole legal custody of the child and 63% wanted it. At resolution, 30% of clients were awarded sole legal custody. In contrast, at intake, 10% of opposing parties had sole legal custody and 30% wanted it. At resolution, 8% of opposing parties were awarded sole legal custody. The percentage of cases with joint legal custody increased from 31% at intake to 49% at resolution. Many of these changes are due to the 36% of cases without legal custody orders at intake (see Table C4).

Physical custody. At intake, 33% of Shriver clients had sole physical custody of the child and 81% wanted it. At resolution, 55% of clients were awarded sole physical custody. In contrast, at intake, 17% of opposing parties had sole physical custody and 41% wanted it. At resolution, 16% of opposing parties were awarded sole legal custody. The percentage of cases with joint physical custody was 12% at intake and 16% at resolution. Many of these changes are due to the 36% of cases without custody orders at intake (see Table C4).

Visitation/ Parenting time. Of the cases in which one party was awarded sole physical custody, 66% of non-custodial parents received scheduled, unsupervised parenting time with the child(ren). For the 33 cases where supervised visitation was ordered for the non-custodial parent (see Table CA8 in the Appendix), the primary reasons were concerns for domestic violence (42%), reintroduction when a parent had not had contact with a child for a significant period of time (9%), or multiple reasons (12%).

Table C4. Child Custody Orders at Intake, Client's Goals, Opposing Party's (OP's) Goals, and Custody Outcomes for Shriver Representation Clients

Custody Orders	Status at Intake *N* (%)	Client's Goals *N* (%)	OP's Goals *N* (%)	Outcome *N* (%)
Legal Custody				
No previous orders	70 (36%)	--	--	--
Client has sole custody	37 (19%)	122 (63%)	6 (3%)	58 (30%)
Share joint custody	61 (31%)	66 (34%)	86 (44%)	95 (49%)
OP has sole custody	19 (10%)	0 (0%)	59 (30%)	16 (8%)
Other	0 (0%)	0 (0%)	1 (<1%)	1 (<1%)
Not applicable	--	2 (1%)	1 (<1%)	21 (11%)
Missing/unknown	7 (4%)	4 (2%)	41 (21%)	3 (2%)
Physical Custody				
No previous orders	69 (36%)	--	--	--
Live with client all or most of the time	64 (33%)	157 (81%)	22 (11%)	106 (55%)
Share equal time (joint custody)	23 (12%)	28 (14%)	50 (26%)	32 (16%)
Live with OP all or most of the time	33 (17%)	5 (3%)	79 (41%)	32 (16%)
Other	0 (0%)	0 (0%)	4 (2%)	0 (0%)
Not applicable	--	1 (<1%)	0 (0%)	0 (0%)
Missing/unknown	5 (3%)	3 (2%)	39 (20%)	24 (12%)
Visitation				
No previous orders	73 (38%)	--	--	--
Reasonable visitation	4 (2%)	8 (4%)	10 (5%)	3 (2%)
Scheduled (unsupervised) visitation	64 (33%)	109 (56%)	98 (51%)	114 (59%)
Supervised visitation for client	13 (7%)	1 (1%)	19 (10%)	6 (3%)
Supervised visitation for OP	11 (6%)	52 (27%)	4 (2%)	28 (14%)
No visitation for client	3 (2%)	0 (0%)	5 (3%)	0 (0%)
No visitation for OP	16 (8%)	13 (7%)	1 (1%)	7 (4%)
Other	3 (2%)	4 (2%)	7 (4%)	5 (3%)
Not applicable	--	4 (2%)	3 (2%)	26 (13%)
Missing/Unknown	7 (4%)	3 (2%)	47 (24%)	5 (3%)
Total	194 (100%)	194 (100%)	194 (100%)	194 (100%)

Note. Data from the Shriver project services database (as of 11/12/15). Includes representation cases (*n*=194).

Other case outcomes. A small proportion of cases entailed additional orders. Parenting classes were ordered for either the client or opposing party in 7% to 9% of cases. Clients in 4% of cases were ordered or agreed to participate in therapy, and child therapy was ordered for 10% of cases. A restraining order was granted for the client in 15% of cases. Criminal protective orders had been issued in a criminal proceeding for the client in 2% of cases and the opposing party was ordered to participate in a 52-week batterer's intervention program in 3% of cases.

In highly contentious custody cases, law enforcement is often involved. When asked about the frequency of police involvement in the 3 months before Shriver intake and the 3 months prior to case resolution, 23% of Shriver clients reported a decrease in the frequency of police involvement and 4% reported an increase.[120]

[120] Fourteen percent of clients reported the same level of police involvement; 39% reported no police involvement at either time point; and 20% were unknown or missing this information.

SHRIVER PILOT PROJECT DESCRIPTION: SAN DIEGO

This section describes how the Shriver San Diego custody pilot project addressed child custody cases. This summary includes information on the program context, involved agencies, and service model. More detailed information on the litigants who received services, case characteristics, and outcomes can be found in Custody Appendix A.

Project Context

COMMUNITY

In 2014, the population of San Diego County was an estimated 3.2 million individuals, of which 14.4% were living below the Federal Poverty Level. The median county household income was $62,962 (or $5,247 per month) and the average number of persons per household was 2.8.[121]

AGENCIES AND COURTS INVOLVED

The San Diego custody pilot project involved a collaboration between the San Diego Volunteer Lawyer Program (SDVLP) and the San Diego Superior Court. Before the Shriver project, there were no free legal services available for self-represented litigants facing a represented opposing party in custody and visitation disputes. The Family Law Facilitator's (FLF's) Office, part of the court, provides information to self-represented parents who have questions about family law issues, but FLF services are based on a first-come, first-served model and do not include help in the courtroom. With the addition of Shriver services in San Diego, low-income litigants involved in custody disputes could access free legal services, regardless of their current custody status, and the services offered at SDVLP were expanded beyond victims of domestic violence.

The San Diego Superior Court has four divisions across the county: Central (downtown), North County, South County, and East County. The Shriver San Diego custody pilot project serves litigants whose cases are heard in the downtown (Central) courthouse. In late 2013, the Shriver project was expanded to include litigants in the East County courthouse. Custody litigants may receive self-help assistance at the Central Courthouse or at the Family Law Courthouse, which, at the time of this study, was located approximately seven blocks from the Central Courthouse.

Project Implementation Model

The San Diego custody pilot project entailed both legal aid services and court-based services. Specifically, SDVLP provided representation and unbundled services to parties in custody cases. In addition, the San Diego Superior Court implemented Shriver settlement conferences, an innovation for this court, whereby a judge facilitated a settlement conference with the parties in custody disputes. The FLF's Office collaborated with SDVLP to streamline the referral process, by referring litigants and by including information about Shriver services in all form packets.

The project began in February 2012 and involved representation to litigants in custody and visitation disputes where one party was seeking sole legal or physical custody and the opposing party had retained legal representation. In response to litigant needs, and amid concerns that the original eligibility criteria were too restrictive, the initial service structure was adapted in

[121] Demographic data were retrieved from the U.S. Census Bureau, County & States QuickFacts at www.census.gov in July 2015.

January 2013 in an effort to assist a greater number of litigants. The second phase of the project allowed unbundled services to be provided to custody cases with self-represented litigants on both sides.

LEGAL AID SERVICES

Services offered, referral sources, and eligibility requirements

SDVLP served as the central point of contact for the San Diego custody pilot project. SDVLP staff screened cases for eligibility and provided legal services (including representation) to eligible litigants. SDVLP also coordinated training for providers of expanded self-help services, while this component of the project was active.[122, 123]

To be eligible to receive representation from an attorney at SDVLP, a litigant must have a monthly income not greater than 200% of the Federal Poverty Level (FPL), be involved in a custody dispute in which at least one party is requesting sole legal or physical custody, and be facing an opposing party represented by an attorney. SDVLP provided Shriver services to anyone who met these eligibility criteria; cases meeting additional merit criteria were prioritized for representation, which involved assistance by the attorney on all aspects of the custody dispute. If the opposing party in the custody dispute was also self-represented, the Shriver client was provided with unbundled services such as education, brief counsel and advice, and other paperwork preparation.

Litigants were referred to the Shriver project through a variety of sources. Shriver services were publicized on the court's website and flyers were stapled to the front of the court packets containing custody forms. The FLF's Office handed out informational flyers, which included general eligibility guidelines, and litigants waiting in line to receive assistance from the FLF's Office were screened for Shriver eligibility by a Shriver staff member. Litigants could also call a legal aid hotline, staffed by Legal Aid Society of San Diego, where they were screened for eligibility and referred to SDVLP for services.

COURT-BASED SERVICES

Services offered, referral sources, and eligibility requirements

In addition to the legal aid services provided by SDVLP, the San Diego Superior Court implemented Shriver settlement conferences. Self-represented litigants were scheduled for settlement conferences through the Family Law Business Office (or clerk's office), and the conference was overseen by a judge, but in a less formal setting than a court hearing. These

[122] For a limited time, when both sides in the custody dispute were self-represented, each party was provided expanded self-help services (i.e., legal advice and counsel) by certified law students, supervised by faculty members, before the start of the settlement conference. The certified law students and faculty were trained by attorneys at SDVLP. This component of the San Diego custody pilot project is no longer in operation, and data for these cases were not available for this report.

[123] In the original project proposal, SDVLP also planned to implement a Fast Track program, whereby litigants seeking services at the beginning of the court case would be set up with a series of conferences and expedited hearings designed to resolve the case within 60 days of filing, as opposed to the typical 4- to 6-month timeframe. However, litigants seeking Shriver services often did not approach SDVLP at the outset of their cases (i.e., many waited until immediately before their hearings to seek assistance), which made the Fast Track program ultimately not possible to implement.

settlement conferences were designed specifically to serve Shriver litigants and were conducted when both parties agreed to participate. Litigants could be referred for Shriver settlement conferences at any point in their cases, and the referral could come from SDVLP or from the case's presiding judge.

Table C5. Legal Aid Services and Court-Based Shriver Services Available from the San Diego Custody Pilot Project

	Shriver Service Location	
Services Available	**SDVLP**	**Court**
Settlement conferences		√
Legal education	√	
Brief counsel and advice	√	
Representation at settlement conferences	√	
Document preparation	√	
Representation	√	

Goals for Clients

The San Diego custody pilot project reported that its top goals were to resolve cases as soon as possible through alternative dispute resolution services, such as settlement conferences and mediation. Settlement conferences are seen as, potentially, the best option for the litigant, the children, and the court. Stakeholders explained that when the parties play a role in the negotiation and settlement of their cases, they have the ability to exercise some control over the outcomes of their cases and are, therefore, typically more satisfied with the arrangement and less likely to return to court for the same matter. Early resolution helps to ensure stability for the children, and stakeholders reflected that parents seem more likely to respectfully collaborate (or "co-parent") on custodial matters, which serves the best interests of the child.

Brief Summary of Service Provision

Below is a list of service provision highlights. For a more extensive and detailed accounting of services provided, the reader should refer to the full Project Service Summary in Appendix A.

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services database entered by SDVLP staff.

Who Received Shriver Services?

Between February 2012 and November 2015, the San Diego custody pilot project provided legal aid services to litigants in a total of 470 cases. Of these cases, 36% received representation and 64% received unbundled services. During this same period, a total of 129 Shriver cases participated in at least one settlement conference. Of these cases, 123 were receiving Shriver representation and six were receiving unbundled services.

At the time of Shriver intake, SDVLP staff members collected information about their clients, including demographics, household characteristics, and characteristics pertinent to the custody cases. The average age of the client was 31 years, 75% were female, 49% were Hispanic or Latino, half had at least some post-secondary education, 21% had known or observable

disabilities,[124] and 8% could not effectively communicate in English without interpretation (limited English proficiency). Demographic characteristics varied modestly between litigants who received representation and those who received unbundled services. Table C6 displays the demographic characteristics of the 470 litigants served by SDVLP, by level of service.

Table C6. Demographic Characteristics of Shriver Legal Aid Services Clients

	Level of Service		
Client Level Characteristics	**Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Age (years)			
18 to 24	21 (12%)	80 (27%)	101 (21%)
25 to 44	135 (79%)	199 (67%)	334 (71%)
45 to 61	15 (9%)	20 (7%)	35 (7%)
62 or older	0 (0%)	0 (0%)	0 (0%)
Unknown/not collected	0 (0%)	0 (0%)	0 (0%)
Gender			
Male	30 (18%)	88 (29%)	118 (25%)
Female	140 (82%)	211 (71%)	351 (75%)
Transgender	0 (0%)	0 (0%)	0 (0%)
Unknown/not collected	1 (1%)	0 (0%)	1 (0%)
Race/Ethnicity[a]			
Asian	14 (5%)	8 (5%)	22 (5%)
Black or African American	18 (11%)	62 (21%)	80 (17%)
Hispanic/Latino	72 (42%)	160 (54%)	232 (49%)
White	56 (33%)	39 (13%)	95 (20%)
Other	16 (9%)	15 (5%)	31 (7%)
Unknown/declined	1 (1%)	9 (3%)	10 (2%)
Education			
High school degree or less	48 (28%)	152 (51%)	200 (43%)
Any post-secondary	96 (56%)	141 (47%)	237 (50%)
Unknown/not collected	27 (16%)	6 (2%)	33 (7%)
Limited English Proficiency			
Yes	17 (10%)	21 (7%)	38 (8%)
No	154 (90%)	278 (93%)	432 (92%)
Unknown/not collected	0 (0%)	0 (0%)	0 (0%)
Disability			
Yes	58 (34%)	41 (14%)	99 (21%)
No	97 (57%)	190 (64%)	287 (61%)
Unknown/not collected	16 (9%)	68 (23%)	84 (18%)
Total	171 (100%)	299 (100%)	470 (100%)

Note. Data from the Shriver project services database (as of 11/12/15). [a] Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

[124] Most common were a psychiatric or emotional disability (9%, *n*=41), multiple disabilities/disorders (4%, *n*=18), a substance use disorder (4% *n*=17), physical disability (2%, n=9), or other disability (3%, *n*=14).

More than one third of Shriver clients (37%) received CalFresh benefits,[125] and 51% received public health benefits, such as Medi-Cal.[126] The median household monthly income was $1,200 (mean = $1,302), which is far below the 2014 income threshold of $2,613 for a family of at least two. The income of the opposing parent was not known. Table C7 details the household characteristics for Shriver clients served by SDVLP, broken down by level of service.

Table C7. Household Characteristics of Shriver Legal Aid Services Clients

	Level of Service		
Client's Household Level Characteristics at Shriver Intake	**Representation**	**Unbundled Services**	**Total**
Monthly Income			
Mean	$1,235	$1,340	$1,302
Median	$1,194	$1,200	$1,200
SD	$756	$900	$851
Range	$0 to $3,118	$0 to $4,350	$0 to $4,350
Missing	0 (0%)	0 (0%)	0 (0%)
Received CalFresh Benefits, *N* (%)			
Yes	71 (42%)	101 (34%)	172 (37%)
No	100 (58%)	198 (66%)	298 (63%)
Missing	0 (0%)	0 (0%)	0 (0%)
Received Public Health Benefits, *N* (%)			
Yes	65 (38%)	173 (58%)	238 (51%)
No	106 (62%)	126 (42%)	232 (49%)
Missing	0 (0%)	0 (0%)	0 (0%)
Total	17 (100%)	299 (100%)	470 (100%)

Note. Data obtained from the Shriver project services database (as of 11/12/15).

CASE CHARACTERISTICS AND OUTCOMES

From February 2012 through November 2015, SDVLP provided legal aid services to litigants in 470 cases. Of these cases, 36% received representation and 64% received unbundled services. Of those litigants that received representation, 97% were facing an opposing party with legal representation. Shriver attorneys spent an average of 26 hours (median = 20) providing representation for a case and an average of 3 hours (median = 3) on each unbundled services case. Among the 171 cases provided representation by SDVLP, 72% participated in Shriver settlement conferences.

Among cases that received representation by Shriver counsel:

Legal custody. At intake, 12% of Shriver clients had sole legal custody of the child and 54% wanted it. At resolution, 9% of clients were awarded sole legal custody. In contrast, at intake, 9% of opposing parties had sole legal custody and 39% wanted it. At resolution, 8% of opposing parties were awarded sole legal custody. The percentage of cases with joint legal custody

[125] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified, low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

[126] Medi-Cal offers free or low-cost health coverage for low-income children, pregnant women, and families.

increased from 37% at intake to 71% at resolution. Many of these changes are due to the 42% of cases without legal custody orders at intake (see Table C8).

Physical custody. At intake, 32% of Shriver clients had sole physical custody of the child and 85% wanted it. At resolution, 40% of clients were awarded sole physical custody. In contrast, at intake, 18% of opposing parties had sole physical custody and 63% wanted it. At resolution, 30% of opposing parties were awarded sole physical custody. The percentage of cases with joint physical custody was 11% at intake and 18% at resolution. Many of these changes are due to the 39% of cases without physical custody orders at intake (see Table C8).

Visitation/Parenting time. Of the cases where one party was awarded sole physical custody, 81% of non-custodial parents received scheduled, unsupervised parenting time with the child(ren). For the 13 cases where supervised visitation was ordered for the non-custodial parent, the primary reason pertained to concerns about domestic violence (23%), abduction (8%), and reintroduction (8%).

Other case outcomes. A minority of cases involved additional court orders. Therapy was ordered for Shriver clients in 16% of cases and for children in 19% of cases. Parenting classes were ordered for either parent in about 20% of cases.

In highly contentious custody cases, law enforcement is often involved. When asked about the frequency of police involvement in the 3 months prior to Shriver intake and the in the 3 months prior to case resolution, 18% of clients reported a decrease in the frequency of police involvement and 2% reported an increase (not depicted).

Table C8. Child Custody Orders at Intake, Client's Goals, Opposing Party's (OP's) Goals, and Custody Outcomes for Shriver Representation Clients

Custody Orders	Status at Intake *N* (%)	Client's Goals *N* (%)	OP's Goals *N* (%)	Outcome *N* (%)
Legal Custody				
No previous orders	71 (42%)	--	--	--
Client has sole custody	20 (12%)	93 (54%)	0 (0%)	16 (9%)
Share joint custody	64 (37%)	78 (46%)	99 (58%)	122 (71%)
OP has sole custody	16 (9%)	0 (0%)	67 (39%)	14 (8%)
Other	0 (0%)	0 (0%)	0 (0%)	2 (1%)
Not applicable	--	0 (0%)	0 (0%)	3 (2%)
Missing/unknown	0 (0%)	0 (0%)	5 (3%)	14 (8%)
Physical Custody				
No previous orders	67 (39%)	--	--	--
Live with client all or most of the time	54 (32%)	145 (85%)	17 (10%)	68 (40%)
Share equal time (joint custody)	18 (11%)	14 (8%)	43 (25%)	31 (18%)
Live with OP all or most of the time	31 (18%)	11 (6%)	107 (63%)	51 (30%)
Other	1 (1%)	1 (1%)	0 (0%)	0 (0%)
Not applicable	--	0 (0%)	0 (0%)	0 (0%)
Missing/unknown	0 (0%)	0 (0%)	4 (2%)	21 (12%)
Visitation				
No previous orders	69 (40%)	--	--	--
Reasonable visitation	6 (4%)	13 (8%)	22 (13%)	1 (1%)
Scheduled (unsupervised) visitation	61 (36%)	95 (56%)	98 (57%)	129 (75%)
Supervised visitation for client	11 (6%)	0 (0%)	30 (18%)	7 (4%)
Supervised visitation for OP	11 (6%)	48 (28%)	0 (0%)	6 (4%)
No visitation for client	4 (2%)	0 (0%)	6 (4%)	1 (1%)
No visitation for OP	4 (2%)	6 (4%)	0 (0%)	2 (1%)
Other	5 (3%)	9 (5%)	8 (5%)	9 (5%)
Not applicable	--	0 (0%)	0 (0%)	2 (1%)
Missing/Unknown	0 (0%)	0 (0%)	7 (4%)	14 (8%)
Total	171 (100%)	171 (100%)	171 (100%)	171 (100%)

Note. Data from the Shriver project services database (as of 11/12/15).

SHRIVER PILOT PROJECT DESCRIPTION: SAN FRANCISCO

This section describes how the Shriver San Francisco custody pilot project addressed child custody cases. This summary includes information on the program context, involved agencies, and service model. More detailed information on the litigants who received services, case characteristics, and outcomes can be found in Custody Appendix A.

Project Context

COMMUNITY

In 2014, the population of San Francisco County was an estimated 805,195 individuals, of which 12.1% were living under the Federal Poverty Level. The median county household income was $78,378 (or $6,532 per month) and the average number of persons per household was 2.3.[127]

AGENCIES AND COURTS INVOLVED

The San Francisco custody pilot project was a collaboration between the Justice & Diversity Center of the Bar Association of San Francisco (JDC; formerly the Volunteer Legal Services Program) and the San Francisco Superior Court, where family law cases are seen at the Civic Center Courthouse.

Project Implementation Model

The project is administered by the Justice & Diversity Center of the Bar Association of San Francisco (JDC). JDC offers limited scope representation ("representation") to litigants in custody cases who meet the Shriver eligibility criteria. The San Francisco Superior Court does not provide services directly to parties in a custody case, but does refer self-represented litigants to the JDC for services and provides office space for the project.

The San Francisco custody pilot project began in October 2011 by staffing the Court's self-help center with a JDC attorney who provided legal information to self-represented litigants seeking assistance with custody matters. The self-help attorney assisted litigants with paperwork and other information about the custody legal process. In January 2012, the JDC began offering Shriver legal services and representation to custody litigants.

LEGAL AID SERVICES

Services Offered, Referral Sources, and Eligibility Requirements

The JDC serves as the central point of contact for the San Francisco custody pilot project, provides case screening (by an attorney staffed at the self-help center as well as by the project coordinator), and provides legal services (specifically, limited scope representation) to eligible litigants. To be eligible for representation from a JDC attorney, a litigant must have a monthly income not greater than 200% of the Federal Poverty Level, be involved in a custody dispute where at least one party is requesting sole legal or physical custody, and the opposing party must have legal representation. The San Francisco custody pilot project does not screen for

[127] Demographic data were retrieved from the U.S. Census Bureau, County & States QuickFacts at www.census.gov in September 2016.

merit. The project is staffed by one lead representing attorney and one part-time representing attorney who both provide limited scope representation to custody litigants, a part-time project coordinator, and the self-help attorney (located at the court self-help center). In April 2015, the project added a part-time social services advocate, who helps connect Shriver clients to needed social services and community resources.

Approximately half of the project's clients are identified and recruited from the Family Court's Readiness Calendar,[128] which is devoted to new filings and scheduling cases for mediation and follow-up hearings. Project staff review the Readiness Calendar in advance to identify cases in which only one side is represented. If the case has imbalanced representation, they then approach the self-represented litigant to introduce the Shriver project and conduct an initial income screening.

JDC also receives referrals from the Shriver self-help attorney and other staff at the court's self-help center. If self-represented litigants are income eligible and sole custody is at issue, or it is likely that the opposing party will obtain counsel, the litigants will be referred to the Shriver project coordinator, who conducts further eligibility screenings and intake interviews.

Other referral sources include the JDC's Family Law Project staff, private bar attorneys, and judges. The court also includes notices in its mailings to litigants informing them of services available at the self-help center. The project coordinator supplies program fliers to court deputies who disseminate the fliers to self-represented litigants in any case in which only one side has legal representation. The Shriver project also works closely with other nonprofits in San Francisco, including local domestic violence services agencies, to refer clients to the JDC for legal assistance needs.

COURT-BASED SERVICES

Services offered, referral sources, and eligibility requirements

The San Francisco custody pilot project did not implement any new court-based services at the San Francisco Superior Court. The project did, however, staff a JDC attorney at the Court's self-help center. This self-help attorney offers assistance with paperwork and information about the legal process, but does not provide legal advice. Important to the Shriver project, the self-help attorney is a primary source of referrals to the JDC attorneys offering Shriver legal services and representation. To receive self-help services from the self-help attorney, litigants must be self-represented and meet the income requirements.

Table C9. Legal Aid Services and Court-Based Shriver Services Available from the San Francisco Custody Pilot Project

	Shriver Service Location	
Services Available	**JDC**	**Court**
Assistance at self-help center		√
Representation	√	

[128] The calendar in each courtroom may have from five to 15 cases on the morning docket.

Goals for Clients

The San Francisco custody pilot project has several goals for its clients, the first being to eliminate the advantage that a parent with legal representation has over a self-represented parent. When appropriate for the client, the project aims to settle cases, as opposed to going to trial, the outcomes of which are often unpredictable. Shriver staff think that, because parents participate in formulating the terms of settlement agreements, they more fully comprehend the terms to which they are agreeing and are less likely to challenge or protest, and thus, the orders will stand for longer. JDC attorneys also seek to educate clients about family court, so that they have a more informed understanding of the process and more realistic expectations for case outcomes. Attorneys hope that a better understanding of the court process, and more informed involvement in that process, will help parents feel that the court system provided just and fair results. All of these goals serve the ultimate end of providing a more stable environment for the children who are the focus of these complex and highly emotional cases.

Brief Summary of Service Provision

Below is a list of service provision highlights. For a more extensive and detailed accounting of services provided, the reader should refer to the full Project Service Summary in Appendix A.

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services database. No information was available about the litigants who received assistance from the self-help center at the courthouse.

Who Received Court-Based Self-Help Services?

Between October 2011 and September 2015, the San Francisco custody pilot project provided assistance at the Self-Help Resource Center, located at the courthouse, to 1,742 litigants involved in custody cases.

Who Received Legal Aid Services?

Between January 2012 and November 2015, the San Francisco custody pilot project provided representation to litigants in a total of 227 cases.

At the time of Shriver intake, JDC staff members collected information about their clients, including demographics, household characteristics, and characteristics pertinent to the custody case. As shown in Table C10, the average age of the client was 39 years (median = 37), 53% were female, 35% were Hispanic or Latino, 35% had at least some post-secondary education, 24% could not effectively communicate in English without the assistance of an interpreter (limited English proficiency), and 20% had known or observable disabilities.[129]

Notably, the San Francisco custody pilot project has a higher proportion of male clients than the other two Shriver custody projects. Shriver staff members believe this may be due to the general availability of legal services to domestic violence survivors residing in the San Francisco metropolitan area, relative to other areas. Specifically, other local organizations provide legal assistance to female victims of domestic violence (but not necessarily to alleged abusers). Once

[129] Most common types of disability or disorder were a psychiatric or emotional disability (7%, *n*=16), substance use disorder (7%, *n*=16), more than one disability/disorder, (3%, *n*=6), or physical disability (2%, *n*=5).

these women have an attorney, their male partner becomes eligible for Shriver services because he is facing a represented opposing party.

Table C10. Demographic Characteristics of Shriver Legal Aid Services Clients

Client Level Characteristics	*N* (%)
Age (years)	
18 to 24	9 (4%)
25 to 44	162 (71%)
45 to 61	50 (22%)
62 or older	4 (2%)
Unknown/not collected	2 (1%)
Gender	
Male	107 (47%)
Female	120 (53%)
Transgender	0 (0%)
Unknown/not collected	0 (0%)
Race/Ethnicity[a]	
Asian	33 (14%)
Black or African American	40 (18%)
Hispanic/Latino	79 (35%)
White	55 (24%)
Other	9 (4%)
Unknown/declined	11 (5%)
Education	
High school degree or less	57 (25%)
Any post-secondary	80 (35%)
Unknown/not collected	90 (40%)
Limited English Proficiency	
Yes	54 (24%)
No	173 (76%)
Unknown/not collected	0 (0%)
Disability	
Yes	45 (20%)
No	114 (50%)
Unknown/not collected	68 (30%)
Total	227 (100%)

Note. Data from the Shriver project services database (as of 11/12/15).
[a] Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

Thirteen percent of Shriver clients received CalFresh benefits.[130] The median monthly household income was $900 (mean = $1,107), which is far below the 2014 income threshold of $2,613 for a family of at least two. Information about the opposing party's income was not available. Table C11 details the household characteristics for Shriver clients served by JDC.

Table C11. Household Characteristics of Shriver Legal Aid Services Clients

Client's Household Level Characteristics	*N* (%)
Monthly Income	
Mean	$1,107
Median	$900
SD	$1,102
Range	$0 to $5,360
Missing	0 (0%)
Received CalFresh Benefits, *N* (%)	
Yes	29 (13%)
No	198 (87%)
Missing	0 (0%)
Total	227 (100%)

Note. Data from the Shriver project services database (as of 11/12/15).

Case Characteristics and Outcomes

From January 2012 through November 2015, JDC provided representation to parents in 277 cases. Among these, 98% of clients faced an opposing party with legal representation. Shriver attorneys spent an average of 23 hours (median = 15) working on each case.

Among these cases receiving Shriver representation:

Legal custody. At intake, 5% of Shriver clients had sole legal custody of the child and 32% wanted it. At resolution, 10% of clients were awarded sole legal custody. In contrast, at intake, 26% of opposing parties had sole legal custody and 51% wanted it. At resolution, 28% of opposing parties were awarded sole legal custody. The percentage of cases with joint legal custody increased from 37% at intake to 58% at resolution. Many of these changes are due to the 32% of cases without legal custody orders at intake (see Table C12).

Physical custody. At intake, 9% of Shriver clients had sole physical custody of the child and 40% wanted it. At resolution, 23% of clients were awarded sole physical custody. In contrast, at intake, 37% of opposing parties had sole physical custody and 58% wanted it. At resolution, 43% of opposing parties were awarded sole physical custody. The percentage of cases with joint physical custody was 24% at intake and 29% at resolution. Many of these changes are due to the 30% of cases without physical custody orders at intake (see Table C12).

[130] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified, low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

Visitation/Parenting time. Of the cases where one party was awarded sole physical custody, 54% of non-custodial parents received scheduled, unsupervised parenting time with the child(ren) and 12% received reasonable visitation (i.e., no set schedule or the schedule is to be worked out between the parents). For the 27 cases where supervised visitation was ordered for the non-custodial parent (see Table CA32 in the Appendix), the primary reason was due to concerns for domestic violence (26%), abduction concerns (11%), reintroduction (7%), or multiple reasons (7%).

Table C12. Child Custody Orders at Intake, Client's Goals, Opposing Party's (OP) Goals, and Case Outcomes for Shriver Representation Clients

	Child Custody Orders			
Share of Child Custody	**At Intake** *N* **(%)**	**Client's Goals** *N* **(%)**	**OP's Goals** *N* **(%)**	**Outcome** *N* **(%)**
Legal Custody				
No previous orders	72 (32%)	--	--	--
Client has sole custody	11 (5%)	73 (32%)	1 (0%)	23 (10%)
Share joint custody	84 (37%)	129 (57%)	54 (24%)	132 (58%)
OP has sole custody	60 (26%)	5 (2%)	116 (51%)	63 (28%)
Other	0 (0%)	2 (1%)	2 (1%)	1 (<1%)
Not applicable	--	3 (1%)	2 (1%)	7 (3%)
Missing/unknown	0 (0%)	15 (7%)	52 (23%)	1 (0%)
Physical Custody				
No previous orders	69 (30%)	--	--	--
Live with client all or most of the time	21 (9%)	91 (40%)	5 (2%)	53 (23%)
Share equal time (joint custody)	54 (24%)	89 (39%)	37 (16%)	65 (29%)
Live with OP all or most of the time	83 (37%)	26 (11%)	132 (58%)	97 (43%)
Other	69 (30%)	7 (3%)	2 (1%)	0 (0%)
Not applicable	--	3 (1%)	2 (1%)	0 (0%)
Missing/unknown	0 (0%)	11 (5%)	49 (22%)	12 (5%)
Visitation				
No previous orders	84 (37%)	--	--	--
Reasonable visitation	15 (7%)	34 (15%)	23 (10%)	22 (10%)
Scheduled (unsupervised) visitation	78 (34%)	111 (49%)	72 (32%)	120 (53%)
Supervised visitation for client	25 (11%)	2 (1%)	35 (15%)	24 (11%)
Supervised visitation for OP	5 (2%)	9 (4%)	1 (0%)	5 (2%)
No visitation for client	19 (8%)	2 (1%)	20 (9%)	12 (5%)
No visitation for OP	1 (0%)	8 (4%)	0 (0%)	6 (3%)
Other	0 (0%)	3 (1%)	2 (1%)	9 (4%)
Not applicable	--	49 (22%)	8 (4%)	29 (13%)
Missing/Unknown	0 (0%)	9 (4%)	66 (29%)	0 (0%)
Total	227 (100%)	227 (100%)	227 (100%)	227 (100%)

Note. Data from the Shriver project services database (as of 11/12/15).

Other case outcomes. A minority of Shriver cases involved additional court orders. Parenting classes were ordered for either the client or opposing party in about 15% of cases. Shriver clients were ordered or agreed to participate in therapy in 16% of cases. Child therapy was ordered for 18% of cases. Restraining orders were granted for the opposing party in 16% of cases, and criminal protective orders were issued in a criminal court proceeding for the opposing party in 3% of cases. In highly contentious custody cases, law enforcement is often involved. When asked about the frequency of police involvement in the 3 months prior to Shriver intake and the 3 months prior to case resolution, 7% of clients reported a decrease in the frequency of police involvement and 4% reported an increase.[131]

[131] Five percent of clients reported the same amount of police involvement; 43% reported no police involvement at either time point; and 41% were unknown (missing information).

Shriver Custody Pilot Projects

Litigant Experiences

Shriver client "Nancy."

Nancy is 23 years old and has been with her husband, Bob, for about 5 years. She is the primary caretaker of their 15-month old son. Bob had been abusive to Nancy throughout their relationship. At various times, he has dragged Nancy across the floor by her hair, punched and slapped her, and threatened to kill himself if she were ever to leave him. He has also stalked her and repeatedly taken her phone in order to track her communications. In self-defense, Nancy periodically responded to the abuse with violence. After Nancy was arrested based on Bob's false statements, Bob and Nancy each obtained domestic violence protection orders in separate courts, with each order giving sole custody to the petitioner and no visitation to the other parent. Bob had access to money to pay for an attorney and had family members eager to testify against Nancy. Bob's attorney returned to court and obtained a modification of Nancy's restraining order giving her no custody or visitation, which was possible because Nancy did not understand the legal process. Bob used his position against Nancy to try to pressure her into giving up custody of the child.

Until receiving Shriver counsel, Nancy was easily intimidated because of the violent history with Bob and she was not able to fully participate in the legal process. Shriver counsel was able to negotiate a 50/50 custody arrangement and obtained specific orders regarding exchanges which are designed to minimize conflict. The project also provided separately funded services to help Nancy obtain a child support order that was more than double the amount that Bob offered and helped her file a dissolution action to allow her to leave the abusive relationship.

LITIGANT SELF-SUFFICIENCY AT SHRIVER INTAKE

As shown in the previous section, Shriver custody pilot projects served parents with very low income levels. Thus, one could reasonably expect that these individuals may be encountering other hardships that could impact their parenting, such as difficulties with housing or transportation. Gaining a better understanding of the circumstances of these parents when they are seeking legal assistance can support a clearer interpretation of the results.

Child custody cases are often complex due to complicated interpersonal dynamics, aspects of family functioning, and circumstances or attitudes of individual parties. These elements can weigh into judges' decisions about what is in the best interests of the child(ren). Although these characteristics may be well understood by the parties in the case, they are generally not systematically documented in the official court case file or attorney service logs.

To collect more comprehensive information about their clients' lives and these important issues, one Shriver custody pilot project implemented a standardized assessment of self-sufficiency to all its clients.[132] This section presents the data from these assessments.

Los Angeles Custody Project Litigant Self-Sufficiency Assessments

From June 2015 to June 2016, the Los Angeles custody pilot project administered the Arizona Self-Sufficiency Matrix (ASSM)[133] to its Shriver clients. The assessment measures an individual's functioning across 18 life domains, including: housing, income, employment, adult education, food security, healthcare coverage, health/disabilities, safety, mental health, substance abuse, child care, transportation, criminal legal issues, family/social relations, community involvement, children's education, life skills, and parenting skills. The assessment was administered by a Shriver project advocate, who interviewed each client and assigned scores for each life domain on the following Likert scale:

1	2	3	4	5
"in crisis"	*"at risk"*	*"building capacity"*	*"stable"*	*"thriving"*

Scores of 3 or lower indicated a need in that area and resulted in a follow-up conversation with the advocate to look for possible social service referrals or other assistance.

Clients were assessed at their initial meetings with their attorneys.[134] As of June 2016, when the data were obtained by the evaluation team, 109 clients had received baseline assessment

[132] The self-sufficiency assessment was identified and implemented by the project as part of its local protocol. It was not an activity prompted by the cross-site evaluation team. The Los Angeles project staff shared its data with the evaluation team for inclusion in this report.

[133] *Self Sufficiency Matrix*. Retrieved from http://www.performwell.org/index.php/find-surveyassessments/outcomes/employment-a-housing/housing-and-shelter/self-sufficiency-matrix-an-assessment-and-measurement-tool-created-through-a-collaborative-partnership-of-the-human-services-community-in-snohomish-county See Appendix CA8 for scoring criteria for the Arizona version.

[134] The project team members re-assessed their limited scope representation clients every 3 months until their cases closed. Due to issues with sample size and alignment of follow-up assessments, the follow-up data are not presented here. This report presents data for all clients, regardless of service level, at the initial assessment.

scores. This section summarizes the data from these 109 initial assessments to provide a snapshot of clients' lives at the time they sought assistance from the Shriver pilot project.

Findings

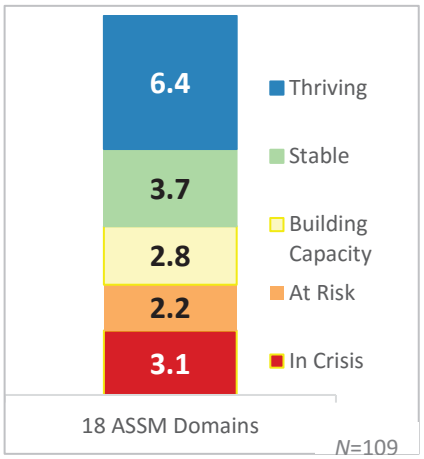
The ASSM data collected at Shriver services intake were analyzed, and findings are presented in three sections: (a) the five domains in which Shriver clients exhibited the lowest self-sufficiency and greatest need, (b) the eight intermediate domains in which Shriver clients exhibited adequate self-sufficiency, and (c) the five domains in which Shriver clients exhibited the highest self-sufficiency and were most likely to be thriving.

Overall Assessment

At the time of Shriver intake, clients were considered *stable* or *thriving* (scores of 4 or 5), on average, in 10 domains. Clients were considered unstable (a score of 3 or lower), on average, in eight domains.

Of the eight domains in which Shriver clients were most often scored as unstable, clients were, on average, scored as *in crisis* in three domains and *at risk* in two domains. Figure C1 (right) shows the average number of domains falling into each rating category for a typical Shriver client.

Figure C1. Average Number of Domains in Each Rating Category



Top Five Needs at Initial Meeting

Of the 18 domains assessed, more than 50% of Shriver clients were assessed as unstable (i.e., a score of 3 or lower) in five domains, including: **employment**, **food**, **income**, **education**, and **family/social relations**. These domains are interdependent, with the first four strongly tied to household income and resources. Thus, struggle in these areas might be expected based on the low-income eligibility requirements for Shriver services.

The percentage of Shriver clients with assessment scores in each of the categories is shown in Figure C2, followed by a description of each domain. The vertical line in the graph represents the threshold between scores indicating stability and those indicating instability. The green (score = 4) and blue (score = 5) bars on the right side of the center line represent the proportion of clients with scores indicating adequate self-sufficiency and stability in that domain. The yellow (score = 3), orange (score = 2), and red (score = 1) bars on the left side of the center line represent the proportion of clients with scores indicating instability or need in that domain. Clients on the left side would have been asked by the social services advocate if they would like assistance seeking support services in that area. For instance, Figure C2 shows that with respect to employment, 8% of clients were stable or thriving and 92% were unstable or in need.

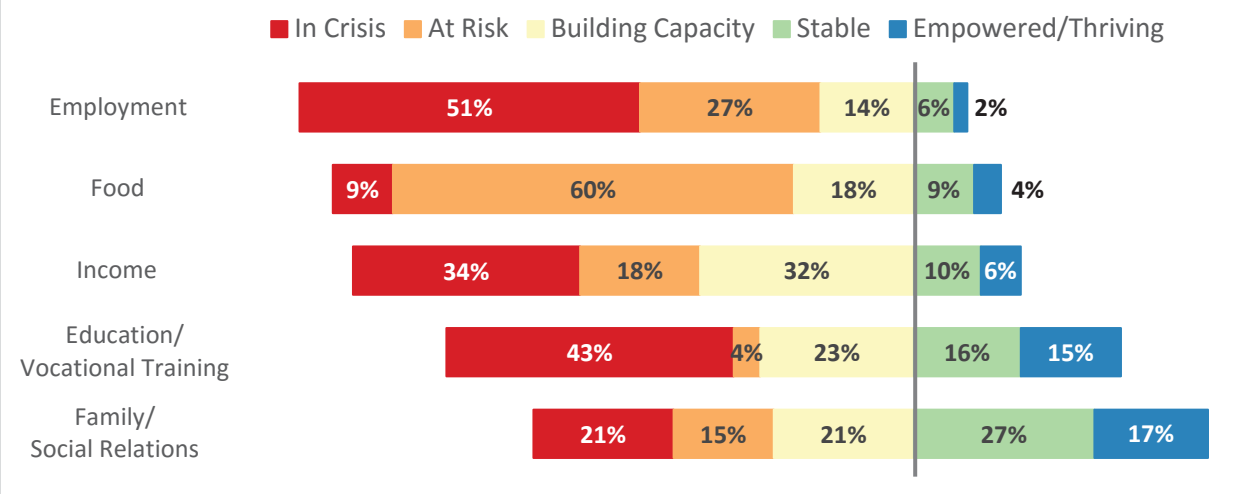
Employment. Clients were asked if they had a full or part-time job or if they were looking for work. More than half (51%) of clients reported being unemployed (as noted in the red bar in Figure C2). Twenty-seven percent reported being employed in part-time or seasonal work (orange bar), and 14% reported full-time work, but with inadequate pay and few or no benefits (yellow bar). Only 6% of clients reported having full-time work with adequate income and

benefits (green bar) and 2% were thriving in this area. None reported being stay-at-home parents, or otherwise out of the workforce due to disability, retirement, or lack of a work permit. Overall, 8% of clients were stable or thriving with regard to employment, and 92% were either under- or unemployed.

Food. This domain inquired about access to food, including any assistance the client may receive, such as CalFresh. If clients are reliant on subsidies and services to secure food for their families, they are considered unstable in this domain. The majority of clients (60%; orange bar) indicated that they receive regular financial assistance to meet household food needs and an additional 18% (yellow bar) reported needing occasional assistance. Nine percent of clients reported no or limited access to food (red bar), and relied significantly on free or low-cost food. Thirteen percent of clients were stable in this domain, and 87% were not.

Income. Questions about household income were framed in terms of whether clients were able to meet basic human needs, their level of debt management, and the presence of discretionary funds. To quality for Shriver services, litigants' income could not exceed 200% of the Federal Poverty Level, thus it is not surprising that 84% of assessed clients needed some sort of financial assistance. One third (34%; red bar) of clients indicated that they had no income, thus scored as *in crisis* in this area. The other 50% (orange and yellow bars combined) had inadequate income or needed subsidies to meet basic needs. Sixteen percent reported being able to meet basic needs without assistance.

Figure C2. Domains in which More than 50% of Clients Demonstrated Low Self-Sufficiency



Note. Percentages may not total 100% due to missing data or rounding.

Adult Education/Vocational Training. Clients were asked about their levels of education, their literacy skills, and about issues they may have obtaining work because of their education levels. Education was rated in terms of its capacity to prepare clients for a career. Forty-three percent of clients (red bar) had barriers to attaining jobs, including literacy issues and no high school diploma or GED. Four percent (orange bar) were currently enrolled in a literacy or GED program and 23% (yellow bar) had a high school diploma or GED. Of the 31% rated as stable, half (16% of the total; green bar) needed additional education to improve their current employment

situation and half (15% of total; blue bar) had complete education/training to be fully employed.

Family/Social Relations. This domain focused on financial and emotional support, resources available in the client's social network, and the presence of abuse. Twenty-one percent of Shriver clients were in a crisis state (red bar), indicating the absence of necessary supports and/or the presence of abuse or child neglect. Fifteen percent of clients reported having family, but their family did not have the resources to provide necessary supports (orange bar). Twenty-one percent reported some family support, with acknowledgement and willingness to change existing negative behaviors (yellow bar). The remaining 44% of clients reported strong support from family and friends (green and blue bars).

Domains of Intermediate Need

At intake, there were eight domains in which approximately 50% to 75% of Shriver clients were assessed as *stable* or *thriving* (scores of 4 or 5). These included **housing, child care, life skills, community involvement, healthcare coverage, transportation, mental health,** and **safety**. Despite the economic hardships faced by many Shriver clients, most clients were able to care adequately for themselves and their families or were building capacity in these areas. Fewer than 30% of clients were *in crisis* or *at risk* in these domains. Figure C3 shows the proportions of clients scoring in each category, followed by a brief narrative of each domain.

Housing. This domain concerns the client's current living situation, including housing stability and affordability. More than half (53%; green and blue bars combined) of assessed clients were living in safe, adequate housing, either subsidized or unsubsidized. Eighteen percent (yellow bar) were living in stable housing, but it was considered marginally adequate for the client's needs. The remainder of clients were either living in temporary housing (20%; orange bar) or reported being homeless or threatened with eviction (9%; red bar).

Community Involvement. This domain measures a person's connectedness with formal and informal group associations outside of the family—for example, participation in church or religious groups, advisory groups, or support groups. To be *thriving* (score of 5), a client must have the ability to connect to, not just be involved with, various community groups—that is, someone assessed as *stable* might be involved in some community groups, but exhibit barriers to fully connecting, such as challenges with transportation or child care. More than half (53%; green and blue bars) of clients had some community involvement, but many of these individuals (43%; green bar) had some barriers to participation. One-fourth (26%; yellow and orange bars) were either somewhat isolated or had no desire to participate, and 20% were in some sort of crisis ("survival mode"; red bar), where community involvement was not feasible.

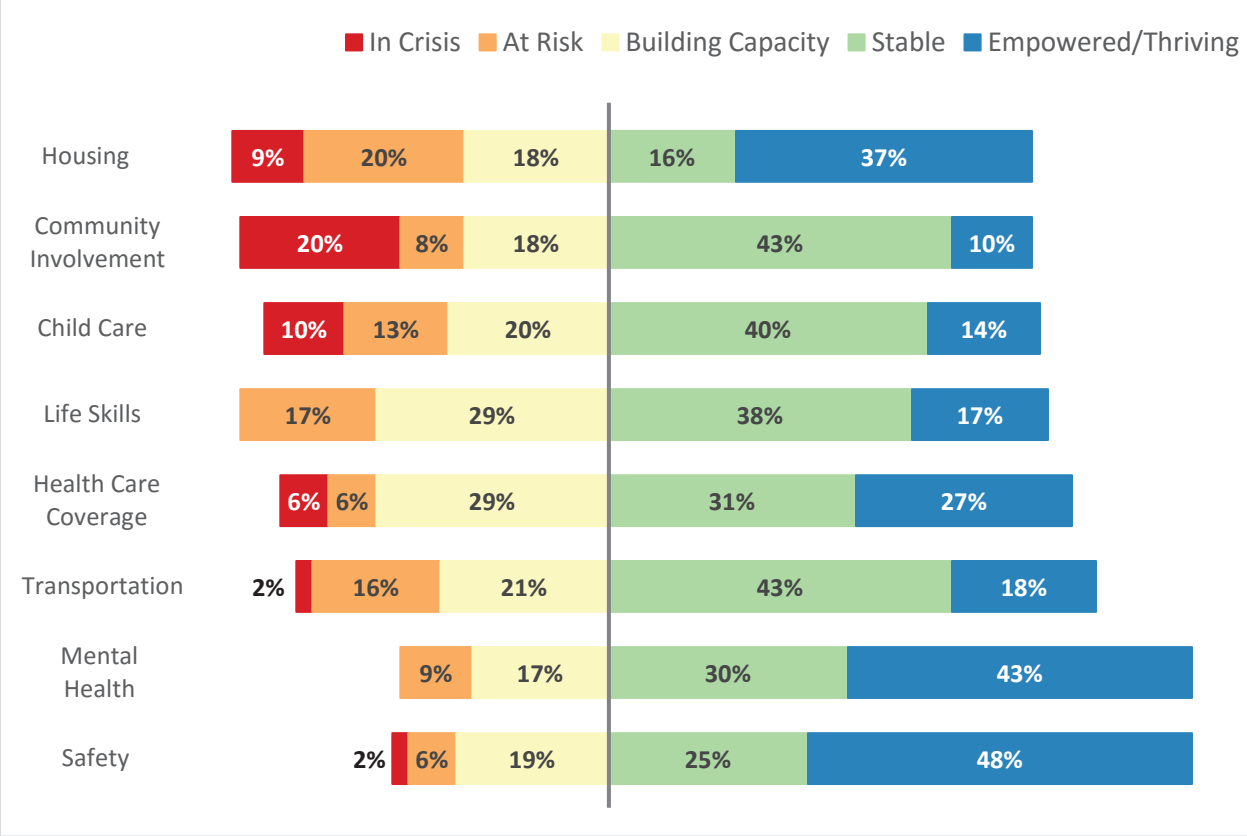
Child Care. Clients with younger children (n=98) were asked whether they needed support with child care and whether their current child care was affordable and reliable. More than half (54%; green and blue bars) of clients could afford reliable child care without the need for subsidies, and another 20% (yellow bar) had access to subsidy-supported child care, although they reported the options were often limited. About one quarter of clients reported either having no access to child care (10%; red bar) or that the child care they could access was unreliable, unaffordable, or had inadequate supervision (13%; orange bar).

Life Skills. Life skills are a measure of daily functioning, including basic needs such as hygiene and food availability, as well as daily living needs, which include behaviors beyond basic needs such as addressing family needs (e.g., household and money management), organizing activities, and planning for the future. More than half (55%; green and blue bars) of clients reported they were able to meet all basic needs of daily living without assistance. Twenty-nine percent (yellow bar) said they could meet most, but not all, daily needs; and 17% (orange bar) could meet only the most basic needs without help. No clients were assessed to be *in crisis*.

Healthcare Coverage. Clients were asked if they had medical coverage, access to adequate healthcare, and the ability to afford healthcare. Fifty-eight percent of clients (green and blue bars) reported that all of their household members had medical coverage, with another 29% (yellow bar) indicating that some members (e.g., children) of their household had medical coverage (including Medi-Cal). Twelve percent (orange bar) of clients reported having no medical coverage, and about half of them (6%; red bar) were in immediate need.

Transportation. Clients were asked about their access to transportation and whether they felt it was affordable and reliable. Sixty-one percent of clients reported having reliable access to transportation to meet at least their basic travel needs (green and blue bars). Another 21% (yellow bar) had access to transportation, but it was limited and/or inconvenient. Eighteen percent either did not have access to transportation, including public transportation (2%; red bar), or their access was unreliable and/or unpredictable (16%; orange bar).

Figure C3. Domains in which 50% to 75% of Clients Demonstrated Adequate Self-Sufficiency



Note. Percentages may not total 100% due to missing data or rounding. For example, the Child Care row sums to 97% because 3% of respondents were missing information for this item.

Mental Health. This domain describes daily functioning, suicidal ideation, and receipt of mental health services. None of the clients were assessed as being a danger to themselves or others, or exhibited signs of extreme psychological distress. The majority of clients (73%; green and blue bars) were assessed as highly functioning, with only minimal symptoms that are expectable responses to life stressors. About one quarter (26%) of clients had mild or recurrent symptoms, that occasionally (17%; yellow bar) or persistently (9%; orange bar) impacted their daily functioning, but did not endanger the health and welfare of themselves or others.

Safety. Clients were asked about issues of safety, including their neighborhood climate and the occurrence of domestic violence. Almost half (48%; blue bar) of clients reported that their home environment was safe and stable. Another 25% (green bar) reported they currently lived in a safe environment, but the future was uncertain. For 19% of clients (yellow bar), the level of safety was minimally adequate, and 8% reported living in unsafe conditions, where the threat of loss of life was high (6%; orange bar) or extremely high (2%; red bar).

Top Five Thriving Domains

These five domains are those in which Shriver clients, at intake, were primarily thriving—that is, more than 75% of clients were assessed as *stable* or *thriving*. These areas included health and disabilities, children's education, criminal legal issues, parenting skills, and substance use. Few clients were impacted by disabilities, substance use, or criminal legal issues. Most children had regular attendance at school, and clients generally exhibited good parenting skills (Figure C4).

Health/Disabilities. The health and disabilities domain targeted temporary or permanent health conditions that would impact the client's family for several months. (This does not include ordinary illnesses such as a cold or flu, or disabilities that do not impact housing, employment, or social interactions). Further, if the disabled person is *thriving*, then no disability is indicated for assessment. Ninety-one percent of clients were assessed as either having no health issues (85%; blue bar) or regularly controlled health issues (6%; green bar). Only 3% (yellow bar) of clients were assessed as experiencing chronic symptoms that affected housing or employment, and the remaining 6% of clients either sometimes (3%; red bar) or rarely (3%; orange) experienced symptoms that negatively impacted aspects of their lives.

Children's Education. Clients with school-aged children (n=85) were asked about their children's school attendance and academic performance. Ninety-one percent (green and blue bars) of parents reported that their children were enrolled in school and attending class most of the time. Four percent reported that at least one school-aged child had not been enrolled in school (2%; red bar) or was enrolled but not attending classes (2%; orange bar).

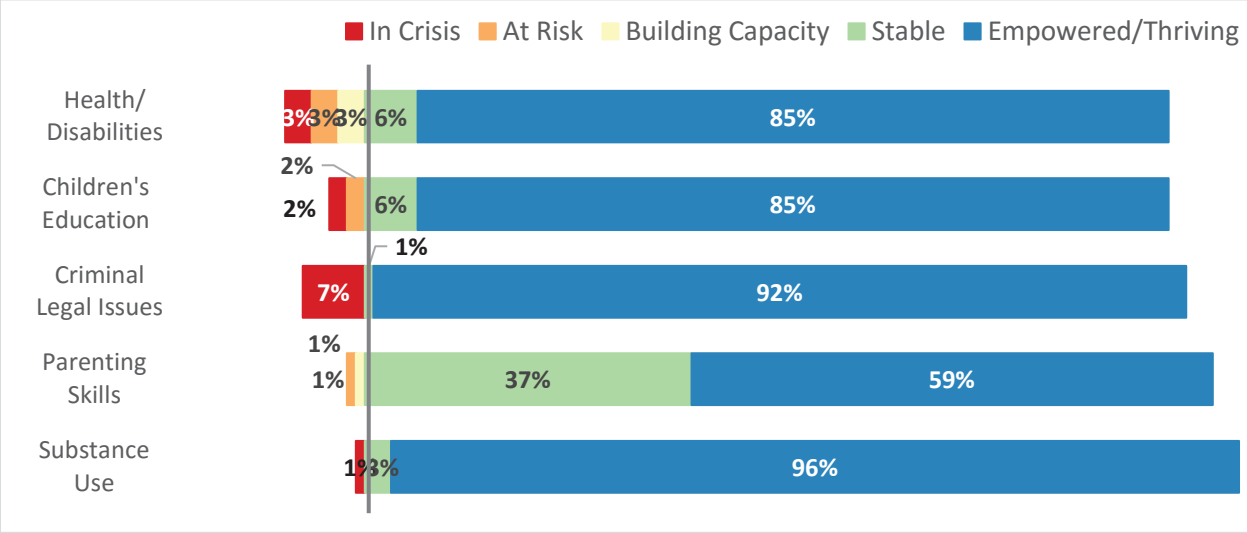
Criminal Legal Issues. Clients were asked about the extent to which they had criminal legal problems, from tickets and warrants to probation and pending trials. Almost all (92%; blue bar) of clients reported having no active criminal justice involvement or felony history in the last 12 months. Another 1% (yellow bar) reported successful completion of mandated supervision in the same time period. Seven percent (red bar) reported outstanding tickets or warrants.

Parenting Skills. Clients with minor children (n=98) were also asked how they felt about their parenting skills. No clients self-identified concerns regarding safety for their children, and very few (2%) self-reported their parenting skills as inadequate. Thirty-seven percent of parents

described their parenting skills as adequate (green bar), and 59% described their parenting skills as well-developed (i.e., no areas in which they would like more support; blue bar).

Substance Use. Clients were asked about their use of substances and whether their use was compulsive and repetitive enough to impact their households. Almost all (96%; blue bar) clients reported no drug or alcohol use in the last 6 months, and 3% (green bar) reported some use, but with no negative consequences. One percent of clients reported symptoms that may have met the criteria for severe substance use disorder, one that might require inpatient treatment.

Figure C4. Domains in which 75% or More of Clients Demonstrated High Self-Sufficiency



Note. Percentages may not total 100% due to missing data or rounding.

Summary

Overall, at the time of Shriver intake and assessment, many clients were dealing with economic hardships, yet were still successfully meeting the demands in most other aspects of their lives. The typical Shriver client was unemployed and without adequate income, which may have been due to a low level of education and/or literacy posing barriers to obtaining employment.

While some Shriver clients reported strong social networks, and most were involved in community groups, more than half did not have family or friends to whom they could turn for financial or emotional support. The typical Shriver client relied on food subsidies, such as CalFresh, but was not living in subsidized housing and, in fact, generally reported that current housing was safe and adequate. Moreover, the client's environment was generally safe, free from domestic violence, substance use, and criminal justice involvement.

Almost all household members had access to adequate healthcare. However, any related costs would have put a strain on clients' very limited budgets. Day-to-day functioning, including transportation, was not reported to be a significant problem for the typical Shriver client. Most clients reported no disabilities or chronic health conditions and were doing well in the area of mental health.

For those Shriver clients who had young children, they felt positively about their parenting skills and were generally able to obtain suitable child care. The typical client had children who were enrolled in school and attending classes regularly.

Most Shriver clients exhibited adequate self-sufficiency in a preponderance of life domains. However, more than 80% of Shriver clients demonstrated limited self-sufficiency (in some cases, dire need) in a few critical areas—namely, employment, income, and food. Given the impact of these areas on family livelihood and child well-being, these significant needs should not be ignored. The Los Angeles Shriver pilot project incorporates Masters-level social work students as interns to assist their low-income custody clients in obtaining social service assistance in these areas, as well as with parenting classes and other support services helpful for their custody case. The San Francisco pilot project staff includes a social worker to provide similar services for their clients. This additional support enables the Shriver attorneys to focus on the legal work, rather than having to address the other critical needs faced by their clients. The extent to which legal aid services agencies are the most appropriate or effective conduit for this type of assistance and referral remains to be seen.

It is worth noting that although the ASSM has been validated with other low-income and at-risk populations, it is nevertheless based on self-report. While self-report instruments are a cornerstone of social science research and a valid methodology, the possibility of reporting bias exists. In this study, it is possible that some clients' reports may have been biased in an effort to benefit their cases.

LITIGANT PERCEPTIONS AT SHRIVER EXIT

To better understand litigants' experiences of their custody cases and their perceptions of Shriver services, phone interviews were conducted with litigants who were selected to be part of the comparison study at the San Francisco Shriver pilot project. This section presents data from these interviews; the next section presents findings from the court files for these cases.

Methodology

SAMPLE

The study sample drawn at the San Francisco custody pilot project consisted of 25 litigants who received Shriver representation and 25 comparison litigants who met Shriver eligibility criteria but did not receive project services. After the resolution of their custody pleadings, these 50 litigants were invited to participate in telephone interviews to discuss their perceptions of their cases, the legal process, and (for the Shriver group) the services they received. In total, 21 litigants receiving Shriver representation and four litigants in the comparison group completed exit interviews (see Table C13).[135]

Table C13. Proportion of Litigants Interviewed at Case Closure

San Francisco Project	Total Sample *N*	Total with Exit Interview *N (% of* total)	Included in Analysis?
Representation clients	25	21 (84%)	Yes
Comparison litigants	25	4 (16%)	No

ANALYTIC APPROACH

The very small number of comparison group respondents (*n*=4) precluded comparative analyses between the study groups. Interview data for this group were consequently omitted from this report. The remainder of this section summarizes the interview responses for the 21 litigants who received Shriver representation.

Findings

CASE CHARACTERISTICS

Interparental cooperation and conflict

Litigants were asked six questions about their relationship with the other parent. Items included aspects of co-parenting, such as "*We basically agree about our child's needs"* and "*We usually manage to work together as parents."* For each item, clients rated their agreement on a four-point scale, with higher scores indicating greater cooperation between the parties.

[135] The small number of comparison litigants interviewed was primarily due to an inability to contact these individuals. These litigants were identified by the local Shriver project staff prior to the evaluation, but because they were not provided Shriver services, the staff did not have consistent contact with them over time. Thus, at the time their pleadings were resolved, they were difficult to locate for interviews. However, court case file data were pulled for all Shriver and comparison cases, and these analyses are presented in the next section.

Across these six items, for the 21 clients with complete data, the average score was 2.4—the mid-point on the scale. While the average seems to suggest modest cooperation across the sample, individual scores ranged from 1 (highly contentious) to 4 (highly cooperative), indicating notable variability across cases. In particular, half of the clients (*n*=10) had a scale score of 1 or 2, indicating a contentious relationship with the opposing party, and half (*n*=10) had a scale score of 3 or 4, indicating a cooperative relationship.

Children involved

Half of these cases (*n*=11) involved the custody of one child. Another eight cases involved two children; one case involved three children; and one case involved six children. The average age of the children in these cases was just under 9 years, ranging from 1 to 16 years.

Purpose of pleading

Of the 21 Shriver clients interviewed, almost half (48%; *n*=10) were seeking an initial order for custody. The remaining cases were seeking either to modify an existing custody or visitation order (38%; *n*=8) or to enforce an existing custody or visitation order (14%; *n*=3).

CLIENTS' GOALS FOR THEIR CASES

Legal and physical custody goals

The majority of interviewees reported seeking joint legal (71%; *n*=15) and/or joint physical (67%; *n*=14) custody. Approximately one quarter (24%) were seeking sole legal and physical custody. This did not vary by whether the pleading was for an initial custody order or to modify an existing order. Table C14 displays the legal and physical custody goals of the interviewed Shriver clients by the objective of the pleading.

Table C14. Shriver Client Goals for Case

	Objective of Custody Pleading			
Client's Goals	**Obtain Initial Order**	**Modify Existing Order**	**Enforce Existing Order**	**Total**
Legal Custody				
Sole legal custody to me	3 (30%)	1 (13%)	1 (33%)	5 (24%)
Sole legal custody to the other parent	0 (0%)	1 (13%)	0 (0%)	1 (5%)
Joint legal custody	7 (70%)	6 (75%)	2 (67%)	15 (71%)
Physical Custody				
Sole physical custody to me	3 (30%)	1 (13%)	1 (33%)	5 (24%)
Sole physical custody to the other parent	0 (0%)	2 (25%)	0 (0%)	2 (10%)
Joint physical custody	7 (70%)	5 (63%)	2 (67%)	14 (67%)

N=21. Obtain initial order *n*=10; Modify existing order *n*=8; Enforce existing order *n*=3.

Other Goals

Shriver clients were asked what, if any, additional goals (beyond custody and visitation arrangements) they held for their custody pleadings. Seven clients (33%) hoped that the pleading would go away and be dismissed. Two clients wanted parenting classes for themselves and six wanted parenting classes ordered for the other parent. Two clients hoped to receive therapy for themselves and four hoped for the children to receive therapy. One client sought a

restraining order protecting her/him from the other parent. One client wanted to get substance abuse counseling for themselves and for the other parent. Taken together, these responses seem to suggest that parents are seeking social services and that they feel the help of the court is needed to ensure the other parent participates in those services. Goals for the case separated by the objective of the custody pleading are summarized in Table C15.

Table C15. Other Case Goals of Shriver Clients

	Objective of Custody Pleading			
Client's Goal	**Obtain Initial Order**	**Modify Existing Order**	**Enforce Existing Order**	**Total**
The case would go away and be dismissed.	2 (20%)	4 (50%)	1 (33%)	7 (33%)
I would get therapy.	2 (20%)	0 (0%)	0 (0%)	2 (10%)
The children would get therapy.	2 (20%)	2 (25%)	0 (0%)	4 (19%)
I would get a restraining order protecting me from the other parent.	0 (0%)	1 (13%)	0 (0%)	1 (5%)
I would get substance abuse counseling.	1 (10%)	0 (0%)	0 (0%)	1 (5%)
The other parent would get substance abuse counseling.	1 (10%)	0 (0%)	0 (0%)	1 (5%)
I would take a parenting class.	1 (10%)	1 (13%)	0 (0%)	2 (10%)
The other parent would take a parenting class.	4 (40%)	2 (25%)	0 (0%)	6 (29%)

Note: Respondents may have more than one goal for the case. Percentages do not add to 100%.
N=21. Obtain initial order *n*=10; Modify existing order *n*=8; Enforce existing order *n*=3.

Satisfaction with Case Outcomes and Perceived Fairness of the Legal System

Litigants were asked about their satisfaction with the outcomes of their custody pleadings and their perceptions of fairness and procedural justice with regard to their cases.

Satisfaction with case outcomes

Interview participants were asked if to the outcomes in their cases were *about what they expected*, *a lot better, somewhat better, somewhat worse,* or *a lot worse* than they expected. Eight clients (40%) felt that the case outcomes were in line with their expectations. Seven clients (35%) felt that the case outcomes were somewhat worse or a lot worse than their expectations, while five clients (25%) thought that the case outcomes were somewhat better or a lot better than they expected.

Table C16. Outcomes and Litigant Expectations

Overall, what was ordered or agreed to was…	N (%)
A lot better	3 (15%)
Somewhat better	2 (10%)
About what I expected	8 (40%)
Somewhat worse	3 (15%)
A lot worse	4 (20%)

Note: One respondent did not answer the question.

Clients were also asked to rate their level of satisfaction with their case outcomes of a scale from 1 (*very dissatisfied*) to 5 (*very satisfied*). The average rating was 3.6, indicating that, on average, litigants were somewhat satisfied with the outcomes of their cases. However, the range of responses from 1 to 5 indicated notable variation in client satisfaction.

Perceptions of fairness in the legal process

Fairness was assessed using a 4-item scale adapted from Frazer (2006) that included statements such as "*My case was handled fairly by the court"* and "*My legal rights were taken into account*." Interviewees rated how much they agreed with each statement on a 5-point scale, from 1 (*strongly disagree)* to 3 (*neither agree nor disagree*) to 5 (*strongly agree).* A scale score was calculated as the average across the scale items.[136] Higher scores indicate greater perceived fairness with court proceedings.

Fairness scores could be calculated for 19 clients. These respondents had an average fairness score of 3.2 (range = 1 to 5), indicating that, on average, litigants were unsure whether the court process was fair.

Perceptions of procedural justice

Perceptions of procedural justice were computed using an 8-item scale adapted from the Specific Procedural Justice Scale (Bornstein et al., 2011) and included items such as "*The judge listened to what I had to say"* and "*I was treated the same as others in the same position*." Interviewees rated their agreement with each statement on the same 5-point scale used for the fairness measure, and a scale score was calculated as a mean across the items.[137] Higher scores indicate greater perceived procedural justice.

Procedural justice scores could be calculated for 17 clients. The average procedural justice score for these respondents was 3.8 (range = 2 to 5), indicating that respondents perceived a modest amount of procedural justice in their proceedings.

Satisfaction with case outcomes and perception of fairness and procedural justice

Scores on the fairness and procedural justice scales were related to clients' satisfaction with their case outcomes (see Table C17). Clients were categorized as *dissatisfied* if they reported being *somewhat* or *very dissatisfied* with their case outcomes, and others were categorized as *satisfied* if they reported being *somewhat* or *very satisfied* with their case outcomes. Clients dissatisfied with case outcomes had an average fairness score of 1.8, as compared to an average score of 4.0 among clients satisfied with their case outcomes. This difference was statistically significant.[138] For perceptions of procedural justice, average score was 2.8 among clients dissatisfied with their case outcomes, versus 4.3 among satisfied clients. This difference was also statistically significant.[139]

[136] Mean scores were calculated for litigants who answered at least 75% (3 out of 4) of scale items.
[137] Mean scores were calculated for litigants who answered at least 63% (5 out of 8) of scale items.
[138] $t(17) = 3.60$, $p < .01$ d = 1.75
[139] $t(17) = 3.18$, $p < .01$ d = 1.64

Table C17. Mean Fairness and Procedural Justice Scores by Satisfaction with Case Outcomes

Scale	Dissatisfied with Outcomes *Mean (SD)*	Satisfied with Outcomes *Mean (SD)*
Fairness of Legal Process *[sig.]*	**1.8** (1.1)	**4.0** (1.4)
Procedural Justice *[sig.]*	**2.8** (0.5)	**4.3** (1.0)

N=17 for Fairness of Legal Process. *N*=19 for Procedural Justice.
Dissatisfied clients *n*=7; Satisfied clients *n*=12.
Note. *ns* = not significantly different across groups; *sig*. = significant difference between groups; noted in bold.

Perceptions of Shriver representation, fairness, and procedural justice

Notably, clients who scored low on the fairness and procedural justice scales still reported being satisfied with the services they received from the Shriver pilot project. Of the 11 clients who scored below the mid-point of either the fairness or procedural justice scales, nine clients (82%) indicated satisfaction with the legal services and/or with Shriver representation. Clients observed that Shriver counsel was knowledgeable and professional and that the attorney effectively helped them through the proceedings. Overall perceptions of Shriver services are described in more detail at the end of this section.

OTHER SERVICES RECEIVED BY CLIENTS

Clients were asked if they sought any government or community services or resources to help them with their situations while their cases were active, followed by a question about their success in obtaining the resources or services they sought. As shown in Table C18, 33% of clients (*n*=7) sought other government or community services, and most (62%) did not. Of the seven clients who sought services, three sought intervention from police, two sought help from Child Protective Services, one sought help from a domestic violence shelter, one sought financial assistance, and one went to the bar association for legal help.[140] Of the seven clients who sought services, three (43%) were successful in accessing them and four were unsuccessful. The three who were successful received services from the police and from a domestic violence emergency shelter. (Note: This respondent added that she could access the emergency shelter, but was struggling to obtain other supportive services.)

Table C18. Services Requested and Received by Litigants

	N (%)
Did you seek services?	
Yes	7 (33%)
No	13 (62%)
Declined to answer	1 (5%)
Did you receive those services?	
Yes	3 (43%)
No	3 (43%)
Unsure	1 (5%)

[140] Respondents could indicate seeking more than one type of service, so the numbers may not sum to seven.

In April 2015, the San Francisco custody pilot project added a social services coordinator to its project staff who helped identify needs and resources and provided service referrals. This staffing addition came after the client interviews were complete. Thus, it is possible that clients who received Shriver services later in the project implementation had more success obtaining needed resources due to this additional assistance.

PERCEPTIONS OF THE IMPACTS OF THE CUSTODY CASE AND OF SHRIVER SERVICES

Impacts of the custody case

Clients discussed their perceptions of the impacts of their custody cases on their lives. In particular, they were asked *"Do you think the results of your custody case will make a difference in your life or your family's life in any way?"* Of the 21 clients interviewed, 11 (52%) described something positive, eight (38%) described something negative, and two (10%) were neutral.

Positive Perception:

- Two clients gave generally positive comments, such as *"It's just in the better interests of my children…their having both parents involved in their lives."*
- Nine clients expressed positive sentiments about their case outcome. For example, *"Absolutely, because they finally established an order that both parents can live with in taking care of the child*" and "*I wouldn't have been able to see my kids or speak to them on the phone for 4 years without the legal help*" and "*I feel that my son has a better structure and it's more consistent. It's best for him and me."*

Negative Perception:

- Five clients reported something negative about their case in general, such as "*It's negatively affecting my son, so it's negatively affecting me*."
- Three clients expressed negativity about their case outcome. For example, "*My intention was to move out of state and I was not able to do that because of the court order. My life has been stagnant. I feel like I'm kind of stuck. I have the same child care issues I had before."*

Neutral Perception:

- Two clients gave neutral responses, such as "Everything is fine."

Impact of Shriver representation

Lastly, clients were asked to describe the impact of the services they received through the San Francisco custody pilot project. Specifically, they were asked "*Do you think having received legal services at the Justice & Diversity Center for your custody case will make a difference in your life or your family's life in any way?"* Twenty clients answered this question, and all of them were very positive about and grateful for Shriver services, despite any negative impact their cases may have had for them. Most often, clients expressed appreciation for the Shriver attorney's knowledge and gratitude for the support he provided to them. They felt that they were better equipped for the legal process and better able to have their voice heard in court. A few clients even expressed regret that the Shriver project could not continue to help them with the rest of their custody cases. Some examples of responses follow:

"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 legal services actually made my life a lot better and easier. They helped me through a system that most people without legal knowledge cannot navigate."

"I was just very grateful for the support. I found out the other side was represented 2 days before the court date. I received documents in the mail from his attorney. [The Shriver attorney] was able to help me immediately."

"Receiving legal services has already made a difference. I've been seeing my daughter regularly. The services were great. [The Shriver attorney] and [Project Coordinator] were very passionate about helping me out. He has a heavy caseload and I appreciate his effort."

"I never realized I'd be receiving these services, and the professionalism and fairness put me at ease."

"If I represented myself, I wouldn't know all the laws. Since I had the free attorney, he helped out a lot. They would have made me out to be the bad guy. They made accusations. My attorney said, 'In that case, we want to do the TR-2 investigation,' and the other party backed down and said that wouldn't be necessary."

"He helped me push a decision in the court hearing because he had a lot more legal knowledge. He guided me through the process and made me feel comfortable with my case."

"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 [the Shriver attorney], it weighed more. I felt that [the Shriver attorney] was more competent and better educated than my ex-husband's lawyer, who he was paying for. [The Shriver attorney] was 10 times better. 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."

Summary

Twenty-one Shriver clients from the San Francisco custody pilot project were interviewed after the resolutions of their custody pleadings to understand their perceptions of the legal process and of the Shriver services. With the custody pleadings, most of the interviewed clients were seeking joint legal custody and/or joint physical custody of their children, and many were asking the court to make orders regarding therapy or other services.

There was variation in clients' satisfaction with the outcomes of their cases. Forty percent of clients felt that their case outcomes were in line with their expectations, while 35% thought the outcome was worse than expected and 25% thought it was better than expected. On average, Shriver clients perceived a modest amount of fairness of the legal system and only a slightly higher level of procedural justice. However, these perceptions were closely related to their satisfaction with their case outcomes. Clients who were satisfied with the outcomes of their cases perceived higher levels of fairness and procedural justice than did clients who were dissatisfied with their case outcomes, who perceived lower levels of both.

Importantly, even when clients were dissatisfied with their case outcomes, or when they perceived low levels of fairness or procedural justice, they reported high levels of satisfaction with Shriver services. Nearly all clients reported appreciation for the knowledge and support of the Shriver attorney.

These interview data reflect a small subsample (*n*=21) of the litigants assisted by the San Francisco custody pilot project. Comparison (non-Shriver) litigants were unable to be reached for interviews. Due to the small sample size, and lack of comparison, findings should be considered exploratory.

Shriver Custody Pilot Projects

Case Outcomes Study

Shriver client "William."
William is a 40-year-old Afghani man with three young children. He has a degenerative brain disease and does not speak much English. He and his parents, who act as his translators and caretakers, were referred to the Shriver project by the court's family law self-help center. With the Shriver project's help, he and the children's mother were able to reach a custody stipulation that granted William alternate weekend visitation with his children. William and his family had been overwhelmed and confused by the legal paperwork needed to establish a custody order to ensure his visits with his children following the parents' separation. The Shriver project attorneys spent considerable time explaining all issues and discussing rights and obligations to him in terms simple enough that he could understand. Travel back and forth to the courthouse was also physically and financially burdensome for the family, so the stipulation also eliminated the need for the parties to return to court (the attorneys also consulted with William and his family remotely). Both William and the mother have extremely low incomes – William lives with his parents and receives Supplemental Security Income (SSI) benefits, and the mother was living in a homeless shelter and subsisting on food stamps. Additionally, the parties live an hour apart by public transit, and neither parent is able to afford the full cost of public transit tickets for themselves and three children. The Shriver social services advocate helped the family to obtain a reduced public transit fare for low-income families to ensure that the visits could happen. William and his family were very grateful for the Shriver project's assistance in navigating them through this difficult process and especially for helping to re-connect the children with their father.

Case Outcomes Study

Methodology and Analytic Approach

A custody matter in family court can be addressed and requests for orders (RFO) filed until the child reaches the age of majority (18 years). Because of this, cases often involve multiple pleadings over the course of time. The Shriver pilot project addressed a single pleading—one RFO—at any time during the life of the case. A single RFO can involve several court events (hearings, etc.) and can last for several weeks or months. For the purposes of this study, this RFO is considered the ***study relevant pleading*** (SRP). For the comparison group, one pleading during the same timeframe that involved a sole custody request was selected to be the SRP. Analyses examined outcomes related to the SRP for both groups (not outcomes for other pleadings in the case).

Case outcomes were investigated using data gleaned from court case files reviewed at two custody projects: the San Diego pilot project and the San Francisco pilot project. Random assignment was not conducted in any of the custody projects, due primarily to the relatively small number of eligible cases. Alternative sample selection procedures were used (explained below). Due to the differences in sample selection procedures and Shriver service models, data for the two custody projects were analyzed separately.

Determining a "successful" outcome in a custody case is very complex, because there are innumerable variables and complicated personal and family dynamics that can influence court orders. Moreover, custody decisions are driven by the best interests of the child, which is often not easily quantifiable or reliably substantiated in the case file. Given the nature and complexity of custody cases, and the limitations of data available in the case file, the analyses are largely exploratory. Outcome analyses for custody cases focused on the litigants' requests, the case events, and orders for the study relevant pleading. Cases that received Shriver representation were compared with cases that did not receive Shriver services. Data were examined for two primary areas: (a) court efficiency and (b) case events and outcomes.

Outcome area #1: Court efficiency

Analyses examined case elements that are potentially indicative of court efficiency, including the rate at which cases were resolved by settlement versus hearing/trial, number of hearings, and length of time to resolve a pleading. In San Diego, the impact of mandatory Shriver settlement conferences, a court innovation unique to that project, was explored.

Outcome area #2: Case events and outcomes

Analyses examined the outcomes related to legal and physical custody and visitation for the study relevant pleading among Shriver cases and comparison cases. This included requests by the moving party, requests by the responding party, and resulting court orders. Potentially mitigating factors that can affect custody—such as domestic violence, child abuse, substance use, or mental health—were also assessed. Analyses examined the durability of the custody orders to assess whether Shriver services resulted in orders that were maintained over time. This was analyzed by examining whether parties submitted a request to modify existing custody orders (i.e., those reached at the end of the SRP) within 2 years after the resolution of the SRP.

ANALYTIC APPROACH

Throughout this section, descriptive information is presented about case characteristics and outcomes of interest across the two study groups (Shriver cases and comparison cases). In addition, where possible, differences between the study groups were tested for statistical significance.[141] A statistically significant difference represents a real difference between groups, one that is not likely due to chance. For custody cases, differences between the two study groups were analyzed using *t*-tests and chi squared analyses. A *t*-test is appropriate for studying differences between groups on continuous or numerically scaled variables (e.g., number of hearings) and a chi squared test is appropriate for testing for difference on categorical variables (e.g., whether a pleading was resolved via settlement). For some continuous variables that were not normally distributed, such as pleading length, nonparametric tests were used to test for differences between groups.

Understanding custody outcomes is intricate and requires a broader perspective of the case. That is, knowing that a parent was not granted sole custody makes more sense in light of knowing what that parent had requested (i.e., was the parent seeking sole custody or seeking to maintain their current amount of parenting time). In the current relatively small samples, the combinations of these relevant variables yielded very small cell sizes. Thus, in these instances, only descriptive analyses were performed (i.e., counts and percentages are presented) and data were not analyzed for statistical significance.

[141] When a result has less than a 5% probability of occurring by chance (i.e., $p < .05$), the result is said to be statistically significant.

SAN DIEGO CUSTODY PILOT PROJECT CASE OUTCOMES STUDY

Methodology

As part of the San Diego pilot project, in addition to representation by San Diego Volunteer Lawyer Program (SDVLP) attorneys, the San Diego Superior Court implemented mandatory settlement conferences conducted by a judge.[142] SDVLP sought to have all Shriver cases participate in Shriver settlement conferences. Therefore, the evaluation sought to study the impact of these joint services. Because random assignment was not possible at this site, an alternative case selection method was employed.

To select cases for the Shriver representation group, the program services database was used to identify cases that received both Shriver representation and participated in a Shriver settlement conference. Because the durability of orders was a key research question, cases were removed from the sample if they had completed Shriver services less than 2 years earlier (i.e., did not have a full 2-year follow up period) or had an older adolescent child at the time of Shriver services (for whom a custody arrangement may time out within 2 years). After these adjustments, 55 Shriver cases remained in the sample.

Technology staff at the San Diego Superior Court then identified a sample of 60 comparison cases from the court case management system with pleadings during the same timeframe, but that did not receive any Shriver services. To approximate the Shriver sample, comparison cases had to have a pleading regarding sole custody, a fee waiver[143] granted to at least one party, at least 2 years since resolution, no older adolescent children, and to have been seen by one of the two judges who handled Shriver cases. Comparison cases were also selected to maintain a proportion of initial pleadings to requests for modification that corresponded with the proportion among the Shriver cases. This selection criterion was based on previous evidence suggesting that mediation is more effective with parties at the initial pleading than with parties who have engaged in multiple modifications (AOC, 2012).

Attempts were made to review the individual court case files for all selected cases, but a few files were unavailable. The final analytic sample included a total of 109 cases: 53 cases with a Shriver-represented party and 56 cases from the comparison group.

Description of Sampled Custody Cases

Type of petition

Custody arrangements are requested via several types of petitions. While parties can petition the court for custody, it is more common for them to file a petition in family court for another matter—most often, dissolution of marriage—in which child custody is among the issues subject to disposition by the court. In the current sample, nearly all (98%) of the comparison cases were initiated with a petition for dissolution of marriage. By contrast, cases that received Shriver representation showed more variability in the initial circumstances that led them to

[142] Prior to the Shriver project, the San Diego Superior Court required settlement conferences only for cases set for trial. These conferences were facilitated by an attorney and the parties did not have counsel present.
[143] Low-income litigants can request a court fee waiver, and the court can approve or deny this request. To qualify for a fee waiver, a litigant's income cannot exceed 150% of the Federal Poverty Level.

petition the court. Among Shriver cases, 42% (*n*=22) were initiated by a petition for dissolution of marriage, 28% (*n*=15) by a uniform parentage petition, 23% (*n*=12) by a governmental child support petition[144], 8% (*n*=4) by a petition for custody/visitation, 4% (*n*=2) by a domestic violence restraining order petition, and 4% (*n*=2) by a final judgment for custody in a juvenile court case (commonly known as an "exit order").[145] The homogeneity of the comparison group is likely due to the case selection methods used by the court technology staff and with the capabilities of the court case management system. This difference in the study groups may indicate a lower rate of marriage among Shriver cases, which may be relevant for case outcomes, given the additional challenges often faced by low-income, never-married parents navigating the family law and child support systems (Boggess, 2017).

Children involved

In the custody cases sampled for this study, all parties were parents (mothers and fathers). Across the 53 Shriver representation cases, 104 children were involved—on average, two children per case (mean = 1.9)—and the average child age was 5.6 years. In the 56 comparison cases, a total of 82 children were involved—on average, between one and two children per case (mean = 1.6)—and the average child age was 8.3 years.

Study relevant pleading (SRP)

Custody cases can remain open for years. After the initial custody orders are issued, it is possible for the parties to submit a request to modify the existing orders. Such modification requests can be submitted multiple times over the life of a case, as circumstances in the parents' and children's lives change. Shriver clients could be at various points in their cases when they sought help, but were only provided services for one RFO (i.e., the "study relevant pleading," or SRP). The study relevant pleading was the initial custody pleading for 53% (*n*=28) of Shriver representation cases and 66% (*n*=37) of comparison cases. Among the remaining 25 Shriver representation cases, the study relevant pleading was a request to modify existing custody orders and ranged from the second to the 16th RFO filed. In the 19 comparison cases for which the study relevant pleading was a modification request, the SRP ranged from the second to the 10th RFO filed. For both groups, when the SRP was a request for modification (i.e., not the initial pleading), it was, on average, the third RFO filed.

[144] Governmental child support cases are filed by the local child support agency, and the County is named as the petitioner and the non-custodial parent is the respondent. Governmental child support cases are always filed if the custodial parent seeks welfare (Temporary Assistance for Needy Families [TANF]) benefits for the child, or if the child becomes a ward of the state in a dependency action and foster care funds are provided for the child. As the petitioner, the child support agency does not always have the most up-to-date information on how to serve the non-custodial parent; thus, there can be a delay between case filing and service on that parent. In addition, any parent can request the services of the child support agency to establish parentage, or to obtain, modify or collect a child support order at no charge. While the local child support agency provides assistance only with the child support portion of the case, California law provides that custody and visitation can be determined in these cases. The mechanism for requesting a custody or visitation order is to legally "join" the custodial parent after parentage has been established, which involves filing papers with the court. Once the parent has been joined, either parent can file a motion for child custody or visitation and those issues will normally be heard in the family law court in the same way that a divorce, parentage, or other family law case would proceed.

[145] There may be more than one type of petition that initiated a custody case. Percentages do not add to 100%.

To illustrate the age of the case at Shriver intake, the number of days between the petition and the study relevant pleading was calculated. Table C19 shows the average length of time separately for those cases in which the study relevant pleading was the initial custody pleading and for those in which the relevant pleading was a request to modify existing orders.[146]

Table C19. Time from Petition to Study Relevant Pleading by Study Group

Time from Petition to the SRP, when….	Shriver Representation	Comparison
SRP is the initial custody pleading[a]	28 (53%)	37 (66%)
Mean (SD) number of days from petition to SRP	96 (223.4)	144 (238.0)
Median number of days from petition to SRP	7	56
Range	0 - 948	0 - 1259
SRP is a request for modification of existing orders	25 (47%)	19 (34%)
Mean (SD) number of days from petition to SRP	1261 (1327.0)	1079 (999.9)
Median number of days from petition to SRP	712	854
Range	31 - 4527	3 - 4775

N=109. Shriver representation *n*=53; Comparison *n*=56.
Note: SRP = "study relevant pleading," which refers to the segment of the custody case that received Shriver services or the segment of the comparison cases that is being used for comparative analysis. SD = standard deviation.
[a] Cases with a petition for governmental child support were omitted from the mean and median calculations due to their unique circumstances and the impact on case length (see footnote).

Complicating issues and allegations

Custody cases can involve other allegations that may complicate the proceedings, such as domestic violence, child maltreatment, mental health problems, or substance use issues. These issues can bear on the court's ability to determine fit parents and the best interests of the child. They may also reflect the level of dysfunction in the home or contentiousness between parties. Table C20 shows the issues raised by either party over the life of the custody case (not just the SRP). Altogether, 72% of Shriver representation cases involved at least one allegation, versus 55% of comparison cases. The most frequent allegation pertained to domestic violence. On average, Shriver representation cases involved 1.6 issues, versus 1.2 issues per comparison case. (Note: Allegations may or may not have been substantiated.)

Table C20. Issues Raised Over Life of Custody Case by Study Group

Allegation made by either party regarding…	Shriver Representation	Comparison
Domestic violence	24 (45%)	19 (34%)
Mental health	18 (34%)	11 (20%)
Child abuse	15 (28%)	8 (14%)
Child neglect	14 (26%)	12 (21%)
Substance abuse	15 (28%)	18 (32%)
No Issues	15 (28%)	25 (45%)

N=109. Shriver representation *n*=53; Comparison *n*=56.
Note: Multiple issues can be raised in each case, thus percentages do not add to 100%.

[146] Given the additional steps to file a governmental child support case (see prior footnote), motions for child custody in these cases can be filed significantly after the initial petition. Because of this, cases started with a petition for governmental child support were omitted from analysis. Of the 12 cases with a petition for governmental child support in the sample, seven had sufficient data to calculate the number of days from petition to SRP. For these cases, the durations were longer than for the rest of the sample: mean number of days = 1,180, median = 755, range = 55 to 3,542.

Study Relevant Pleading

What was the role of the Shriver client in the study relevant pleading?

The San Diego pilot project (as with all the custody projects) provided representation to parents who met the project eligibility criteria, regardless of their gender or their role in the case. Among the 53 Shriver cases sampled for analysis, mothers were the Shriver client in 89% (*n*=47) of cases and father s were the client in 11% (*n*=6) of cases. Further, the Shriver client was the moving party (i.e., the person who instigated the pleading) in 49% (*n*=26) of cases and the responding party in 51% (*n*=27) of cases. Table C21 shows this distribution.

Table C21. Shriver Client Role in Case

Shriver Client was…	Mother	Father	Total
Moving party	23	3	26 (49%)
Responding party	24	3	27 (51%)
Total	47 (89%)	6 (11%)	53 (100%)

Note: SRP stands for "study relevant pleading," which refers to the segment of the custody cases that received Shriver services or the segment of the comparison cases that is being used for comparative analysis.

Were cases likely to have representation on both sides?

As per the legislative direction, Shriver custody pilot projects intended to balance the playing field by reaching self-represented parents who faced a represented opposing party. As seen in Table C22, for the SRP, the majority (92%) of Shriver cases had legal representation on both sides. The four remaining cases had information in the case file that suggested imbalanced representation. In contrast, 50% (*n*=28) of comparison cases had both parties unrepresented, 16% (*n*=9) had both sides represented, and 18% (*n*=10) had imbalanced representation. (Representation status of both parties could not be established for nine cases. This information can be difficult to determine from the case files because attorneys may substitute in and out over the life of the case.)

Table C22. Party Representation by Study Group

Representation Status	Shriver Representation	Comparison
Both sides represented	49 (92%)	9 (16%)
Both sides self-represented	0 (0%)	28 (50%)
One side represented, one side self-represented	4 (8%)	10 (18%)
Unknown	0 (0%)	9 (16%)

N=109. Shriver representation *n*=53; Comparison *n*=56.

What was requested by parties in the study relevant pleading?

Shriver representation was intended for cases with sole custody at issue. Sole *legal* custody provides one parent the right and responsibility to make all decisions related to the health, education, and welfare of the child, without having to consult the other parent. Sole *physical* custody pertains to the parent who has primary physical custody of the child or the greater percentage of parenting timeshare (i.e., child is with that parent most or all of the time). Table C23 shows the legal and physical custody requests made by the moving and responding parties. Approximately 50% of cases in both groups involved a moving party requesting sole legal

custody and roughly 50% requesting joint legal custody. In contrast, roughly 80% of moving parties requested sole physical custody.

Not all cases involved a responding party who submitted a responsive declaration to make counter requests. However, responsive declarations were more common among Shriver representation cases (87%; *n*=46) than among comparison cases (41%; *n*=23). Among responses, 28% of Shriver cases involved a responding party requesting sole legal custody, versus 9% of comparison cases. More than two thirds of Shriver cases involved a responding party requesting sole physical custody, versus less than one quarter of comparison cases.

Table C23. Legal and Physical Custody Requests by Study Group

	Shriver Representation		Comparison	
Custody Requests	Moving Party Request	Responding Party Request	Moving Party Request	Responding Party Request
Legal Custody				
Sole to mother	12 (23%)	9 (17%)	14 (25%)	3 (5%)
Sole to father	12 (23%)	6 (11%)	13 (23%)	2 (4%)
Joint	26 (49%)	26 (49%)	28 (50%)	13 (23%)
None/NA	3 (6%)	12 (23%)	1 (2%)	38 (68%)
Physical Custody				
Sole to mother	21 (40%)	24 (53%)	26 (46%)	10 (18%)
Sole to father	20 (38%)	8 (15%)	23 (41%)	2 (4%)
Joint	9 (17%)	10 (19%)	6 (11%)	6 (11%)
None/NA	3 (6%)	11 (21%)	1 (2%)	38 (68%)

N=109. Shriver representation *n*=53; Comparison *n*=56.

Sole physical custody is defined differently in different jurisdictions. A parent with sole physical custody can have shares of time with the child(ren) from 70% on up. Arrangements with 100% time given to one parent are rare, and pleadings that request 100% timeshare—i.e., no time for the other parent—are one potential indication of high contentiousness. In this sample, seven Shriver representation cases and six comparison cases involved requests for 100% timeshares.

Outcome Area #1: Court Efficiency

Shriver settlement conferences

Shriver settlement conferences were a key court innovation of the San Diego pilot project. These special conferences, conducted by a designated judge to ensure consistency, provided an opportunity for parties to reach an agreement before the case went to hearing or trial.[147] Shriver settlement conferences were scheduled for all Shriver cases and were held for 85% of them (*n*=45). A few settlement conferences did not occur, most often because an agreement was reached before the conference date or because one of the parties did not appear. Number of days from the SRP filing date to the Shriver settlement conference date ranged from 0 to 382, with an average of 95 days (median = 80).[148]

[147] Shriver settlement conferences, facilitated by a judge and offered to Shriver cases, were distinct from extant settlement conferences, which were facilitated by a volunteer attorney and offered only to cases set for trial.
[148] The average time was based on 40 cases with data; five cases were missing data on case length.

Shriver settlement conferences could result in varying levels of agreement between parties, including full agreement on all issues, partial agreement (parties agree on some issues, but others remain unresolved and require additional court intervention), or no agreement on any issues. Table C24 shows the levels of agreement as a result of the Shriver settlement conferences and the ultimate method of resolution for the SRP. Of the 45 cases with Shriver settlement conferences, 42% (*n*=19) reached full agreement, 18% (*n*=8) reached partial agreement, and 33% (*n*=15) reached no agreement (3 cases were missing this data). Of the 15 cases with no agreement, 11 were decided at a hearing. Of the eight reaching partial agreement, three were decided at a hearing. Among those with partial agreement, three cases agreed on legal custody, two on physical custody, and two on visitation, while the other aspects of the cases remained in dispute (three cases were missing these data). Whether parties reached agreement during the Shriver settlement conference was not related to the pleading type (initial orders vs. modification) nor to other allegations in the case.

Table C24. Levels of Agreement via Settlement Conference, for Shriver Representation Cases Ultimately Resolved by Various Methods

	Agreement Reached via Settlement Conference			
Ultimate Method of SRP Resolution	**Full Agreement**	**Partial Agreement**	**No Agreement**	**Unknown**
Mediation by Family Court Services	0	1	0	0
Settlement conference	16[a]	1	0	1
Settlement before hearing	1	2	2	0
Decided at hearing	1[b]	3	11	2
Became Dependency Case	0	0	1	0
Unknown/Missing	0	1	1	0

Note. SRP = study relevant pleading. *N* = 44 cases with Shriver representation cases and a settlement conference. One case had indication of agreement reached during the Shriver settlement conference, but no formal indication of the ultimate method of resolution. This case is not included in this above table.

[a] Five cases had reached an agreement on custody and visitation terms at the settlement conference but disagreed on other issues of the pleading (e.g., child support). For purposes of these custody analyses, these pleadings were categorized as reaching full agreement in the settlement conference.

[b] One case reached an agreement at a settlement conference but had a subsequent court hearing. During the hearing, the court adopted the FCS recommendations.

How were study relevant pleadings ultimately resolved?

Table C25 shows the methods of resolution for the SRP for all cases in each of the study groups. Eighteen cases (40% of the 45 cases that involved a settlement conference and 34% of the 53 Shriver representation cases) were ultimately resolved by a Shriver settlement conference. Anecdotally, judges and attorneys involved in the Shriver project described that these settlement conferences were effective at narrowing the issues, even if agreement was not reached. Of the remaining Shriver representation cases, most were either decided at a hearing (40%; *n*=21) or settled before the hearing outside of a settlement conference (15%; *n*=8). In the comparison group, nearly two thirds of cases were resolved at a hearing (63%; *n*=35), and nearly one third (30%; *n*=17) were settled before the hearing.

Approximately three quarters of both groups participated in at least one Family Court Services (FCS) mediation session, but the proportion of cases ultimately resolved by FCS mediation (4%)

was notably smaller than the proportion resolved via Shriver settlement conference (34%). This may reflect the benefit of having counsel present during the negotiation to help clients determine whether terms are reasonable and to facilitate agreement.

Overall, 54% of Shriver representation cases were ultimately settled, versus 30% of comparison cases. Further, 40% of Shriver cases were decided at a hearing, versus 63% of comparison cases. (A small number of cases in both groups—8%—were resolved in another manner.) These differences were statistically significant, indicating that Shriver cases were more likely to settle and less likely to be decided by the court.[149]

Table C25. Method of Resolution of SRP by Study Group

Method of Resolution	Shriver Representation	Comparison
Mediation by Family Court Services	2 (4%)	0 (0%)
Settlement conference	18 (34%)	n/a
Settlement before hearing	8 (15%)	17 (30%)
Decided at hearing	21 (40%)	35 (63%)
Became Dependency Case	1 (2%)	0 (0%)
Other	0 (0%)	2 (4%)
Unknown/Missing	3 (6%)	2 (4%)

N=109. Shriver representation *n*=53; Comparison *n*=56.

Were there fewer hearings?

When parties are amicable, and agreement can be easily reached, court hearings are not necessary. In theory, proceeding without a hearing is the least time- and resource-intensive path for the court and involved parties. When agreement cannot be reached, hearings become necessary for the court to determine case direction and outcomes. A single pleading can involve multiple hearings, particularly when the case is contentious. Table C26 shows the proportion of cases in each study group resolved with and without hearings. Among Shriver representation cases, 16% were resolved without a hearing, versus just one (2%) comparison case. This difference was statistically significant.[150] Of those cases with at least one hearing, the average number of hearings was equivalent between the two groups (mean = 2.5).

Table C26. Number of Hearings per SRP by Study Group

Hearings	Shriver Representation	Comparison
Cases with no hearings *[sig.]*	8 (**16%**)	1 (**2%**)
Cases with at least one hearing	42 (84%)	55 (98%)
Of those cases with at least one hearing, average number of hearings (SD) [ns]	2.5 (1.7)	2.5 (1.7)

N= 106. Shriver representation *n*= 50; Comparison *n*= 56. Number of hearings was missing for three representation cases.
Note. *Sig*. = significant difference between groups; noted in bold. *ns* = not significantly different across groups.

[149] $\chi^2(1) = 4.28$, $p < .05$, Cramer's V = .206.
[150] χ^2 (1) = 6.869, $p < .01$

Though the average number of hearings per pleading did not vary between the groups, the type of hearings held did. Overall, there were a total of 105 hearings among Shriver representation cases and 140 hearings among comparison cases. Table C27 lists the types of hearings that occurred for cases within each study group. Among the hearings held by Shriver representation cases, 59% (*n*=62) were regular, 23% (*n*=24) were review, 10% (*n*=11) were long cause, and 8% (*n*=8) were temporary emergency (ex parte) hearings. In the comparison group, the majority of hearings were regular hearings (82%; *n*=115), and the remaining hearings were review (9%; *n*=13), ex parte (7%; *n*=10) and long cause (1%; *n*=2). The differences in hearing types between study groups was statistically significant.[151] Specifically, the Shriver cases had fewer regular hearing and more review hearings, relative to the comparison group. Review hearings are often used by the court to allow families some time to try out a new custody/visitation arrangement and then to report back to the court on the suitability of the arrangement. In this way, review hearings can alleviate the need for parents to file a new RFO to change existing custody orders that are not working out well.

Table C27. Type of Hearing by Study Group

Hearing Type	Shriver Representation	Comparison
Regular *[sig.]*	62 (**59%**)	115 (**82%**)
Review *[sig.]*	24 (**23%**)	13 (**9%**)
Long cause	11 (10%)	2 (1%)
Ex parte	8 (8%)	10 (7%)
Total	105 (100%)	140 (100%)

N=109. Shriver representation *n*=53; Comparison *n*=56.
Note. *Sig*. = significant difference between groups; noted in bold.

Were pleadings resolved faster?

The length of the study relevant pleading was defined as the length of time, in days, between the filing of the SRP by the moving party and the date of order, settlement, or judgment. Table C28 compares the SRP length by study group. On average, proceedings lasted about 4 months in both groups. For Shriver representation cases, the average length was 140 days and the median was 111 days. In the comparison group, the average length was 135 days and the median was 99 days. These differences were not statistically significant.[152]

Table C28. Length of SRP (in days) by Study Group

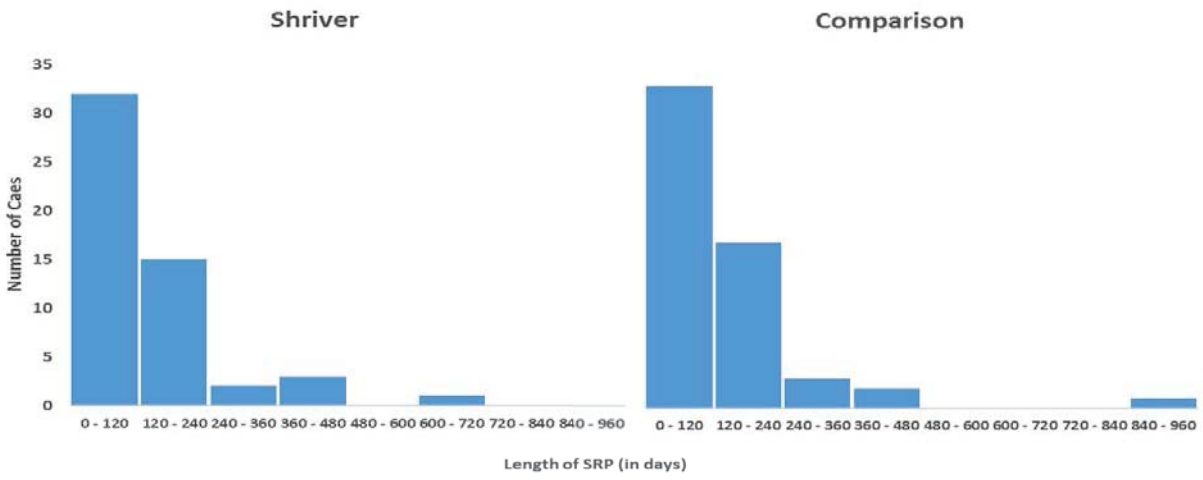
Number of Days	Shriver Representation	Comparison
Mean (SD)	140.0 (113.3)	134.8 (131.5)
Median *[ns]*	111	99
Range	26 - 614	0 - 849

N=109. Shriver representation *n*=53; Comparison *n*=56.
Note. *ns* = not significantly different across groups.

[151] $\chi^2(3) = 21.022$, $p < .001$, Cramer's V = .293.
[152] Given the skewed distribution, a nonparametric test was used. Mann-Whitney U = 1399.5, $p = .608$.

There was variability in the SRP length across cases. In particular, although the majority of pleadings within both study groups were resolved within 4 months, a couple of cases took nearly 2 years to resolve. These outlying values cause the mean SRP length to be higher than the median (Table C28). Practically speaking, it is important to note that very few cases had pleadings that lasted this long. Figure C5 shows the distribution of SRP length for both groups.

Figure C5. Length of SRP (in Days) by Study Group



Outcome Area #2: Case Events and Outcomes

Child custody cases are complex. Myriad requests can be made, diverse outcomes are possible (e.g., various derivations of timeshare between parents), and a litigant's role in the case (i.e., moving party vs. responding party, self-represented litigant or not, current custodial parent or not) matters and can change over time. To establish an equivalent structure between the study groups and consistent perspective from which to interpret findings, data were analyzed according to the gender of the parent—specifically, mother and father. (Note that all couples in the study sample were opposite-gender.) Among the 53 cases receiving Shriver representation in San Diego, the mother was the Shriver client in 89% (n=47) of cases. To isolate the effect of Shriver representation, analyses compared the outcomes for mothers and fathers among the 47 Shriver representation cases with mothers as clients and among the 56 comparison cases. Analyses compared case outcomes and custody orders of the mother, regardless of whether the mother was the moving party or the responding party for the SRP.

Regarding attorney representation, all of the mothers in the Shriver representation group were, by nature of being a Shriver client, represented. Among the comparison group, 70% of mothers (*n*=39) were self-represented (16 of whom had received help filing legal paperwork from the family law facilitator), 23% (*n*=13) were represented by an attorney, and four cases (7%) were missing data about the mother's representation status.

What custody and visitation orders were issued for the study relevant pleading?

Table C29 shows the legal and physical custody orders for mothers and fathers for each study group, regardless of resolution method. Regarding legal custody, 81% (*n*=38) of Shriver representation cases and 75% (*n*=42) of comparison cases resulted in joint legal custody, a

difference that was not statistically significant.[153] Regarding physical custody, roughly one quarter of both groups (26% Shriver representation cases, 27% comparison cases) resolved with joint physical custody. Comparison cases appeared to have a greater proportion of cases with sole physical custody ordered to the mother (54%; *n*=30) compared to Shriver representation cases (45%; *n*=21). However, this difference was not statistically significant.[154]

Table C29. Legal and Physical Custody Orders by Study Group

Custody Orders	Shriver Representation	Comparison
Legal Custody *[ns]*		
Sole to Mother	5 (11%)	6 (11%)
Sole to Father	4 (8%)	6 (11%)
Joint	38 (81%)	42 (75%)
Physical Custody *[ns]*		
Sole to mother	21 (45%)	30 (54%)
Sole to father	14 (30%)	9 (16%)
Joint	12 (26%)	15 (27%)

N=107. Shriver representation *n*=47; Comparison *n*=554 Information was missing for custody orders for two Shriver representation cases: one was noted as "issue was not addressed" and one noted that the mother failed to appear due to illness.
Note. *ns* = not significantly different across groups.

Table C30 compares the visitation orders for study groups, organized by the physical custody orders issued. For example, if sole physical custody was granted to the mother, the type of visitation granted to the father is shown. "*Reasonable visitation*" is a term used when the court enables the parties to establish a visitation schedule and routine that works for them without court order or supervision. This type of arrangement tends to happen in cases with a high level of cooperation and low conflict between parties. As seen in Table C30, no Shriver cases involved an order of reasonable visitation, and only one comparison case did, suggesting that the court felt that these families would benefit from additional structure.

Scheduled visitation was most commonly ordered among both study groups. This type of visitation occurs according to a schedule that is ordered by the court and that both parties are expected to adhere to. For many families, the visits are scheduled, but unsupervised, which means the parent has time with the child independently. However, for some families when concerns for child safety are present, the court orders the visits to be supervised by a third party. When the mother was granted sole physical custody, in both study groups, roughly 80% of fathers were granted scheduled and unsupervised visitation and about 10% of fathers (9% of the Shriver cases and 13% of comparison cases) were ordered to have scheduled and supervised visitation. When the father was granted sole physical custody, a greater percentage of mothers were ordered to have scheduled and supervised visitation—specifically, 31% of Shriver representation cases and 44% of comparison cases.

[153] $\chi^2(2) = 0.207$, $p = .902$.
[154] $\chi^2(2) = 2.536$, $p = .281$.

Table C30. Visitation Orders by Physical Custody Ordered and Study Group

	Shriver Representation			Comparison		
Visitation Order	**Mom has Sole**	**Dad has Sole**	**Joint**	**Mom has Sole**	**Dad has Sole**	**Joint**
Reasonable visitation	0 (0%)	0 (0%)	0 (0%)	1 (3%)	0 (0%)	0 (0%)
Scheduled, unsupervised	17 (81%)	9 (69%)	8 (67%)	24 (80%)	5 (56%)	7 (47%)
Scheduled, supervised	2 (9%)	4 (31%)	0 (0%)	4 (13%)	4 (44%)	0 (0%)
Other	0 (0%)	0 (0%)	0 (0%)	1 (3%)	0 (0%)	2 (13%)
None	1 (5%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Not applicable	1 (5%)	0 (0%)	4 (33%)	0 (0%)	0 (0%)	6 (40%)
Total	21	14	12	30	9	15

Note. Data were missing for the terms of visitation for one Shriver case with sole custody ordered for the father.

What were the physical custody orders, in relation to the physical custody requests?

Reviewing the legal and physical custody orders that resulted from the study relevant pleading is informative. However, it does not provide a full understanding of the trajectory of the case. To better understand the outcomes, and the potential impacts of Shriver representation, it is helpful to examine the orders in the context of what the parties were requesting. Figure C6 illustrates the trajectories of cases, relative to physical custody, and according to:

- *study group membership*—Shriver representation cases with mother clients (*n*=47) and comparison cases (*n*=56);
- *mother's role in the case*—namely, whether she was the moving party (who prompted the pleading and requested something of the court) or the responding party (who may or may not have submitted a counter request);
- *requests made by the moving party regarding physical custody*—specifically, what the moving party asked the court to order (*Note*: Figure C6 does not show any requests made by the responding party); and
- *orders regarding physical custody*—specifically, the results of the study relevant pleading, including determination of sole or joint custody and the custodial parent.

As shown in Figure C6, the study relevant pleadings often involved a sole custody request by the moving party.[155] In Shriver representation cases, roughly half of the clients (mothers) were the moving party (*n*=23) and roughly half were the responding party (*n*=24). In the 23 cases in which the mother was the moving party, 70% (*n*=16) involved the mother requesting sole physical custody for herself, 9% (*n*=2) involved the mother requesting the father have sole custody, and 9% (*n*=2) involved her requesting joint custody (three cases did not include a request for physical custody). In the 16 cases in which the mother requested sole custody for herself, she was granted sole custody 50% of the time (*n*=8), joint custody was granted 31% of the time (*n*=5), and sole custody was granted to the father 19% of the time (*n*=3).

[155] Having sole custody at issue was part of the eligibility criteria for Shriver representation and for the comparison case selection. Note that Figure C6 does not include specific requests made by the responding party (these are shown later), and it is possible that in some cases this party requested sole custody in response to the moving party's pleading. Also, please note that Figure C6 pertains only to physical (not legal) custody. It is possible that the parties requested sole legal custody, and were therefore eligible for Shriver services, but not sole physical custody.

In the 24 cases in which the mother was the responding party, 67% (*n*=16) involved the father filing for sole custody, 8% (*n*=2) involved the father requesting the mother to have sole custody, and 25% (*n*=6) involved the father requesting joint custody. In the 16 cases in which the father requested sole physical custody for himself, the mother was granted sole custody in three (19%) cases, joint custody was granted in seven cases (44%), and the father was granted sole custody in six cases (38%).

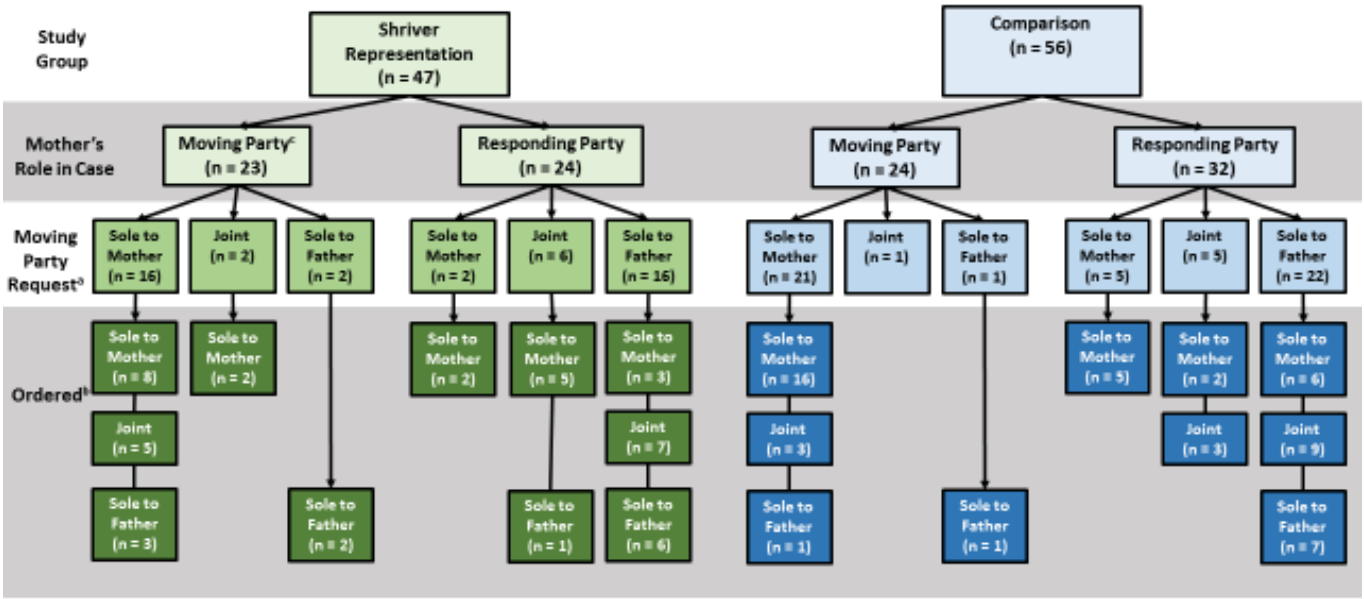
Trajectories in the comparison group show a somewhat similar trend. Mothers were the moving party in 24 cases and the responding party in 32 cases. When mothers were the moving party, almost all (*n*=21) requested sole physical custody to the mother.

In the 24 comparison cases in which the mother was the moving party, 88% (*n*=21) involved the mother requesting sole physical custody for herself, one case involved the mother requesting the father have sole custody, and one involved her requesting joint custody (one case was missing this information). In the 21 cases in which the mother requested sole custody for herself, she was granted sole custody 76% of the time (*n*=16), joint custody was granted 14% of the time (*n*=3), and sole custody was granted to the father 5% of the time (*n*=1).

In the 32 comparison cases in which the mother was the responding party, 69% (*n*=22) involved the father filing for sole custody, 16% (*n*=5) involved the father requesting the mother to have sole custody, and 16% (*n*=5) involved the father requesting joint custody. In the 22 cases in which the father requested sole physical custody for himself, the mother was granted sole custody in six (27%) cases, joint custody was granted in nine cases (41%), and the father was granted sole custody in seven cases (32%).

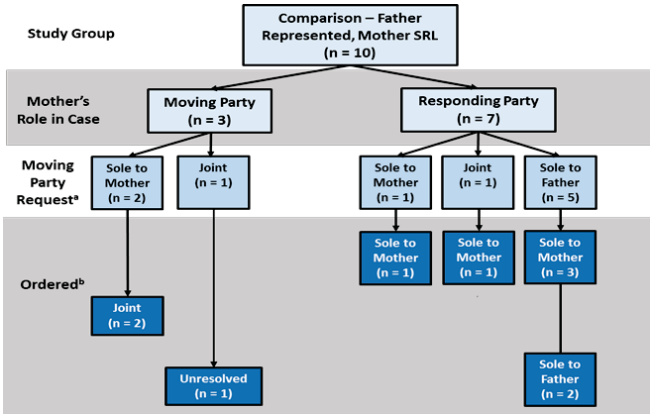
Given the heterogeneity of representation status among the comparison cases, it is helpful to examine the case trajectories separately for those cases with lopsided representation, those with both parties self-represented, and those with both parties with legal counsel. Figure C7 illustrates the moving party requests and the case outcomes regarding physical custody for these subgroups of the comparison cases. The reader should be advised: The numbers of cases in each of these conditions gets very small, so these estimates should be considered exploratory and interpreted with caution.

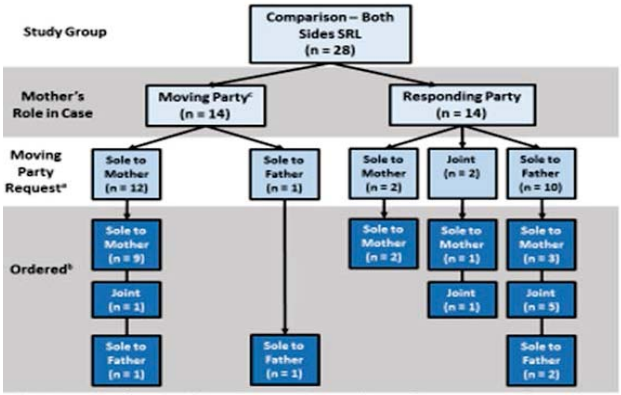
Figure C6. Physical Custody Requests and Orders by Study Group



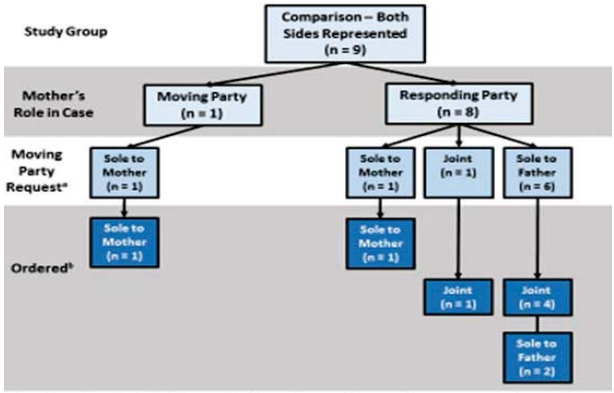
Note. Figure is oriented to the mother in each case—figures show outcomes when mother was moving party or responding party.
[a]Custody arrangements requested in study relevant pleading (SRP) by the moving party.
[b]Custody arrangements at case close, either settled or court ordered.
[c]Three cases involved legal custody requests but did not involve physical custody requests

Figure C7. Physical Custody Requests and Orders in Comparison Group by Parties' Representation Status





Note. Figure is oriented to the mother in each case—figures show outcomes when mother was moving party or responding party.
[a]Custody arrangements requested in study relevant pleading (SRP) by the moving party.
[b]Custody arrangements at case close, either settled or court ordered.
[c]One case involved legal custody requests but did not involve physical custody requests



Note. Figure is oriented to the mother in each case—figures show outcomes when mother was moving party or responding party.
[a]Custody arrangements requested in study relevant pleading (SRP) by the moving party.
[b]Custody arrangements at case close, either settled or court ordered.

What additional orders were issued at the resolution of the study relevant pleading?

Given that these custody cases often involved serious concerns regarding the welfare of the child(ren) and concerns about parental fitness, additional orders beyond legal and physical custody and visitation were often requested by parties. Such additional orders included, for example, mandated mental health treatment, substance abuse counseling, parenting classes, or batterer intervention programs. Table C31 shows whether any of these additional orders were issued, for either party, at the end of the study relevant pleading.

Parenting classes constituted the most frequent order in both groups. They were issued to a significantly higher proportion of Shriver representation cases (38%; *n*=20) than comparison cases (18%; *n*=10).[156] Other orders,[157] such as those for mental health treatment or substance abuse counseling, were made for a small number of cases in both study groups. For Shriver representation cases, four cases (8%) involved orders for a parent to attend therapy or mental health counseling and an additional four cases (8%) ordered substance abuse counseling. Among the comparison group, four cases (7%) involved orders for therapy or mental health treatment, and an additional two cases (4%) involved orders for substance abuse counseling. Ten (19%) Shriver representation cases and four comparison cases involved non-specified "other" orders. These were typically more detailed and case-specific orders for the parents to follow, such as provisions prohibiting the parents from using drugs around the children, and limiting parents' ability to move away or take the children on vacation.

Overall, a significantly greater proportion of Shriver representation cases (66%) had additional orders, relative to comparison cases (34%).[158] This may be due to the added expertise brought by the Shriver attorneys. In particular, attorneys know what can be ordered by the judge and what is reasonable to request, while self-represented litigants may not know these options exist. Further, having counsel on both sides of a case likely yields more comprehensive information about the case for the court, which could result in additional orders.

Table C31. Other Court Orders for the SRP by Study Group

Court Orders	Shriver Representation	Comparison
Parenting class *[sig.]*	20 (**38%**)	10 (**18%**)
Therapy/mental health treatment	4 (8%)	4 (7%)
Substance abuse counseling	4 (8%)	2 (4%)
Other	10 (19%)	4 (7%)
No other orders *[sig.]*	18 (**34%**)	37 (**66%**)

N=109. Shriver representation *n*=53; Comparison *n*=56.

Note. There may be more than one issue ordered in each case, so percentages do not add to 100%.

sig. = significant difference between groups; noted in bold.

[156] $\chi^2(1) = 5.394$, $p < .05$, Cramer's V = .222.

[157] No cases in either group involved a restraining order being issued as part of the custody determination or a batterer intervention program being ordered. It is likely that these orders, if granted, were part of other hearings.

[158] $\chi^2(1) = 11.230$, $p < .01$, Cramer's V = .321.

Were custody orders related to any additional orders granted by the court?

Table C32 displays whether any additional orders for mothers and fathers were issued, organized by which party was granted physical custody. As shown in the table, additional orders for outside services (e.g., mental health treatment, substance use counseling) were more common for cases in which one parent was given sole custody (i.e., not those granted joint custody), in both study groups. Further, these orders more often targeted the non-custodial parent—a potential indication of the court's understanding of the best interests of the child—and constitute the safest parenting environment. These findings may provide some insight into external circumstances that impacted custody decisions.

Table C32. Additional Orders by Physical Custody Awarded by Study Group

	Shriver Representation			Comparison		
Additional Orders	**Sole to Mom**	**Sole to Dad**	**Joint**	**Sole to Mom**	**Sole to Dad**	**Joint**
Therapy						
For mom	1 (5%)	1 (7%)	0 (0%)	1 (3%)	1 (11%)	1 (7%)
For dad	3 (14%)	1 (7%)	0 (0%)	2 (7%)	1 (11%)	0 (0%)
For child	2 (10%)	1 (7%)	1 (8%)	4 (13%)	0 (0%)	1 (7%)
Substance Use Counseling						
For mom	0 (0%)	3 (21%)	0 (0%)	0 (0%)	1 (11%)	1 (7%)
For dad	1 (5%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Parenting Classes						
For mom	7 (33%)	5 (36%)	1 (8%)	5 (17%)	0 (0%)	2 (13%)
For dad	7 (33%)	5 (36%)	1 (8%)	6 (20%)	1 (11%)	2 (13%)
Other						
For mom	3 (14%)	3 (21%)	1 (8%)	1 (3%)	1 (11%)	2 (13%)
For dad	2 (10%)	2 (14%)	0 (0%)	0 (0%)	0 (0%)	1 (7%)
Total	21	14	12	30	9	15

Note. There may be more than one additional order, or no such orders, in each case, so percentages do not add to 100%.

Were the custody orders among Shriver cases more durable?

Stakeholders in the San Diego pilot project believed that the Shriver settlement conferences had the power to increase the engagement of, and buy-in from, parties, and thus to yield more durable settlements. The evaluation therefore explored the durability of the orders by examining whether and how often parties returned to the court requesting a modification of the custody orders granted at the end of the SRP. Because custody cases can involve repeated requests for modifications, especially in contentious cases, this examination may help elucidate whether providing representation and more intensive settlement services can help ease tensions between the parties and make cooperation more plausible. Increased durability of custody orders will facilitate court efficiency over the longer term, as fewer cases will be repetitively congesting the court.

Durability of orders was defined by whether a subsequent RFO to modify legal or physical custody orders was filed during the 2 years after the SRP resolution. When a subsequent RFO was filed, the time between the resolution of the SRP and the filing date of the RFO was examined. As shown in Table C33, 11% (n=6) of Shriver representation cases filed a subsequent custody-related RFO within 2 years. In contrast, 32% (n=18) of comparison cases filed one

during this time. This difference was statistically significant.[159] The proportion of Shriver representation cases filing an RFO within 2 years was similar among those cases that participated in a settlement conference—that is, of the 45 cases with a settlement conference, 11% (*n*=5) filed a subsequent RFO within 2 years. In sum, Shriver representation cases were significantly less likely to return to court to modify their custody orders within the 2-year follow-up period; their orders appear to be more durable.

Table C33. Durability of Custody Orders (2 years) by Study Group

Did either party file an RFO to modify the custody orders established by the SRP?[a]	Shriver Representation	Comparison
Yes *[sig.]*	6 (**11%**)	18 (**32%**)
No	47 (89%)	38 (68%)

N=109. Shriver representation *N*=53; Comparison *N*=56.
[a] Within 2 years after the resolution of the study relevant pleading (SRP).
Note. *sig*. = significant difference between groups; noted in bold.

Previous research by the Judicial Council of California (formerly the "Administrative Office of the Courts of California") has found that mediation in custody cases is more likely to yield durable settlements when conducted with parents requesting initial orders, versus modified orders (AOC, 2012). That is, if parties have cycled through the court multiple times and have established a pattern of modifying existing orders, mediation is less likely to be effective. With this understanding, Table C34 shows the durability of orders separately for those cases in which the SRP was for initial custody orders or for a request for modification.

In the Shriver representation group, there was no difference in the rate of subsequent RFO filings within 2 years by whether the SRP was the initial custody pleading or modification. In both circumstances, nearly 90% of Shriver cases did not return to court. In the comparison group, there was a notable difference in the durability of orders based on whether the SRP was the initial custody pleading or a modification. In particular, 22% of cases in which the SRP was the initial pleading returned to court within 2 years—that is, the custody orders were durable for about three quarters of these cases. In cases where the SRP was a modification, 53% of cases had filed a subsequent RFO within 2 years—that is, the custody orders were durable for less than half of the cases.

Table C34. Durability of Custody Orders (2 years) by Study Group and Timing of SRP

	Shriver Representation		Comparison	
Did either party file an RFO to modify the custody orders established by the SRP?[a]	SRP was the Initial Pleading	SRP was a Modification	SRP was the Initial Pleading	SRP was a Modification
Yes	3 (11%)	3 (12%)	8 (22%)	10 (53%)
No	25 (89%)	22 (88%)	29 (78%)	9 (47%)

N=109. Shriver representation *n*=53: SRP initial pleading *n*=28, SRP modification *n*=25. Comparison *n*=56: SRP initial pleading *n*=37, SRP modification *n*=19.
[a] Within 2 years after the resolution of the study relevant pleading (SRP).

[159] $\chi^2(1) = 6.876$, $p < .01$, Cramer's V = .251.

Of those cases that filed a subsequent request to modify existing custody orders, Shriver cases appeared to take longer to return to court. Among those few cases for which the study relevant pleading was the initial pleading, the three Shriver representation cases filed a subsequent RFO an average of 408 days after the SRP resolution (median = 450, range = 288 to 487) and the eight comparison cases filed an average of 182 days after the SRP resolution (median = 169, range = 26 to 546). Among those cases for which the study relevant pleading was a modification, the three Shriver representation cases filed a subsequent RFO an average of 314 days after the SRP resolution (median = 245, range = 71 to 626) and the 10 comparison cases filed an RFO an average of 293 days after the SRP resolution (median = 138, range = 48 to 724). These group differences were not tested for significance, given the very small sample sizes.

Did Shriver clients become self-represented litigants in pleadings filed after the receiving Shriver service (after the study relevant pleading was resolved)?

Project stakeholders wondered whether Shriver clients would revert to self-representation after the study relevant pleading was resolved and Shriver services concluded. In total, 16 Shriver cases had a subsequent RFO filed within the 2 years after the study relevant pleading. (Of these, six RFOs sought to modify the custody orders, which is why they are shown in Tables C57 and C58 representing the durability of the custody orders. The remaining 10 RFOs pertained to other issues.) Across these 16 cases, the representation status of the Shriver client was examined at the time of the subsequent RFO: five (31%) had attorney representation; five (31%) were self-represented, and six (38%) were missing representation data. Shriver clients were mostly mothers, but of these 16 cases, two involved the fathers as clients. At the subsequent RFO, one father was self-represented and the other was missing data.

Summary

To assess the potential impact of the Shriver custody pilot project in San Diego, a total of 53 cases that received Shriver representation were compared to 56 comparison cases that took place before the Shriver pilot project began. For all 109 cases, data were gathered via a review of the individual court case files and reflect a single pleading that involved sole custody.

The Shriver pilot project assisted both moving parties and responding parties. The majority of their clients were mothers, most likely because oftentimes fathers' incomes were higher and they were able to afford counsel, which then rendered the mother eligible. Relative to the comparison group, a larger proportion of Shriver representation cases involved allegations of domestic violence, child maltreatment, substance use, or mental health issues (45% vs. 72%, respectively).

Determining whether Shriver representation resulted in better custody outcomes was very difficult. The rates of sole and joint custody orders did not appear to differ significantly between the study groups, but it was not possible for the analysis to take into consideration all of the potential mitigating factors in these decisions. For both study groups, the study relevant pleadings ended with the majority (75% to 81%) of cases being awarded joint legal custody. Regarding physical custody, the study relevant pleadings ended with roughly one quarter of both study groups awarded joint custody and half of mothers awarded sole custody (45% of Shriver cases and 54% of comparison cases).

Despite the difficulty in determining differences in custody orders, some notable differences were found between cases that received Shriver representation and comparison cases. Data suggest that Shriver services appeared to:

Level the playing field

- Shriver services targeted cases in which a self-represented parent was facing a parent with legal representation. Court data showed that 92% of Shriver representation cases had attorneys on both sides, indicating that the project succeeded in "leveling the playing field." By contrast, 16% of comparison cases had representation on both sides, 18% had representation on one side only, and 50% had two self-represented parents (data were missing for 16%).

Having legal representation benefits parents because their sides of the story are more adequately represented in court and they are able to more effectively navigate the legal system and cause fewer delays. Representation can also benefit the court by ensuring that judges have comprehensive information on which to base custody decisions; the more informed these decisions are, the better they can serve the best interests of the child.

Increase the rate of settlements

- Settlement conferences, conducted by a judge, were a court innovation implemented by the San Diego Shriver project. All cases receiving Shriver representation were scheduled for a conference, and 85% participated in one. (Conferences did not occur when the parties settled beforehand or one party did not show up.)
    - 60% of cases with a settlement conference reached full or partial agreement on the custody pleading.
- Pleadings in 54% of Shriver representation cases were ultimately resolved by settlement (via mediation, settlement conference, or other), versus 30% of comparison cases.
    - The difference in the rate of settlements between Shriver cases and comparison cases is largely due to agreements from settlement conferences.
- Pleadings in 40% of Shriver representation cases were ultimately decided at a hearing, versus 63% of comparison cases.

Increasing the rate at which parties settle in custody cases has a number of potential benefits. This helps parents feel that they were heard and that they played active roles in their cases (rather than just having the court decide for them), which can contribute to a greater sense of satisfaction with the outcome. In addition, it also reduces the burden on the court because fewer cases will require hearings and trials to resolve the child custody issue.

Improve the durability of custody orders

- Over time, custody cases can involve multiple requests to modify existing orders. Within the 2 years after the study relevant pleading was resolved, only 1 in 10 (11%) Shriver representation cases had filed an RFO to modify the existing custody orders, versus 1 in 3 (32%) of comparison cases.

- Custody orders were durable for 89% of Shriver cases, and this applied to cases litigating initial custody orders or modifying previous orders. In the comparison group, orders were durable for 78% of cases obtaining initial custody orders, but for only 47% of those seeking to modify existing orders.

Having custody orders that are durable offers several benefits. Durable orders reduce the number of families returning to court, which in turn can improve court efficiency and congestion. More importantly, having custody orders remain in place for long periods of time increases stability for children of separated parents and, hopefully, reflects improved interparental cooperation.

Increasing settlements and improving the durability of custody orders are important project achievements. While it is difficult to disentangle the separate contributions of legal representation and mandatory settlement conferences, preliminary data suggest that both are useful. In practice, these project elements are intertwined, because attorneys attend the conferences and are often instrumental in facilitating agreements. During a settlement conference, attorneys can provide their clients with advice about terms, educate them about the process, and counsel them about reasonable expectations. This can increase litigants' confidence entering into agreements and their investment in the success of those agreements.

Litigants were not randomly assigned to receive Shriver representation, so it is possible that non-equivalence in the study groups has impacted the findings. For example, the Shriver representation cases demonstrated greater heterogeneity in the circumstances that brought them to the family court than did the comparison cases. In particular, Shriver clients had asked the court for custody orders after filing a range of petitions, including uniform parentage, governmental child support, and domestic violence. Just 42% of Shriver clients had filed a dissolution of marriage petition, whereas all of the comparison cases were instigated by divorce petitions. The homogeneity of the comparison group is due to the methods used by the court technology staff, and with the capabilities of the court case management system, to identify cases for the study sample. However, this difference in the study groups may have been influential in their custody proceedings, in that parties who were never married may have more challenges in collaborating and co-parenting than those who took the step to get married.

San Francisco Pilot Project Case Outcomes Study

Methodology

In San Francisco, legal services staff from the Justice & Diversity Center (JDC) had undertaken a local data collection effort before the Shriver evaluation began. In particular, they observed court readiness calendars and identified cases that they thought would be appropriate for Shriver services (specifically, cases with imbalanced representation and sole custody at issue) before the project formally began. Staff recruited these litigants for study participation as comparison cases, gathered basic information about them, and did not provide services to the parties, even if the case continued into the Shriver implementation period. Rather than increase the existing data collection and recruitment burden on the project staff and clients, the evaluation team agreed to use the same sampled litigants already recruited by the JDC staff for their local investigation. This sample included 25 Shriver cases and 24 comparison cases.

Attempts were made to review the court files for all 49 cases. However, upon review, six cases had characteristics that precluded them from study inclusion (e.g., pleading during study period did not involve custody, files had been transferred and were no longer in San Francisco's jurisdiction). In total, three Shriver representation cases and three comparison cases were removed from analysis. The final analytic sample had a total of 43 cases: 22 cases with a Shriver-represented party and 21 comparison cases.

Description of Sampled Custody Cases

Type of petition

Custody cases can be derived from a variety of different petitions. For cases receiving Shriver representation, petition types included dissolution of marriage (32%; *n*=7), governmental child support (27%; *n*=6), custody/visitation (23%; *n*=5), uniform parentage request (18%; *n*=4), and domestic violence restraining order (18%; *n*=4). In the comparison group, the majority of cases were initiated by a petition for dissolution of marriage or separation (57%; *n*=12) or domestic violence (38%; *n*=8). Few cases were initiated by petitions for uniform parentage (10%; *n*=2), governmental child support (10%; *n*=2), or custody/visitation (5%; *n*=1).

Children involved

Among the 22 Shriver representation cases, most had one or two children (mean = 1.6) and the average child age was 7 years. Among 20 of the comparison cases (one case was missing data), most had one or two children (mean = 1.6) and the average child age was 8 years.

Study relevant pleading (SRP)

As described earlier, Shriver services addressed one RFO (request for orders) in the life of the custody case (i.e., the study relevant pleading [SRP]). A single RFO can involve several events and last for several weeks or months. Five (23%) Shriver representation cases were seeking initial custody orders, as were nine (43%) comparison cases. Among the remaining cases that were seeking to modify existing orders, the study relevant pleading ranged from the second to the 26th RFO in Shriver cases and from the third to the 10th RFO in the comparison cases. In both groups, on average (median), the SRP was the fourth RFO filed in the case.

Table C35 displays the average number of days between the initial petition and the study relevant pleading. The table shows this separately for those cases in which the study relevant pleading was the first custody pleading and for those in which the relevant pleading was a request for modification of existing orders.

Table C35. Time from Initial Custody Petition to Study Relevant Pleading by Study Group

	Shriver Representation	Comparison
SRP is the initial custody pleading	5 (26%)	9 (45%)
Mean (SD) number of days from petition to SRP	73 (126)	275 (131)
Median number of days from petition to SRP	1	85
Range	0 – 219	0 – 1535
SRP is a request for modification	14 (74%)	11 (55%)
Mean (SD) number of days from petition to SRP	1,474 (1,057)	1,861 (1,308)
Median number of days from petition to SRP	1,227	1,329
Range	76 – 3,694	571 – 4,436

N=39. Shriver representation *n*=19; Comparison *n*=20. Data missing for three Shriver cases, one comparison case.
Note: SRP = "study relevant pleading," which refers to the segment of the custody case that received Shriver services or the segment of the comparison cases used for comparative analysis.

Study Relevant Pleading

What was the role of Shriver clients in the study relevant pleading?

The San Francisco Shriver custody pilot project provided representation to parents who met the program eligibility criteria, regardless of their gender or their role in the case. Among the 22 Shriver representation cases, the Shriver client was the moving party in 14 cases (64%) and the responding party in eight cases (36%). Across the 21 comparison cases, seven involved a self-represented moving party; seven involved a self-represented responding party; and seven involved balanced representation (i.e., both sides were either self-represented or represented by an attorney), or not enough information was available regarding representation for both parties.[160] The client's role is displayed in Table C36.

Table C36. Client Role in Case

Client Role	*N*	% of Group	% of Total Sample
Shriver Cases			
Moving party client	14	64%	33%
Responding party client	8	36%	19%
Comparison Cases			
Moving party self-represented (SRL)	7	33%	16%
Responding party self-represented (SRL)	7	33%	16%
Balanced cases/unknown representation	5	24%	12%
Unknown representation	2	10%	5%

[160] Determining whether a party has representation for a single custody pleading can be difficult because attorneys often substitute in and out over the life of a case, and these shifts are not always documented clearly in case files.

As shown in the Project Description and Service Summary, the San Francisco custody pilot project served a higher proportion of fathers than did the other two projects. The cases sampled at their site for analysis also had a greater proportion of father clients. Among the 22 Shriver representation cases sampled, the client was the father in 73% (*n*=16) of cases and the mother in 27% (*n*=6). In addition, the Shriver client was the moving party in 64% (*n*=14) of cases and the responding party in 36% (*n*=8) of cases. Table C37 shows this distribution.

In the comparison group, recall that there were 14 cases with unbalanced representation. Eight of these cases involved a self-represented mother facing a represented father, and six cases involved a self-represented father facing a represented mother. The remaining seven cases in the comparison had balanced representation on both sides of the case or were missing data on the representation status of both parties.

Table C37. Distribution of Mothers and Fathers for San Francisco Custody Cases

Client Role	Mother	Father
Shriver Cases		
Moving party client	2 (14%)	12 (86%)
Responding party client	4 (50%)	4 (50%)
Comparison Cases with Unbalanced Representation[a]		
Moving party self-represented litigant	3 (43%)	4 (57%)
Responding party self-represented litigant	5 (71%)	2 (29%)

[a] Figures shown in the table reflect only the 14 comparison cases with one self-represented party and one represented party. The other seven comparison cases had balanced representation.

Were cases likely to have representation on both sides?

Table C38 displays the representation status of both parties across cases. Among Shriver cases, 82% (*n*=18) had both parties represented by an attorney and 14% had information in the case file suggesting imbalanced representation. Among comparison cases, 67% (*n*=14) involved imbalanced representation, where one party was self-represented and the other had an attorney, and 24% involved balanced representation. (Recall that representation status is sometimes difficult to determine from court case files because attorneys frequently substitute in and out over the life of a custody case.)

Table C38. Party Representation by Study Group

Representation Status	Shriver Representation	Comparison
Both sides represented	18 (82%)	3 (14%)
Both sides unrepresented	0 (0%)	2 (10%)
One side represented, one side SRL	3 (14%)	14 (67%)
Unknown	1 (5%)	2 (10%)

N=43. Shriver representation *n*=22; Comparison *n*=21.

What was requested in the study relevant pleading?

Table C39 shows the legal and physical custody requests made by both parties in the study relevant pleading. Regarding legal custody, among Shiver representation cases, 42% of moving parties were requesting sole custody and 45% of responding parties were. In the comparison cases, 29% of moving parties and responding parties were requesting sole custody to one parent. Most often, in both groups, moving parties were requesting joint legal custody (55% of Shriver representation cases and 38% of comparison cases).

Regarding physical custody, among Shriver representation cases, 45% of moving parties and 45% of responding parties requested sole custody. Among comparison cases, 39% of moving parties and 48% of responding parties requested sole custody. Notably, nearly half of the moving parties in both groups (41% of Shriver cases and 43% of comparison cases) requested joint physical custody. The timeshare cutoff that defines the difference between sole and joint physical custody can be blurry in practice. The San Francisco pilot project used 70% timeshare as the basis for determining that a request was for sole physical custody, because the non-custodial parent would spend less than 30% of time with the child. This project-level distinction of "sole" custody may not have aligned with the court case file denotation of sole custody (thus, the proportion of Shriver cases with "joint" custody requests may be high).

Not all responding parties submitted a responsive declaration involving counter requests. About two thirds of cases in both groups had a responsive declaration filed: 63% (*n*=12) of Shriver representation cases and 68% (*n*=15) of comparison cases.

Table C39. Legal and Physical Custody Requests by Study Group

	Shriver Representation		Comparison	
Custody Requested	**Moving Party Request**	**Responding Party Request**	**Moving Party Request**	**Responding Party Request**
Legal Custody				
Sole to mother	3 (14%)	8 (36%)	5 (24%)	4 (19%)
Sole to father	4 (28%)	2 (9%)	1 (5%)	2 (10%)
Joint	12 (55%)	4 (18%)	8 (38%)	4 (19%)
None/NA	3 (14%)	8 (36%)	7 (33%)	11 (52%)
Physical Custody				
Sole to mother	6 (27%)	8 (36%)	6 (29%)	6 (29%)
Sole to father	4 (18%)	2 (9%)	2 (10%)	4 (19%)
Joint	9 (41%)	4 (18%)	9 (43%)	2 (10%)
None/NA	3 (14%)	8 (36%)	4 (19%)	7 (33%)

N=43. Shriver representation *n*=22; Comparison *n*=21.

Complicating issues and allegations

Custody cases can involve other issues or allegations—such as domestic violence, child maltreatment, substance use, or mental health—that influence court orders regarding custody and visitation. Table C40 shows the numbers of cases with these issues raised as part of the SRP by either party. Over three quarters (77%) of Shriver representation cases had at least one issue raised, in contrast with 62% of comparison cases. Among Shriver cases, the most common issue raised was domestic violence (59%).

Table C40. Issues Raised in Study Relevant Pleading by Study Group

Allegation made by either party regarding…	Shriver Representation	Comparison
Domestic Violence	13 (59%)	10 (48%)
Mental Health	9 (41%)	10 (48%)
Child Abuse	9 (41%)	9 (43%)
Child Neglect	9 (41%)	9 (43%)
Substance Abuse	10 (46%)	10 (48%)
No Issues	5 (23%)	8 (38%)

N=43. Shriver representation *n*=22; Comparison *n*=21.
Note. More than one issue can be raised in a case, so percentages do not sum to 100%.

Outcome Area #1: Court Efficiency

How did study relevant pleadings ultimately resolve?

Among cases receiving Shriver representation, half were settled before a hearing (50%; *n*=11), and roughly half (45%; *n*=10) were decided at hearing. In the comparison group, just under half (43%; *n*=9) of the cases were settled before a hearing, and just over half (52%; *n*=11) were decided at a hearing. [One case (5%) in both groups did not have child custody or visitation orders issued.] The rates of resolution did not differ between the two groups.[161] Table C41 displays the method of resolution for the study relevant pleading.

Table C41. Method of Resolution of SRP by Study Group

SRP was resolved via…	Shriver Representation	Comparison
Settlement before hearing	11 (50%)	9 (43%)
Decided at hearing	10 (45%)	11 (52%)
Other (no custody orders issued)	1 (5%)	1 (5%)

N=43. Shriver representation *n*=22; Comparison *n*=21.
Note. No statistically significant differences found across groups.

Were there fewer hearings/continuances?

Table C42 displays the average number of hearings that occurred for the study relevant pleading in both groups. All Shriver representation cases involved at least one hearing, whereas four comparison cases (19%) did not have a hearing. Among cases with Shriver representation, the average number of hearings was 2.8 (median = 2). Among comparison cases with at least

[161] χ^2 (1) = .223, p = .758

one hearing for the SRP, the average number of hearings was 2.1 (median = 2). This difference was not significant.[162]

Table C42 also compares the number of continuances that occurred during the SRP in both study groups. Six (33%) Shriver representation cases did not involve a continuance, versus 11 (55%) comparison cases. Across cases with at least one continuance, the average number of continuances was not significantly different between the groups (Shriver group mean = 2.0, range = 1 to 5; comparison group mean = 3.1, range 1 to 8).

Table C42. Number of Hearings and Continuances per SRP by Study Group

Court Events	Shriver Representation	Comparison
Hearings		
Cases with no hearings	0 (0%)	4 (19%)
Cases with at least one hearing	22 (100%)	17 (81%)
Of those cases with at least one hearing, average number of hearings (SD)	2.8 (1.7)	2.1 (1.3)
Continuances		
Cases with no continuances	6 (33%)	11 (55%)
Cases with at least one continuance	12 (67%)	9 (45%)
Of those cases with at least one continuance, average number of continuances (SD)	2.0 (1.4)	3.1 (2.4)

For Hearings *N*=43. Shriver representation *n*=22; Comparison *n*=21.
For Continuances *N*=38. Shriver representation *n*=18; Comparison *n*=20.
Note: Data for continuances was missing for four Shriver cases and one comparison case.
No statistically significant differences found across groups for hearings or continuances.

The proportion of different types of hearings was similar between the groups.[163] Across Shriver representation cases, there was a total of 61 hearings, and across comparison cases, there was a total of 35 hearings. In particular, more than three-fourths of the hearings in both groups were regular hearings, and about 13% were review hearings. Long cause and ex parte hearings were rare in both groups. Table C43 displays the types of hearings held for both study groups.

Table C43. Type of Hearing by Study Group

Hearing Type	Shriver Representation	Comparison
Regular	48 (79%)	27 (77%)
Review	8 (13%)	5 (14%)
Long cause	1 (2%)	1 (3%)
Ex parte	4 (7%)	2 (6%)
Total	61 (100%)	35 (100%)

Note. No statistically significant differences found across groups.

[162] Given the skewed distribution, a nonparametric test was used. Mann-Whitney U = 145.5, p =.221.
[163] $\chi^2(3) = 0.213$, $p = .975$

Were pleadings resolved faster?

Length is defined by the number of days between the filing of the study relevant pleading and the date of the order, judgment, or settlement that resolved the pleading. Table C44 shows the average length of time for a pleading between the two groups. On average, pleadings took between 5 and 6 months to resolve. For cases receiving Shriver representation, the average length was 167 days (median = 84). In the comparison group, the average length was 180 days (median = 92). This was not a statistically significant difference.[164]

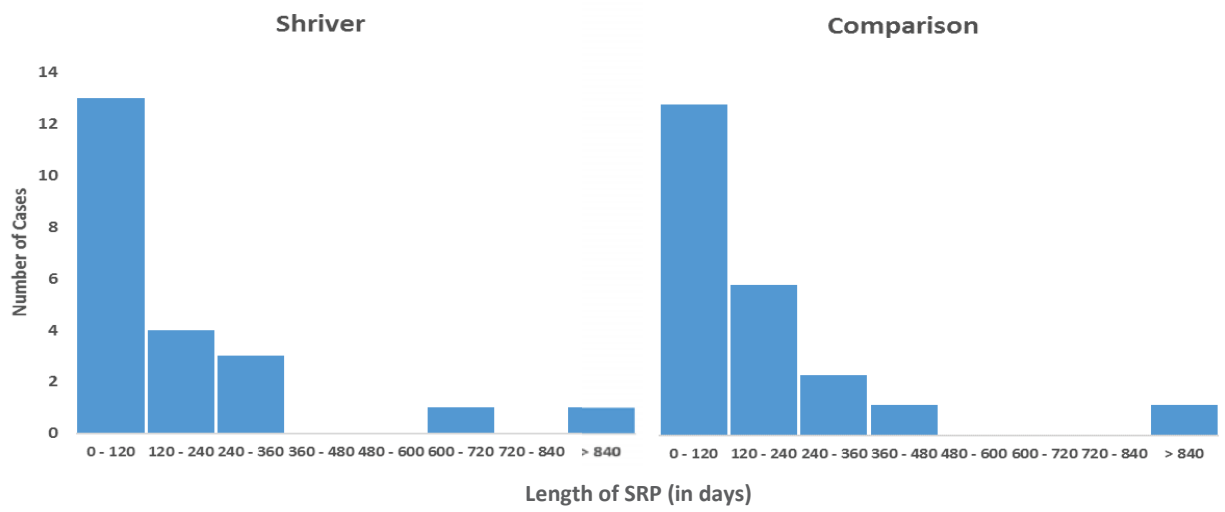
Table C44. Length of SRP (in days) by Study Group

Number of Days from SRP Filing to Resolution	Shriver Representation	Comparison
Mean (SD)	167 (208)	180 (235)
Median	84	92
Range	0 - 840	23 - 1078

N=43. Shriver representation *n*=22; Comparison *n*=21.
Note. No statistically significant differences found across groups.

There was variability in the SRP length across cases. In particular, within both study groups, although the majority of pleadings were resolved within 6 months, a couple of cases took more than 2 years to resolve. These outlying values cause the mean SRP length to be higher than the median (Table C44). Practically speaking, it is important to note that very few cases had pleadings that lasted this long. Figure C8 shows the distribution of SRP length for both groups.

Figure C8. Length of SRP (in days) by Study Group



[164] Given the skewed distribution, a nonparametric test was used. Mann-Whitney U = 204.5, *p* = .696.

Outcome Area #2: Case Events and Outcomes

What custody and visitation orders were issued for the study relevant pleading?

The legal and physical custody orders issued at the SRP resolution are shown in Table C45. Regarding legal custody, joint legal custody was ordered for more than half of both groups—specifically, 55% of Shriver representation cases and 52% of comparison cases—and sole legal custody was awarded to the mother in about 30% of cases. No statistically significant differences existed in legal custody orders between the groups.[165]

With regard to physical custody, joint physical custody was less common; it was ordered for 32% of Shriver cases and 24% of comparison cases. Half or more of cases were resolved with sole physical custody awarded to the mother—specifically, 50% of Shriver cases and 57% of comparison cases. There were no significant differences in physical custody orders between the two study groups.[166]

Table C45. Legal and Physical Custody Orders by Custody and Study Group

Custody Orders at the SRP Resolution	Shriver Representation	Comparison
Legal Custody		
Sole to mother	7 (32%)	6 (29%)
Sole to father	1 (5%)	2 (10%)
Joint	12 (55%)	11 (52%)
None/NA	2 (9%)	2 (10%)
Physical Custody		
Sole to mother	11 (50%)	12 (57%)
Sole to father	3 (14%)	2 (10%)
Joint	7 (32%)	5 (24%)
None/NA	1 (5%)	2 (10%)

N=43. Shriver representation *n*=22; Comparison *n*=21.
Note. No statistically significant differences found across groups for legal or physical custody.

Table C46 displays the visitation orders, by the physical custody orders, for both groups. Visitation essentially applies to the parameters of the timeshare of the non-custodial parent. For example, if sole physical custody was ordered to the mother, the visitation type refers to the parenting time arrangements for the father. In both groups, orders for reasonable visitation were rare (only one comparison case was issued these orders). This may reflect the contentiousness between the parties and the court's perception of their inability to negotiate and sustain mutually coordinated arrangements.

In both groups, most non-custodial parents were awarded unsupervised visitation according to a schedule. In the Shriver representation group, 55% of non-custodial fathers and 67% of non-custodial mothers were awarded unsupervised, scheduled visitation, versus 75% and 100%, respectively, in the comparison group. The majority of the remaining non-custodial parents were awarded supervised, scheduled visitation. This applied to 27% of non-custodial fathers and 33% of non-custodial mothers in the Shriver representation group, versus just one case in

[165] $\chi^2(2) = 0.428$, $p = .807$.
[166] $\chi^2(2) = 0.478$, $p = .787$.

the comparison group. This likely reflects the high rate of serious issues in these families, such as domestic violence, child maltreatment, and substance use issues.

Table C46. Visitation Orders by Physical Custody Ordered and Study Group

	Shriver Representation			Comparison		
Visitation Order	**Mom has Sole**	**Dad has Sole**	**Joint**	**Mom has Sole**	**Dad has Sole**	**Joint**
Reasonable visitation	0 (0%)	0 (0%)	0 (0%)	1 (8%)	0 (0%)	0 (0%)
Scheduled, unsupervised	6 (55%)	2 (67%)	3 (43%)	9 (75%)	2 (100%)	2 (40%)
Scheduled, supervised	3 (27%)	1 (33%)	0 (0%)	1 (8%)	0 (0%)	0 (0%)
None	1 (9%)	0 (0%)	3 (43%)	1 (8%)	0 (0%)	3 (60%)
Not applicable	1 (9%)	0 (0%)	1 (14%)	0 (0%)	0 (0%)	0 (0%)
Total	11	3	7	12	2	5

What were the physical custody orders in relation to the physical custody requests?

Examining the custody orders issued at the resolution of the study relevant pleadings, and inspecting differences between the Shriver and comparison cases, is informative. However, it is more informative to consider the custody orders in the context of what was requested and the representation status of the parties. Figure C9 displays the trajectories of physical custody requests and orders by study group. The top panel (green) shows the trajectories of Shriver representation cases, according to:

- *Shriver client*—which parent received Shriver representation;
- *client's role in the case*—namely, whether the Shriver client was the moving party (who prompted the pleading and requested something of the court) or the responding party (who may or may not have submitted a counter request);
- *requests made by the moving party regarding physical custody*—specifically, what the moving party asked the court to order (*Note*: Figure C9 does not show any requests made by the responding party); and
- *orders regarding physical custody*—specifically, the orders issued by the court for the study relevant pleading, including the determination of sole or joint custody and the custodial parent.

The bottom panel, in blue, displays case trajectories for pleadings in the comparison group. To enable a more suitable comparison to Shriver representation cases, the comparison cases are organized by parent gender and representation status. The first row shows the representation status of parents. (Note: Cases with unknown representation status are excluded from this figure.) The second row organizes cases according to the mother's role in the case as either moving party or responding party. The last two rows (physical custody requests and orders) correspond to those in the Shriver representation cases panel.

Due to the very small sample sizes, these analyses are considered preliminary and exploratory. Readers should interpret them with caution.

As shown in Figure C9, among the cases sampled for these analyses, fathers were the majority of Shriver clients (16 fathers and 6 mothers). Close to half (45%; *n*=10) of the moving parties requested sole physical custody to one parent and 41% (*n*=9) involved a joint physical custody

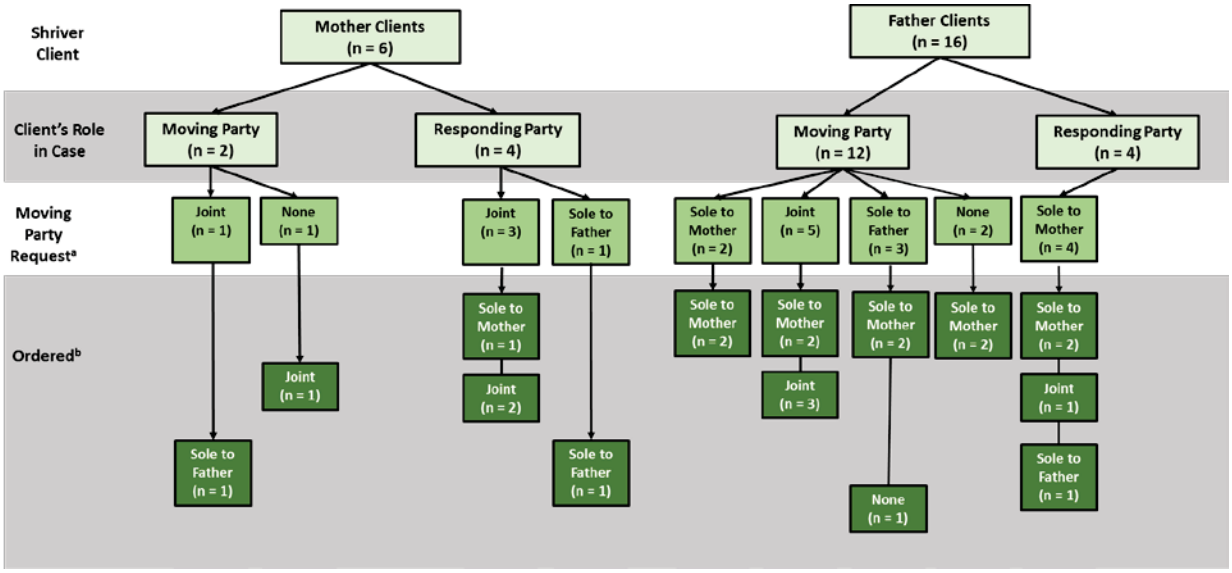
request. Cases in the comparison group show a similar pattern, with half of cases (50%, *n*=9) involving a sole physical custody request from the moving party and the other half (50%, *n*=9) involving a joint physical custody request from the moving party.

In Shriver representation, fathers were the Shriver client and the moving party in twelve cases. Three fathers requested sole custody for themselves (none of them were awarded sole custody), five requested joint custody (three of them were awarded joint custody), and two requested sole custody for the mother (which was awarded both times). (Two fathers made requests in the pleading that did not pertain to custody.) Fathers were the Shriver client and the responding party in four cases. In all four cases, the mother (who was the moving party) requested sole custody for herself. At resolution, sole custody was awarded to the mother twice, to the father once, and joint custody was awarded once.

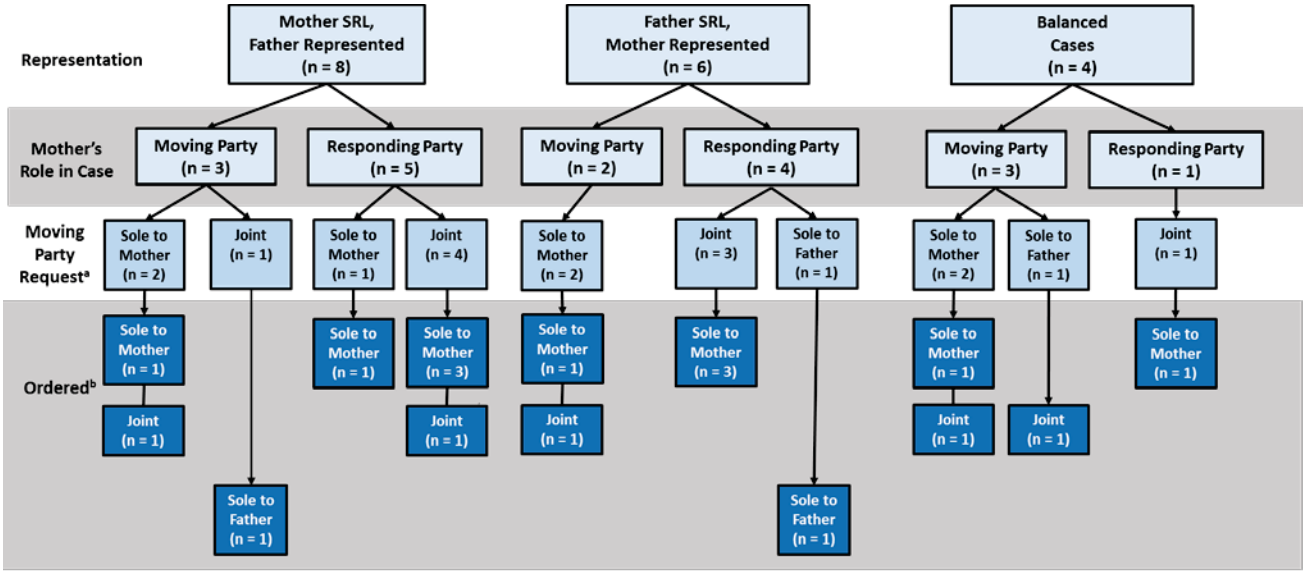
In the comparison group, there were six cases in which the father was self-represented and facing a mother with an attorney. In four of these cases, the father was the responding party. Of these, three fathers requested joint custody (custody was ordered for the mother in all three cases), and one requested sole custody for himself (which was ordered). In two cases, the father was the moving party and requested sole physical custody for the mother. At resolution, one case resolved with sole custody to the mother and one resolved with joint custody.

Figure C9. Physical Custody Requests and Orders by Study Group

Shriver Representation



Comparison Group



Note. Figure is oriented to the mother in each case—figures show outcomes when mother was moving party or responding party.
[a]Custody arrangements requested in study relevant pleading (SRP) by the moving party.
[b]Custody arrangements at case close, either settled or court ordered.

What additional orders were issued at the resolution of the study relevant pleading?

Custody cases may involve mitigating factors that influence the custody orders, such as domestic violence, mental health, and substance abuse. (Recall from Table C40 that allegations of mental health, substance abuse, or child abuse/neglect were common in the SRP.) In custody cases, parties can request, and the court can issue, additional orders that pertain to the custody arrangement or to the best interests of the child.

Despite the prevalence of allegations in the pleadings, additional court orders were rare (see Table C47). The majority of Shriver representation cases (86%) involved no additional orders. Of those with additional orders, one case involved an order for therapy/mental health treatment for both parents, one case involved reunification therapy for the father, and another case involved a restraining order to protect the mother. In the comparison group, 67% (*n*=14) did not involve any additional orders. Of those with additional orders, one case involved therapy ordered for the mother, two cases had restraining orders issued to protect the mother, and two cases had parenting classes ordered for the father (one of which had joint physical custody ordered and the other had sole physical custody awarded to the mother). The proportion of pleadings with additional orders did not significantly differ between the study groups.[167]

It is possible that few additional orders were given as part of the custody pleadings because these issues were being addressed in a separate court case (e.g., domestic violence). This is plausible, particularly given the higher rates at which the court ordered the non-custodial parents in Shriver cases to have supervised visitation. It may also be due to the general lack of resources of this nature for low-income people; the court may be cautious of referring parents into services that they cannot afford.

Table C47. Additional Court Orders for the SRP by Study Group

Additional Court Orders	Shriver Representation	Comparison
Parenting class	0 (0%)	2 (10%)
Therapy/mental health treatment	1 (5%)	1 (5%)
Substance abuse counseling	0 (0%)	0 (0%)
Restraining order	1 (5%)	2 (10%)
Other	1 (5%)	2 (10%)
No other orders	19 (86%)	14 (67%)

N=43. Shriver representation *n*=22; Comparison *n*=21.
Note: Percentages may not sum to 100% because more than one additional order could be issued in a case.
No statistically significant differences found across groups.

Summary

To assess the potential impact of the Shriver custody pilot project in San Francisco, a pre-existing sample of cases, recruited by JDC legal aid staff before the evaluation started, was used. This sample included 22 cases that received Shriver representation and 21 comparison

[167] $\chi^2(1) = 2.336$, $p = .126$

cases that did not receive Shriver service. For all 43 cases, data were gathered via a review of the individual court case files and reflect a single pleading that involved sole custody.

The Shriver pilot project assisted both moving parties and responding parties. The majority of San Francisco clients were fathers, likely because low-income women who experienced domestic violence had other resources available to them through which they were able to acquire counsel, which then rendered the father eligible. Relative to the comparison group, a larger proportion of Shriver representation cases involved allegations of domestic violence (59% vs. 48%). Combing all allegations recorded—domestic violence, child maltreatment, substance use, or mental health issues—more Shriver cases (77%) included at least one issue than did comparison cases (62%), which may reflect extant family dysfunction and disharmony.

Determining whether Shriver representation resulted in better custody outcomes was very difficult. The rates of sole and joint custody orders did not appear to differ significantly between the study groups, but it was not possible for the analysis to take into consideration all of the potential mitigating factors in these decisions. For both study groups, the study relevant pleadings ended with more than half (55% of Shriver and 52% of comparison) of cases being awarded joint legal custody. Regarding physical custody, the study relevant pleadings ended with roughly 30% of both study groups awarded joint custody and half of mothers awarded sole custody (50% of Shriver cases and 57% of comparison cases).

Despite the difficulty in determining differences in custody orders, some differences between cases that received Shriver representation and comparison cases emerged. That said, early indications include:

- **Settlement**: Although the difference was not statistically significant, a greater proportion of Shriver representation cases (50%) were resolved through a settlement before court hearings than of comparison cases (43%).
- **Time to resolution**: Although the difference was not significant, on average, the pleadings of Shriver representation cases were resolved more quickly (mean = 167 days, median = 84) than were the pleadings among comparison cases (mean = 180 days, median = 92).
- **Hearings**: Shriver representation cases were more likely to involve hearings. All Shriver representation cases had at least one hearing for the study relevant pleading, while 19% of comparison cases resolved without a hearing.
    - On average, among cases with at least one hearing, Shriver representation cases involved three hearings per pleading (mean = 2.8), versus two hearings for comparison cases (mean = 2.1).
- **Continuances**: Shriver representation cases were more likely to involve continuances. One third (33%) of Shriver representation cases resolved without a continuance, versus 55% of comparison cases.
    - On average, among cases with at least one continuance, Shriver representation cases involved two continuances per pleading (mean = 2.0) and comparison cases involved three (mean = 3.1).

Shriver representation cases had a higher likelihood of involving hearings and continuances, as opposed to the comparison group. However, Shriver case pleadings tended to be resolved earlier than those of comparison cases and may be more likely to settle. Despite these minor differences in court events and time to resolution, the legal and physical custody outcomes did not appear to vary widely.

Relative to the comparison group, there was a higher proportion of non-custodial parents in Shriver cases who were awarded supervised visitation, which aligns with the higher proportion of Shriver cases that involved allegations of dangerous conditions (e.g., violence, substance use). These elements suggest that the court may have identified additional concerns among these families. From this lens, it is perhaps understandable that additional hearings would be necessary and perhaps laudable that the proceedings were not protracted as a result.

These findings are based on a very small sample of clients, and random assignment to study groups was not possible to implement. Very small sample sizes can make it difficult for statistical tests to reach conventional levels of significance. Thus, some of the differences in this section may have reached statistical significance with a larger sample. On the balance, small sample sizes can also cause difficulty with generalizability—that is, the small subset of cases may not adequately reflect the larger population it is meant to represent. Gathering data on additional cases could result in different estimates. Therefore, these findings should be considered preliminary, the analysis exploratory, and the results interpreted with caution.

Shriver Custody Pilot Projects

Staff and Stakeholder Perceptions

Shriver client "Lucinda."
When Lucinda first sought help from the Shriver project, there was an action for Dissolution of Marriage filed, but no previous custody orders in place. Her former husband filed a request for orders, seeking sole legal and physical custody, claiming that Lucinda was withholding the children and brainwashing them. The Shriver project prepared a response for Lucinda to explain that the father's strained relationship with his children was due to his own actions. Parties participated in a Shriver settlement conference and reached a full stipulation for joint legal custody and primary physical custody to Lucinda, with therapeutic visitation to the father. As a monolingual Spanish speaker, Lucinda would have struggled to navigate the court system and deal with an aggressive opposing counsel, had she not been represented by a Shriver attorney.

Staff and Stakeholder Perceptions

During a round of telephone interviews conducted in 2015, staff and stakeholders at all three custody pilot projects were asked about the impacts they perceived the Shriver pilot projects having had on litigants, the court, and the community. This section presents a summary of their responses, presented separately for legal aid services agency staff and court staff.

Methodology

Sample

Legal aid services agencies. Interviews were conducted with five legal aid services representatives from the three custody projects. These representatives included staff from legal aid services agencies that provided direct Shriver services to clients. This included one person in Los Angeles County, three in San Diego County, and one in San Francisco County.

Superior courts. Interviews were conducted with six court staff. This included one person in Los Angeles County, four in San Diego County, and one in San Francisco County.

Analytic Approach

Interview questions about the project impacts were open-ended and responses were captured as close to verbatim as possible during the phone interviews (none were audio-recorded). Responses were then summarized to represent the main themes articulated by the interviewees. Data were analyzed separately for respondents from legal aid services agencies and from the court.

Legal Aid Services Agencies Staff Perceptions of Project Impacts

Impact of Shriver Custody Pilot Project Generally

Overall, legal aid services staff felt that the services provided by the Shriver pilot project helped to increase collaboration and reduce contentiousness between parties, which in turn positively impacted the parents by calming their disputes and educating them on the legal process. They also stated that the project services positively impacted the children by reducing the interparental conflict to which they are exposed and the court by improving information flow, efficiency, and the likelihood of settlement.

One respondent explained that when both sides of a custody dispute are represented, communication happens between attorneys, which decreases the amount of direct conflict between litigants, which eases overall tensions. Further, knowledgeable intervention through the legal system can offset other, more intensive system responses and can preserve the ability for parents to negotiate. One interviewee stated that if parents are in a panic, but decide to call their Shriver attorney for help before calling Child Protective Services or before an “abduction happens… it’s a good thing because it cuts down on public drama and stipulations are way up.”

Impact on Parties

Legal services staff felt that the project had the most pronounced impacts on the parents and children. They emphasized the importance of support and education for parents, which improved parents' perceptions of fairness and benefited the children by calming interparental tension.

Interviewees explained that the custody court process is intimidating and unfamiliar for parents, and that having the support and expertise of an attorney helped reduce stress and make the process more manageable. Having legal representation meant that parents did not have to try to "figure everything out on their own." Also, given the highly charged emotional setting, litigants without counsel often behave in ways that make it harder for them to effectively plead their cases, thus they obtain little to no satisfaction with the outcome. A legal aid services agency representative explained, "Some of the cases are in a situation where the client got themselves in a bad position because they were representing themselves and now they are digging themselves out." Interviewees noted that an attorney can help rectify, or prevent, these situations. They also felt that parents were more likely to achieve their case goals when represented.

Respondents described the positive impact of litigants being educated by their attorneys on the legal process and reasonable expectations in their cases. "Having representation on both sides improves matters due to the education aspect alone," said one interviewee. When parents are knowledgeable, they generally feel more empowered during the process and more amenable to accept the outcome of their cases. This can also benefit the court because these litigants are less likely to challenge the orders by filing another pleading. At least for the custody aspect of the family law case, interviewees felt that the court has less to do when attorneys were involved.

The impact of Shriver services on the children was also underscored by legal aid services interviewees. One respondent explained that having legal representation on both sides can help increase collaboration, and successful collaboration can foster subsequent co-parenting efforts, which require a good deal of communication where there may be only anger at first. "If they collaborate, the litigants are reducing harm to themselves and harm to their children."

Finally, interviewees felt that represented opposing parties also benefited. Respondents believed that opposing counsel was likely pleased when there was legal representation on both sides, because "it calms down the situation quite a bit." This can increase collaboration and efficiency, and it also makes the need to return to court due to legal technicalities less likely.

Impact on the Courts

Concerning the Shriver pilot project's impact on the courts, legal services interviewees felt that judges prefer to deal with lawyers rather than with parents who are trying to muddle their way through self-representation. One interviewee recognized the challenge of navigating the court system and explained, "It's harder for that person to keep up with the legal documents coming at them." Further, interviewees reported that the presence of attorneys influences courtroom behavioral standards, which may consequently impact court decisions. One respondent explained that, without counsel, parents can resort to "interrupting or yelling at the judge. They just don't conduct themselves well in the courtroom," and that this type of behavior can hurt their cases, even though it is not necessarily an indication that they are bad parents.

Legal aid services interviewees mentioned that custody cases could go on "forever" when one or both sides are self-represented. Interviewees thought that having representation on both sides increased efficiency and cut down on the need for hearings.

Lastly, respondents from the San Diego project noted that the way the Shriver settlement conferences were implemented improved the information available for the judge to make an informed decision and produced more durable orders. One interviewee explained that the settlement conferences allowed a "full airing of all the issues and the facts came to light so that the court had really good credible information to make its decision. You have a much better chance of getting that when you have an attorney on the case." Other respondents felt that the settlement conferences resulted in fair decisions with buy-in from parties, which would curtail the number of people returning to the court system "over and over again."

Additional Needs Noted by Project Staff

Some legal aid services staff thought that there was a broader need for legal services for low-income families involved in custody cases than what the Shriver project was able to address. They felt the statutorial eligibility requirements were too restrictive. In particular, the statute required that, for a parent to be eligible for Shriver services, she must have an income at or below 200% of the Federal Poverty Level, be facing an opposing party with legal representation, and have a case with sole custody at issue. Legal services staff explained that, in practice, if one parent is poor enough to meet the income eligibility requirements, then the opposing party is often similarly poor and therefore unable to retain counsel. Thus, enforcing both the income requirement and the opposing party representation requirement excluded many low-income families that would have benefited from services.

Further, some legal services staff were concerned that the sole custody requirement also screened out families who would have otherwise been suited for service. Interviewees described dismay when they were unable to provide assistance to parents embroiled in contentious custody cases, because no one was explicitly asking for sole legal or physical custody. These staff also felt it would be helpful to expand the legal issues targeted for their services to issues such as divorce and child support.

Superior Court Staff Perceptions of Project Impacts

Impacts of Shriver Custody Pilot Project Generally

When asked about the impacts of the Shriver project, court staff members' responses echoed those of the legal aid services staff. Court staff felt that, in general, judges preferred to have attorneys on both sides of a case, because their familiarity with the rules of the legal process makes the case proceed more smoothly. One interviewee explained, "When you have people who aren't attorneys and they are thrown into this process not knowing the rules, it's like being thrown into a basketball game and not knowing the rules and not knowing where to shoot the ball. You're scoring points for the other team." Further, when the attorneys are involved, they can help explain to their clients what the rules are and what is transpiring with the case; they can also help manage the emotional tone of the situation and assist in alleviating anxiety. "It's just educating people," said one respondent. Another interviewee felt Shriver services reduced the number of cases that needed to be heard by the court by increasing the likelihood of pre-

hearing settlements. Finally, interviewees thought that if litigants felt empowered in the decision process for their children, they would be less likely to return to court.

Impact on Parties

Court staff described that Shriver representation provided support and information to parents, ensured their full and active participation in their custody cases, and supported fairer judgments and more efficient proceedings, which benefited the families and the court.

One respondent stated that having a Shriver attorney "gives [litigants] an opportunity to participate fully in the proceedings and voice their opinions." Because of their expertise, attorneys are able to ensure their client's side is adequately represented by making appropriate requests, such as for a trial, or by understanding the confines of the legal process. For example, if a parent wants to present information to the judge, but the opposing party's counsel objects, an attorney will understand how to handle this, whereas a self-represented litigant would not. Overall, having an attorney enables parents to more fully participate in their proceedings and to more thoroughly present their side of the case, which improves the information available to the judge on which to base a decision. One interviewee commented, "I think [Shriver] results in a much fairer process and there is a lot more information that's communicated in court."

Interviewees acknowledged that custody cases are complex, involve many actions, and that it takes a good deal of time to follow the rules of evidence. Court staff explained that, for self-represented litigants, custody proceedings are often "…difficult, because they don't understand the rules of civil procedure, evidence, and the Family Code." This lack of knowledge can cause errors and inefficiencies that slow the proceedings and frustrate parents. "Sometimes it's as basic as not getting the other parties served properly, so they come back to court on multiple occasions. It's a very frustrating process for [litigants]." Having an attorney on both sides largely remedies these types of hiccups.

Court staff felt that having more efficient proceedings benefited the children. One interviewee noted that "the sooner a case is resolved, the better it is for the family and the kids—and it's not still in the court." Another respondent explained that "custody issues are not something that just goes away. It's something that deeply affects the litigants and children." Especially in highly contentious cases, stakeholders felt that the sooner the parties collaborated and came to a resolution, the more beneficial it was for the children.

Impact on the Court

The overall impact on the court is a positive one, in the court staff's view, because having representation makes the courtroom run more efficiently and fairly. One respondent also expressed that the court clerks and staff are grateful for the resources and to have a place to refer low-income, self-represented litigants for assistance.

Self-represented litigants can often inadvertently prolong their pleadings because they do not know what they are doing. Court staff interviewees explained that there are, by design, long periods between different points in a custody case. For example, when temporary orders are given, the court generally provides a 3-month period before holding a review hearing to determine whether the orders are appropriate. Self-represented litigants who are unfamiliar with the process may not understand that some of these delays are standard and purposeful.

Consequently, they may return to court unnecessarily. When parents have counsel, rather than returning to court to file for an emergency order or modification right away, they can consult their attorney, who has the skills to analyze the situation and direct the client on the most appropriate course of action. This yields more informed litigants and more efficient courts.

An interviewee at one court thought the court culture had not necessarily been impacted by the Shriver project, because that court already encouraged mediation and settlement before the Shriver project started. However, this interviewee described a shift in the manner and rate at which settlements occurred. In particular, this respondent reported that, with Shriver counsel involved, parties were more often collaborating in less formal settings to reach an agreement, as opposed to using the rules of evidence in a courtroom to try to convey a convincing story that could take a long time to tell, followed by the judge's decision.

Additional Needs Noted by Project Staff

When asked about unmet needs, court staff responses were aligned with those of legal aid services agency staff. Specifically, court staff felt that families' needs for legal services were broader than just child custody and visitation, and that families would benefit from having assistance from attorneys on other aspects of their family law cases. One respondent lamented, "Shriver attorneys are only permitted to represent the custody and visitation portion of the cases. However, the opposing party has an attorney for the remainder of the case." This respondent felt that positive outcomes realized by having representation for the custody/visitation portion of the case could be extended to other pressing family law matters.

Shriver Custody Pilot Projects

Cost Study

Shriver client "Ophelia."

Ophelia is a 33-year-old Nigerian woman who was granted asylum in 2013 due to the extreme domestic violence she faced from her husband in Nigeria. The parties had been married in 2005, and the husband physically and emotionally abused Ophelia for 8 years, leading to hospitalizations, miscarriages, and post-traumatic stress disorder. In 2016, her husband was able to find out where Ophelia and her two children were living, and filed to have the "abducted" children returned to Nigeria immediately. The Shriver project helped Ophelia to secure sole legal and physical custody of her children while successfully defeating the father's motion to have the case moved to the Nigerian court system. The initial hearing regarding the father's motion to quash Ophelia's Summons/Petition (for the California case) involved extensive briefing regarding issues of international jurisdiction and competing venues. After successful argument regarding the California court's rightful jurisdiction over custody (and the marriage itself), Ophelia obtained the custody orders she sought, and the father's access to the children was restricted. Currently, the father has no visitation. The attorneys for the Shriver project successfully argued that therapy for the children should begin and proceed for a time until the therapist decides the children are ready to re-establish contact with their father. If and when that time comes, the first contact would be in a supervised setting, most likely handled by a specialist in reunification therapy specified by the Shriver project staff who would be willing to work with the family on a sliding scale. The Shriver project attorney was also able to find pro bono counsel to handle Ophelia's dissolution proceedings and any other non-custodial issues not covered by the Project.

Cost Study

Cost analysis is used to determine the **investment** that has been made in a particular program or service and whether the program has had an economic **impact** on the communities, systems, and agencies involved directly or indirectly with the services provided and the populations served. In other words, what did the program cost and did the program result in cost savings due to the services provided? The purpose of this cost analysis is to establish the costs and savings related to providing legal aid services and court-based services to low-income parents in contentious child custody cases. Unlike some other studies, funds used to provide legal services were counted as costs (rather than as benefits to the state or staff who were employed), while savings constituted any reduction in taxpayer costs attributable to the outcomes associated with attorney representation or court-based services. Information was gathered to ascertain whether Shriver service led to any difference in short-term outcomes associated with court efficiency or longer term outcomes related to broader system costs.

The cost study estimates the **annual costs** and savings related to Shriver service provision. The reader may extrapolate longer term costs and savings as appropriate. Cost analyses focused on the fiscal year spanning 10/1/2013 to 9/30/2014 (FY 2014). This year was chosen because Shriver services at all three projects were fully operational during this time.

Methodology and Analytic Approach

The cost study seeks to address the following three questions:

Cost Topic #1: What were the estimated costs of the Shriver custody pilot projects?

This question was addressed by reviewing the invoices submitted to the Judicial Council (JC) as part of project implementation by the legal aid services agencies (legal aid services program costs) and the Superior Courts (court-based services program costs). This information was used to calculate an estimate of the cost per case served by each entity.

Analytic Approach: Program costs for Shriver services were estimated separately for each of the three pilot projects. Estimates were derived using the available information sources to reflect the cost for 1 year. Two estimates of per case costs were calculated and both are presented.

- *Total Program Costs*. Total program costs were calculated as the total amount invoiced to the JC for FY 2014[168] and are delineated for different levels of Shriver-funded staff.
- *Per Case Costs*. Estimates of the cost per case were derived two ways: (a) dividing the total invoiced amount for FY 2014 by the number of cases served in FY 2014, recorded in the program services database, and (b) multiplying the average[169] number of attorney hours per case, from the program services database, by the loaded attorney rates.[170]

[168] The total amount invoiced was compared to the total contracted amount in the project proposal. These amounts were the same in nearly every case; differences are noted in the text when found.
[169] Calculations were conducted using mean and median values.
[170] The loaded rate included non-attorney staff time and other agency costs. This rate was established in the contract between legal aid services agencies and the Judicial Council and is lower than a typical hourly rate.

- *Per Case Program Costs by Level of Service.* Estimates of the costs per case by level of service (representation vs. unbundled services) were derived two ways: (a) dividing the FY 2014 invoiced amount by the number of cases served in FY 2014, as reported in the program services database, adjusted to account for the level of effort (i.e., relative number of attorney hours) for each level of service (see Appendix C for detailed calculations); and (b) multiplying the average[171] number of attorney hours for each service level in the program services database by the loaded attorney rates.

[Note about estimated costs per case. Across projects, there was a range between the two calculations of per case cost. The second estimate, based on the program services database information, is based on the hours spent by the staff attorneys working on cases. The first estimate, based on invoiced amounts, also includes costs associated with supervising attorneys (who did not log hours in the program services database) and time spent by staff attorneys doing other background and supportive work.]

Cost Topic #2: Does the provision of Shriver services improve court efficiency? Do these efficiencies result in cost savings for the court?

Analyses examined the costs (e.g., amount of staff time spent on tasks, staff salaries) associated with various court activities (e.g., hearings, trials) involved in processing a custody pleading and compared the frequency of these activities between cases that received Shriver services and those that did not. This analysis was possible for one project (San Diego) that had comparative study groups of sufficient size and time estimates for court staff for case activities. The intent was to understand whether the provision of Shriver services resulted in increased efficiencies in case processing or other areas of court functioning (including requests to modify existing custody orders), and thereby potential cost savings to the court.

Sometimes cost benefits can be understood in terms of o*pportunity resources*. The concept of opportunity cost from the economic literature suggests that system resources are available to be used in other contexts if they are not spent on a particular transaction. The term *opportunity resource* describes the resources that become available for different uses. For instance, if legal services available to clients increase the number of custody pleadings that end in pre-trial settlement, thus reducing the number of trials, an opportunity resource is afforded to the court in the form of clerk and judge time available for other cases.

Analytic Approach: These cost analyses compared the two groups of cases from San Diego analyzed in the outcome study (see earlier Case Outcomes Study section): (a) cases in which one party received representation by a Shriver attorney and (b) comparison cases that did not receive Shriver services. Indicators of court efficiency, such as relative rates of settlements and hearings, were calculated for the groups and the associated costs were estimated.

Cost Topic #3: Are Shriver services related to potential cost savings beyond the court? What costs to the system may be avoided or reduced as a result of Shriver services?

Information was gathered to explore potential savings to the broader system or in the longer term. In most cases, these possible savings could not be verified empirically because the data were unavailable, primarily because the longer term outcomes had not yet occurred (e.g., the

[171] Calculations were conducted using mean and median values.

impact of parental separation and conflict on longer term health outcomes for children). Therefore, this question is addressed through a review of the literature.

INFORMATION AND DATA SOURCES

Information used to develop cost estimates was gathered from the Judicial Council, the legal aid services agencies, Superior Court staff, and online resources. Data sources included:

- The Judicial Council provided program invoices for the fiscal year spanning 10/1/2013 to 9/30/2014 (FY 2014) for both legal aid services agencies and for Superior Courts.
- Superior Court staff in San Diego County provided staff titles and related tasks for custody cases. Salaries, benefits, indirect support rates, and jurisdictional overhead rates used to calculate the cost per hour for each staff person were located via online budget resources.
- Superior Court staff in San Diego County provided time estimates for court activities related to custody case processing.

Additional data were used to calculate the frequencies of various indicators for the three projects and for the two comparative study groups. These included:

- For all three pilot projects, the program services database provided the number of cases that received legal aid services in FY 2014, total number of attorney hours, and average number of hours per case.
- For the San Diego pilot project, court case file review data provided characteristics and outcomes for cases that received Shriver representation and for comparison cases that did not receive Shriver service.

Cost Topic #1: What Were the Estimated Costs of the Shriver Custody Pilot Projects?

COSTS FOR SERVICES AT THE LOS ANGELES CUSTODY PILOT PROJECT IN FY 2014

Legal aid services program costs

Total Program Cost. Los Angeles Center for Law and Justice's (LACLJ's) contract with the Judicial Council (JC) allocated $818,665 for the Shriver pilot project in FY 2014. The total amount invoiced was $792,874 (see Table C48). Of this, $43,343 was spent on contract services to clients (e.g., language interpretation services), $9,554 on contract services to programs, and the remaining $739,977 was spent on direct legal aid services to clients. This amount includes costs for casework by staff attorneys and oversight by supervising attorneys, at both LACLJ and its agency partner, the Levitt & Quinn Family Law Center (L&Q). According to the program services database, during FY 2014, LACLJ and L&Q attorneys worked a total of 3,642 hours on Shriver custody cases.

Table C48. Legal Aid Services Program Cost Estimates in FY 2014 – Los Angeles

Invoice Components	Amount
Contract services to clients	$43,343
Contract services to programs	$9,554
Direct services to clients[a,b]	$739,977
Los Angeles Pilot Project invoice total (LACLJ)	**$792,874**
Los Angeles Pilot Project Allocation	**$818,665**

[a]Direct services costs included estimated costs for attorney time listed on project invoices. For Los Angeles, this included one part-time supervising attorney and three full-time staff attorneys.
[b]Direct services provided by partner agencies included staff attorney hours from Levitt & Quinn.

Overall Per Case Cost. As shown in Table C49 (bottom row), the average amount spent per case by legal aid services agencies at the Los Angeles pilot project was between $1,528 and $5,324. The total invoiced amount ($739,977) for legal aid services divided by the number of cases (139) yielded an average of $5,324 spent per case. When the cost per case was calculated by multiplying the mean number of attorney hours per case by the loaded attorney hourly rate, this yielded an estimated per case cost of $3,337. When this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $1,528.

Per Case Cost by Level of Service. Table C49 (first and second rows) shows the average cost per case taking into account the level of service provided. The average amount spent per representation case was between $3,438 and $9,143 and the average amount spent per unbundled services case was between $446 and $1,219. When the total amount invoiced for legal aid services ($739,977) was divided by the number of cases at each service level, it yielded an average cost of $9,143 per representation case and $1,219 per unbundled services case. For representation cases, when the cost per case was calculated by multiplying the mean number of attorney hours by the loaded attorney hourly rate, this yielded an estimated per case cost of $5,731; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $3,438. For unbundled services cases, when the cost per

case was calculated using the mean number of attorney hours, this yielded an estimated per case cost of $764; when this calculation was done with the median number of attorney hours, the cost per case was $446.

Note on the calculations for cost per case: Estimates derived from the invoiced amount (left side of the table) included hours worked by supervising attorneys and hours spent by staff attorneys doing background and supportive work, in addition to their direct case work. Estimates derived from the program services database (right side of the table) pertain only to time spent by staff attorneys working on cases.

Table C49. Average Estimated Cost to Provide Legal Aid Services per Case in FY 2014 – Los Angeles

Invoice			Program Services Data and Contracted Hourly Rate					
Level of Service	Number of Cases[a]	Average Cost per Case[b]	Average Hours per Case[c]		x	Atty Hourly Rate[d]	=	Average Cost per Case
Reprstn.	72	$9,143	Mean	45.0		$127.35		$5,731
			Median	27.0		$127.35		$3,438
Unbundled svcs.	67	$1,219	Mean	6.0		$127.35		$764
			Median	3.5		$127.35		$446
All cases	139	$5,324	Mean	26.2		$127.35		$3,337
			Median	12.0		$127.35		$1,528

[a] Number of cases opened in FY 2014, receiving each service, as recorded in the program services database.
[b] See Table CA39 in Custody Appendix C for full calculations.
[c] Mean and median number of attorney hours spent on cases opened in FY 2014, by service level, as recorded in program services database.
[d] Loaded hourly rate established in contract with Judicial Council.

Court-based services costs

The Los Angeles Superior Court (LASC) was allocated $99,985 to provide services for custody cases. The total invoiced amount was $6,213. The number of litigants served by the court-based services was unavailable, thus a cost per case could not be determined.

Table C50. Estimated Costs for Court-Based Services in FY 2014 – Los Angeles

Allocation[a]	LASC invoice total[b]	Total # served[c]	Services provided
$99,985	$6,213	*Unknown*	Parenting class

[a] Amount in contract for court-based services for FY 2014.
[b] Amount invoiced by the Superior Court for custody services provided in FY 2014.
[c] Court-based services in Los Angeles did not track the number of cases served.

COSTS FOR SERVICES AT THE SAN DIEGO CUSTODY PILOT PROJECT IN FY 2014

Legal aid services program costs

Total Program Cost. Legal Aid Society of San Diego (LASSD) operated two Shriver pilot projects, one for housing and one for child custody.[172] LASSD's contract with the Judicial Council (JC) involved a lump sum allocation for both projects, totaling $2,213,521 for FY 2014, and the total amount invoiced for this time period was $2,040,530 (see Table C51). Of this, $1,624,217 was invoiced for the housing pilot project and $416,313 was invoiced for the custody pilot project (see Table C51).

Of the $416,313 invoiced for the custody project, $1,862 was spent on contract services to programs and $414,451 on direct legal aid services to clients provided by San Diego Volunteer Lawyer Program (SDVLP). This amount includes costs for casework by staff attorneys and oversight by supervising attorneys and the agency chief executive officer. The program services database shows that in FY 2014, SDVLP attorneys worked a total of 1,662 hours on Shriver custody cases.

Table C51. Legal Aid Services Program Cost Estimates in FY 2014 – San Diego

Invoice Components	Amount
Contract services to programs	$1,862
Direct services to clients[a]	$414,451
Custody invoice total (SDVLP)	**$416,313**
Housing invoice total (LASSD)	$1,624,217
San Diego Pilot Project invoice total (Housing and Custody)	$2,040,530
San Diego Pilot Project Allocation	**$2,213,521**

[a]Direct services costs included estimated costs for attorney time listed on project invoices. For San Diego, this included one full-time CEO, one full-time supervising attorney, and three full-time staff attorneys.

Overall Per Case Cost. As shown in Table C52 (bottom row), the average amount spent per case by the legal aid services agency in San Diego was between $341 and $2,800. The total invoiced amount for SDVLP legal aid services ($414,451) divided by the number of cases served (148) yielded an overall average of $2,800 spent per case. When the cost per case was calculated by multiplying the mean number of attorney hours per case by the loaded attorney hourly rate, this yielded an estimated per case cost of $1,276. When this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $341.

Per Case Cost by Level of Service. Table C52 (first and second rows) shows the average cost per case taking into account the level of service provided. The average amount spent per representation case was between $2,274 and $7,418 and the average amount spent per unbundled services case was between $341 and $718. When the total amount invoiced by SDVLP for direct client services ($414,451) was divided by the number of cases at each service level, it

[172] Although LASSD was the entity contracted for the housing and custody pilot projects, San Diego Volunteer Lawyer Program (SDVLP) provided the legal services for the custody project.

yielded an average cost of $7,418 per representation case and $718 per unbundled services case. For representation cases, when the cost per case was calculated by multiplying the mean number of attorney hours by the loaded attorney hourly rate, this yielded an estimated per case cost of $3,525; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $2,274. For unbundled services cases, when the cost per case was calculated using the mean or median (values were equal) number of attorney hours, this yielded an estimated per case cost of $341.

Note on the calculations for cost per case: Estimates derived from the invoiced amount (left side of the table) included hours worked by supervising attorneys and hours spent by staff attorneys doing background and supportive work, in addition to their direct case work. Estimates derived from the program services database (right side of the table) pertain only to time spent by staff attorneys working on cases.

Table C52. Average Estimated Cost to Provide Legal Aid Services per Case in FY 2014 – San Diego

Invoice			Program Services Data and Contracted Hourly Rate					
Level of Service	Number of Cases[a]	Average Cost per Case[b]	Average Hours per Case[c]		x	Atty Hourly Rate[d]	=	Average Cost per Case
Reprstn.	46	$7,418	Mean	31.0		$113.72		$3,525
			Median	20.0		$113.72		$2,274
Unbundled svcs.	102	$718	Mean	3.0		$113.72		$341
			Median	3.0		$113.72		$341
All cases	148	$2,800	Mean	11.2		$113.72		$1,276
			Median	3.0		$113.72		$341

[a] Number of cases opened in FY 2014 receiving each service, as recorded in the program services database.
[b] See Table CA40 in Custody Appendix C for full calculations.
[c] Mean and median number of attorney hours spent on cases opened in FY 2014, by service level, as recorded in program services database.
[d] Loaded hourly rate established in contract with Judicial Council.

Court-based services costs

The San Diego Superior Court (SDSC) was allocated $302,952 to provide services for both housing and custody cases at the court (See Table C53). The total invoiced amount for custody services was $14,057 for clerk staff time. The number of litigants served by the clerk was unavailable, thus a cost per case could not be determined. (Note: Shriver settlement conferences, conducted by a judge at the court, were considered a Shriver service, but were not directly invoiced.)

Table C53. Estimated Costs for Court-Based Services in FY 2014 – San Diego

Allocation[a]	SDSC Invoice[b] Total	Total # Served[c]	Services Provided
$302,952	$14,057	*Unknown*	Clerk staff time

[a] Amount in contract for court-based services for both housing and custody projects, FY 2014.
[b] Amount invoiced by the Superior Court for custody services provided in FY 2014.
[c] Court-based services in San Diego did not track the number of cases served.

COSTS FOR SERVICES AT THE SAN FRANCISCO CUSTODY PILOT PROJECT IN FY 2014

Legal aid services program costs

Total Program Cost. The Justice & Diversity Center of the Bar Association of San Francisco's (JDC's) contract with the Judicial Council (JC) allocated $386,982 for custody case services in FY 2014. The total amount invoiced for this time period was $368,382. Of this, $73,871 was spent on contract services to programs, $141,365 was spent on a JDC attorney staffed at the court-based self-help center, and $153,146 was spent on direct legal aid services to clients (see Table C54). This amount includes costs for casework by staff attorneys and oversight by a supervising attorney. According to the program services database, during FY 2014, JDC attorneys worked a total of 1,343 hours on Shriver custody cases (not including the self-help attorney's time).

Table C54. Legal Aid Services Program Cost Estimates in FY 2014 – San Francisco

Invoice Components	Amount
Contract services to programs	$73,871
Court-based self-help attorney[a]	$141,365
Direct services to clients[b]	$153,146
San Francisco Pilot Project invoice total (JDC)	**$368,382**
San Francisco Pilot Project Allocation	**$386,982**

[a] The invoiced amount for the court-based self-help attorney is not included in the average estimated cost to provide legal services (Table C81).
[b]Direct services costs included estimated costs for attorney time listed on project invoices. For San Francisco, this included one full-time staff attorney and five to 10 hours/week of a second staff attorney and a supervising attorney.

Overall Per Case Cost. As shown in Table C55 (bottom row), the average amount spent per case by the legal aid services agency was between $2,046 and $3,258. The total amount invoiced by JDC ($153,146) divided by the number of cases served (47) yielded an overall average of $3,258 spent per case. When the cost per case was calculated by multiplying the mean number of attorney hours per case by the loaded attorney hourly rate, this yielded an estimated per case cost of $2,537. When this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $2,046.

Per Case Cost by Level of Service. Table C55 (first and second rows) shows the average cost per case taking into account the level of service provided. The average amount spent per representation case was between $2,046 and $3,371 and the average amount spent per unbundled services case was between $573 and $737. When the total invoiced amount ($153,146) for legal aid services was divided by the number of cases at each service level, it yielded an average cost of $3,371 per representation case and $737 per unbundled services case. For representation cases, when the cost per case was calculated by multiplying the mean number of attorney hours by the loaded attorney hourly rate, this yielded an estimated per case cost of $2,619; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $2,046. For unbundled services cases, when

the cost per case was calculated using the mean or median (values were equal) number of attorney hours, this yielded an estimated per case cost of $573.

Note on the calculations for cost per case: Estimates derived from the invoiced amount (left side of the table) included hours worked by supervising attorneys and hours spent by staff attorneys doing background and supportive work, in addition to their direct case work. Estimates derived from the program services database (right side of the table) pertain only to time spent by staff attorney working on cases.

Table C55. Average Estimated Cost to Provide Legal Aid Services per Case in FY 2014 – San Francisco

Invoice			Program Services Data and Contracted Hourly Rate					
Level of Service	Number of Cases[a]	Average Cost per Case[b]	Average Hours per Case[c]		x	Atty Hourly Rate[d]	=	Average Cost per Case
Reprstn.	45	$3,371	Mean	32.0		$81.84		$2,619
			Median	25.0		$81.84		$2,046
Unbundled svcs.	2	$737	Mean	7.0		$81.84		$573
			Median	7.0		$81.84		$573
All cases	47	$3,258	Mean	31.0		$81.84		$2,537
			Median	25.0		$81.84		$2,046

[a] Number of cases opened in FY 2014, receiving each service, as recorded in the program services database.
[b] See Table CA41 in Custody Appendix C for full calculations.
[c] Mean and median number of attorney hours spent on cases opened in FY 2014, by service level, as recorded in program services database.
[d] Loaded hourly rate established in contract with Judicial Council.

Court-based services costs

The San Francisco Superior Court was not contracted to provide services for custody cases. However, the legal aid services agency (JDC) used Shriver funds to staff an attorney in the self-help center at the courthouse to provide assistance to litigants in custody matters and to refer eligible parties for Shriver legal aid services from JDC (see Table C56).

Table C56. Estimated Costs for Court-Based Services in FY 2014 – San Francisco

	Allocation[a]	Invoice Total[b]	Total # Served[c]	Services Provided
Superior Court	$0 [b]	$0	N/A	N/A
JDC	$386,982 [a]	$141,365	455	Self-help attorney

[a] The amount in contract for court-based services for FY 2014. The Superior Court was not allocated money for services, but the Justice & Diversity Center used a portion of its funding to provide a court-based self-help attorney.
[b] Amount invoiced for custody services provided in FY 2014.
[c] Number of parties assisted by self-help attorney, as reported by JDC staff.

Cost Topic #2: Does the Provision of Shriver Services Improve Court Efficiency?

Court efficiency is conceptualized as either reduced court activities (e.g., fewer trials) or reduced time spent by staff on an activity (e.g., quicker processing of cases). These efficiencies result in savings that can be financial (i.e., money saved) or opportunity resources (i.e., staff time conserved and then available for other tasks). Court efficiency cost analyses were possible for one site: the San Diego pilot project. This single site met the following criteria: (a) a case selection process was implemented that yielded sufficient sample sizes of Shriver and non-Shriver comparison cases; (b) a round of court case file reviews was done, which provided data for comparison; and (c) court staff participated in interviews during which they provided information about the time and resources needed for each court activity.

Average Cost to Process a Typical Custody Pleading (RFO)

San Diego Superior Court staff (judges and clerks) described the steps involved in processing a pleading that would be typical among cases eligible for Shriver services (e.g., sole custody at issue, imbalanced representation, contentiousness). These included, for example, meeting with the Family Law Facilitator's Office (FLF), sessions with Family Court Services (FCS), clerks processing the paperwork, fee waiver processing, and different types of hearings. For each activity, court staff estimated the amount of time spent preparing and conducting the activity by the relevant staff members (including the FCS counselor, family law facilitator, clerks/judicial assistants, court reporter, bailiff/deputy, and judge). Salaries, benefits, indirect support rates, and jurisdictional overhead rates for each position were located online[173] (for FY 2014) and used to calculate hourly rates, which were multiplied by the time spent for each activity. (Tables CA42 through CA51 in Custody Appendix C display the calculations used to estimate the cost for each activity.) These include:

1. Family law facilitator session: $61
2. Family court services: $326
3. Paperwork and calendaring: $21
4. Fee waiver processing: $7
5. Shriver settlement conference: $401
6. Regular hearing: $259
7. Review hearing: $239
8. Long cause hearing: $508
9. Ex parte hearing: $106
10. Trial: $1,002

[173] Retrieved from http://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=15199249

Table C57 displays the calculations used to estimate the costs to process a typical child custody pleading with and without Shriver services. Case file review data were used to estimate the frequency of each activity for each group. For example, on average, Shriver cases had 1.2 regular hearings and comparison cases had 2.1 regular hearings. Some activities—such as FCS mediation sessions, paperwork, and calendaring time—applied equally to all cases. Together, these figures were used to estimate the average costs of a typical custody pleading.

Analysis of the case file review data identified five activities for which the frequency rate differed between cases that received Shriver services (all received Shriver representation and 85% participated in a Shriver settlement conference) and comparison cases (cases with a mix of representation status, including no attorneys, attorneys on both sides, and attorneys on one side). These rates were used to calculate an "average" cost across cases:

- *Shriver settlement conferences* were provided only for Shriver cases, and 85% of these cases participated. This resulted in an investment cost of $341 per case on average.
- *Regular hearings*. Pleadings that received Shriver services had an average of 1.2 regular hearings, whereas cases without Shriver services had an average of 2.1 hearings. The average cost of a regular hearing was estimated at $259. The reduction in the number of hearings among Shriver cases resulted in a cost savings of approximately $233 per case.
- *Review hearings*. Pleadings with Shriver services had an average of 0.5 review hearings, while cases without Shriver services had an average of 0.2 review hearings. The average cost of a review hearing was estimated to be $239. The increase in review hearings among Shriver cases resulted in an investment cost of approximately $72 per case.
- *Long cause hearings.* Pleadings with Shriver services had an average of 0.2 long cause hearings, and cases without Shriver services had an average of 0.01. The estimated cost for a long cause hearing was $508. The increase in long cause hearings among Shriver cases resulted in an investment cost of approximately $97 per case.
- *Trials.* On average, pleadings with Shriver services had 0.06 trials, compared with 0.02 trials among cases without Shriver services. The estimated cost of a trial was $1,002. The increase in trials among Shriver cases resulted in an investment cost of approximately $40 per case.

Overall, the average cost to process a typical (Shriver-eligible) custody pleading without Shriver services was estimated to be $1,053. The overall average cost of a pleading that received Shriver services was estimated to be $1,369. This difference suggests an average investment cost of $316 per case.

Table C57. An Estimate of the Cost to Process a Custody Pleading

Court Activity	Activity[a] Rate and Related Cost: Without Shriver Services		With Shriver Services		Savings and Improvements
Family law facilitator	Assists with preparing the petition, RFOs, and responsive declarations	1.0 x $61 = **$61**	Assists with preparing the petition, RFOs, and responsive declarations	1.0 x $61 = **$61**	No intended or realized change.
Family Court Services	Child Custody Recommending Counseling session, information gathering, and reporting. One FCS appointment per 12-month period.	1.0 x $455 = $**326**	Child Custody Recommending Counseling session, information gathering, and reporting. One FCS appointment per 12 month period.	1.0 x $326 = $**326**	No intended or realized change.
Paperwork and calendaring	Processing of paperwork (scanning, copying, forwarding) and setting hearing dates	1.0 x $21 = $**21**	Processing of paperwork (scanning, copying, forwarding) and setting hearing dates	1.0 x $21 = $**21**	No intended or realized change.
Fee waiver request	Paperwork, judge review, and hearing	1.0 x $7 = **$7**	Paperwork, judge review, and hearing	1.0 x $7 = **$7**	No intended or realized change.
Shriver settlement conference	None	**$0**	Judge, Shriver atty, clerks, and families work to resolve the custody matters	0.85 x $401 = **$341**	Shriver settlement conferences conducted by a judge, costs (-)$341 per case.
Regular hearing(s)	Standard hearing attended by litigants, judge, courtroom reporter, and deputy. Average of 2.1 per case.	2.1 x $259 = **$544**	Standard hearing attended by litigants, judge, courtroom reporter, and deputy. Average of 1.2 per case.	1.2 x $259 = **$311**	Fewer hearings for Shriver pleadings, due to Shriver representation, yields savings of $233 per pleading.

Court Activity	Activity[a] Rate and Related Cost: Without Shriver Services		With Shriver Services		Savings and Improvements
Review hearing(s)	Follow-up hearing attended by litigants, judge, courtroom reporter, and deputy. Average of 0.2 per case.	0.2 x $239 = **$48**	Follow-up hearing attended by litigants, judge, courtroom reporter, and deputy. Average of 0.5 per case.	0.5 x $239 = **$120**	More review hearings for Shriver pleadings, costs (-)$72 per case.
Long cause hearing(s)	Extended dedicated time hearing attended by litigants, judge, courtroom reporter, and deputy. Average of 0.01 per case.	0.01 x $508 = **$5**	Extended dedicated time hearing attended by litigants, judge, courtroom reporter, and deputy. Average of 0.2 per case.	0.2 x $508 = **$102**	More long cause hearings for Shriver pleadings, costs (-)$97 per case
Ex parte hearing(s)	Emergency hearing. Average of 0.2 per case.	0.2 x $106 = **$21**	Emergency hearing. Average of 0.2 per case.	0.2 x $106 = **$21**	No intended or realized change.
Trial	Average of .02 per case	.02 x $1,002 = **$20**	Average of .06 per case	.06 x $1,002 = **$60**	Slightly more trials for Shriver pleadings, costs (-)$40 per case
Average total cost[c]		**$1,053**		**$1,369**	**-$316**

Note. Data source: Court case file review data, staff time (judge, clerk) estimates, and online budget information.
[a] Tables in Custody Appendix C show time spent and salaries used to develop the cost for each activity. Estimates for time spent were provided by Superior Court staff. Estimates are based on the mid-point of ranges provided by staff for the number of minutes for each activity. Figures may not add exactly, due to rounding to the nearest dollar.

Estimated biennial savings based on court efficiencies

The legislation did not necessarily intend to increase the efficiency of a single pleading, and the addition of services such as judge-facilitated Shriver settlement conferences could be reasonably expected to increase the court costs in the short term. However, the legislation did intend to increase the durability of custody orders, which may increase family stability and decrease court involvement over time. From this perspective, court efficiency as a result of Shriver services is conceptualized as reduced court activities over time—specifically, fewer subsequent RFOs filed to modify existing custody orders.

Recall findings presented earlier in the Case Outcomes section based on case file review data regarding the number of subsequent custody-related RFOs filed within 2 years of the study relevant pleading resolution (Table C33): 11% of cases with Shriver representation filed a subsequent custody-related RFO within 2 years, versus 32% of comparison cases. Given that the average cost to process a typical (non-Shriver) RFO was estimated at $1,053 (Table C57), the reduction in the number of subsequent filings among Shriver cases would result in a savings of approximately $221 per custody case for a 2-year period (see Table C58).

The savings of $221 per case is based on whether a parent filed one subsequent custody-related RFO within 2 years. However, it is possible that parents could file more than one RFO for modification during this time period. To more accurately estimate the potential savings to the court, the per case figure was multiplied by the *total number of* subsequent custody-related RFOS within 2 years for each group, as found in the court case files for the Case Outcomes study. As shown in Table C58, within 2 years, Shriver representation cases filed a total of eight subsequent RFOs and comparison cases filed a total of 32 RFOs. The reduction in subsequent RFOs would amount to a savings over 2 years of approximately $25,272 for every 53 cases that received Shriver services.

Table C58. Estimated Biennial Savings to Court from the Provision of Shriver Services (based on FY 2014 data)

	Rates and Related Costs				
Subsequent RFOs within 2 Years	**Without Shriver Service (N=56)**		**With Shriver Services (N=53)**		**Savings and Improvements**
Rate (%) of cases that filed a custody-related RFO within 2 years	Rate of 0.32	0.32 x $1,053 = **$337**	Rate of 0.11	0.11 x $1,053 = **$116**	Savings ($221 per case) in reduced subsequent RFOs in 2 years
Number of subsequent custody-related RFOs filed within 2 years	32 RFOs	32 RFOS x $1,053 = **$33,696**	8 RFOs	8 RFOS x $1,053 = **$8,424**	Savings overall for these 53 cases by reduced total subsequent RFOs in 2 years: **$25,272**

In summary, when Shriver services (representation and settlement conferences) are provided to parents, the resulting custody orders appear to be more durable over a 2-year period. This results in a savings of approximately $25,000 over the course of 2 years for every 50 cases served. On average, this suggests that roughly $500 is saved per case, which outweighs the investment cost of $316.

Cost Topic #3: Are Shriver Services Related to Potential Cost Savings Beyond the Court?

Additional and Often Unseen Costs of Custody Disputes

The direct impacts of custody decisions are often individually specific to families, and therefore do not lend themselves to cost research in the way that, for example, unlawful detainer cases do. However, as with unlawful detainer cases in which the tenants must relocate, child custody cases can also negatively impact children by prompting involuntary residential mobility and social network disruption (Hanson, 1999). Notably, these effects are in addition to the stress children experience as a result of the separation of their parents and any contentiousness within their parents' relationship.

By their very nature, custody cases are often characterized by conflict between the litigating parties. One study found that half of divorcing couples showed evidence of a high-conflict relationship prior to the divorce, which was twice the number of high-conflict relationships among non-divorcing couples (Hanson, 1999). High interparental conflict can lead to protracted custody disputes, which have costs for both the court system and the families involved. Moreover, researchers have contended that the adversarial nature of court hearings actually discourages cooperation between parents (Zeitler & Moore, 2008). High interparental conflict has been shown to have deleterious effects on children (Ayoub et al., 1999; Hanson, 1999; Strohschein, 2005).

The Impact of Interparental Conflict on Children

Ample research has demonstrated the potential negative impacts of divorce and marital discord on children and how these effects can persist into adulthood (Amato & Sobolewski, 2001). Exposure to interparental conflict, in addition to divorce, can be particularly harmful. In fact, acrimony between parents has been recognized as the primary cause for a child's emotional maladjustment following their parents' separation, having a stronger impact than the divorce itself (Booth & Amato, 2001; Chase-Lansdale, Cherlin, & Kiernan, 1995; Leon, 2003; Schepard, Atwood, & Schlissel, 1992). Likewise, researchers studied the guardian ad litem reports for 105 children involved in custody cases and found that increased emotional distress among children was linked to the level of conflict between their parents (Ayoub et al., 1999).

Children exposed to post-divorce interparental conflict are more likely to display psychological maladjustment (e.g., depression and anxiety), behavioral problems (e.g., aggression and conduct disorders), and poor academic performance (Amato & Sobolewski, 2004). A study by Johnston, Gonzàlez, and Campbell (1987) found that boys whose parents were involved in highly contentious divorce cases were up to 4 times more likely than national normative samples to show emotional and behavioral disturbances. Moreover, research has also demonstrated a correlation between the amount of interparental conflict and the degree of child maladjustment—specifically, Johnston et al. (1987) reported that an escalation of parental contentiousness was related to an increase in the number of maladaptive problems in children.

Longer term Impacts of Childhood Adjustment Difficulties

Adjustment difficulties during childhood, especially those pertaining to aggression and behavioral disruption, have been related to challenges during young adulthood, including crime, substance

use, mental health issues, relationship aggression, and low educational attainment (Fergusson, Horwood, & Ridder, 2005; Fontaine et al., 2008).

Further, parental separation and divorce is considered one of several "adverse childhood experiences" (ACEs), which are currently understood by the Centers for Disease Control and other experts as critical markers of child development risk that can have deleterious consequences throughout the lifespan (Burke, Hellman, Scott, Weems, & Carrion, 2011; Felitti et al., 1998). (Several other ACEs—such as domestic violence, parental substance use, and child maltreatment—were also notably prevalent among Shriver cases.) Numerous studies have documented the association between a child's exposure to ACEs and a variety of adulthood problems in physical health (e.g., cancer, diabetes, obesity), behavioral health (e.g., alcoholism, drug use) and mental health (e.g., depression, suicide attempts), and life potential (e.g., academic achievement, lost time from work). Notably, the more ACEs a child experiences, the greater the likelihood that she will experience these adulthood troubles. The range of adulthood issues that can follow from childhood exposure to interparental conflict, divorce, and the resultant maladaptive symptoms—such as health problems, crime, or substance use—exact a cost on society and taxpayer-funded systems, as well as on individuals and families.

Given this evidence, it is unsurprising to find a wealth of research showing that custody conflicts and continual litigation can have harmful effects on children (Grych & Fincham, 1992; Johnston, 1994; Kelly, 2003; Zeitler & Moore, 2008). Zeitler and Moore (2008) explain that the typical challenges faced by children of divorced parents are aggravated when parents continually use the court system to settle custody disputes. These authors suggest that "reducing conflict and facilitating cooperation between parents during and after divorce proceedings can help to improve results for children and for society at large" (p. 2).

Divorce-Related Poverty and Reliance on Publicly Funded Systems

A typically unrecognized cost to society is discussed by Zastrow (2009), who calls the potential resulting financial status of a single parent, namely the mother, "divorce-related poverty." Zastrow describes that when a family is at average, or lower than average, income prior to the divorce, they are at risk for "divorce-related poverty" after the separation occurs. This degradation in household income has costs for society, as these newly poor families may become reliant on publicly funded assistance programs and subsidized housing. There are also system costs associated with custodial parents obtaining child support payments from the other parent (i.e., governmental child support petitions). According to Zastrow (2009), the development of fathers being awarded custody more often has had an unintended consequence on custodial mothers, and consequently on children:

> *Fathers often threaten a protracted custody battle. As a result, mothers who want custody of their children without a fight are routinely forced to "barter" custody in exchange for reduced child support payments. Because such payments are so low, these women and their children then qualify for financial assistance with TANF (p.185).*

Likewise, Bartfeld (2000) also noted that women and children experience a more significant resource depletion following a divorce than men do.

Summary

The costs and associated negative impacts of protracted and contentious child custody cases are many, and can have profound, deleterious consequences for children. Some of these consequences have the potential to create longer term challenges in many areas of life in ways that can be difficult to quantify financially. Such cases can increase burden on the courts, as parents rely on court orders when they are unable to negotiate independently. Across the three pilot projects, the average cost to provide full representation to a parent in a contentious custody case ranged from $2,046 to $9,143. In most cases, the average cost for this level of service fell in a slightly narrower range, between $2,500 and $5,500. The actual cost to provide full representation for any case will certainly vary according to the case characteristics and circumstances. Across the three pilot projects, the average cost to provide unbundled services to a parent in a custody case ranged from $341 to $1,219. In most cases, the average cost for this level of service fell between $400 and $750. The actual cost to provide unbundled services will depend on the type of service being provided. Each of the pilot projects provided a unique combination of limited scope services and the relative intensity of any of these services should be weighed when considering the costs. At the San Diego project, the combination of full representation by Shriver counsel and participation in a Shriver Settlement Conference led to more durable custody orders within 2 years. Using data from this project, it was estimated that the reduction of subsequent filings to modify custody orders would create savings for the court over time. Specifically, for every 50 cases served, the court would save approximately $25,000 over 2 years. This figure will vary by jurisdiction.

Shriver Custody Pilot Projects

Summary of Findings

Summary of Findings for the Shriver Custody Pilot Projects

Child custody cases are, by nature, complex, emotionally charged, and have critical implications for families and children. The unique attributes of each family, parent personalities, relationship dynamics and histories, and circumstances of children can add layers of intricacy and tension to the proceedings. When cases are contentious, as most cases served by the Shriver custody pilot projects were, the adversarial nature of the judicial process can be compounded. There are innumerable factors that can influence court decisions about custody and visitation and what is in the best interests of the child. Thus, aggregating information to represent typical custody case trajectories or standardizing "good" outcomes is a daunting task.

Data for the evaluation of the Shriver custody pilot projects was collected over the course of 5 years, from multiple sources, using various methodologies. Program service data were recorded by Shriver legal aid services staff as they worked with clients, custody litigants were interviewed about their needs and experiences with their cases, court case files were reviewed for cases that received Shriver services and those that that did not, and staff from each pilot project were interviewed about their perceptions of the program's impact. Together, these data help shed light on the impact of providing legal assistance to low-income parents in custody disputes.

Who was served by the Shriver Custody Pilot Projects?

From October 2011 through October 2015, the three custody pilot projects served 1,100 litigants involved in child custody matters. Shriver services were provided to both mothers and fathers—though most clients were female—and to both custodial and non-custodial parents. The average monthly income of Shriver clients was well below the 2014 Federal Poverty Level, and many demonstrated substantial needs in critical livelihood areas, such as income, employment, and food security. Over half of Shriver cases had intertwined issues of domestic violence, which added complexity to the custody disputes. Further, many Shriver clients encountered the added difficulties of being system-involved, never-married parents (Boggess, 2017), such as the stress of determining parentage through the court and involvement with the child support system.

The statute required Shriver projects to serve cases that stood to have particularly acute consequences for families. Specifically, Shriver services were targeted toward self-represented parents who were facing a represented opposing party in cases with sole custody of the child(ren) at issue. Legal aid services attorneys acknowledged that their primary goal was to level the playing field, ensuring both parents had adequate access to justice.

What Services Were Provided by the Shriver Custody Pilot Projects?

The three projects offered two levels of legal service: representation by a Shriver attorney (limited scope in that it covered all aspects of the child custody case, but no other family law issues) and unbundled services (help with discrete legal tasks). Across the three projects, 54% of clients received representation by an attorney and 46% received unbundled services. Over time, the pilot projects in Los Angeles and San Francisco incorporated social workers into their projects to address the serious and persistent social service needs they recognized in their clients. Families were frequently in crisis with regard to some critical areas of livelihood (e.g.,

food security, income, housing, healthcare), which served to inflame custody disputes and undermined the creation of stable environments for children. While these needs were beyond the scope of an attorney, having social work staff connect clients to needed social services worked to ease emotional duress and to support sustainability of custody arrangements. In addition to the legal aid services, the San Diego custody pilot project also offered Shriver settlement conferences conducted by a judge.

WHAT WERE THE IMPACTS OF THE SHRIVER CUSTODY PILOT PROJECTS?

The story of the Shriver custody pilot projects emerged most strongly from the qualitative interview data collected from litigants and project staff. These data demonstrate that the most notable impacts of Shriver services were more nuanced than standardized quantitative measures could reliably capture. Given the wide heterogeneity of families and custody case circumstances, this is understandable.

Attorneys educated parents, developed reasonable expectations, eased tensions

Interviews with project staff (from legal aid and the court) indicated that the provision of attorneys to assist otherwise self-represented litigants in high-conflict custody cases served a few critical functions. Attorneys helped to educate parents about the legal process and to shape reasonable expectations for their case outcomes. This intervention consequently facilitated more efficient court proceedings. Judicial officers were not having to spend time managing litigants who were unknowledgeable of the process, and the court benefited from more comprehensive information about the family on which to base decisions. Parents with Shriver representation were more prepared for court proceedings, more informed about their rights and what is possible, and more willing to engage in settlement terms under the guidance of their attorneys. Shriver attorneys felt that they could ease tensions and reduce emotional turmoil that would otherwise cloud and complicate proceedings. This calming effect was thought to benefit the court, the parents, and the children.

Parents felt supported

Interviews with litigants echoed these sentiments. Parents expressed substantial gratitude for the assistance of their Shriver attorney. In particular, they felt informed about their cases, supported throughout the process, and not lost in the system. Notably, litigants' perceptions of fairness of the judicial system and procedural justice varied with their satisfaction with their case outcomes. In particular, if they were satisfied with their case outcomes, they felt the court process was fair; if they were not satisfied with their outcomes, they felt the court process was not fair. In contrast, litigants' perceptions of their Shriver attorney were overwhelmingly positive, regardless of their satisfaction with their case resolution. Even when parents were dissatisfied with their case outcomes, they expressed appreciation for their attorneys. Having an attorney's expertise and support accessible to them was important and impactful despite the actual custody orders.

Attorneys supported collaboration between parties

Shriver staff reported that parents were more willing to agree to settle when their attorneys helped them understand when terms were reasonable and to anticipate possible ramifications. By supporting successful negotiations and reducing emotional tensions between parties, Shriver attorneys were able to increase the likelihood of pre-trial settlements, which positively impacts the court and the families. This helps parents feel that they were heard and that they played an

active role in their cases (rather than having the court decide for them), which contributes to a greater sense of satisfaction with the outcome. It also reduces the burden on the court because fewer cases require hearings and trials to resolve the child custody issue. This is supported by the quantitative data culled from the court case files at the San Diego project, where 54% of Shriver cases resolved via settlement versus 30% of comparison cases.

In San Diego, the higher rate of settlements among Shriver representation cases also meant that fewer cases with a Shriver attorney were decided at hearings (40%), whereas the majority (63%) of comparison cases were resolved this way. This difference can reduce the burden on court staff and create cost savings over time.

Attorney representation and Shriver settlement conferences

The San Diego custody pilot project offered Shriver settlement conferences conducted by a judge, with attorneys present. These conferences differed from mediation, which is required for parties in child custody cases, in that mediation sessions are facilitated by a mediator and counsel is not required (and often does not) attend. At this project, the combination of representation by a Shriver attorney and participation in a Shriver settlement conference greatly increased the likelihood of settlement. In fact, 60% of settlement conferences reached full or partial agreement between parties during the conference. Among sampled custody cases at San Diego, 34% were ultimately resolved during Shriver settlement conferences, in contrast to 4% of cases resolved during typical mediation sessions.

The heightened success of Shriver settlement conferences is likely attributable to the presence of counsel. Parents may be afraid to enter into an agreement because they are uncertain about what will happen later. Having their attorney present during the meeting allows them to discuss the ramifications of different terms and to feel more confident about their options. Attorneys can help frame the issues, provide education, and ensure that the time with the settlement officer is used wisely (i.e., not spent on irrelevant issues). Also, the success of the Shriver settlement conference is also likely due in part to having a judge facilitate the discussion, which allows the pleading to be resolved, as opposed to having a mediator facilitate, after which the pleading may turn into more of an investigation, instead of resolving.

Increasing settlements and improving the durability of custody orders are important project achievements. While it is difficult to disentangle the independent contributions of legal representation and settlement conferences, preliminary data suggest that both are useful.

More durable custody orders

Findings from the San Diego custody pilot project indicate that the combination of representation by a Shriver attorney and participation in a Shriver settlement conference yields custody orders that are more sustainable over time. Within the 2 years after a study relevant pleading was resolved, only one in 10 Shriver cases had filed an RFO to modify the existing custody orders, versus one in three comparison cases.

It appears that, when appropriately supported, the improved collaboration achieved during the custody pleading can extend beyond its resolution. It is conceivable that having attorneys present during the settlement conference increased litigants' confidence entering into agreements, their ability to negotiate terms that were manageable for them, and their subsequent investment in the success of their agreements. The effects of more durable custody orders are many. For example, custody orders that remain in place for long periods of time can

increase stability for children of separated parents. Further, increased durability of custody orders can have a substantial impact on court efficiency and congestion by reducing the number of families returning to court. This can translate into cost savings, as the investment costs of Shriver services are more than recovered by the reduction in subsequent refilings.

Custody and visitation orders

Shriver pilot projects assisted custodial and non-custodial parents whose goals differed widely. For example, one client may be seeking to gain sole custody, whereas another wants to retain the current amount of parenting time in the face of an opposing party wanting sole custody. For these two cases, a "successful" outcome would look very different. Thus, the quantitative data regarding custody orders are not an easily interpretable indicator of project impact.

However, across the service data for all three projects, some themes did emerge. The courts favored joint legal custody and sole physical custody arrangements. Orders for joint legal custody were common, occurring in more than half of all cases. However, joint physical custody orders were rare, occurring in less than one quarter of all cases. This is consistent with other research that found joint physical custody uncommonly ordered among cases (Maccoby & Mnookin, 1992). Indeed, Buchanan and Jahromi (2008) argue that joint physical custody arrangements can be particularly problematic for high conflict couples, like those served by the Shriver projects. This is because joint custody necessitates more contact between parents, which creates more opportunity for conflict. In cases resolved with sole physical custody given to one parent, orders for scheduled, unsupervised visitation for the non-custodial parent were also common. Having parenting time happen according to a schedule can also relieve high-conflict couples from the burden of having to negotiate visitation in an ongoing manner. Custody case outcomes suggest that the court felt parties would benefit from some additional structure and fewer opportunities for conflict.

Data on court orders also suggested that parents were experiencing substantial needs and were seeming to rely on the court to enforce the other parent to participate in services, such as parenting classes or therapy. Overall, relative to cases without Shriver services, a greater proportion of cases with Shriver representation tended to include additional orders. This may be due to the added expertise brought to the case by the Shriver attorneys. In particular, attorneys know what can be ordered by the judge and what is reasonable to request, while self-represented litigants may not know these options exist. Further, having counsel on both sides of a case likely yields more comprehensive information about the case for the court, which could result in additional orders.

ADDITIONAL NEEDS NOTED BY PROJECTS

Shriver project staff expressed concern about the restrictive nature of the statute eligibility requirements. Specifically, mandating the combination of an income less than 200% of the Federal Poverty Level, opposing party representation, and sole custody requests made it difficult to find eligible participants. Often, if one parent is low income, then the other party is also low income and therefore not able to afford an attorney. In this situation, meeting the income requirement and the opposing party representation requirement is not possible. Additionally, staff felt that many contentious custody cases would benefit from service, but were ineligible because neither parent was explicitly asking for sole custody.

Evaluation of the Sargent Shriver Civil Counsel Act (AB590)

Chapter on the Probate Pilot Project for Guardianships and Conservatorships

SHRIVER PROBATE PROJECT
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Shriver Probate Pilot Project

Chapter Overview

Chapter Overview

The Sargent Shriver Civil Counsel Act (AB590) allocated program funding for one pilot project in probate court, focused on guardianship (caring for the physical well-being of a minor child) and conservatorship (caring for the physical well-being of adults who are unable to care for themselves) cases. For service eligibility, the statute required that the litigants be low income (i.e., at or below 200% of the Federal Poverty Level) and that the case pertain to the guardianship/conservatorship of the person (i.e., not of the estate). Because these cases are typically uncontested, opposing party representation was not an eligibility requirement. Filing for a guardianship or conservatorship is complicated and technical, and often emotional and confusing for litigants. The Shriver probate pilot project intended to provide meaningful and timely access to justice for self-represented individuals trying to care for family members. The Shriver Program funded one probate pilot project in Santa Barbara County.

This chapter presents data collected from the Shriver probate pilot project that was funded in fall 2011. Data were collected from multiple sources using a variety of research methodologies, including compilation of program services data, review of court case files, and interviews with project stakeholders. This chapter compiles and presents the findings across these evaluation activities implemented over the course of 5 years. The chapter is organized as follows:

Introduction to Probate (Guardianship and Conservatorship) Cases

This section provides an overview of the court processes for guardianship and conservatorship cases, including a description of the various events and proceedings related to the processing of petitions, which are essential to understanding the impact of Shriver services.

Implementation Overview and Project Service Summary

This section describes the implementation of the Shriver probate pilot project by summarizing the work done by legal aid and superior court staff to serve 242 litigants during the first 4 years of the grant period. A detailed Service Summary outlines the project context, implementation model and service structure, and goals for clients, as articulated by staff members during interviews and site visits. The summary also presents data on the numbers and characteristics of people served, services provided, and case characteristics and outcomes. Information was recorded by legal aid attorneys in an ongoing manner into the program services database, a standardized data collection platform, as they provided services.

Case Outcomes Study

A study of case outcomes was conducted by comparing the case events and outcomes for three groups of probate cases: (a) 48 cases that received full representation from a Shriver attorney, (b) 43 cases that received assistance from the court-based Shriver-funded probate facilitator, and (c) 47 cases that received no Shriver services. Random assignment of litigants to study groups was not possible due to the small number of eligible litigants. Instead, comparative samples were drawn using the program services database and the court's case management system. After cases were closed, the court files for the sampled Shriver full representation, probate facilitator, and non-Shriver comparison cases were reviewed for relevant data. Analyses then compared the events and outcomes for cases in these three groups.

Staff and Stakeholder Perceptions

Four years into the project implementation, project stakeholders were interviewed about their perceptions of the impact of the Shriver probate pilot project, including effects on litigants, the court, and the community. Perspectives were gathered from four staff members at the legal aid agency and four staff members at the superior court. A summary of responses is presented.

Cost Study

Costs to provide Shriver services for probate cases were estimated using data from invoices submitted to the Judicial Council, online cost information, and data recorded in the program services database. Potential cost savings to the court were calculated using estimates gathered from court staff and case file review data. Potential costs beyond the court, such as those to other systems and to the community, are also discussed.

Summary of Findings

Findings from the various study components and preceding sections are synthesized to offer a summary of the Shriver probate pilot project implementation and impacts.

Some key terms used throughout this chapter:

Throughout this report, the term ***self-represented*** is used to describe litigants who appear in court and go through their case proceedings without representation by an attorney.

The Shriver probate pilot project sought to provide full representation to all eligible litigants. However, some litigants received limited scope services ("unbundled" services) because they did not follow through on their cases or did not return for continued assistance. Full representation involved an attorney providing assistance and representation for all aspects of the case from start to finish. Unbundled services entailed legal help provided for discrete tasks, such as assistance with preparing and filing forms or brief counsel and advice. Throughout this chapter, the terms ***full representation*** and ***unbundled services*** are used to indicate these two levels of Shriver service provided by legal aid.

In addition, the Santa Barbara County Superior Court staffed a probate facilitator, who was an experienced probate attorney, to assist self-represented litigants with guardianship and conservatorship cases at the court. The probate facilitator offered help with paperwork, giving notice, and completion of related documents, but did not offer counsel or advice. Throughout this chapter, ***probate facilitator services*** refer to court-based services offered by the facilitator.

Shriver Probate Pilot Project

Introduction to Guardianship & Conservatorship Cases

Shriver client "Anita"

Anita had been the primary caretaker of her grandchildren for years because their parents had been absent. The children's mother remained homeless, but their father had recently come back into their lives and the children went to stay with him. He left them for days without food or any way to contact him. Child Welfare Services (CWS) was called, and the father's adult roommate subsequently threatened to kill one of the children for telling the school about the situation. That roommate was later seen loitering near the school. CWS referred Anita, the children's grandmother, to the Shriver probate facilitator for assistance obtaining legal guardianship of the children. After meeting with Anita, the probate facilitator prepared the papers necessary for a temporary guardianship whereby the children would be urgently put into her care. The children had Indian heritage and the probate facilitator ensured that the tribe received notice under the Indian Child Welfare Act. After reviewing the petition, the judge granted the temporary guardianship and Anita was referred back to the probate facilitator to prepare the orders and letters of guardianship so that the school, doctors and law enforcement could be assured that Anita was the legal caretaker of her grandchildren.

Introduction to Guardianship and Conservatorship Cases

Probate courts are the division of the judicial system that handles wills and estates of deceased individuals, but are also responsible for the appointment and supervision of guardians and conservators. The Shriver probate project focused on guardianships (caring for the physical well-being of a minor child) and conservatorships (caring for the physical well-being of adults who are unable to care for themselves). Historically, guardianships were fairly straightforward cases that were necessary when parents passed away or were temporarily unable to care for their children, and most cases were uncontested. For these reasons, guardianships were placed under the jurisdiction of probate courts; however, the complexity of both guardianships and conservatorships has grown over the years and often involve disputes between family members, including allegations of mental illness, substance abuse, and physical abuse or neglect. As a result, the process for filing and obtaining a guardianship or conservatorship is often emotional, confusing, and drawn out. The Shriver probate pilot project was implemented to provide meaningful and timely access to justice for unrepresented parties involved in these cases. The following is an overview of the process to obtain guardianships or conservatorships.

Guardianships

Guardianship cases involve those in which the court appoints an adult who is not the child's parent to have custody of the child and/or to manage the child's estate. This need can arise when the child's parents are deceased, are no longer able to care for the child (e.g., due to serious mental or physical disorder), or will be absent for an extended period of time (e.g., military service, incarceration, residential drug treatment program).[174] A guardian does not have to be related to the child in order to be appointed, though many guardians are family members.

A proposed guardian can self-nominate or be nominated by the child's parent, the child (under certain circumstances), or another interested party. The person making the nomination is referred to as the *petitioner*, and children in guardianship cases are referred to as *wards*. In most cases, the proposed guardian is the petitioner, and it is possible for multiple parties to submit competing petitions for guardianship of a single ward. If there is more than one minor from the same family, a single petition can be submitted for all children.

Guardianships can be of the *person*, by which the guardian has full legal and physical custody of the child and can make all the decisions about the physical care of the child that a parent would make (e.g., food, clothing, shelter, medical care, education). Guardianships can also be of the *estate* (or both person and estate), wherein the guardian manages the child's income, money, or other property until the child turns 18 (such as when a child inherits assets after a parent's

[174] Guardianship is distinct from adoption. In guardianships, parents maintain their parental rights over the child and may have visitation with the child, and guardians can be supervised by the court. The court can end a guardianship if a parent becomes able to care for the child again. In adoption, the birth parents' rights are permanently ended and the legal relationship between the adoptive parents and the child is the same as a birth family.

death).[175] The Shriver probate pilot project assisted litigants with only the person component of the guardianship petition.

Conservatorships

Like guardianships, conservatorship cases are those in which a judge appoints a responsible person (called the *conservator*) to care for another adult (called the *conservatee*) who cannot care for him/herself (or manage his/her own finances). There are three types of conservatorships available in California: *general*, *limited*, and *mental health* (LPS). The Shriver probate pilot project assisted litigants with both limited and general petitions for conservatorship, but did not provide assistance with mental health conservatorships, as only authorized psychiatrists can submit a referral for these types of conservatorships.[176]

General conservatorships are most often appointed for older adults (e.g., adults with dementia), but can also be for younger people who have been seriously impaired or suffered traumatic brain injury (e.g., in a car accident). *Limited* conservatorships most often apply to adults with developmental disabilities who can usually do many things that conservatees in general conservatorship cannot (e.g., be employed), but may require additional assistance with matters such as obtaining housing or consenting to medical treatment. For these reasons, the powers of the conservator are more limited than in general conservatorships, and the court must define the scope of the conservator's powers. Due to the complexity of limited conservatorship cases, the judge appoints the public defender or private counsel to represent the proposed conservatee. The court can also appoint legal counsel for proposed conservatees for general conservatorships if it determines that the appointment would be helpful to the resolution of the matter or is necessary to protect the interests of the proposed conservatee.[177] This is distinct from Shriver counsel, which represented the potential conservator.

A conservator does not have to be related to the conservatee, but very often is. If the proposed conservatee does not nominate anyone, the law provides a list of preferences that the court generally follows when determining whether a person is qualified to serve as a conservator, including (in order): spouse or domestic partner, adult child, parent, sibling, other qualified individual, and public guardian. If the person closest to the top of the list does not want to be conservator, he or she can nominate someone else. The person making the nomination is known as the *petitioner*, which is most often the proposed conservator, and the court can appoint a conservator of the person, estate, or both, depending on the conservatee's needs. Again, the Shriver probate pilot project assisted litigants only with the person component of the petition, and did not provide assistance with conservatorships of the estate.

[175] Cal. Govt. Code § 68650-68651

[176] Mental health (LPS) conservatorships are a special type of case where the conservatee has a severe mental illness (e.g., schizophrenia, bipolar disorder), and often requires the administration of psychotropic drugs or commitment to a locked psychiatric facility. LPS comes from the names of the California legislators who wrote the LPS Act in the 1970s: Lanterman, Petris, and Short.

[177] Cal. Prob. Code § 1471

Proceedings

Filing the Petition

The processes for petitioning the court for guardianship or conservatorship are very similar. Petitioners may ask for *general* (i.e., permanent) guardianship/conservatorship. They may also ask for *temporary* guardianship/conservatorship, if there is an emergency situation such as immediate need for medical treatment, or when the parents are deceased, absent, or otherwise incapacitated.[178] For general petitions, the first step—and one of the biggest hurdles—is gathering all the necessary forms, completing them appropriately, and filing the petition with the clerk's office. There are at least nine different forms one must file with the clerk's office for a general petition, in addition to a variety of other attachments, such as applications for temporary guardianship/conservatorship or for fee waivers (if the party is low income).

One of the key components of the petition is a list of all family members related to the ward or conservatee (for example, parents, grandparents, siblings, adult children, spouses, or domestic partners). The petitioner must research the names and current addresses of all relatives so that they can be served with notices of the upcoming court hearing. Additionally, for guardianships, the petitioner must investigate whether the child has any possible American Indian ancestry, and if so, must list the names of the likely tribe(s), as required by the Federal Indian Child Welfare Act (ICWA).[179] Researching family members and their addresses for inclusion on the petition can be a daunting task. For petitioners who are self-represented, it may take multiple submissions to the clerk's office before the petition is successfully filed.

Giving Notice

Once the general petition has been accepted by the clerk's office, the clerk sets a hearing date at least 6 weeks from the date of filing. If a temporary petition is also filed, an additional hearing date is set for approximately 2 weeks from the filing date. The court hearing date for the general petition is set several weeks out so that the petitioner has enough time to contact all the family members listed on the petition and have them officially served with notices of the hearing and the petition. Local agencies such as human and social services may also be notified. In addition, this time is needed for the court investigation to occur (described below).

To give notice, an adult (other than the petitioner) must give copies of the court forms, either in person or by mail, to relatives, tribes, and applicable agencies so that they are aware of the pending case. Parties must be personally served, and tribes must be served by certified mail and the address and accompanying information (e.g., exact names) must be correct. This process is referred to as *service of notice* and has very strict rules—which, if not followed

[178] A temporary petition cannot be filed on its own and must be accompanied by a general petition.

[179] ICWA is a federal law that seeks to keep American Indian children with American Indian families. Congress passed ICWA in 1978 in response to the alarmingly high number of Indian children being removed from their homes by both public and private agencies. The intent of Congress under ICWA was to "protect the best interests of Indian children and to promote the stability and security of Indian tribes and families" (25 U.S.C. § 1902). ICWA sets federal requirements that apply to state child custody proceedings involving an Indian child who is a member of or eligible for membership in a federally recognized tribe. (http://www.nicwa.org/Indian_Child_Welfare_Act)

correctly, could cause delays in the case and require the petitioner to start the notice process over again. For all relatives and applicable agencies, the petitioner must either: (a) obtain *proof of service* from the person serving the notice; (b) obtain a signed *consent and waiver of notice* from the relative; or (c) file a *request to dispense with notice* with the court for those relatives who were unable to be reached. All documents must be carefully managed and submitted to the court for review at the hearing.

If any relative or agency opposes the petition for guardianship or conservatorship, they must file a written objection with the court or appear at the court hearing. Parties opposing a petition for guardianship or conservatorship are referred to as *objectors*. Some possible reasons for objections include: no guardianship/conservatorship is necessary; the objector is entitled to appointment; the proposed guardian/conservator is unfit; or the ward/conservatee has nominated someone else. Because there is no standardized form available in California for these objections, it is often difficult for self-represented litigants to know how to express their concerns to the court, and it is challenging for them to participate in the legal process.

Court Investigation

While the petitioner is serving notice to all parties, a court investigation commences to evaluate the suitability of the guardianship or conservatorship and the capability of the proposed guardian or conservator. For guardianships, if the proposed guardian is a relative of the child, the court investigator conducts the investigation. If the proposed guardian is a non-relative, the county agency designated to investigate potential juvenile dependency conducts the investigation. In both guardianships and conservatorships, the investigation includes a formal home study to visit the home where the child or conservatee will live and to interview all individuals involved in the case (e.g., proposed guardian/conservator, proposed ward(s)/conservatee, relatives), and a background check of the proposed guardian/conservator and all other adults living in the home.

Once the investigation is complete, the investigator determines whether there is a valid need for guardianship or conservatorship (i.e., whether the parents of the ward(s) or the proposed conservatee are capable) or whether the case should be referred to another agency, like the county social services department (in cases of neglect or abuse). The investigator writes up a confidential recommendation and submits the report to the court for review by the judge. Typically, when a petition is filed with the court, a hearing date is set for approximately 2 months from the filing date, to allow time for the petitioner to complete notice and for the court investigation to be completed.

Court Hearing

Prior to the first calendared court hearing, the probate examiner (a court research attorney specializing in probate matters) reviews the petition, notifications, attorney-prepared orders, and other forms to ensure that the proper documents are in place before the hearing occurs. If an obvious error is discovered (e.g., an improper ICWA notification), the probate examiner has the authority to continue (i.e., postpone) the calendared hearing and notifies the relevant parties of the error. Several days prior to the hearing date, the probate examiner reviews the documents again, including any corrections or amended documents, and also reviews the findings from the court investigation. The probate examiner drafts a tentative ruling and

prepares a memorandum for the judge to review during the hearing. The goal of the probate examiner is to reduce the judicial time required to hear and review probate cases.

At the hearing, the judge reviews the petition, notice documents, and the probate examiner's memorandum. The judge may also continue the hearing to a later date if it is determined that the petitioner did not sufficiently serve notice to all applicable relatives, tribes, and agencies. If the notices were sufficient, the judge also reviews the court investigator's confidential report; interviews the proposed guardian/conservator and proposed ward/conservatee; and possibly interviews other witnesses, objectors, or parties in attendance. Barring any other errors with the petition, the judge determines whether guardianship/conservatorship is necessary and whether the proposed guardian/conservator meets the qualifications.

For guardianships, if one or both of the child's parents object, a judge will order a guardianship *only if* staying with the parents (or one of the parents) will be detrimental to the child, and if the guardianship is in the best interests of the child. A similar determination will be made if the proposed conservatee or other interested person objects to the conservatorship.

If the judge decides that a guardianship or conservatorship is not necessary, the case will be dismissed. If a guardianship or conservatorship is appropriate, the judge decides who is best to be the guardian/conservator and signs an order appointing that person as such. The clerk certifies and files *letters of guardianship or conservatorship*, which is the document that gives legal power of the ward/conservatee to the guardian/conservator. When a guardianship or conservatorship is deemed necessary, but none of the proposed guardians or conservators is qualified, the case may be referred to another court (e.g., juvenile dependency court for guardianships) or a public guardian from the county may be appointed (for conservatorships).

Abandoned Petitions

Due to the complexity of the filing process and all the requirements set forth by the court, many petitioners never successfully file a petition, and many end up abandoning a pending petition. As previously mentioned, the number of forms to complete can be intimidating, and the forms must be completed in English. Even without these constraints, research and expertise required to complete the forms may prevent many otherwise capable guardians/conservators from filing the petitions. Given the serious nature of these cases—removing children from the care of their parent(s), or giving a person great power over the life of a person with disabilities—all relatives and potential caregivers, including tribes, must be notified. Most parties without legal assistance are not able to complete the notice requirements, and many end up abandoning a petition over technicalities arising from improper notice.

On the other hand, an abandoned petition may not always signal distress on the part of the petitioner, as there are several alternatives to guardianship and conservatorship that are less restrictive and may not require a trip to the courthouse. Alternatives to guardianship include power of attorney for a minor child (for educational and medical care) and caregiver's authorization affidavit (which allows another adult to enroll the child in school, get medical care, and make school-related and/or healthcare decisions). Alternatives to conservatorship include power of attorney for healthcare decisions, advance healthcare directives, court authorization for medical treatment, informal personal care arrangements, and restraining

orders to protect against harassment. General guardianships and conservatorships are considered last-resort options when all other alternatives have been explored.

Stability for Wards and Conservatees

Each probate case presents its own set of unique circumstances and most stakeholders reported that there was no "typical" type of probate case, making it difficult to determine a standard against which to measure the outcomes of each case (e.g., the number of letters granted may not be an appropriate measure of successful case outcomes). Most stakeholders reported that stability for the ward/conservatee was the ultimate goal of any probate case, and that there was usually some time-sensitive event (e.g., access to medical care, enrolling children in school, housing issues, or access to social services) that prompted the petitioner to attempt to file with the court. Thus, stability for the ward/conservatee hinges on *timely decisions* from the court (e.g., avoiding unnecessary delays due to improper notifications) and *accurate/appropriate court decisions* (i.e., compiling as much information as possible to ensure the ward/conservatee ends up in a safe environment with a responsible caregiver).

Shriver Probate Pilot Project

Implementation Overview & Project Service Summary

Shriver client "Martin"
Timothy, the father, had full custody of his two teenage children. Alicia, the mother, had supervised visitation due to substance abuse issues. When Timothy became seriously ill with cancer, his children went to live with Martin, a longtime friend of the family, and Martin's family. Timothy subsequently died from cancer. Alicia threatened to take the children, and Martin filed for guardianship so that the children could stay in a stable home. There was also very serious child maltreatment allegations against the mother and her boyfriend that were pending investigation. The Shriver pilot project helped Martin by preparing the necessary forms related to the guardianship petition, and the judge granted the temporary guardianship, which immediately provided the children with security in Martin's care. The judge also ordered that visits between Alicia and the children be supervised. Alicia did not attend appointments to see her children, and the court ultimately granted the letters of guardianship to Martin.

Shriver Pilot Project Service Summary: Santa Barbara

This section describes how the Shriver probate pilot project in Santa Barbara County addressed guardianship and conservatorship cases. This summary includes information on the program context, involved agencies, and service model, as well as detailed information on the services that were provided, litigants who received service, and case characteristics and outcomes. Material for this summary was collected over 3 years, from fall 2012 to summer 2015, and includes information from a series of stakeholder interviews, site visits, program forms, and data entered by the Shriver staff into the program services database.

Program Context

COMMUNITY

Recent census data indicated four "high poverty areas" in Santa Barbara County, specifically areas in Santa Maria, Lompoc, Santa Barbara, and Isla Vista.[180] Despite accounting for 24% of the county's overall population, these areas were home to 61% of the children in poverty and 53% of the adults in poverty. A recent report by the County also found a lack of funding and service provision to low-income residents in North County and Lompoc, as compared to South County.

AGENCIES INVOLVED

The Shriver probate pilot project involves a collaboration between the Legal Aid Foundation of Santa Barbara County (LAFSBC) and the Santa Barbara County Superior Court. LAFSBC runs three Shriver service locations in the county, and Shriver litigants can file their cases at three of four county courthouses. Very few attorneys specialize in guardianship and conservatorship cases, and prior to the implementation of the Shriver pilot project, the only available resource self-represented litigants could access for assistance with probate matters was the Legal Resource Center (LRC), which was operated by Santa Barbara County Superior Court and staffed by an attorney from LAFSBC. The LRC attorney was not permitted to provide legal advice (only assistance preparing forms), and due to the high demand for assistance at the center for all types of legal matters, a probate litigant seeking help at the LRC would typically be provided access to a research computer, and a brief (e.g., 10-minute) interaction with the LRC attorney. Resource constraints at the LRC made meaningful access to the legal process virtually nonexistent for self-represented probate litigants. Prior to the Shriver project, LAFSBC did not offer representation for probate matters.

COURTHOUSES

The Santa Barbara County Superior Court is divided into four courthouses across the county: Santa Maria (the primary Shriver service location), Lompoc, the city of Santa Barbara, and Solvang (probate matters are not heard at Solvang, so Shriver services were not offered there).[181] The city of Santa Barbara is located in the southern end of the county, while both Santa Maria and

[180] Retrieved from cosb.countyofsb.org/WorkArea/DownloadAsset.aspx?id=44136

[181] Due to ongoing budget cuts, the Solvang Division of the Superior Court closed its doors in October 2014, and all matters previously filed at the Solvang Court are filed at the Lompoc Division.

Lompoc are located in the northern end. Due to their proximity and the small size of Lompoc, all probate cases filed in northern county are heard at the Santa Maria courthouse.

Since 2009, a series of budget cuts to the state's judicial branch have forced many individual superior courts to reduce staffing, implement furlough days, and reduce the hours of operation for public counters. Santa Barbara County Superior Court reported particularly impactful changes to the probate division, including the elimination of three out of the existing four probate examiners, resulting in longer turnaround times to receive final orders.

Table P1 shows the number of guardianship and conservatorship cases filed across the three courthouses across five consecutive fiscal years, from 2010 (2 years prior to the start of Shriver project services) through 2014, the most recent fiscal year with available data. Prior to Shriver services, an average of 65 guardianship cases per year were filed across all three courthouses collectively, with Santa Maria representing the bulk of cases. In the 3 years after Shriver implementation, the average number of guardianship cases increased to 75 per fiscal year.

Table P1. Number of Probate Cases per Fiscal Year by Type

	Fiscal Year (October 1 – September 30)				
	2009-10	**2010-11**	**2011-12**	**2012-13**	**2013-14**
Guardianship					
Number of cases filed across courts[a]	58	72	60	90	74
Number of cases filed & fee waiver granted[a]	33	36	25	36	41
Number of cases receiving Shriver legal aid services[b]	--	--	37	70	36
Number of cases receiving Shriver legal aid services & filed a petition[b]	--	--	13	17	13
Number of cases receiving Shriver probate facilitator services[c]	--	--	--	54	90
Number of cases receiving Shriver probate facilitator services & filed a petition[c]	--	--	--	41	62
Conservatorship					
Number of cases filed across courts[a]	42	47	53	43	65
Number of cases filed & fee waiver granted[a]	13	4	9	9	7
Number of cases receiving Shriver legal aid services[b]	--	--	10	32	22
Number of cases receiving Shriver legal aid services & filed a petition[b]	--	--	2	9	3
Number of cases receiving Shriver probate facilitator services[c]	--	--	--	6	18
Number of cases receiving Shriver probate facilitator services & filed a petition[c]	--	--	--	4	11

[a]Data obtained from staff at the Santa Barbara County Superior Court.
[b]Data from the Shriver program services database for cases served within each fiscal year and receiving any level of service. Note that these data reflect a time period through September 2014, whereas the program services data presented later in this chapter reflect a time period through June 2015.
[c]Data from the probate facilitator, who sometimes helped more than one party per case. For guardianship, the probate facilitator assisted 61 parties across 54 cases in 2012-13, and 123 parties across 90 cases in 2013-14. For conservatorship, she assisted seven parties across six cases in 2012-13, and 21 parties across 18 cases in 2013-14.
Note. Estimates are combined for the three courthouses in Santa Barbara County. One or more parties in a case may have received services from both legal aid and the probate facilitator.

Project Implementation Model

The Shriver probate pilot project involves legal aid services offered by LAFSBC attorneys at three different locations, as well as assistance from a probate facilitator. As part of the project, the Superior Court in Santa Maria also dedicates an existing judicial assistant to work on probate matters. Shriver funding began in October 2011 and services from LAFSBC began in February 2012. Court-based services officially began in February 2013 with the addition of the probate facilitator, and the judicial assistant started work in March 2013.

Legal Aid Services

Service structure, referral sources, and eligibility requirements

LAFSBC offers a range of services on probate matters, from brief counsel and advice to full representation, but assists litigants only with guardianships and conservatorships of person (not estate). Litigants with combined person and estate cases can seek services with LAFSBC, but attorneys will only assist with the person component of the petition. LAFSBC represents most types of probate parties, including petitioners, objectors, proposed guardians, current guardians, parents, other relatives, and other interested parties. The only party not represented by LAFSBC is that of the ward or conservatee, as they would be represented by the public defender's office if the court determines representation is necessary.

Litigants can be referred to LAFSBC from the courthouse, the LRC, or the probate facilitator, or they can self-refer. To be eligible for Shriver services, litigants must have a monthly income not greater than 200% of the Federal Poverty Level, and the case must be in the Santa Barbara County jurisdiction (based on the residence of the ward or conservatee). Litigants are not required to have an open petition in order to receive services, as LAFSBC usually assists the litigant with filing the initial petition. Unlike the housing and custody projects that require opposing party representation to be eligible for services, the probate project is seen as a "pure access" project—it addresses the sheer difficulty of unsophisticated litigants who may not successfully obtain a guardianship or conservatorship, even when not faced with opposition. LAFSBC attempts to provide all eligible litigants (even those with uncontested cases) with full representation. However, some clients decide not to pursue the petition after receiving education and consultation on their cases, and thus receive unbundled services.

LAFSBC does not have a stated capacity in terms of the number of full representation probate cases it could represent at a time. Most probate cases last several months, allowing the agency flexibility in prioritizing staff time around caseloads.

Court-Based Services

Service structure, referral sources, and eligibility requirements

The Santa Barbara County Superior Court used Shriver funds to create an innovative staff position: a court-based probate facilitator. The probate facilitator is a licensed attorney specializing in guardianship and conservatorship matters, located in the Santa Maria courthouse (30 hours per week), who provides education and information to self-represented litigants. Her services include completion of various legal forms (including a multitude of documents pertaining to guardianship/conservatorship, beyond the initial filings), preparing written declarations so that litigants can share their evidence in court, and researching relatives for service of notice. She occasionally attends court sessions and is called upon by the judge for

clarification of facts in the case. The probate facilitator does not offer attorney-client privilege, does not offer legal advice on petitions, and can assist all parties of a probate petition. Individuals assisted by the probate facilitator, unless they retained other counsel, are self-represented litigants.

As part of the Shriver project implementation, though not funded by it, the court also dedicated a part-time judicial assistant to process probate petitions. The judicial assistant is bilingual and provides Spanish interpretation services at the clerk's office, in the courtroom, and on behalf of the probate facilitator. Judicial assistants commonly provide interpretation services at the clerk's office, but interpretation services in the courtroom and for the probate facilitator is a new service specific to the Shriver project.

Unlike the services provided by legal aid, there is no income requirement to receive probate facilitator services. The probate facilitator assists all client types (petitioners, objectors, proposed guardians/conservators, parents, other relatives, interested parties, wards, and proposed conservatees) for both guardianship and conservatorship cases. Like the situation with legal aid, the probate facilitator does not provide assistance on estate cases. If LAFSBC encounters a conflict of interest, they can refer litigants to the probate facilitator for help.

The probate facilitator posts advertisements for her services in the clerk's office and has become a resource within the courthouse. Judicial assistants will refer litigants to her when they are seeking help completing forms or when it is apparent they are having trouble with their paperwork.[182] The probate examiners also refer litigants to the facilitator as part of their probate notes, prepared before every hearing. The judge also refers litigants to the probate facilitator as part of their orders for help with additional paperwork or correcting errors.

Goals for Litigants

Both LAFSBC and the court reported similar goals for litigants: to increase the level of meaningful participation for all parties involved in the probate process and to reach an outcome that was in the best interests of the ward or conservatee. For clients who are petitioners, this first goal would be indicated by an increased number of successfully filed petitions (fewer rejections) and fewer petitioners abandoning their petition due to fatigue, confusion, or lack of time. For clients who are parents and other relatives, this first goal would be indicated by more parents signing consents, filing objections, or otherwise having their opinion voiced before the court. Because these cases involve complex family structures that will exist after the petition has been resolved, both legal aid and the court sought to reach an outcome that all family members could agree upon, as well as an outcome that provided stability and security for the ward or conservatee. A final goal of the program is to reduce the amount of court time spent on incomplete or ill-prepared petitions, as indicated by more accepted filings, fewer continuances, and shorter court cases.

Service Provision

Information regarding the types of services provided, case characteristics, and outcomes was obtained from the program services database. Data from LAFSBC were collected on all parties seeking services related to guardianship or conservatorship from January 2012 through June

[182] Judicial assistants are not permitted to help litigants fill out their paperwork, other than providing translation services.

2015. The probate facilitator was not hired until February 2013, and she gathered her service data independently (court-based services were not tracked in the program services database). Thus, data from the probate facilitator were available for all parties seeking services from March 2013 through December 2014.

Some variables were missing data for a substantial number of cases. Missing values were sometimes due to inadequate data entry, but in many instances, data were missing because they were unknown to the attorneys. This gap is specifically apparent regarding case outcome data. For cases receiving Shriver full representation, attorneys had knowledge of the case progress and resolution. However, for cases receiving unbundled services, attorneys often did not know about case resolution. The manner in which missing data are handled during analysis can influence results and subsequent interpretation. Throughout this chapter, missing data are included in the analyses and presented in the tables in an effort to prevent overestimation and to provide the reader with as much information as possible.

This section presents data pertaining to the characteristics of the litigants who received Shriver services and the types of services provided, as well as various characteristics of the probate case, such as information about the wards and conservatees, status of petitions, and outcomes.

WHAT SERVICES WERE PROVIDED?

Legal aid services

LAFSBC offered a range of legal services to litigants, including ***full representation*** for the cases and a variety of ***unbundled services***, including referrals to other resources, self-help, education, brief counsel and advice, mediation, and limited representation (including brief services, negotiation, and serving as the attorney of record). At initial intake, after being screened by the intake coordinator, an LAFSBC attorney would sit down with the client and spend between 1 and 3 hours reviewing case information, explaining the probate process, and possibly begin filling out court forms. Sometimes during this process, the attorney discovered that the client did not meet the full eligibility criteria (e.g., over income, the case was outside the jurisdiction of Santa Barbara County, the petition was for estate, etc.), resulting in the delivery of very brief unbundled services. It was also at this time that the attorney would explain possible alternatives to guardianship or conservatorship.[183]

LAFSBC sought to provide each eligible client with full representation, but some litigants ultimately received unbundled services. Some reasons for less than full representation include: the client was only seeking information; after consultation, the client pursued alternative, less-restrictive arrangements (e.g., Caregiver's Authorization Affidavit or Power of Attorney); the client was informed she or he would likely not meet the eligibility requirements for a guardian

[183] Guardianships and conservatorships are complicated legal actions in California and often there are solutions that can accomplish a litigant's objective without going to court. For example, if a parent needs to have someone take care of her child for a short term, the parent can execute a Caregiver's Authorization Affidavit, which can be used with schools, healthcare providers, and others for a limited time. Similarly, a durable power of attorney for healthcare may be all that is needed for a person who might think that a conservatorship is necessary. These legal documents do not need to be filed with the court, and thus the person's legal issues may be handled without the need for a formal proceeding.

or conservator (e.g., criminal history); or the client did not show up for subsequent appointments (in which case the reason is unknown).

As seen in Table P2, of the 242 litigants seen by LAFSBC, 158 met the full eligibility criteria. Of these, 40% (*n*=63) received full representation and 60% (*n*=95) received unbundled services. There were an additional 84 litigants who received some legal assistance (e.g., education, brief counsel and advice), but they were ultimately deemed ineligible for Shriver services after initial consultation. In some cases, attorneys reported having worked with the litigant for a number of hours before discovering that the case was ineligible for Shriver service (e.g., a case being out of jurisdiction is dependent on the address of the ward/conservatee, which may not be immediately apparent) or inappropriately positioned for a guardianship (i.e., a different arrangement would better suit the family). Because these clients received some Shriver service before being deemed ineligible, they are shown in the early part of this section.

Shriver attorneys tracked the total number of hours they spent working on cases in 1-hour increments. Table P2 shows the mean (and median) number of hours attorneys worked on probate cases, by the level of service. These estimates reflect just attorney time and do not reflect time worked by other staff, such as intake coordinators. Overall, Shriver clients received an average of nearly 7 hours of legal services provided by attorneys. On average, full representation clients received 17 hours and unbundled services clients received 2 hours.

Table P2. Number of Legal Aid Cases and Attorney Hours Provided by Level of Service

	Level of Service			
	Eligible		Ineligible	Total
	Full Representation	Unbundled Services	Unbundled Services[a]	
Number (%) of Cases	63 (40%)	95 (60%)	84 (100%)	242 (100%)
Attorney Hours Provided				
Mean (*SD*)	16.8 (15.0)	2.4 (1.6)	1.8 (3.5)	6.6 (11.0)
Median	15.0	2.0	1.0	2.0
Range	0.5 to 73	0.5 to 7.5	0.5 to 20	0.5 to 73

Note. Data from the program services database (as of 06/29/2015). A total of 49 cases were missing attorney hour information (20% of all cases), four in the full representation group and 45 in the unbundled services group.
[a] Of those litigants deemed ineligible, 28 were over income, 18 involved a stance not taken by Shriver funding (e.g., estate cases), 13 were outside Santa Barbara County, eight were not an LAFSBC priority, seven were conflict of interest, five were not probate matters, and five were otherwise ineligible.

Court-based services

Court-based Shriver services included those of the probate facilitator and the dedicated judicial assistant staffed at the clerk's office. These two entities worked in tandem with one another to process guardianship and conservatorship petitions. The judicial assistant estimated that it takes approximately 45 minutes to review and process a probate petition each time it is submitted to the clerk's office. Prior to Shriver implementation, court staff estimated it took an average of three attempted submissions before a probate petition was accepted as complete and successfully filed with the clerk's office. After Shriver implementation, court staff reported that probate petitions were rarely rejected and usually accepted on the first attempt.

Additionally, whenever the probate facilitator helped a litigant file paperwork, she stamped the form so that the judicial assistant knew it was filed by the facilitator. If the judicial assistant discovered an error in a form submitted by the facilitator, instead of rejecting the petition and returning it to the petitioner, the judicial assistant submitted the form directly back to the probate facilitator for corrections or addendums and quickly reprocessed the paperwork.

From February 2013 through June 2015, the probate facilitator assisted 286 litigants. Specific data on services provided and litigant and case characteristics were available for the 203 parties (across 188 cases) served through December 2014. (In 15 cases, the probate facilitator assisted multiple parties to the case.) The remainder of this section presents data for these 203 parties.

The probate facilitator tracked the number of hours spent working with each party in as little as 15-minute increments. Table P3 shows the mean (and median) number of hours spent per case and per party. On average, a party received a total of 5 hours of direct contact from the probate facilitator, ranging from 15 minutes up to 23 hours. These estimates include direct communication and appointments. They do not include time spent by the probate facilitator preparing or reviewing documents, handling notifications, corresponding with the clerk or research attorneys, etc.

Table P3. Probate Facilitator Hours Provided

	Number of Hours	
Statistic	**Per Party**	**Per Case**
Mean (*SD*)	4.9 (4.3)	5.3 (4.4)
Median	4.0	4.5
Range	0.25 to 23	0.25 to 27.5
Missing *N* (%)	3 (2%)	2 (1%)

Note. Data obtained from the probate facilitator (as of 12/31/14).
N=203 parties. *N*=188 cases.

Litigants receiving probate facilitator help were asked how they learned about these services. Nearly half (43%) were referred from the clerk's office; 11% were referred by a court staff member (e.g., judge, court investigator); 23% were referred by Child Welfare Services, the Department of Social Services, or another government agency; and the remaining 23% came from a variety of word-of-mouth sources (e.g., previous customers, public defender's office, private attorneys, family law). In nearly all cases, the probate facilitator began helping a litigant prior to the case paperwork being filed.

Both legal aid attorneys and the probate facilitator believed there was little overlap in terms of services provided, except in the instance of conflicts of interest at legal aid. In those very few circumstances, the legal aid agency would refer the litigant to the probate facilitator.

Who Received Legal Aid Services?

Client characteristics

Two thirds (66%) of cases involved multiple individuals seeking assistance (e.g., couples, such as grandparents seeking guardianship of grandchildren). Demographics below reflect one "primary" client per case (i.e., the person with whom the attorney had the most interaction). Across primary clients, the average age was 49 years (median = 50, range = 18 to 81), most (56%) were Hispanic or Latino, one quarter (28%) had some post-secondary education, one fifth

(21%) could not effectively communicate in English without the assistance of an interpreter (limited English proficiency), and one fifth (21%) had known or observable disabilities. Table P4 shows these characteristics of the 242 litigants served by LAFSBC.

Table P4. Demographic Characteristics of Shriver Legal Aid Clients

	Level of Service			
Client Characteristics	**Full Representation** *N* (%)	**Unbundled Services (Eligible)** *N* (%)	**Unbundled Services (Ineligible)** *N* (%)	**Total** *N* (%)
Petitioners were a couple	35 (56%)	63 (66%)	62 (74%)	160 (66%)
Petitioner was an individual	28 (44%)	32 (34%)	21 (25%)	81 (33%)
Missing/unknown	0 (0%)	0 (0%)	1 (1%)	1 (<1%)
Characteristics of "Primary" Client				
Age (years)				
18 to 24	3 (5%)	7 (7%)	2 (2%)	12 (5%)
25 to 44	23 (37%)	30 (32%)	30 (36%)	83 (34%)
45 to 61	23 (37%)	42 (44%)	36 (43%)	101 (42%)
62 or older	14 (22%)	16 (17%)	16 (19%)	46 (19%)
Race/Ethnicity[a]				
Black or African American	1 (2%)	4 (4%)	2 (2%)	7 (3%)
Hispanic/Latino	47 (75%)	43 (45%)	45 (54%)	135 (56%)
White	11 (18%)	35 (37%)	33 (39%)	79 (33%)
Other	3 (5%)	8 (8%)	4 (5%)	15 (6%)
Unknown/declined	1 (2%)	5 (5%)	0 (0%)	6 (3%)
Education				
High school degree or less	24 (38%)	21 (22%)	25 (30%)	70 (29%)
Any post-secondary	14 (22%)	29 (31%)	24 (29%)	67 (28%)
Unknown/not collected	25 (40%)	45 (47%)	35 (42%)	105 (43%)
Limited English Proficiency				
Yes	23 (37%)	17 (18%)	10 (12%)	50 (21%)
No	40 (64%)	78 (82%)	74 (88%)	192 (79%)
Disability				
Yes	12 (19%)	27 (28%)	12 (14%)	51 (21%)
No	48 (76%)	55 (58%)	62 (74%)	165 (68%)
Unknown/not collected	3 (5%)	13 (14%)	10 (12%)	26 (10%)
Total	63 (100%)	95 (100%)	84 (100%)	242 (100%)

Note. Data from the program services database (as of 06/29/2015). Demographic data describe the primary client (one litigant) per case.

[a] Litigants who identified as Hispanic/Latino and another race are included in the Hispanic/Latino row.

Table P5 details the household characteristics for litigants who presented at LAFSBC, by level of service and eligibility. Among the eligible clients, three quarters (75%; *n*=118) of households had at least one minor living in the home, the median monthly income was $1,600 (mean = $1,756),[184] and about one of six (17%; *n*=27) received CalFresh benefits.[185]

Table P5. Household Characteristics of Shriver Legal Aid Clients

	Level of Service			
Household Characteristics	**Full Representation** *N* (%)	**Unbundled Services (Eligible)** *N* (%)	**Unbundled Services (Ineligible)** *N* (%)	**Total** *N* (%)
Minor(s) in Household				
Yes	52 (83%)	66 (70%)	53 (63%)	171 (71%)
No	8 (13%)	19 (20%)	23 (27%)	50 (21%)
Missing	3 (5%)	10 (10%)	8 (10%)	21 (9%)
Monthly Income				
None	0 (0%)	11 (12%)	9 (11%)	20 (8%)
$1 to $1,000	15 (24%)	25 (26%)	12 (14%)	52 (22%)
$1,001 to $2,000	19 (30%)	31 (33%)	12 (14%)	62 (26%)
$2,001 to $3,000	19 (30%)	14 (15%)	25 (30%)	58 (24%)
$3,001 to $4,000	7 (11%)	9 (10%)	11 (13%)	27 (11%)
$4,001 to $5,000	3 (5%)	4 (4%)	7 (8%)	14 (6%)
$5,001 or more	0 (0%)	1 (1%)	8 (10%)	9 (4%)
Received CalFresh Benefits				
Yes	15 (24%)	12 (13%)	7 (8%)	34 (14%)
No	47 (75%)	71 (75%)	75 (89%)	193 (80%)
Missing	1 (2%)	12 (13%)	2 (2%)	15 (6%)
Total	63 (100%)	95 (100%)	84 (100%)	242 (100%)

Note. Data obtained from the Shriver program services database (as of 06/29/2015).

There were some demographic differences between the litigants seeking guardianships (*n*=161) and those seeking conservatorships (*n*=81). Generally, when compared to those seeking conservatorships, litigants seeking guardianships were younger (an average age of 48 years vs. 53 years), less likely to be White (28% vs. 44%), less likely to have post-secondary education (28% vs. 47%), more likely to receive CalFresh benefits (19% vs. 4%), and more likely to have minors living in the household (89% vs. 33%).

Case characteristics

Table P6 shows the number of people who presented to LAFSBC for help with guardianships and conservatorships, by level of service received. Overall, of the 242 cases that received any legal assistance from LAFSBC, the majority were for guardianships (75% of full representation cases and 67% of unbundled services cases). In about one of every eight cases (13%; *n*=32), temporary orders for guardianship or conservatorship were requested in addition to general

[184] The median monthly income for the ineligible clients was $2,500 (mean = $2,669).

[185] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified, low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

orders. In the full representation group, this ratio was higher, with roughly one in three cases (37%; *n*=23) requesting temporary orders for guardianship or conservatorship. Temporary orders are typically requested when there is an emergency situation and require additional forms to be completed as well as more complex factual declarations.

Of the 16 conservatorship cases that received full representation, 25% (*n*=4) were seeking help with limited conservatorships, which are typically sought for adults with developmental disabilities and have a more restricted role for the conservator than general conservatorships do. Of the eligible and ineligible conservatorship cases receiving unbundled services, 12% (*n*=8) sought assistance with limited conservatorships, although 29% (*n*=19) of cases were missing this level of detail (likely due to the brief interaction legal services had with the clients).

Table P6. Number of Legal Aid Cases by Case Type

	Level of Service			
Case Type	**Full Representation** *N* (%)	**Unbundled Services (Eligible)** *N* (%)	**Unbundled Services (Ineligible)** *N* (%)	**Total** *N* (%)
Guardianship	47 (75%)	64 (67%)	50 (60%)	161 (67%)
Conservatorship	16 (25%)	31 (33%)	34 (40%)	81 (33%)
Total	63 (100%)	95 (100%)	84 (100%)	242 (100%)

Note. Data obtained from the Shriver program services database (as of 06/29/2015).

Table P7 illustrates the reason litigants sought legal services from LAFSBC. Across all eligible parties, the majority (64%) sought help filing a new petition for guardianship or conservatorship (86% of full representation clients and 48% of unbundled services clients). Some litigants also sought help with matters related to terminating a current guardianship or conservatorship (5% of all parties), or obtaining alternatives to guardianship or conservatorship (2% of all parties). Very few parties were seeking to object to a guardianship or conservatorship (1% of all parties).

Table P7. Reason Seeking Shriver Legal Aid Services

	Level of Service			
Reason	**Full Representation** *N* (%)	**Unbundled Services (Eligible)** *N* (%)	**Unbundled Services (Ineligible)** *N* (%)	**Total** *N* (%)
Help filing new petitions	54 (86%)	46 (48%)	55 (66%)	155 (64%)
Objecting to a new petition	1 (2%)	1 (1%)	1 (1%)	3 (1%)
Seeking alternative to guardianship/conservatorship	1 (2%)	3 (3%)	1 (1%)	5 (2%)
Terminating an existing guardianship/conservatorship	1 (2%)	6 (6%)	5 (6%)	12 (5%)
Change of guardian/conservator	0 (0%)	3 (3%)	1 (1%)	4 (2%)
Other	2 (3%)	0 (0%)	0 (0%)	2 (1%)
Missing	4 (6%)	36 (38%)	21 (25%)	61 (35%)
Total	63 (100%)	95 (100%)	84 (100%)	242 (100%)

Note. Data obtained from the Shriver program services database (as of 06/29/2015).

WHO RECEIVED COURT-BASED SERVICES?

Litigant characteristics

Table P8 illustrates the demographic characteristics for 203 parties receiving services from the probate facilitator. Overall, more than two thirds (70%) of litigants were female, most (56%) were Hispanic/Latino, the majority (88%) communicated primarily in English, over one third (40%) had a combined household income of less than $2,000 per month,[186] and one quarter (25%) received some form of public assistance. Though court-based services were offered to all litigants regardless of income level, many parties were below 200% of the Federal Poverty Level, as indicated by their household income or by their receipt of public assistance.

Table P8. Demographic Characteristics of Litigants Served by the Shriver Probate Facilitator

Characteristic	*N* (%)
Gender	
Male	35 (17%)
Female	141 (70%)
Both (couple/multiple)	27 (13%)
Race/Ethnicity	
Black or African American	10 (5%)
Hispanic/Latino	114 (56%)
White	75 (37%)
Other	4 (2%)
Primary Language	
English	178 (88%)
Spanish	23 (11%)
Other	2 (1%)
Monthly Household Income	
None	19 (9%)
$1 to $1,000	37 (18%)
$1,001 to $2,000	25 (12%)
$2,001 to $3,000	13 (6%)
$3,001 to $4,000	16 (8%)
$4,001 to $5,000	8 (4%)
$5,001 or more	13 (6%)
Unknown/missing	72 (36%)
Received Public Assistance	
Yes	50 (25%)
No	69 (34%)
Unknown/missing	84 (41%)

Note. Data from the probate facilitator (as of 12/31/14). *N*=203.

[186] The mean/median income for litigants receiving services from the probate facilitator is not available, as household income was collected using the category ranges listed in Table P8.

Case characteristics

Of the 203 parties served by the probate facilitator, the majority (83%; *n*=169) were seeking assistance with guardianship cases. Tables P9 and P10 show the number of parties seeking assistance from the probate facilitator and the type of assistance sought.

Table P9. Number of Probate Facilitator Litigants Served by Case Type

Case Type	*N* (%)
Guardianship	169 (83%)
Conservatorship	32 (16%)
Other	1 (1%)

Note. Data obtained from the probate facilitator (as of 12/31/14). *N*=203; missing *n*=1. "Other" includes one juvenile dependency case.

The majority of parties (67%; *n*=135) sought assistance with filing a new petition for guardianship or conservatorship, followed by assistance with terminations of existing guardianships/conservatorships (12%; *n*=24). Few parties (4%; *n*=8) sought help filing an objection to a petition for guardianship or conservatorship. In approximately 97% of cases, the party seeking help was a relative of the proposed ward or conservatee. In 16% of guardianship cases (*n*=27), the probate facilitator assisted the party with filing ICWA notifications.

Table P10. Reason for Seeking Probate Facilitator Services

Reason	*N* (%)
Assistance filling out forms for a new petition	135 (67%)
Terminations	24 (12%)
Education about probate process	9 (4%)
Objections	8 (4%)
Visitation orders	8 (4%)
Annual status reports	6 (3%)
Other	12 (6%)
Unknown/missing	1 (1%)
Total	203 (100%)

Note. Data from the probate facilitator (as of 12/31/14). The "other" category includes help updating information with the court (*n*=3), filing a change of venue (*n*=3), and transferring a case to a different court (*n*=2).

Case Events and Outcomes for Legal Aid Services Clients

Because many unbundled services clients decided not to pursue services with the Legal Aid Foundation of Santa Barbara County (LAFSBC) after their initial consultations, many of the characteristics and outcomes for the unbundled services cases were unknown to legal aid staff. Similarly, the probate facilitator generally had no knowledge of the case outcomes and was not able to track outcomes for the litigants receiving court-based services. Therefore, the information presented in the remainder of this section reflects ***legal aid full representation clients only***, because these cases had complete data entered into the program services database by legal aid staff. In total, the sample for these analyses included 47 guardianship cases and 16 conservatorship cases. (Data regarding outcomes for a subset of cases served by legal aid, cases served by the probate facilitator, and cases receiving no Shriver services were gathered from a review of individual court case files. Those analyses are presented in the next section of this chapter.)

Table P11 presents the role of the LAFSBC client in the probate case. Overall, the large majority of clients (87%; *n*=55) were petitioners (either the sole petitioner or submitting a competing petition for guardianship or conservatorship). Temporary orders were also sought in about half (47%; *n*=22) of the guardianship cases and very few (2%) conservatorship cases.

Table P11. Legal Aid Client Role by Case Type

	Case Type		
	Guardianship	**Conservatorship**	**Total**
Client Role	*N* (%)	*N* (%)	*N* (%)
Petitioner[a]	44 (94%)	11 (69%)	55 (87%)
Objector	2 (4%)	0 (0%)	2 (3%)
Other interested party	1 (2%)	5 (31%)	6 (10%)
Total	47 (100%)	16 (100%)	63 (100%)

Note. Data from the Shriver program services database (as of 06/29/2015).
[a] The petitioner group includes one person who was seeking to terminate a guardianship, one person seeking help with an annual status review, and one person seeking help obtaining a passport.

Table P12 shows the demographic characteristics of the proposed wards and conservatees at subject in the Shriver case. Two thirds of guardianship cases involved a single ward, and the average age of all wards was 8 years old (median = 8 years; range = 0 to 17). The average age of proposed conservatees was 34 years old (median = 26; range = 17 to 91). About one in 10 wards (9%; *n*=4) and all proposed conservatees (100%; *n*=16) had known or observable disabilities. Every proposed guardian or conservator who received Shriver full representation was a relative of the ward or conservatee.

Table P12. Proposed Ward/Conservatee Demographics in Legal Aid Services Cases

	Case Type		
	Guardianship *N* (%)	**Conservatorship** *N* (%)	**Total** *N* (%)
Characteristic of Case	*N* = 47	*N* = 16	*N* = 63
Cases with 1 ward/conservatee	31 (66%)	16 (100%)	47 (75%)
Cases with >1 ward/conservatee	16 (34%)	0 (0%)	16 (25%)
Does Case Involve a Ward with a Disability?			
Yes	4 (9%)	16 (100%)	20 (32%)
No	34 (72%)	0 (0%)	34 (54%)
Unknown/not collected	9 (19%)	0 (0%)	9 (14%)
Is Proposed Guardian/Conservator a Relative of the Ward/Conservatee?			
Yes (e.g., grandchild, niece/nephew, adult child, parent, sibling)	47 (100%)	16 (100%)	63 (100%)
Characteristic of Ward/Conservatee	*N* = 69[a]	*N* = 16	*N* = 85
Age (years)			
0 to 4	19 (28%)	0 (0%)	19 (22%)
5 to 9	25 (36%)	0 (0%)	25 (29%)
10 to 19	25 (36%)	5 (31%)	30 (35%)
20 to 39	0 (0%)	8 (50%)	8 (9%)
40 to 59	0 (0%)	1 (6%)	1 (1%)
60 to 91	0 (0%)	2 (13%)	2 (2%)

Note. Data obtained from the Shriver program services database (as of 06/29/2015).

[a] One guardianship case was missing data for child age.

At the time of Shriver intake, of the 47 guardianship cases receiving representation, most (89%; *n*=42) involved wards who were living with relatives (usually the proposed guardian) that was not the parent. Of these 42 cases, three proposed guardians intended to adopt the wards (39 did not). Several cases also had other open cases related to the wards, including child custody (13%; *n*=6), child welfare (13%; *n*=6), domestic violence (9%; *n*=4), other criminal investigations (6%; *n*=3), juvenile court (4%; *n*=2), juvenile dependency (2%; *n*=1), and eviction (2%; *n*=1). None of the wards were appointed minor's counsel or were represented by an attorney.

At Shriver intake, of the 16 conservatorship cases that received full representation, most conservatees (75%; *n*=12) had previously received some informal assistance related to daily functioning, and about two thirds (63%; *n*=10) were currently accepting informal or formal assistance. In two cases, special or general powers of attorney had already been granted. Due to

the complexity of limited conservatorships and determining which powers should be appointed to a conservator and which remain under the conservatee's control, every proposed conservatee in limited conservatorship cases is automatically appointed counsel from the public defender's office. Of the cases receiving full representation, three (19%) of the proposed conservatees had representation, and all were public defenders appointed in limited conservatorship cases.

Table P13 illustrates the number of cases with objections and additional parties. Objections can take the form of written opposition, and objectors do not have to become formal parties to the case in order to voice their dissent. Therefore, the number of petitions with objections may be larger than the number of petitions with additional parties. Overall, about one third of all cases (30%; *n*=19) had at least one known objection to the petition, and 10% of cases (*n*=6) had at least one additional party in the case—both of which predominantly occurred in guardianship cases. Of the six guardianship cases with additional parties, most (67%; *n*=4) were parents. Five of the six cases with additional parties (83%) had at least one party represented by legal counsel, usually by a private bar attorney (67%; *n*=4). In these six cases with an additional party, all parties were objecting to the proposed guardianship, and the primary reason was that no guardianship was necessary (i.e., at least one parent was capable of caring for the ward; 83%; *n*=5), followed next by a competing petition for guardianship (17%; *n*=1).

Table P13. Legal Aid Cases with Objections and Additional Parties

Characteristic	Case Type		
	Guardianship *N* (%)	**Conservatorship** *N* (%)	**Total** *N* (%)
Total Petitions	47 (100%)	16 (100%)	63 (100%)
With known objections	17 (36%)	2 (13%)	19 (30%)
With additional parties	6 (13%)	0 (0%)	6 (10%)
Information about Cases with Additional Parties (*n*=6)			
Additional Party Relationship			
Parent of ward	4 (67%)	--	4 (67%)
Other family member	1 (17%)	--	1 (17%)
Multiple individuals	1 (17%)	--	1 (17%)
Total	6 (100%)	--	6 (100%)
Additional Party Representation			
Rep. by legal aid	1 (17%)	--	1 (17%)
Rep. by private bar	4 (67%)	--	4 (67%)
None	1 (17%)	--	1 (17%)
Total	6 (100%)	--	6 (100%)

Note. Data obtained from the Shriver program services database (as of 06/29/2015).

Participation in the Justice System

Petitions filed

As previously mentioned, one of the primary goals for the Shriver probate program was increased levels of meaningful participation in the court process by all involved parties, in an effort to serve the best interests of the proposed ward or conservatee. To represent the number of litigants participating in the justice system as a result of service receipt, analyses examined the petition status at Shriver legal aid intake and at the conclusion of services. Table P14 shows that 16% of Shriver legal aid clients (21% of guardianship and no conservatorship) had filed petitions for guardianship or conservatorship at the time they sought Shriver services. At the conclusion of Shriver services, 87% had filed petitions, although 14% of litigants subsequently withdrew theirs.

Table P14. Petition Status at Intake and Conclusion of Shriver Legal Aid Services

	Case Type		
	Guardianship	Conservatorship	Total
Petition Status	***N* (%)**	***N* (%)**	***N* (%)**
At Shriver Intake			
No petition filed	34 (72%)	15 (94%)	49 (78%)
Petition filed	10 (21%)	0 (0%)	10 (16%)
N/A (other needs)[a]	3 (6%)	1 (6%)	4 (6%)
Total	47 (100%)	16 (100%)	63 (100%)
At Conclusion of Shriver Services			
Petition never filed	1 (2%)	3 (19%)	4 (6%)
Petition filed	34 (72%)	12 (75%)	46 (73%)
Petition filed, but withdrawn	9 (19%)	0 (0%)	9 (14%)
N/A (other needs) [a]	3 (6%)	1 (6%)	4 (6%)
Total	47 (100%)	16 (100%)	63 (100%)

Note. Data from the Shriver program services database (as of 06/29/2015).
[a] "Other needs" include those that were seeking annual status reviews, Caregiver's Authorization Affidavits, or passports for proposed conservatee.

Case Outcomes

Obtaining letters of guardianship/conservatorship

As depicted in Table P15, of the 63 cases receiving full representation, 65% (*n*=41) had letters granted, with all but two petitions granted to the Shriver client. Nineteen percent of petitions (*n*=12) were either withdrawn or never filed; it is unclear from the program services database what proportions were due to fatigue with the filing process versus reaching alternative arrangements (e.g., obtaining a Caregiver's Affidavit or Power of Attorney). One case resulted in the guardianship being terminated, which was at the request of the parties.

Table P15. Outcome of Guardianship and Conservatorship Petitions for Legal Aid Cases

	Case Type		
Case Disposition	**Guardianship** ***N*** **(%)**	**Conservatorship** ***N*** **(%)**	**Total** ***N*** **(%)**
Petition withdrawn or never filed	9 (19%)	3 (19%)	12 (19%)
Letters granted to client	28 (60%)	11 (69%)	39 (62%)
Letters granted to opposing party	2 (4%)	0 (0%)	2 (3%)
Guardianship/conservatorship terminated	1 (2%)	0 (0%)	1 (2%)
Letters not granted (by judge's order)	1 (2%)	0 (0%)	1 (2%)
Other outcome (e.g., visitation orders granted, case dismissed, case moved to another court)	4 (9%)	0 (0%)	4 (6%)
Unknown/missing	2 (4%)	2 (12%)	4 (6%)
Total	47 (100%)	16 (100%)	63 (100%)

Note. Data obtained from the Shriver program services database (as of 06/29/2015).

Of the 23 full representation cases in which temporary orders were requested, 13 (57%) were granted. For the remaining 10 cases, five petitioners (22%) withdrew their petitions, three (13%) had unknown temporary order outcomes, one client was appointed as the permanent guardian (and possibly the temporary guardian), and in one case the judge did not appoint a guardian (4%).

Court Efficiency

Case length and continuances

Providing legal services to otherwise self-represented litigants could have an impact on court efficiency. As previously mentioned, stakeholders reported that most families involved in petitions for guardianship or conservatorship are operating in a time-sensitive context, where the ward or conservatee may be facing a delay in care or access to services and/or stress, fear, and instability. The speed with which the court can process the paperwork, review the case, and make a final determination on guardianship or conservatorship has an immediate impact on the individuals at the focus of the case. Further, when cases have hearings continued multiple times, it contributes to court congestion and impedes overall court functioning.

One potential indicator of court efficiency is the age of the case, as measured by the number of days from petition filing to court disposition or case closure. Measuring court efficiency may not be as straightforward as looking for an overall reduction in case age, as there are several goals of the Shriver probate pilot project, some of which may have competing impacts on average case length. For example, providing legal assistance to otherwise self-represented litigants may shorten case age by reducing unnecessary delays due to missed deadlines or ill-prepared forms. However, legal assistance could also reduce the number of petitions that are withdrawn or abandoned early in the process, which could increase the overall average length of cases. Once petitions are successfully filed, a hearing date is set for at least 45 days from the date of filing, to allow sufficient time for notifications, research by the probate examiner, and the court investigation. If all paperwork and processes are completed successfully the first time, general petitions can be resolved within as little as 60 days (2 months). However, even one continuance can lengthen the time to resolution.

Table P16 illustrates the average case age for Shriver representation clients. Of all cases that were successfully filed with the court (i.e., have a valid filing date) and all cases that were pursued by the petitioner (i.e., not withdrawn), the average time from filing to disposition was 4.3 months for guardianship cases and 3.2 months for conservatorship cases (ranging from 0 to 40 months for all cases).[187] However, more than half of all cases were resolved within 2 months.

On average, Shriver services for guardianship cases lasted for 4.7 months, about 2 weeks longer than the average length of the court cases. Shriver services for conservatorship cases lasted, on average, for 11 months, about 8 months longer than the average case length. This extended duration is because the attorneys remained on conservatorship cases through the first follow-up hearing, typically scheduled for 6 months post-resolution. (Follow-up hearings for guardianship cases happen annually, and the attorneys did not remain on the cases that long.)

Table P16. Average Length of Case and of Shriver Legal Aid Service Provision

	Case Type		
Case and Shriver Length	**Guardianship**	**Conservatorship**	**Total**
Case Length[b]			
Mean number of months (*SD*)	4.3 (*7.4*)	3.2 (*2.1*)	4.1 (*6.6*)
Median number of months	2.0	2.0	2.0
Range	0.0 to 40.0	1.0 to 8.0	0.0 to 40.0
Missing (%)	4 (11%)	2 (17%)	6 (12%)
Number of cases (%) resolved within…			
2 months (60 days)	21 (55%)	6 (50%)	27 (54%)
Between 2 and 3 months (61-90 days)	5 (13%)	1 (8%)	6 (12%)
Between 3 and 6 months (91-180 days)	3 (8%)	2 (17%)	5 (10%)
Between 6 and 12 months (181-365 days)	1 (3%)	1 (8%)	2 (4%)
12 months or more (more than 365 days)	4 (11%)	0 (0%)	4 (8%)
Missing	4 (11%)	2 (17%)	6 (12%)
Length of Shriver Service Provision[a]			
Mean number of months (*SD*)	4.7 (*3.9*)	11.0 (*2.3*)	6.1 (*4.5*)
Median number of months	4.0	10.0	5.0
Range	0.0 to 15.0	8.0 to 16.0	0.0 to 16.0
Missing (%)	0 (0%)	1 (8%)	1 (2%)

N=50. Guardianship cases *n*=38; Conservatorship cases *n*=12.

Note. Data obtained from the Shriver program services database (as of 06/29/2015).

[a] Length of Shriver legal aid service provision was measured from the date of intake at the legal aid agency to the date the case was closed by the Shriver legal aid attorney.

[b] Case age was measure from the date of case filing to the date of court disposition. Only those cases that were successfully filed with the clerk's office and pursued by the client were included in these calculations. Thirteen cases (nine guardianship, four conservatorship) were omitted from this analysis: seven cases in which the petition was filed, but withdrawn; four cases in which the petition was never filed; one case in which the program services database indicates an alternative to guardianship was pursued; and one case that was missing data on continuances and case outcome.

[187] Most cases were resolved within 16 months of case filing. The one guardianship case extending to 40 months was to terminate an existing guardianship.

As shown in Table P17, more than half (56%; *n*=28) of all Shriver full representation cases had zero continuances. Of those cases with a continuance (36%; *n*=18), the average number of continuances was about two, for both guardianships and conservatorships (range = 1 to 5).

Table P17. Number of Continuances for Shriver Legal Aid Cases

	Case Type		
Continuances	**Guardianship**	**Conservatorship**	**Total**
Number of continuances (%) per case			
0 continuances	22 (58%)	6 (50%)	28 (56%)
1 or more continuances	14 (37%)	4 (33%)	18 (36%)
Missing (%)	2 (5%)	6 (17%)	4 (8%)
Of those cases with a continuance, average number (SD) of continuances	*2.1 (1.5)*	*2.0 (0)*	*2.1 (1.3)*

N=50. Guardianship cases *n*=38; Conservatorship cases *n*=12.
Note. Data from the Shriver program services database (as of 06/29/2015).
Only those cases that were successfully filed with the clerk's office and pursued by the client were included in these calculations. Thirteen cases (nine guardianship, four conservatorship) were omitted from this analysis: seven cases in which the petition was filed, but withdrawn; four cases in which the petition was never filed; one case in which the program services database indicates an alternative to guardianship was pursued; and one case that was missing data on continuances and case outcome.

Summary

The Shriver probate pilot project involves a collaboration between Legal Aid Foundation of Santa Barbara County (LAFSBC) and the Santa Barbara County Superior Court. LAFSBC runs three Shriver service locations in the county, and Shriver litigants can file their cases at three of four county courthouses. LAFSBC offered a range of services on probate matters, from brief counsel and advice to full representation, but only assisted litigants with guardianships and conservatorships of persons (not estates).

The Santa Barbara County Superior Court used Shriver funds to create an innovative staff position: a court-based probate facilitator, who was a licensed attorney specializing in guardianship and conservatorship matters. Her services included assistance filling out forms, preparing written declarations, and researching relatives for service of notice (she did not offer attorney-client privilege or offer legal advice).

From January 2012 through June 2015, LAFSBC helped 242 litigants with probate matters:

- 158 parties met the full eligibility criteria. Of these, 40% received full representation and 60% received unbundled services. An additional 84 litigants received some unbundled services, but were ultimately deemed ineligible (e.g., did not meet income requirement, case out of jurisdiction).
- 66% of cases involved multiple individuals seeking assistance (e.g., couples, such as grandparents seeking guardianship of grandchildren).
- 56% of clients were Hispanic/Latino, 21% had limited proficiency with English, and 21% had known or observable disabilities.

- 17% of eligible clients received CalFresh benefits, and their median monthly income was $1,600 (mean = $1,756).

Among the 242 cases that received Shriver legal aid services from LAFSBC:

- The majority pertained to guardianships--75% of full representation cases and 67% of unbundled services cases.
- Most sought help filing a new petition for guardianship or conservatorship-- 86% of full representation cases and 48% of eligible unbundled services cases.
- On average, full representation clients received 17 hours of attorney time and unbundled services clients received 2 hours.

From February 2013 to December 2014, the probate facilitator helped 203 parties in 188 cases:

- 70% were female and 56% were Hispanic/Latino.
- 40% had a household income of less than $2,000 per month, and 25% received some form of public assistance.

Of the 203 parties served by the Shriver probate facilitator:

- 83% sought assistance with guardianship cases.
- 67% sought assistance with filing new petitions for guardianship or conservatorship.
- On average, a party received a total of 5 hours of direct contact from the probate facilitator.

Among the 47 guardianship cases and 16 conservatorship cases that received **full representation** from LAFSBC:

- Average age of wards was 8 years, and the average age of proposed conservatees was 34 years. 66% of guardianship cases involved a single ward. Every proposed guardian or conservator was a relative of the ward or conservatee.
- At Shriver intake, 16% of clients (21% of guardianship and 0% of conservatorship) had filed petitions. At the conclusion of Shriver services, 87% had filed petitions.
- 56% of cases resolved with zero continuances.
- Average time from filing to disposition was 4.3 months for guardianship cases and 3.2 months for conservatorship cases.
    - However, 54% of cases were resolved within 2 months of filing.
- 65% of cases had letters of guardianship/conservatorship granted, with all but two granted to the Shriver client.

Shriver Probate Pilot Project

Case Outcomes Study

Shriver clients, "Mr. and Mrs. Navarro"

Mr. and Mrs. Navarro, the maternal grandparents of a 14-year old boy and an 11-year old girl, presented at the probate facilitator office for help with obtaining guardianship of their grandchildren. The mother and the children had lived with the Navarros until about 1 year earlier, when the mother moved in with her new boyfriend, who was a convicted rapist. At that point, the boy remained with the grandparents and the girl went to live with her mother. During the next year, the mother started abusing drugs and faced criminal charges. The 11-year old girl subsequently moved back in with her grandparents, but one day she went for a visit with her mother and was not returned. Mr. and Mrs. Navarro reported that Child Welfare Services (CWS) had stated the intention to file a juvenile dependency case and place the children in foster care if they (the grandparents) did not obtain legal guardianship. The probate facilitator assisted Mr. and Mrs. Navarro with the papers for a temporary guardianship. The children's father agreed to the arrangement, as did the children, but the mother objected in court. The court granted the Navarros guardianship of their grandchildren and granted the mother visitation as long as there was no disruption. The judge set another hearing to follow up on the children's progress in school and the mother's criminal court case. He also directed the grandparents to the probate facilitator to prepare the orders and letters for signature.

Case Outcomes Study

Methodology and Analytic Approach

The Case Outcomes Study sought to assess the impact of Shriver services by comparing the case events and outcomes across different client groups. Case outcomes were investigated using data gleaned from individual court files for three study groups: (a) cases that received full representation by a Shriver attorney from the Legal Aid Foundation of Santa Barbara County (LAFSBC), (b) cases that received assistance from the court-based probate facilitator, and (c) cases that received no Shriver service. As mentioned earlier in this report, the evaluation sought to explore whether the Shriver probate pilot project impacted three key areas: litigants' access to justice and participation in the justice system, outcomes of guardianship and conservatorship cases, and court efficiency.

Outcome area #1: Participation in the justice system

Analyses examined the relationship between Shriver service receipt and litigants' engagement with the justice system, such as the number of cases filed and completed (versus the number that were withdrawn or abandoned), the rate of participation in the system by relevant parties (e.g., parents and relatives actively consenting, successful tribal notifications), and the rate of activities that supported the case, such as calling witnesses and entering declarations.

Outcome area #2: Case events and outcomes

The study assessed the rate of key case outcomes, such as letters of guardianship and conservatorship being granted (including temporary orders), as well as to whom and under what conditions letters were granted.

Outcome area #3: Court efficiency

Analyses examined the association between Shriver services and indicators of court efficiency, such as case age, the number of continuances, and the number of hearings.

Sample Selection and Data Availability

To examine the impact of Shriver services on key outcomes of interest, the evaluation compared three groups of litigants: (a) those who received full representation by a Shriver attorney from LAFSBC, (b) those who received court-based services from the Shriver-funded probate facilitator (and no service from LAFSBC), and (c) those who did not receive any Shriver service. Data on key outcomes were collected from a review of individual court case files. For a case file to exist, a petition had to be successfully filed with the court. As indicated by analysis of the program services data presented earlier in this chapter, many litigants who presented to LAFSBC for assistance did not end up filing petitions. Thus, to obtain a sample of litigants who had court case files and whose cases reflected the receipt of Shriver service, the group of Shriver legal aid cases was limited to those receiving full representation.[188] Next, a group of litigants served by the probate facilitator who met Shriver criteria was identified. Then, a group

[188] As noted in the previous section, many of the litigants who presented at LAFSBC did not end up filing a petition, and many of those received unbundled services as a result. Full representation clients all filed petitions and therefore had case files to be reviewed for data collection purposes.

of cases that were disposed prior to the start of the Shriver project were selected (i.e., received no Shriver service). To establish groups that were as similar as possible and to minimize variability that could cause difference in outcomes (and, therefore, to increase the likelihood that any difference could be attributed to service receipt), additional sample selection criteria were employed:

1. ***Shriver legal aid services cases*** were identified from the program services database, and the clients selected for this part of the evaluation:
    - received full representation,
    - successfully filed a petition (so there is a case file to review),
    - were petitioners (there was only one objector who received full representation and the desired outcomes for that client would be different), and
    - sought to establish guardianship or conservatorship (i.e., no petitions to terminate guardianship/conservatorship were included in the sample).
2. ***Probate facilitator cases*** were identified from the facilitator's database, and the litigants selected for this part of the evaluation:
    - had evidence of low-income status (fee waivers, income, etc.),
    - were petitioners (no objectors), and
    - sought to establish guardianship or conservatorship (no terminations).
3. ***Comparison cases*** were identified by Santa Barbara County Superior Court staff via a query to their court case management system, and the cases selected for the evaluation:
    - had a fee waiver granted to a petitioner (to more closely match the low-income population served by Shriver),
    - involved petitions to establish guardianship or conservatorship (no terminations),
    - involved guardianship and/or conservatorship of person (not just estate), and
    - were filed on or before March 2011 and were not open at the time of the case file review.

Using an historical comparison group was deemed the most feasible approach to identifying a sufficient number of cases that were likely eligible for Shriver services but did not receive them. This method was optimal because the Shriver probate pilot project sought to serve all eligible litigants (i.e., random assignment was not implemented) and the number of guardianship and conservatorship cases was small. Although historical comparison groups can introduce cohort effects, such bias seems improbable given the short amount of time between the comparison group selection period (2009–2011) and the Shriver case selection period (2011–2013), during which significant population changes are unlikely. Further, interviews with key stakeholders indicated no major changes to the court during this time. That is, the judge and the overall court operations (aside from the Shriver services) remained consistent over this time period.

Once the cases were identified as part of the study sample, the individual court case files were pulled. Staff from the Judicial Council (JC) and LAFSBC reviewed each file[189] and coded the data using an instrument developed by the evaluation team. As shown in Table P18, a total of 138 case files were located and reviewed: 48 in the LAFSBC full representation group, 43 in the probate facilitator group, and 47 in the comparison group. The ratio of guardianship to conservatorship cases mirrored the larger population requesting services (roughly 4 to 1), except for the probate facilitator, who helped few conservatorship litigants who met the sample selection criteria.

Table P18. Sample Sizes by Case Type and Study Group

Case Type	Full Representation	Probate Facilitator	Comparison	Total
Guardianship	38 (79%)	41 (95%)	37 (79%)	116 (84%)
Conservatorship	10 (21%)	2 (5%)	10 (21%)	22 (16%)
Total	48 (100%)	43 (100%)	47 (100%)	138 (100%)

Note. Three full representation cases also received probate facilitator assistance with their paperwork.

Analytic Approach

Throughout this section, descriptive information is presented about case characteristics and outcomes of interest across the three study groups. In addition, where possible, differences between the study groups were tested for statistical significance.[190] A statistically significant difference represents a real difference between groups, one that is not likely due to chance. For guardianship cases, differences between the three study groups were analyzed using one-way analysis of variance (ANOVA) and chi-squared analyses. The one-way ANOVA is appropriate for studying differences between groups on continuous or numerically scaled variables (e.g., number of continuances) and a chi-squared test is appropriate for testing for differences on categorical variables (e.g., whether letters were granted). For some continuous variables that were not normally distributed, such as case length, nonparametric tests were used to test for differences between groups. Due to the very small number of conservatorship cases, only descriptive analyses were performed and data were not analyzed for statistical significance.

Findings for Guardianship Cases

Case Characteristics

In all cases, the primary petitioner was the proposed guardian. Across all cases, nearly one third of cases (30%; *n*=35) involved joint petitioners (e.g., grandparents, siblings), and just three cases

[189] Judicial Council staff conducted the case file reviews for all programs involved in the Shriver evaluation. Due to issues relating to client confidentiality, LAFSBC did not release the case numbers of their clients for the Judicial Council staff to pull the files. Instead, LAFSBC staff coded the case files of their clients and submitted the de-identified data. LAFSBC staff were trained on the coding protocol and the data collection instrument by an experienced Judicial Council staff person who was present throughout the review to provide technical assistance as necessary. Coders were blind to the study questions.

[190] When a result has less than a 5% probability of occurring by chance (i.e., $p < .05$), the result is said to be statistically significant.

involved competing petitions. In two of these cases, both in the comparison group, the second petitioner was the ward's legal parent nominating someone else.

Across all three study groups, most petitions included a request for temporary guardianship. This was true for 53% (*n*=20) of the full representation group, 68% (*n*=28) of the probate facilitator group, and 59% (*n*=22) of the comparison group. Just one case from each group involved a petitioner also seeking guardianship of the ward's estate.

Guardianship cases are heard in probate court because, traditionally, guardianships were needed when parents were deceased. A review of the petitions in the study sample, however, shows that only about 10% of cases involved a deceased parent (Table P19). In most instances, guardianships were sought because wards' parents were unable/unavailable to care for them. Overall, the most common reasons for filing a petition included: the parent had abandoned the ward (46%), parent had a drug or alcohol abuse problem (42%), or parent was going to prison or jail (41%). Other reasons for seeking guardianship included indication of an absent parent (22%), a history of abuse or neglect (16%) or current involvement with child welfare (14%), and homelessness or unstable housing (14%). There was notable variability across the study groups. However, of those cases with data, at least three quarters of each group had multiple reasons endorsed on the guardianship petition, indicating that these are families facing myriad, complex issues. Notably, this information was unknown for a large proportion of the full representation group, which makes the direct comparison of percentages in the table difficult.

Table P19. Petitioner Reasons for Seeking Guardianship by Study Group

Current Parent/Guardian …	Full Representation	Probate Facilitator	Comparison	Total
Had a serious physical or mental illness	5 (13%)	4 (10%)	4 (11%)	13 (11%)
Had to go to a rehabilitation program	1 (3%)	2 (5%)	3 (8%)	6 (5%)
Had a drug or alcohol abuse problem	11 (29%)	22 (54%)	16 (43%)	49 (42%)
Was in the military and had to go overseas	3 (8%)	1 (2%)	5 (14%)	9 (8%)
Was going to jail/prison long term	7 (18%)	19 (46%)	21 (57%)	47 (41%)
Had a history of abuse	9 (24%)	8 (20%)	1 (3%)	18 (16%)
Abandoned/not cared for ward	14 (37%)	21 (51%)	18 (49%)	53 (46%)
Became deceased	2 (5%)	7 (17%)	2 (5%)	11 (10%)
Had unstable housing/became homeless	2 (5%)	8 (20%)	6 (16%)	16 (14%)
Became involved with Child Welfare Svcs.	3 (8%)	9 (22%)	4 (11%)	16 (14%)
Questionable or uncertain paternity	0 (0.0%)	5 (12%)	3 (8%)	8 (7%)
Other indication of absent parent	11 (29%)	6 (15%)	8 (22%)	25 (22%)
Other	3 (8%)	2 (5%)	3 (8%)	8 (7%)
Unknown	17 (45%)	13 (32%)	6 (16%)	36 (31%)

N=116. Full representation (*n*=38), probate facilitator (*n*=41), comparison group (*n*=37).
Note. Petitioners may indicate more than one reason for seeking guardianship, so column percentages will sum to more than 100.

The severity of family issues was further evidenced by the overlap between the guardianship case and the child welfare and dependency court systems in all groups (Table P20). A notable minority of families were referred to probate court by the child welfare system: 26% of the full representation group and about 17% of the other two groups. A small number of cases in each group involved open juvenile dependency court cases.

Table P20. Number of Cases with Child Welfare or Juvenile Dependency Court Involvement

Interaction with Child Welfare and Dependency Court Systems	Full Representation	Probate Facilitator	Comparison	Total
Case Referred by Child Welfare				
Yes	10 (26%)	7 (17%)	6 (16%)	23 (20%)
No	14 (37%)	28 (68%)	23 (62%)	65 (56%)
Unknown/Missing	14 (37%)	6 (15%)	8 (22%)	28 (24%)
Total	38 (100%)	41 (100%)	37 (100%)	116 (100%)
Open Juvenile Dependency Case				
Yes	2 (5%)	2 (5%)	4 (11%)	8 (7%)
No	26 (68%)	32 (78%)	26 (70%)	84 (75%)
Unknown/Missing	10 (26%)	7 (17%)	7 (19%)	24 (21%)
Total	38 (100%)	41 (100%)	37 (100%)	116 (100%)

As seen in Table P21, the majority of cases (63%; *n*=73) involved guardianship over one ward. There were no differences across study groups in the average number of wards per petition.[191] However, there was a significant difference in the average age of the wards across the groups.[192] Specifically, cases receiving full representation had the oldest wards with an average age of 9 years, and the probate facilitator group had the youngest wards with an average age of 6 years.

Table P21. Number and Age of Wards by Study Group

	Full Representation	Probate Facilitator	Comparison	Total
Number of wards per case				
1	24 (63%)	28 (68%)	21 (57%)	73 (63%)
2	9 (24%)	11 (27%)	10 (27%)	30 (26%)
3	5 (13%)	1 (2%)	4 (11%)	10 (9%)
4	0 (0%)	1 (2%)	2 (5%)	3 (3%)
Total number of wards *[ns]*	57	57	61	175
Average age of wards *[sig.]*	**9.0** (4.8)	**6.4** (4.9)	8.1 (4.9)	7.8 (5.0)

N=116. Full representation (*n*=38), probate facilitator (*n*=41), comparison group (*n*=37).
Note. *ns* = not significantly different across groups; *sig*. = significant difference between groups; noted in bold.

[191] X^2 (2, n = 116) =1.11, p = .574. Cases with multiple wards were combined into a single category for this analysis.
[192] F (2,172) = 4.25, $p < .05$, $\eta^2 = .047$

OUTCOME AREA #1: PARTICIPATION IN THE JUSTICE SYSTEM

Did more litigants complete their cases?

A primary goal of Shriver service providers—both LAFSBC attorneys and the probate facilitator—was to offer services that would support the successful filing and following of petitions, and to ultimately reduce the number of petitioners who withdrew or abandoned their cases from fatigue and confusion with the process. Case review data show that cases were seen to completion—and petitions granted—for the majority of cases in each of the study groups. However, a sizable minority of petitioners in all three groups either withdrew their petitions or otherwise abandoned their cases (20% of all cases; see Table P22). In the full representation group, 24% of litigants withdrew their petitions and none abandoned their cases, as compared to 13% and 3%, respectively, of the probate facilitator group, and 14% and 5% of comparison cases. Analysis indicated that the proportion of cases withdrawn/abandoned versus resolved through other methods did not differ statistically among the study groups.[193]

Table P22. Outcomes of Permanent Petitions by Study Group

	Full Representation	Probate Facilitator	Comparison	Total
Petitioner withdrew	9 (24%)	5 (13%)	5 (14%)	19 (17%)
Petitioner abandoned case	0 (0%)	1 (3%)	2 (5%)	3 (3%)
Petitioner saw case to resolution	29 (76%)	34 (84%)	30 (81%)	93 (80%)
Total	38 (100%)	40 (100%)	37 (100%)	115 (100%)

Note. One probate facilitator case was not resolved at the time of the case file review. Thus, with regard to analyses pertaining to case events and outcomes, the number of probate facilitator cases is 40 (instead of 41) and the total number of cases is 115 (instead of 116). There were no statistically significant differences between the groups in the proportion of petitions withdrawn or abandoned.

Although the differences across the groups were not statistically significant, the rate of withdrawals among Shriver full representation clients appears slightly higher than the other two groups. This may be because, upon receiving consultation from the Shriver attorney about the likelihood of their petition being granted and/or the activities required during the case (e.g., court investigations), Shriver legal aid clients may have decided to withdraw their petitions and seek alternatives (e.g., Caregiver Affidavits). This type of consultation might not have been available to self-represented litigants in the other two groups.

Was there more participation in the system by relevant parties?

Guardianship cases can elicit participation in the justice system by multiple parties relevant to the ward. For example, relatives of wards are notified about the case, as are tribal authorities for wards of Native American heritage, and thus have an opportunity to voice their opinions to the court about the best placement for the child. In particular, parents are contacted and asked to provide signed consent for the guardianship.

Notification and Consent. Case files indicated whether mothers and fathers were served notifications and whether they provided signed consent (Table P23). Overall, the majority of mothers were notified, and half of those who were notified provided signed consent. For cases

[193] χ^2 (2, n = 115) = 0.95, p = .621

receiving full representation, 83% (*n*=29) of mothers were served a notification (48% of whom consented). In the probate facilitator group, 85% (*n*=29) of mothers were served notification (55% of whom consented). In the comparison group, 70% (*n*=23) of mothers were notified (48% of whom consented). Across the study groups, there were 21 cases for which notification was unable to be substantiated. In these cases, 10 mothers were described as having abandoned child and whereabouts unknown, three were deceased, three were incarcerated, one had been deported, one was severely ill, one was using substances, and 2 were missing data. Although it was not possible to substantiate notification from the case file documentation, it is likely that the court waived notification, given the circumstances, so that the case could proceed.

Across the groups, roughly two thirds of fathers were notified, and of those who were notified, most provided signed consent. In the full representation cases, 65% (*n*=24) of fathers were served notifications (54% of whom consented). In the probate facilitator group, 69% (*n*=22) of fathers were served notifications (50% of whom consented). In comparison cases, 68% (*n*=21) of fathers were served notifications (76% of whom consented). Of the 33 fathers for whom notification could not be substantiated in the case files, nine could not be located, four were incarcerated, three were deceased, three were deported or had left the country, and 14 had no mention at all in the case file. As mentioned above, it is likely that the court waived the requirement so that the case could proceed. The differences in the rates of notifications served to parents across the three study groups were not statistically significant.[194]

Table P23. Service of Notices to Mother and Father by Study Group

	Full Representation	Probate Facilitator	Comparison	Total
Mother				
Notification complete	29 (83%)	29 (85%)	23 (70%)	81 (79%)
Notification not documented	6 (17%)	5 (15%)	10 (30%)	21 (21%)
Total	35 (100%)	34 (100%)	33 (100%)	102 (100%)
Father				
Notification complete	24 (65%)	22 (69%)	21 (68%)	67 (67%)
Notification not documented	13 (35%)	10 (31%)	10 (32%)	33 (33%)
Total	37 (100%)	32 (100%)	31 (100%)	110 (100%)

Note. Information on mother's notification was not available or applicable for three full representation cases, seven probate facilitator cases, and four comparison cases. Information on father's notification were not available or applicable for one full representation case, nine probate facilitator cases, and six comparison cases. Rates of notifications served to parents were not statistically significant across the study groups.

Overall, as shown in Table P24, ICWA notification was deemed necessary for 10% of all cases (*n*=11). The probate facilitator identified a greater proportion of cases that required ICWA notification (20%; *n*=8), as compared to the other two study groups (both < 5%), and this difference was statistically significant.[195] It is possible, though unlikely, that the probate facilitator had a higher number of Native American clients; it is also possible, and perhaps more likely, that she actively employed a protocol for detecting Native American heritage among her clients. In cases where ICWA notices were deemed necessary, they were completed in all cases

[194] For mothers: χ^2 (2, n = 102) = 2.88, p = .237; For fathers: χ^2 (2, n = 100) = 0.13, p = .938
[195] χ^2 (2, n = 115) = 7.42, p < .05, Cramer's V = .254

except one in each study group. In these three cases with incomplete ICWA notification, there was no indication of a court waiver; one petition was ultimately withdrawn, one case was dismissed, and one ended with a guardianship placed.

Table P24. ICWA Notices by Study Group

	Full Representation	Probate Facilitator	Comparison	Total
ICWA deemed not necessary	36 (95%)	33 (81%)	35 (95%)	103 (90%)
ICWA deemed necessary *[sig.]*	2 (**5%**)	8 (**20%**)	1 (**3%**)	11 (10%)
ICWA completed (of those needed)	*1 (50%)*	*7 (88%)*	*0 (0%)*	*8 (73%)*
Total	38 (100%)	41 (100%)	36 (100%)	115 (100%)

Note. Data missing for one comparison case.
Sig. = ICWA notification necessity was statistically significant across study groups as noted in bold.

Objectors and Additional Parties. A possible result of more effective notification practices could be that relatives become more involved in the probate court proceedings, for example, by becoming an objector or additional party to the case. As shown in Table P25, objections were on record for 29% (*n*=11) of cases receiving full representation, 22% (*n*=9) of cases helped by the probate facilitator, and 30% (*n*=11) of comparison cases. In all groups, objectors were most often parents. Anecdotally, project staff relayed that parents often objected out of fear that their parental rights would be terminated if a guardianship were established, but consented once they learned that their rights would remain intact. Analysis showed that the percentages of cases with objections did not differ significantly across the three study groups.[196]

Table P25. Number of Objectors and Additional Parties by Study Group

	Full Representation	Probate Facilitator	Comparison	Total
Number (%) of cases with an objection *[ns]*	11 (29%)	9 (22%)	11 (30%)	31 (27%)
Total number of objectors	14	13	13	40
Parent	11 (79%)	9 (69%)	8 (62%)	28 (70%)
Other family member	1 (7%)	0 (0%)	0 (0%)	1 (3%)
Proposed ward	0 (0%)	1 (8%)	1 (8%)	2 (5%)
Tribe	1 (7%)	0 (0%)	0 (0%)	1 (3%)
Other interested party	1 (7%)	3 (23%)	4 (31%)	8 (20%)
Number (%) of cases with an additional party *[ns]*	12 (32%)	15 (37%)	8 (22%)	35 (30%)
Total number of additional parties	14	21	12	47
Parent	12 (86%)	15 (71%)	8 (67%)	35 (75%)
Other family member	0 (0%)	0 (0%)	2 (17%)	2 (4%)
Proposed ward	0 (0%)	3 (14%)	1 (8%)	4 (9%)
Tribe	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Other interested party	2 (14%)	3 (14%)	1 (8%)	6 (13%)

Note. Percent of cases with an objection or an additional party were not statistically different (*ns*) across groups.

Also shown in Table P25 above, at least one additional party was on record for 32% (*n*=12) of full representation cases, 37% (*n*=15) of probate facilitator cases, and 22% (*n*=8) of comparison cases. Analysis shows that the percentages of cases with an additional party did not

[196] χ^2 (2, n = 116) = 0.74, p = .690

significantly differ across the three groups.[197] Additional parties were most often parents, and reasons for their involvement as additional parties were generally missing from the case files. However, of the 14 cases with data, parents were advocating for the proposed guardianship in two cases, working out visiting/custody arrangements in four cases, attending hearings in three cases, signing consent in two cases, and objecting to the petitions in three cases.

Witnesses and Declarations. Another possible result of having legal assistance could be that litigants more effectively navigate the judicial system. For example, petitioners can support their cases by calling witnesses or entering written declarations. Self-represented litigants may not maneuver through the legal system as adeptly or know that these kinds of actions can help their cases. Case file review data were analyzed to determine the number of witnesses called and declarations entered for each case. Overall, a minority of cases involved witnesses or declarations; however, there were noticeable differences across study groups (Table P26).

Witnesses were called in 31% (*n*=11) of full representation cases, 12% (*n*=5) of probate facilitator cases, and 5% (*n*=2) of comparison group cases. A statistically significant difference existed across study groups.[198] Specifically, cases with representation by a Shriver attorney were significantly more likely to include a witness, as compared to cases in the other two groups.

Declarations were entered in 22% (*n*=8) of full representation cases, 7% (*n*=3) of probate facilitator cases, and 3% (*n*=1) of comparison cases. Analysis revealed a statistically significant difference across the three study groups.[199] Specifically, cases with full representation by a Shriver attorney were significantly more likely to have declarations entered, compared to cases in other groups.

Table P26. Total Number of Witnesses and Declarations by Study Group

	Full Representation	Probate Facilitator	Comparison	Total
Number (%) of cases with witnesses *[sig.]*	11 (**31%**)	5 (**12%**)	2 (**5%**)	18 (16%)
Total number of witnesses	31	16	9	56
Number (%) of cases with declarations *[sig.]*	8 (**22%**)	3 (**7%**)	1 (**3%**)	14 (12%)
Total number of declarations	13	4	1	18

N=114. Full representation (*n*=36), probate facilitator (*n*=41), comparison group (*n*=37). Information on witnesses and declarations was not available for two full representation cases.
Note. *sig*. = significant difference between groups; noted in bold.

[197] χ^2 (2, *n* = 115) = 1.90, *p* = .386
[198] χ^2 (2, *n* = 114) = 9.30, *p* < .01, Cramer's V = .28
[199] χ^2 (2, *n* = 114) = 8.80, *p* < .05, Cramer's V = .27

OUTCOME AREA #2: CASE EVENTS AND OUTCOMES

Court investigations

Most case files (81% to 95% across groups) indicated that a court investigation was completed to determine whether the proposed guardian was suitable. This was expected, as investigations are a required part of the probate process. Data on the recommendations from the investigations were available only for the probate facilitator and comparison groups (Table P27). For these two groups, the majority of investigation results deemed the proposed guardian to be a good fit: 62% (*n*=24) of probate facilitator cases and 70% (*n*=21) of comparison cases. The difference between these groups was not statistically significant.[200]

Table P27. Court Investigation Completions and Recommendations by Study Group

	Full Representation	Probate Facilitator	Comparison	Total[a]
Court investigation was completed *[ns]*	34 (90%)	39 (95%)	30 (81%)	103 (89%)
Proposed guardian deemed good fit *[ns]*	X	24 (62%)	21 (70%)	45 (65%)
Proposed guardian not qualified	X	9 (23%)	7 (23%)	16 (23%)
Guardian not needed	X	3 (8%)	3 (10%)	6 (9%)
Case should be referred to CWS	X	3 (8%)	2 (7%)	5 (7%)
Other investigation result	X	5 (13%)	5 (17%)	10 (15%)
Court investigation not completed	4 (11%)	2 (5%)	7 (19%)	13 (11%)

Note. There may be multiple results to court investigations; percentages do not add to 100%.
ns = Rate of court investigation completed did not differ significantly across study groups.
[a] Court investigation results percentages are calculated from the total of probate facilitator cases and comparison group cases (*n*=69), because these data were unavailable for full representation cases.

Were more guardianships granted?

Overall, the majority of cases resulted in the appointment of a permanent guardian (Table P28). Letters were granted in 67% (*n*=25) of full representation cases, 63% (*n*=25) of probate facilitator cases, and 57% (*n*=21) of comparison cases. Analyses show that the percentages across the study groups were not statistically different.[201] In all but one case, the proposed guardian was appointed; the remaining case had the tribe appointed as permanent guardian.

Of those cases in which a permanent guardian was not appointed, slightly greater proportion of full representation clients withdrew their petitions than had them denied (24% vs. 11%). The opposite was true for the probate facilitator group (15% withdrawn, 23% denied) and the comparison group (19% withdrawn, 24% denied). As noted earlier, this result may be due to Shriver full representation clients receiving consultation about the viability of their petitions and/or the other options available to them (e.g., Caregiver Affidavit) that do not require court filing that the other two groups of litigants did not have. (Recall that the probate facilitator did not provide legal advice about the viability of a petition.) This is a possible explanation, but the court case files do not contain data for it to be empirically evaluated.

[200] χ^2 (1, n = 68) = 0.88, p = .349
[201] χ^2 (2, n = 114) = 0.92, p = .631

Table P28. Number of Permanent Guardianship Appointments by Study Group

Petitions with…	Full Representation	Probate Facilitator	Comparison	Total
Permanent guardian appointed *[ns]*	25 (67%)	25 (63%)	21 (57%)	71 (62%)
Proposed guardian	24 (96%)	25 (100%)	21 (100%)	70 (99%)
Tribe	1 (4%)	0 (0%)	0 (0%)	1 (1%)
State/Child Welfare Services	0 (0%)	0 (0%)	0 (0%)	0 (0%)
No permanent guardian appointed	4 (11%)	9 (23%)	9 (24%)	22 (19%)
Petition denied	4 (100%)	4 (44%)	4 (44%)	12 (55%)
Dismissed pending juv. dependency case	0 (0%)	2 (22%)	3 (33%)	5 (23%)
Other dismissal	0 (0%)	3 (33%)	2 (22%)	5 (23%)
Petition Withdrawn/Abandoned	9 (24%)	6 (15%)	7 (19%)	22 (19%)
Total	38 (100%)	40 (100%)	37 (100%)	115 (100%)

Note. One probate facilitator case was not resolved at the time of the case file review.
ns = Rate of permanent guardian appointment did not differ significantly across study groups.

Across all three study groups, over half (54%; *n*=63) of the petitions involved a corresponding petition for temporary guardianship, and a majority of these petitions were granted in all three groups (Table P29).

Table P29. Outcomes of Temporary Petitions by Study Group

	Full Representation	Probate Facilitator	Comparison	Total
Petition granted	14 (70%)	20 (71%)	10 (63%)	44 (69%)
Petition denied	3 (15%)	3 (11%)	3 (19%)	9 (14%)
Petition withdrawn	3 (15%)	3 (11%)	3 (19%)	9 (14%)
Dismissed pending juvenile court case	0 (0%)	1 (4%)	0 (0%)	1 (2%)
Other dismissal	0 (0%)	1 (4%)	0 (0%)	1 (2%)
Total	20 (100%)	28 (100%)	16 (100%)	63 (100%)

Note. Temporary petition outcomes were not available for six cases in the comparison group.

What characteristics were associated with whether guardianships were appointed?

Permanent guardianships were not granted in roughly one quarter of cases. Table P30 shows the court investigation results for cases that did not result in the appointment of a guardian. For the 10 probate facilitator cases with no guardian appointed, court investigations concluded that the proposed guardian was not qualified in five cases, a guardian was not needed in two cases, and a referral to child welfare services was necessary in two cases. In two cases, the investigation deemed the guardian a good fit, but the court decided against the appointment. For the 11 comparison group cases that did not have a permanent guardian appointed, court investigation results were available for six (55%) of cases. Of these six cases, the investigation concluded that the guardian was not qualified in four cases, that a guardian was not needed in three cases, and that a referral to child welfare was warranted in one case. Data reflecting the court investigation results were not available for the full representation cases.

Table P30. Court Investigation Results for Cases without Permanent Guardian Appointed

Court Investigation Outcome	Full Representation	Probate Facilitator	Comparison	Total
Court investigation completed	4 (100%)	10 (100%)	6 (55%)	20 (80%)
Proposed guardian deemed good fit	X	2 (20%)	0	2 (8%)
Proposed guardian not qualified	X	5 (50%)	4 (36%)	9 (36%)
Guardian not needed	X	2 (20%)	3 (27%)	5 (20%)
Case should be referred to CWS	X	2 (20%)	1 (9%)	3 (12%)
Other investigation result	X	3 (30%)	3 (27%)	6 (24%)
Court investigation not completed	0	0	5 (45%)	5 (20%)

N=25. Full representation (*n*=4), probate facilitator (*n*=10), comparison group (*n*=11).
Note. There may be multiple results to court investigations; percentages do not add to 100%.

Other case characteristics were examined for any association with whether a permanent guardian was appointed. Ward age was not found to be significantly associated with whether a permanent guardianship was established.[202] The provision of signed consent from parents was not found to be significantly associated with whether a permanent guardian was appointed.[203] Whether witnesses were called[204] or declarations were entered[205] were also not found to be significantly associated with the appointment of a permanent guardian.

Outcome Area #3: Court Efficiency

Were cases resolved faster with Shriver services?

Case length was defined as the number of days between the petition filing and the date of disposition. Lengths of cases in which the petitioner withdrew were inspected and were not demonstrably different than cases that were disposed (i.e., litigants did not always withdraw the case early in the process). Therefore, all cases remained in these calculations. Table P31 displays average length of all cases within each study group, regardless of outcome. Cases receiving full representation lasted, on average, for 3 months (mean = 92 days; median = 56 days), compared with an average length of 4 months (mean = 119 days; median = 72) among probate facilitator cases and 3.5 months (mean = 103 days; median = 84) among comparison cases. These differences, though notable, did not reach statistical significance.[206]

Table P31 also shows the percentage of cases in each study group that were resolved within 60, 90, 180, and 365 days. Notably, just over half of the cases that received Shriver representation (53%) resolved within 60 days, versus just over one third of probate facilitator cases (38%) and comparison cases (35%). At 90 days, roughly two thirds of cases in the full representation and probate facilitator groups were closed, as compared to half of the comparison cases.

Most cases were resolved within 180 days; however, four cases took over a year to resolve. In calculating the average case length, these outlying values were retained and included in the

[202] $F(1,167) = 0.04$, $p = .837$
[203] χ^2 (1, n = 100) = 0.34, p = .558 for mothers; χ^2 (1, n = 98) = 1.59, p = .207 for fathers
[204] χ^2 (1, n = 94) = 0.84, p = .772
[205] χ^2 (1, n = 94) = 1.96, p = .162
[206] Given the skewed distribution, a nonparametric test was used. Kruskall-Wallis $\chi^2(2) = 2.54$, $p = .281$

computation in an effort to encompass the true range of case lengths (especially in light of the small sample size and potentially limited generalizability). Additional measures of central tendency (e.g., median) and variability (e.g., range) are shown in Table P31 to address concerns about the potential impact of outliers on mean values. Statistical tests examining whether differences in case length were significantly different across study groups did not substantively differ when case lengths over 1 year were excluded. As such, the full sample is included when statistical tests involving case length are reported.

Table P31. Case Length (in Days) by Study Group

Case Length	Full Representation	Probate Facilitator	Comparison	Total
Mean number of days (SD)	92.4 (96.1)	118.5 (108.9)	103.2 (78.0)	105.2 (95.3)
Median number of days *[ns]*	55.5	71.5	84	67
Range	7 – 431	15 – 472	8 – 269	7 – 472
Number of cases (%) resolved within…				
60 days or less	19 (53%)	15 (38%)	13 (35%)	47 (42%)
Between 61 and 90 days	6 (17%)	10 (25%)	6 (16%)	22 (20%)
Between 91 and 180 days	6 (17%)	7 (18%)	9 (24%)	22 (20%)
Between 181 and 365 days	3 (8%)	6 (15%)	9 (24%)	18 (16%)
Over 365 days	2 (6%)	2 (5%)	0 (0%)	4 (4%)

N=113. Full representation (*n*=36), probate facilitator (*n*=40), comparison group (*n*=37). Case length could not be calculated for two full representation cases and one probate facilitator case due to incomplete data in case file.
Note. ns = there was not a statistically significant difference between groups

A potentially important influence on the length of probate cases is the presence of an objector. If there is a party objecting to the guardianship, the proceedings may take more time. Across cases in all three study groups combined, the 29 cases with an objector had an average length of 146 days (median = 148), whereas the 84 cases without an objector had an average case length of 91 days (median = 59). This difference was statistically significant.[207] The involvement of an objector appeared to lengthen the time to case resolution, regardless of study group. Analyses showed that there were no significant differences in case length by study group among cases with an objector[208] and those without an objector.[209] See Table P32 below.

Table P32. Case Age (in Days) by Objector Involvement by Study Group

Case Status	Full Representation	Probate Facilitator	Comparison	Total
Cases with an Objector				
Number of cases	9	9	11	29
Mean number of days (SD)	102.9 (62.4)	173.1 (95.1)	159.7 (79.1)	**146.2** (82.7)
Median number of days	87	162	181	148
Range	43 - 216	50 – 343	19 – 269	19 – 343
Cases without an Objector				
Number of cases	27	31	26	84
Mean number of days (SD)	88.9 (105.8)	102.6 (108.8)	79.3 (65.2)	**91.0** (95.7)
Median number of days	52	63	61	59
Range	7 – 431	15 – 472	8 – 227	7 – 472

Note. Number of days is statistically significantly different between cases with an objector and cases without (highlighted in bold). Differences between study groups were not significant.

Were there fewer hearings or continuances?

Across the study groups, there were a total of five cases in which no hearings were held before the case was dismissed, due to the petitioner withdrawing the petition or the court lacking jurisdiction. These cases were removed from the analysis. The rest of the cases were expected to have at least one hearing to resolve the petition. Under the most efficient of circumstances, a case would be resolved with one hearing and no continuances.

As shown in Table P33, the large majority of the probate facilitator (88%) and the comparison (75%) cases required more than one hearing to be resolved, as compared to 61% of the full representation group. This difference was statistically significant across the groups—that is, cases receiving Shriver full representation were significantly more likely to entail just one hearing, as compared to those without a Shriver attorney.[210] Across the cases with at least one hearing (i.e., omitting those that were dismissed without a hearing), the average number of

[207] Mann Whitney U = 364, $p < .001$
[208] Kruskal Wallis $\chi2(2)= 3.33$, $p = .189$
[209] Kruskal Wallis $\chi2(2)= 1.75$, $p = .416$
[210] χ^2 (2, n = 114) = 8.47, $p < .05$, Cramer's V = .273

hearings per case was 2.4 for full representation cases, 3.4 for probate facilitator cases, and 3.1 for comparison cases. These means were not statistically different.[211]

Continuances occurred in 52% of full representation cases, 70% of probate facilitator cases, and 80% of comparison cases (see Table P33). Differences across groups in the percentage of cases with at least one continuance were statistically significant.[212] Specifically, full representation cases were significantly less likely than the comparison cases to involve a continuance; the probate facilitator group fell in between and did not significantly differ from either of the other two groups. Of those cases that involved a continuance, the average number of continuances per case did not vary significantly across the study groups.[213]

The lower rate of continuances in the full representation group could be expected, as the attention and expertise of an attorney can ensure that common causes of continuance (e.g., not following proper notification procedures) are avoided. Self-represented litigants in the probate facilitator and comparison groups did not have this level of assistance. Indeed, when case file data indicated a reason for the continuance, common reasons included incomplete notifications (ICWA and non-ICWA) and missing pleadings or other paperwork. The skill of an attorney cannot mitigate all continuances, though. Often, cases were continued because the court investigations were not yet complete.

Table P33. Average Number of Hearings and Continuances by Study Group

Hearings and Continuances	Full Representation	Probate Facilitator	Comparison	Total
Hearings				
Cases with one hearing	13 (39%)	5 (12%)	9 (25%)	27 (25%)
Cases with more than one hearing *[sig.]*	20 (**61%**)	35 (**88%**)	27 (**75%**)	82 (75%)
Of those cases with at least one hearing, average number of hearings [ns]	*2.4 (1.8)*	*3.4 (2.3)*	*3.1 (1.9)*	*3.0 (2.1)*
Continuances				
Cases with no continuances	16 (48%)	12 (30%)	7 (20%)	35 (32%)
Cases with at least one continuance *[sig.]*	17 (**52%**)	28 (70%)	28 (**80%**)	73 (68%)
Of those cases with a continuance, average number of continuances [ns]	*2.0 (1.5)*	*2.7 (1.6)*	*2.7 (1.6)*	*2.5 (1.8)*

N=109. Full representation (*n*=33), probate facilitator (*n*=40), comparison group (*n*=36). Five cases were dismissed before a hearing occurred: three full representation cases, one probate facilitator case, and one comparison case. Further, data for number of hearings and continuances were missing for two full representation cases, and data for number of continuances were missing for one comparison case.
Note. Sig. = Full representation cases were statistically significantly more likely to be resolved with one hearing, and less likely to have continuances, than the other groups (noted in bold).
ns = study group differences were not statistically significant.

[211] $F(2,111) = 1.96$, $p = .145$.
[212] χ^2 (2, n = 112) = 6.98, $p < .05$.
[213] $F(2,70111) = 0.942.76$, $p = .07$.

Summary

The Case Outcomes Study sought to assess the impact of Shriver services by comparing the case events and outcomes for three groups: (a) cases that received full representation by a Shriver attorney from the Legal Aid Foundation of Santa Barbara County (LAFSBC); (b) cases that received assistance from the court-based Shriver probate facilitator; and (c) cases that received no Shriver service. Data were gleaned from individual court files. A total of 138 case files were reviewed: 48 in the LAFSBC full representation group, 43 in the probate facilitator group, and 47 in the comparison group.

Guardianship case characteristics

Guardianships were sought because wards' parents were unable/unavailable to care for them. The dysfunction and complex issues faced by these families and the need for safe placements for children were evident:

- 46% of petitions indicated the parent had abandoned the ward, 42% the parent had a drug or alcohol abuse problem, 41% the parent was going to prison or jail, 22% an absent parent, 16% a history of abuse/neglect, and 14% homelessness.
- 26% of families represented by LAFSBC were referred by the child welfare system, suggesting that CWS recognizes guardianships as a way to avoid foster care.

Outcome area #1: Participation in the justice system

The Shriver probate pilot project sought to support the successful filing of petitions and to reduce the number of petitioners who withdrew their petitions or abandoned their cases from fatigue and confusion with the process.

- 76% of full representation clients saw their cases to resolution, versus 84% of probate facilitator cases and 81% of comparison cases.
- 24% of full representation cases withdrew their petitions, versus 13% and 14% (respectively) of the other study groups.
- No full representation clients abandoned their petitions, whereas a couple cases in the other groups did.

Shriver services sought to support the conduct of effective and timely notification practices.

- ICWA notification was necessary for 10% of all cases. The probate facilitator identified a greater proportion of cases that required ICWA notification (20%), as compared to the other groups (both < 5%).

Shriver legal assistance helped litigants to more effectively participate in the judicial system and to employ a range of strategies to support their cases.

- Shriver full representation cases (31%) were significantly more likely to call witnesses, as compared to the other groups (12% of probate facilitator and 5% of comparison cases).
- Shriver full representation cases (22%) were significantly more likely to have declarations entered, compared to cases in the other groups (7% and 3%, respectively).

Outcome area #2: Case events and outcomes

- Letters of guardianship were granted in 67% of full representation cases, 63% of probate facilitator cases, and 57% of comparison cases.
- Of those cases where no guardian was appointed, more full representation clients withdrew their petitions than had them denied (24% vs. 11%). The opposite was true for the probate facilitator group (15% withdrawn, 23% denied) and the comparison group (19% withdrawn, 24% denied). This may be due to Shriver attorneys providing consultation about the viability of petition and/or the other options (e.g., Caregiver Affidavits).

Outcome area #3: Court efficiency

Shriver attorneys facilitated quicker resolution and more efficient case processing.

- 53% of full representation cases resolved within 60 days, versus 38% of probate facilitator cases and 35% of comparison cases.

Cases with a Shriver attorney were more likely to resolve with just one hearing.

- 61% of full representation cases required more than one hearing to be resolved, versus 88% of probate facilitator cases and 75% of comparison cases.

Cases with a Shriver attorney were less likely to involve continuances.

- Continuances occurred in 52% of full representation cases, 70% of probate facilitator cases, and 80% of comparison cases.

Limitations

Data on key outcomes were collected from a review of individual court case files. For a case file to exist, a petition had to be successfully filed with the court. As indicated by analysis of the program services data presented earlier in this chapter, many litigants who presented to LAFSBC for assistance did not end up filing a petition, so it is possible that this sample does not adequately reflect the broader population of families seeking guardianship arrangements.

Preliminary Findings for Conservatorship Cases

Few conservatorship cases were able to be reviewed—22 cases in total across groups. Due to the small sample size, statistical analyses were not conducted. Findings are presented here for descriptive purposes only. Interpretations of findings should be taken with caution, as the sample size does not ensure representativeness.

Description of conservatorship cases

- Most full representation cases (80%; *n*=8) and both probate facilitator cases were seeking general conservatorship, as compared to 40% (*n*=4) of comparison cases.
- Proposed conservatees were, on average, 34 years old (median = 32) in the full representation cases (age was missing for half of this group), 61 years old (median = 61) in the probate facilitator cases, and 47 years old (median = 42) in the comparison cases.
- In all 10 of the full representation cases and both probate facilitator cases, the petitioner was the proposed conservator (and a family member in every case but one). In the comparison group, 70% of petitioners (*n*=7) were the proposed conservators and 30% (*n*=3) were the public guardians.
- It is possible for conservatorship cases to be referred by Adult Protective Services. Of the 22 cases, four cases (18%) had referrals by Adult Protective Services, all of which were in the comparison group.

Did more individuals access the judicial system?

- Nearly all cases had letters of conservatorship granted to the petitioners. Only one case in the probate facilitator group had a petition denied. No petitions were withdrawn.
- Two cases involved the petitioners also seeking temporary conservatorship. One case in the comparison group had the temporary petition granted, while one case in the probate facilitator group had the petition denied.
- Regarding the probate facilitator case with the denied petition, the court investigation determined that a conservator was not needed.

Was there more participation in the system by relevant parties?

- Regarding notifications, when parents were accessible, mothers and fathers were served notifications 100% of the time in all three groups.
- The number of petitions with objections was zero in the full representation group, one (50%) in the probate facilitator group, and two (20%) in the comparison group. Two of the three objectors were tribal entities, and one was the parent of the conservatee.
- Additional parties were involved in 50% of full representation cases, 100% of probate facilitator cases, and 80% of comparison cases. The additional party was most often the child of the conservatee: 80% of the additional parties in the full representation group, 100% in the probate facilitator group, and 88% in the comparison group. The remaining two additional parties were the parents of the conservatee.
- Few cases involved witnesses or declarations, and all of those did receive LAFSCB full representation. One full representation case involved two witnesses; no probate

facilitator or comparison cases had witnesses. Five full representation cases had at least one declaration entered; no probate facilitator or comparison cases had declarations.

Were cases resolved faster?

- The average case age was 104 days (median = 65) for the full representation group, 176 days (median = 176) for the probate facilitator group, and 52 days (median = 42) for the comparison group. Each of the Shriver groups had at least one lengthy case (almost a year) that increased the groups' averages.[214] All other cases in all groups had resolutions within 180 days.

Were there fewer hearings and/or continuances?

- All cases had at least one hearing. Full representation cases had an average of 1.7 hearings, as compared to an average of 3.5 among probate facilitator cases and 1.5 hearings among comparison cases.
- In the full representation and comparison groups, 40% of cases had at least one continuance. Across these cases, there was an average of 1.8 continuances in the full representation group and 2.3 in the comparison group. One of the two probate facilitator cases had a total of four continuances. Where information was available, the most commonly cited reasons for continuances were missing pleadings or paperwork, incomplete notifications, and requests either from counsel or from the petitioner.

[214] If the one case with an age of 356 days is removed from the full representation group, the average case length for that group drops to 76 days.

Shriver Probate Pilot Project

Staff and Stakeholder Perceptions

Shriver client "Jasmine"

Beverly, an elderly woman with dementia, had been living in a residential care facility for a few years after suffering a series of strokes. A doctor's report indicated that she had severe impairments with her memory. Beverly's husband had been handling her health and financial decisions, but he had recently died. Beverly's son had a history of substance abuse and altercations with the law. He had also been previously reported to the police for elder abuse of another family member and there were concerns about his ability to make good decisions for his mother. Beverly's granddaughter, Jasmine, sought to establish a conservatorship, whereby she could manage decisions related to Beverly's care, health, and finances. The probate facilitator helped Jasmine prepare the conservatorship petition and file it with the court. Because of her health condition, Beverly could not attend the hearing to voice her wishes. The court reviewed the evidence and granted Jasmine's request to become her grandmother's conservator and make decisions on her behalf.

Staff and Stakeholder Perceptions

To better understand the broader effects of Shriver services beyond what was in the court case files, project stakeholders were interviewed about their perceptions of the Shriver pilot project's impact on various aspects of probate cases. Four staff members from the Legal Aid Foundation of Santa Barbara County (LAFSBC) and four staff members from the Santa Barbara County Superior Court (including judicial officers) were interviewed in fall 2015. The responses from legal aid staff and court-based staff were analyzed for common themes and summarized separately, to reflect the collective impressions of stakeholders within and outside of the court.

Legal Aid Services Staff Perceptions of Project Impact

Legal aid interviewees included attorneys and paralegals. Interviewees were asked about their perceptions of the Shriver project's impact on litigants, court processes, and the community. Most responses from legal aid focused on the assistance and representation provided by LAFSBC, as staff members were more directly familiar with these services than with those offered by the probate facilitator or the dedicated clerk.

Impact of Shriver Project Generally

Nearly every interviewee thought that probate litigants—both petitioners and objectors—had better access to the court system and more meaningful participation in the process as a result of Shriver legal aid services. Interviewees perceived that, in light of the assistance from the probate facilitator and the legal aid staff, litigants had multiple resources available to them, which led to more petitions being attempted and filed, and more letters of guardianship and conservatorship being granted. As a result, more children and adults were in stable homes, and provided more security, peace of mind, and quicker access to services.

Impact on Parties

Many interviewees reflected that, before the Shriver project, the complexity and volume of the paperwork, as well as the research skills required to locate family members, presented a significant barrier to merely filing a guardianship or conservatorship petition. This barrier was exacerbated for those with limited English proficiency or literacy challenges, as many litigants would have been unable to read the forms, which were available only in English. Additionally, many Shriver clients would have been unable to successfully serve notice to all applicable parties or to present evidence and call witnesses in the courtroom. All of these factors made the probate process virtually insurmountable for anyone without professional assistance.

On the other hand, legal aid attorneys perceived that their services also reduced the number of unnecessary petitions filed with the court. Sometimes, the attorney was able to determine that a would-be petitioner actually needed an alternative to guardianship or conservatorship (e.g., Caregiver Affidavit) that did not require a court filing, or was able to inform a would-be petitioner that s/he would probably not be found by the court to be a suitable guardian or conservator, given aspects of his/her background (e.g., criminality, child welfare involvement). For those litigants who ultimately filed petitions, attorneys perceived that they almost always were able to help the petitioner obtain guardianship or conservatorship.

Though most petitioners were successful in obtaining guardianships and conservatorships, the majority of legal aid interviewees did not consider this a negative outcome for parents or others who may have opposed the petitions. Oftentimes, it seemed to legal aid attorneys that parents opposed guardianships because they did not understand the process, and were primarily terrified that it meant their parental rights were being terminated (as in adoption) and that they would permanently lose their children. After being provided with education about the process and learning that a guardianship could be a short-term solution, legal aid attorneys felt that parents were more likely to consent, allowing the case to move through the court process more quickly. In cases where child welfare services (CWS) referred a family member to file for guardianship, agreement and consent from the parents also meant parents and families could avoid going through the child welfare system.

Several interviewees noted that probate cases are different from other types of litigation because the family relationships continue to exist long after the case is decided in court. The goal of the Shriver attorney was not to simply advocate for their client, but to help the entire family come to an agreement or, at a minimum, to help all voices be included in the process. Legal aid attorneys believed that parents and/or objectors were more satisfied with the decision from the judge because they had an opportunity to be a part of the process, usually appearing or speaking before the court. This more inclusive process reduced family tension and stress and brought family members closer together to care for children and adults in need.

Impact on Community

The consensus among legal aid staff was that the most important impact of all was that more children and conservatees were in safer homes, being cared for by loving, more capable and responsible family members. In addition to a more nurturing environment, interviewees noted that Shriver assistance made it possible for guardians and conservators to enroll children in school, obtain public benefits (such as housing vouchers or SNAP benefits), and to connect children and adults to the medical services they needed.

Although difficult to verify, there was also a common perception among legal aid staff that the Shriver probate pilot project reduced the workload on CWS and on the public guardian (for adults), allowing them to focus on more serious cases of abuse or neglect, keeping more families out of the system, and avoiding more children being placed in foster care. Over the life of the Shriver probate pilot project, attorneys recalled that a growing number of clients were being referred from CWS, as well as cases that would have otherwise been submitted to CWS for investigation, if a family member or friend had not been able to take care of the children. From legal aid's perspective, if not for Shriver services, many children would have continued to live in dire conditions, been put into foster care, or faced returning to a home where one or more parents was dealing with severe mental health or substance abuse problems, usually resulting in neglect and/or physical and emotional abuse.

Impact on Court

Legal aid staff members surmised that there were more petitions and better paperwork filed with the clerk's office than before the Shriver project began, resulting in fewer rejected filings. Despite the concomitant increase in cases, legal aid staff perceived that the impact on court staff and the court process was still overwhelmingly positive because clerks, research attorneys,

and court investigators had the information they required to process the cases and did not have to spend additional time tracking down details or reviewing repeated filings. Complete and accurate paperwork was also thought to reduce the likelihood of continuances (thus reducing unnecessary court time), which also meant litigants did not have to make as many trips to the courthouse to get their cases resolved. Interviewees reported that court staff often thanked Shriver legal aid staff for their services, even though it meant that the occasional case would take longer to come to a decision.

Unmet Needs

Interviewees from legal aid perceived that many people in the community remained unaware of the Shriver services available to them. Staff appreciated that the income requirements for the Shriver project (200% of the Federal Poverty Level [FPL]) were set to a higher threshold than for other programs (typically 100% to 125% of the FPL) because it allowed them to serve many more people than they would have otherwise been able to. However, several interviewees thought that there were many people in difficult situations who were just above the 200% threshold and needed legal assistance. Additionally, legal aid staff would like to see the statute changed to allow funding for cases involving small estates (e.g., up to $20,000 to $30,000) and adoptions. Finally, interviewees expressed a need for increased availability of interpreters at the courthouse, especially for courtroom proceedings.

Superior Court Staff Perceptions of Project Impact

Interviewees from the court included staff from the Legal Resource Center (the self-help center), judges, a judicial assistant (clerk), and the probate facilitator. Most responses focused on the services provided by the probate facilitator, as that was the Shriver service/position with which most court-based staff had interacted.

Impact of Shriver Project Generally

Similar to legal aid interviewees, court staff members noted that the complexity of the probate process makes it almost impossible for a layperson to navigate alone, and commented that even attorneys often fail to complete the paperwork correctly—that it takes specialization. By offering services to everyone, the Shriver probate facilitator made it possible for litigants, who otherwise lacked the means to hire attorneys, to have meaningful access to the legal system. Court personnel noted that many litigants had literacy barriers and, without help, would have never attempted to complete the packet they received from the clerk’s office. With the implementation of the probate facilitator, litigants received one-on-one attention and support to complete the paperwork, and they were able to tell their stories before the court and have their cases processed more efficiently, resulting in reduced emotional tensions and better outcomes for families.

Impact on Parties

Court staff interviewees perceived an increase in the number of petitions filed with the clerk's office after Shriver project implementation and a dramatic shift in the quality of the paperwork filed. Court staff were used to seeing petitioners get frustrated with the technicalities and often give up in the middle of the process, but with Shriver services (i.e., the probate facilitator and legal aid attorneys) in place, they perceived that more litigants persisted with the process.

Generally, litigants were more educated about the probate court process, and proposed guardians/conservators were more familiar with their roles and responsibilities, such as how to comply with the court's investigation and being prepared for completing future status reports to the court. Because of this information, interviewed judges perceived that fewer guardians and conservators were removed from their positions at annual status reviews, leaving more wards and conservatees in stable environments.

Parallel to legal aid services staff's perceptions, court staff considered Shriver services to be beneficial to parents and opposing parties, as the process seemed to improve family relationships. Interviewees reported that parents of children were often existing in a state of chaos and that the guardianship gave them certainty and structure, such as having visitation orders and knowing when they were able to see their children. Many parents directed to the probate facilitator did not even know they had a right to file an objection, or did not know where to begin. Interviewees perceived that parents often seemed to get emotional closure after participating in court and were more satisfied knowing their parental rights remained intact. No interviewee mentioned any negative impact on parents or opposing parties as a result of the provision of Shriver services.

Impact on the Community

The general perception described by court interviewees was that the Shriver probate pilot project solicited increased family cooperation and satisfaction from litigants, which ultimately helped wards and conservatees. Some reported family teamwork such as arranging schedules to alternately care for children—something that would not have happened without the intervention of the probate facilitator. Moreover, interviewees noted that when cases resolve more quickly, and the guardian or conservator has the certainty of legal documentation, they can focus more of their resources on caring for the child or conservatee. Schools and medical professionals have a better idea of what is going on in the child's or conservatee's life, and can make sure they are contacting the correct family members.

Court staff perceived an increasing number of guardianship cases referred from CWS, but also perceived that the increased petitions and subsequent monitoring from the court made information more readily accessible about current guardians who were abusing or neglecting their children, and these cases were referred back to CWS. Judges noted that Shriver litigants and their families were a vulnerable and underserved population and that the court's ultimate goal was to rule in the best interests of wards and conservatees. Judgments for guardianship or conservatorship impact individuals for years to come; thus, reaching the right decision is critical and having accurate and complete information on which to base decisions is invaluable.

Impact on the Court

The vast majority of court staff interviewees perceived that the entire probate filing process was quicker, more accurate, and less stressful than before Shriver services existed. For judicial assistants reviewing petitions, the overall process remained relatively unchanged, but the internal workload changed substantially. Prior to Shriver services, judicial assistants estimated it took an average of three attempted filings before a petitioner could successfully file case paperwork, but after Shriver service implementation, paperwork was usually accepted on the first attempt. With an average of 45 minutes required to review a petition each time it is

submitted, this change represented a substantial time savings for court staff. All paperwork processed with the assistance of the probate facilitator had a special stamp, and in the event that the judicial assistant noticed an error, she submitted a memo directly to the probate facilitator, and the error could usually be resolved without the petitioner needing to return to the courthouse to resubmit the paperwork. This ability to streamline the paperwork completion reduced the burden on everyone involved.

Most court staff acknowledged that some hearings may actually be more time-consuming in court, because more people were participating in the process (e.g., parents and other family members with successfully filed objections) and more questions were being raised. However, the additional time generally resulted in better information provided to the court and, thus, fewer continuances. One example is the impact on research attorneys and court investigators. Although the increase in filings meant that research attorneys and court investigators had larger caseloads, court staff felt that the cases were processed more efficiently because research attorneys and court investigators could contact the probate facilitator directly with questions. Prior to the Shriver probate pilot project, if a research attorney or court investigator had a question about a petition, a continuance would occur to allow time for the facts to be substantiated. Court staff thought that many continuances were avoided because the probate facilitator could amend petitions or provide additional information to the other court staff (e.g., investigators) directly, which would have otherwise delayed the case.

Prior to the Shriver project, court staff mentioned that it was not uncommon to have a dozen continuances to decide a conservatorship case. However, since Shriver services began, cases with this many continuances are extremely rare. Having fewer continuances allows more cases to be scheduled on the calendar and cases to be resolved more quickly. Interviewees reported that most general petitions were able to be scheduled within 45 to 50 days of filing, when it would have taken much longer than that to appear before a judge prior to the Shriver project; temporary petitions were scheduled within seven to 15 days and usually resolved at the first scheduled hearing.

Most court staff reported that the quality of information provided to the court was vastly improved, due to more people participating in the process, more evidence presented (e.g., declarations filed, witnesses called), and clearer documentation. This quality improvement allowed judges to make fewer decisions in the “gray area,” thus better serving children and adults. Ultimately, court staff perceived that more letters of guardianship and conservatorship were granted, largely because of avoided rejections and continuances.

Judges reported that the direct impact of the Shriver project was minimal, as they still reported spending the same amount of time in the courtroom. However, all three judges interviewed reported greater satisfaction in their roles. Since judges and other court staff cannot offer advice on how to fill out forms, prior to the Shriver project, judges were frustrated that they had no resource to which they could refer self-represented probate litigants. With the addition of the probate facilitator to the courthouse, they could refer litigants directly to her office and usually saw litigants returning to court with corrected paperwork. Judges felt that they spent less time in the courtroom educating litigants about the probate process, and that most litigants seemed to have a good understanding of what was required of them.

Court staff also reported feeling less frustrated with self-represented litigants due to their increased education and understanding of the court process. Many court staff were used to interacting directly with attorneys and found it difficult to speak to laypeople about legal technicalities. Interviewees perceived that, with the addition of Shriver services and better prepared litigants, the courtroom process was smoother, emotional tensions lower, and frustrations fewer from all sides as the cases progressed through the system.

UNMET NEEDS

Court staff perceptions mirrored those of legal services staff. They saw a definite need for an expansion of current services (in particular, the probate facilitator was functioning at capacity with the current number of cases) and more interpreters in the court. They would also like to see funding allow for services to extend to adoption cases and cases involving guardianship and conservatorship of the estate. Adoptions and cases involving small estates are often more emotional and contentious and take up a lot of court time to resolve. Court staff felt strongly that these cases could benefit from services similar to those offered by the probate facilitator.

Shriver Probate Pilot Project

Cost Study

Cost Study

Cost analysis is used to determine the **investment** that has been made in a particular program or service and whether the program has had an economic **impact** on the communities, systems, and agencies involved directly or indirectly with the services provided and populations served. In other words, what did the program cost and did the program result in any efficiencies or savings due to the services provided? This cost analysis sought to ascertain the likely costs and savings related to providing legal representation and court-based probate facilitator services to litigants in guardianship and conservatorship cases. Unlike some other studies, funds used to provide services were counted as costs (rather than as benefits to the state or staff who were employed), while savings constituted any reduction in taxpayer costs attributable to the outcomes associated with attorney representation or probate facilitator assistance. Information was gathered to ascertain whether Shriver services led to any differences in short-term outcomes related to court efficiency or longer term outcomes related to broader system costs.

The cost study estimates the **annual costs** and savings related to Shriver service provision. The reader may extrapolate longer term costs and savings as appropriate. Cost analyses focused on the fiscal year spanning 10/1/2013 to 9/30/2014 (FY 2014). This year was chosen because Shriver legal aid and probate facilitator services were fully operational during this time.

Methodology and Analytic Approach

The cost study seeks to address the following questions:

Cost topic #1: What was the estimated cost of the Shriver probate pilot project?

This question was addressed by reviewing the invoices submitted to the Judicial Council (JC) as part of Shriver project implementation and the services reported by the Legal Aid Foundation of Santa Barbara County (LAFSBC) and the Santa Barbara County Superior Court staff. This information was used to calculate an estimate of the cost per litigant served by each entity.

Analytic Approach: Program costs for Shriver probate services were estimated in two ways, using the available information sources (representing the cost for 1 fiscal year):

- *Total Program Costs*. Total program costs were calculated as the total amount invoiced to the JC for FY 2014[215] and are delineated for different levels of Shriver-funded staff.
- *Per Case Costs*. Estimates of the cost per case were derived two ways: (a) dividing the total invoiced amount for FY 2014 by the number of cases served in FY 2014, recorded in the program services database; and (b) multiplying the average[216] number of attorney hours per case, from the program services database, by the loaded attorney rates.[217]
- *Per Case Program Costs by Level of Service.* Estimates of the costs per case by level of service (representation versus unbundled services) were derived two ways: (a) dividing

[215] The total amount invoiced was compared to the total contracted amount in the project proposal. These amounts were the same in nearly every case; differences are noted in the text when found.
[216] Calculations were conducted using mean and median values.
[217] The loaded rate included non-attorney staff time and other external costs. This rate was established in the contract between legal aid services agencies and the Judicial Council and is lower than a typical hourly rate.

the FY 2014 invoiced amount by the number of cases served in FY 2014, as reported in the program services database, adjusted to account for the level of effort (i.e., relative number of attorney hours) for each level of service (see Appendix A for detailed calculations); and (b) multiplying the average[218] number of attorney hours for each service level in the program services database by the loaded attorney rates.

Note on the calculations for cost per case: Across all projects, there was a range between these two calculations. This is likely the because the first estimate, derived from the invoiced amount, included hours worked by supervising attorneys and hours spent by staff attorneys doing background and supportive work, in addition to their direct case work. The second estimate, derived from the program services database, pertains only to the hours that the staff attorney worked directly on cases.

Cost topic #2: Does the provision of Shriver services improve court efficiency? Do these efficiencies result in cost savings for the court?

Analyses examined the costs (e.g., amount of staff time spent on tasks, staff salaries) associated with various court activities involved in processing a guardianship or conservatorship case and compared the frequency of these activities between cases that received Shriver services and those that did not. The intent was to understand whether the provision of Shriver services resulted in increased efficiencies in case processing or in other areas of court functioning, and thereby in potential cost savings to the court.

Sometimes cost benefits can be understood in terms of o*pportunity resources*. The concept of opportunity cost from the economic literature suggests that system resources are available to be used in other contexts if they are not spent on a particular transaction. The term *opportunity resource* describes the resources that become available for different use. For instance, if legal services available to clients increase the number of custody pleadings that end in pre-trial settlement, thus reducing the number of trials, an opportunity resource is afforded to the court in the form of clerk and judge time available for other cases.

Analytic Approach: These cost analyses compared cases that received Shriver services (attorney representation and probate facilitator services) with cases that did not receive Shriver services. Indicators of court efficiency, such as relative rates of continuances and hearings, were calculated for the groups (based on case file data presented in the Case Outcome Study section) and the associated costs were estimated.

Cost topic #3: Are Shriver services related to potential cost savings beyond the court? What costs to the system may be avoided or reduced as a result of Shriver services?

This question pertains to the potential savings as a result of the provision of Shriver services, to the broader social service system or in the longer term. As an example, for guardianship cases, savings to the system could include fewer children ending up in the dependency system or as wards of the state, and longer term savings could include the societal costs avoided in terms of delinquency and other negative outcomes when children grow up in tumultuous and unsafe environments. In most cases, these potential savings could not be verified empirically, because the relevant data were not available. This limitation existed because either the current samples were not large enough to reflect these low-frequency but costly events (e.g., no children in the

[218] Calculations were conducted using mean and median values.

current samples ended up as wards of the state) or the longer term outcomes had not yet occurred (e.g., the impact of family instability on longer term child adjustment outcomes). Therefore, this line of inquiry is addressed through a review of the literature.

INFORMATION AND DATA SOURCES

Information used to develop cost estimates was gathered from the Judicial Council, the legal aid services agency, Superior Court staff, and online resources. Data sources included:

- The Judicial Council provided program invoices for the fiscal year spanning 10/1/2013 to 9/30/2014 (FY 2014) for both the legal aid service agency and the Superior Court.
- Superior Court staff in Santa Barbara County provided staff titles and related tasks for guardianship and conservatorship cases. Salaries, benefits, indirect support rates, and jurisdictional overhead rates used to calculate the cost per hour for each staff person were located via online budget resources.
- Superior Court staff provided time estimates for the average number of litigants seen in a day and the activities related to guardianship and conservatorship case processing.

Additional data were used to calculate the frequencies of various indicators for the two comparative study groups. These included:

- The program services database provided the number of cases receiving legal aid services in FY 2014, total number of attorney hours, and average number of hours per case.
- The probate facilitator provided data on the number of parties assisted at the court and the average time spent per litigant.
- Court case file review data provided case characteristics and outcomes for cases that received Shriver legal aid services, probate facilitator services, and no Shriver services (i.e., a comparison group of cases from before Shriver services were offered).
- Court summary statistics were provided by the Santa Barbara County Superior Court administrative staff, which indicated the frequency of various case characteristics and events across all guardianship and conservatorship cases in the court (e.g., filings, fee waivers, hearings, dismissals, etc.).

Cost Topic #1: What Was the Estimated Cost of the Shriver Probate Pilot Project?

COSTS FOR SERVICES AT THE SANTA BARBARA PROBATE PILOT PROJECT IN FY 2014

Legal aid services program costs

Total Program Cost. The Legal Aid Foundation of Santa Barbara County (LAFSBC) operated two Shriver pilot projects, one for housing and one for probate. LAFSBC's contract with the Judicial Council (JC) involved a lump sum allocation for both projects, totaling $578,307 for FY 2014. The total amount invoiced for this period was $578,307. Of this, $15,750 was spent on contract services to programs, $4,391 on community outreach/education, and $485,604 on legal aid services for housing cases. The remaining $72,562 was spent on legal aid services for probate cases. This amount includes costs for casework by staff attorneys. According to the program services database, during FY 2014, LAFSBC attorneys worked a total of 328 hours on Shriver probate cases. This breakdown is shown in Table P34.

Table P34. Legal Aid Services Program Cost Estimates in FY 2014 – Santa Barbara

Invoice Components	Amount
Community outreach/education	$4,391
Contract services to programs	$15,750
Housing invoice total (LAFSBC)	$485,604
Direct services to clients[a]	$72,562
Probate invoice total (LAFSBC)	**$72,562**
Santa Barbara Pilot Project invoice total (Housing and Probate; LAFSBC)	**$578,307**
Santa Barbara Pilot Project allocation	**$578,307**

[a]Direct services costs included estimated costs for attorney time listed on project invoices. For Santa Barbara probate, this included staff attorneys (no supervising attorney costs were indicated).

Overall Per Case Cost. As shown in Table P35 (bottom row), the average cost per probate case by LAFSBC was between $138 and $1,251. The total invoiced amount ($72,562) for legal aid services divided by the number of cases (58) yielded an overall average cost of $1,251 per case. When the cost per case was calculated by multiplying the mean number of attorney hours per case by the loaded attorney hourly rate, this yielded an estimated per case cost of $515. When this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of $138.

Per Case Cost by Level of Service. Table P35 (first and second rows) shows the average cost per case taking into account the level of service provided. The average cost per full representation case was between $1,380 and $3,389 and the average cost per unbundled services case was between $184 and $437. The total legal aid services invoiced amount ($72,562) divided by the number of cases at each service level yielded an average cost of $3,389 per full representation case and $437 per unbundled services case. For full representation cases, when the cost per case was calculated by multiplying the mean number of attorney hours by the loaded attorney hourly rate, this yielded an estimated per case cost of $1,499; when this calculation was done using the median number of attorney hours per case, it yielded an estimated per case cost of

$1,380. For unbundled services cases, when the cost per case was calculated using the mean number of attorney hours, this yielded an estimated per case cost of $193; when this calculation was done with the median number of attorney hours, the cost per case was $184.

Note on the calculations for cost per case: Estimates derived from the invoiced amount (left side of the table) included hours worked by supervising attorneys and hours spent by staff attorneys doing background and supportive work, in addition to their direct case work. Estimates derived from the program services database (right side of the table) pertain only to time spent by staff attorneys working on cases.

Table P35. Average Estimated Cost to Provide Legal Aid Services per Case in FY 2014

Invoice			Program Services Data and Contracted Hourly Rate					
Level of Service	Number of Cases[a]	Average Cost per Case[b]	Average Hours per Case[c]		x	Atty Hourly Rate[d]	=	Average Cost per Case
Full reprstn.	16	$3,389	Mean	16.3		$91.97		$1,499
			Median	15.0		$91.97		$1,380
Unbundled svcs.	42	$437	Mean	2.1		$91.97		$193
			Median	2.0		$91.97		$184
All Cases	58	$1,251	Mean	5.6		$91.97		$515
			Median	1.5		$91.97		$138

[a] Number of cases opened in FY 2014, receiving each service, as recorded in the program services database.
[b] See Probate Appendix A for full calculations.
[c] Mean and median number of attorney hours spent on cases opened in FY 2014, by service level, as recorded in program services database.
[d] Loaded hourly rate established in contract with Judicial Council.

Court-based services (Shriver probate facilitator) program costs

Shriver funding supported a probate facilitator at the Santa Maria location. The probate facilitator is an experienced attorney employed by the court to provide neutral services for self-represented litigants in guardianship and conservatorship cases. Program costs for this position were calculated using information from invoices submitted to the JC and from the probate facilitator's database. The probate facilitator position was staffed at 30 hours per week at a rate of $53.00 per hour. During an interview, the probate facilitator estimated that approximately 75% to 80% of her time each week was spent on tasks directly associated with a specific probate case, and approximately 20% to 25% of her time each week was spent on other activities, such as creating and conducting classes, educating court staff (clerks, investigators) about probate law and policy, attending court, reviewing tentative rulings for potential cases needing service, and various administrative duties. The probate facilitator independently tracked the parties she assisted, and her records indicated that 139 parties were served during FY 2014.

Total Program Cost. The annual cost for court-based services for the pilot project was between $81,406 and $82,680. The total amount invoiced for probate facilitator services, which would include costs for attorney time, was $81,406. According to the probate facilitator's database, she worked a total of 1,560 hours on probate cases and other project-related tasks in FY 2014. When multiplied by her hourly rate ($53.00), it yielded a total cost of $82,680.

Per Case Cost. The average cost per case for probate facilitator services was between $445 and $586. The total amount invoiced for FY 2014 ($81,406) divided by the number of litigants served (139) yielded an overall average cost of $586 per case. The average number of hours that the probate facilitator worked per case (8.4 hours[219]) was multiplied by the hourly rate in FY 2014 ($53.00). Multiplying the mean number of hours per case by the loaded hourly rate yielded an estimated per case cost of $445.

Table P36. Average Cost per Case for Probate Facilitator Services in FY 2014

Invoice				Probate Facilitator Service Data and Contracted Rate				
Program Invoice	/	Total # Served[a]	=	Average Cost per Case	Average Hours per Case[b]	x	Hourly Rate	=	Average Cost per Case
$81,406		139		$586	8.4		$53.00		$445

Note. Data source: Probate facilitator database, invoice amounts, staff estimates.
[a] The probate facilitator's database indicated that she served 139 parties in FY 2014. [b] Average amount of time spent per party was calculated by averaging the number of hours worked by the number of litigants served.

WHAT ARE THE ESTIMATED COSTS TO ADDRESS THE UNMET NEED?

Annual resources necessary to address the unmet need for legal services in probate cases were estimated by multiplying the cost per case figures (above) by the number of cases filed at the court. Costs to address the unmet need for legal aid services among low-income litigants were calculated by the number of cases granted a fee waiver. Because the eligibility requirements for a court fee waiver (income not greater than 150% of the Federal Poverty Level) are stricter than the Shriver eligibility requirements (200% of the FPL), and there are additional low-income litigants who need and would benefit from legal assistance, this cost should be considered an underestimate. Table P37 shows the number of guardianship and conservatorship petitions filed in FY 2014 with a fee waiver granted to a party and the range of costs to provide legal aid services (both full representation and unbundled services) to this broader population. Because the probate facilitator assisted litigants in all probate cases, regardless of income, the estimated costs for this service were calculated using the total number of petitions filed.

Table P37. Estimated Annual Costs to Address Total Need for Legal Aid and Probate Facilitator Services (based on FY 2014 data)

	Guardianship	Conservatorship	Total
Total Number of Petitions Filed with Fee Waiver	41	7	48
Cost to provide full representation to all cases ($1,380-$3,389 per case)	$56,580-$138,949	$9,660-$23,723	$66,240-$162,672
Cost to provide unbundled services to all cases ($184-$437 per case)	$7,544-$17,917	$1,288-$3,059	$8,832-$20,976
Total Number of Petitions Filed	74	65	139
Cost to provide probate facilitator services to all cases ($445-$586 per case)	$32,930-$43,364	$28,925-$38,090	$61,855-$81,454

Note. Data sources: Program service data, probate facilitator data, court data for FY 2014, and invoice amounts.

[219] The average number of hours per case by the probate facilitator was calculated by taking 75% (time she reported was on direct case work) of 1,560 work hours (30 hours per week for 52 weeks). This yielded 1,170 hours, which was then divided by the number of parties assisted (*n*=139), yielding an average of 8.4 hours.

The costs associated with addressing the *unmet need* for legal and court-based services among low-income litigants in guardianship and conservatorship cases are very difficult to estimate. In large part, this is due to:

- As project stakeholders have repeatedly described, the paperwork necessary for these cases is so complex and cumbersome that many litigants are never able to successfully file the petitions. Also, there are currently no standard forms to complete for persons who wish to dispute a guardianship or conservatorship, so they must create their own legal pleadings. These would-be guardians and conservators or objectors who are unable to start their cases are critical to count in the estimates for unmet need. However, there is no data source that tracks these individuals. Therefore, the numbers in Table P37 above should be considered an underestimate of the true need.
- Of the cases that are successfully filed, it is not possible to determine the proportion that is low income as per the Shriver Act requirements. Litigants are eligible for Shriver legal aid services if their incomes do not exceed 200% of the Federal Poverty Level. Litigant income is not tracked by court administrative data systems. The closest proxy available is whether the litigant applied for and was granted a fee waiver from the court. However, the eligibility requirement for a fee waiver is 150% of the Federal Poverty Level. Thus, the estimated number of low-income litigants as evidenced by a granted fee waiver may also underestimate the actual number of low-income litigants who are eligible for and would benefit from Shriver services.

The estimates of unmet need presented here are based on the available court administrative data that most closely approximated the population targeted by the Shriver Act, but are likely underestimates of the actual need.

Because the probate facilitator was already assisting all litigants who presented for service, there is no unmet need to document in this area. Indeed, the estimated cost of providing probate facilitator services to all litigants in guardianship and conservatorship cases is approximately equal to the salaries of the staff positions involved. However, if the number of litigants seeking to file petitions grows, need for additional service may arise.

Cost Topic #2: Does the Provision of Shriver Services Improve Court Efficiency?

Court efficiency is conceptualized as either reduced court activities (e.g., fewer hearings) or reduced time spent by staff on an activity (e.g., quicker processing of paperwork). These efficiencies result in savings that can be financial (i.e., money saved) or opportunity resources (i.e., staff time conserved and then available for other tasks). Court efficiency cost analyses utilized information from the court case file reviews, which provided data for comparison, and information from interviews with court staff, during which they described the time and resources needed for each court activity involved in processing a typical guardianship or conservatorship case.

Average Cost to Process a Typical Guardianship/Conservatorship Case

Court staff described five primary activities associated with processing a guardianship or conservatorship case: (a) a front counter clerk provides the paperwork and referrals to the litigants, (b) a judicial assistant receives and processes the petition, (c) the probate attorney reviews the case, (d) hearing(s), and (e) continuances. For each activity, court staff estimated the amount of time spent preparing and conducting the activity by the relevant staff members (e.g., clerk/judicial assistant, probate attorney, judge). Salaries, benefits, indirect support rates, and jurisdictional overhead rates for each position were located online[220] (for FY 2014) and used to calculate hourly rates, which were multiplied by the time spent for each activity.

Table P38 compares the amounts of time court staff reported spending on these activities, for cases with and without Shriver services (by either legal aid or the probate facilitator), and the associated costs. Results include:

- Time spent by front counter clerks did not change with the provision of Shriver services, although the available resource referrals did. After the Shriver probate pilot project began, these clerks were able to refer litigants to legal aid and the probate facilitator to receive direct assistance, whereas before the Shriver project, they had only the resource center and a reference book.
- Regarding the time spent reviewing and processing petitions, clerks estimated that this task took an average of 2.5 hours (150 minutes) per petition before the Shriver probate pilot project, and that litigants returned to the clerk's office approximately three times before successfully filing their paperwork. However, after the implementation of the probate facilitator, staff estimated that reviewing and processing a petition took an average of 25 minutes and that most litigants filed successfully on their first attempt. This time difference yielded a cost savings of $81 per case.

  In addition to these savings, there are potential opportunity resources associated with this finding. In particular, because clerks saved nearly 2 hours on processing each case, they can spend that time in other ways that would maximize efficiency for the court. For example, this change may increase the overall number of petitions they are able to process in one day and it may free up their time to address and complete other tasks.

[220] Retrieved from http://publicpay.ca.gov/Reports/PositionDetail.aspx?employeeid=15199249

- Time spent by the probate attorney preparing cases was estimated to be an average of 3.5 hours (210 minutes) per petition before the Shriver probate pilot project. However, after the implementation of the probate facilitator, staff estimated that these tasks took an average of 150 minutes per petition. This time difference yielded a cost savings of $92 per case.
- Court staff estimated that a typical evidentiary hearing lasted, on average, 3 hours and required the presence of the judicial assistant, court reporter, bailiff, and judge, in addition to preparations or post-hearing processes by the judicial assistant, judge, and probate attorney. The average cost per hearing was $1,034 (see Probate Appendix A, Table PA2).

  The case file review data showed that guardianship cases that received Shriver full representation had an average of 2.2 hearings, whereas cases without Shriver services had an average of 3.1 hearings. The reduction in the number of hearings among Shriver cases resulted in a cost savings of approximately $930 per case.
- Court staff estimated that a typical continuance required staff time from the probate attorney and judicial assistant in preparation, and from the judicial assistant, court reporter, bailiff, and judge for the courtroom time and processing. The average cost of a continuance was $198 (see Probate Appendix A, Table PA3 for calculations).

  The case file review data showed that guardianship cases with Shriver full representation had an average of 1.0 continuances and cases without Shriver services had an average of 2.1 continuances. The reduction in the number of continuances among Shriver cases resulted in a cost savings of approximately $218 per case.

As shown in Table P38, the average cost to process a typical guardianship case before the Shriver probate pilot project was estimated to be $4,041. The average cost to process a typical guardianship case that received both Shriver representation and probate facilitator services was estimated to be $2,720. This represents an average savings of $1,321 per case (or 33%).

Table P38. Summary of Court Efficiencies and Related Savings and Improvements for Combined Shriver Probate Services

Court Activity	Estimated Time to Complete Activity[a] and Related Cost: Before Shriver Project		Estimated Time to Complete Activity[a] and Related Cost: During Shriver Project		Savings and Improvements
Front counter clerk provides paperwork and referrals	2 minutes (referrals include resource center and "the book")	--	2 minutes (referrals now also include LAFSBC and PF)	--	Clerks are able to refer litigants to LAFSBC and probate facilitator
Judicial assistant receives and processes petition[b] (includes calendaring and providing court investigator with paperwork)	150 minutes (petitioners return an average of 3 times)	2.5 hrs x $39/hr = **$98**	25 minutes (petitioner submits on first attempt)	.42 hr x $39/hr = **$17**	Quicker processing by clerks, due to probate facilitator assistance, yields savings of $81 per petition
Probate attorney review and preparation of case	210 minutes	3.5 hrs x $92/hr = **$322**	150 minutes	2.5 hrs x $92/hr = **$230**	Quicker processing by probate attorney, due to probate facilitator assistance, yields savings of $92 per petition
Hearing(s)	Average of 3.1 per case	3.1 x $1,034 = **$3,205**	Average of 2.2 per case	2.2 x $1,034 = **$2,275**	Fewer hearings, due to Shriver full representation, yields savings of $930 per case
Continuance(s)	Average of 2.1 per case	2.1 x $198 = **$416**	Average of 1.0 per case	1.0 x $198 = **$198**	Fewer continuances, due to Shriver full representation, yields savings of $218 per case
Average Total Cost[c]		**$4,041**		**$2,720**	**$1,321 saved per case**

Data source: Court case file review data, staff time estimates, SBSC and online budget information.
[a] Estimates provided by court judicial assistants.
[b] Clerk processes petition after litigant prepares and submits petition, notices, consents, proposed order, proposed letters.
[c] This table does not include all costs associated with a guardianship/conservatorship case. For example, the costs of the court investigation are not included here. This table lists only those case activities that were potentially impacted by Shriver services.

Estimated annual costs savings based on court efficiencies

To estimate the potential broader savings to the court as a result of the per case savings shown above, these figures were multiplied by the number of cases filed in FY 2014, as indicated by the court summary data. As shown in Table P39, the reduced time needed for clerks to process petitions and reduced probate attorney time (a savings of $173 per case). If applied to the total number of guardianship and conservatorship petitions filed in FY 2014 (*n*=139), this reduction would amount to a savings of approximately $24,047 annually. The reduction in the average number of hearings and continuances associated with full representation from a Shriver attorney would also yield a savings for the court (a savings of $1,148 per case). If this figure is applied to all petitions filed at the court, the approximate annual savings would be $159,572; if it is applied to all fee-waivered petitions, the estimated annual savings would be $55,104.

A comparison of the amount saved per case by legal aid services ($1,148) to the amount spent per case ($2,102 for full representation) yields a revised cost of about $954 per case. Probate facilitator services created an average savings of $173 per case, while $586 was spent per case (for a revised cost of $413).

Table P39. Estimated Annual Savings to Court from the Provision of Shriver Services (based on FY 2014 data)

	Guardianship	Conservatorship	Total
Total Number of Petitions Filed	74	65	139
Cost savings due to reduced time to process petitions ($173 per case)	$12,802	$11,245	$24,047
Cost savings from fewer hearings and continuances ($1,148 per case)	$84,952	$74,620	$159,572
Total Number of Petitions Filed with Fee Waiver	41	7	48
Cost savings due to reduced time to process petitions ($173 per case)	$7,093	$1,211	$8,304
Cost savings from fewer hearings and continuances ($1,148 per case)	$47,068	$8,036	$55,104

Note. Data source: Program administrative data, court data for FY 2014, invoice amounts

Cost Topic #3: Are Shriver Services Related to Potential Cost Savings Beyond the Court?

Guardianship

Recall that most of the guardianship cases involved parents with severe issues (e.g., substance use, mental health) that impeded their abilities to care for their children. Thus, for most of the wards in these cases, if a guardianship was not established, foster care was the likely alternative outcome. Indeed, as shown in the Case Outcomes Study, the case file review data suggest that several families were referred to the probate court by the child welfare system. That is, it seems that the child welfare system encouraged some families to seek a guardianship arrangement in order to avoid the initiation of a dependency case and/or the child being taken into foster care. Both dependency court and foster care carry significant stressors for families and children, as well as costs to the taxpayer. In the data for the current sample, no children ended up as wards of the state, so there was no possibility to compare the rates of foster care placements across Shriver and non-Shriver cases. However, if Shriver services are providing the

child welfare system with an avenue to help families avert dependency court, and if Shriver services are facilitating guardianship placements, the potential cost savings are notable.

Conservatorship

Similar to guardianship cases, if conservatorships are not established, proposed conservatees are cared for by the Public Guardian, a taxpayer-funded service. In the data for the current sample, very few adults ended up in the care of the Public Guardian, so there was not the possibility to compare the rates across Shriver and non-Shriver cases. However, if Shriver services are facilitating conservatorship arrangements, the potential cost savings are notable.

Summary

At the Santa Barbara probate pilot project, the average cost to provide full representation to a litigant in a guardianship or conservatorship case ranged from $1,380 to $3,389, and the average cost to provide unbundled services ranged from $184 to $437. The average cost to provide probate facilitator services to a litigant fell between $445 and $586. There were notable efficiencies created by the Shriver probate facilitator (e.g., reduced clerk time to process petitions) and by the Shriver legal aid attorneys (e.g., fewer hearings and continuances). Taken together, these services yielded a savings to the court. The average cost to process a typical guardianship case before the Shriver probate pilot project was estimated to be $4,041. The average cost to process a typical guardianship case that received both Shriver representation and probate facilitator services was estimated to be $2,720 –an average savings of approximately $1,321 per case (or 33% reduction in cost).

Shriver Probate Pilot Project

Summary of Findings

Summary of Findings for the Shriver Probate Pilot Project

Establishing legal guardianships and conservatorships help to ensure that vulnerable children and adults are living in stable environments and have the care they need. These cases are technically complicated and involve volumes of paperwork that can be very challenging for most laypeople, and insurmountable for those with limited English proficiency or literacy abilities. The Shriver probate pilot project was intended to provide individuals with meaningful access to the judicial system and assistance with these complex and emotionally charged cases that have critical implications for families.

Data for the evaluation of the Shriver probate pilot project were collected over the course of 5 years, from multiple sources, using various methodologies. Program services data were recorded by Shriver legal aid services staff as they worked with clients, and were also recorded by the Shriver probate facilitator. Court case files were reviewed for cases that received Shriver services and those that did not, and project staff were interviewed about their perceptions of the program's impact. Together, these data help shed light on the impact of providing legal assistance to low-income individuals in probate court.

Who was served by the Shriver Probate Pilot Project?

From the start of services in January 2012 through June 2015, the probate pilot project provided legal aid services to 242 low-income litigants. The most common case involved multiple individuals seeking assistance with a petition for guardianship (e.g., couples, such as grandparents, seeking to care for grandchildren). Most clients were Hispanic or Latino, and many had limited proficiency with English, or a disability. The median monthly income of those eligible for service was $1,600, below the 2014 Federal Poverty Level, and about one-fifth was reliant on food subsidies.

From the start of services in March 2013 through June 2015, the court-based Shriver probate facilitator served 286 parties across more than 200 cases (mostly guardianships). Most of these parties were female, more than half were Hispanic/Latino, over one third had a household income of less than $2,000 per month, and many received some form of public assistance.

Families served by the Shriver project evidenced substantial dysfunction and considerable risk factors to the children involved. In short, guardianships were sought, not because parents were deceased, but because parents were unable/unavailable to care for children due to issues such as substance abuse, incarceration, abandonment, maltreatment, and homelessness. Moreover, roughly a quarter of families were referred by the child welfare system (CWS), suggesting that CWS recognized guardianships as a way to avoid foster care in these situations that would otherwise have been untenable for children.

What services were provided by the Shriver Probate Pilot Project?

The Shriver probate pilot project endeavored to provide full representation to all eligible litigants presenting for service. However, some litigants received unbundled services (brief counsel and advice) if, after the initial consultation, they did not return for subsequent

appointments, decided not to file a petition, or were deemed ineligible. In total, of the 242 litigants who sought help, 158 met Shriver eligibility criteria, of whom 40% received full representation and 60% received unbundled services. The remaining 84 cases received unbundled services, but were ultimately deemed ineligible for project services.

The probate facilitator assisted all parties who presented at the court (no income requirement) and aimed to support the completion of all necessary forms so that the petition could be successfully filed. The probate facilitator also assisted litigants with various documents to proceed with their case, including service of notice and declarations. She made it possible for litigants, who otherwise lacked the resources to retain attorneys, to have meaningful access to the legal system, thereby ensuring access to justice for these at-risk families.

WHAT WERE THE IMPACTS OF THE SHRIVER PROBATE PILOT PROJECT?

Findings demonstrated several beneficial impacts of the Shriver probate pilot project:

Petitions were successfully filed.

As a "pure access" project, the Shriver probate pilot project sought to stabilize families by removing barriers to filing petitions for guardianship and conservatorship. The complexity and volume of the paperwork necessary for petitions, as well as the skills and time required to locate family members for notification, present significant barriers to successfully filing a petition. As a result, historically, many people never successfully file and abandon the process due to confusion and fatigue. Among those litigants provided full representation by a Shriver attorney, only 6% never filed a petition.

Nearly one quarter of full representation clients in guardianship cases subsequently withdrew their petitions. This may have been due to families pursuing a different arrangement (e.g., Caregiver's Affidavit), after learning about their options from their attorneys. None of these clients abandoned their petitions.

Impact of probate facilitator

The Shriver probate facilitator had a substantial impact on litigants' abilities to successfully file their petitions. Court staff estimated that, before the Shriver project, it would take three attempts for litigants to successfully file a petition, and many would give up before succeeding. However, those who received help from the probate facilitator were generally able to file successfully on their first attempt, which eased the burden on both the litigants and court clerks.

There was increased participation in the legal system by relevant parties.

Individuals who received representation by a Shriver attorney were afforded more meaningful access to the legal system. The help of an attorney was critical to navigating the system and employing a range of strategies to support their cases. In particular, 31% of Shriver full representation clients called witnesses and 22% submitted declarations during their proceedings, versus 12% and 7% (respectively) of probate facilitator cases and 5% and 3% (respectively) of litigants without any Shriver service. These actions not only further supported the petitioners' cases, but they also offered the court more complete and comprehensive information on which to base decisions, which was valuable to judicial officers.

Shriver services also supported effective notification procedures, including those for relatives and tribes. Ensuring effective and complete notification provides other relevant parties with an opportunity to participate in the cases. This could result in cases having objectors or additional parties, which could add complexity to proceedings; however, it also provided the court with more information about the circumstances of the child and family on which to base decisions.

Engaging more people in the process had the indirect effect of increasing collaboration and communication among family members who may have otherwise been in opposition to each other. Shriver staff were able to educate parties about guardianships and conservatorships—notably, to inform parents that their parental rights are not terminated when a guardianship is established and that such arrangements can be temporary—which often eased tensions, calmed emotional reactions, and supported cooperation. For Shriver staff, the goal was to establish an arrangement that was manageable for the family and in the best interests of the children or vulnerable adult.

Court proceedings were more efficient.

The provision of Shriver services made notable contributions to court efficiency. Cases with a Shriver attorney were resolved more quickly than were cases with self-represented litigants. Over half of Shriver representation cases were resolved within 60 days, compared to just over one third of other cases. Further, these full representation cases involved fewer hearings and continuances, compared to cases with self-represented litigants.

Prior to the Shriver project, multiple continuances were typical in probate cases, which protracted proceedings and frustrated litigants. The attention and expertise of an attorney can ensure that common causes of continuance (e.g., incomplete paperwork, improper notification procedures) are avoided. Indeed, this was the case with the Shriver attorneys: 48% of Shriver full representation cases were resolved without a continuance, versus 30% of probate facilitator cases and 20% of comparison cases. Resolving cases without continuances reduces the burden on the court and hastens the stability of the family, whereby the caregiver can more quickly secure relevant resources for the ward or conservatee.

Efficiencies in proceedings translated to savings for the court.

As mentioned above, the Shriver probate facilitator's assistance resulted in more litigants filing petitions successfully on their first attempts, rather than taking multiple attempts, as had been typical before the Shriver project. In addition to helping litigants, this service also substantially reduced the clerk time necessary to review and process petitions. It also streamlined the paperwork and increased the level of information therein, which supported more efficient processes for the clerks and the court's probate attorney reviewing the case.

The Shriver probate pilot project produced efficiencies created by the Shriver probate facilitator (e.g., reduced clerk time to process petitions) and those created by the Shriver legal aid attorneys (e.g., fewer hearings and continuances). Taken together, these services yielded a savings to the court. The average cost to process a typical guardianship case before the Shriver probate pilot project was estimated to be $4,041. The average cost to process a typical guardianship case that received both Shriver representation and probate facilitator services was estimated to be $2,720 –an average savings of approximately $1,321 per case (or 33% reduction in cost).

Limitations

Historically, many people are never able to successfully file a petition for guardianship or conservatorship, and many give up due to confusion and fatigue with the process. Because these individuals never file petitions with the court, there are no data to reflect them. Thus, the evaluation was not able to investigate this population.

ADDITIONAL NEEDS NOTED BY PROJECT

Shriver project staff appreciated that the income requirements set by the statute were higher than some other programs, which expanded their service reach. However, there was concern that many additional families in difficult situations who were just above the 200% threshold were not able to access help. Additionally, project staff saw a need in the community for assistance with adoption cases, as well as guardianship, conservatorship, and other probate cases involving small estates.

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Individual Project Service Summaries

The following section presents data for each of the pilot projects separately. Each Service Summary includes information on the project context including the involved agencies and courts, the project implementation model, and detailed information on the services provided, to whom, and case characteristics and outcomes (when available). Material for each summary was collected over the course of 4 years (2012 to 2015), and includes information from a series of stakeholder interviews, site visits, quarterly reports, project forms, and, most centrally, data entered by the Shriver legal aid staff into the program services database. A synthesis of this information resulted in a comprehensive picture of the processes and overall implementation of each of the housing pilot projects.

A note regarding "missing data":

> Legal aid staff were conscientious in their data entry and management. However, some variables were missing data for several cases. Missing values were sometimes due to inadequate data entry, but in most instances, data were missing because they were unknown to the attorneys. This gap is specifically apparent regarding case outcome data. For cases receiving Shriver full representation, attorneys had knowledge of the case progress and resolution, and therefore data were generally complete. However, for cases receiving unbundled services, attorneys often did not know about case resolution and were therefore unable to enter case outcome data. Thus, in each of the service summaries, data pertaining to the client characteristics and case characteristics at Shriver intake are provided based on all cases, whereas data pertaining to case outcomes are provided only for full representation cases.
>
> The manner in which missing data are handled during analysis can impact results and subsequent interpretation. Throughout this report, wherever possible, the proportion of cases with missing data are represented in the tables in an effort to prevent overestimation and to provide the reader with as much information as possible. Throughout the service summaries, percentages are calculated of the total number of cases in the section (i.e., the number of cases with missing data is included in the denominator).

SHRIVER PROJECT SERVICE SUMMARY: KERN

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services database. Data from the Kern housing pilot project were collected on all parties seeking Shriver services from legal aid (Greater Bakersfield Legal Assistance [GBLA]) or the court (Landlord-Tenant Assistance Center [LTAC]) from March 2012 through October 2015.

What Services Were Provided?

Shriver services were provided by two entities, Greater Bakersfield Legal Assistance (GBLA) and the Landlord-Tenant Assistance Center (LTAC), which had different eligibility requirements and service offerings. Thus, data for these entities are presented separately. Litigants who were represented by a legal aid attorney for the entirety of their case are termed ***full representation*** clients, litigants who received any other type of service from legal aid (short of full representation) are referred to as ***unbundled services*** clients, and those who obtained help from LTAC received ***court-based services***.

LEGAL AID SERVICES

The Kern housing pilot project provided legal aid services to litigants, all of whom were tenants, in a total of 1,220 unlawful detainer cases. Of these cases, 38% received full representation and 62% received unbundled services (see Table HA1). Shriver attorneys tracked the number of hours they worked on cases in 1-hour increments. As seen in Table HA1, overall, Shriver attorneys worked an average of 7 hours per case (median = 4). Full representation cases received an average of 13 hours (median = 9) and unbundled services cases received an average of 4 hours (median = 2). These estimates reflect attorney time only and do not include time worked by other staff, such as intake coordinators or paralegals.

Table HA1. Number of Legal Aid Cases and Attorney Hours Provided per Case

	Level of Service		
Characteristic	**Full Representation**	**Unbundled Services**	**Total**
Number (%) of Cases	461 (38%)	759 (62%)	1,220 (100%)
Attorney Hours Provided			
Mean (*SD*)	13.0 (12.2)	4.0 (8.9)	7.3 (11.1)
Median	9.0	2.0	4.0
Range	1 to 80	0 to 206	0 to 206
Missing N (%)	12 (3%)	9 (1%)	21 (2%)

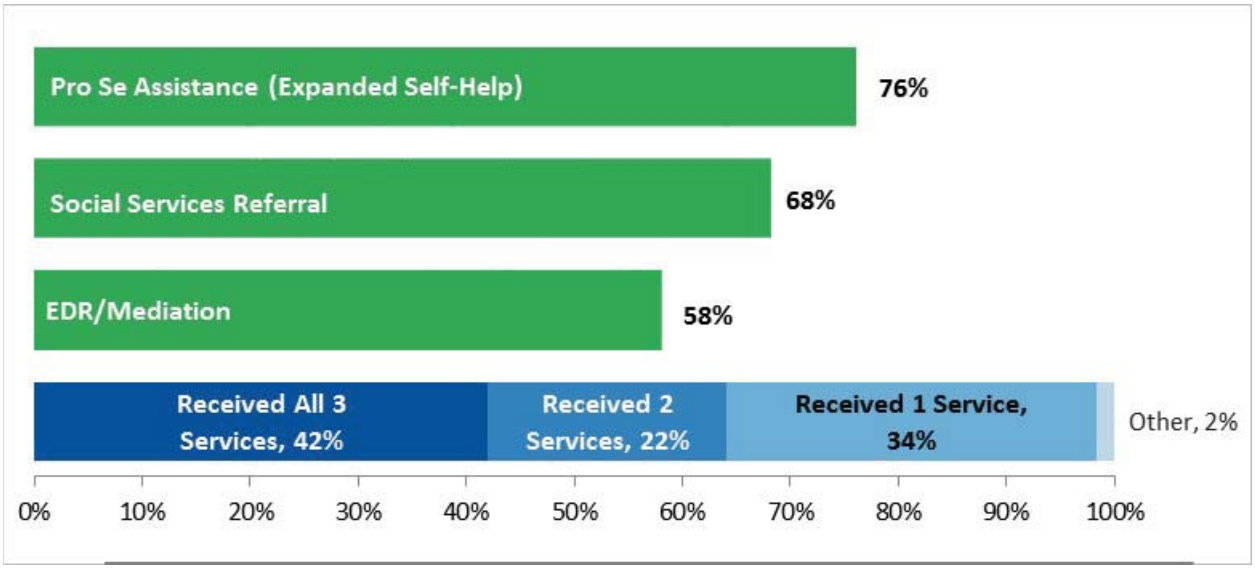
Note. Data obtained from the Shriver program services database (as of 10/18/15).

COURT-BASED SERVICES

The Kern housing pilot project provided court-based Landlord-Tenant Assistance Center (LTAC) services to more than 3,600 litigants in housing-related matters. According to LTAC service counts, 57% were plaintiffs (landlords) and 43% were defendants (tenants). Data regarding case and individual characteristics were not available for plaintiff cases. However, such information was available for cases in which LTAC served the defendant. The remainder of this section presents these data at the case level. (LTAC served over 1,600 defendants, and these individuals represented a total of 1,107 cases.)

As shown in Figure HA1, among the 1,107 cases served by LTAC, 76% (*n*=842) received pro se assistance (expanded self-help), 68% (*n*=758) received a referral from the social services coordinator, and 58% (*n*=648) received early dispute resolution (EDR, or "mediation") services. Litigants could receive any combination of these services, and most (64%, *n*=705) received two or more services, with a referral from social services being the most common service to be combined with either of the other two services. Forty-two percent (*n*=462) received all three court-based services.

Figure HA1. Percent of Cases Receiving Each Shriver Court-Based Service



Note. Based on 1,107 cases in which the defendant was provided Shriver court-based services.

Who Received Services?

Legal Aid Services

Client Characteristics. At the time of Shriver intake, GBLA staff members collected information about their clients, including demographics, living situations, and case characteristics. Nearly one fourth of cases (23%) involved multiple individuals seeking assistance (e.g., couples). For analytic purposes, one litigant's data were used to represent each case (the primary client, i.e., the person with whom the attorney interacted most). The majority (71%) of clients were female, 34% were Black, 33% were Hispanic/Latino, 25% had a known or observable disability (note that 25% of clients were missing this information), and 6% could not effectively communicate in English without the assistance of an interpreter (limited English proficiency). Table HA2 shows the characteristics of the primary client on the 1,220 cases served by legal aid, by level of service.

Table HA2. Demographic Characteristics of Shriver Legal Aid Clients

	Level of Service		
Client Level Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Gender			
Male	113 (25%)	226 (30%)	339 (28%)
Female	342 (74%)	524 (69%)	866 (71%)
Transgender	2 (<1%)	0 (0%)	2 (<1%)
Missing/unknown	4 (1%)	9 (1%)	13 (1%)
Race/Ethnicity[a]			
Black or African American	158 (34%)	254 (33%)	412 (34%)
Hispanic/Latino	150 (33%)	255 (34%)	405 (33%)
White	134 (29%)	212 (28%)	346 (28%)
Other	13 (3%)	30 (4%)	43 (4%)
Missing/unknown/declined	6 (1%)	8 (1%)	14 (1%)
Education			
High school degree or less	73 (16%)	183 (24%)	256 (21%)
Any post-secondary	51 (11%)	130 (17%)	181 (15%)
Missing/unknown	337 (73%)	446 (59%)	783 (64%)
Limited English Proficiency			
Yes	28 (6%)	49 (6%)	77 (6%)
No	430 (93%)	672 (89%)	1,102 (90%)
Missing/unknown	3 (1%)	38 (5%)	41 (3%)
Disability			
Yes	109 (24%)	197 (26%)	306 (25%)
No	204 (44%)	402 (53%)	606 (50%)
Missing/unknown	148 (32%)	160 (21%)	308 (25%)
Total	461 (100%)	759 (100%)	1,220 (100%)

Note. Data from the Shriver program services database (as of 10/18/15). [a] Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

Two thirds (67%) of cases served by legal aid had at least one minor living in the home, and 60% of households received CalFresh benefits.[221] The median monthly income was $925 (mean = $1,075), and the median monthly rental amount was $650 (mean = $644). By comparison, recall that the median monthly household income in Kern County is $4,046 per month and the average fair market value for a two-bedroom apartment is $815. Table HA3 shows the household characteristics for Shriver cases served by legal aid, by level of service.

Table HA3. Household Characteristics of Shriver Legal Aid Clients

	Level of Service		
Household Level Characteristics	**Full Representation**	**Unbundled Services**	**Total**
Minors in Household, *N* (%)			
Yes	319 (69%)	494 (65%)	813 (67%)
No	138 (30%)	253 (33%)	391 (32%)
Missing/unknown	4 (1%)	12 (2%)	16 (1%)
Received CalFresh Benefits, *N* (%)			
Yes	265 (57%)	463 (61%)	728 (60%)
No	186 (40%)	277 (36%)	463 (38%)
Missing/unknown	10 (2%)	19 (3%)	29 (2%)
Monthly Income			
Mean (SD)	$1,108 (696)	$1,055 (740)	$1,075 (722)
Median	$1,000	$900	$925
Range	$0 to $3,983	$0 to $4,355	$0 to $4,355
Missing/unknown	2 (<1%)	4 (<1%)	6 (<1%)
Monthly Rental Amount[a]			
Mean (SD)	$629 (309)	$654 (333)	$644 (323)
Median	$628	$650	$650
Range	$0 to $2,490	$0 to $4,040	$0 to $4,040
Missing/unknown, *N* (%)	23 (5%)	150 (20%)	173 (14%)
Total	461 (100%)	759 (100%)	1,220 (100%)

Note. Data from the Shriver program services database (as of 10/18/15).
[a] Monthly rental amount according to defendant at time of intake. *SD*=standard deviation.

Nearly all (92%; *n*=1,124) Shriver legal aid clients were renters/tenants of an apartment, condominium, or house. Others were current or prior owners of a foreclosed property (5%; *n*=56); staying with friends or family (1%; *n*=11); or lodgers in a hotel, motel, or private residence (1%; *n*=8). Few cases involved clients living in a supported environment, nursing home, institution, treatment center, or transitional housing (<1%; *n*=2); living in a shelter, abandoned building, or outside (<1%; *n*=1); or another place not specified (<1%, *n*=5).[222]

[221] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.
[222] Thirteen records (1%) did not specify the client's living situation (missing/unknown).

Opposing Party Representation. Shriver legal aid staff assessed whether the opposing party (typically the landlord) had legal counsel at the time of intake. As shown in Table HA4, for clients who received Shriver full representation, 87% faced an opposing party with legal representation (this information was missing for approximately 8% of cases). Among clients who received unbundled services, approximately 41% faced an opposing party with legal representation (this information was missing for 23% of cases).

Table HA4. Opposing Party Representation at Intake for Legal Aid Clients

	Level of Service		
Opposing Party Represented by Counsel	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Yes	400 (87%)	308 (41%)	708 (58%)
No	22 (5%)	280 (36%)	302 (25%)
Missing/unknown	39 (8%)	171 (23%)	210 (17%)
Total	461 (100%)	759 (100%)	1,220 (100%)

Note. Data from the Shriver program services database (as of 10/18/15).

Case Characteristics. At the time of Shriver intake, 80% of clients had not filed an answer or other response with the court (see Table HA5; sum of top four rows). Specifically, in 11% of cases, a complaint had not yet been filed with the court (pre-filing status), and in 67%, a complaint or a summons and complaint was filed, but no response had yet been filed. In 2% of cases, the defendant had missed the window to file an answer and a default judgment had been entered. In 16% of cases, an answer had been filed prior to seeking legal aid services. Defendants often received assistance filing an answer from LTAC before being referred to GBLA.

The most common type of eviction notice was a 3-day pay, perform, or quit (81%; *n*=901), followed next by a 30- to 90-day notice to terminate (12%; *n*=134), which is typically used for tenancies with indefinite rental agreements.[223] Of those cases with information about an eviction notice, the most frequent reason listed was for non-payment of rent (76%), followed next by foreclosure (3%) and violation of lease terms (2%). In cases where the notice indicated non-payment of rent, the median amount demanded on the notice was $797 (mean = $1,130, range = $0 to $12,099). In 55% of cases, defendants owed between $501 and $2,000, according to the eviction notices. In 29% of cases, the amount was $500 or less, highlighting the financial vulnerability of many litigants. Table HA5 shows the reason listed on the eviction notice (if applicable), and for cases including non-payment of rent, the amount demanded.

[223] The remainder of eviction notices were 7- to 14-day terminations (2%, *n*=21) or other types (3%, *n*=29). A total of 115 (10%) cases were missing information about the eviction notice, or the information was unknown.

Table HA5. Status at Intake for Shriver Legal Aid Cases

	Level of Service		
Unlawful Detainer Case Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Case Status at Intake			
No formal eviction notice served	15 (3%)	84 (11%)	99 (8%)
Service of notice to terminate tenancy	10 (2%)	21 (3%)	31 (3%)
Complaint or Summons and Complaint filed	290 (63%)	525 (69%)	815 (67%)
Default judgment entered	9 (2%)	16 (2%)	25 (2%)
Answer/response filed	121 (26%)	78 (10%)	199 (16%)
Judgment entered (not through default)	1 (<1%)	3 (<1%)	4 (<1%)
Writ issued/notice to vacate from sheriff	11 (2%)	25 (3%)	36 (3%)
Other	2 (<1%)	3 (<1%)	5 (<1%)
Missing/unknown	2 (<1%)	4 (1%)	6 (<1%)
Total	461 (100%)	759 (100%)	1,220 (100%)
If Eviction Notice Served, Reason Listed			
Non-payment of rent	349 (79%)	501 (75%)	850 (76%)
Foreclosure	18 (4%)	21 (3%)	39 (3%)
Violation of lease terms	7 (2%)	14 (2%)	21 (2%)
Nuisance (e.g., dispute with neighbors)	2 (<1%)	0 (0%)	2 (<1%)
Other	5 (1%)	9 (1%)	14 (1%)
Multiple reasons	43 (10%)	28 (4%)	71 (6%)
None needed[a]	8 (2%)	42 (6%)	50 (4%)
Missing/unknown	12 (3%)	56 (8%)	68 (6%)
Total	444 (100%)	671 (100%)	1,115 (100%)
If for Non-Payment of Rent, Amount Demanded on Eviction Notice[b]			
$0 to $100	74 (19%)	104 (20%)	178 (19%)
$101 to $500	51 (13%)	40 (8%)	91 (10%)
$501 to $1,000	129 (33%)	160 (30%)	289 (31%)
$1,001 to $2,000	84 (21%)	135 (26%)	219 (24%)
$2,001 to $3,000	34 (9%)	50 (9%)	84 (9%)
$3,001 to $4,000	7 (2%)	14 (3%)	21 (2%)
$4,001 to $5,000	6 (2%)	15 (3%)	21 (2%)
$5,001 or more	6 (2%)	10 (2%)	16 (2%)
Missing/unknown	1 (<1%)	1 (<1%)	2 (<1%)
Total	392 (100%)	529 (100%)	921 (100%)

Note. Data from the Shriver program services database (as of 10/18/15).
[a] Some types of eviction notices (e.g., 30- to 90-day notices) do not require the landlord to state a reason for the eviction. [b] Includes only cases where non-payment of rent or multiple reasons were listed as reasons on the notice.

In 18% (*n*=223) of cases, litigants (and their families) lived in subsidized housing, which often requires a different process for unlawful detainer cases (e.g., a longer notification period or different reasons for tenancy termination). The Kern housing pilot project indicated that 14% (*n*=174*)* of cases had other special characteristics, including owner or tenant of a foreclosed property (4%; *n*=45), military personnel or veterans living in the household (1%; *n*=12), bankruptcy (1%; *n*=8), housing provided as part of employment (<1%; *n*=4), multiple considerations (8%; *n*=96), or some other consideration not specified (1%; *n*=9).

Roughly 1% (*n*=11) of Shriver cases had a defendant with a domestic violence restraining order in place at the time of case intake. In about 2% (*n*=24) of cases, the Shriver client alleged some type of discrimination from the landlord, with the most common allegations based on disability status (1%; *n*=7), race (<1%; *n*=5), or multiple allegations (<1%; *n*=4).

COURT-BASED SERVICES

Defendants could receive both legal aid and court-based services. Often, the Landlord-Tenant Assistance Center (LTAC) would help litigants file an answer and then refer them to receive further assistance from Greater Bakersfield Legal Assistance (GBLA). If defendants received services from both LTAC and GBLA, they were counted in the previous section under legal aid services litigants. Only those receiving just LTAC services are counted in the remainder of this court-based services section.

Defendant Characteristics. Staff from the court-based LTAC also collected information regarding litigant demographics, living situations, and case characteristics. LTAC provided service to both low-income defendants and plaintiffs, but case information was entered into the program services database from the perspective of the defendant. If more than one defendant was provided Shriver service on the case (e.g., a couple being evicted), information was entered into the database for the primary litigant (to maintain one record per case). Defendants receiving LTAC services were demographically similar to those receiving legal aid services.

The majority of cases receiving court-based Shriver services involved female defendants (64%). About one third (38%) were Hispanic/Latino, 25% were White, and 20% were Black or African American. Nearly one in five cases (18%) had a defendant with a known or observable disability (note that 39% of cases were missing this information), and 11% involved a defendant who could not effectively communicate in English without the assistance of an interpreter (limited English proficiency). Table HA6 shows the demographic characteristics of the defendants in the 1,107 cases receiving court-based Shriver services.

Table HA6. Demographic Characteristics of Defendants Receiving Shriver Court-Based Services

Litigant Level Characteristics	*N* (%)
Gender	
Male	373 (34%)
Female	709 (64%)
Transgender	1 (<1%)
Missing/unknown	24 (2%)
Race/Ethnicity[a]	
Black or African American	221 (20%)
Hispanic/Latino	420 (38%)
White	277 (25%)
Other	82 (7%)
Missing/unknown/declined	107 (10%)
Education	
High school degree or less	480 (43%)
Any post-secondary	214 (19%)
Missing/unknown	413 (37%)
Limited English Proficiency	
Yes	118 (11%)
No	949 (86%)
Missing/unknown	40 (4%)
Disability	
Yes	196 (18%)
No	476 (43%)
Missing/unknown	435 (39%)
Total	1,107 (100%)

Note. Data from the program services database (as of 10/18/15). [a] Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

Relative to legal aid clients, a smaller proportion of tenants receiving court-based services had minors living in the household (57% court services vs. 67% legal aid), and fewer received CalFresh benefits (32% court services vs. 60% legal aid). The median monthly income for litigants receiving court-based services was $1,000 (vs. $925 for legal aid clients). Thus, it seems that the defendants in need of more support received more intensive project services. Table HA7 shows the household characteristics for tenants receiving Shriver court-based services.[224]

Table HA7. Household Characteristics of Defendants Receiving Shriver Court-Based Services

Household Level Characteristics	Statistic
Minors in Household, *N* (%)	
Yes	634 (57%)
No	438 (40%)
Missing/unknown	35 (3%)
Monthly Income	
Mean (SD)	$1,104 (935)
Median	$1,000
Range [a]	$0 to $7,300
Missing/unknown	1 (<1%)
Received CalFresh Benefits, *N* (%)	
Yes	355 (32%)
No	751 (68%)
Missing/unknown	1 (<1%)
Total	1,107 (100%)

Note. Data from the Shriver program services database (as of 10/18/15). *SD*=standard deviation.
[a] Upper end of the range is high due to an outlying value. At intake, one litigant had a monthly income above 200% the 2014 Federal Poverty Level (FPL).

Opposing Party Representation and Case Characteristics. Information regarding opposing party representation was unknown for nearly half (45%) of litigants receiving court-based services. Keeping that proportion in mind, 15% of defendants were facing an opposing party with legal representation and 40% were not, at least at the time of intake (see Table HA8).

At the time of Shriver intake, the defendant had not yet filed an answer or other response in 84% of cases. Specifically, in 29% of cases, a complaint had not yet been filed with the court (pre-filing status), and in 55%, a complaint had been filed, but no response had yet been filed. In 1% of cases, the defendant had already missed the window to file an answer and a default judgment had been entered. In 2% of cases, an answer had been filed prior to seeking Shriver court-based services.

[224] Information regarding the living situations of court-based services litigants, including whether the litigant lived in subsidized housing or where the litigant was living at the time of Shriver intake, was largely unknown to the LTAC staff, and is therefore omitted.

Table HA8. Opposing Party Representation and Case Status at Intake for Defendants Receiving Shriver Court-Based Services

Unlawful Detainer Case Characteristics	*N* (%)
Case Status at Intake	
No formal eviction notice served	203 (18%)
Service of notice to terminate tenancy	121 (11%)
Complaint or Summons and Complaint filed	609 (55%)
Default judgment entered	8 (1%)
Answer/response filed	27 (2%)
Judgment entered (not through default)	1 (<1%)
Writ issued/notice to vacate from sheriff	0 (0%)
Other	22 (2%)
Missing/unknown	116 (10%)
Opposing Party Represented by Counsel	
Yes	165 (15%)
No	443 (40%)
Missing/unknown	499 (45%)
Total	1,107 (100%)

Note. Data from the Shriver program services database (as of 10/18/15).

Case Proceedings and Outcomes

The remainder of this section on the Kern housing pilot project reflects only Shriver cases that received full representation from legal aid,[225] because the outcomes of cases receiving unbundled services were largely unknown (attorneys did not follow these cases to resolution).

Participation in the Justice System

Answers filed

To participate in the justice system—that is, to avoid defaulting on an unlawful detainer case—defendants must file an answer (or other response) to the complaint filed by the landlord. As shown in Table HA9, defendants in 91% (*n*=387) of Shriver full representation cases filed a response with the court. In most cases (89%), an answer was filed; in a few cases (2%), a demurrer[226] or other response was filed. (Recall that 26% of full representation cases had an answer filed at intake.) In 2% of cases, an official response to the complaint was not needed, as the case was settled outside of court after filing. In 4% of cases, the plaintiff dismissed the case, thus no official response was filed by the defendant. A common reason for a plaintiff to dismiss a case is that the defendant moved out and possession of the unit was no longer at issue, but the exact reason for dismissal was typically unknown.[227]

[225] 36 full representation cases (8%) were excluded from analysis because there was never an unlawful detainer complaint filed with the court (*n*=11) or because the litigant did not return for services (*n*=25).
[226] A demurrer is filed with the court when there is a technical problem with the unlawful detainer notice.
[227] In one of these 17 cases, the defendant was known to have moved out. Otherwise, the reason for the plaintiff's dismissal was unknown or not documented.

Among full representation cases, nearly all defendants (97%) participated in the judicial system. Notably, no default judgments were entered because the tenant failed to respond to the unlawful detainer complaint. This included the eight clients who had defaults entered at the time of Shriver intake, recognizing that Shriver attorneys were often successful in having defaults set aside and allowing the case to proceed.

Table HA9. Response to Unlawful Detainer Complaint by Defendants in Full Representation Cases

Response to Unlawful Detainer Complaint	*N* (%)
Action filed with court:	
Answer	379 (89%)
Other response (e.g., motion to set aside default, demurrer)	8 (2%)
No official response:	
Settled outside of court	8 (2%)
Plaintiff dismissed case[a]	17 (4%)
Default remains	0 (0%)
Other	2 (<1%)
Missing/unknown	11 (3%)
Total	425 (100%)

Note. Data obtained from the Shriver program services database (as of 10/18/15).
[a] Not through negotiated settlement.

COURT EFFICIENCY

Case resolution

Half (51%) of Shriver full representation cases were resolved by settlement, and one third (34%) were dismissed by the plaintiff. One of every 10 cases (11%) was resolved through a trial or hearing; of these 46 cases, one case (2%) was known to have resolved via jury trial.[228] The proportion of full representation cases resolved in each manner is displayed in Table HA10.

Table HA10. Case Resolution Method for Full Representation Cases

Case Resolution Method	*N* (%)
Settlement/stipulation	217 (51%)
Plaintiff dismissal	145 (34%)
Trial/hearing	46 (11%)
Other	11 (3%)
Missing/unknown	6 (1%)
Total	425 (100%)

Note. Data from the Shriver program services database (as of 10/18/15).

Point of Settlement. Of the 217 full representation cases that were settled, half (50%; *n*=109) were settled before the trial—certainly the most efficient option for the court (see Table HA11).

[228] This information was missing for 20% of trials (*n*=9); the other 36 trials (78%) were resolved via bench trial.

Forty percent were settled on the day of or during trial, which is often when most parties are able to come together to discuss the terms of the case. Five percent (*n*=11) of settlements occurred during some other post-filing event.

Table HA11. Point of Settlement for Full Representation Cases

Point of Settlement	*N* (%)
Pre-filing	2 (1%)
Post-filing, pre-trial	107 (49%)
On the day of trial	77 (35%)
During trial	10 (5%)
Other post-filing	11 (5%)
Other, not specified	0 (0%)
Missing/unknown	10 (5%)
Total	217 (100%)

Note. Data obtained from the Shriver program services database (as of 10/18/15). Limited to settled cases.

Case length

As mentioned earlier, the California Administrative Office of the Courts has a goal to resolve 90% of unlawful detainer cases within 30 days of complaint filing, and 100% of cases within 45 days of filing. Across all full representation cases with available data, 16% were resolved within 30 days of the complaint filing and 42% were resolved within 45 days of complaint filing (note that 21% were missing data). The average length (measured from the date of complaint filing to the date of disposition) was 59 days (median = 43).[229] Table HA12 shows the numbers and percentages of full representation cases resolved within each benchmark period by case resolution method.

Table HA12. Case Age for Full Representation Clients

	Case Resolution Method				
Case Age	**Landlord Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial/ Hearing** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
30 days or less	10 (7%)	49 (23%)	6 (13%)	2 (12%)	67 (16%)
31 to 45 days	30 (21%)	75 (35%)	12 (26%)	0 (0%)	117 (28%)
46 days or more	48 (33%)	78 (36%)	23 (50%)	2 (12%)	151 (36%)
Missing/unknown	57 (39%)	15 (7%)	5 (11%)	13 (76%)	90 (21%)
Total	145 (100%)	217 (100%)	46 (100%)	17 (100%)	425 (100%)

Note. Data obtained from the Shriver program services database (as of 10/18/15).

[229] Ranging from 0 to 451 days, median = 43 days, *SD* = 65 days.

CASE OUTCOMES

Housing stability

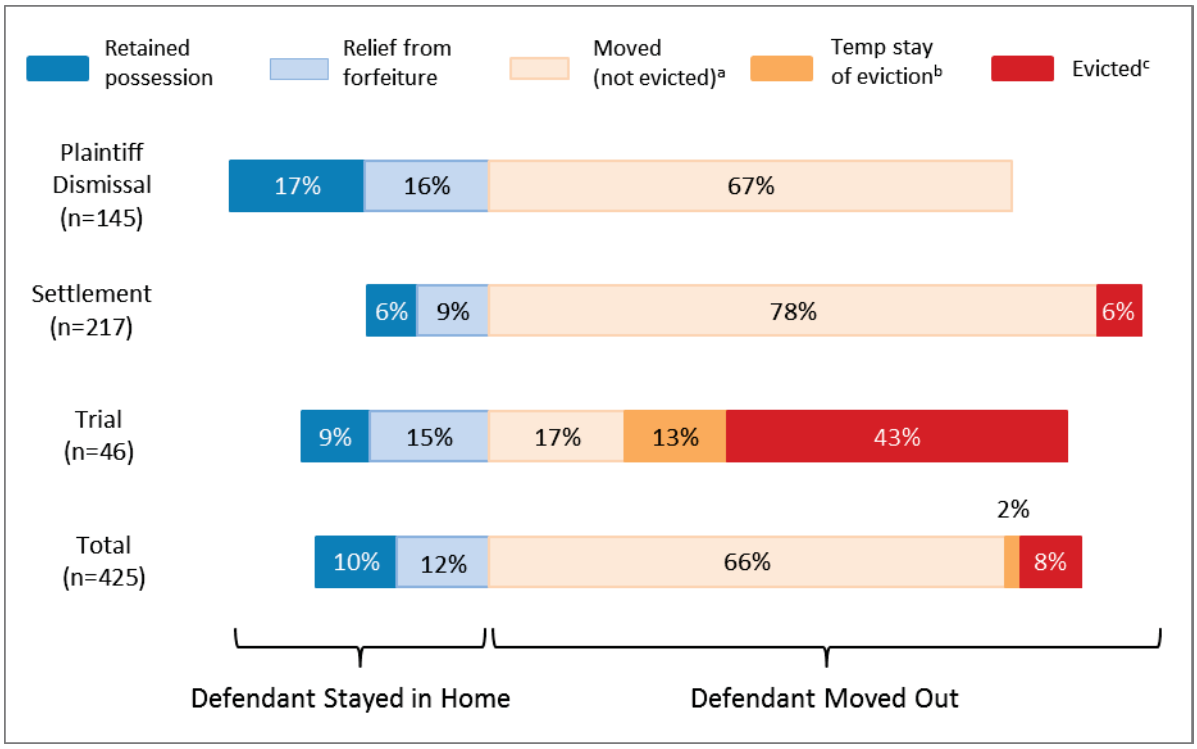
From the perspective of the tenants, remaining in one's home and avoiding the burden and disruption of looking for new housing (e.g., spending additional money to move or enrolling children in new schools) is a noteworthy and positive outcome. However, in instances when a tenant must relocate, having additional time to move out, obtaining neutral references from landlords, or retaining housing subsidies (e.g., Housing Choice Vouchers) can support the tenant's ability to find new and affordable replacement housing more quickly. This can help tenants avoid interstitial periods of homelessness or "couch-surfing" and provide stability for families and children attending school. This section describes the outcomes of the full representation cases, including whether tenants were able to remain in their homes and other outcomes that can contribute to successful housing transition, when moving is necessary.

Possession of the Property. At the time of Shriver intake, clients were asked by Greater Bakersfield Legal Assistance (GBLA) attorneys whether they would like to remain in their homes. Of the 425 full representation cases, defendants in 42% (*n*=179) of cases wished to remain in their current residence and 52% (*n*=223) did not want to stay in the home; the remaining 5% (*n*=23) were uncertain or the information was unknown. At the end of the case, 22% of tenants (*n*=94) were able to remain in the home, either because they retained possession of the unit or were granted relief from forfeiture.[230] In 76% of cases (*n*=322), the landlord obtained possession and the tenant had to move out of the home. Most tenants who moved did so as part of negotiated agreements, and notably fewer were evicted.[231] Figure HA2 depicts the proportions of cases in which tenants stayed versus moved.

[230] Relief from forfeiture typically applies when a defendant experiences a temporary income shortage and has the ability to pay back rent or other money owed.

[231] Evictions occur when defendants are ruled against in a court hearing, trial, or default judgment, or fail to comply with the conditions of a settlement. This outcome usually results in a case viewable on the public record.

Figure HA2. Housing Stability for Full Representation Clients by Case Resolution Method



Note. Method of resolution was missing for 17 cases. These cases were included in the total row above, but are not represented separately. [a] Defendant moved as part of negotiated agreement or before unlawful detainer hearing or trial judgment. [b] Court granted possession of the unit to the plaintiff (landlord), but postponed the eviction due to extreme hardship on behalf of the defendant. [c] Defendant was ruled against in court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement.

Other Outcomes for Defendants Who Moved. Clients in 76% of full representation cases (*n*=322) moved out of their homes at the end of their court cases. Importantly, in 68% of these cases, the move-out date was extended, allowing the tenants more time to find alternate housing and to relocate. Cases that ended by settlement tended to result in more time for tenants to move (see Table HA13).

Among full representation cases of the Kern housing pilot project in which the tenant moved out, nearly all (94%; *n*=303) resulted in some positive outcome that supported the tenant's longer term housing stability. In 72% (*n*=232) of cases, the amount of back-owed rent was reduced, and in 7% (*n*=22) of cases, the debt was waived. (Only 4% of full representation clients paid back the entire amount owed.) In cases where the defendant lived in subsidized housing, 49% were able to retain their housing subsidies (e.g., Housing Choice Vouchers). Analysis combined the outcomes related to decreasing the out-of-pocket expenses for the tenant (e.g., back-owed rent reduced/waived, payment plans, preserve HCV, etc.) and yielded a single indicator of any financial benefit to the tenant. Across cases in which the defendant moved, 81% received some sort of positive financial outcome.

Greater Bakersfield Legal Assistance (GBLA) attorneys stated that a typical objective is to encourage pre-trial settlement and to put the litigants in the best position if they need to move out of their homes, such as preventing adverse judgments from appearing on public records.

The unlawful detainer court proceedings were masked from public view in 85% of cases, defendants avoided unlawful detainer judgments reported to credit agencies in 70% of cases, and tenants were granted neutral references from landlords in 55% of cases. Across the full representation clients who moved out, 87% of cases received at least one positive credit-related outcome.

Table HA13. Tenants Who Moved Out: Percentage of Full Representation Cases Receiving Each Outcome

	Case Resolution Method				
Outcome	**Plaintiff Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial/ Hearing** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
Litigants Moving Out	*n*=97	*n*=181	*n*=34	*n*=10	*n*=322
Physical Outcomes					
Move-Out Date Adjusted	57 (59%)	151 (83%)	7 (21%)	1 (10%)	216 (67%)
Mean Number of Days to Move (*SD*)[a]	33 (*27*)	52 (*35*)	43 (*27*)	--	45 (*33*)
Financial Outcomes					
Pay Plaintiff's Attorney Fees	0 (0%)	16 (9%)	13 (38%)	0 (0%)	29 (9%)
Pay All Rent Owed	1 (1%)	7 (4%)	6 (18%)	0 (0%)	14 (4%)
Rental Amount Owed Reduced	69 (71%)	138 (76%)	21 (62%)	4 (40%)	232 (72%)
Rental Amount Owed Waived	3 (3%)	19 (10%)	0 (0%)	0 (0%)	22 (7%)
Payment Plan for Money Owed	2 (2%)	29 (16%)	1 (3%)	0 (0%)	32 (10%)
Preserved Housing Choice Voucher/Sec. 8[b]	5 (63%)	13 (50%)	0 (0%)	2 (50%)	20 (49%)
Received Any Positive Financial Outcome[c]	***73 (75%)***	***162 (90%)***	***21 (62%)***	***5 (50%)***	***261 (81%)***
Credit-Related Outcomes					
Neutral References from Landlord	53 (55%)	112 (62%)	9 (26%)	2 (20%)	176 (55%)
Not Reported to Credit Agencies	74 (76%)	136 (75%)	11 (32%)	3 (30%)	224 (70%)
Record Masked from Public View	93 (96%)	158 (87%)	16 (47%)	7 (70%)	274 (85%)
Received Any Positive Credit Outcome[d]	***94 (97%)***	***164 (91%)***	***16 (47%)***	***7 (70%)***	***281 (87%)***
Received Any Positive Outcome[e]	**96 (99%)**	**173 (96%)**	**25 (74%)**	**9 (90%)**	**303 (94%)**

Note. Data obtained from the Shriver program services database (as of 10/18/15).

[a] Calculated as the number of days from complaint filing to move-out date. SD=standard deviation. Could not be calculated for the one case in the other/missing column. [b] Calculated out of the number of cases where the defendant(s) lived in subsidized housing (*n*=41). [c] Calculated from all monetary items, except where the litigant had to pay for the plaintiff's (landlord's) attorney fees or had to pay back all money owed. [d] Calculated from all credit-related outcomes. [e] Calculated from all monetary and/or credit-related outcomes, except where indicated above.

SHRIVER PROJECT SERVICE SUMMARY: LOS ANGELES

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the Shriver program services database. Data from the Los Angeles housing pilot project were collected on all parties seeking services from March 2012 through October 2015.

What Services Were Provided?

Litigants who received full representation from an attorney at one of the four legal aid agencies are categorized as ***full representation*** clients, and litigants who received any other types of legal service (through the Eviction Assistance Center [EAC], any of the legal aid agencies, or an "Attorney of the Day") are referred to as ***unbundled services*** clients.[232]

As shown in Table HA14, in the Los Angeles project, 52% (*n*=5,252) of clients received full representation and 48% (*n*=4,988) received unbundled services. Shriver attorneys recorded the number of hours they worked on cases in as little as 6-minute increments. Table HA14 shows the mean (and median) numbers of hours attorneys worked on cases, by level of service. Overall, Shriver attorneys worked an average of 6.5 hours per case (median = 2). Full representation clients received an average of 11 hours (median = 6.5) and unbundled services clients received an average of 1.5 hours (median = 1). These estimates reflect attorney time and do not reflect time worked by other staff, such as intake coordinators or paralegals.

Table HA14. Number of Legal Aid Cases and Attorney Hours Provided per Case

	Level of Service		
Characteristic	**Full Representation**	**Unbundled Services**	**Total**
Number (%) of Litigants			
Defendants[a]	5,224 (51%)	4,958 (49%)	10,182 (100%)
Plaintiffs	28 (48%)	30 (52%)	58 (100%)
All litigants	5,252 (52%)	4,988 (48%)	10,240 (100%)
Attorney Hours Provided[b]			
Mean (*SD*)	11.2 (19.6)	1.5 (2.3)	6.5 (15.0)
Median	6.5	1.2	2.0
Range	0.0 to 487.4	0.3 to 66.6	0.0 to 487.4
Missing, *N* (%)	1,600 (30%)	1,511 (30%)	3,111 (30%)

Note. Data from the Shriver program services database (as of 10/18/15). [a] Includes two subtenants and two friends/family of defendants, seeking advice on their behalf. [b] The number of total attorney hours spent per case was not systematically tracked across all the partnering agencies prior to spring 2013. The attorney hours listed in the table reflect only cases from 2013 forward.

[232] Approximately 91 litigants (about 1% of all clients served by the Los Angeles housing pilot project) received extended limited scope ("Attorney of the Day") services.

Who Received Legal Aid Services?

Because less than 1% of Shriver legal aid clients were plaintiffs, the client demographics and case characteristics presented in this section describe defendants. Information about plaintiff clients can be found in Appendix B.

Client Characteristics. At Shriver intake, legal aid staff members collected information about their clients, including demographics, living situations, and case characteristics. One fifth (20%) of cases involved multiple individuals seeking assistance (e.g., couples). Information is provided for the primary client (i.e., the person with whom the attorney interacted most). The average age of the primary client was 43 years (median = 42), the majority (57%) were female, 45% were Hispanic or Latino, and 30% were Black or African American. About one fourth (24%) of cases had a defendant with a known or observable disability, and 38% involved a defendant with limited English proficiency. Table HA15 shows the characteristics of the 10,182 primary clients served by legal aid, by level of service.

Table HA15. Demographic Characteristics of Shriver Legal Aid Clients

	Level of Service		
Client Level Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Age (years)			
18 to 24	306 (6%)	410 (8%)	716 (7%)
25 to 44	2,414 (46%)	2,373 (48%)	4,787 (47%)
45 to 61	1,803 (35%)	1,739 (35%)	3,542 (35%)
62 or older	517 (10%)	307 (6%)	824 (8%)
Missing/unknown	184 (4%)	129 (3%)	313 (3%)
Gender			
Male	1,841 (35%)	2,209 (45%)	4,050 (40%)
Female	3,180 (61%)	2,629 (53%)	5,809 (57%)
Transgender	3 (0%)	6 (0%)	9 (0%)
Missing/unknown	200 (4%)	114 (2%)	314 (3%)
Race/Ethnicity[a]			
Black or African American	1,431 (27%)	1,598 (32%)	3,029 (30%)
Hispanic/Latino	2,511 (48%)	2,088 (42%)	4,599 (45%)
White	244 (5%)	385 (8%)	629 (6%)
Other	228 (4%)	286 (6%)	514 (5%)
Missing/unknown/declined	810 (16%)	601 (12%)	1,411 (14%)
Education			
High school degree or less	2,284 (44%)	1,958 (39%)	4,242 (42%)
Any post-secondary	1,167 (22%)	1,535 (31%)	2,702 (27%)
Missing/unknown	1,773 (34%)	1,465 (30%)	3,238 (32%)
Limited English Proficiency			
Yes	2,168 (42%)	1,663 (34%)	3,831 (38%)
No	2,866 (55%)	3,171 (64%)	6,037 (59%)
Missing/unknown	190 (4%)	124 (3%)	314 (3%)
Disability			
Yes	1,374 (26%)	1,068 (22%)	2,442 (24%)
No	2,669 (51%)	3,171 (64%)	5,840 (57%)
Missing/unknown	1,181 (23%)	719 (15%)	1,900 (19%)
Total	5,224 (100%)	4,958 (100%)	10,182 (100%)

Note. Data from the Shriver program services database (as of 10/18/15).
[a] Clients who identified as Hispanic/Latino and any other race/ethnicity are counted in the Hispanic/Latino row.

Half (52%) of cases served by Shriver legal aid had at least one minor living in the home, and 41% of households received CalFresh benefits.[233] The median monthly income was $1,000 (mean = $1,154), and the median monthly rental amount was $850 (mean = $877). By comparison, recall that the median monthly household income in Los Angeles County is $4,659 and the average fair market value for a two-bedroom apartment is $1,398. Table HA16 details the household characteristics for Shriver defendants served by legal aid, by level of service.

Table HA16. Household Characteristics of Shriver Legal Aid Clients

	Level of Service		
Household Level Characteristics	**Full Representation**	**Unbundled Services**	**Total**
Minors in Household, *N* (%)			
Yes	2,945 (56%)	2,314 (47%)	5,259 (52%)
No	2,078 (40%)	2,552 (51%)	4,630 (45%)
Missing/unknown	201 (4%)	92 (2%)	293 (3%)
Received CalFresh Benefits, *N* (%)			
Yes	2,189 (42%)	1,968 (40%)	4,157 (41%)
No	2,836 (54%)	2,895 (58%)	5,731 (56%)
Missing/unknown	199 (4%)	95 (2%)	294 (3%)
Monthly Income			
Mean (SD)	$1,197 (843)	$1,109 (886)	$1,154 (866)
Median	$1,037	$964	$1,000
Range [a]	$0 to $9,000	$0 to $8,500	$0 to $9,000
Missing	154 (3%)	65 (1%)	219 (2%)
Monthly Rental Amount[b]			
Mean (SD)	$820 (396)	$939 (460)	$877 (432)
Median	$802	$875	$850
Range	$0 to $4,120	$0 to $4,200	$0 to $4,200
Missing/unknown	243 (5%)	334 (7%)	577 (6%)
Total	5,224 (100%)	4,958 (100%)	10,182 (100%)

Note. Data from the Shriver program services database (as of 10/18/15). *SD*=standard deviation. [a] Upper end of the range is high due to outlying values. At intake, 25 clients had monthly incomes above $5,000. When household size was taken into account, 16 clients had monthly incomes greater than 200% of the 2014 Federal Poverty Level (FPL). [b] Monthly rental amount according to defendant at time of intake.

Most Shriver legal aid clients (96%; *n*=9,815) were renters/tenants of an apartment, house, or condominium. Others were current or prior owners of a foreclosed property (<1%; *n*=40) or lodgers in a hotel, motel, or private residence (<1%; *n*=27). The remainder of cases involved clients staying with friends or family (<1%; *n*=15); living in a supported environment, nursing

[233] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

home, institution, treatment center, or transitional housing (<1%; *n*=6); living in a shelter, abandoned building, or outside (<1%; *n*=1); or in another place not specified (<1%; *n*=8).[234]

Opposing Party Representation. Shriver legal aid staff recorded whether the opposing party had legal counsel at the time of intake. For clients who received full representation, 95% faced an opposing party with legal representation (this information was unknown for 4% of clients).[235] Among clients who received unbundled services, 98% faced an opposing party with legal representation. Table HA17 shows the numbers and percentages of opposing parties represented by legal counsel, by level of service.

Table HA17. Opposing Party Representation at Intake

	Level of Service		
Landlord Represented by Counsel	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Yes	4,981 (95%)	4,850 (98%)	9,831 (97%)
No	9 (<1%)	4 (<1%)	13 (<1%)
Missing/unknown	234 (4%)	104 (2%)	338 (3%)
Total	5,224 (100%)	4,958 (100%)	10,182 (100%)

Note. Data from the Shriver program services database (as of 10/18/15).

Case Characteristics. At the time of Shriver intake, 94% of clients had not yet filed an answer (see Table HA18; sum of top four rows). All of the tenants seeking services from Shriver legal aid had a complaint filed against them with the court (i.e., no cases were in pre-filing status). In less than 1% of cases, the litigant had already missed the window to file an answer and a default judgment had been entered. In 4% of cases, an answer had been filed prior to seeking Shriver services.

The most common type of eviction notice was a 3-day pay, perform, or quit (83%, *n*=8,301),[236] followed next by a 30- to 90-day notice to terminate (4%, *n*=387), which is typically used for tenancies with indefinite rental agreements.[237] Of those cases with information about an eviction notice, the most frequent reason listed was for non-payment of rent (78%), followed next by multiple reasons (3%), foreclosure (2%), nuisance (1%), or violation of lease terms (1%). In cases where the notice indicated non-payment of rent, the median amount demanded on the notice was $1,233 (mean = $1,902; range = $0 to $65,567[238]). In 60% of cases, defendants owed between $501 and $2,000 according to the eviction notice. In 8% of cases, the amount was $500 or less, highlighting the financial vulnerability of many litigants. Table HA18 shows the

[234] Three percent (*n*=270) were missing this information.
[235] Staff attorneys anecdotally reported that some plaintiffs filed their paperwork in pro per, so as to disqualify defendants from receiving Shriver services, but then later retained counsel for litigation.
[236] 3-day pay, perform, or quit notices break down in the following way: 3-day quit (4%, n=368), 3 day perform or quit (3%, n=350), and 3-day pay or quit (75%, n=7,583).
[237] The remainder of eviction notices were 7- to 14-day terminations (2%, *n*=226) or other types of notices (1%, *n*=138); 893 (9%) cases were missing information about the eviction notice.
[238] Less than 1% of cases (*n*=5) owed amounts greater than $25,000, the upper bound for limited jurisdiction cases.

reason listed on the eviction notice and, for cases in which the reason included non-payment of rent, the amount demanded.

Table HA18. Status at Intake for Shriver Legal Aid Cases

	Level of Service		
Unlawful Detainer Case Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Case Status at Intake			
No formal eviction notice served	0 (0%)	0 (0%)	0 (0%)
Service of notice to terminate tenancy	0 (0%)	0 (0%)	0 (0%)
Complaint or Summons and Complaint filed	4,786 (92%)	4,735 (96%)	9,521 (94%)
Default judgment entered	2 (<1%)	0 (0%)	2 (<1%)
Answer/response filed	272 (5%)	148 (3%)	420 (4%)
Judgment entered (not through default)	0 (0%)	0 (0%)	0 (0%)
Writ issued/notice to vacate from sheriff	0 (0%)	0 (0%)	0 (0%)
Other	0 (0%)	2 (<1%)	2 (<1%)
Missing/unknown	164 (3%)	73 (1%)	237 (2%)
Total	5,224 (100%)	4,958 (100%)	10,182 (100%)
If Eviction Notice Served, Reason Listed			
Non-payment of rent	3,958 (78%)	3,830 (78%)	7,788 (78%)
Foreclosure	80 (2%)	121 (2%)	201 (2%)
Violation of lease terms	66 (1%)	20 (0%)	86 (1%)
Nuisance (e.g., dispute with neighbors)	66 (1%)	37 (1%)	103 (1%)
Other	168 (3%)	93 (2%)	261 (3%)
Multiple reasons	191 (4%)	81 (2%)	272 (3%)
None needed[a]	103 (2%)	107 (2%)	210 (2%)
Missing/unknown	428 (8%)	596 (12%)	1,024 (10%)
Total	5,060 (100%)	4,885 (100%)	9,945 (100%)
If Eviction Cited Non-Payment of Rent, Amount Demanded on Eviction Notice[b]			
$0 to $100	64 (2%)	28 (1%)	92 (1%)
$101 to $500	346 (8%)	196 (5%)	542 (7%)
$501 to $1,000	1,192 (29%)	1,052 (27%)	2,244 (28%)
$1,001 to $2,000	1,218 (29%)	1,342 (34%)	2,560 (32%)
$2,001 to $3,000	433 (10%)	506 (13%)	939 (12%)
$3,001 to $4,000	195 (5%)	236 (6%)	431 (5%)
$4,001 to $5,000	88 (2%)	122 (3%)	210 (3%)
$5,001 or more	230 (6%)	241 (6%)	471 (6%)
Missing/unknown	383 (9%)	188 (5%)	571 (7%)
Total	4,149 (100%)	3,911 (100%)	8,060 (100%)

Note. Data from the Shriver program services database (as of 10/18/15).
[a] Some types of eviction notices (e.g., 30- to 90-day notices) do not require the landlord to state a reason for the eviction. [b] Includes only cases where non-payment of rent or multiple reasons were listed as reasons on the notice.

Staff at the Los Angeles project recorded more detailed screening information than did staff at the other pilot projects. This information helped to shape an understanding of the merits of the case and the vulnerability of the tenants and to identify affirmative defenses. According to the tenants at the Shriver intake, 82% (*n*=8,306) had a written lease agreement and 12% (*n*=1,217) had an oral lease agreement with their landlord.[239] Many clients believed their rental unit had code or habitability violations (90%; *n*=9,153) and many had filed complaints with the landlord (71%; *n*=7,239) and/or a government agency (19%; *n*=1,909).[240] The most common allegations of uninhabitable conditions were infestation (64%; *n*=6,471), inadequate plumbing (48%; *n*=4,916), peeling/chipped paint (45%; *n*=4,587), mold (41%; *n*=4,182), holes in the wall (40%; *n*=4,123), and inadequate heat (40%, *n*=4,054). Tenants had, on average, 5.6 allegations of code or habitability violations per case (median = 5). Twenty-nine percent (*n*=2,947) felt their unlawful detainer case was filed in retaliation for their complaints.

In the Los Angeles project, defendants in 11% of cases (*n*=1,146) lived in subsidized housing, and 57% (*n*=5,794) lived in a property protected by a rent stabilization ordinance (RSO), which protects tenants from excessive rent increases and specifies how often and how much a landlord may raise the rental amount.[241] The process for evicting defendants living in subsidized housing or in housing protected by RSOs is often different from the typical unlawful detainer process. For subsidized housing, there can be a longer notification period or a different standard for tenancy termination. Landlords evicting tenants in rent-stabilized properties may have to pay relocation fees for the tenant (ranging from $7,300 to $18,300, depending on the circumstances). The Los Angeles housing pilot project also indicated that 7% (*n*=659) of cases had other special characteristics, including tenant of a foreclosed property (2%; *n*=208), client filed for bankruptcy (2%; *n*=195), military personnel or veterans living in the household (2%, *n*=156), housing provided as part of employment (<1%; *n*=23), or other reasons (<1%; *n*=77).

Two percent (*n*=220) of Shriver cases involved defendants with active domestic violence restraining orders at the time of case intake. In 10% of cases (*n*=1,044), the Shriver client alleged some type of discrimination from the landlord, with the most common allegations based on retaliation discrimination (3%; *n*=265), followed by disability status (2%; *n*=189), race (1%; *n*=140), or multiple allegations (3%; *n*=265).

Case Proceedings and Outcomes

The remainder of this section on the Los Angeles housing pilot project reflects only the Shriver cases that received full representation from legal aid.[242] The outcomes of cases receiving unbundled services were unknown because attorneys did not follow them to resolution.

[239] The remainder of cases (6%; *n*=659) were missing this piece of information or the information was not collected/unknown.

[240] Fourteen percent (*n*=1,391) of defendants submitted written complaints to their landlords, and 57% (*n*=5,848) said they provided verbal complaints.

[241] Twenty-nine percent (*n*=2,905) of cases were missing information (or the information was unknown) about whether the defendant lived in subsidized housing, and 21% (*n*=2,095) of cases were missing information (or the information was unknown) about whether the property was protected by a rent stabilization ordinance. It is very likely that the attorneys collected this information, but it was not recorded in the program services database.

[242] Fourteen full representation cases (<1%) excluded from analyses because the litigant did not return for services.

PARTICIPATION IN THE JUSTICE SYSTEM

Answers filed

To participate in the justice system—that is, to avoid defaulting on an unlawful detainer case—defendants must file an answer (or other response) to the complaint filed by the landlord. As shown in Table HA19, defendants in 96% (*n*=4,989) of Shriver full representation cases filed a response with the court. In most cases (94%), an answer was filed; in a few cases (2%), a demurrer[243] or other response was filed. (Recall that only 5% of full representation cases had an answer filed at intake.) In 2% of cases, an official response to the complaint was not needed, as the case was settled outside of court after filing. In 1% of cases, the plaintiff dismissed the case, thus no official response was filed by the defendant. A common reason for a plaintiff to dismiss a case is that the defendant moved out and possession of the unit is no longer at issue, but the exact reason for dismissal was typically unknown.

Among full representation cases, nearly all defendants (98%) participated in the judicial system. Notably, no default judgments were entered because the tenant failed to respond to the unlawful detainer complaint. Shriver attorneys were able have defaults set aside in two cases in which defendants had a default judgment when they presented for services.

Table HA19. Response to Unlawful Detainer Complaint by Defendants in Full Representation Cases

Response to Unlawful Detainer Complaint	*N* (%)
Action filed with court:	
Answer	4,898 (94%)
Other response (e.g., motion to set aside default, demurrer)	91 (2%)
No official response:	
Settled outside of court	100 (2%)
Plaintiff dismissed case[a]	52 (1%)
Default remains	0 (0%)
Other	7 (<1%)
Missing/unknown	62 (1%)
Total	5,210 (100%)

Note. Data from the Shriver program services database (as of 10/18/15).

[a] Not through negotiated settlement.

[243] A demurrer is filed with the court when there is a technical problem with the unlawful detainer complaint.

COURT EFFICIENCY

Case resolution

About two thirds (64%) of Shriver full representation cases were resolved by settlement, and 22% were dismissed by the plaintiff (see Table HA20). Three percent were resolved through a trial or hearing; of these, 44% (*n*=58) were resolved via jury trial.[244] Overall, jury trials represented about 1% of all full representation cases.

Table HA20. Case Resolution Method for Full Representation Cases

Case Resolution Method	*N* (%)
Plaintiff dismissal	1,161 (22%)
Settlement/stipulation	3,344 (64%)
Trial/hearing	131 (3%)
Other	43 (1%)
Missing/unknown	531 (10%)
Total	5,210 (100%)

Note. Data from the Shriver program services database (as of 10/18/15).

Point of Settlement. Of the 3,344 full representation cases that were settled, 16% (*n*=521) were settled before the trial—certainly the most efficient option for the court. Sixty percent were settled on the day of or during trial, which is often when most parties are able to come together to discuss the terms of the case. Thirteen percent were settled during some other post-filing event. Table HA21 displays the point of settlement for all Shriver cases resolved via settlement or stipulation.

Table HA21. Point of Settlement for Full Representation Cases

Point of Settlement	*N* (%)
Pre-filing	0 (0%)
Post-filing, pre-trial	521 (16%)
On the day of trial	1,961 (59%)
During trial	59 (2%)
Other post-filing	446 (13%)
Other, not specified	25 (1%)
Missing/unknown	332 (10%)
Total	3,344 (100%)

Note. Data from the Shriver program services database (as of 10/18/15). Limited to settled cases.

Case length

As mentioned earlier, the California Administrative Office of the Courts has a goal to resolve 90% of unlawful detainer cases within 30 days of complaint filing, and 100% of cases within 45 days of filing. Across all full representation cases with available data, 24% were resolved within

[244] This information was missing for approximately 36% of trials (*n*=47); the other 26 trials (19%) were resolved via bench trial.

30 days of the complaint filing and 51% were resolved within 45 days of complaint filing (note that 27% were missing data). The average length of unlawful detainer cases (measured from the date of complaint filing to the date of disposition) was 46 days (median = 36) for full representation cases.[245] Table HA22 shows the numbers and percentages of full representation cases resolved within each of the benchmark periods, by method of case resolution.

Table HA22. Case Age for Full Representation Cases

	Case Resolution Method				
Case Age	**Landlord Dismissal *N* (%)**	**Settlement *N* (%)**	**Trial/ Hearing *N* (%)**	**Other/ Missing *N* (%)**	**Total *N* (%)**
30 days or less	309 (27%)	900 (27%)	28 (21%)	19 (3%)	1,256 (24%)
31 to 45 days	261 (22%)	1,073 (32%)	38 (29%)	18 (3%)	1,390 (27%)
46 days or more	271 (23%)	801 (24%)	42 (32%)	21 (4%)	1,135 (22%)
Missing/unknown	320 (28%)	570 (17%)	23 (18%)	516 (90%)	1,429 (27%)
Total	1,161 (100%)	3,344 (100%)	131 (100%)	574 (100%)	5,210 (100%)

Note. Data from the Shriver program services database (as of 10/18/15).

CASE OUTCOMES

Housing stability

From the perspective of the tenants, staying in their homes and avoiding the burden and disruption of a forced relocation (e.g., finding new housing, spending additional money to move, enrolling children in new schools) is a noteworthy and positive outcome. However, in instances where the tenant must relocate, other factors—such as having additional time to move, maintaining clean credit, or retaining Housing Choice Vouchers—can contribute to a tenant being able to secure alternate, affordable housing more quickly. Finding new housing quickly can help tenants avoid interstitial periods of homelessness or "couch-surfing" and provide stability for families and children attending school. This section describes the outcomes for full representation cases, including whether tenants were able to remain in their homes and other outcomes that may aid successful housing transition, when moving is necessary.

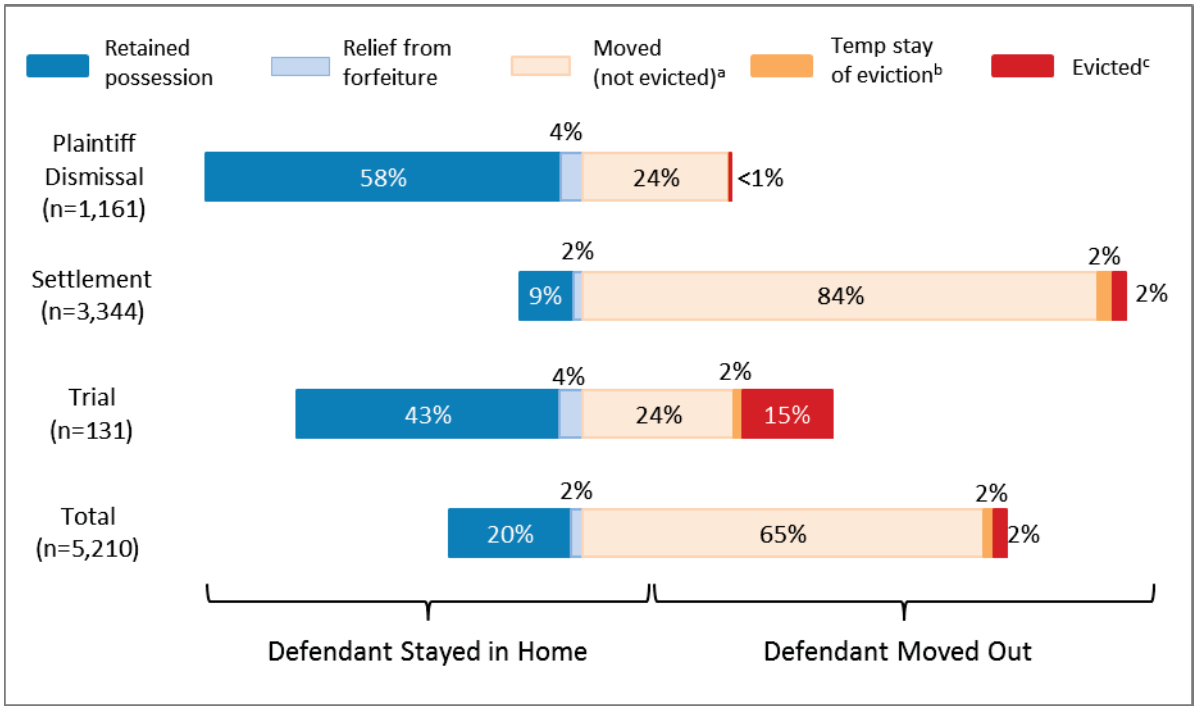
Possession of Property. At Shriver intake, legal aid clients were asked by their attorneys whether they wanted to stay in their homes. Of the 5,210 full representation cases, defendants in 40% of cases (*n*=2,059) wished to remain in their current residences, 7% (*n*=377) did not want to stay in their homes, and over half (53%; *n*=2,774) were uncertain or their response was unknown. At the end of the court case, 22% (*n*=1,127) were able to remain in their homes, because the tenant either retained possession of the unit or was granted relief from forfeiture.[246] In 69% of cases (*n*=3,584), tenants moved out of the home. (Possession was unknown for 10% of cases.) Although most tenants ultimately moved, the majority did so as

[245] Ranging from 0 to 686 days, median = 36 days, *SD* = 40 days.

[246] Relief from forfeiture typically applies when a litigant experiences a temporary income shortage and has the ability to pay back rent or other money owed.

part of negotiated agreements, and notably fewer cases resulted in eviction.[247] Also, a small proportion of cases received a temporary stay of eviction, whereby the court granted possession of the unit to the plaintiff (landlord), but postponed the eviction due to extreme hardship on behalf of the defendant. Figure HA3 displays the percentages of tenants who stayed in or moved out of their homes, by the method of case resolution.

Figure HA3. Housing Stability for Full Representation Clients by Case Resolution Method



Note. Data for case resolution method was missing for 574 (10%) cases; these cases were included in the total row, but not represented separately. [a] Defendant moved as part of negotiated agreement or before unlawful detainer hearing or trial judgment. [b] Court granted possession of the unit to the plaintiff (landlord), but postponed the eviction due to extreme hardship on behalf of the defendant. [c] Defendant was ruled against in court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement.

Other Outcomes among Defendants Who Moved. Clients in 69% of full representation cases (*n*=3,584) moved out of their homes at the end of their court cases. Importantly, in 71% of these cases, the move-out dates were extended, allowing the tenants more time to find alternate housing and to relocate. Cases that ended by settlement most often included extended move-outs (see Table HA23).

Among full representation cases of the Los Angeles housing pilot project in which tenants moved out, 89% (*n*=3,205) resulted in some positive outcome that supported the tenant's longer term housing stability; among those cases resolved by settlement, 99% involved a positive outcome (see Table HA23). In 21% (*n*=762) of cases, the amount of back-owed rent was reduced, and in 58% (*n*=2,065) of cases, the debt was waived. (6% of full representation clients

[247] Eviction describes the situation when tenants are ruled against in a court hearing, trial, or through default judgment, or fail to comply with the conditions of a settlement. This outcome usually results in an unlawful detainer case viewable on their public records.

paid back the full amount owed.) In cases where defendants lived in subsidized housing, 45% were able to retain their Housing Choice Vouchers. Analysis combined the outcomes related to decreasing the out-of-pocket expenses for the tenants and yielded a single indicator of any financial benefit to the tenants. Across all cases in which the tenant moved, 82% received some sort of positive financial outcome—including 94% among settled cases.

Legal aid attorneys mentioned that, in the event their client must move out, one of their major objectives was to avoid unlawful detainer cases from appearing on public records. Overall, the unlawful detainer court proceedings were masked from public view in 86% of cases—including 96% of cases that settled. Further, defendants avoided an unlawful detainer judgment reported to credit agencies in 54% of cases. Across the full representation clients who moved out, 86% of cases received at least one positive credit-related outcome—including 96% of cases that were resolved by settlement.

Table HA23. Tenants Who Moved Out:
Percentage of Full Representation Cases Receiving Each Outcome

	Case Resolution Method				
Outcome	**Plaintiff Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
Clients Moving Out	*n* = 281	*n* = 2,954	*n* = 53	*n* = 296	*n* = 3,584
Physical Outcomes					
Move-Out Date Adjusted	52 (19%)	2,452 (83%)	21 (40%)	28 (9%)	2,553 (71%)
Mean Number of Days to Move (*SD*)[a]	58 (45)	91 (46)	96 (43)	122 (47)	90 (46)
Financial Outcomes					
Pay Plaintiff's Attorney Fees	2 (1%)	66 (2%)	5 (9%)	0 (0%)	73 (2%)
Pay All Rent Owed	31 (11%)	167 (6%)	10 (19%)	5 (2%)	213 (6%)
Rental Amount Owed Reduced	40 (14%)	687 (23%)	14 (26%)	21 (7%)	762 (21%)
Rental Amount Owed Waived	60 (21%)	1,975 (67%)	19 (36%)	11 (4%)	2,065 (58%)
Payment Plan for Money Owed	6 (2%)	175 (6%)	1 (2%)	0 (0%)	182 (5%)
Preserved Housing Choice Voucher/Sec. 8[b]	18 (30%)	209 (58%)	1 (9%)	3 (4%)	231 (45%)
Received Any Positive Financial Outcome[c]	***112 (40%)***	***2,766 (94%)***	***34 (64%)***	***33 (11%)***	***2,945 (82%)***
Credit-Related Outcomes					
Neutral References from Landlord	18 (6%)	818 (28%)	3 (6%)	3 (1%)	842 (23%)
Not Reported to Credit Agencies	105 (37%)	1,792 (61%)	15 (28%)	11 (4%)	1,923 (54%)
Record Masked from Public View	162 (58%)	2,836 (96%)	30 (57%)	37 (13%)	3,065 (86%)
Received Any Positive Credit Outcome[d]	***176 (63%)***	***2,849 (96%)***	***31 (58%)***	***38 (13%)***	***3,094 (86%)***
Received Any Positive Outcome[e]	***204 (73%)***	***2,918 (99%)***	***40 (75%)***	***43 (15%)***	***3,205 (89%)***

Note. Data obtained from the Shriver program services database (as of 10/18/15).
[a] Calculated as the number of days from complaint filing to move-out date. [b] Calculated out of the number of cases where the defendant(s) lived in subsidized housing (*n*=515). [c] Calculated from all monetary items, except where the litigant had to pay for the plaintiff's (landlord's) attorney fees or had to pay back all money owed. [d] Calculated from all credit-related outcomes. [e] Calculated from all monetary and/or credit-related outcomes, except where indicated above.

SHRIVER PROJECT SERVICE SUMMARY: SACRAMENTO

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the Shriver program services database. Data from the Sacramento housing pilot project were collected on all parties seeking services from Legal Services of Northern California-Sacramento (LSNC-Sacramento) from January 2012 through September 2014.[248]

What Services Were Provided?

Shriver services were provided by LSNC-Sacramento and the University of the Pacific–McGeorge Housing Mediation Center (HMC), but information on mediation services was not available. LSNC-Sacramento provided a range of services; in this report, litigants who received full representation from an LSNC-Sacramento attorney are categorized as full representation clients and those receiving any other type of legal service from legal aid are referred to as unbundled service***s*** clients.

Between January 2012 and September 2014, the Sacramento housing pilot project provided legal aid services to litigants, all of whom were defendants, in a total of 2,002 unlawful detainer cases. Of these cases, 36% received full representation and 64% received unbundled services (Table HA24). By comparison, between October 2014 and September 2015 (the year following the conclusion of the Shriver housing pilot project in Sacramento), LSNC-Sacramento served litigants in a total of 1,341 cases for housing-related matters. Of these litigants, nearly all (96%; *n*=1,291) received unbundled services and just 4% (*n*=50) received full representation.[249]

Shriver attorneys tracked the number of hours they worked on cases in 6-minute increments. As seen in Table HA24, overall, Shriver attorneys worked an average of 8 hours per case (median = 5). Full representation cases received an average of 17 hours (median = 13) and unbundled services cases received an average of 4 hours (median = 3). Notably, these estimates reflect just attorney time and not time worked by other staff, such as intake coordinators or paralegals.

Table HA24. Number of Legal Aid Cases and Attorney Hours Provided per Case

Characteristic	Full Representation	Unbundled Services	Total
Number (%) of Litigants	718 (36%)	1,284 (64%)	2,002 (100%)
Attorney Hours Provided			
Mean (*SD*)	16.5 (14.0)	3.7 (3.6)	8.3 (10.8)
Median	12.7	2.8	4.7
Range	1.2 to 127.1	0.1 to 42.8	0.1 to 127.1
Missing N (%)	3 (<1%)	9 (1%)	10 (<1%)

Note. Data from the Shriver program services database (as of 10/20/14).

[248] Information about services provided through the McGeorge Housing Mediation Center and other court-based Shriver services was not available.

[249] Unbundled services included limited action (*n*=348) and counsel and advice (*n*=943). Full representation included extensive services (*n*=6), negotiated settlement with or without litigation (*n*=24 and *n*=12, respectively), and cases resulting in administrative agency (*n*=2) or court decisions (*n*=6). This information was provided by LSNC-Sacramento and collected in its agency database.

Who Received Services?

Client Characteristics. At the time of Shriver intake, legal aid staff members collected data about their clients, including demographics, living situations, and case characteristics. Fifteen percent of cases involved multiple individuals seeking assistance (e.g., couples). One litigant's data were used to represent each case (the primary client—i.e., the person with whom the attorney interacted most). The average age of the primary client was 44 years (median = 44), the majority (66%) were female, 40% were Black or African American, 31% were White (non-Hispanic), and 42% had a known or observable disability. Table HA25 shows the demographic characteristics of the 2,002 clients served by legal aid, by level of service.

Table HA25. Demographic Characteristics of Shriver Legal Aid Clients

	Level of Service		
Client Level Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Age (years)			
18 to 24	36 (5%)	80 (6%)	116 (6%)
25 to 44	323 (45%)	596 (46%)	919 (46%)
45 to 61	274 (38%)	511 (40%)	785 (39%)
62 or older	78 (11%)	94 (7%)	172 (9%)
Missing/unknown	7 (1%)	3 (0%)	10 (0%)
Gender			
Male	233 (32%)	419 (33%)	652 (33%)
Female	477 (66%)	853 (66%)	1330 (66%)
Transgender	2 (0%)	1 (0%)	3 (0%)
Missing/unknown	6 (1%)	11 (1%)	17 (1%)
Race/Ethnicity[a]			
Black or African American	314 (44%)	477 (37%)	791 (40%)
Hispanic/Latino	83 (12%)	191 (15%)	274 (14%)
White	203 (28%)	419 (33%)	622 (31%)
Other	83 (12%)	143 (11%)	226 (11%)
Missing/unknown/declined	35 (5%)	54 (4%)	89 (4%)
Education			
High school degree or less	90 (13%)	188 (15%)	278 (14%)
Any post-secondary	175 (24%)	242 (19%)	417 (21%)
Missing/unknown	453 (63%)	854 (67%)	1307 (65%)
Disability			
Yes	314 (44%)	525 (41%)	839 (42%)
No	342 (48%)	637 (50%)	979 (49%)
Missing/unknown	62 (9%)	122 (10%)	184 (9%)
Total	718 (100%)	1,284 (100%)	2,002 (100%)

Note. Data from the Shriver program services database (as of 10/20/14). [a] Litigants who identified as Hispanic/Latino and any other race are included in the Hispanic/Latino row.

Half (52%) of cases served by legal aid had at least one minor living in the home, and 28% of households received CalFresh benefits.[250] The median monthly household income was $897 (mean = $1,036), and the median monthly rental amount was $729 (mean = $741). By comparison, recall that the median monthly household income in Sacramento County is $4,589 and the average fair market value for a two-bedroom apartment is $1,072. Table HA26 shows the household characteristics for Shriver cases served by legal aid, by level of service.

Table HA26. Household Characteristics of Shriver Legal Aid Clients

	Level of Service		
Household Level Characteristics	**Full Representation**	**Unbundled Services**	**Total**
Minors in Household, *N* (%)			
Yes	382 (53%)	654 (51%)	1,036 (52%)
No	336 (47%)	630 (49%)	966 (48%)
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
Received CalFresh Benefits, *N* (%)			
Yes	237 (33%)	322 (25%)	559 (28%)
No	453 (63%)	548 (43%)	1,001 (50%)
Missing/unknown	28 (4%)	414 (32%)	442 (22%)
Monthly Income			
Mean (*SD*)	$1,086 (714)	$1,008 (745)	$1,036 (735)
Median	$900	$890	$897
Range [a]	$0 to $4,517	$0 to $5,100	$0 to $5,100
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
Monthly Rental Amount[b]			
Mean (*SD*)	$764 (354)	$719 (338)	$741 (369)
Median	$745	$716	$729
Range	$0 to $4,000	$0 to $2,600	$0 to $4,000
Missing/unknown	65 (9%)	568 (44%)	633 (32%)
Total	718 (100%)	1,284 (100%)	2,002 (100%)

Note. Data obtained from the Shriver program services database (as of 10/20/14).
SD=standard deviation.
[a] At intake, one client had monthly income above $5,000. When household size was taken into account, no clients had monthly income greater than 200% of the 2014 Federal Poverty Level (FPL).
[b] Monthly rental amount according to defendant at time of intake.

[250] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

Most (86%; *n*=1,723) Shriver legal aid clients were renters/tenants of an apartment, condo, or house. Others were current or prior owners of a foreclosed property (3%; *n*=62) or lodgers in a hotel, motel, or private residence (2%; *n*=48). The remainder involved clients staying with friends or family (1%; *n*=16); living in a shelter, abandoned building, or outside (1%; *n*=13); living in a supported environment, nursing home, institution, treatment center, or transitional housing (<1%; *n*=2); or another place not specified (3%; *n*=64). [251]

Opposing Party Representation. Shriver legal aid staff assessed whether the opposing party had retained legal counsel at the time of intake. As seen in Table HA27, for full representation cases, 92% faced an opposing party with legal representation (information was missing for 7% of cases). Among cases that received unbundled services, at least 38% faced an opposing party with legal representation, but this information was missing or unknown for 42% of cases.

Table HA27. Opposing Party Representation at Intake for Legal Aid Cases

	Level of Service		
Opposing Party Represented by Counsel	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Yes	658 (92%)	494 (38%)	1,152 (58%)
No	13 (2%)	251 (20%)	264 (13%)
Missing/unknown	47 (7%)	539 (42%)	586 (29%)
Total	718 (100%)	1,284 (100%)	2,002 (100%)

Note. Data from the Shriver program services database (as of 10/20/14).

Case Characteristics. At the time of Shriver legal aid intake, 59% of clients had not filed an answer or other response with the court (note that 21% were missing this information; see Table HA28). Specifically, in 5% of cases, a complaint had not yet been filed with the court (pre-filing status), and in 54%, a complaint was filed, but no response had yet been filed. In 3% of cases, the defendant had already missed the window to file an answer and a default judgment had been entered. In 6% of cases, an answer had been filed before seeking Shriver services.

The most common type of eviction notice was a 3-day pay, perform, or quit (79%; *n*=1,205), followed next by a 30- to 90-day notice to terminate (10%; *n*=157), which is typically used for tenancies with indefinite rental agreements.[252] Of those cases with information about an eviction notice, the most frequent reason listed was for non-payment of rent (68%), followed next by foreclosure (5%) and violation of lease terms (5%). In cases where the notice indicated non-payment of rent, the median amount demanded on the notice was $1,031 (mean = $1,538, range = $0 to $13,200). In 62% of cases, defendants owed between $501 and $2,000 according to the eviction notice. In 11% of cases, the amount was $500 or less, highlighting the financial vulnerability of many tenants. Table HA28 shows the reason listed on the eviction notice (if applicable), and for cases including non-payment of rent, the amount demanded.

[251] Seventy-four records (4%) were missing information about the current living situation.

[252] The remainder of eviction notices were 7- to 14-day terminations (<1%; *n*=5) or other types (3%; *n*=44); 115 (8%) cases were missing information about the eviction notice, or the information was unknown to project staff.

Table HA28. Status at Intake for Shriver Legal Aid Cases

	Level of Service		
Unlawful Detainer Case Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Case Status at Intake			
No formal eviction notice served	4 (1%)	44 (3%)	48 (2%)
Service of notice to terminate tenancy	8 (1%)	47 (4%)	55 (3%)
Complaint or Summons and Complaint filed	554 (77%)	519 (40%)	1,073 (54%)
Default judgment entered	17 (2%)	38 (3%)	55 (3%)
Answer/response filed	60 (8%)	66 (5%)	126 (6%)
Judgment entered (not through default)	1 (0%)	6 (0%)	7 (0%)
Writ issued/notice to vacate from sheriff	36 (5%)	134 (10%)	170 (8%)
Other	6 (1%)	34 (3%)	40 (2%)
Missing/unknown	32 (4%)	396 (31%)	428 (21%)
Total	718 (100%)	1,284 (100%)	2,002 (100%)
If Eviction Notice Served, Reason Listed			
Non-payment of rent	496 (73%)	541 (64%)	1,037 (68%)
Foreclosure	42 (6%)	40 (5%)	82 (5%)
Violation of lease terms	41 (6%)	39 (5%)	80 (5%)
Nuisance (e.g., dispute with neighbors)	9 (1%)	14 (2%)	23 (2%)
Other	13 (2%)	40 (5%)	53 (3%)
Multiple reasons	27 (4%)	25 (3%)	52 (3%)
None needed[a]	28 (4%)	42 (5%)	70 (5%)
Missing/unknown	26 (4%)	103 (12%)	129 (8%)
Total	682 (100%)	844 (100%)	1,526 (100%)
If Eviction Cited Non-Payment of Rent, Amount Demanded on Eviction Notice[b]			
$0 to $100	4 (1%)	13 (2%)	17 (2%)
$101 to $500	51 (10%)	50 (9%)	101 (9%)
$501 to $1,000	188 (36%)	182 (32%)	370 (34%)
$1,001 to $2,000	152 (29%)	151 (27%)	303 (28%)
$2,001 to $3,000	39 (7%)	45 (8%)	84 (8%)
$3,001 to $4,000	36 (7%)	19 (3%)	55 (5%)
$4,001 to $5,000	12 (2%)	14 (2%)	26 (2%)
$5,001 or more	16 (3%)	17 (3%)	33 (3%)
Missing/unknown	25 (5%)	75 (13%)	100 (9%)
Total	523 (100%)	566 (100%)	1,089 (100%)

Note. Data from the Shriver program services database (as of 10/20/14).
[a] Some eviction notices (e.g., 30- to 90-day notices) do not require the landlord to state a reason.
[b] Includes only cases where non-payment of rent was listed as a reason on the notice.

In 8% of cases (*n*=168),[253] clients (and their families) lived in subsidized housing, which often

[253] About one out of four cases (25%; *n*=494) were missing this information.

requires a different process for unlawful detainer cases (e.g., a longer notification period or different reasons for tenancy termination). The Sacramento Shriver pilot project also indicated that 8% (*n*=163) of cases had other special characteristics, including owner or litigant of a foreclosed property (4%; *n*=81), military personnel or veterans living in the household (2%; *n*=33), housing provided as part of employment (1%; *n*=11), or bankruptcy (<1%; *n*=6).[254]

One percent of cases (*n*=14) had a defendant with an active domestic violence restraining order in place at the time of case intake. In 11% of cases (*n*=217), the Shriver client alleged some type of discrimination from the landlord, with the most common allegation being retaliation discrimination (4%; *n*=78), followed next by disability status (2%; *n*=37), race (1%; *n*=23), gender (<1%; *n*=10), or multiple allegations (2%; *n*=46).

Case Proceedings and Outcomes

The rest of this section on the Sacramento housing pilot project reflects only Shriver cases that received full representation, because the outcomes of cases that received unbundled services were largely unknown (attorneys did not follow these cases to resolution).

Participation in the Justice System

Answers filed

To participate in the justice system—that is, to avoid defaulting on an unlawful detainer case—defendants must file an answer (or other response) to the landlord's complaint. Shown in Table HA29, defendants in 89% of Shriver full representation cases (*n*=640) filed a response with the court. In most cases (86%), an answer was filed; in a few cases (3%), a demurrer or other response was filed. (Recall that 8% of full representation cases had an answer filed at intake.) In 4% of cases, an official response to the complaint was not needed because the case was settled outside of court after filing. In another 1%, the plaintiff dismissed the case. Commonly, a plaintiff will dismiss a case because the tenant has moved out, and possession of the unit is no longer at issue,[255] but the exact reason for dismissal was unknown for these cases.

Among full representation cases, nearly all (94%) defendants participated in the judicial system. Notably, default judgments were entered in only 1% of cases. (Recall that 2% of cases had defaulted at intake, so legal aid was successful in getting some of these defaults set aside.)

[254] The remaining 2% of cases (*n*=32) had multiple considerations (*n*=8) or some other special consideration not specified (*n*=24).

[255] In these instances, the plaintiff has the option to convert the UD case or refile as a general civil proceeding for money owed, so although the UD case may be over, the defendant could still face other civil litigation.

Table HA29. Response to Unlawful Detainer Complaint by Defendants in Full Representation Cases

Response to Unlawful Detainer Complaint	*N* (%)
Action filed with court:	
Answer	616 (86%)
Other response (e.g., motion to set aside default, demurrer)	24 (3%)
No official response:	
Settled outside of court	27 (4%)
Landlord dismissed case[a]	6 (1%)
Default remains	6 (1%)
Other	3 (<1%)
Missing	36 (5%)
Total	718 (100%)

Note. Data obtained from the Shriver program services database (as of 10/20/14).
[a] Not through negotiated settlement.

Court Efficiency

Case resolution

More than two thirds (69%) of Shriver full representation cases were resolved by settlement, 12% of cases were dismissed by the plaintiff, and 11% were resolved through a trial or hearing. Of those resolved through trial or hearing, four cases (5%) were known to have resolved via jury trial.[256] Table HA30 shows the proportions of full representation cases resolved in each manner.

Table HA30. Case Resolution Method for Full Representation Cases

Case Resolution Method	*N* (%)
Settlement/stipulation	496 (69%)
Plaintiff dismissal	83 (12%)
Trial/hearing	81 (11%)
Other	15 (2%)
Missing/unknown	43 (6%)
Total	718 (100%)

Note. Data from the Shriver program services database (as of 10/20/14).

[256] This information was missing for 25% of trials (*n*=20); the other 57 trials were resolved via bench trial.

Point of Settlement. Of the 496 full representation cases that were settled, 33% were settled before the trial—certainly the most efficient option for the court. Just under two thirds (61%) were settled on the day of or during trial. Table HA31 displays the point at which cases settled.

Table HA31. Point of Settlement for Full Representation Clients

Point of Settlement	*N* (%)
Pre-filing	3 (1%)
Post-filing, pre-trial	160 (32%)
On the day of trial	294 (59%)
During trial	10 (2%)
Other post-filing	4 (1%)
Other, not specified	21 (4%)
Missing/unknown	4 (1%)
Total	496 (100%)

Note. Data from the Shriver program services database (as of 10/20/14). Limited to settled cases.

Case length

As mentioned earlier, the California Administrative Office of the Courts has a goal to resolve 90% of unlawful detainer cases within 30 days of complaint filing, and 100% of cases within 45 days of filing. Across full representation cases with available data, 24% were resolved within 30 days of the complaint filing and 54% were resolved within 45 days (note that 20% were missing data). The average case length (measured from the date of complaint filing to the date of disposition) was 45 days (median = 37).[257] Table HA32 shows the number of full representation cases resolved within each of the benchmark periods, by method of case resolution.

Table HA32. Case Age for Full Representation Clients

	Case Resolution Method				
Case Age	**Landlord Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial/ Hearing** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
30 days or less	9 (11%)	143 (29%)	18 (22%)	3 (5%)	173 (24%)
31 to 45 days	15 (18%)	170 (34%)	25 (31%)	5 (9%)	215 (30%)
46 days or more	26 (31%)	136 (27%)	23 (28%)	3 (5%)	188 (26%)
Missing/unknown	33 (40%)	47 (9%)	15 (19%)	47 (81%)	142 (20%)
Total	83 (100%)	496 (100%)	81 (100%)	58 (100%)	718 (100%)

Note. Data from the Shriver program services database (as of 10/20/14).

[257] Ranging from 0 to 436 days, median = 37 days, *SD* = 32 days.

CASE OUTCOMES

Housing stability

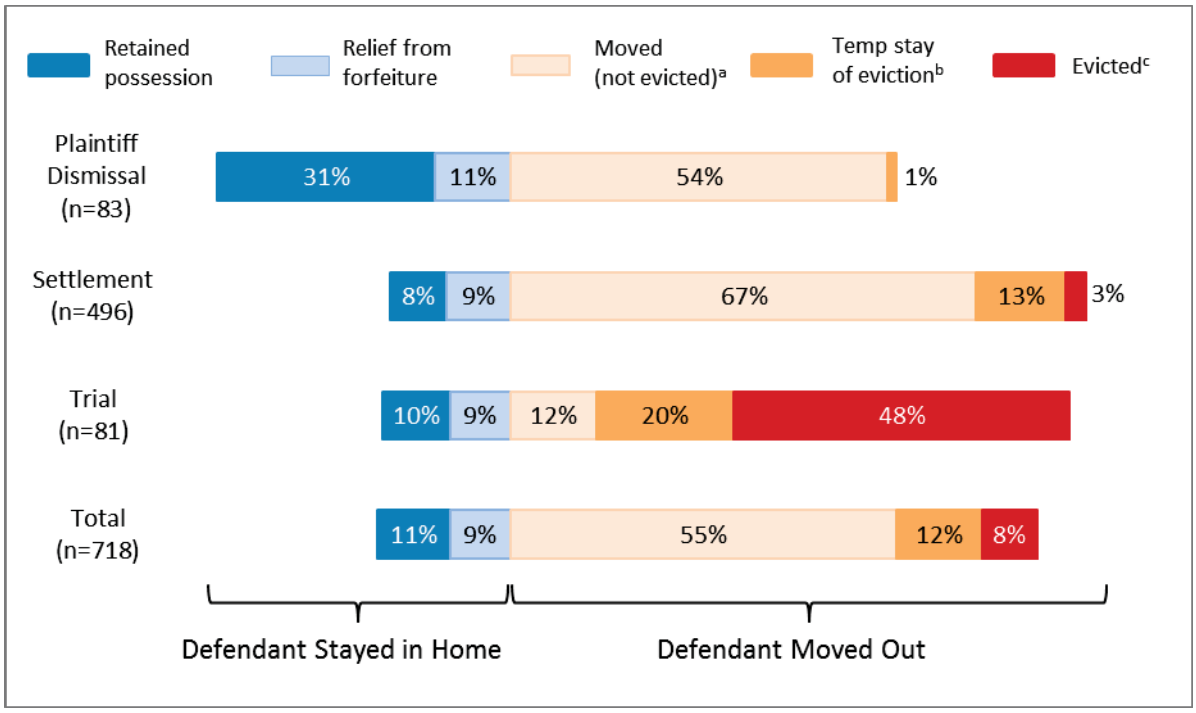
From the perspective of the tenants, being able to stay in their homes and avoiding the burden and disruption of a forced relocation (e.g., looking for new housing, spending additional money to move, enrolling children in new schools) is a noteworthy and positive outcome. However, in instances when tenants must relocate, having additional time to move out, obtaining neutral references from landlords, or retaining housing subsidies (e.g., Housing Choice Vouchers) can support their ability to find new and affordable housing more quickly. Finding new housing quickly can help tenants avoid interstitial periods of homelessness or "couch-surfing" and provide stability for families and children attending school. This section describes the outcomes of full representation cases, including whether tenants were able to remain in their homes and other outcomes that can contribute to successful housing transition when moving is necessary.

Possession of Property. At the time of Shriver intake, clients were asked by Legal Services of Northern California-Sacramento (LSNC-Sacramento) attorneys whether they would like to continue to reside in the home. Of the 718 full representation cases, defendants in 62% of cases (*n*=448) wished to remain in their current residences, 28% (*n*=199) did not want to stay in the homes, and the remaining 10% (*n*=71) were uncertain or their response was unknown. At the end of the case, 20% (*n*=138) were able to remain in the home, either because they retained possession of the unit or were granted relief from forfeiture.[258] In 75% of cases (*n*=544), the plaintiff obtained possession and the tenants had to move. Figure HA4 depicts the proportion of cases in which the tenants stayed versus moved. Most clients moved as part of negotiated agreement, and there were comparably fewer instances of evictions.[259] A few received a temporary stay of eviction, whereby the court awarded possession of the unit to the plaintiff but postponed the eviction due to extreme hardship on the defendant.

[258] Relief from forfeiture typically applies when a defendant experiences a temporary income shortage and has the ability to pay back rent or other money owed.

[259] Eviction describes the situation where a tenant was ruled against in a court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement; this usually results in an unlawful detainer case viewable on their public record.

Figure HA4. Housing Stability for Full Representation Clients by Case Resolution Method



Note. Data for case resolution method were missing for 58 cases; these cases were included in the total row above, but not represented separately. [a] Defendant moved as part of negotiated agreement or before unlawful detainer hearing or trial judgment. [b] Court granted possession of the unit to the plaintiff (landlord), but postponed the eviction due to extreme hardship on behalf of the defendant. [c] Defendant was ruled against in court hearing, trial, or through default judgment, or failed to comply with the conditions of a settlement.

Other Outcomes among Defendants Who Moved. Clients in 75% of full representation cases (*n*=544) moved out of their homes at the end of their cases. Importantly, in 68% of these cases, the move-out date was extended, allowing the tenants more time to find alternate housing. Cases that settled more often involved an extended move-out period (see Table HA33).

Among full representation cases of the Sacramento housing pilot project, nearly all (93%) resulted in some positive outcome that supported the tenant's ability to retain new housing more easily. In 72% of cases (*n*=394), the amount of back-owed rent was reduced, and in 8% of cases, the debt was waived. (Just 9% of full representation clients paid back the entire amount owed.) In cases where the defendant lived in subsidized housing, 71% were able to retain their Housing Choice Vouchers. Analysis combined the outcomes related to decreasing out-of-pocket expenses for the tenant and yielded a single indicator of any financial benefit to the defendant. Across cases in which the tenant moved, 89% received some sort of positive financial outcome—and this rose to 98% among those cases that were settled.

Legal Services of Northern California-Sacramento (LSNC-Sacramento) attorneys noted that a primary case goal was to avoid having an unlawful detainer case become part of the public record. Across the full representation clients who moved out, 69% received a positive credit-related outcome. Specifically, 56% of defendants avoided having the unlawful detainer judgment reported to credit agencies, 53% had the case masked from public view, and 47% obtained neutral references from the landlord.

Table HA33. Tenants Who Moved Out:
Percentage of Full Representation Cases Receiving Each Outcome

	Case Resolution Method				
Outcome	**Plaintiff Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
Litigants Moving Out	*n*=46	*n*=410	*n*=65	*n*=23	*n*=544
Physical Outcomes					
Move-Out Date Adjusted	22 (48%)	318 (78%)	20 (31%)	9 (39%)	369 (68%)
Mean Number of Days to Move (*SD*)[a]	31 (23)	56 (32)	48 (29)	77 (40)	53 (32)
Financial Outcomes					
Pay Plaintiff's Attorney Fees	1 (2%)	80 (20%)	50 (77%)	8 (35%)	139 (26%)
Pay All Rent Owed	0 (0%)	40 (10%)	9 (14%)	1 (4%)	50 (9%)
Rental Amount Owed Reduced	25 (54%)	319 (78%)	40 (62%)	10 (43%)	394 (72%)
Rental Amount Owed Waived	0 (0%)	37 (9%)	3 (5%)	1 (4%)	41 (8%)
Payment Plan for Money Owed	1 (2%)	173 (42%)	2 (3%)	1 (4%)	177 (33%)
Preserved Housing Choice Voucher/Sec. 8[b]	6 (86%)	41 (80%)	1 (14%)	2 (9%)	50 (71%)
Received Any Positive Financial Outcome[c]	***28 (61%)***	***400 (98%)***	***43 (66%)***	***12 (52%)***	***483 (89%)***
Credit-Related Outcomes					
Neutral References from Landlord	15 (33%)	228 (56%)	7 (11%)	3 (13%)	253 (47%)
Not Reported to Credit Agencies	22 (48%)	271 (66%)	9 (14%)	5 (22%)	307 (56%)
Record Masked from Public View	27 (59%)	242 (59%)	13 (20%)	8 (35%)	290 (53%)
Received Any Positive Credit Outcome[d]	***29 (63%)***	***323 (79%)***	***13 (20%)***	***10 (43%)***	***375 (69%)***
Total Received Any Positive Outcome[e]	**37 (80%)**	**408 (100%)**	**43 (66%)**	**19 (83%)**	**507 (93%)**

Note. Data obtained from the Shriver program services database (as of 10/20/14).
[a] Calculated as the number of days from complaint filing to move-out date. [b] Calculated out of the number of defendants living in subsidized housing (*n*=70). [c] Calculated from all monetary items, except where the litigant had to pay for the plaintiff's (landlord's) attorney fees or had to pay back all money owed.
[d] Calculated from all credit-related outcomes. [e] Calculated from all monetary and/or credit-related outcomes, except where indicated above.

SHRIVER PROJECT SERVICE SUMMARY: SAN DIEGO

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services database. Data from the San Diego housing pilot project were collected on all parties seeking services from February 2012 through August 2015.

What Services Were Provided?

The Legal Aid Society of San Diego (LASSD) sought to provide ***full representation*** to all eligible litigants. Full representation entailed the litigant entering into a retainer agreement with LASSD for a Shriver attorney to be the attorney of record in an unlawful detainer matter, and an LASSD attorney remained attorney of record through disposition of the matter. In a minority of cases, litigants received less than full representation (typically because the litigants did not follow through with scheduled appointments), and these clients received ***unbundled services.***

All 3,661 clients served by the San Diego housing pilot project between February 2012 and August 2015 were defendants in unlawful detainer lawsuits. Nearly all (92%) received full representation (see Table HA34). Shriver attorneys tracked the number of hours they worked on cases in as little as 6-minute increments. Overall, Shriver clients received an average of 13 hours of legal services provided by attorneys (median = 10). Full representation clients received an average of 13 hours (median = 10) and unbundled services clients received an average of 5 hours (median = 3). Importantly, these estimates reflect attorney time only and do not reflect time worked by other staff, such as intake coordinators and legal secretaries. Shriver program managers estimated that an additional 2 to 3 hours of non-attorney staff time is spent preparing court paperwork or investigating the cases.

Table HA34. Number of Litigants Receiving Legal Aid Services and Attorney Hours Provided per Case

	Level of Service		
Characteristic	**Full Representation**	**Unbundled Services**	**Total**
Number (%) of Litigants	3,370 (92%)	291 (8%)	3,661 (100%)
Attorney Hours Provided			
Mean (*SD*)	13.2 (13.0)	5.12 (9.0)	12.5 (13.0)
Median	10.0	3.0	9.7
Range	0.0 to 248.3	0.1 to 78.0	0.1 to 248.3
Missing *N* (%)	2 (<1%)	0 (0%)	2 (<1%)

Note. Data from the Shriver program services database (as of 08/31/15).

Who Received Services?

Client Characteristics. At the time of Shriver intake, LASSD staff members collected information about their clients, including demographics, living situations, and case characteristics. Roughly one third (35%) of cases involved multiple individuals seeking assistance (e.g., couples). One litigant's data were used to represent each case (the "primary client," i.e., the individual most often interacting with the attorney). The average age of the primary client was 44 years

(median = 44), the majority (61%) were female, 34% were White, 29% were Black/African American, and 27% were Hispanic/Latino. Close to one third (31%) of clients had a known or observable disability, and 9% could not effectively communicate in English without the assistance of an interpreter (limited English proficiency). Table HA35 shows the demographic characteristics of the 3,661 primary clients served by legal aid, by level of service.

Table HA35. Demographic Characteristics of Shriver Legal Aid Clients

	Level of Service		
Client Level Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Age (years)			
18 to 24	181 (5%)	22 (8%)	203 (6%)
25 to 44	1,521 (45%)	122 (42%)	1,643 (45%)
45 to 61	1,356 (40%)	127 (44%)	1,483 (41%)
62 or older	307 (9%)	19 (7%)	326 (9%)
Unknown/not collected	5 (<1%)	1 (<1%)	6 (<1%)
Gender			
Male	1,313 (39%)	114 (39%)	1,427 (39%)
Female	2,054 (61%)	177 (61%)	2,231 (61%)
Transgender	2 (<1%)	0 (0%)	2 (<1%)
Unknown/not collected	1 (<1%)	0 (0%)	1 (<1%)
Race/Ethnicity[a]			
Black or African American	991 (29%)	62 (21%)	1,053 (29%)
Hispanic/Latino	907 (27%)	88 (30%)	995 (27%)
White	1,138 (34%)	111 (38%)	1,249 (34%)
Other	162 (5%)	13 (4%)	175 (5%)
Unknown/declined	172 (5%)	17 (6%)	189 (5%)
Education			
High school degree or less	576 (17%)	45 (15%)	621 (17%)
Any post-secondary	832 (25%)	46 (16%)	878 (24%)
Unknown/not collected	1,962 (58%)	200 (69%)	2,162 (59%)
Limited English Proficiency			
Yes	284 (8%)	29 (10%)	313 (9%)
No	3,086 (92%)	262 (90%)	3,348 (91%)
Unknown/not collected	0 (0%)	0 (0%)	0 (0%)
Disability			
Yes	1,064 (32%)	81 (28%)	1,145 (31%)
No	1,751 (52%)	132 (45%)	1,883 (51%)
Unknown/not collected	555 (16%)	78 (27%)	633 (17%)
Total	3,370 (100%)	291 (100%)	3,661 (100%)

Note. Data from the Shriver program services database (as of 08/31/15). [a] Litigants who identified as Hispanic/Latino and any other race are included in the Hispanic/Latino row.

Half (49%) of legal aid clients had at least one minor living in the home, and 15% of households received CalFresh benefits.[260] The median monthly income was $960 (mean = $1,178), and the median monthly rental amount was $950 (mean = $985). By comparison, recall that the median monthly household income in San Diego County is $5,247 per month and the average fair market value for a two-bedroom apartment is $1,354. Table HA36 details the household characteristics for Shriver clients served by LASSD, by level of service.

Table HA36. Household Characteristics of Shriver Legal Aid Clients

	Level of Service		
Household Level Characteristics	**Full Representation**	**Unbundled Services**	**Total**
Minors in Household, *N* (%)			
Yes	1,638 (49%)	140 (48%)	1,778 (49%)
No	1,730 (51%)	151 (52%)	1,881 (51%)
Missing	2 (<1%)	0 (0%)	2 (<1%)
Received CalFresh Benefits, *N* (%)			
Yes	516 (15%)	33 (11%)	549 (15%)
No	2,704 (80%)	223 (77%)	2,927 (80%)
Missing	150 (4%)	35 (12%)	185 (5%)
Monthly Income			
Mean (*SD*)	$1,179 (885)	$1,167 (895)	$1,178 (886)
Median	$960	$988	$960
Range [a]	$0 to $6,000	$0 to $4,660	$0 to $6,000
Missing/unknown, *N*(%)	322 (10%)	61 (21%)	383 (10%)
Monthly Rental Amount[b]			
Mean (*SD*)	$989 (523)	$931 (542)	$985 (524)
Median	$950	$895	$950
Range	$0 to $4,400	$0 to $2,700	$0 to $4,400
Missing/unknown, *N* (%)	96 (3%)	73 (25%)	169 (5%)
Total	3,370 (100%)	291 (100%)	3,661 (100%)

Note. Data from the Shriver program services database (as of 08/31/15).
SD=standard deviation.
[a] At intake, three clients had monthly incomes above $5,000. When household size was taken into account, nine clients had monthly incomes greater than 200% of the 2014 Federal Poverty Level (FPL).
[b] Monthly rental amount according to defendant at time of intake.

Most clients (84%; *n*=3,070) were renters of an apartment, condominium, or house. Others were current or prior owners of a foreclosed property (4%; *n*=132) or lodgers in a hotel, motel, or private residence (6%; *n*=209). The remainder were staying with friends or family (1%; *n*=35); living in a supported environment, nursing home, institution, treatment center, or transitional

[260] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

housing (<1%; *n*=6); living in a shelter, abandoned building, or outside (<1%; *n*=7); or another place not specified (<1%; *n*=1).[261]

Opposing Party Representation. Shriver legal aid staff assessed whether the opposing party had retained legal counsel at the time of client intake. All clients (100%) receiving legal aid services from the San Diego housing pilot project faced an opposing party with legal representation.

Case Characteristics. At the time of Shriver intake, an answer had not yet been filed in 53% of cases. Specifically, in 4% of cases, a complaint had not yet been filed with the court (pre-filing status), and in 49%, a complaint was filed, but no response had yet been filed. In 4% of cases, litigants had missed the window to file an answer and a default judgment had been entered. In 37% of cases, an answer had been filed prior to seeking Shriver services, likely due to the services at the Unlawful Detainer (UD) Clinic (non-Shriver funded), which was reported to be well-attended.

The most common type of eviction notice was a 3-day pay, perform, or quit (85%; *n*=3,069), followed by a 30- to 90-day notice to terminate (10%; *n*=361), which is used for tenancies with indefinite rental agreements.[262] Of those cases with information about an eviction notice, the most frequent reason listed was for non-payment of rent (81%), followed by foreclosure (4%), violation of lease terms (2%), or nuisance (2%). When the notice indicated non-payment of rent, the median amount demanded on the notice was $1,276 (mean = $1,857; range = $0 to $46,555[263]). The majority (63%) of litigants owed between $501 and $2,000, as per the eviction notice. In 8% of cases, the amount was $500 or less, highlighting the financial vulnerability of many tenants. Table HA37 shows the reason listed on the eviction notice (if applicable), and for cases in which the reason included non-payment of rent, the amount demanded.

In 11% of cases (*n*=415), the defendant lived in subsidized housing (2% of cases were missing this information), which often requires a different process for unlawful detainer cases (e.g., a longer notification period or different reasons for tenancy termination). The San Diego pilot project indicated that 15% (*n*=548) of cases had other special characteristics, including owner or military personnel or veterans living in the household (9%; *n*=320), litigant of a foreclosed property (4%; *n*=138), housing provided as part of employment (1%; *n*=35), bankruptcy (<1%; *n*=9), or other reason not specified (1%; *n*=20).

Less than 2% (*n*=57) of Shriver cases had an active domestic violence restraining order at the time of case intake. Six percent (*n*=229) of Shriver clients alleged some type of discrimination from the landlord, with the most common allegations based on retaliation (3%; *n*=109), followed by race (1%; *n*=25), disability status (1%; *n*=18), or multiple allegations (1%; *n*=46).

[261] About 5% (*n*=201) of records did not specify the client's living situation.
[262] The remainder of eviction notices were 7- to 14-day terminations (<1%; *n*=17) or other types of notices (4%; *n*=137); 46 (1%) cases were missing information about the eviction notice.
[263] Less than 1% of cases (*n*=2) had amounts greater than $25,000 (the upper bound for limited jurisdiction cases).

Table HA37. Case Status at Intake for Shriver Legal Aid Clients

	Level of Service		
Unlawful Detainer Case Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Case Status at Intake			
No formal eviction notice served	0 (0%)	0 (0%)	0 (0%)
Service of notice to terminate tenancy	105 (3%)	40 (14%)	145 (4%)
Complaint or Summons and Complaint filed	1,712 (51%)	93 (32%)	1805 (49%)
Default judgment entered	134 (4%)	21 (7%)	155 (4%)
Answer/response filed	1,294 (38%)	68 (23%)	1,362 (37%)
Judgment entered (not through default)	6 (0%)	5 (2%)	11 (0%)
Writ issued/notice to vacate from sheriff	94 (3%)	24 (8%)	118 (3%)
Other	10 (0%)	24 (8%)	34 (1%)
Missing/unknown	15 (0%)	16 (5%)	31 (1%)
Total	3,370 (100%)	291 (100%)	3,661 (100%)
If Eviction Notice Served, Reason Listed			
Non-payment of rent	2,796 (83%)	162 (59%)	2,958 (81%)
Foreclosure	113 (3%)	21 (8%)	134 (4%)
Violation of lease terms	71 (2%)	12 (4%)	83 (2%)
Nuisance (e.g., dispute with neighbors)	49 (1%)	11 (4%)	60 (2%)
Other	156 (5%)	29 (11%)	185 (5%)
Multiple reasons	66 (2%)	8 (3%)	74 (2%)
None needed[a]	71 (2%)	8 (3%)	79 (2%)
Missing/unknown	33 (1%)	24 (9%)	57 (2%)
Total	3,355 (100%)	275 (100%)	3,630 (100%)
If Eviction Cited Non-Payment of Rent, Amount Demanded on Eviction Notice[b]			
$0 to $100	29 (1%)	3 (2%)	32 (1%)
$101 to $500	205 (7%)	9 (5%)	214 (7%)
$501 to $1,000	708 (25%)	36 (21%)	744 (25%)
$1,001 to $2,000	1,085 (38%)	52 (31%)	1,137 (38%)
$2,001 to $3,000	350 (12%)	14 (8%)	364 (12%)
$3,001 to $4,000	149 (5%)	5 (3%)	154 (5%)
$4,001 to $5,000	84 (3%)	3 (2%)	87 (3%)
$5,001 or more	143 (5%)	4 (2%)	147 (5%)
Missing	109 (4%)	44 (26%)	153 (5%)
Total	2,862 (100%)	170 (100%)	3,032 (100%)

Note. Data from the Shriver program services database (as of 08/31/15).

[a] Some types of eviction notices (e.g., 30- to 90-day notices) do not require the landlord to state a reason for the eviction. [b] Includes only cases where non-payment of rent or multiple reasons were listed as reasons on the notice.

Case Proceedings and Outcomes

The remainder of this section on the San Diego housing pilot project reflects only Shriver cases that received full representation from LASSD.[264] Clients who received unbundled services are not included here because Shriver attorneys did not follow them through to the disposition of their cases, so the case outcomes were unknown.

Participation in the Justice System

Answers filed

To participate in the justice system—that is, to avoid defaulting on the unlawful detainer case—defendants must file an answer (or other response) to the complaint filed by the landlord. As shown in Table HA38, defendants in 94% of Shriver full representation cases (*n*=3,183) filed an answer or some other response, such as a demurrer, that would progress the case. (Recall that only 37% of clients had an answer filed at intake.) In 4% of cases, an official response to the complaint was not needed, as the case was settled outside of court. In about 1% of cases, there was no official response needed by the defendant, because the plaintiff dismissed the case.

Among full representation cases, nearly all defendants (99%) participated in the judicial system. Notably, less than 1% of cases had a default entered. Recall that, at intake, 4% of defendants had already defaulted, so legal aid was successful is getting many defaults set aside. In some cases, Shriver attorneys reported that the client was uncooperative or refused to sign any settlements, and a default judgment remained on the client's record.

Table HA38. Response to Unlawful Detainer Complaint by Defendants in Full Representation Cases

Response to Unlawful Detainer Complaint	*N* (%)
Action filed with court:	
Answer	3,104 (92%)
Other response (e.g., motion to set aside default, demurrer)	79 (2%)
No official response:	
Settled outside of court	130 (4%)
Plaintiff dismissed case[a]	28 (1%)
Default remains	11 (<1%)
Other	0 (0%)
Missing	8 (<1%)
Total	3,360 (100%)

Note. Data from the Shriver program services database (as of 08/31/15).

[a] Not through negotiated settlement.

[264] There were 10 full representation cases (<1%) that were excluded from these analyses because an unlawful detainer complaint was never filed with the court system (*n*=10).

COURT EFFICIENCY

Case resolution

More than three quarters (79%) of Shriver full representation cases were resolved by settlement, 14% were dismissed by the plaintiff, and 6% were resolved via trial or hearing. Of those resolved via trial or hearing, one case (<1%) was known to have resolved via jury trial.[265] The proportion of full representation cases resolved in each manner is displayed in Table HA39.

Table HA39. Case Resolution Method for Full Representation Clients

Case Resolution Method	*N* (%)
Settlement/stipulation	2,666 (79%)
Plaintiff dismissal	456 (14%)
Trial/hearing	192 (6%)
Other	40 (1%)
Missing/unknown	6 (<1%)
Total	3,360 (100%)

Note. Data obtained from the Shriver program services database (as of 08/31/15).

Point of Settlement. Of the 2,666 full representation cases that were settled, 18% were settled before the trial (Table HA40)—certainly the most efficient option for the court. Most (77%) were settled on the day of (or during) trial, which is often when parties are able to come together to discuss the terms. Four percent were settled at some other point post-filing (see Table HA40).

Table HA40. Point of Settlement for Full Representation Litigants

Point of Settlement	*N* (%)
Post-filing, pre-trial	467 (18%)
On the day of trial	1,943 (73%)
During trial	106 (4%)
Other post-filing	103 (4%)
Other, not specified	47 (2%)
Missing/unknown	0 (0%)
Total	2,666 (100%)

Note. Data obtained from the Shriver program services database (as of 08/31/15). Limited to settled cases.

[265] This information was missing for 34% of trials (*n*=65); the other 126 trials (66%) were resolved via bench trial.

Case length

As mentioned earlier, the California Administrative Office of the Courts has a goal to resolve 90% of unlawful detainer cases within 30 days of complaint filing, and 100% of cases within 45 days of filing. Across all San Diego full representation cases with available data, 28% were resolved within 30 days of the complaint filing and 73% were resolved within 45 days (note that 4% were missing data). The average case length (measured from the date of complaint filing to the date of disposition) was 43 days (median = 35).[266] Table HA41 shows the numbers and percentages of full representation cases resolved within each benchmark period.

Table HA41. Case Length for Full Representation Clients

	Case Resolution Method				
Case Length	**Landlord Dismissal *N* (%)**	**Settlement *N* (%)**	**Trial/ Hearing *N* (%)**	**Other/ Missing *N* (%)**	**Total *N* (%)**
30 days or less	125 (27%)	760 (29%)	36 (19%)	11 (24%)	932 (28%)
31 to 45 days	151 (33%)	1,280 (48%)	71 (37%)	6 (13%)	1,508 (45%)
46 days or more	103 (23%)	597 (22%)	79 (41%)	10 (22%)	789 (23%)
Missing/unknown	77 (17%)	29 (1%)	6 (3%)	19 (41%)	131 (4%)
Total	456 (100%)	2,666 (100%)	192 (100%)	46 (100%)	3,360 (100%)

Note. Data from the Shriver program services database (as of 08/31/15).

CASE OUTCOMES

Housing stability

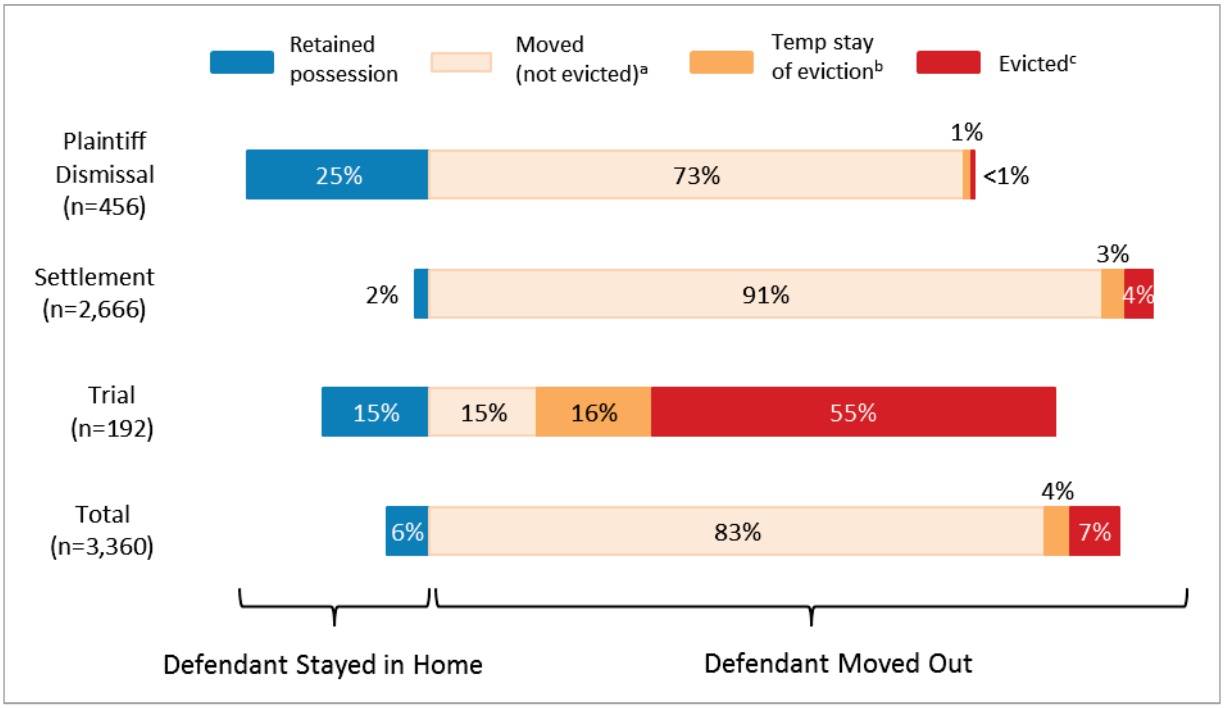
From the perspective of the tenants, being able to stay in their homes and avoiding the burden and disruption of a forced relocation is a noteworthy and positive outcome. However, in instances where the tenant must relocate, having additional time to move, obtaining neutral references from landlords, or retaining housing subsidies (e.g., Housing Choice Vouchers) can support the ability to find new and affordable housing more quickly. Finding new housing quickly can help tenants avoid interstitial periods of homelessness or "couch-surfing" and provide stability for families and children attending school. This section describes the outcomes for full representation cases, including whether the tenant remained in the home, and other outcomes that can contribute to successful housing transition, when moving is necessary.

Possession of Property. At Shriver intake, clients were asked by their LASSD attorneys whether they wanted to stay in the home. Of the 3,360 full representation cases, defendants in 29% of cases (*n*=970) wished to remain in their current residences, 70% (*n*=2,345) did not want to stay in the homes, and the remaining 1% (*n*=45) were uncertain or their responses were unknown. At the end of the case, 6% (*n*=196) were able to remain in their homes. In 94% of cases (*n*=3,146), the plaintiff obtained possession of the property and tenants had to move. Figure HA5 depicts the proportions of cases in which the tenants stayed versus moved.

[266] Ranging from 0 to 473 days, median = 35 days, *SD* = 34 days.

Among clients who moved, the majority did so as part of a negotiated agreement. There were comparably fewer instances of evictions.[267] A small number of cases involved a temporary stay of eviction, whereby the court granted possession of the unit to the plaintiff, but postponed the eviction due to extreme hardship on behalf of the defendant.

Figure HA5. Housing Stability for Full Representation Clients by Case Resolution Method



Note. Case resolution data were missing for 46 cases; these cases were included in the total above, but not represented separately. [a] Defendant moved as part of negotiated agreement or before unlawful detainer hearing or trial judgment. [b] Court granted possession of the unit to the plaintiff (landlord), but postponed the eviction due to extreme hardship on behalf of the defendant. [c] Defendant was ruled against in court hearing, trial, or through default judgment, or failed to comply with the conditions of a settlement.

Other Outcomes among Defendants Who Moved. Tenants in 94% of full representation cases moved out of their homes at the end of their cases. Seven percent of cases involved an extension of the move-out date. Table HA42 shows the numbers and percentages of cases receiving each physical, financial, and credit-related outcome.

Among full representation cases, nearly all (93%; *n*=2,924) resulted in at least one positive outcome that supported tenants' longer term housing stability. In 26% of cases, the amount of back-owed rent was reduced and in 20%, it was waived. Defendants in 30% of cases agreed to repay all of the back-owed rent, and 46% established a payment plan. Among cases where the tenant lived in subsidized housing, 44% retained their subsidies or vouchers. Analysis combined the outcomes related to decreasing the out-of-pocket expenses for the tenant and yielded a

[267] Eviction describes the situation where a defendant was ruled against in a court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement; this usually results in an unlawful detainer case viewable on their public record.

single indicator of any financial benefit. Among all cases where the tenant moved, 72% experienced at least one positive financial outcome, as did 81% of settled cases.

LASSD had a goal of minimizing the impacts of eviction on the tenant's ability to obtain new housing. Among the full representation cases with tenants who moved, 82% resulted in at least one positive credit-related outcome. Specifically, defendants in 67% of cases had their unlawful detainer cases masked from public view, 54% obtained neutral references from the landlord, and 49% avoided having the unlawful detainer lawsuit reported to credit agencies.

Table HA42. Tenants who Moved Out:
Percentage of Full Representation Cases Receiving Each Outcome

	Case Resolution Method				
Outcome	**Plaintiff Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial/ Hearing** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
Clients Moving Out	*n*=337	*n*=2,613	*n*=163	*n*=33	*n*=3,146
Physical Outcomes					
Move-Out Date Adjusted	6 (2%)	172 (7%)	29 (18%)	4 (12%)	211 (7%)
Mean Number of Days to Move (*SD*)[a]	24 (*19*)	48 (*21*)	44 (*21*)	78 (--)	47 (*22*)
Financial Outcomes					
Pay Plaintiff's Attorney Fees	8 (2%)	478 (18%)	87 (53%)	9 (27%)	582 (18%)
Pay All Rent Owed	13 (4%)	847 (32%)	87 (53%)	12 (36%)	959 (30%)
Rental Amount Owed Reduced	23 (7%)	752 (29%)	36 (22%)	3 (9%)	814 (26%)
Rental Amount Owed Waived	63 (19%)	551 (21%)	7 (4%)	3 (9%)	624 (20%)
Payment Plan for Money Owed	7 (2%)	1,444 (55%)	8 (5%)	1 (3%)	1,460 (46%)
Preserved Housing Choice Voucher/Sec. 8[b]	11 (48%)	131 (45%)	2 (15%)	0 (0%)	144 (44%)
Received Any Positive Financial Outcome[c]	***100 (30%)***	***2,119 (81%)***	***50 (31%)***	***6 (18%)***	***2,275 (72%)***
Credit-Related Outcomes					
Neutral References from Landlord	45 (13%)	1,648 (63%)	13 (8%)	4 (12%)	1,710 (54%)
Not Reported to Credit Agencies	53 (16%)	1,461 (56%)	14 (9%)	4 (12%)	1,532 (49%)
Record Masked from Public View	292 (87%)	1,788 (68%)	21 (13%)	8 (24%)	2,109 (67%)
Received Any Positive Credit Outcome[d]	***296 (88%)***	***2,251 (86%)***	***27 (17%)***	***8 (24%)***	***2,582 (82%)***
Received Any Positive Outcome[e]	**308 (91%)**	**2,545 (97%)**	**60 (37%)**	**11 (33%)**	**2,924 (93%)**

Note. Data from the Shriver program services database (as of 08/31/15).

[a] Calculated as the number of days from complaint filing to move-out date. SD=standard deviation. Not possible to calculate for the cases in the Other/missing column. [b] Calculated out of the number of defendants living in subsidized housing (*n*=327).[c] Calculated from all financial items, except where the litigant had to pay for the plaintiff's attorney fees or had to pay back all money owed. [d] Calculated from all credit-related outcomes. [e] Calculated from all financial or credit-related outcomes, except where indicated above.

SHRIVER PROJECT SERVICE SUMMARY: SANTA BARBARA

Information on the services provided, case characteristics, and outcomes were obtained from the program services databases. Data from the Santa Barbara housing pilot project were collected on all parties seeking Shriver services from the Legal Aid Foundation of Santa Barbara County (LAFSBC) from January 2012 through October 2015, and parties receiving Shriver court-based services from the Housing Settlement Master from January 2013 to December 2014.

What Services Were Provided?

Shriver services were provided by two entities, LAFSBC and the court, which had different eligibility requirements and service offerings. Thus, data for these entities are presented separately. Litigants who received full representation from a legal aid attorney are categorized as ***full representation*** clients, litigants who received any other type of legal service from legal aid are termed ***unbundled services*** clients, and those who were assisted by the Housing Settlement Master are referred to as receiving ***court-based services***.

LEGAL AID SERVICES

From February 2012 through October 2015, the Santa Barbara housing pilot project provided legal services to litigants in a total of 1,133 unlawful detainer cases or other housing-related matters. More than 99% of these clients (n=1,125 cases) were defendants. Information presented throughout this section pertains to these 1,125 cases with defendant clients. Information about plaintiff clients (*n*=8; <1% of LAFSBC clients) can be found in Appendix B.

Across these cases, 20% received full representation and 80% received unbundled services (Table HA43). Shriver attorneys tracked the time worked on cases in 1-hour increments. Overall, Shriver attorneys worked an average of 5 hours per case (median = 2). Full representation cases received an average of 15 hours (median = 12) and unbundled services cases received an average of 2 hours (median = 1). These estimates reflect attorney time only and do not reflect time worked by other staff, such as intake coordinators or paralegals.

Table HA43. Number of Legal Aid Cases and Attorney Hours Provided

	Level of Service		
Characteristic	**Full Representation**	**Unbundled Services**	**Total**
Number of Litigants [a]	229 (20%)	896 (80%)	1,125 (100%)
Attorney Hours Provided			
Mean (*SD*)	14.6 (11.4)	2.3 (3.0)	5.4 (8.3)
Median	12.0	1.0	2.0
Range	3.0 to 85.0	0.0 [b] to 40.0	0.0 to 85.0
Missing N (%)	2 (1%)	238 (27%)	240 (21%)

Note. Data from the Shriver program services database (as of 10/18/15). [a] Includes six representatives of defendants (i.e., friends or care-takers), seeking advice on their behalf. [b] Client could receive assistance from legal aid staff (e.g., referrals) but no attorney time.

COURT-BASED SERVICES

Between January 2013 and December 2014, the Santa Barbara project provided court-based services—specifically, mandatory settlement conferences—to litigants in a total of 337 housing cases. The large majority (91% of these cases were unlawful detainer, but the Housing Settlement Master also assisted cases on other property matters, such as cases in which possession is no longer at issue. Every housing case proceeding to trial was scheduled for a mandatory settlement conference to happen 1 to 2 weeks before the trial. Although the settlement conference was considered mandatory for parties, not all parties appeared.

Who Received Services?

LEGAL AID SERVICES

Client Characteristics. At Shriver intake, legal aid staff members collected information about their clients, including client demographics, living situations, and case characteristics. Roughly two thirds of cases involved multiple individuals seeking assistance (e.g., couples). One litigant's data were chosen to represent the case (the "primary client," i.e., the person with whom the attorney had the most contact). The average age of the primary client was 46 years (median = 45), the majority (68%) were female, 44% were Hispanic or Latino, 41% were White (non-Hispanic), 35% had disabilities, and 20% could not effectively communicate in English without the assistance of an interpreter (limited English proficiency). Table HA44 shows the demographic characteristics of the 1,125 defendants served by legal aid, by level of service.

Table HA44. Demographic Characteristics of Shriver Legal Aid Clients

	Level of Service		
Client Level Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Age (years)			
18 to 24	10 (4%)	50 (6%)	60 (5%)
25 to 44	94 (41%)	375 (42%)	469 (42%)
45 to 61	81 (35%)	309 (34%)	390 (35%)
62 or older	41 (18%)	137 (15%)	178 (16%)
Unknown/not collected	3 (1%)	25 (3%)	28 (2%)
Gender			
Male	74 (32%)	264 (29%)	338 (30%)
Female	151 (66%)	617 (69%)	768 (68%)
Transgender	0 (0%)	0 (0%)	0 (0%)
Unknown/not collected	4 (2%)	15 (2%)	19 (2%)
Race/Ethnicity[a]			
Black or African American	12 (5%)	51 (6%)	63 (6%)
Hispanic/Latino	104 (45%)	396 (44%)	500 (44%)
White	97 (42%)	362 (40%)	459 (41%)
Other	10 (4%)	52 (6%)	62 (6%)
Unknown/declined	6 (3%)	35 (4%)	41 (4%)
Education			
High school degree or less	88 (38%)	252 (28%)	340 (30%)
Any post-secondary	87 (38%)	286 (32%)	373 (33%)
Unknown/not collected	54 (24%)	358 (40%)	412 (37%)
Limited English Proficiency			
Yes	49 (21%)	172 (19%)	221 (20%)
No	180 (79%)	715 (80%)	895 (80%)
Unknown/not collected	0 (0%)	9 (1%)	9 (1%)
Disability			
Yes	98 (43%)	296 (33%)	394 (35%)
No	121 (53%)	495 (55%)	616 (55%)
Unknown/not collected	10 (4%)	105 (12%)	115 (10%)
Total	229 (100%)	896 (100%)	1,125 (100%)

Note. Data from the Shriver program services database (as of 10/18/15). [a] Litigants who identified as Hispanic/Latino and any other race are included in the Hispanic/Latino row.

Half (51%) of cases served by Shriver legal aid had at least one minor living in the home, and 30% of households received CalFresh benefits.[268] The median monthly household income was $1,000 (mean = $1,258), and the median monthly rental amount was $782 (mean = $882). By comparison, recall that the median monthly household income in Santa Barbara County was $5,231 and the average fair market value for a two-bedroom apartment was $1,435. Table HA45 details the household characteristics for Shriver legal aid clients, by level of service.

Table HA45. Household Characteristics of Shriver Legal Aid Clients

	Level of Service		
Household Level Characteristics	**Full Representation**	**Unbundled Services**	**Total**
Minors in Household, *N* (%)			
Yes	114 (50%)	459 (51%)	573 (51%)
No	106 (46%)	293 (33%)	399 (35%)
Missing/unknown	9 (4%)	144 (16%)	153 (14%)
Received CalFresh Benefits, *N* (%)			
Yes	71 (31%)	272 (30%)	343 (30%)
No	158 (69%)	621 (69%)	779 (69%)
Missing/unknown	0 (0%)	3 (<1%)	3 (<1%)
Monthly Income			
Mean (*SD*)	$1,162 (792)	$1,283 (1,064)	$1,258 (1,016)
Median	$900	$1,050	$1,000
Range [a]	$0 to $4,800	$0 to $7,000	$0 to $7,000
Missing/unknown	0 (0%)	3 (0%)	3 (0%)
Monthly Rental Amount[b]			
Mean (*SD*)	$978 (710)	$832 (558)	$882 (618)
Median	$807	$750	$782
Range	$0 to $4,139	$0 to $4,000	$0 to $4,139
Missing/unknown, *N* (%)	12 (5%)	479 (53%)	491 (44%)
Total	229 (100%)	896 (100%)	1,125 (100%)

Note. Data from the Shriver program services database (as of 10/18/15). *SD*=standard deviation.
[a] Upper end of the range is high due to outlying values. At intake, seven clients had monthly income above $5,000. When household size was taken into account, 13 clients had monthly income greater than 200% of the 2014 Federal Poverty Level (FPL).
[b] Monthly rental amount according to defendant at time of intake.

Most Shriver legal aid clients (79%; *n*=890) were renters of an apartment, condominium, or house. Others were current or prior owners of a foreclosed property (4%; *n*=45) or lodgers in a hotel, motel, or private residence (2%; *n*=27). The remainder of clients were staying with

[268] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

friends or family (1%; *n*=16); living in a shelter, abandoned building, or outside (<1%; *n*=4); or another place not specified (3%; *n*=34).[269]

Opposing Party Representation. Shriver legal aid staff assessed whether the opposing party had retained legal counsel at the time of intake. Among full representation cases, 87% faced an opposing party with legal representation. Information about opposing parties was not well-known for clients receiving unbundled services: At least 22% faced an opposing party with legal representation, but this information was missing for 52% of these cases. Table HA46 shows the numbers and percentages of opposing parties represented by legal counsel, by level of service.

Table HA46. Opposing Party Representation at Intake

	Level of Service		
Plaintiff Represented by Counsel	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Yes	199 (87%)	198 (22%)	397 (35%)
No	26 (11%)	229 (26%)	255 (23%)
Missing/unknown	4 (2%)	469 (52%)	473 (42%)
Total	229 (100%)	896 (100%)	1,125 (100%)

Note. Data from the Shriver program services database (as of 10/18/15).

Case Characteristics. At the time of Shriver intake, an answer had not yet been filed in 71% of cases. Specifically, as seen in Table HA47, in 41% of cases, a complaint had not yet been filed with the court (pre-filing status), and in 30%, a complaint had been filed, but no response had yet been filed. In 1% of cases, the litigant had already missed the window to file an answer and a default judgment had been entered. In 3% of cases, an answer had been filed prior to seeking Shriver services.

The most common type of eviction notice was a 3-day pay, perform, or quit (38%; *n*=269), followed next by a 30- to 90-day notice to terminate (31%; *n*=216), which is used for tenancies with indefinite rental agreements.[270] Of those cases with information about an eviction notice, the most frequent reason listed was for non-payment of rent (33%), followed by violation of lease terms (5%), and foreclosure (3%); this information was missing for approximately 26% of cases. In cases where the notice indicated non-payment of rent, the median amount demanded on the notice was $1,500 (mean = $2,776; range = $0 to $55,100[271]). Twenty-nine percent of defendants owed between $501 and $2,000 according to the eviction notice. In an additional 19% of cases, the amount was $500 or less, highlighting the financial vulnerability of many tenants. Table HA47 shows the reason listed on the eviction notice (if applicable), and for cases that included non-payment of rent, the amount demanded.

[269] Ten percent (n=109) of cases were missing information about the current living situation.
[270] The remainder of eviction notices were 7- to 14-day terminations (1%; *n*=4) or other types of notices (6%; *n*=39); 172 (25%) cases were missing information about the eviction notice.
[271] Less than 1% of cases (*n*=3) had an amount greater than $25,000 (upper bound for limited jurisdiction cases).

Table HA47. Case Status at Intake for Shriver Legal Aid Clients

	Level of Service		
Unlawful Detainer Case Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Case Status at Intake			
No formal eviction notice served	6 (3%)	199 (22%)	205 (18%)
Service of notice to terminate tenancy	32 (14%)	230 (26%)	262 (23%)
Complaint or Summons and Complaint filed	170 (74%)	168 (19%)	338 (30%)
Default judgment entered	4 (2%)	7 (1%)	11 (1%)
Answer/response filed	9 (4%)	22 (2%)	31 (3%)
Judgment entered (not through default)	0 (0%)	2 (<1%)	2 (<1%)
Writ issued/notice to vacate from sheriff	5 (2%)	25 (3%)	30 (3%)
Other	3 (1%)	23 (3%)	26 (2%)
Missing/unknown	0 (0%)	220 (25%)	220 (20%)
Total	229 (100%)	896 (100%)	1,125 (100%)
If Eviction Notice Served, Reason Listed			
Non-payment of rent	103 (46%)	128 (27%)	231 (33%)
Foreclosure	7 (3%)	13 (3%)	20 (3%)
Violation of lease terms	12 (5%)	23 (5%)	35 (5%)
Nuisance (e.g., dispute with neighbors)	7 (3%)	9 (2%)	16 (2%)
Other	31 (14%)	56 (12%)	87 (12%)
Multiple reasons	22 (10%)	25 (5%)	47 (7%)
None needed[a]	12 (5%)	72 (15%)	84 (12%)
Missing/unknown	29 (13%)	151 (32%)	180 (26%)
Total	223 (100%)	477 (100%)	700 (100%)
If Eviction Cited Non-Payment of Rent, Amount Demanded on Eviction Notice[b]			
$0 to $100	19 (15%)	30 (20%)	49 (18%)
$101 to $500	2 (2%)	1 (1%)	3 (1%)
$501 to $1,000	11 (9%)	12 (8%)	23 (8%)
$1,001 to $2,000	24 (19%)	33 (22%)	57 (21%)
$2,001 to $3,000	31 (25%)	35 (23%)	66 (24%)
$3,001 to $4,000	15 (12%)	20 (13%)	35 (13%)
$4,001 to $5,000	9 (7%)	5 (3%)	14 (5%)
$5,001 or more	8 (6%)	7 (5%)	15 (5%)
Missing/unknown	6 (5%)	10 (7%)	16 (6%)
Total	125 (100%)	153 (100%)	278 (100%)

Note. Data from the Shriver program services database (as of 10/18/15). [a] Some types of eviction notices (e.g., 30- to 90-day notices) do not require the landlord to state a reason for the eviction. [b] Includes cases where non-payment of rent or multiple reasons were listed on the notice.

In the Santa Barbara housing pilot project, 20% of clients (*n*=230) lived in subsidized housing (18% of cases were missing this information), which often requires a different process for unlawful detainer cases (e.g., a longer notification period or different reasons for tenancy termination). Project staff indicated that 10% (*n*=117) of cases had other special characteristics, including owner or tenant of a foreclosed property (4%; *n*=44), military personnel or veterans living in the household (<1%; *n*=4), bankruptcy (<1%; *n*=3), housing provided as part of employment (<1%; *n*=5), or some other consideration not specified (4%; *n*=43).

One percent (*n*=10) of cases had an active domestic violence restraining order at the time of intake. Clients in 10% of cases (*n*=107) alleged some type of discrimination from the landlord, with the most common allegations based on retaliation (3%; *n*=36), disability status (3%; *n*=33), race (15%; *n*=11), or multiple reasons (2%; *n*=20).

Court-Based Services

When an unlawful detainer case is set for trial at the Santa Maria and Lompoc courthouses, litigants are automatically scheduled for a mandatory settlement conference in advance of the trial date. Between January 2013 and December 2014, parties from a total of 337 housing-related lawsuits were scheduled to meet with the Shriver Housing Settlement Master. In 79% of cases, both parties appeared at the settlement conference. However, in 21% of cases, at least one party (most often the defendant) did not appear. When one party does not appear, the other party is still provided with information and the case characteristics and party's goals are discussed. The number of cases with one party failing to appear and the average number of settlement conferences scheduled per case are displayed in Table HA48. Demographic information about litigants participating in Shriver settlement conferences was not available.

Table HA48. Number of Settlement Conferences and Attendance by Parties

	Case Type		
Settlement Conference Characteristics	**Unlawful Detainer**	**Other Property Dispute[a]**	**Total**
Conferences Scheduled per Case			
Mean (*SD*)	1.2 (0.5)	1.3 (0.5)	1.2 (0.5)
Median	1	1	1
Range	1 to 4	1 to 3	1 to 4
Missing N (%)	1 (<1%)	0 (0%)	1 (<1%)
Failed to Appear at Conference			
Defendant	58 (19%)	1 (3%)	59 (17%)
Plaintiff	6 (2%)	1 (3%)	7 (2%)
Both parties	6 (2%)	0 (0%)	6 (2%)
Neither party (all parties attended)	240 (77%)	25 (93%)	265 (79%)
Total	310 (100%)	27 (100%)	337 (100%)

Note. Data from the Shriver Settlement Master services database (as of 12/31/14). [a] This category includes civil cases where possession is no longer at issue.

Case Proceedings and Outcomes for Full Representation Clients

The remainder of this section on the Santa Barbara housing pilot project reflects only the Shriver cases that received full representation from legal aid.[272] Cases receiving unbundled services are not included because attorneys did not follow these cases to resolution and the outcomes were unknown.

Participation in the Justice System

Answers filed

To participate in the justice system—that is, to avoid defaulting on an unlawful detainer case—defendants must file an answer (or other response) to the complaint filed by the landlord. As shown in Table HA49, defendants in 83% of Shriver full representation cases (*n*=187) filed a response with the court. In most cases (81%), an answer was filed; in a few cases (2%), a demurrer or other response was filed. (Recall that only 3% of clients had an answer filed at intake.) In 14% of cases, an official response to the complaint was not needed, as the case was settled outside of court. In 1% of cases, there was no official response needed because the plaintiff dismissed the case. In 1% of cases, an official response was never entered and a default judgment remained. (Recall that at intake, 2% of defendants had defaulted, so legal aid was successful getting some to be set aside.)

Among full representation cases, nearly all defendants (99%) participated in the judicial system. Notably, only two default judgments remained because the tenant failed to respond to the unlawful detainer complaint.

Table HA49. Response to Unlawful Detainer Complaint by Defendants in Full Representation Cases

Response to Unlawful Detainer Complaint	*N* (%)
Action filed with court:	
Answer	183 (81%)
Other response (e.g., motion to set aside default, demurrer)	4 (2%)
No official response:	
Settled outside of court	32 (14%)
Plaintiff dismissed case[a]	2 (1%)
Default remains	2 (1%)
Missing/unknown	0 (0%)
Total	225 (100%)

Note. Data from the Shriver program services database (as of 10/18/15). [a] Not through negotiated settlement.

Court Efficiency

Case resolution

Legal Aid Services. The majority (80%) of Shriver full representation cases were resolved by settlement, 12% of cases were dismissed by the plaintiff, and 6% were resolved through a trial or

[272] Four full representation cases (2%) were excluded from these analyses because there was never an unlawful detainer complaint filed with the court system (*n*=3) or because the litigant did not return for services (*n*=1).

hearing. Of those resolved through trial or hearing, none were known to have resolved via jury trial.[273] The method of resolution for all full representation cases is displayed in Table HA50.

Table HA50. Case Resolution Method for Full Representation Clients

Case Resolution Method	*N* (%)
Settlement/stipulation	180 (80%)
Plaintiff dismissal	26 (12%)
Trial/hearing	13 (6%)
Other	6 (3%)
Missing/unknown	0 (0%)
Total	225 (100%)

Note. Data obtained from the Shriver program services database (as of 10/18/15).

Point of Settlement. Of the 180 full representation cases that were settled, 5% were settled before an official unlawful detainer complaint was filed with the court and 83% were settled post-filing but before the trial. These options are the most efficient for the court. Four percent of cases were settled on the day of trial, and 3% of cases were settled at some other point post-filing (see Table HA51).

Table HA51. Point of Settlement for Full Representation Clients

Point of Settlement	*N* (%)
Pre-filing	9 (5%)
Post-filing, pre-trial	150 (83%)
On the day of trial	8 (4%)
During trial	0 (0%)
Other post-filing	6 (3%)
Other, not specified	3 (2%)
Missing/unknown	4 (2%)
Total	180 (100%)

Note. Data obtained from the Shriver program services database (as of 10/18/15). Limited to cases that settled.

[273] Information on trial type was missing for 54% of trials (*n*=7); the other six trials were resolved via bench trial.

Case length

As mentioned earlier, the California Administrative Office of the Courts has a goal to resolve 90% of unlawful detainer cases within 30 days of complaint filing, and 100% of cases within 45 days of filing. Across full representation cases with available data, 42% were resolved within 30 days of the complaint filing and 60% were resolved within 45 days (14% were missing data). The average length of unlawful detainer cases (measured from the date of complaint filing to the date of disposition) was 44 days for full representation cases (median = 31).[274] Table HA52 shows the numbers and percentages of cases resolved within each benchmark period.

Table HA52. Case Age for Full Representation Clients

	Case Resolution Method				
Case Age	**Landlord Dismissal *N* (%)**	**Settlement *N* (%)**	**Trial/ Hearing *N* (%)**	**Other/ Missing *N* (%)**	**Total *N* (%)**
30 days or less	11 (42%)	78 (43%)	2 (15%)	3 (50%)	94 (42%)
31 to 45 days	4 (15%)	35 (19%)	2 (15%)	0 (0%)	41 (18%)
46 days or more	1 (4%)	51 (28%)	5 (38%)	2 (33%)	59 (26%)
Missing/unknown	10 (38%)	16 (9%)	4 (31%)	1 (17%)	31 (14%)
Total	26 (100%)	180 (100%)	13 (100%)	6 (100%)	225 (100%)

Note. Data from the Shriver program services database (as of 10/18/15).

CASE OUTCOMES

Housing stability

From the perspective of the tenants, staying in their homes and avoiding the burden and disruption of a forced relocation is a noteworthy and positive outcome. However, in instances when a tenant must relocate, other factors—such as having additional time to move, obtaining neutral references from landlords, or retaining housing subsidies (e.g., Housing Choice Vouchers)—can contribute to the ability to secure new housing more quickly. Finding new housing quickly can help tenants avoid interstitial periods of homelessness or "couch-surfing" and provide stability for families and children attending school. This section describes outcomes of full representation cases, including whether tenants were able to remain in their homes and other outcomes that may aid successful housing transition, when moving is necessary.

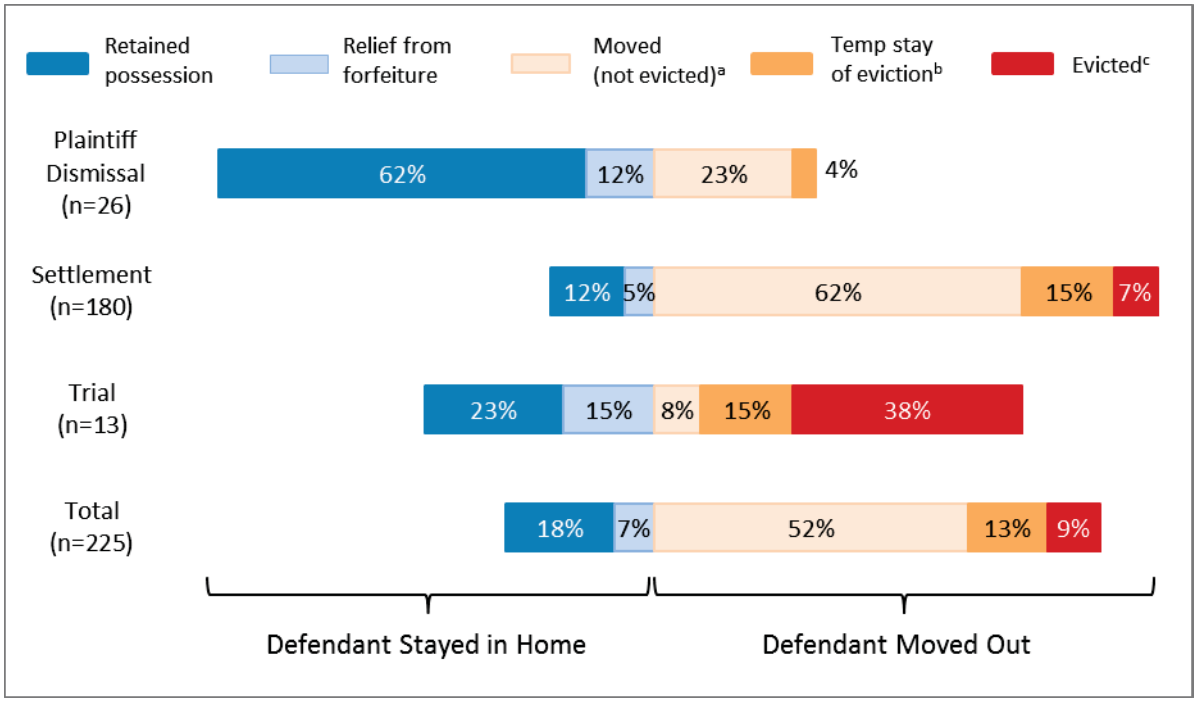
Possession of Property. At Shriver intake, legal aid clients were asked by their attorneys whether they wished to remain in their homes. Of the 225 full representation cases, defendants in 57% of cases (*n*=129) wished to remain in their current residences, 30% (*n*=68) did not want to stay, and the remaining 12% (*n*=28) were uncertain or the information was unknown. At the end of the court case, tenants in 25% of cases (*n*=56) were able to remain in their homes, either because the client retained possession of the unit or was granted relief from forfeiture.[275] In 75% of cases (*n*=168), the plaintiff obtained possession and the tenants had to move out.

[274] Ranging from 0 to 341 days, median = 31 days, *SD* = 47 days.

[275] Relief from forfeiture typically applies when a defendant experiences a temporary income shortage and has the ability to pay back rent or other money owed.

Most tenants moved as part of a negotiated agreement. There were comparably fewer instances of evictions.[276] In 14% of cases, defendants received a temporary stay of eviction, whereby the court granted possession of the unit to the plaintiff, but postponed the eviction due to extreme hardship on behalf of the defendant.

Figure HA6. Housing Stability for Full Representation Clients by Case Resolution Method



Note. Data for case resolution method were missing for six cases; these cases were included in the total above, but not represented separately. [a] Defendant moved as part of negotiated agreement or before unlawful detainer hearing or trial judgment. [b] Court granted possession of the unit to the plaintiff (landlord), but postponed the eviction due to extreme hardship on behalf of the defendant. [c] Defendant was ruled against in court hearing, trial, or through default judgment, or failed to comply with the conditions of a settlement.

Other Outcomes among Defendants Who Moved. Clients in 75% of full representation cases moved out of their homes at the end of their court cases. Importantly, in 64% of these cases, the move-out date was extended, allowing tenants more time to find alternate housing. This result most frequently occurred in cases that were settled (see Table HA53).

Among full representation cases of the Santa Barbara housing pilot project, 96% (*n*=161) resulted in some positive outcome that supported the tenant's longer term housing stability (Table HA53). In 31% of cases, the amount of back-owed rent was reduced, and in 38%, it was waived. In 15% of cases, the defendant agreed to repay all of the back-owed rent, and 18% established a payment plan. (Note that information on money owed was missing for 16% of cases). Among defendants who lived in subsidized housing, 54% retained their Housing Choice Vouchers. Analysis combined the outcomes related to decreasing the out-of-pocket expenses

[276] Eviction describes the situation where a defendant was ruled against in a court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement; this usually results in an unlawful detainer case viewable on their public record.

for the defendant and yielded a single indicator of financial benefit to the defendant. Among cases in which the defendant had to move, 83% received some sort of positive financial outcome.

Among cases in which the tenants had to move, legal aid attorneys were able to achieve a positive credit-related outcome 73% of the time. Specifically, defendants in 60% of cases had their unlawful detainer cases masked from public view, those in 51% of cases avoided having their unlawful detainer judgment reported to credit agencies, and those in 43% obtained neutral references from the landlord.

Table HA53. Tenants Who Moved Out:
Percentage of Full Representation Cases Receiving Each Outcome

	Case Resolution Method				
Outcome	**Plaintiff Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial/ Hearing** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
Clients Moving Out	*n*=7	*n*=149	*n*=8	*n*=4	*n*=168
Physical Outcomes					
Move-out date adjusted	4 (57%)	102 (68%)	2 (25%)	0 (0%)	108 (64%)
Mean number of days to move (*SD*)[a]	23 (*18*)	54 (*47*)	34 (*19*)	--	52 (*46*)
Financial Outcomes					
Pay plaintiff's attorney fees	0 (0%)	14 (9%)	2 (25%)	1 (25%)	17 (10%)
Pay all rent owed	0 (0%)	23 (15%)	1 (13%)	2 (50%)	26 (15%)
Rental amount owed reduced	0 (0%)	47 (32%)	5 (63%)	0 (0%)	52 (31%)
Rental amount owed waived	3 (43%)	58 (39%)	1 (13%)	1 (25%)	63 (38%)
Payment plan for money owed	0 (0%)	30 (20%)	0 (0%)	0 (0%)	30 (18%)
Preserved Housing Choice Voucher/Sec. 8[b]	0 (0%)	21 (60%)	1 (50%)	0 (0%)	22 (54%)
Received Any Positive Financial Outcome[c]	***3 (43%)***	***130 (87%)***	***6 (75%)***	***1 (25%)***	***140 (83%)***
Credit-Related Outcomes					
Neutral references from landlord	0 (0%)	72 (48%)	0 (0%)	1 (25%)	73 (43%)
Not reported to credit agencies	1 (14%)	84 (56%)	0 (0%)	1 (25%)	86 (51%)
Record masked from public view	5 (71%)	92 (62%)	2 (25%)	2 (50%)	101 (60%)
Received Any Positive Credit Outcome[d]	***5 (71%)***	***113 (76%)***	***2 (25%)***	***2 (50%)***	***122 (73%)***
Total Received Any Positive Outcome[e]	**6 (86%)**	**146 (98%)**	**7 (88%)**	**2 (50%)**	**161 (96%)**

Note. Data from the Shriver program services database (as of 10/18/15). [a] Calculated as the number of days from complaint filing to move-out date. [b] Calculated out of the number of defendants living in subsidized housing (*n*=41). [c] Calculated from all monetary items, except where the litigant had to pay for the plaintiff's (landlord's) attorney fees or had to pay back all money owed. [d] Calculated from all credit-related outcomes. [e] Calculated from all monetary and/or credit-related outcomes, except where indicated above.

Case Proceedings and Outcomes for those Receiving Court-Based Shriver Settlement Conferences

The remainder of this section on the Santa Barbara housing pilot project reflects only the Shriver cases that received court-based services, namely mandatory settlement conferences with the Housing Settlement Master.

SHRIVER PROGRAM SERVICES DATA

Between January 2013 and December 2014, a total of 333 housing-related lawsuits were scheduled with the Shriver Housing Settlement Master. When an unlawful detainer case is set for trial in Santa Barbara County Superior Court, litigants are also scheduled to meet with the Settlement Master prior to the scheduled trial date, and the settlement conference is considered mandatory (i.e., the parties cannot proceed to trial unless at least one party appears at the settlement conference). If only one party appears for the settlement conference, while a discussion with both parties is obviously not feasible, the attending party is still shown a video on the unlawful detainer process and the benefits of trying to reach a settlement. The legal issues and challenges with proof are discussed, as well as the party's goals for outcomes.

According to program services data, of the 333 cases scheduled for settlement conferences with the Housing Settlement Master, 70% ultimately settled their cases (Table HA54). Across all of those cases that settled, the majority (67%) did so during the conference with the Settlement Master. Of the 94 cases that did not settle and were ultimately decided by the court, 86% of rulings were in favor of the plaintiff and 5% were in favor of the defendant. Of the 94 cases decided in court, all were decided via bench trial. A small minority (2%; *n*=8) initially settled their lawsuits, but appeared before the court at some point later for a court ruling.

Table HA54. Case Resolution Method for Litigants Receiving Court-Based Services

	Case Type		
Case Resolution Characteristic	**Unlawful Detainer** *N* (%)	**Other Property Dispute[a]** *N* (%)	**Total** *N* (%)
Method of Resolution			
Settlement/stipulation	216 (71%)	18 (67%)	234 (70%)
Plaintiff dismissal	1 (<1%)	0 (0%)	1 (<1%)
Trial/hearing	85 (28%)	9 (33%)	94 (28%)
Other	1 (<1%)	0 (0%)	1 (<1%)
Missing/unknown	3 (1%)	0 (0%)	3 (1%)
Total	306 (100%)	27 (100%)	333 (100%)
If Settlement/Stipulation, Point of Settlement			
Before Settlement Conference	28 (13%)	4 (22%)	32 (14%)
During Settlement Conference	153 (71%)	3 (17%)	156 (67%)
After Settlement Conference	35 (16%)	11 (61%)	46 (20%)
Total	216 (100%)	18 (100%)	234 (100%)
If Trial/Hearing, Judgment in Favor of			
Defendant	3 (4%)	2 (22%)	5 (5%)
Plaintiff	80 (94%)	1 (11%)	81 (86%)
Court Dismissal	2 (2%)	1 (11%)	3 (3%)
Missing/unknown	0 (1%)	5 (56%)	5 (5%)
Total	85 (100%)	9 (100%)	94 (100%)

Note. Data obtained from the Shriver Settlement Master services database (as of 12/31/14). [a] This category includes civil cases where possession is no longer at issue.

COURT CASE FILE REVIEW DATA

Of the 333 cases scheduled on the Settlement Master's calendar, 150 (45% of cases served) were selected for case file review.[277] These reviews were performed approximately 2 years after complaint filing, which allowed sufficient time for case closure and permitted the reviewer to verify compliance with any settlement terms. Ultimately, 95 cases were reviewed (63% of sample). However, three cases were excluded after review, because the parties reached an agreement prior to the first settlement conference (*n*=2) or because the case was actually a small claims matter (*n*=1). Information in the court case files about these 92 cases receiving assistance from the Housing Settlement Master is presented below.

Settlement Conference Characteristics. In 78% of cases, both parties appeared and participated in a mandatory settlement conference (MSC). In the remaining cases (22%), only one party appeared for the scheduled conference. In 19 of these 20 cases (95%), the defendant did not appear and the plaintiff did.

On average, the first MSC was held about 1 month (median = 31 days, mean = 47 days) after the date of complaint filing. In 13% of cases (*n*=12), when special pleadings (e.g., demurrers) were filed, the case was diverted directly to the Settlement Master before proceeding to a hearing. Diverting cases with special pleadings can be beneficial to the court, as these matters often take more time for the judge and research attorney to investigate (compared to a regular unlawful detainer [UD] trial). In cases for which both parties appeared and tried to negotiate, 24% resulted in more than one settlement conference (76% had a single conference).

Table HA55. Mandatory Settlement Conference (MSC) Characteristics

	MSC Participation		
Characteristic	**Both Parties Appeared**	**One Party Appeared**	**Total**
Number of Cases, *N* (%)	72 (78%)	20 (22%)	92 (100%)
Days from Complaint to First MSC			
Mean (*SD*)	48 (43)	43 (30)	47 (41)
Median	31	30	31
Range	14 to 205	18 to 122	14 to 205
Number of MSCs Held			
1	55 (76%)	20 (100%)	75 (82%)
2 or more	17 (24%)	0 (0%)	17 (18%)
Range	1 to 5	1 to 1	1 to 5

[277] These 150 cases were selected for case file review based on the following criteria: (a) the conference was scheduled in Santa Maria (the prime location for Shriver services); (b) at least one party appeared at the settlement conference; (c) the case not had settled, defaulted, or been dismissed prior to the settlement conference; and (d) they were unlawful detainer cases (i.e., not long cause or small claims issues).

Case Characteristics. Most Mandatory Settlement Conference (MSC) cases (85%, *n*=78) were unlawful detainer cases for a typical landlord-tenant lease agreement, but there were also 10 (11%) unlawful detainer cases related to foreclosure, 2 (2%) related to mobile homes, and 2 (2%) cases involving a trustee sale (not depicted). In each of these cases, matters related to possession of the property were at issue.

The typical unlawful detainer case had one plaintiff and two defendants. Most (90%) plaintiffs did not request or receive a fee waiver, whereas at least one defendant in 77% of cases received a fee waiver. In most cases, plaintiffs were represented by a private attorney (79%), and defendants were unrepresented (78%). Of the 18 cases where the defendant(s) obtained attorney representation, the plaintiff was unrepresented in only one instance; in all other instances, both sides were represented. Table HA56 shows the breakdown of party characteristics, split by MSC participation level.

Table HA56. Unlawful Detainer Party Characteristics by Mandatory Settlement Conference (MSC) Participation

	MSC Participation					
	Both Parties Appeared		One Party Appeared		Total	
	Role in Dispute		Role in Dispute		Role in Dispute	
Party Characteristics	**Plaintiff**	**Defendant**	**Plaintiff**	**Defendant**	**Plaintiff**	**Defendant**
Individuals per Case						
Mean (*SD*)	1.1 (0.3)	1.7 (0.8)	1.1 (0.3)	2.1 (1.2)	1.1 (0.3)	1.8 (0.9)
Median	1	2	1	2	1	2
Range	1 to 3	1 to 4	1 to 2	1 to 5	1 to 3	1 to 5
Missing	3 (4%)	3 (3%)	0 (0%)	1 (5%)	3 (3%)	4 (4%)
Fee Waiver Requests, *N* (%)						
None	63 (88%)	12 (17%)	20 (100%)	0 (0%)	83 (90%)	12 (13%)
Approved	5 (7%)	52 (72%)	0 (0%)	17 (85%)	5 (5%)	69 (75%)
Denied	0 (0%)	2 (3%)	0 (0%)	2 (10%)	0 (0%)	4 (4%)
At least one approved, one denied[a]	0 (0%)	2 (3%)	0 (0%)	0 (0%)	0 (0%)	2 (2%)
Missing	4 (6%)	4 (6%)	0 (0%)	1 (5%)	4 (4%)	5 (5%)
Attorney Representation, *N* (%)						
None	16 (22%)	52 (72%)	3 (15%)	20 (100%)	19 (21%)	72 (78%)
Legal Aid	0 (0%)	6 (8%)	0 (0%)	0 (0%)	0 (0%)	6 (7%)
Private	56 (78%)	12 (17%)	17 (85%)	0 (0%)	73 (79%)	12 (13%)
Missing	0 (0%)	2 (3%)	0 (0%)	0 (0%)	0 (0%)	2 (2%)
Total, *N* (%)	**72 (100%)**	**72 (100%)**	**20 (100%)**	**20 (100%)**	**92 (100%)**	**92 (100%)**

[a] Cases with multiple defendants in which at least one defendant had a fee waiver approved and one had a fee waiver denied.

According to the information listed on the unlawful detainer complaint, in addition to requesting that the defendant surrender possession of the property, most plaintiffs (88%) demanded holdover damages (the amount of rent accrued after the expiration of the eviction notice), 76% demanded forfeiture of the tenancy agreement, 61% demanded past rent be paid, and 45% demanded the plaintiff's attorney fees be paid. When past rent was demanded, the average amount was $2,654 (median = $1,675), and when holdover damages were demanded, the average amount was $38 (median = $39) per day. Information about the demands on the unlawful detainer complaint are presented in Table HA57.

Table HA57. Unlawful Detainer Complaint Demands by Mandatory Settlement Conference (MSC) Participation

	MSC Participation		
Demands on Complaint	**Both Parties Appeared**	**One Party Appeared**	**Total**
Holdover damages, *n* (%)	63 (88%)	18 (90%)	81 (88%)
Forfeiture of the agreement, *N* (%)	54 (75%)	16 (80%)	70 (76%)
Past rent, *n* (%)	42 (58%)	14 (70%)	56 (61%)
Reasonable attorney's fees, *n* (%)	31 (43%)	10 (50%)	41 (45%)
Statutory damages, *n* (%)	6 (8%)	1 (5%)	7 (7%)
Other requests, *n* (%)	13 (18%)	1 (5%)	14 (15%)
Missing, *N* (%)	1 (1%)	1 (5%)	2 (2%)
Total	72 (100%)	20 (100%)	92 (100%)
If Past Rent Demanded, Amount			
Mean (SD)	$2,887 (2,530)	$1,953 (1,199)	$2,654 (2,298)
Median	$1,839	$1,550	$1,675
Range	$393 to $9,710	$875 to $5,500	$393 to $9,710
Missing, *N* (%)	0 (0%)	0 (0%)	0 (0%)
If Holdover Damages Demanded, Amount Per Day			
Mean (*SD*)	$36 (14)	$42 (10)	$38 (13)
Median	$37	$44	$39
Range	$8 to $70	$18 to $55	$8 to $70
Missing, *N* (%)	2 (3%)	0 (0%)	2 (2%)

Settlement Terms. Of the 72 cases in which both parties appeared and participated in a Mandatory Settlement Conference (MSC), 79% (*n*=57) were able to reach an agreement before trial. Most (81%) of these agreements were conditional, and many specified that if the defendants met certain terms (such as vacating the premises, 72%), the plaintiff would meet other terms, such as dismissing the unlawful detainer case (42%) and/or reducing or waiving the amount owed. According to the settlement details, if all terms were met, defendants in 61% of cases would not have to pay any money and defendants in 28% of cases agreed to pay the plaintiff (this information was unknown for 11%). In cases where the parties agreed that the defendant would pay the plaintiff, the average amount was $3,002 (median = $1,993; range = $700 to $13,354); this included money for past due rent, holdover damages, costs, and other

charges.[278] In 9% of agreements, the parties agreed the plaintiff would pay the defendant an amount averaging $1,990 (median = $2,000; range = $450 to $3,500).[279] The terms of the MSC agreements are presented in Table HA58.

Table HA58. Terms of Agreements Reached via Mandatory Settlement Conference (MSC)

Terms of MSC Agreement	*N* (%)
Defendant to:	
Vacate premises	41 (72%)
Pay nothing	35 (61%)
Pay something[a]	16 (28%)
Plaintiff to:	
Dismiss UD case	24 (42%)
Extend move-out date	10 (18%)
Pay relocation costs	3 (5%)
Reinstate tenancy	3 (5%)
Return security deposit	1 (2%)
Pay/waive other costs	3 (5%)
Other Terms:	
Conditional agreement	46 (81%)
Payment plan for money owed	3 (5%)
Record sealed	3 (5%)
Neutral credit references from plaintiff	1 (2%)
Defendant to make repairs	1 (2%)
Temporary stay of eviction	1 (2%)
Total	57 (100%)

Note. Table includes 57 cases where both parties participated in a MSC and came to an agreement before trial.
[a] 16% holdover damages; 14% partial amount of rent claimed on notice; 11% all rent claimed on notice; 11% costs; 9% plaintiff's attorney fees; 9% forfeit security deposit; 2% other non-rent items; 14% other costs/fees.

[278] Standard deviation of amount defendant would pay was $2,309.
[279] In 13 cases (23%), the parties agreed the plaintiff would pay nothing, and in 39 cases (68%), the information was missing; *SD* of amount agreed to pay: $1,513.

Case Resolution. In cases where only one party appeared at the Mandatory Settlement Conference (MSC), about half (55%) resolved through a trial or hearing and the other half (40%) resolved via default "prove-up."[280] Among cases where both parties appeared at the MSC, 79% resolved through settlement or stipulation, 18% resolved through a trial or hearing, and 1% through default "prove-up" (see Table HA59). Two years post-complaint filing, court records indicated that, of the 57 cases resolved through settlement, 81% of parties successfully complied with the terms of the agreement.[281]

Table HA59. Case Resolution Method and Compliance by Mandatory Settlement Conference (MSC) Participation

	MSC Participation		
Resolution Method	**Both Parties Appeared *N* (%)**	**One Party Appeared *N* (%)**	**Total *N* (%)**
Case Resolved Via:			
Settlement/stipulation through MSC	57 (79%)	0 (0%)	57 (62%)
Trial/hearing	13 (18%)	11 (55%)	24 (26%)
Default "prove-up" [a]	1 (1%)	8 (40%)	9 (10%)
Other	1 (1%)	1 (5%)	2 (2%)
Total	72 (100%)	20 (100%)	92 (100%)
If Settlement/Stipulation, Compliance with Agreement:			
Defendant complied	46 (81%)	--	46 (81%)
Defendant did not comply	11 (19%)	--	11 (19%)
Total	57 (100%)	--	57 (100%)

[a] Default was entered because defendant did not appear at trial/hearing.

Case Outcomes. Regardless of how the case was resolved, the plaintiff obtained possession of the property in more than 90% of cases. In cases where both parties complied with the terms of the MSC agreement, the unlawful detainer case was dismissed 69% of the time, considerably more often than for other cases. Additionally, fewer writs of possession were issued and posted[282] for cases in which parties settled and complied with the MSC agreement. Among these cases, just one writ was posted, per the settlement agreement, compared to roughly two thirds of cases in the other groups. This indicates that the settlement conferences were effective in creating agreements that held up and had benefits for both parties. The final outcomes of the unlawful detainer cases are presented in Table HA60.

[280] A default "prove up" occurs when a default judgment is entered against the defendant because the defendant fails to appear at the trial or hearing.

[281] Of the 11 cases in which the defendant did not comply with the terms of the agreement, case files indicate that two did not vacate the premises on time, four did not fulfill their payment obligations, and three did not vacate and did not fulfill their payment obligations (data were missing for two cases).

[282] Writs of possession can be issued by the court as part of a settlement, and they do not have to be posted (if tenants vacate the premises on the agreed-upon date, there is no need to post the writ). Writs are posted by the sheriff when the tenant has not vacated.

Table HA60. Final Case Outcomes (Possession and Dismissals) of Unlawful Detainer Cases by Mandatory Settlement Conference (MSC) Participation

	MSC Participation				
	Both Parties Appeared				
Case Outcome	Complied with Agreement *N* (%)	Did Not Comply with Agreement *N* (%)	No Agreement Reached *N* (%)	One Party Appeared *N* (%)	Total *N* (%)
Party Awarded Possession					
Plaintiff	42 (91%)	10 (91%)	14 (93%)	19 (95%)	84 (91%)
Defendant	4 (9%)	1 (9%)[a]	1 (7%)[b]	1 (5%)	8 (9%)
Case Dismissed					
By Plaintiff	18 (39%)	1 (9%)[a]	1 (7%)[b]	0 (0%)	20 (22%)
By Court	14 (30%)	0 (0%)	0 (0%)	0 (0%)	14 (15%)
No	11 (24%)	9 (82%)	14 (93%)	20 (100%)	54 (59%)
Unknown	3 (7%)	1 (9%)	0 (0%)	0 (0%)	4 (4%)
Writ of Possession					
Not Issued	40 (87%)	3 (27%)	4 (27%)	4 (20%)	51 (55%)
Issued, but not posted	5 (11%)	0 (0%)	2 (13%)	5 (25%)	12 (13%)
Issued and posted	1 (1%)[c]	8 (73%)	9 (60%)	11 (55%)	29 (32%)
Total	**46 (100%)**	**11 (100%)**	**15 (100%)**	**20 (100%)**	**92 (100%)**

[a] The defendant initially did not comply with the terms of the MSC agreement, but after attending a subsequent MSC, the parties reached another agreement and the tenant was able to stay and the case was dismissed. [b] Case dismissed without stipulation on file. [c] Writ to issue forthwith, but no lockout before move-out date.

When defendants complied with the terms of the agreement reached during their settlement conferences, they paid nothing to the plaintiff 70% of the time. This contrasts with defendants who did not comply with their agreements, did not reach an agreement, or did not appear at the settlement conference. Among these cases, defendants paid something to the plaintiff roughly 70% of the time. Across all cases in which the defendant agreed, or was ordered, to pay the plaintiff,[283] the average amount to be paid was $3,884 (median = $3,192; range = $27 to $13,354).[284] Table HA61 shows the final stipulated judgments or court orders for MSC cases.

In addition to the monetary terms/orders regarding tenant debt, there were a small number of other terms/orders, such as the plaintiff paying the defendant, the move-out date being adjusted, the unlawful detainer record being sealed, and repairs being made. These orders occurred in a minority of cases (see Table HA61). However, quite notably, these other terms occurred only in cases where both parties came to agreement during the settlement conference and complied with the terms.[285]

[283] In 17 cases (18%), the final amount owed to the plaintiff was unknown.
[284] Standard deviation = $3,004.
[285] In the five cases where the plaintiff agreed to pay the defendant, the average amount to be paid was $1,990 (median = $2,000; range = $450 to $3,500; standard deviation = $1,513).

Table HA61. Other Final Judgments and Orders for Unlawful Detainer Cases by Mandatory Settlement Conference (MSC) Participation

	MSC Participation				
	Both Parties Appeared				
Other Final Stipulated Judgments or Court Orders	Complied with Agreement *N* (%)	Did Not Comply with Agreement *N* (%)	No Agreement Reached *N* (%)	One Party Appeared *N* (%)	Total *N* (%)
Defendant to:					
Pay nothing	32 (70%)	1 (9%)	0 (0%)	0 (0%)	33 (36%)
Pay something:	10 (22%)	7 (64%)	10 (67%)	15 (75%)	42 (46%)
Costs	3 (7%)	5 (45%)	7 (47%)	14 (70%)	29 (32%)
Holdover damages	5 (11%)	4 (36%)	5 (33%)	14 (70%)	28 (30%)
All rent claimed on notice	2 (4%)	6 (55%)	5 (33%)	13 (65%)	26 (28%)
Plaintiff attorney fees	3 (7%)	4 (36%)	3 (20%)	8 (40%)	18 (20%)
Partial amount of rent claimed on notice	5 (11%)	1 (9%)	1 (7%)	0 (0%)	7 (8%)
Non-rent items	1 (2%)	2 (18%)	1 (7%)	2 (10%)	6 (7%)
Forfeit security deposit	4 (9%)	1 (9%)	0 (0%)	0 (0%)	5 (5%)
Plaintiff to:					
Pay relocation costs	3 (7%)	0 (0%)	0 (0%)	0 (0%)	3 (3%)
Pay other costs	2 (4%)	0 (0%)	0 (0%)	0 (0%)	2 (2%)
Return security deposit	1 (2%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Other terms:					
Move-out date adjusted	9 (20%)	0 (0%)	0 (0%)	0 (0%)	9 (10%)
Record sealed	2 (4%)	0 (0%)	0 (0%)	0 (0%)	2 (2%)
Tenancy reinstated	2 (4%)	0 (0%)	0 (0%)	0 (0%)	2 (2%)
Defendant to make repairs	1 (2%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Payment plan for money owed	1 (2%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Neutral credit references from plaintiff	1 (2%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Total	**46 (100%)**	**11 (100%)**	**15 (100%)**	**20 (100%)**	**92 (100%)**

Summary of findings regarding Shriver mandatory settlement conferences

Between January 2013 and December 2014, the Shriver Housing Settlement Master provided court-based services to litigants in 337 housing-related cases. Information from a sampling of 92 unlawful detainer cases receiving these services show that:

- The typical unlawful detainer case is composed of one plaintiff and 2 defendants.
- Most defendants were low-income (defendants in 77% of cases received a fee waiver).
- Defendants in 78% of cases were unrepresented, compared to 79% of plaintiffs who were represented by private attorneys.
- In 78% of cases with a settlement conference scheduled, both parties appeared.

- Of the cases in which both parties appeared at the settlement conference, 79% reached an agreement.
- Of the cases that reached an agreement during their settlement conferences, parties in 81% of these cases complied with the terms of the agreement.
- Plaintiffs obtained possession of the property in more than 90% of all cases.
- Defendants participating in the settlement conferences and complying with the terms of the agreements ended their cases with more favorable terms. Most notably, the unlawful detainer cases against them were dismissed in 70% of such cases, they owed nothing to the plaintiff (70%), or their move-out dates were adjusted (20%).

SHRIVER PROJECT SERVICE SUMMARY: YOLO

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services databases. Data from the Yolo housing pilot project were collected on all parties seeking Shriver legal aid services from Legal Services of Northern California (LSNC-Yolo) or court-based services between February 2012 and October 2015.

What Services Were Provided?

Shriver services were provided by the legal aid agency and by the court, and because these services and their eligibility criteria differed, they are presented separately. In this section, data are presented for litigants receiving ***full representation*** from a legal aid attorney, those receiving ***expanded self-help*** (i.e., the only unbundled service) from legal aid, and those receiving ***court-based services*** from the self-help attorney/mediator.

LEGAL AID SERVICES

The Yolo housing pilot project provided legal aid services to litigants, all of whom were defendants, on a total of 1,041 unlawful detainer cases. Of these cases, 38% received full representation and 62% received expanded self-help (Table HA62). Shriver attorneys tracked the number of hours they worked on cases in 6-minute increments. Overall, Shriver attorneys worked an average of 9 hours per case (median = 5). Full representation cases received an average of 16 hours (median = 11) and expanded self-help clients received an average of 4 hours (median = 2). Importantly, these estimates reflect attorney time only and do not reflect time worked by other staff.

Table HA62. Number of Legal Aid Cases and Attorney Hours Provided per Case

Characteristic	Full Representation	Expanded Self-Help	Total
Number (%) of Litigants	393 (38%)	648 (62%)	1,041 (100%)
Attorney Hours Provided			
Mean (*SD*)	15.9 (21.4)	3.9 (4.7)	8.6 (15.1)
Median	11.2	2.4	4.9
Range	1.6 to 240.6	0.2 to 50.1	0.2 to 240.6
Missing *N* (%)	61 (16%)	131 (20%)	192 (18%)

Note. Data from the Shriver program services database (as of 10/01/15).

COURT-BASED SERVICES

The Yolo housing pilot project provided court-based Shriver services to litigants in 1,711 unlawful detainer cases. The large majority (*n*=1,630) of these cases received self-help assistance provided by an attorney; due to the brief exchange between the attorney and litigant, information about demographics or case characteristics was not collected. The remaining 81 cases were provided mediation services. As of October 2015, when the service data were collected, 65 cases had completed mediation and had available data. Among these cases, the primary litigants (i.e., the person initially seeking Shriver services from the court) included both defendants (55%; *n*=36) and plaintiffs (45%; *n*=29).

Who Received Services?

Legal Aid Services

Client Characteristics. At intake, attorneys from Legal Services of Northern California (LSNC-Yolo) collected data about their clients, including demographics, living situations, and case characteristics. Sixteen percent of Shriver cases had multiple defendants (e.g., couples). One litigant's data were used to represent each case (the "primary client" with whom the attorney had the most contact). The average age of the primary client was 43 years, the majority (67%) were female, 47% were White (non-Hispanic), 30% were Hispanic or Latino, and 33% had disabilities. Table HA63 shows the demographic characteristics of the primary clients.

Table HA63. Demographic Characteristics of Shriver Legal Aid Clients

	Level of Service		
Client Level Characteristics	**Full Representation** *N* (%)	**Expanded Self-Help** *N* (%)	**Total** *N* (%)
Age (years)			
18 to 24	33 (8%)	72 (11%)	105 (10%)
25 to 44	183 (47%)	291 (45%)	474 (46%)
45 to 61	138 (35%)	223 (34%)	361 (35%)
62 or older	37 (9%)	61 (9%)	98 (9%)
Missing/unknown	2 (1%)	1 (0%)	3 (<1%)
Gender			
Male	119 (30%)	219 (34%)	338 (32%)
Female	270 (69%)	429 (66%)	699 (67%)
Transgender	0 (0%)	0 (0%)	0 (0%)
Missing/unknown	4 (1%)	0 (0%)	4 (%)
Race/Ethnicity[a]			
Black or African American	39 (10%)	67 (10%)	106 (10%)
Hispanic/Latino	101 (26%)	210 (32%)	311 (30%)
White	199 (51%)	288 (44%)	487 (47%)
Other	46 (12%)	72 (11%)	118 (11%)
Missing/unknown/declined	8 (2%)	11 (2%)	19 (2%)
Education			
High school degree or less	86 (22%)	102 (16%)	188 (18%)
Any post-secondary	81 (21%)	106 (16%)	187 (18%)
Missing/unknown	226 (58%)	440 (68%)	666 (64%)
Disability			
Yes	137 (35%)	203 (31%)	340 (33%)
No	239 (61%)	415 (64%)	654 (63%)
Missing/unknown	17 (4%)	30 (5%)	47 (5%)
Total	393 (100%)	648 (100%)	1,041 (100%)

Note. Data from the Shriver program services database (as of 10/01/15). Limited English proficiency was not routinely assessed. [a] Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

Half (51%) of Shriver cases served by legal aid had at least one minor living in the home, and nearly one third (31%) of households received CalFresh benefits.[286] The median monthly household income was $935 (mean = $1,139) and the median monthly rental amount was $693 (median = $717). By comparison, recall that the average fair market value for a two-bedroom apartment in Yolo County is $1,104 and the median monthly household income is $4,659. Table HA64 shows the household characteristics for Shriver legal aid clients by level of service.

Table HA64. Household Characteristics of Shriver Legal Aid Clients

	Level of Service		
Household Level Characteristics	**Full Representation**	**Expanded Self-Help**	**Total**
Minors in Household, *N* (%)			
Yes	202 (51%)	333 (51%)	535 (51%)
No	190 (48%)	315 (49%)	505 (49%)
Missing/unknown	1 (<1%)	0 (0%)	1 (<1%)
Received CalFresh Benefits, *N* (%)			
Yes	150 (38%)	169 (26%)	319 (31%)
No	198 (50%)	334 (52%)	532 (51%)
Missing/unknown	45 (11%)	145 (22%)	190 (18%)
Monthly Income			
Mean (*SD*)	$1,129 (859)	$1,146 (961)	$1,139 (923)
Median	$950	$916	$935
Range [a]	$0 to $6,996	$0 to $9,600	$0 to $9,600
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
Monthly Rental Amount[b]			
Mean (*SD*)	$686 (428)	$739 (470)	$717 (454)
Median	$665	$710	$693
Range	$0 to $2,475	$0 to $3,500	$0 to $3,500
Missing/unknown, *N* (%)	29 (7%)	126 (19%)	155 (15%)
Total	393 (100%)	648 (100%)	1,041 (100%)

Note. Data from the Shriver program services database (as of 10/01/15). SD=standard deviation.
[a] Upper end of the range is high due to outlying values. At intake, four clients had monthly incomes above $5,000. When household size was taken into account, four clients had monthly incomes greater than 200% of the 2014 FPL.
[b] Monthly rental amount according to defendant at time of intake.

Most (80%; *n*=834) Shriver legal aid clients were renters/tenants of an apartment, house, or condominium. Others were current or prior owners of a foreclosed property (7%; *n*=74) or lodgers in a hotel, motel, or private residence (4%; *n*=45). Remaining cases involved clients staying with friends or family (1%; *n*=14); living in a supported environment, nursing home,

[286] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

institution, treatment center, or transitional housing (<1%; *n*=1); living in a shelter, abandoned building, or outside (2%; *n*=22); or living in another place not specified (3%; *n*=28).[287]

Opposing Party Representation. Shriver legal aid staff assessed whether the opposing party had retained legal counsel at the time of intake. As shown in Table HA65, among full representation cases, 90% of defendants faced an opposing party with legal representation (this information was missing for approximately 7% of cases). Among cases that received expanded self-help, 63% of defendants faced an opposing party with legal representation, but this information was missing or unknown for 29% of cases.

Table HA65. Opposing Party Representation at Intake for Legal Aid Clients

	Level of Service		
Plaintiff Represented by Counsel	**Full Representation** *N* (%)	**Expanded Self-Help** *N* (%)	**Total** *N* (%)
Yes	353 (90%)	408 (63%)	761 (73%)
No	11 (3%)	54 (8%)	65 (6%)
Missing/unknown	29 (7%)	186 (29%)	215 (21%)
Total	393 (100%)	648 (100%)	1,041 (100%)

Note. Data from the Shriver program services database (as of 10/01/15).

Case Characteristics. At the time of Shriver intake, an answer had not yet been filed in 76% of cases. Specifically, in 31% of cases, a complaint had not yet been filed with the court (pre-filing status), and in 45%, a complaint was filed, but no response had yet been filed. In 3% of cases, the litigant had already missed the window to file an answer and a default judgment had been entered. In 1% of cases, an answer had been filed prior to seeking Shriver services.

The most common type of eviction notice was a 3-day pay, perform, or quit (71%; *n*=569), followed by a 30- to 90-day notice to terminate (17%; *n*=136), which is used for tenancies with indefinite rental agreements.[288] Of those cases with information about an eviction notice, the most frequent reason listed was for non-payment of rent (65%), followed by violation of lease terms (7%), and foreclosure (6%). In cases where the notice indicated non-payment of rent, the median amount demanded on the notice was $1,050 (mean = $1,555; range = $0 to $15,000). In 61% of cases, defendants owed between $501 and $2,000 according to the eviction notice. In 14% of cases, the amount was $500 or less, highlighting the financial vulnerability of many litigants. Table HA66 shows the reason listed on the eviction notice (if applicable), and for cases that included non-payment of rent, the amount demanded.

[287] 2% (*n*=23) of cases were missing information about the client's living situation.

[288] The remainder of eviction notices were 7- to 14-day terminations (*n*=14; 2%) or other types of notices (*n*=45; 6%); 42 (5%) cases were missing information about the eviction notice, likely because the unlawful detainer is based on the end of a fixed-term lease and no notice was necessary.

Table HA66. Status at Intake for Shriver Legal Aid Cases

	Level of Service		
Case Characteristics	**Full Representation** *N* (%)	**Expanded Self-Help** *N* (%)	**Total** *N* (%)
Case Status at Shriver Intake			
No formal eviction notice served	15 (4%)	87 (13%)	102 (10%)
Service of notice to terminate tenancy	85 (22%)	129 (20%)	214 (21%)
Complaint or Summons and Complaint filed	230 (59%)	242 (37%)	472 (45%)
Default judgment entered	8 (2%)	25 (4%)	33 (3%)
Answer/response filed	9 (2%)	6 (1%)	15 (1%)
Judgment entered (not through default)	3 (1%)	0 (0%)	3 (0%)
Writ issued/notice to vacate from sheriff	14 (4%)	39 (6%)	53 (5%)
Other	3 (1%)	13 (2%)	16 (2%)
Missing/unknown	26 (7%)	107 (17%)	133 (13%)
Total	393 (100%)	648 (100%)	1,041 (100%)
If Eviction Notice Served, Reason Listed			
Non-payment of rent	222 (63%)	298 (66%)	520 (65%)
Foreclosure	31 (9%)	17 (4%)	48 (6%)
Violation of lease terms	28 (8%)	27 (6%)	55 (7%)
Nuisance (e.g., dispute with neighbors)	4 (1%)	4 (1%)	8 (1%)
Other	18 (5%)	29 (6%)	47 (6%)
Multiple reasons	14 (4%)	15 (3%)	29 (4%)
None needed[a]	24 (7%)	33 (7%)	57 (7%)
Missing/unknown	11 (3%)	31 (7%)	42 (5%)
Total	352 (100%)	454 (100%)	806 (100%)
If For Non-Payment of Rent, Amount Demanded on Eviction Notice[b]			
$0 to $100	5 (2%)	9 (3%)	14 (3%)
$101 to $500	27 (11%)	34 (11%)	61 (11%)
$501 to $1,000	73 (31%)	107 (34%)	180 (33%)
$1,001 to $2,000	75 (32%)	76 (24%)	151 (28%)
$2,001 to $3,000	19 (8%)	35 (11%)	54 (10%)
$3,001 to $4,000	11 (5%)	13 (4%)	24 (4%)
$4,001 to $5,000	3 (1%)	8 (3%)	11 (2%)
$5,001 or more	8 (3%)	8 (3%)	16 (3%)
Missing/unknown	15 (6%)	23 (7%)	38 (7%)
Total	236 (100%)	313 (100%)	549 (100%)

Note. Data from the Shriver program services database (as of 10/01/15). [a] Some types of eviction notices (e.g., 30- to 90-day notices) do not require the landlord to state a reason for the eviction. [b] Includes cases where non-payment of rent or multiple reasons were listed as reasons on the notice.

In 13% of cases (*n*=134), the tenant lived in subsidized housing, which often requires a different process for unlawful detainer cases (e.g., a longer notification period or different reasons for tenancy termination). The Yolo housing pilot project also indicated that 12% (*n*=124) of Shriver

cases had other special characteristics, including owner or tenant of a foreclosed property (3%; *n*=35), military personnel or veterans living in the household (1%; *n*=13), housing provided as part of employment (1%; *n*=11), or bankruptcy (<1%; *n*=2).[289]

Almost 2% (*n*=18) of Shriver cases had a defendant with an active domestic violence restraining order in place at the time of intake. In 9% of cases (*n*=98), the Shriver client alleged some type of discrimination from the landlord, with the most common allegations based on disability status (3%), race (1%), retaliation (1%), and familial status (1%); 2% had multiple allegations.

COURT-BASED SERVICES

Due to the short duration of interactions between the Shriver self-help attorney and litigants, information about litigant demographics and case characteristics was available only for litigants who received mediation services (*n*=65). The mediator provided assistance to both low-income defendants and plaintiffs, and case information was entered into the project database from the perspective of the primary Shriver litigant (i.e., the party initially seeking Shriver services).

Litigant and Case Characteristics. The average age of the primary litigant receiving Shriver court-based mediation services was 46 years (median = 45), although the median age of plaintiffs was higher (between 45 and 61 years) than for defendants (between 25 and 44 years). A little over half of both groups were female. Table HA67 shows the available demographic information for the litigants receiving court-based mediation.

Table HA67. Demographic Characteristics of Litigants Receiving Shriver Court-Based Mediation Services

	Litigant Role		
Litigant Characteristics	**Defendant *N* (%)**	**Plaintiff *N* (%)**	**Total *N* (%)**
Age			
17 to 24	3 (8%)	2 (7%)	5 (8%)
25 to 44	18 (50%)	5 (17%)	23 (35%)
45 to 61	10 (28%)	13 (45%)	23 (35%)
62 or older	2 (6%)	8 (28%)	10 (15%)
Missing/unknown	3 (8%)	1 (3%)	4 (6%)
Gender			
Male	12 (33%)	13 (45%)	25 (38%)
Female	20 (56%)	16 (55%)	36 (55%)
Missing/unknown	4 (11%)	0 (0%)	4 (6%)
Total	36 (100%)	29 (100%)	65 (100%)

Note. Data from the Shriver program services database (as of 10/01/15). Demographic data describe the primary litigant (the one initially seeking Shriver court services). Information about other background characteristics was not tracked consistently over the years, and is therefore omitted from the table above.

[289] Another 56 cases (5%) had a special circumstance not listed, such as residing in a mobile home park (a focus of this project), residing in Low Income Housing Tax Credit units, or other factors indicating client vulnerability.

At the conclusion of Shriver mediation services, 51% of cases successfully negotiated a settlement, 6% were dismissed by the plaintiff (typically because the tenant moved out of the unit, and possession was no longer at issue), and 18% of cases proceeded to trial (Table HA68). The remaining 25% of cases included those where no official unlawful detainer complaint was filed (pre-filing status) and those resolved through some other means, and those in which the outcome was unknown to the mediator because one of the parties was unable to be reached.

Table HA68. Outcomes for Cases Receiving Shriver Court-Based Mediation Services

	Litigant Role		
Mediation Outcome	**Defendant** ***N*** **(%)**	**Plaintiff** ***N*** **(%)**	**Total** ***N*** **(%)**
Dismissed	3 (8%)	1 (3%)	4 (6%)
Settled	17 (47%)	16 (55%)	33 (51%)
Proceeded to trial	8 (22%)	4 (14%)	12 (18%)
Other/unknown	8 (22)%	8 (28%)	16 (25%)
Total	36 (100%)	29 (100%)	65 (100%)

Note. Data from the Shriver program services database (as of 10/01/15).

Case Proceedings and Outcomes

The remainder of this section on the Yolo project reflects only Shriver cases that received full representation from LSNC-Yolo.[290] Attorneys did not follow expanded self-help clients through to the resolution of their case, so outcomes of these cases were unknown.

Participation in the Justice System

Answers filed

To participate in the justice system—that is, to avoid defaulting on an unlawful detainer case—defendants must file an answer (or other response) to the complaint filed by the landlord. As shown in Table HA69, defendants in 74% of Shriver full representation cases (*n*=289) filed responses with the court. In most cases (71%), an answer was filed; in a few cases (3%), a demurrer or other response was filed. (Recall that only 1% of full representation cases had an answer filed at intake.) In 17% of cases, an official response to the complaint was not needed, because the case was settled outside of court. In 1% of cases, there was no official response filed by the defendant because the plaintiff dismissed the case. A common reason for a plaintiff to dismiss a case is that the defendant moved out, and possession of the unit is no longer at issue,[291] although the exact reason for dismissal was unknown for these cases.

Among full representation cases, 92% of defendants participated in the judicial system. Notably, only one default judgment was entered because the client failed to respond.

[290] One full representation case (<1%) was excluded from these analyses because there was never an unlawful detainer complaint filed with the court.

[291] In these instances, the plaintiff has the option to convert the UD case or to refile as a general civil proceeding for money owed, so although the UD case may be over, the defendant could still face other civil litigation.

Table HA69. Response to Unlawful Detainer Complaint by Defendants in Full Representation Cases

Response to Unlawful Detainer Complaint	*N* (%)
Action filed with court:	
Answer	279 (71%)
Other response (e.g., motion to set aside default, demurrer)	10 (3%)
No official response:	
Settled outside of court	66 (17%)
Plaintiff dismissed case[a]	4 (1%)
Default remains	1 (<1%)
Other	5 (1%)
Missing/unknown	27 (7%)
Total	392 (100%)

Note. Data from the Shriver program services database (as of 10/01/15).
[a] Not through negotiated settlement.

Court Efficiency

Case resolution

Three fourths (75%) of Shriver full representation cases were resolved by settlement, 7% were dismissed by the plaintiff, and 7% were resolved through a trial or hearing. Of those resolved through trial or hearing, one resolved via jury trial. The method of resolution for full representation cases is displayed in Table HA70.

Table HA70. Case Resolution Method for Full Representation Cases

Case Resolution Method	*N* (%)
Settlement/stipulation	293 (75%)
Plaintiff Dismissal	29 (7%)
Trial/hearing	28 (7%)
Other	12 (3%)
Missing/unknown	30 (8%)
Total	392 (100%)

Note. Data from the Shriver program services database (as of 10/01/15).

Point of Settlement. Of the 293 full representation cases that were settled, 12% were settled before filing, and 45% were settled before the trial (see Table HA71). Both of these scenarios maximize efficiency for the court. One quarter (26%) were settled on the day of (or during) trial, which is when most parties are able to come together to discuss the terms of the case. Twelve percent (*n*=34) were settled at some other point post-filing.

Table HA71. Point of Settlement for Full Representation Cases

Point of Settlement	*N* (%)
Pre-filing	34 (12%)
Post-filing, pre-trial	133 (45%)
On the day of trial	72 (25%)
During trial	2 (1%)
Other post-filing	34 (12%)
Other, not specified	15 (5%)
Missing/unknown	3 (1%)
Total	293 (100%)

Note. Data obtained from the Shriver program services database (as of 10/01/15). Limited to settled cases.

Case length

As mentioned earlier, the California Administrative Office of the Courts has a goal to resolve 90% of unlawful detainer cases within 30 days of complaint filing, and 100% of cases within 45 days of filing. Across full representation cases, 32% were resolved within 30 days of the complaint filing and 54% were resolved within 45 days (note that 20% were missing data). The average length of unlawful detainer cases (measured from the date of complaint filing to the date of disposition) was 46 days for full representation cases (median = 35).[292] Table HA72 shows the numbers and percentages of full representation cases resolved within each benchmark period.

Table HA72. Case Age for Full Representation Cases

	Case Resolution Method				
Case Age	**Plaintiff Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial/ Hearing** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
30 days or less	6 (21%)	113 (39%)	5 (18%)	3 (7%)	127 (32%)
31 to 45 days	5 (17%)	71 (24%)	9 (32%)	3 (7%)	88 (22%)
46 days or more	9 (31%)	75 (26%)	11 (39%)	2 (5%)	97 (25%)
Missing/unknown	9 (31%)	34 (12%)	3 (11%)	34 (81%)	80 (20%)
Total	29 (100%)	293 (100%)	28 (100%)	42 (100%)	392 (100%)

Note. Data obtained from the Shriver program services database (as of 10/01/15).

[292] Ranging from 1 to 377 days; median = 35 days, *SD* = 44 days.

CASE OUTCOMES

Housing stability

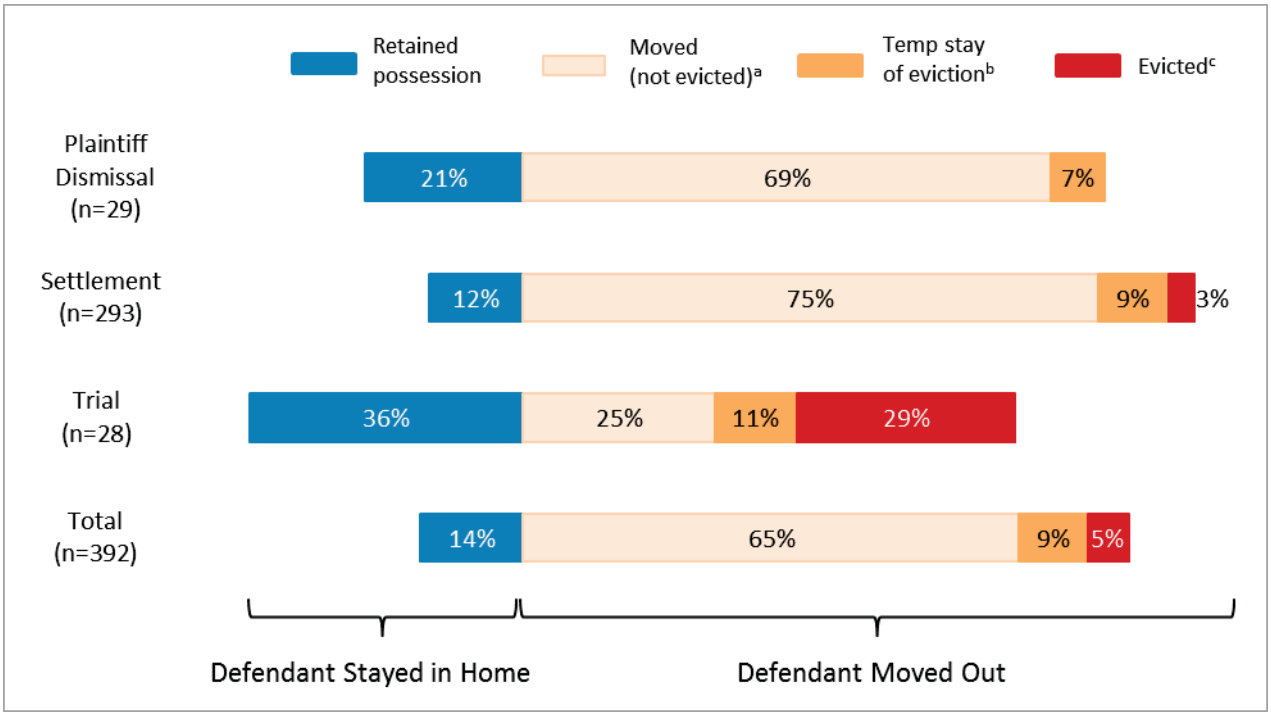
From the perspective of the tenants, being able to stay in their homes and avoiding the burden and disruption of a forced relocation is a noteworthy and positive outcome. However, in instances when a tenant must relocate, other factors—such as having additional time to move out, obtaining neutral references from landlords, or retaining housing subsidies (e.g., Housing Choice Vouchers)—can support one's ability to find new and affordable housing more quickly. Finding new housing quickly can help tenants avoid interstitial periods of homelessness or "couch-surfing" and provide stability for families and children attending school. This section describes the outcomes of full representation cases, including whether tenants were able to remain in their homes and other outcomes that can contribute to successful housing transition, when moving is necessary.

Possession of Property. At the time of Shriver intake, clients were asked by attorneys from Legal Services of Northern California (LSNC-Yolo) whether they wished to continue to reside in their homes. Of the 392 full representation cases, defendants in 61% of cases (*n*=240) wished to remain in their current residences, 31% (*n*=122) did not want to stay, and the remaining 8% (*n*=30) were uncertain or their responses were unknown. At the end of the court case, tenants in 14% of cases (*n*=53) were able to remain in their homes, because they retained possession of the unit. In 79% of cases (*n*=310), the landlord obtained possession and the tenants had to move out of their homes. Figure HA7 depicts the proportions of cases in which the tenants moved versus stayed.

Most tenants moved as part of a negotiated agreement. There were comparably fewer instances of evictions.[293] A small but notable group received a temporary stay of eviction, whereby the court awarded possession of the unit to the plaintiff, but postponed the eviction due to extreme hardship on behalf of the defendant.

[293] Eviction describes the situation where a defendant was ruled against in a court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement; this usually results in an unlawful detainer case viewable on their public record.

Figure HA7. Housing Stability for Full Representation Clients by Case Resolution Method



Note. There were 42 cases where the method of case resolution was missing or resolved through some other method; these cases were included in the total above, but not represented separately. [a] Defendant moved as part of negotiated agreement or before unlawful detainer hearing or trial judgment. [b] Court granted possession of the unit to the plaintiff (landlord), but postponed the eviction due to extreme hardship on behalf of the defendant. [c] Defendant ruled against in court hearing, trial, or through default judgment, or failed to comply with the conditions of their settlement.

Other Outcomes among Defendants Who Moved. Tenants in 79% of full representation cases moved out of their homes at the end of their court cases. Importantly, in 76% of these cases, the move-out date was extended, allowing the tenants more time to find alternate housing. Cases that were settled had the highest rate of extended move-out periods. Recall that 57% of settled cases were resolved *before* the day of trial, which contributes to an overall shorter case length for settled cases compared to those that proceeded to trial. That is trials do not necessarily result in more time to move out than do negotiated settlements. Findings are shown in Table HA73.

Among full representation cases of the Yolo housing pilot project, 88% resulted in some sort of positive outcome that supported the tenant's longer term housing stability. In 52% of cases, the amount of back-owed rent was reduced, and in 10% of cases, it was waived. In 16% of cases, the defendant agreed to pay all of the back-owed rent. Eighteen percent established a payment plan to handle repayment. In cases where the defendant lived in subsidized housing, 28% retained their Housing Choice Vouchers. Analysis combined outcomes related to decreasing out-of-pocket expenses for the defendant to yield a single indicator of any financial benefit to the defendant at case closure. Across cases in which the tenant moved out, 74% resulted in some positive financial benefit—this was 81% among settled cases.

Attorneys from Legal Services of Northern California (LSNC-Yolo) stated a major objective to avoid having a client's unlawful detainer judgment appear in the public record. Across full representation cases in which the tenants moved out, attorneys were able to achieve a positive credit-related outcome for 71% of cases. Specifically, in 54% of cases, defendants avoided having the unlawful detainer case reported to credit agencies; in 54%, the unlawful detainer case was masked from public view; and in 30% of cases, defendants obtained neutral references from the landlord.

Table HA73. Tenants Who Moved Out:
Percentage of Full Representation Cases Receiving Each Outcome

	Case Resolution Method				
Outcome	**Plaintiff Dismissal** *N* (%)	**Settlement** *N* (%)	**Trial** *N* (%)	**Other/ Missing** *N* (%)	**Total** *N* (%)
Litigants Moving Out	*n*=22	*n*=257	*n*=18	*n*=13	*n*=310
Physical Outcomes					
Move-Out Date Adjusted	9 (41%)	214 (83%)	7 (39%)	7 (54%)	237 (76%)
Mean Number of Days to Move (*SD*)[a]	23 (*9*)	8 (*41*)	64 (*20*)	64 (--)	46 (*39*)
Financial Outcomes					
Pay Plaintiff's Attorney Fees	0 (0%)	29 (11%)	8 (44%)	3 (23%)	40 (13%)
Pay All Rent Owed	0 (0%)	41 (16%)	6 (33%)	2 (15%)	49 (16%)
Rental Amount Owed Reduced	8 (36%)	144 (56%)	6 (33%)	3 (23%)	161 (52%)
Rental Amount Owed Waived	0 (0%)	29 (11%)	2 (11%)	0 (0%)	31 (10%)
Payment Plan for Money Owed	0 (0%)	55 (21%)	0 (0%)	1 (8%)	56 (18%)
Preserved Housing Choice Voucher/Sec. 8[b]	2 (50%)	13 (30%)	0 (0%)	0 (0%)	15 (28%)
Received Any Positive Financial Outcome[c]	***10 (45%)***	***207 (81%)***	***8 (44%)***	***4 (31%)***	***229 (74%)***
Credit-Related Outcomes					
Neutral References from Landlord	5 (23%)	82 (32%)	3 (17%)	3 (23%)	93 (30%)
Not Reported to Credit Agencies	9 (41%)	149 (58%)	4 (22%)	5 (38%)	167 (54%)
Record Masked from Public View	14 (64%)	146 (57%)	4 (22%)	3 (23%)	167 (54%)
Received Any Positive Credit Outcome[d]	***15 (68%)***	***194 (75%)***	***6 (33%)***	***5 (38%)***	***220 (71%)***
Received Any Positive Outcome[e]	**16 (73%)**	**238 (93%)**	**10 (56%)**	**8 (62%)**	**272 (88%)**

Note. Data obtained from the Shriver program services database (as of 10/01/15).
[a] Calculated as the number of days from complaint filing to move-out date. SD=standard deviation. Not able to be calculated for the cases in the Other/missing column. [b] Calculated out of the number of cases where the defendant(s) lived in subsidized housing (*n*=53). [c] Calculated from all monetary items, except where the litigant had to pay for the plaintiff's (landlord's) attorney fees or had to pay back all money owed. [d] Calculated from all credit-related outcomes. [e] Calculated from all monetary and/or credit-related outcomes, except where indicated above.

Shriver Housing Pilot Projects Appendix B: Landlord Client Characteristics

Landlord Client Characteristics

What Services Were Offered to Plaintiffs (Landlords) from the Shriver Housing Pilot Projects?

There were a variety of Shriver service offerings available to plaintiffs (e.g., landlords) across most of the Shriver housing pilot project locations. Five out of the six projects offered services to plaintiffs, and services were provided by legal aid agencies, court self-help centers, or both. The most common types of services offered were mediation (e.g., early dispute resolution, facilitated discussion, or settlement conferences) and assistance with paperwork. Two Shriver projects (Los Angeles and Santa Barbara) offered unbundled services and full representation from the legal aid services agency.

Shriver services available from the court had varying degrees of income requirements, as some projects necessitated that at least one party in the dispute have an income not greater than 200% of the Federal Poverty Level (FPL) in order to participate in early dispute resolution services, while other projects offered services to anyone presenting at the self-help center for assistance. However, in order to receive legal services from one of the legal aid agencies, the plaintiff had to meet the statutory eligibility requirements: a monthly income not greater than 200% of FPL, an unlawful detainer case, facing a represented opposing party, and any other applicable Legal Services Corporation requirements. Very few plaintiffs received Shriver legal aid services (*n*=66), presumably because they were generally not eligible. Table HA74 shows the types of services offered to plaintiffs by each of the participating Shriver projects.

Table HA74. Shriver Legal Aid (L) and Court-Based (C) Shriver Services Offered to Plaintiffs (Landlords) by Project

	Shriver Service Location				
Shriver Services Available	**Kern**	**Los Angeles**	**Sacramento**	**Santa Barbara**	**Yolo**
Language interpretation		L			C
Assistance with filing/paperwork	C	L		L	C
Education	C	L		L, C	
Referral	C			L	
Brief counsel and advice		L		L	
Mediation, facilitated discussion, or other early dispute resolution	C		L[a]	L	C
Settlement conference				C	
Other unbundled services	C	L	L[a]	L	
Full representation		L		L	

[a] Limited assistance representation and represented mediation were services available through LSNC-Sacramento's partnering agency, McGeorge Housing Mediation Center (University of the Pacific).
Note. The San Diego housing pilot project did not serve plaintiffs. Legal aid services were provided for defendants and there were no court-based Shriver services available.

Due to the brief interactions that most court self-help centers have with litigants, information about demographic and background characteristics is not systematically recorded by court staff. Thus, detailed information about plaintiffs seeking court-based Shriver services was generally not available. However, the two projects that offered legal aid services to low-income plaintiffs, Los Angeles and Santa Barbara, gathered this information for all litigants receiving their services. The information represented in the following section therefore represents a subset of all plaintiffs served by the Shriver housing pilot project (namely, those who were eligible for and received help from legal aid).

Legal aid services

Litigants receiving full representation from a legal aid attorney are categorized as ***full representation*** clients and those receiving any other type of legal aid service are referred to as ***unbundled services*** clients.

Between February 2012 and October 2015, the Shriver housing pilot projects in Los Angeles and Santa Barbara provided legal aid representation to plaintiffs on a total of 66 cases in unlawful detainer (UD) lawsuits. A large majority (*n*=58) of these litigants were served by the Los Angeles housing pilot project, with the remainder (*n*=8) served by the Santa Barbara housing pilot project. Of all cases, just under half (45%) received full representation (Table HA75).

Shriver attorneys tracked the total number of hours they spent working on cases in 1-hour increments. Table HA75 shows the mean (and median) number of hours attorneys worked on housing cases, by the level of service. Importantly, these estimates reflect attorney time only and do not reflect time worked by other staff, such as intake coordinators or paralegals. Overall, Shriver attorneys worked an average of 6.8 hours per case (median = 1.4 hours). Full representation cases received an average of 12 hours (median = 6) and unbundled services cases received an average of 1 hour (median = 1).

Table HA75. Number of Legal Aid Cases (Plaintiffs) and Attorney Hours Provided per Case

	Level of Service		
Characteristic	**Full Representation**	**Unbundled Services**	**Total**
Shriver Project *N* (%)			
Los Angeles	28 (48%)	30 (52%)	58 (100%)
Santa Barbara	2 (25%)	6 (75%)	8 (100%)
Total	30 (45%)	36 (55%)	66 (100%)
Attorney Hours Provided			
Mean (*SD*)	11.5 (20.2)	1.2 (0.3)	6.8 (15.6)
Median	5.8	1.2	1.4
Range	1.25 to 88.0	0.2 to 1.5	0.2 to 88.0
Missing N (%)	11 (37%)	20 (56%)	31 (47%)

Note. Data obtained from the Shriver project services database (as of 10/18/15).

WHO WERE THE PLAINTIFFS THAT RECEIVED LEGAL AID SERVICES?

Client Characteristics. At Shriver intake, legal aid staff collected data about clients, including demographics, living situations, and case characteristics. Most (62%) clients were female, about half (48%) were Hispanic/Latino, 20% were Black/African American, and 44% had limited English proficiency, and 18% had a known or observable disability (note that 33% of clients were missing this information). Table HA76 shows the client characteristics in these 66 cases.

Table HA76. Demographic Characteristics of Shriver Legal Aid Clients (Plaintiffs)

	Level of Service		
Client Level Characteristics	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Age			
18 to 24	0 (0%)	1 (3%)	1 (2%)
25 to 44	17 (57%)	24 (67%)	41 (62%)
45 to 61	9 (30%)	9 (25%)	18 (27%)
62 or older	3 (10%)	1 (3%)	4 (6%)
Missing/unknown	1 (3%)	1 (3%)	2 (3%)
Gender			
Male	9 (30%)	15 (42%)	24 (36%)
Female	20 (67%)	21 (58%)	41 (62%)
Transgender	0 (0%)	0 (0%)	0 (0%)
Missing/unknown	1 (3%)	0 (0%)	1 (2%)
Race/Ethnicity[a]			
Black or African American	4 (13%)	9 (25%)	13 (20%)
Hispanic/Latino	19 (63%)	13 (36%)	32 (48%)
White	1 (3%)	4 (11%)	5 (8%)
Other	1 (3%)	2 (6%)	3 (5%)
Missing/unknown/declined	5 (17%)	8 (22%)	13 (20%)
Education			
High school degree or less	18 (60%)	11 (31%)	29 (44%)
Any post-secondary	1 (3%)	5 (14%)	6 (9%)
Missing/unknown	11 (37%)	20 (56%)	31 (47%)
Limited English Proficiency			
Yes	18 (60%)	11 (31%)	29 (44%)
No	12 (40%)	25 (69%)	37 (56%)
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
Disability			
Yes	7 (23%)	5 (14%)	12 (18%)
No	16 (53%)	16 (44%)	32 (48%)
Missing/unknown	7 (23%)	15 (42%)	22 (33%)
Total	30 (100%)	36 (100%)	66 (100%)

Note. Data obtained from the Shriver project services database (as of 10/18/15). Includes only clients who were plaintiffs/landlords served by Los Angeles and Santa Barbara.
[a] Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

Plaintiff clients had evidence of low incomes. One third (33%) received CalFresh benefits.[294] Their median monthly income was $1,159 (mean = $1,335). Table HA77 details the household characteristics for Shriver cases served by legal aid, broken down by level of service.

Table HA77. Household Characteristics of Shriver Legal Aid Clients (Plaintiffs)

	Level of Service		
Household Level Characteristics	**Full Representation**	**Unbundled Services**	**Total**
Received CalFresh Benefits, *N* (%)			
Yes	13 (43%)	9 (25%)	22 (33%)
No	15 (50%)	27 (75%)	42 (64%)
Missing/unknown	2 (7%)	0 (0%)	2 (3%)
Monthly Income			
Mean (SD)	$1,479 (928)	$1,216 (1,202)	$1,335 (1,085)
Median	$1,243	$943	$1,159
Range	$0 to $4,000	$0 to $6,500	$0 to $6,000
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
Total	30 (100%)	36 (100%)	66 (100%)

Note. Data obtained from the Shriver project services database (as of 10/18/15).

Opposing Party Representation. Shriver legal aid staff also tracked whether or not the opposing party acquired legal counsel at the time of client intake. For plaintiffs receiving full representation from legal aid, 97% faced an opposing party with legal representation. Among cases receiving unbundled services, at least 81% faced an opposing party with legal representation, but this information was missing for about 19% of cases. Table HA78 shows the numbers and percentages of cases with opposing parties represented by legal counsel, by level of service received by the Shriver client.

Table HA78. Opposing Party Representation at Intake for Legal Aid Clients (Plaintiffs)

	Level of Service		
Opposing Party Represented by Counsel	**Full Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Yes	29 (97%)	29 (81%)	58 (88%)
No	1 (3%)	0 (0%)	1 (2%)
Missing/unknown	0 (0%)	7 (19%)	7 (11%)
Total	30 (100%)	36 (100%)	66 (100%)

Note. Data obtained from the Shriver project services database (as of 10/18/15).

[294] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

Shriver Housing Pilot Projects
Appendix C: Supplemental Cost Tables

Supplemental Cost Tables

Table HA79. Average Cost per Case for Legal Aid Services in FY 2014 – Invoice Calculations – Kern

Level of Service	Total Invoiced amount FY 2014	Mean Atty Hours per case	Relative Level of Effort (LOE)[a] X	Number of cases	=	Number of LOE Units in FY 2014	Cost per unit[b]	Average cost per case[c]
Full Representation		12.9	4.6	143		659		$289 * 4.6 = $1,333
Unbundled services		2.8	1.0	235		235		$289 * 1.0 = $289
Total	**$258,538**			**378**		**894**	**$258,538/894=$289**	

[a] Relative level of effort (LOE) was estimated to reflect the proportional difference in resources needed to provide the two levels of service. Specifically, the average number of attorney hours for both full representation (12.9 hours) and unbundled service provision (2.8 hours) was divided by 2.8, to develop a ratio. In this case, the ratio was 4.6 to 1.0.
[b] LOE units were a standardized unit of measure across the levels of service. The cost per LOE unit was calculated by dividing the total amount invoiced ($258,538) by the total number of LOE units (894), yielding a cost per unit of $289.
[c] Average cost per case was calculated by multiplying the cost per LOE unit by the number of LOE units by level of service (i.e., relative level of effort).

Table HA80. Average Cost per Case for Legal Aid Services in FY 2014 – Invoice Calculations – Los Angeles

Level of Service	Total Invoiced amount FY 2014	Average Atty Hours per case	Relative Level of Effort (LOE)[a] X	Number of cases	=	Number of LOE Units in FY 2014	Cost per unit[b]	Average cost per case[c]
Full Representation		11.8	8.4	1,392		11,733		$169 * 8.4 = $1,425
Unbundled services		1.4	1.0	1,809		1,809		$169 * 1.0 = $169
Total	**$2,289,762**			**3,201**		**13,542**	**$2,289,762/13,542= $169**	

[a] Relative level of effort (LOE) was estimated to reflect the proportional difference in resources needed to provide the two levels of service. Specifically, the average number of attorney hours for both full representation (11.8 hours) and unbundled service provision (1.4 hours) was divided by 1.4, to develop a ratio. In this case, the ratio was 8.4 to 1.0.
[b] LOE units were a standardized unit of measure across the levels of service. The cost per LOE unit was calculated by dividing the total amount invoiced ($2,289,762) by the total number of LOE units (13,542), yielding a cost per unit of $169.
[c] Average cost per case was calculated by multiplying the cost per LOE unit by the number of LOE units by level of service (i.e., the relative level of effort).

Table HA81. Average Cost per Case for Legal Aid Services in FY 2014 – Invoice Calculations – Sacramento

Level of Service	Total Invoiced amount FY 2014	Average Atty Hours per case	Relative Level of Effort (LOE)[a]	X	Number of cases	=	Number of LOE Units in FY 2014	Cost per unit[b]	Average cost per case[c]
Full Representation		13.4	4.5		282		1,260		$235 * 4.5 = $1,050
Unbundled services		3.0	1.0		501		501		$235 * 1.0 = $235
Total	**$413,952**				**783**		**1,761**	**$413,952/1,761=$235**	

[a] Relative level of effort (LOE) was estimated to reflect the proportional difference in resources needed to provide the two levels of service. Specifically, the average number of attorney hours for both full representation (13.4 hours) and unbundled service provision (3.0 hours) was divided by 3.0, to develop a ratio. In this case, the ratio was 4.5 to 1.0.
[b] LOE units were a standardized unit of measure across the levels of service. The cost per LOE unit was calculated by dividing the total amount invoiced ($413,952) by the total number of LOE units (1,761), yielding a cost per unit of $235.
[c] Average cost per case was calculated by multiplying the cost per LOE unit by the number of LOE units by level of service (i.e., relative level of effort).

Table HA82. Average Cost per Case for Legal Aid Services in FY 2014 – Invoice Calculations – San Diego

Level of Service	Total Invoiced amount FY 2014	Average Atty Hours per case	Relative Level of Effort (LOE)[a]	X	Number of cases	=	Number of LOE Units in FY 2014	Cost per unit[b]	Average cost per case[c]
Full Representation		11.9	2.2		1,146		2,525		$601 * 2.2 = $1,325
Unbundled services		5.4	1.0		76		76		$601 * 1.0 = $601
Total	**$1,564,291**				**1,222**		**2,601**	**$1,564,291/2,601=$601**	

[a] Relative level of effort (LOE) was estimated to reflect the proportional difference in resources needed to provide the two levels of service. Specifically, the average number of attorney hours for both full representation (11.9 hours) and unbundled service provision (5.4 hours) was divided by 5.4, to develop a ratio. In this case, the ratio was 2.2 to 1.0.
[b] LOE units were a standardized unit of measure across the levels of service. The cost per LOE unit was calculated by dividing the total amount invoiced ($1,564,291) by the total number of LOE units (2,601), yielding a cost per unit of $601.
[c] Average cost per case was calculated by multiplying the cost per LOE unit by the number of LOE units by level of service (i.e., the relative level of effort).

Table HA83. Average Cost per Case for Legal Aid Services in FY 2014 – Invoice Calculations – Santa Barbara

Level of Service	Total Invoiced amount FY 2014	Average Atty Hours per case	Relative Level of Effort (LOE)[a]	X	Number of cases	=	Number of LOE Units in FY 2014	Cost per unit[b]	Average cost per case[c]
Full Representation		14.0	5.8		71		414		$672 * 5.8 = $3,923
Unbundled services		2.4	1.0		308		308		$672 * 1.0 = $672
Total	**$485,604**				**379**		**722**	**$485,604/722=$672**	

[a] Relative level of effort (LOE) was estimated to reflect the proportional difference in resources needed to provide the two levels of service. Specifically, the average number of attorney hours for both full representation (14.0 hours) and unbundled service provision (2.4 hours) was divided by 2.4, to develop a ratio. In this case, the ratio was 5.8 to 1.0.
[b] LOE units were a standardized unit of measure across the levels of service. The cost per LOE unit was calculated by dividing the total amount invoiced ($485,604) by the total number of LOE units (722), yielding a cost per unit of $672.
[c] Average cost per case was calculated by multiplying the cost per LOE unit by the number of LOE units by level of service (i.e., the relative level of effort).

Table HA84. Average Cost per Case for Legal Aid Services in FY 2014 – Invoice Calculations – Yolo

Level of Service	Total Invoiced amount FY 2014	Average Atty Hours per case	Relative Level of Effort (LOE)[a]	X	Number of cases	=	Number of LOE Units in FY 2014	Cost per unit[b]	Average cost per case[c]
Full Representation		14.6	3.0		113		337		$359 * 2.9 = $1,071
Unbundled services		4.9	1.0		139		139		$359 * 1.0 = $359
Total	**$170,961**				**252**		**475**	**$170,961/475=$359**	

[a] Relative level of effort (LOE) was estimated to reflect the proportional difference in resources needed to provide the two levels of service. Specifically, the average number of attorney hours for both full representation (14.6 hours) and unbundled service provision (4.9 hours) was divided by 4.9, to develop a ratio. In this case, the ratio was 3.0 to 1.0.
[b] LOE units were a standardized unit of measure across the levels of service. The cost per LOE unit was calculated by dividing the total amount invoiced for legal aid services ($170,961) by the total number of LOE units (475), yielding a cost per unit of $359.
[c] Average cost per case was calculated by multiplying the cost per LOE unit by the number of LOE units by level of service (i.e., the relative level of effort).

Table HA85. Average Cost of a Bench Trial, Settlement, and Dismissal in FY 2014 (San Diego)

Staff involved	Hourly rate	Average time worked	Cost
Bench Trial			
Judicial Assistant	$41	40 minutes (scheduling, calendar preparation, trial, judgment)	$27.34
Court Reporter	$45	15 minutes (trial, judgment)	$11.25
Bailiff	$61	15 minutes (trial, judgment)	$15.25
Judge	$109	15 minutes (trial, judgment)	$27.00
Total cost per trial			**$80.84**
Settlement			
Judicial Assistant	$41	5 minutes	$3.42
Court Reporter	$45	5 minutes	$3.75
Bailiff	$61	5 minutes	$5.08
Judge	$109	5 minutes	$9.00
Total cost per settlement			**$21.25**
Dismissal			
Judicial Assistant	$41	5 minutes	**$3.42**

Shriver Custody Pilot Projects Appendix A: Detailed Service Summaries

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Detailed Service Summaries for Individual Custody Pilot Projects

The following section presents data separately for each of the pilot projects. Each service summary includes information on the project context including the involved agencies and courts, the project implementation model, and detailed information on the services that were provided, to whom, and case characteristics and outcomes (when available). Material for each summary was collected over the course of 4 years (2012 to 2015), and includes information from a series of stakeholder interviews, site visits, quarterly reports, project forms, and, most centrally, data entered by the Shriver legal aid services agency staff into the program services database. A synthesis of this information resulted in a comprehensive picture of the processes and overall implementation of each of the pilot housing projects.

A note regarding “missing data”:

> Legal aid services agency staff were conscientious in their data entry and management. However, there were some variables that were missing data for several cases. Missing values were sometimes due to inadequate data entry, but in most instances, data were missing because they were unknown to the attorneys. This is specifically apparent regarding case outcome data. For cases receiving Shriver representation, attorneys had knowledge of the case progress and resolution, and therefore data were generally complete. However, for cases receiving unbundled services, attorneys often did not know about case resolution and were therefore unable to enter case outcome data. Thus, in each of the service summaries, data pertaining to the client characteristics and case characteristics at Shriver intake are provided based on all cases, whereas data pertaining to case outcomes are provided only for representation cases.
>
> The manner in which missing data are handled during analysis can impact results and subsequent interpretation. Throughout this report, wherever possible, the proportion of cases with missing data are represented in the tables in an effort to prevent overestimation and to provide the reader with as much information as possible. Throughout the service summaries, percentages are calculated of the total number of cases in the section (i.e., the number of cases with missing data is included in the denominator).

SHRIVER CUSTODY PROJECT SERVICE SUMMARY: LOS ANGELES

Service Provision

Information regarding the level of services provided, case characteristics, and outcomes were obtained from the program services database. Data from the Los Angeles Center for Law and Justice (LACLJ) and Levitt & Quinn Family Law Center (L&Q) were collected on all parties seeking services from February 2012 through November 2015. This section presents data pertaining to the legal aid services clients only; data were not available for the litigants who attended parenting classes or watched the parenting video at the court.

WHAT LEGAL AID SERVICES WERE PROVIDED?

In this report, litigants receiving limited scope representation from a project attorney are categorized as ***representation*** clients and litigants receiving all other types of legal services from a project attorney are referred to as ***unbundled services*** clients.

Between February 2012 and November 2015, the Los Angeles custody pilot project provided legal services to litigants in a total of 403 cases. Of these cases, 48% received representation and 52% received unbundled services (Table CA1). Table CA1 shows the average number of hours attorneys worked on custody cases, by the level of service. Importantly, these estimates reflect just attorney time and do not reflect time worked by other staff, such as intake coordinators or paralegals. Overall, Shriver attorneys worked an average of 25 hours per case (median = 12). Representation cases received an average of 46 hours (median = 28) and unbundled services cases received an average of 6 hours (median = 4).[295]

Table CA1. Number of Legal Aid Services Cases and Attorney Hours Provided per Case

	Level of Service		
Characteristic	**Representation**	**Unbundled Services**	**Total**
Number (%) of Litigants	194 (48%)	209 (52%)	403 (100%)
Attorney Hours Provided			
Mean (*SD*)	45.5 (66.5)	6.4 (6.8)	25.2 (50.2)
Median	28.4	4.0	12.0
Range	1.25 to 760.1	0.75 to 38.9	0.75 to 760.1
Missing N (%)	1 (<1%)	0 (0%)	1 (<1%)

Note. Data from the Shriver program services database (as of 11/12/15).

WHO RECEIVED LEGAL AID SERVICES?

Client characteristics

At intake, Shriver attorneys collected information about their clients, including demographics, household characteristics, and aspects of the custody cases. The average client age was 35 years (median = 34), 82% were female, 73% were Hispanic or Latino, 46% had some post-

[295] Eighty percent of cases required less than 60 hours of attorney time. The mean value being higher than the median value in Table CA1 is due to two outliers (approx. 200 hours) and one extreme outlier (800 hours).

secondary education, 17% had known or observable disabilities,[296] and 62% had limited English proficiency (i.e., could not effectively communicate in English without interpreter assistance). Demographic characteristics varied modestly between litigants who received representation and those who received unbundled services. Table CA2 shows the characteristics of the 403 litigants receiving Shriver legal aid services, by level of service received.

Table CA2. Demographic Characteristics of Shriver Legal Aid Services Clients

	Level of Service		
Client Level Characteristics	**Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Age (years)			
18 to 24	19 (10%)	27 (13%)	46 (11%)
25 to 44	157 (81%)	140 (67%)	297 (74%)
45 to 61	17 (9%)	39 (19%)	56 (14%)
62 or older	0 (0%)	2 (1%)	2 (<1%)
Unknown/not collected	1 (1%)	1 (<1%)	2 (<1%)
Gender			
Male	26 (13%)	44 (21%)	70 (17%)
Female	164 (85%)	165 (79%)	329 (82%)
Transgender	1 (1%)	0 (0%)	1 (<1%)
Unknown/not collected	3 (2%)	0 (0%)	3 (1%)
Race/Ethnicity[a]			
Black or African American	19 (11%)	44 (20%)	63 (16%)
Hispanic/Latino	153 (78%)	142 (68%)	295 (73%)
White	8 (4%)	14 (7%)	22 (5%)
Other	12 (6%)	9 (4%)	21 (5%)
Unknown/declined	2 (1%)	0 (0%)	2 (<1%)
Education			
High school degree or less	98 (50%)	115 (55%)	213 (53%)
Any post-secondary	92 (47%)	93 (45%)	185 (46%)
Unknown/not collected	5 (3%)	0 (0%)	5 (1%)
Limited English Proficiency			
Yes	128 (66%)	122 (58%)	250 (62%)
No	66 (34%)	87 (42%)	153 (38%)
Disability			
Yes	29 (15%)	41 (19%)	70 (17%)
No	163 (84%)	164 (79%)	327 (81%)
Unknown/not collected	2 (1%)	4 (2%)	6 (1%)
Total	194 (100%)	209 (100%)	403 (100%)

Note. Data from the Shriver program services database (as of 11/12/15). [a] Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

[296] The most common type of disability or disorder was a psychiatric or emotional disability (6%, *n*=25), followed next by more than one disability/disorder, (5%, *n*=22), physical disability (2%, *n*=7), or other disability (4%, *n*=16).

Approximately half (45%) of Shriver clients received CalFresh benefits[297] and 53% received public health benefits, such as Medi-Cal.[298] The median monthly household income was $952 (mean = $1,126), which is far below the 2014 income threshold of $2,613 for a family of at least two. (The income of the opposing party was not known.) Table CA3 shows the household characteristics for litigants receiving Shriver legal services, by level of service.

Table CA3. Household Characteristics of Shriver Legal Aid Services Clients

	Level of Service		
Clients' Household Level Characteristics	**Representation**	**Unbundled Services**	**Total**
Monthly Income			
Mean (SD)	$1,182 (892)	$1,074 (752)	$1,126 (823)
Median	$995	$906	$952
Range	$0 to $4,575	$0 to $3,530	$0 to $4,575
Received CalFresh Benefits, *N* (%)			
Yes	77 (39%)	104 (50%)	181 (45%)
No	117 (61%)	105 (50%)	222 (55%)
Received Public Health Benefits, *N* (%)			
Yes	101 (52%)	113 (54%)	214 (53%)
No	93 (48%)	96 (46%)	189 (47%)
Total	194 (100%)	209 (100%)	403 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

[297] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified, low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

[298] Medi-Cal offers free or low-cost health coverage for low-income children, pregnant women, and families.

Child Characteristics

Across the 403 cases receiving Shriver legal services in Los Angeles, a total of 638 children were involved, with a typical case involving one child. The average age of a child in the case was 6 years old (median = 6), and 14% of cases involved a child with a disability. About half (57%) of children were living with the Shriver client at the time of case intake. Table CA4 shows the characteristics of the children involved in the Shriver custody cases.

Table CA4. Characteristics of Children of Shriver Legal Aid Services Clients

	Level of Service		
Child(ren)'s Characteristics	**Representation**	**Unbundled Services**	**Total**
Total Number of Children	300	338	638
Number of Children per Case			
Mean (*SD*)	1.6 (0.8)	1.6 (1.0)	1.6 (0.9)
Median	1	1	1
Range	1 to 4	1 to 6	1 to 6
Missing/unknown	2 (1%)	0 (0%)	2 (<1%)
Age of Child(ren)			
Mean (*SD*)	6.2 (4.4)	6.5 (4.5)	6.4 (4.4)
Median	6	6	6
Range	0 to 18	0 to 17	0 to 18
Missing/unknown	1 (<1%)	3 (1%)	4 (1%)
Child Has a Disability, *N* (%)			
Yes	34 (17%)	24 (12%)	58 (14%)
No	146 (75%)	148 (71%)	294 (73%)
Missing	14 (7%)	37 (18%)	51 (13%)
Living Arrangements at Intake, *N* (%)			
Lived with client most of the time	122 (63%)	109 (52%)	231 (57%)
Shared equal time or lived together	25 (13%)	23 (11%)	48 (12%)
Lived with opposing party most of the time	42 (22%)	73 (35%)	115 (29%)
Other living arrangement	1 (1%)	1 (0%)	2 (0%)
Missing/unknown	4 (2%)	3 (1%)	7 (1%)
Total	194 (100%)	208 (100%)	403 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

Case characteristics

Of all cases receiving legal services, 38% were filed to obtain an initial order for custody and visitation, and 50% were filed to modify an existing custody order. Custody cases were initiated by a variety of petitions, including a petition for uniform parentage (37%), dissolution of marriage (31%), domestic violence (21%), juvenile case exit order (4%), and governmental child support (4%). At the time of Shriver intake, 22% of cases had a petition or request for orders (RFO) filed and 18% had a responsive declaration to a petition/RFO filed. Fourteen percent of

cases were currently in post-judgment and did not have an active RFO. Table CA5 displays these case characteristics, by level of legal services received.

Table CA5. Custody Case Characteristics at Intake for Shriver Legal Aid Services Clients

	Level of Service		
Custody Case Characteristics	**Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Purpose of case			
Obtain an initial order for custody and visitation	92 (47%)	63 (30%)	155 (38%)
Modify an existing custody order	86 (45%)	115 (55%)	201 (50%)
Enforce an existing custody order	2 (1%)	7 (3%)	9 (2%)
DVRO, TRO, Stay away order	7 (4%)	7 (3%)	14 (3%)
Other	4 (2%)	16 (8%)	20 (5%)
Missing/unknown	3 (2%)	1 (<1%)	4 (1%)
Petition that Initiated Request for Shriver Services			
Dissolution of marriage, legal separation, annulment	50 (26%)	74 (36%)	124 (31%)
Parentage	76 (39%)	73 (35%)	149 (37%)
Petition for custody and support	5 (3%)	0 (0%)	5 (1%)
Governmental child support	8 (4%)	7 (3%)	15 (4%)
Domestic violence	44 (23%)	39 (18%)	83 (21%)
Juvenile case exit order	6 (3%)	9 (4%)	15 (4%)
Other	3 (2%)	7 (3%)	10 (2%)
Missing/unknown	2 (1%)	0 (0%)	2 (<1%)
Case Status at Shriver Intake			
Post-judgment[a]	24 (12%)	33 (16%)	57 (14%)
Petition or RFO filed for custody/visitation	40 (21%)	47 (23%)	87 (22%)
Response to petition or RFO filed	33 (17%)	39 (19%)	72 (18%)
DV-related orders filed	38 (20%)	33 (15%)	71 (18%)
Other orders filed[b]	7 (4%)	8 (4%)	15 (4%)
Mediation occurred	37 (19%)	21 (10%)	58 (14%)
FCS recommendations made	0 (0%)	0 (0%)	0 (0%)
Other post-filing action[c]	14 (7%)	27 (13%)	41 (10%)
Missing/unknown	1 (1%)	1 (0%)	2 (<1%)
Total	194 (100%)	209 (100%)	403 (100%)

Note. Data from the Shriver program services database (as of 11/12/15). [a] Includes previous orders for cases such as paternity, dissolution of marriage, legal separation, and annulments. [b] Includes temporary orders for custody/visitation and other orders not specified. [c] Includes child custody evaluation ordered/completed, action for contempt, and other events not specified.

Client role and opposing party representation

Shriver attorneys assisted both moving and responding parties in child custody matters. Clients were the moving party in 54% of cases that received representation and 68% of those that received unbundled services. Shriver legal services staff assessed whether the opposing party had legal counsel at the time of intake. As shown in Table CA6, for clients that received Shriver representation, 70% faced an opposing party with legal representation. Among clients that received unbundled services, approximately 55% faced an opposing party with legal representation.

Table CA6. Client Role and Opposing Party Representation at Intake for Legal Services Clients

	Level of Service		
Case Characteristic at Intake	**Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Client Role in Case			
Moving party	105 (54%)	143 (68%)	248 (62%)
Responding party	87 (45%)	62 (30%)	149 (37%)
Other	1 (1%)	4 (2%)	5 (1%)
Missing/unknown	1 (1%)	0 (0%)	1 (<1%)
Opposing Party Represented by Counsel			
Yes	138 (70%)	114 (55%)	252 (63%)
No	50 (26%)	74 (35%)	124 (31%)
Missing/unknown	6 (3%)	21 (10%)	27 (7%)
Total	194 (100%)	209 (100%)	403 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

Other Contextual Factors

To understand the complexity of child custody cases, and to help elucidate possible reasons for one party obtaining sole custody, Shriver attorneys asked clients about current or previous involvement with Child Protective Services, police, domestic violence within the previous 5 years, and allegations of substance use by either party. Of note, this information was available only by report of the Shriver client. Forty-two percent (*n*=168) of cases had current or prior involvement with Child Protective Services (including those with open juvenile dependency cases). Seventy percent (*n*=282) of all cases involved allegations of domestic violence, most often against the opposing party. One third (32%; *n*=129) involved allegations of substance use, most often against the opposing party. And 42% of cases involved at least one instance of police involvement in the 3 months prior to Shriver intake. Overall, 85% of cases (*n*=341) had at least one of these factors. Table CA7 shows the numbers of cases with each of these factors, by level of service.

Table CA7. Contextual Factors for Shriver Legal Services Clients

	Level of Service		
Contextual Factor	**Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Involvement with Child Protective Services[a]			
Never	86 (44%)	94 (45%)	180 (45%)
Currently	20 (10%)	20 (10%)	40 (10%)
Previously	53 (27%)	47 (23%)	100 (25%)
Juvenile court case	14 (8%)	14 (6%)	28 (7%)
Missing/unknown	21 (11%)	34 (16%)	55 (13%)
Allegations of Domestic Violence[b]			
None	48 (25%)	56 (27%)	104 (26%)
Client alleged or convicted	11 (6%)	22 (11%)	33 (8%)
OP alleged or convicted	106 (54%)	97 (47%)	203 (50%)
Both client and OP alleged/convicted	21 (11%)	25 (12%)	46 (11%)
Missing/unknown	8 (5%)	9 (4%)	17 (4%)
Allegations of Substance Use			
None	124 (64%)	118 (56%)	242 (60%)
Against client	11 (6%)	22 (11%)	33 (8%)
Against opposing party	40 (21%)	44 (21%)	84 (21%)
Both parties alleged	8 (4%)	4 (2%)	12 (3%)
Missing/unknown	11 (5%)	21 (10%)	32 (8%)
Police Involvement 3 Months Prior to Shriver Intake			
Yes	89 (45%)	79 (38%)	168 (42%)
No	89 (51%)	95 (54%)	184 (52%)
Missing/unknown	16 (9%)	35 (17%)	51 (13%)
Total	194 (100%)	209 (100%)	403 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).
[a] The alleged perpetrator of child maltreatment (i.e., which party) was unknown.
[b]Allegations of domestic violence within 5 years prior to Shriver intake.

Case Outcomes

The remainder of this section on the Los Angeles custody pilot project reflects only Shriver cases that received representation from Shriver attorneys. Outcomes of cases receiving unbundled services were largely unknown because attorneys did not follow these cases to resolution.

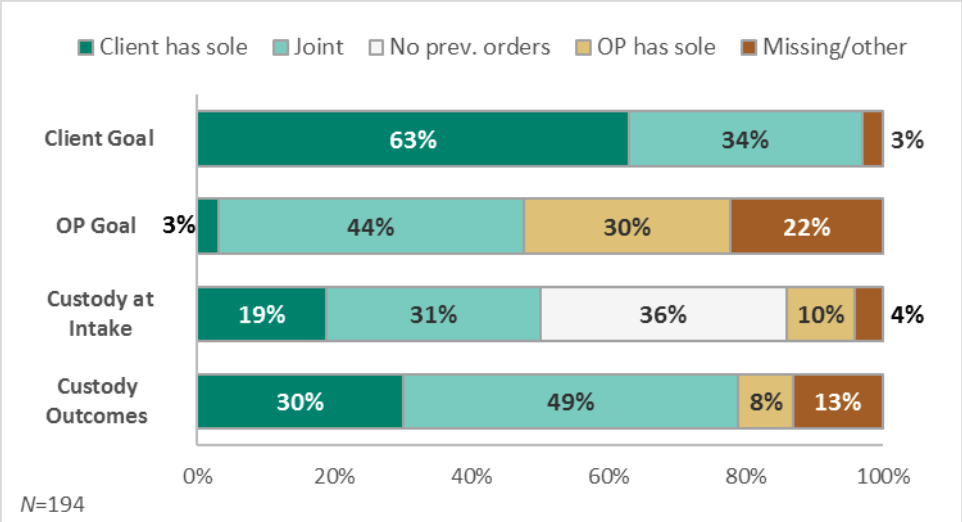
Child Custody Orders

Legal custody

At the time of intake, Shriver attorneys asked their clients about their goals for their cases, in terms of legal custody, physical custody, and visitation/timeshare orders. At intake, nearly two thirds (63%; *n*=122) of Shriver representation clients wanted sole legal custody, and one third (34%; *n*=66) wanted to share joint legal custody. Information about the opposing parties' goals were obtained by the attorney from the pleading, response, or the client. By contrast, less than one third of opposing parties (30%, *n*=59) wanted sole legal custody, and 44% (*n*=86) wanted to share joint legal custody. In 77% of cases (*n*=150), at least one party requested sole legal custody of the child(ren).

At intake, 19% of Shriver clients had sole legal custody of the child and 63% wanted it. At resolution, 30% of clients were awarded sole legal custody. In contrast, at intake, 10% of opposing parties had sole legal custody and 30% wanted it. At resolution, 8% of opposing parties were awarded sole legal custody. The percentage of cases with joint legal custody increased from 31% at intake to 49% at resolution. Many of these changes are due to the 36% of cases without legal custody orders at intake. (The remaining 11% had some other outcome).[299] Figure CA1 shows this breakdown, and Table C4 (earlier) provides percentages.

Figure CA1. Legal Custody: Case Goals, Custody Status at Intake, and Custody Outcomes for Shriver Representation Clients and Opposing Parties



Note. OP = opposing party.

[299] 2% (*n*=3) of cases were missing information about the legal custody outcomes.

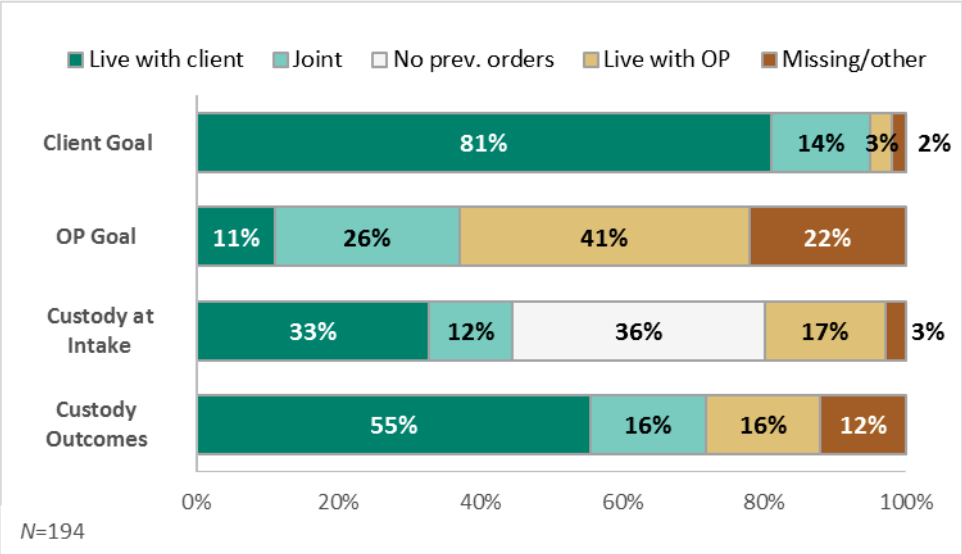
Physical custody and parenting time ("visitation")

At intake, Shriver attorney also asked clients about their goals for the physical custody of the child(ren). A substantial majority (81%; *n*=157) of Shriver representation clients wanted the child(ren) to live with them all or most of the time. By contrast, 41% (*n*=79) of opposing parties wanted the child(ren) to live with them all or most of the time. In 94% (*n*=183) of cases, at least one party requested sole physical custody of the child(ren).

Of the Shriver clients seeking sole physical custody, 3% (*n*=4) requested reasonable visitation for the opposing party, 53% (*n*=83) wanted scheduled, unsupervised visitation, 33% (*n*=52) wanted supervised visitation, 8% (*n*=13) wanted no visitation for the opposing party [1% (*n*=2) wanted some other visitation order (not specified)].[300]

At intake, 33% of Shriver clients had sole physical custody of the child and 81% wanted it. At resolution, 55% of clients were awarded sole physical custody. In contrast, at intake, 17% of opposing parties had sole physical custody and 41% wanted it. At resolution, 16% of opposing parties were awarded sole legal custody. The percentage of cases with joint physical custody was 12% at intake and 16% at resolution. Many of these changes are due to the 36% of cases without custody orders at intake.[301] Figure CA2 shows this breakdown, and Table C4 (earlier) provides specific percentages.

Figure CA2. Physical Custody: Case Goals, Custody Status at Intake, and Custody Outcomes for Shriver Representation Clients and Opposing Parties



Note. OP = opposing party.

[300] 2% (*n*=3) of cases were missing information about the client's goals for visitation orders.
[301] 12% (*n*=24) of cases were missing information about the physical custody outcomes.

Of the 138 cases in which one party was awarded sole physical custody, 65% (*n*=90) involved the non-custodial parent receiving scheduled, unsupervised visitation with the child(ren); 24% (*n*=33) receiving supervised visitation and 5% (*n*=7) receiving no visitation with the child(ren). For the 33 cases in which supervised visitation was ordered for the non-custodial parent, the primary reason pertained to concerns regarding domestic violence (42%, *n*=14), reintroduction (9%, *n*=3), or multiple reasons (12%, *n*=4).[302] Table CA9 shows the numbers of cases with each visitation outcome, split by physical custody orders. Among the 33 cases for which supervised visitation was ordered, one third of these cases (*n*=11) entailed orders for a professional provider.[303] Table CA9 provides more detail regarding supervised visitation terms.

Table CA8. Visitation Orders by Physical Custody Outcomes

	Physical Custody Outcome		
Visitation Orders	**Sole to Client** ***N*** **(%)**	**Sole to OP** ***N*** **(%)**	**Total** ***N*** **(%)**
Reasonable visitation	1 (1%)	1 (3%)	2 (1%)
Scheduled (unsupervised) visitation	67 (63%)	23 (72%)	90 (65%)
Supervised visitation for client	0 (0%)	6 (19%)	6 (4%)
Supervised visitation for OP	27 (25%)	0 (0%)	27 (20%)
No visitation for client	0 (0%)	0 (0%)	0 (0%)
No visitation for OP	7 (7%)	0 (0%)	7 (5%)
Other	1 (1%)	1 (3%)	2 (1%)
Missing/Unknown	3 (3%)	1 (3%)	4 (3%)
Total	106 (100%)	32 (100%)	138 (100%)

Note. Data from the Shriver program services database (as of 11/12/15). Includes representation cases only (*n*=194).

[302] 36% (*n*=12) of cases were missing this information, or the information was unknown.

[303] Non-professional providers (12%, *n*=4), other providers (6%, *n*=2), and multiple types of providers (12%, *n*=4) were also ordered as supervised visit providers. 36% (*n*=12) were missing information about the provider type.

Table CA9. Supervised Visitation Terms for Shriver Representation Clients

	Physical Custody Outcomes				
Other Visitation Terms	**Client Has Sole Custody** *N* (%)	**OP Has Sole Custody** *N* (%)	**Joint Custody** *N* (%)	**Other or Missing** *N* (%)	**Total** *N* (%)
Supervised Visits Due To					
Domestic violence	13 (12%)	1 (3%)	1 (3%)	0 (0%)	15 (8%)
Abduction concerns	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Reintroduction	2 (2%)	1 (3%)	0 (0%)	0 (0%)	3 (2%)
Multiple reasons	3 (3%)	1 (3%)	0 (0%)	0 (0%)	4 (2%)
Not applicable	79 (75%)	26 (81%)	31 (97%)	24 (100%)	160 (82%)
Missing	9 (8%)	3 (9%)	0 (0%)	0 (0%)	12 (6%)
Supervised Visits Ordered With					
Professional provider	9 (8%)	2 (6%)	0 (0%)	0 (0%)	11 (6%)
Non-professional provider	4 (4%)	0 (0%)	0 (0%)	0 (0%)	4 (2%)
Other therapeutic provider	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Other provider	2 (2%)	0 (0%)	0 (0%)	0 (0%)	2 (1%)
Multiple types	1 (1%)	3 (9%)	0 (0%)	0 (0%)	4 (2%)
Not applicable	79 (75%)	26 (81%)	32 (100%)	24 (100%)	161 (83%)
Missing	11 (10%)	1 (3%)	0 (0%)	0 (0%)	12 (6%)
Total	106 (100%)	32 (100%)	32 (100%)	24 (100%)	194 (100%)

Note. Data from the Shriver program services database (as of 11/12/15). Includes representation cases only (n=194).

Additional case outcomes

In addition to child custody orders, the court could make, or the parties agree to, additional orders. Among all Shriver representation cases, mental health therapy was ordered for the Shriver client 4% of the time and for the child(ren) 10% of the time. Orders for substance use counseling occurred in one case. Parenting classes were ordered in 7% to 9% of cases, and varied by the physical custody orders. A restraining order was granted for the client in 15% of cases—including 23% of cases in which the client was granted sole physical custody. Orders issued by a criminal court, such as protective orders and participation in batterer intervention programs involving a party in the family law case, were documented in very few cases. These additional orders are displayed in Table CA10, organized by physical custody outcome.

Table CA10. Additional Orders by Physical Custody Outcomes for Shriver Representation Clients and Opposing Parties

	Physical Custody Orders				
Other Orders in Case	**Sole to Client** *N* (%)	**Sole to OP** *N* (%)	**Joint Custody** *N* (%)	**Other or Missing** *N* (%)	**Total** *N* (%)
Treatment-related Orders					
Therapy/Mental Health Counseling					
For client	2 (2%)	3 (9%)	2 (6%)	0 (0%)	7 (4%)
For OP	7 (7%)	0 (0%)	2 (6%)	0 (0%)	9 (5%)
For child(ren)	8 (8%)	6 (19%)	4 (13%)	1 (4%)	19 (10%)
Substance Use Counseling					
For client	0 (0%)	1 (3%)	0 (0%)	0 (0%)	1 (1%)
For OP	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Parenting Classes					
For client	7 (7%)	7 (22%)	4 (13%)	0 (0%)	18 (9%)
For OP	7 (7%)	2 (6%)	4 (13%)	0 (0%)	13 (7%)
Domestic Violence-related Orders					
Restraining Order Granted					
For client	24 (23%)	1 (3%)	3 (10%)	2 (8%)	30 (15%)
For OP	1 (1%)	1 (3%)	0 (0%)	1 (4%)	3 (2%)
Criminal Protective Order Granted[a]					
For client	2 (2%)	0 (0%)	1 (3%)	0 (0%)	3 (2%)
For OP	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
52-week Batterer's Intervention Program Ordered					
For client	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
For OP	5 (5%)	0 (0%)	0 (0%)	0 (0%)	5 (3%)
Total	106 (100%)	32 (100%)	32 (100%)	24 (100%)	194 (100%)

Note. Data from the Shriver program services database (as of 11/12/15). Representation cases only (*n*=194). [a] Criminal protective orders are most commonly issued in concurrent criminal and/or domestic violence cases, not in the custody case.

COURT EFFICIENCY & OTHER AGENCY INVOLVEMENT

Length of Shriver service provision

Across the representation cases with available data, the average length of Shriver service provision was 7.9 months (median = 6.5; range = 1 day to 799 days).[304] Cases resolving with orders for joint physical custody were usually the shortest, averaging about 7.1 months (median = 5.5) of Shriver service provision. Cases in which the opposing party was awarded sole custody lasted the longest, averaging about 9.2 months (median = 7), and cases in which the client was awarded sole physical custody fell in between, with an average of 7.7 months (median = 6).

Continuances and mediation sessions

On average, each Shriver representation case had one continuance, one mediation session, and one settlement conference, which did not vary by case outcomes—that is, the prevalence of certain custody orders did not vary according to the frequency of these events. [Note that the Los Angeles Superior Court had a mandatory settlement conference program that was a standard part of its custody case processing and that existed before, and outside of, the Shriver pilot project. These settlement conferences entailed the parties and their respective counsel meeting with a judge in chambers. Each party prepares a brief and the judge works with both parties (who can consult their counsel) to facilitate a settlement. These conferences are scheduled for cases that are on track for trial, with the goal of preventing a trial.] Table CA11 shows the average number of court events for representation clients.

Table CA11. Court Events for Representation Clients

	Court Event		
Statistic	**Continuances**	**Mediation Sessions**	**Mandatory Settlement Conferences[a]**
Mean (*SD*)	0.9 (1.1)	0.9 (0.6)	0.8 (1.1)
Median	1	1	0
Range	0 to 5	0 to 2	0 to 6
Missing, *N* (%)	24 (13%)	18 (10%)	20 (11%)

Note. Data from the Shriver program services database (as of 11/12/15). Includes representation cases only (*n*=194).
[a] Mandatory settlement conferences in the LA court are a standard part of court operations and are not part of the Shriver project.

Police Involvement

At the initial meeting, clients were asked by their attorneys how often the police had been asked to intervene in the 3 months prior to Shriver intake. Police involvement included, but was not limited to, enforcing existing custody and visitation orders or responding to instances of domestic violence. Forty-six percent of clients reported having no police involvement in the 3 months prior to Shriver intake, 44% (*n*=84) reported occasional police involvement, and 3% (*n*=5) had frequent police involvement (at least once per week).

[304] One case (<1%) was missing this information.

Toward the end of Shriver service provision (i.e., at or near the resolution of the pleading), clients were again asked about police involvement during the previous 3 months. At this point, 39% of cases (*n*=75) maintained no police involvement, 23% (*n*=44) reported a decrease in police involvement, 4% (*n*=8) reported increased police involvement, and 14% of cases (*n*=28) had the same amount of police involvement as before Shriver services.[305] Table CA12 displays the frequency of reported police involvement at Shriver intake and exit.

Table CA12. Reported Frequency of Police Involvement for Limited Representation Clients

Frequency of Police Involvement	3 Months Prior to Shriver Intake *N* (%)	3 Months Prior to Shriver Exit *N* (%)
Never	89 (46%)	125 (73%)
Less than once per month	48 (25%)	22 (13%)
1-3 times per month	36 (19%)	12 (7%)
Once per week	1 (1%)	2 (1%)
2-3 times per week	4 (2%)	5 (3%)
More than 3 times per week	0 (0%)	0 (0%)
Missing/unknown	16 (9%)	28 (14%)
Total	194 (100%)	194 (100%)

Note. Data from the Shriver program services database (as of 11/12/15). Includes representation cases only (*n*=194).

[305] 20% of cases (*n*=39) were missing information at either intake or case closing.

SHRIVER CUSTODY PROJECT SERVICE SUMMARY: SAN DIEGO

Service Provision

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services database. Data from the San Diego Volunteer Lawyer Program (SDVLP), the provider of legal aid services for the Shriver custody project, were collected on all parties seeking services from February 2012 through November 2015.

WHAT SERVICES WERE PROVIDED?

Legal aid services

In this report, litigants receiving limited scope representation from a Shriver legal aid services attorney are categorized as ***representation*** clients and litigants receiving all other types of legal services from an SDVLP attorney are referred to as ***unbundled services*** clients.

Between February 2012 and November 2015, the San Diego custody pilot project provided legal services to litigants in a total of 470 cases. Of these cases, 36% received representation and 64% received unbundled services (Table CA13). Shriver attorneys tracked the number of hours they spent working on each case in one-hour increments. Table CA13 shows the average number of hours attorneys worked on custody cases, by the level of service. Importantly, these estimates reflect just attorney time and do not reflect time worked by other staff, such as intake coordinators or paralegals. Overall, Shriver attorneys worked an average of 11 hours per case (median = 3). Representation cases received an average of 26 hours (median = 20) and unbundled services cases received an average of 3 hours (median = 3).[306]

Table CA13. Number of Legal Aid Services Cases and Attorney Hours Provided per Case

	Level of Service		
Characteristic	**Representation**	**Unbundled Services**	**Total**
Number (%) of Litigants	171 (36%)	299 (64%)	470 (100%)
Attorney Hours Provided			
Mean (*SD*)	25.9 (24)	3.0 (4)	11.2 (18)
Median	20.0	3.0	3.0
Range	5.0 to 250.0	0.5 to 299.0	0.5 to 250.0
Missing N (%)	4 (2%)	0 (0%)	4 (1%)

Note. Data from the Shriver program services database (as of 11/12/15).

Court-based services

As part of the Shriver San Diego custody pilot project, the San Diego Superior Court offered settlement conferences, conducted by a judge, to litigants prior to appearing in court. Between February 2012 and November 2015, a total of 129 Shriver cases participated in at least one settlement conference. Of these cases, 123 were receiving Shriver representation and six were receiving unbundled services. It is possible that other custody cases, with no parties receiving

[306] Ninety percent of cases required less than 50 hours of attorney time. The mean value being higher than the median value in Table CA13 is due to an outlying value (250 hours).

Shriver legal aid services, also participated in settlement conferences; however, information about these cases was not available.

WHO RECEIVED LEGAL AID SERVICES?

Client characteristics

At the time of Shriver intake, SDVLP staff members collected information about their clients, including demographics, household characteristics, and characteristics pertinent to the custody cases. The average age of the client was 31 years, 75% were female, 49% were Hispanic or Latino, half had at least some post-secondary education, 21% had known or observable disabilities,[307] and 8% could not effectively communicate in English without the assistance of an interpreter (limited English proficiency). Demographic characteristics varied between litigants who received representation and those who received unbundled services. Table CA14 displays the demographic characteristics of the 470 litigants served by SDVLP, by level of service.

Table CA14. Demographic Characteristics of Shriver Legal Aid Services Clients

	Level of Service		
Client Level Characteristics	**Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Age (years)			
18 to 24	21 (12%)	80 (27%)	101 (21%)
25 to 44	135 (79%)	199 (67%)	334 (71%)
45 to 61	15 (9%)	20 (7%)	35 (7%)
62 or older	0 (0%)	0 (0%)	0 (0%)
Unknown/not collected	0 (0%)	0 (0%)	0 (0%)
Gender			
Male	30 (18%)	88 (29%)	118 (25%)
Female	140 (82%)	211 (71%)	351 (75%)
Transgender	0 (0%)	0 (0%)	0 (0%)
Unknown/not collected	1 (1%)	0 (0%)	1 (0%)
Race/Ethnicity[a]			
Asian	14 (5%)	8 (5%)	22 (5%)
Black or African American	18 (11%)	62 (21%)	80 (17%)
Hispanic/Latino	72 (42%)	160 (54%)	232 (49%)
White	56 (33%)	39 (13%)	95 (20%)
Other	16 (9%)	15 (5%)	31 (7%)
Unknown/declined	1 (1%)	9 (3%)	10 (2%)
Education			
High school degree or less	48 (28%)	152 (51%)	200 (43%)
Any post-secondary	96 (56%)	141 (47%)	237 (50%)
Unknown/not collected	27 (16%)	6 (2%)	33 (7%)
Limited English Proficiency			

[307] Most common was a psychiatric or emotional disability (9%, *n*=41), multiple disabilities/disorders (4%, *n*=18), a substance use disorder (4% *n*=17), physical disability (2%, n=9), or other disability (2%, *n*=14).

	Level of Service		
Client Level Characteristics	**Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Yes	17 (10%)	21 (7%)	38 (8%)
No	154 (90%)	278 (93%)	432 (92%)
Unknown/not collected	0 (0%)	0 (0%)	0 (0%)
Disability			
Yes	58 (34%)	41 (14%)	99 (21%)
No	97 (57%)	190 (64%)	287 (61%)
Unknown/not collected	16 (9%)	68 (23%)	84 (18%)
Total	171 (100%)	299 (100%)	470 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).
[a] Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

More than one third of Shriver clients (37%) received CalFresh benefits,[308] and 51% received public health benefits, such as Medi-Cal.[309] The median household monthly income was $1,200 (mean = $1,302), which is far below the 2014 income threshold of $2,613 for a family of at least two. The income of the opposing parent was not known. Table CA15 details the household characteristics for Shriver clients served by SDVLP, by level of service.

Table CA15. Household Characteristics of Shriver Legal Aid Services Clients

	Level of Service		
Client's Household Level Characteristics at Shriver Intake	**Representation**	**Unbundled Services**	**Total**
Monthly Income			
Mean (SD)	$1,235 ($756)	$1,340 ($900)	$1,302 ($851)
Median	$1,194	$1,200	$1,200
Range	$0 to $3,118	$0 to $4,350	$0 to $4,350
Missing	0 (0%)	0 (0%)	0 (0%)
Received CalFresh Benefits, *N* (%)			
Yes	71 (42%)	101 (34%)	172 (37%)
No	100 (58%)	198 (66%)	298 (63%)
Received Public Health Benefits, *N* (%)			
Yes	65 (38%)	173 (58%)	238 (51%)
No	106 (62%)	126 (42%)	232 (49%)
Total	171 (100%)	299 (100%)	470 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

[308] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified, low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.
[309] Medi-Cal offers free or low-cost health coverage for low-income children, pregnant women, and families.

Child characteristics

Across the 470 cases served by SDVLP, a total of 663 children were involved, with a typical case involving one child. The average age of a child in the case was 6 years old (median = 5), and 25% of cases involved a child with a disability. Most (63%) children were living with the Shriver client at the time of case intake. Table CA16 shows the characteristics of the children involved in the Shriver custody cases.

Table CA16. Characteristics of Children of Shriver Legal Aid Services Clients

	Level of Service		
Child(ren) Characteristics	**Representation**	**Unbundled Services**	**Total**
Total Number of Children	253	410	663
Number of Children per Case			
Mean (*SD*)	1.5 (0.8)	1.4 (0.7)	1.4 (0.7)
Median	1	1	1
Range	1 to 5	1 to 4	1 to 5
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
Age of Child(ren)			
Mean (*SD*)	5.9 (4.1)	5.6 (4.4)	5.7 (4.3)
Median	5	5	5
Range	0 to 17	0 to 17	0 to 17
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
Child Has a Disability, *N* (%)			
Yes	46 (27%)	72 (24%)	118 (25%)
No	121 (71%)	215 (72%)	336 (71%)
Missing	4 (2%)	12 (4%)	16 (3%)
Living Arrangements at Intake, *N* (%)			
Lived with client most of the time	100 (58%)	196 (66%)	296 (63%)
Shared equal time or lived together	20 (12%)	39 (13%)	59 (13%)
Lived with opposing party most of the time	50 (29%)	59 (20%)	109 (23%)
Other living arrangement	1 (1%)	4 (1%)	5 (1%)
Missing/unknown	0 (0%)	1 (<1%)	1 (<1%)
Total	171 (100%)	299 (100%)	470 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

Case characteristics

Of all cases receiving Shriver legal aid services, 50% were filed to obtain an initial order for custody or visitation, and the other 50% were to modify an existing custody order. Custody cases were initiated by a variety of petitions, including petitions for dissolution of marriage, legal separation, or annulment (35%); uniform parentage (29%); custody and support (14%); and governmental child support (12%). At the time of Shriver intake, 29% of cases had petitions or requests for orders (RFOs) filed and 3% had responsive declarations to the petition/RFO filed.

Fifty percent of cases were currently in post-judgment and did not have active RFOs. Table CA17 displays these case characteristics by level of legal services received.

Table CA17. Custody Case Characteristics at Intake for Shriver Legal Aid Services Clients

	Level of Service		
Custody Case Characteristics	**Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Purpose of Case			
Obtain an initial order for custody/visitation	79 (46%)	154 (52%)	233 (50%)
Modify an existing custody order	92 (54%)	142 (47%)	234 (50%)
Other	0 (0%)	3 (1%)	3 (<1%)
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
Petition that Initiated Custody Case			
Dissolution of marriage	76 (44%)	90 (30%)	166 (35%)
Parentage	54 (32%)	83 (28%)	137 (29%)
Petition for custody and support	9 (5%)	59 (20%)	68 (14%)
Governmental child support	22 (13%)	32 (11%)	54 (12%)
Domestic violence	6 (4%)	6 (2%)	12 (3%)
Juvenile case exit order	3 (2%)	7 (2%)	10 (2%)
Other	1 (1%)	21 (7%)	22 (5%)
Missing/unknown	0 (0%)	1 (<1%)	1 (<1%)
Case Status at Shriver Intake			
Post-judgment[a]	55 (32%)	180 (60%)	235 (50%)
Petition or RFO filed for custody/visitation	48 (28%)	88 (29%)	136 (29%)
Response to petition or RFO for custody/visitation filed	12 (7%)	0 (0%)	12 (3%)
Other orders filed[b]	29 (17%)	7 (2%)	36 (8%)
Mediation occurred	7 (4%)	1 (0%)	8 (2%)
FCS recommendations made	20 (12%)	0 (0%)	20 (4%)
Other post-filing action[c]	0 (0%)	23 (8%)	23 (5%)
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
Total	171 (100%)	299 (100%)	470 (100%)

Note. Data from the Shriver program services database (as of 11/12/15). [a] Includes previous orders for cases such as paternity, dissolution of marriage, legal separation, and annulments. [b] Includes temporary orders for custody/visitation, temporary restraining orders, and domestic violence restraining orders. [c] Includes child custody evaluation ordered/completed, action for contempt, and other events not specified.

Client role and opposing party representation

Shriver SDVLP attorneys assisted both moving and responding parties in child custody matters. Of the clients who received representation, 52% were the responding party; of the clients who received unbundled services, 60% were the moving party. Shriver legal services staff assessed whether the opposing party had legal counsel at the time of intake. As shown in Table CA18, for clients who received Shriver representation, 97% faced an opposing party with legal representation. Among clients who received unbundled services, approximately 2% faced an opposing party with legal representation.

Table CA18. Client Role and Opposing Party Representation at Intake for Legal Services Clients

	Level of Service		
Characteristics at Shriver Intake	**Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Client Role in Case			
Moving party	64 (37%)	179 (60%)	243 (52%)
Responding party	89 (52%)	79 (27%)	168 (36%)
Other	18 (11%)	40 (13%)	58 (12%)
Missing/unknown	0 (0%)	1 (<1%)	1 (<1%)
Opposing Party Represented by Counsel			
Yes	166 (97%)	6 (2%)	172 (37%)
No	5 (3%)	293 (98%)	298 (63%)
Missing/unknown	0 (0%)	0 (0%)	0 (0%)
Total	171 (100%)	299 (100%)	470 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

Other contextual factors

To understand the complexity of custody cases, and to help elucidate possible reasons for one party obtaining sole custody, Shriver attorneys asked clients about current or previous involvement with Child Protective Services, domestic violence, the police, and allegations of substance use by either party. Of note, this information was available only by report of the Shriver client. Thirty-three percent (*n*=154) of cases had current or prior involvement with Child Protective Services (including those with open juvenile dependency cases). Nearly half (47%; n=221) of all cases had allegations of domestic violence, most often against the opposing party. Nearly half (45%; *n*=212) involved allegations of substance use, more often against the opposing party. One quarter (26%) involved at least one instance of police involvement in the 3 months prior to Shriver intake. Overall, at least one of these factors was reported for 75% of cases (*n*=354), and more often among cases that received representation (as opposed to unbundled services), suggesting that higher conflict cases were prioritized for more intensive legal services. Table CA19 shows the numbers and percentages of cases with each of these contextual factors, by level of service.

Table CA19. Contextual Factors for Shriver Legal Services Clients

	Level of Service		
Contextual Factor	**Representation** *N* (%)	**Unbundled Services** *N* (%)	**Total** *N* (%)
Involvement with Child Protective Services[a]			
Never	91 (53%)	205 (69%)	296 (63%)
Currently	53 (31%)	47 (16%)	100 (21%)
Previously	22 (13%)	20 (7%)	42 (9%)
Juvenile court case	4 (2%)	8 (2%)	12 (2%)
Missing/unknown	1 (1%)	19 (6%)	20 (4%)
Allegations of Domestic Violence[b]			
None	69 (41%)	170 (57%)	239 (51%)
Client alleged or convicted	12 (7%)	15 (5%)	27 (6%)
OP alleged or convicted	76 (45%)	93 (31%)	169 (36%)
Both client and OP alleged/convicted	12 (7%)	13 (4%)	25 (5%)
Missing/unknown	1 (1%)	8 (3%)	9 (2%)
Allegations of Substance Use			
None	88 (51%)	160 (54%)	248 (53%)
Against client	22 (13%)	6 (2%)	28 (6%)
Against opposing party	40 (23%)	101 (34%)	141 (30%)
Both parties alleged	19 (11%)	24 (8%)	43 (9%)
Missing/unknown	2 (1%)	8 (3%)	10 (2%)
Police Involvement 3 Months Prior to Shriver Intake			
Yes	53 (31%)	69 (23%)	122 (26%)
No	101 (66%)	216 (76%)	317 (72%)
Missing/unknown	17 (10%)	14 (5%)	31 (7%)
Total	171 (100%)	299 (100%)	470 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).
[a] The alleged perpetrator of child maltreatment (i.e., which party) was unknown.
[b] Allegations of domestic violence within 5 years prior to Shriver intake.

Case Outcomes

The remainder of this section on the San Diego custody pilot project reflects only Shriver cases that received representation from SDVLP. Outcomes of cases receiving unbundled services were largely unknown because attorneys did not follow these cases to resolution.

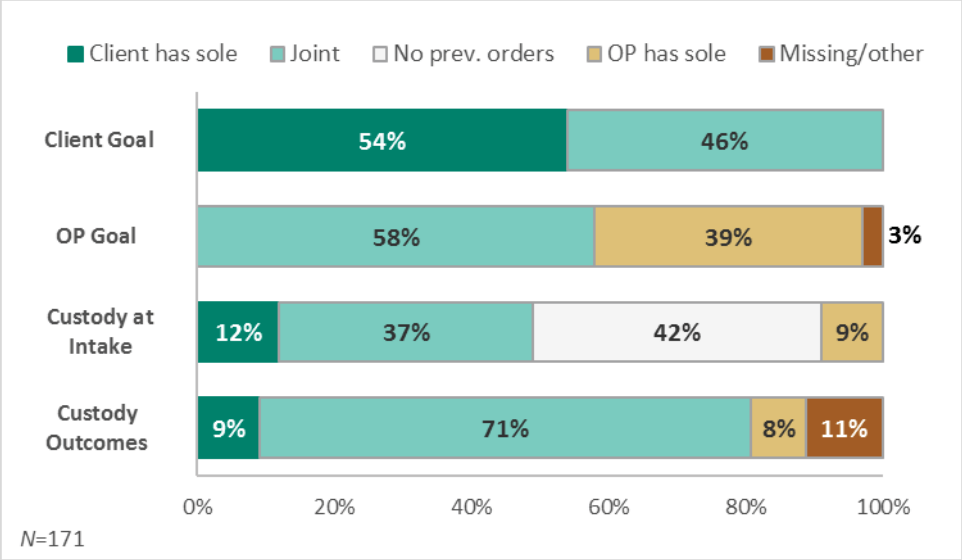
Child Custody Orders

Legal custody

At intake, Shriver attorneys asked their clients about their goals for their cases in terms of legal custody, physical custody, and visitation. Regarding legal custody, 54% (*n*=93) of representation clients wanted sole legal custody and 46% (*n*=78) wanted to share joint legal custody. Information about the opposing party goals for the case was obtained from the petition, RFO, response, or from the client. Most opposing parties (58%; *n*=99) wanted to share joint legal custody, and 39% (*n*=67) wanted sole legal custody. In 75% of cases, at least one party sought sole legal custody of the child(ren).

At intake, 12% of Shriver clients had sole legal custody of the child and 54% wanted it. At resolution, 9% of clients were awarded sole legal custody. In contrast, at intake, 9% of opposing parties had sole legal custody and 39% wanted it. At resolution, 8% of opposing parties were awarded sole legal custody. The percentage of cases with joint legal custody increased from 37% at intake to 71% at resolution. (The remaining 11% had some other outcome.) Many of these changes are due to the 42% of cases without legal custody legal orders at intake. Figure CA3 shows this breakdown, and Table C8 (earlier) provides percentages for each outcome.

Figure CA3. Legal Custody: Case Goals, Custody Status at Shriver Intake, and Custody Outcomes for Shriver Representation Clients and Opposing Parties



Note. OP = opposing party.

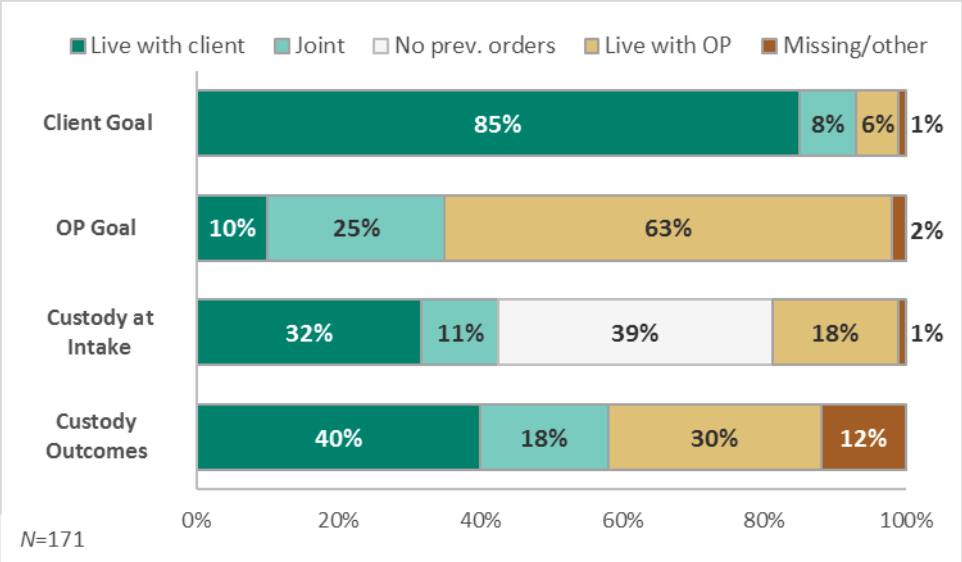
Physical custody and parenting time ("visitation")

At intake, Shriver attorneys also asked clients about their goals in terms of physical custody. Most (85%; *n*=145) Shriver representation clients wanted the child(ren) to live with them all or most of the time. Likewise, most (63%; *n*=107) of opposing parties wanted the child(ren) to live with them all or most of the time. All 171 cases involved a request for sole physical custody by at least one party.

Shriver representation clients who were seeking sole physical custody had varying requests for timeshare (visitation) for the other parent. Of these clients, 54% (*n*=78) wanted scheduled, unsupervised visitation for the opposing party, 32% (*n*=47) wanted supervised visitation, 7% (*n*=10) wanted reasonable visitation, 4% (*n*=6) wanted no visitation for the opposing party, and 3% (*n*=4) wanted some other visitation order (not specified).

At intake, 32% of Shriver clients had sole physical custody of the child and 85% wanted it. At resolution, 40% of clients were awarded sole physical custody. In contrast, at intake, 18% of opposing parties had sole physical custody and 63% wanted it. At resolution, 30% of opposing parties were awarded sole physical custody. The percentage of cases with joint physical custody was 11% at intake and 18% at resolution. Many of these changes are due to the 39% of cases without physical custody orders at intake.[310] Figure CA4 shows this breakdown, and Table C8 (earlier) provides more detail for each outcome.

Figure CA4. Physical Custody: Case Goals, Custody Status at Shriver Intake, and Custody Outcomes for Shriver Representation Clients and Opposing Parties



Note. OP = opposing party.

[310] The remaining 12% (*n*=21) of cases had some other outcome, not specified.

Of the 119 cases in which one parent was awarded sole physical custody, the majority (81%; *n*=96) involved the non-custodial parent receiving scheduled, unsupervised visitation. This underscores the conflict between the parties and the court's lack of confidence that the parties would be able to manage a reasonable schedule independently. In fact, only one case was awarded reasonable visitation. Another 11% (*n*=13) of cases involved orders for supervised visitation, and 2% (*n*=2) included no visitation. Table CA20 shows the numbers of cases with each visitation outcome by physical custody orders. Among the 13 cases in which supervised visitation was ordered, the primary reason pertained to concerns about domestic violence (23%, *n*=3), abduction (8%, *n*=1), reintroduction (8%, *n*=1), or multiple reasons (8%, *n*=1).[311] Among the 13 cases with orders for supervised visitation, roughly one third involved orders for a non-professional provider (31%, *n*=4).[312] Table CA21 provides more detailed information on the terms of supervised visitation orders.

Table CA20. Visitation Orders by Physical Custody Orders

	Physical Custody Orders		
Visitation Orders	**Sole to Client** ***N*** **(%)**	**Sole to OP** ***N*** **(%)**	**Total** ***N*** **(%)**
Reasonable visitation	1 (1%)	0 (0%)	1 (1%)
Scheduled (unsupervised) visitation	56 (82%)	40 (78%)	96 (81%)
Supervised visitation for client	0 (0%)	7 (14%)	7 (6%)
Supervised visitation for OP	6 (9%)	0 (0%)	6 (5%)
No visitation for client	0 (0%)	0 (0%)	0 (0%)
No visitation for OP	2 (3%)	0 (0%)	2 (2%)
Other	3 (4%)	4 (8%)	7 (6%)
Missing/Unknown	0 (0%)	0 (0%)	0 (0%)
Total	68 (100%)	51 (100%)	119 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

[311] More than half (54%, *n*=7) of cases were missing this information, or the information was unknown.
[312] Professional providers (15%, *n*=2), other therapeutic providers (8%, *n*=1), other providers (15%, *n*=2), and multiple types of providers (15%, *n*=2) were also ordered as supervised visit providers. Two cases (15%) were missing information about the provider type.

Table CA21. Supervised Visitation Terms for Shriver Representation Clients

	Physical Custody Outcome				
Other Visitation Terms	**Sole to Client** *N* (%)	**Sole to OP** *N* (%)	**Joint Custody** *N* (%)	**Other or Missing** *N* (%)	**Total** *N* (%)
Supervised Visits Due To					
Domestic Violence	1 (1%)	2 (4%)	0 (0%)	0 (0%)	3 (2%)
Abduction concerns	0 (0%)	1 (2%)	0 (0%)	0 (0%)	1 (1%)
Reintroduction	1 (1%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Multiple reasons	1 (1%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Not applicable	62 (91%)	44 (86%)	31 (100%)	21 (100%)	158 (92%)
Missing	3 (4%)	4 (8%)	0 (0%)	0 (0%)	7 (4%)
Supervised Visits Ordered With					
Professional provider	2 (3%)	0 (0%)	0 (0%)	0 (0%)	2 (1%)
Non-professional provider	2 (3%)	2 (4%)	0 (0%)	0 (0%)	4 (2%)
Other therapeutic provider	1 (1%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
Other provider	0 (0%)	2 (4%)	0 (0%)	0 (0%)	2 (1%)
Multiple types	0 (0%)	2 (4%)	0 (0%)	0 (0%)	2 (1%)
Not applicable	62 (91%)	44 (86%)	31 (100%)	21 (100%)	158 (92%)
Missing	1 (1%)	1 (2%)	0 (0%)	0 (0%)	2 (1%)
Total	68 (100%)	51 (100%)	31 (100%)	21 (100%)	171 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

Additional case outcomes

In addition to child custody orders, the court could make, or the parties agree to, other orders. Of all representation cases, the Shriver client was ordered to attend therapy 16% of the time, and therapy was ordered for children in 19% of cases. Substance use counseling was rare, occurring in just 2% of cases for both the Shriver client and opposing party. Parenting classes were ordered for approximately 20% of clients and opposing parties, and for the non-custodial parent a greater proportion of the time. Orders issued by a criminal court, such as protective orders or batterer intervention programs involving a party in the family law case, were documented in a small number of cases. Additional orders are displayed in Table CA22, by physical custody outcome.

Table CA22. Additional Orders for Representation Clients and Opposing Parties by Physical Custody Outcome

	Physical Custody Outcome				
Additional Orders in Case	Sole to Client *N* (%)	Sole to OP *N* (%)	Joint Custody *N* (%)	Other or Missing *N* (%)	Total *N* (%)
Treatment-related Orders					
Therapy/Mental Health Counseling					
For client	14 (21%)	12 (24%)	2 (6%)	0 (0%)	28 (16%)
For OP	9 (13%)	1 (2%)	3 (10%)	0 (0%)	13 (8%)
For child(ren)	13 (19%)	13 (25%)	6 (19%)	0 (0%)	32 (19%)
Substance Use Counseling					
For client	0 (0%)	3 (6%)	0 (0%)	0 (0%)	3 (2%)
For OP	3 (4%)	0 (0%)	1 (3%)	0 (0%)	4 (2%)
Parenting Classes					
For client	11 (16%)	14 (27%)	5 (16%)	0 (0%)	30 (18%)
For OP	23 (34%)	9 (18%)	5 (16%)	0 (0%)	37 (22%)
Domestic Violence-related Orders					
Restraining Order Granted					
For client	2 (3%)	0 (0%)	0 (0%)	0 (0%)	2 (1%)
For OP	1 (1%)	3 (6%)	0 (0%)	0 (0%)	4 (2%)
Criminal Protective Order Granted					
For client	0 (0%)	0 (0%)	1 (3%)	0 (0%)	1 (1%)
For OP	1 (1%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
52-week Batterer's Intervention Program Ordered					
For client	0 (0%)	1 (2%)	0 (0%)	0 (0%)	1 (1%)
For OP	1 (1%)	0 (0%)	1 (3%)	0 (0%)	2 (1%)
Total	68 (100%)	51 (100%)	31 (100%)	21 (100%)	171 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

COURT EFFICIENCY & OTHER AGENCY INVOLVEMENT

Length of Shriver service provision

Seventy two percent (*n*=123) of Shriver representation cases participated in at least one Shriver settlement conference. Across all representation cases with available data, the average length of Shriver service provision was 109 days (median = 91; range = 1 to 498 days).[313] Among cases that involved a settlement conference, the average length of service provision was 116 days (median = 98). Among those that did not involve a conference, the average length of Shriver service provision was 91 days (median = 85). Anecdotally, Shriver staff explained that the cases that do not participate in a settlement conference are often those that either (a) settle before the conference date or (b) have a near-term hearing date, which precluded the scheduling of a settlement conference. In both of these instances, the pleadings would resolve earlier.

[313] Six cases (4%) were missing this information.

Continuances and mediation sessions

Table CA23 shows the average number of court events for representation clients with and without settlement conference participation. On average, each representation case had one continuance and one mediation session. When Shriver representation was accompanied by a settlement conference, most (at least 50%) cases had one continuance (median = 1), and most (at least 50%) cases without a settlement conference had no continuances (median = 0). This discrepancy is likely due to the underlying circumstances of the two groups of cases. Anecdotally, it was explained that all Shriver representation cases were scheduled for settlement conferences, and the cases that did not receive settlement conferences were often those that did not have enough time—for example, cases that presented for Shriver service with an already-scheduled hearing in the near-term. The quick turnaround of some of these cases did not allow a settlement conference to be scheduled, which may also explain why fewer continuances were noted. The number of mediation sessions did not vary with participation in a settlement conference.

Table CA23. Court Events for Shriver Representation Clients with and without Settlement Conference Participation

	Type of Shriver Service Received		
Court Event	**Representation Only**	**Representation + Settlement Conference**	**Total**
Number of Cases	48	123	171
Continuances			
Mean (*SD*)	0.5 (0.7)	1.0 (1.3)	0.8 (1.2)
Median	0.0	1.0	1.0
Range	0 to 3	0 to 10	0 to 10
Missing, *N* (%)	1 (2%)	3 (2%)	4 (2%)
Mediation Sessions			
Mean (*SD*)	0.8 (0.4)	0.9 (0.4)	0.8 (0.4)
Median	1.0	1.0	1
Range	0 to 1	0 to 2	0 to 2
Missing, *N* (%)	1 (2%)	3 (2%)	4 (2%)

Note. Data from the Shriver program services database (as of 11/12/15). Includes representation cases only (*n*=171).

Police involvement

At the time of Shriver intake, clients were asked by their attorneys how often the police were asked to intervene in the 3 months prior to seeking Shriver services. Police involvement included, but was not limited to, enforcing existing custody and visitation orders or responding to instances of domestic violence. Most cases (approximately 60% overall) had no police involvement in the 3 months prior to seeking Shriver services, about 30% had occasional police involvement, and a handful of cases had frequent police involvement (at least once per week).

Toward the end of Shriver service provision (i.e., at or near the resolution of the pleading), clients were again asked about police involvement during the previous 3 months. At this point, 55% of cases (*n*=94) maintained no police involvement, 18% (*n*=30) reported a decrease in police involvement, 2% (*n*=4) reported increased police involvement, and 7% of cases (*n*=12) had the same amount of police involvement as before Shriver services.[314] There were no differences in police involvement between cases with and without a settlement conference. Table CA24 displays the frequency of reported police involvement at Shriver intake and exit.

Table CA24. Reported Frequency of Police Involvement Before and After Shriver Intake by Type of Shriver Service Received

	Shriver Representation Only		Shriver Representation + Settlement Conference	
Frequency of Police Involvement	**3 Months Before Shriver Intake** *N* (%)	**3 Months Before Shriver Exit** *N* (%)	**3 Months Prior to Shriver Intake** *N* (%)	**3 Months Before Shriver Exit** *N* (%)
Never	30 (63%)	38 (79%)	71 (58%)	90 (73%)
Less than once per month	12 (25%)	3 (6%)	25 (20%)	12 (10%)
1-3 times per month	2 (4%)	1 (2%)	11 (9%)	5 (4%)
Once per week	1 (2%)	1 (2%)	0 (0%)	1 (1%)
2-3 times per week	0 (0%)	0 (0%)	1 (1%)	0 (0%)
More than 3 times per week	0 (0%)	0 (0%)	1 (1%)	1 (1%)
Missing/unknown	3 (6%)	5 (10%)	14 (11%)	14 (11%)
Total	48 (100%)	48 (100%)	123 (100%)	123 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

[314] 18% of cases (*n*=31) were missing information at either intake or case closing.

SHRIVER CUSTODY PROJECT SERVICE SUMMARY: SAN FRANCISCO

Service Provision

Information regarding the types of services provided, case characteristics, and outcomes were obtained from the program services database for legal aid services clients. Data from the Justice & Diversity Center of the Bar Association of San Francisco (JDC) were collected on all parties receiving services from January 2012 through November 2015. Data for court-based services clients were recorded by the Shriver self-help attorney.

WHAT COURT-BASED SERVICES WERE PROVIDED?

The San Francisco custody pilot project staffed a self-help attorney in the Self-Help Resource Center at the Superior Court. Between October 2011 and September 2015, this Shriver attorney provided assistance to 1,742 litigants involved in custody cases.

WHAT LEGAL AID SERVICES WERE PROVIDED?

Between January 2012 and November 2015, the San Francisco custody pilot project provided representation to litigants in a total of 227 cases. Attorneys tracked the number of hours they spent working on cases in 15-minute increments. Table CA25 shows the average number of hours they worked on a custody case was 23 (median = 15).[315] These estimates reflect attorney time, but not time worked by other staff, e.g., project coordinator or social service advocate.

Table CA25. Number of Legal Aid Services Cases and Attorney Hours Provided per Case

Characteristic	Representation
Number of Litigants	227
Attorney Hours Provided	
Mean (*SD*)	22.6 (24)
Median	15.0
Range	0.5 to 209.0
Missing N (%)	11 (5%)

WHO RECEIVED LEGAL AID SERVICES?

Client characteristics

At the time of Shriver intake, JDC staff members collected information about their clients, including demographics, household characteristics, and characteristics pertinent to the custody case. As shown in Table CA26, the average age of the client was 39 years (median = 37), 53% were female, 35% were Hispanic or Latino, 35% had at least some post-secondary education, 24% could not effectively communicate in English without the assistance of an interpreter (limited English proficiency), and 20% had a known or observable disability.[316]

[315] Ninety percent of cases required less than 50 hours of attorney time. The mean value is greater than the median value in Table CA25 due to one outlying value (250 hours).

[316] Most common types of disability or disorder were a psychiatric or emotional disability (7%, *n*=16), substance use disorder (7%, *n*=16), more than one disability/disorder, (3%, *n*=6), or physical disability (2%, *n*=5).

Notably, the San Francisco custody pilot project has a higher proportion of male clients than the other two Shriver custody projects. Shriver staff members believe this may be due to the general availability of legal services to domestic violence survivors residing in the San Francisco metropolitan area, relative to other areas. Specifically, other local organizations provide legal assistance to female victims of domestic violence (but not necessarily to alleged abusers). Once these women have an attorney, their male partner becomes eligible for Shriver services because he is facing a represented opposing party.

Table CA26. Demographic Characteristics of Shriver Legal Aid Services Clients

Client Level Characteristics	*N* (%)
Age (years)	
18 to 24	9 (4%)
25 to 44	162 (71%)
45 to 61	50 (22%)
62 or older	4 (2%)
Unknown/not collected	2 (1%)
Gender	
Male	107 (47%)
Female	120 (53%)
Transgender	0 (0%)
Unknown/not collected	0 (0%)
Race/Ethnicity[a]	
Asian	33 (14%)
Black or African American	40 (18%)
Hispanic/Latino	79 (35%)
White	55 (24%)
Other	9 (4%)
Unknown/declined	11 (5%)
Education	
High school degree or less	57 (25%)
Any post-secondary	80 (35%)
Unknown/not collected	90 (40%)
Limited English Proficiency	
Yes	54 (24%)
No	173 (76%)
Unknown/not collected	0 (0%)
Disability	
Yes	45 (20%)
No	114 (50%)
Unknown/not collected	68 (30%)
Total	227 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).
[a] Litigants who identified as Hispanic/Latino and any other race/ethnicity are included in the Hispanic/Latino row.

Thirteen percent of Shriver clients received CalFresh benefits.[317] The median monthly household income was $900 (mean = $1,107), which is far below the 2014 income threshold of $2,613 for a family of at least two. Information about the opposing party's income was not available. Table CA27 details the household characteristics for Shriver clients served by JDC.

Table CA27. Household Characteristics of Shriver Legal Aid Services Clients

Client's Household Level Characteristics	*N* (%)
Monthly Income	
Mean	$1,107
Median	$900
SD	$1,102
Range	$0 to $5,360
Missing	0 (0%)
Received CalFresh Benefits, *N* (%)	
Yes	29 (13%)
No	198 (87%)
Total	227 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

[317] The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP; formerly "food stamps"), provides qualified, low-income households with monthly electronic benefits that can be used to buy most foods at many markets and food stores.

Child Characteristics

Across the 227 cases served by JDC, a total of 327 children were involved, with a typical case involving one child. The average age of child(ren) in the cases was 7 years old (median = 7), and 11% of cases involved a child with a disability. Half of children were living with the opposing party at the time of case intake. Table CA28 shows the characteristics of the children involved in the Shriver custody cases.

Table CA28. Characteristics of Children of Shriver Legal Aid Services Clients

Children Characteristics	*N* (%)
Total Number of Children	327
Number of Children per Case	
Mean (*SD*)	1.4 (0.7)
Median	1
Range	1 to 6
Missing/unknown	0 (0%)
Age of Children	
Mean (*SD*)	7.2 (4.5)
Median	7
Range	0 to 19
Missing/unknown	1 (<1%)
Child Has a Disability, *N* (%)	
Yes	25 (11%)
No	127 (56%)
Missing	75 (33%)
Living Arrangements at Intake, *N* (%)	
Lived with client most of the time	50 (22%)
Shared equal time or lived together	44 (19%)
Lived with opposing party most of the time	114 (50%)
Other living arrangement	4 (2%)
Missing/unknown	15 (7%)
Total	227 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

Case characteristics

Of all cases receiving Shriver representation, 35% were filed to obtain an initial order for custody and visitation, and 56% were to modify an existing custody order. Custody cases were initiated by a variety of petitions, including petitions for the dissolution of marriage (38%), uniform parentage (15%), custody and support (11%), domestic violence (11%), and governmental child support (10%). At the time of Shriver legal services intake, 14% of cases had a petition or request for orders (RFO) filed and another 12% had filed a responsive declaration to the petition/RFO. Forty-nine percent of cases were currently in post-judgment and did not have an active RFO. Table CA29 displays these case characteristics.

Table CA29. Custody Case Characteristics at Intake for Shriver Legal Aid Services Clients

Custody Case Characteristics	*N* (%)
Purpose of case	
Obtain an initial order for custody and visitation	79 (35%)
Modify an existing custody order	126 (56%)
Modify and enforce an existing custody order	17 (7%)
Other	3 (1%)
Missing/unknown	2 (1%)
Action that Initiated Request for Shriver Services	
Dissolution of marriage, legal separation, annulment	87 (38%)
Parentage	35 (15%)
Petition for custody and support	26 (11%)
Governmental child support	23 (10%)
Domestic violence	25 (11%)
Juvenile case exit order	1 (<1%)
Other	29 (13%)
Missing/unknown	1 (<1%)
Case Status at Shriver Intake	
Post-judgment[a]	112 (49%)
Petition or RFO filed for custody/visitation	31 (14%)
Response to petition or RFO for custody/visitation filed	28 (12%)
Other orders filed[b]	25 (11%)
Mediation occurred	17 (7%)
FCS recommendations made	2 (1%)
Other post-filing action[c]	6 (3%)
Missing/unknown	6 (3%)
Total	227 (100%)

Note. Data from the Shriver program services database (as of 11/12/15). [a] Includes previous orders for cases such as paternity, dissolution of marriage, legal separation, and annulments. [b] Includes temporary orders for custody/visitation, temporary restraining orders, and domestic violence restraining orders. [c] Includes child custody evaluation ordered/completed, action for contempt, and other events not specified.

Client role and opposing party representation

Shriver JDC attorneys assisted both moving parties (45%) and responding parties (51%) in child custody matters. Shriver legal aid services staff assessed whether the opposing party had legal counsel at the time of intake. As shown in Table CA30, 98% faced an opposing party with representation.

Table CA30. Client Role and Opposing Party Representation at Intake for Legal Services Clients

Case Characteristic at Intake	*N* (%)
Client Role in Case	
Moving party	104 (46%)
Responding party	115 (51%)
Other	8 (4%)
Missing/unknown	0 (0%)
Opposing Party Represented by Counsel	
Yes	222 (98%)
No	3 (1%)
Missing/unknown	2 (1%)
Total	227 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

Other contextual factors

To understand the complexity of custody and visitation cases, and to help elucidate possible reasons for one party obtaining sole custody, Shriver attorneys asked clients about current or previous involvement with Child Protective Services, police, domestic violence, and allegations of substance use by either party. Importantly, this information was only available by client report. Thireen percent (*n*=29) of cases had current or prior involvement with Child Protective Services (including those with an open juvenile dependency case) and 15% of cases involved at least one instance of police involvement in the 3 months prior to Shriver intake. Just under half (46%; *n*=104) of all cases involved an allegation of domestic violence, more often against the Shriver client. And 30% (*n*=69) involved an allegation of substance use, also more often against the Shriver client. Overall, 60% of cases (*n*=137) had at least one of these factors (Table CA31).

Table CA31. Contextual Factors for Shriver Legal Aid Services Clients

Contextual Factor	Total *N* (%)
Involvement with Child Protective Services[a]	
Never	146 (65%)
Currently	7 (3%)
Previously	18 (8%)
Juvenile court case	4 (2%)
Missing/unknown	51 (23%)
Allegations of Domestic Violence[b]	
None	118 (52%)
Client alleged or convicted	58 (26%)
OP alleged or convicted	27 (12%)
Both client and OP alleged/convicted	19 (8%)
Missing/unknown	4 (2%)
Allegations of Substance Use	
None	142 (63%)
Against client	37 (16%)
Against opposing party	16 (7%)
Both parties alleged	16 (7%)
Missing/unknown	16 (7%)
Police Involvement 3 Months Prior to Shriver Intake	
Yes	35 (15%)
No	113 (76%)
Missing/unknown	79 (35%)
Total	227 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).
[a] The alleged perpetrator of child maltreatment (i.e., which party) was unknown. [b]Allegations of domestic violence within 5 years prior to Shriver intake.

Case Outcomes

This section presents the outcomes of the child custody cases in which one party was represented by the San Francisco Shriver custody pilot project.

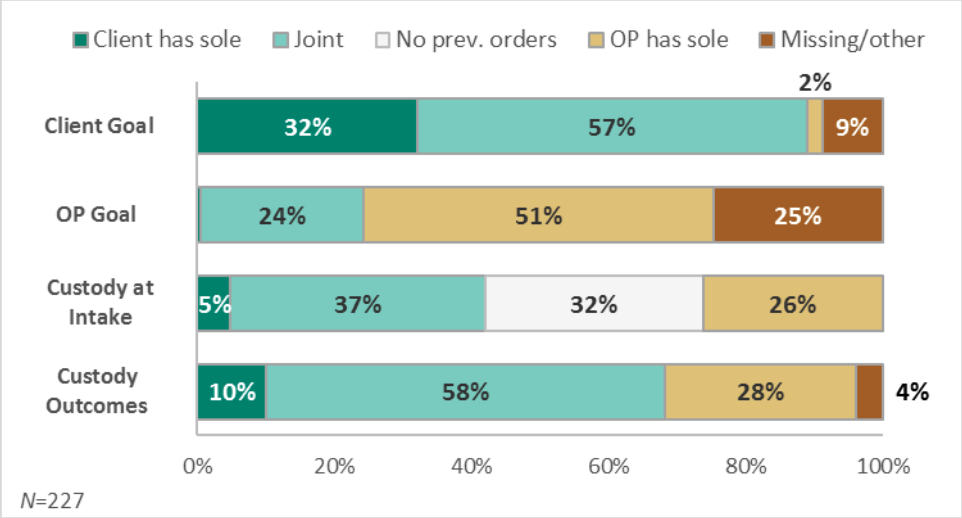
Child Custody Orders

Legal custody

At intake, Shriver attorneys asked their clients about their goals were for the case, in terms of legal custody, physical custody, and visitation orders. At intake, 32% (*n*=73) of Shriver clients sought sole legal custody, and 57% (*n*=129) sought to share joint legal custody. Information about the opposing parties' goals was obtained by the attorney from the petition, RFO, response, or the client. Half of the opposing parties (51%, *n*=116) wanted sole legal custody for themselves, and 24% (*n*=54) wanted to share joint legal custody. In 67% of cases, at least one party sought sole legal custody of the child(ren).

At intake, 5% of Shriver clients had sole legal custody of the child and 32% wanted it. At resolution, 10% of clients were awarded sole legal custody. In contrast, at intake, 26% of opposing parties had sole legal custody and 51% wanted it. At resolution, 28% of opposing parties were awarded sole legal custody. The percentage of cases with joint legal custody increased from 37% at intake to 58% at resolution. (The remaining 3% had some other outcome.)[318] Many of these changes are due to the 32% of cases without legal custody orders at intake. Figure CA5 illustrates these outcomes, and Table C12 (earlier) provides specific percentages for these outcomes.

Figure CA5. Legal Custody: Case Goals, Custody Status at Shriver Intake, and Custody Outcomes for Shriver Representation Clients and Opposing Parties



Note. OP = opposing party.

Physical custody and parenting time ("visitation")

At intake, Shriver attorneys also asked clients about their goals for physical custody. Forty percent (*n*=91) of Shriver clients wanted the child(ren) to live with them all or most of the time

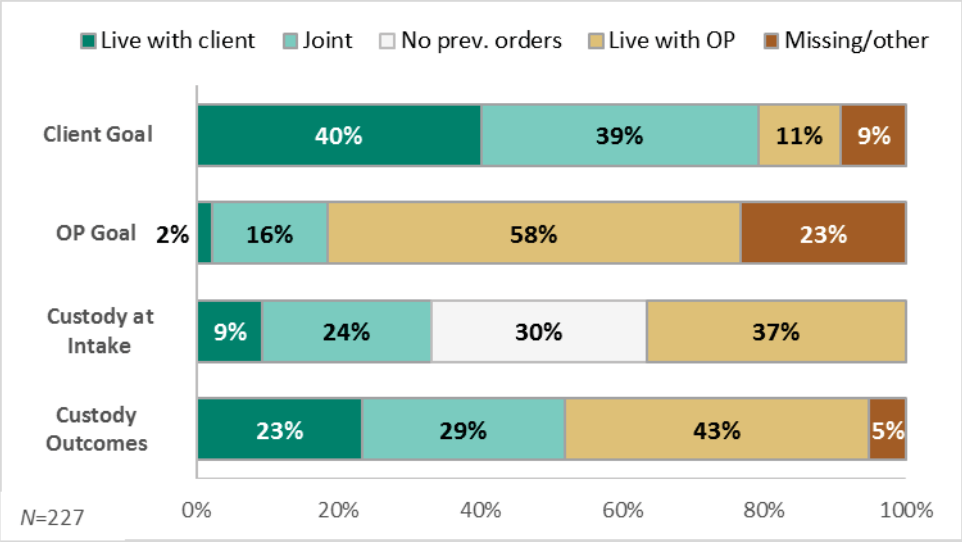
[318] One case was missing information about legal custody outcomes.

(i.e., sole physical custody). Similarly, 58% (*n*=132) of opposing parties wanted the child(ren) to live with them all or most of the time. In 64% (*n*=177) of cases, at least one party sought sole physical custody of the child(ren).

Of Shriver clients seeking sole physical custody, 13% (*n*=12) requested reasonable visitation for the opposing party, 47% (*n*=43) wanted scheduled and unsupervised visitation, 10% (*n*=9) wanted supervised visitation, 9% (*n*=8) wanted no visitation for the opposing party, and 1% (*n*=1) wanted some other visitation order (not specified).[319]

At intake, 9% of Shriver clients had sole physical custody of the child and 40% wanted it. At resolution, 23% of clients were awarded sole physical custody. In contrast, at intake, 37% of opposing parties had sole physical custody and 58% wanted it. At resolution, 43% of opposing parties were awarded sole physical custody. The percentage of cases with joint physical custody was 24% at intake and 29% at resolution. Many of these changes are due to the 30% of cases without physical custody orders at intake.[320] Figure CA6 shows this distribution, and Table C12 (earlier) provides the percentage of cases with these outcomes.

Figure CA6. Physical Custody: Case Goals, Custody Status at Shriver Intake, and Custody Outcomes for Shriver Representation Clients and Opposing Parties



Note. OP = opposing party.

[319] 14 cases were missing information about the desired visitation outcomes if the client obtained sole physical custody.

[320] The remaining 5% (*n*=12) of cases were missing information about the physical custody outcomes.

Of the 150 cases in which one party was awarded sole physical custody, 12% of cases involved both parties agreeing to reasonable visitation with the child(ren), 54% involved the non-custodial parent receiving scheduled and unsupervised visitation, 18% involved the non-custodial parent receiving supervised visitation, and 12% receiving no visitation.[321] Table CA32 shows the number of cases with each visitation outcome, by physical custody orders. For the 27 cases where supervised visitation was ordered, the primary reason pertained to concerns about domestic violence (26%, *n*=7), abduction (11%, *n*=3), reintroduction (7%, *n*=2), or multiple reasons (7%, *n*=2).[322] Among the 27 cases with orders for supervised visitation, 15% (*n*=4) entailed orders for a professional provider.[323] Table CA33 shows more information about the terms related to supervised visitation.

Table CA32. Visitation Orders for Shriver Representation Clients

	Physical Custody Outcome		
Visitation Orders	**Sole to Client** ***N*** **(%)**	**Sole to OP** ***N*** **(%)**	**Total** ***N*** **(%)**
Reasonable visitation	8 (15%)	10 (10%)	18 (12%)
Scheduled (unsupervised) visitation	34 (64%)	47 (48%)	81 (54%)
Supervised visitation for client	0 (0%)	22 (23%)	22 (15%)
Supervised visitation for OP	5 (9%)	0 (0%)	5 (3%)
No visitation for client	0 (0%)	12 (12%)	12 (8%)
No visitation for OP	6 (11%)	0 (0%)	6 (4%)
Other	0 (0%)	5 (5%)	5 (3%)
Missing/Unknown	0 (0%)	1 (1%)	1 (1%)
Total	53 (100%)	97 (100%)	150 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

[321] In 1% of cases (*n*=1), there was some other visitation outcome, in 14% of cases (n=22) the outcome was unknown or missing.

[322] 48% of cases (*n*=13) of cases were missing this information, or the information was unknown.

[323] Non-professional providers (7%, *n*=2), other therapeutic providers (11%, *n*=3), and multiple types of providers (33%, *n*=9) were also ordered as supervised visitation providers. Nine cases (33%) were missing information about the provider type.

Table CA33. Supervised Visitation Terms for Shriver Representation Clients

	Physical Custody Outcomes				
Other Visitation Terms	**Sole to Client** *N* (%)	**Sole to OP** *N* (%)	**Joint Custody** *N* (%)	**Other or Missing** *N* (%)	**Total** *N* (%)
Supervised Visits Due To					
Domestic violence	1 (2%)	6 (6%)	0 (0%)	0 (0%)	7 (3%)
Abduction concerns	1 (2%)	2 (2%)	0 (0%)	0 (0%)	3 (1%)
Reintroduction	0 (0%)	2 (2%)	0 (0%)	0 (0%)	2 (1%)
Multiple reasons	0 (0%)	2 (2%)	0 (0%)	0 (0%)	2 (1%)
Not applicable	48 (91%)	75 (77%)	65 (100%)	12 (100%)	200 (88%)
Missing	3 (6%)	10 (10%)	0 (0%)	0 (0%)	13 (6%)
Supervised Visits Ordered With					
Professional provider	1 (2%)	3 (3%)	0 (0%)	0 (0%)	4 (2%)
Non-professional provider	0 (0%)	2 (2%)	0 (0%)	0 (0%)	2 (1%)
Other therapeutic provider	0 (0%)	3 (3%)	0 (0%)	0 (0%)	3 (1%)
Other provider	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Multiple types	1 (2%)	8 (8%)	0 (0%)	0 (0%)	9 (4%)
Not applicable	48 (91%)	75 (77%)	65 (100%)	12 (100%)	200 (88%)
Missing	3 (6%)	6 (6%)	0 (0%)	0 (0%)	9 (4%)
Total	53 (100%)	97 (100%)	65 (100%)	12 (100%)	227 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

Additional case outcomes

In addition to child custody orders, the court can make, or the parties agree to, other orders. Of all representation cases, participation in mental health therapy was ordered for the Shriver client 16% of the time and for the child(ren) 18% of the time. Orders for substance use counseling were rare, occurring in about 5% of all cases, and were more often ordered for the Shriver client when the opposing party was awarded sole custody. Parenting classes were ordered in approximately 15% of clients and opposing parties. Restraining orders were granted for the opposing party in 16% of cases—including 28% of cases in which sole custody was awarded to the opposing party. Protective orders were granted by the criminal court, and documented in the program database, for the opposing party in 3% of cases, and 1% of clients were ordered to participate in a 52-week batterer intervention program. These additional orders are displayed in Table CA34, organized by physical custody outcome.

Table CA34. Additional Orders by Physical Custody Outcome for Shriver Representation Clients

Additional Orders in Case	Physical Custody Order Outcomes				
	Client Has Sole Custody *N* (%)	OP Has Sole Custody *N* (%)	Joint Custody *N* (%)	Other or Missing *N* (%)	Total *N* (%)
Treatment-related Orders					
Therapy/Mental Health Counseling					
For client	3 (6%)	26 (27%)	4 (6%)	3 (25%)	36 (16%)
For OP	6 (11%)	10 (10%)	3 (5%)	3 (25%)	22 (10%)
For child(ren)	5 (9%)	22 (23%)	9 (14%)	4 (33%)	40 (18%)
Substance Use Counseling					
For client	0 (0%)	10 (10%)	1 (2%)	0 (0%)	11 (5%)
For OP	1 (2%)	0 (0%)	0 (0%)	0 (0%)	1 (<1%)
Parenting Classes					
For client	5 (9%)	17 (18%)	10 (15%)	3 (25%)	35 (15%)
For OP	6 (11%)	12 (12%)	11 (17%)	2 (17%)	31 (14%)
Domestic Violence-related Orders					
Restraining Order Granted					
For client	7 (13%)	5 (5%)	3 (5%)	1 (8%)	16 (7%)
For OP	2 (4%)	27 (28%)	4 (6%)	3 (25%)	36 (16%)
Criminal Protective Order Granted					
For client	1 (2%)	0 (0%)	0 (0%)	0 (0%)	1 (0%)
For OP	0 (0%)	7 (7%)	0 (0%)	0 (0%)	7 (3%)
52-week Batterer Intervention Program Ordered					
For client	0 (0%)	2 (2%)	1 (2%)	0 (0%)	3 (1%)
For OP	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Total	53 (100%)	97 (100%)	65 (100%)	12 (100%)	227 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

Court Efficiency & Other Agency Involvement

Length of Shriver service provision

Across the cases with available data, the average length of Shriver service provision was 188 days (median = 126; range = 1 to 1,032 days).[324] Cases where the client was awarded sole physical custody were usually the shortest, with an average of 151 days (median = 56) of Shriver service provision. Cases where the opposing party was awarded sole physical custody were those that lasted the longest, averaging about 226 days (median = 160), and cases where joint physical custody were ordered fell in between these ranges at an average of 188 days (median = 126.5).

[324] Two cases (1%) were missing this information.

Continuances and mediation sessions

On average, each representation case had two continuances and one mediation session. Table CA35 shows the average number of court case events for legal services clients.

Table CA35. Court Events for Shriver Representation Clients

	Court Event	
Statistic	**Continuances**	**Mediation Sessions**
Mean (*SD*)	2.5 (3.0)	1.3 (1.3)
Median	2	1
Range	0 to 23	0 to 8
Missing, *N* (%)	14 (6%)	22 (4%)

Note. Data from the Shriver program services database (as of 11/12/15). Information about the length of the court case was not available.

Police involvement

At intake, Shriver attorneys asked their clients how often the police had been asked to intervene in the 3 months prior to seeking Shriver services. Police involvement included, but was not limited to, enforcing existing custody and visitation orders or responding to instances of domestic violence. As shown in Table CA36, 50% of cases had no police involvement in the 3 months prior to Shriver intake, 12% had occasional police involvement, and 3% had frequent police involvement (at least once per week).

Toward the end of the Shriver service provision (i.e., at or near the resolution of the pleading), clients were again asked about the frequency of police involvement during the previous 3 months. At this point, 43% of cases (*n*=98) maintained no police involvement, 7% (*n*=15) reported a decrease in police involvement, 4% (*n*=9) reported an increase, and 5% of cases (*n*=12) had the same amount of police involvement as before Shriver services.[325]

Table CA36. Reported Frequency of Police Involvement for Shriver Representation Clients

Frequency of Police Involvement	**3 Months Prior to Shriver Intake** *N* (%)	**3 Months Prior to Shriver Exit** *N* (%)
Never	113 (50%)	134 (59%)
Less than once per month	22 (10%)	13 (6%)
1-3 times per month	5 (2%)	4 (2%)
Once per week	7 (3%)	7 (3%)
2-3 times per week	1 (<1%)	4 (2%)
More than 3 times per week	0 (0%)	1 (<1%)
Missing/unknown	79 (35%)	64 (28%)
Total	227 (100%)	227 (100%)

Note. Data from the Shriver program services database (as of 11/12/15).

[325] 41% of cases (*n*=93) were missing information at either intake or case closing.

Shriver Custody Pilot Projects Appendix B: Self-Sufficiency Data Tables

Self-Sufficiency Data Tables

Table CA37. Arizona Self-Sufficiency Matrix:
Number and Percent of Los Angeles Custody Clients Assessed in Domain at Shriver Intake

	ASSM Assessment Category						
ASSM Domain	**In Crisis** *N* (%)	**At Risk** *N* (%)	**Building Capacity** *N* (%)	**Stable** *N* (%)	**Empowered/ Thriving** *N* (%)	**Missing** *N* (%)	**Total** *N* (%)
Employment	56 (51%)	29 (27%)	15 (14%)	7 (6%)	2 (2%)	0 (0%)	109 (100%)
Food	10 (9%)	65 (60%)	20 (18%)	10 (9%)	4 (4%)	0 (0%)	109 (100%)
Income	37 (34%)	20 (18%)	35 (32%)	11 (10%)	6 (6%)	0 (0%)	109 (100%)
Adult education/vocational training	47 (43%)	4 (4%)	25 (23%)	17 (16%)	16 (15%)	0 (0%)	109 (100%)
Family/social relations	23 (21%)	16 (15%)	23 (21%)	29 (27%)	18 (17%)	0 (0%)	109 (100%)
Housing	10 (9%)	22 (20%)	20 (18%)	17 (16%)	40 (37%)	0 (0%)	109 (100%)
Community involvement	22 (20%)	9 (8%)	20 (18%)	47 (43%)	11 (10%)	0 (0%)	109 (100%)
Life skills	0 (0%)	18 (17%)	32 (29%)	41 (38%)	18 (17%)	0 (0%)	109 (100%)
Healthcare coverage	7 (6%)	6 (6%)	32 (29%)	34 (31%)	29 (27%)	1 (1%)	109 (100%)
Transportation	2 (2%)	17 (16%)	23 (21%)	47 (43%)	20 (18%)	0 (0%)	109 (100%)
Mental health	0 (0%)	10 (9%)	19 (17%)	33 (30%)	47 (43%)	0 (0%)	109 (100%)
Safety	2 (2%)	7 (6%)	21 (19%)	27 (25%)	52 (48%)	0 (0%)	109 (100%)
Health/disabilities	3 (3%)	3 (3%)	3 (3%)	7 (6%)	93 (85%)	0 (0%)	109 (100%)
Criminal legal issues	8 (7%)	0 (0%)	0 (0%)	1 (1%)	100 (92%)	0 (0%)	109 (100%)
Substance use	1 (1%)	0 (0%)	0 (0%)	3 (3%)	105 (96%)	0 (0%)	109 (100%)
Of those with child custody…							
Parenting skills	0 (0%)	1 (1%)	1 (1%)	36 (37%)	58 (59%)	2 (2%)	98 (100%)
Child care	10 (10%)	13 (13%)	20 (20%)	39 (40%)	14 (14%)	2 (2%)	98 (100%)
Of those with child custody and school-aged children…							
Children's education	2 (2%)	2 (2%)	0 (0%)	5 (6%)	72 (85%)	4 (5%)	85 (100%)

Table CA38. Arizona Self-Sufficiency Matrix Domains and Categories

	ASSM Assessment Category				
ASSM Domain	**In Crisis**	**At Risk**	**Building Capacity**	**Stable**	**Empowered/Thriving**
Employment	No job.	Temporary, part-time or seasonal; inadequate pay, no benefits.	Employed full time; inadequate pay; few or no benefits.	Employed full time with adequate pay and benefits.	Maintains permanent employment with adequate income and benefits.
Food	No food or means to prepare it. Relies to a significant degree on other sources of free or low-cost food.	Household is on food stamps.	Can meet basic food needs, but requires occasional assistance.	Can meet basic food needs without assistance.	Can choose to purchase any food household desires.
Income	No income.	Inadequate income and/or spontaneous or inappropriate spending.	Can meet basic needs with subsidy; appropriate spending.	Can meet basic needs and manage debt without assistance.	Income is sufficient, well-managed; has discretionary income and is able to save.
Adult Education/ Vocational Training	Literacy problems and/or no high school diploma/GED are serious barriers to employment.	Enrolled in literacy and/or GED program and/or has sufficient command of English to where language is not a barrier to employment.	Has high school diploma/GED.	Needs additional education/training to improve employment situation and/or to resolve literacy problems to where they are able to function effectively in society.	Has completed education/training needed to become employable. No literacy problems.
Family/Social Relations	Lack of necessary support form family or friends; abuse (DV, child) is present or there is child neglect.	Family/friends may be supportive, but lack ability or resources to help; family members do not relate well with one another; potential for abuse or neglect.	Some support from family/friends; family members acknowledge and seek to change negative behaviors; are learning to communicate and support.	Strong support from family or friends. Household members support each other's efforts.	Has healthy/expanding support network; household is stable and communication is consistently open.
Housing	Homeless or threatened with eviction.	In transitional, temporary or substandard housing; and/or current rent/mortgage payment is unaffordable (over 30% of income).	In stable housing that is safe but only marginally adequate.	Household is in safe, adequate subsidized housing.	Household is safe, adequate, unsubsidized housing.
Community Involvement	Not applicable due to crisis situation; in "survival" mode.	Socially isolated and/or no social skills and/or lacks motivation to become involved.	Lacks knowledge of ways to become involved.	Some community involvement (advisory group, support group), but has barriers such as transportation, child care issues.	Actively involved in community.

	ASSM Assessment Category				
ASSM Domain	**In Crisis**	**At Risk**	**Building Capacity**	**Stable**	**Empowered/Thriving**
Life Skills	Unable to meet basic needs such as hygiene, food, activities of daily living.	Can meet a few but not all needs of daily living without assistance.	Can meet most but not all daily living needs without assistance.	Able to meet all basic needs of daily living without assistance.	Able to provide beyond basic needs of daily living for self and family.
Healthcare Coverage	No medical coverage with immediate need.	No medical coverage and great difficulty accessing medical care when needed. Some household members may be in poor health.	Some members (e.g., children) have medical coverage.	All members can get medical care when needed, but may strain budget.	All members are covered by affordable, adequate health insurance.
Transportation	No access to transportation, public or private; may have car that is inoperable.	Transportation is available, but unreliable, unpredictable, unaffordable; may have care but no insurance, license, etc.	Transportation is available and reliable, but limited and/or inconvenient; drivers are licensed and minimally insured.	Transportation is generally accessible to meet basic travel needs.	Transportation is readily available and affordable; car is adequately insured.
Mental Health	Danger to self or others; recurring suicidal ideation; experiencing severe difficulty in day-to-day life due to psychological problems.	Recurrent mental health symptoms that may affect behavior, but not a danger to self/others; persistent problems with functioning due to mental health symptoms.	Mild symptoms may be present but are transient; only moderate difficulty in functioning due to mental health problems.	Minimal symptoms that are expectable responses to life stressors; only slight impairment in functioning.	Symptoms are absent or rare; good or superior functioning in wide range of activities; no more than everyday problems or concerns.
Safety	Home or residence is not safe; immediate level of lethality is extremely high; possible CPS involvement.	Safety is threatened/temporary protection is available; level of lethality is high.	Current level of safety is minimally adequate; ongoing safety planning is essential.	Environment is safe, however, future of such is uncertain; safety planning is important.	Environment is apparently safe and stable.
Health/Disabilities	In crisis – acute or chronic symptoms affecting housing, employment, social interactions, etc.	Vulnerable – sometimes or periodically has acute or chronic symptoms affecting housing, employment, social interactions, etc.	Safe – rarely has acute or chronic symptoms affecting housing, employment, social interactions, etc.	Building capacity – asymptomatic – condition controlled by services or medication.	Thriving – no identified disability.
Criminal Legal Issues	Current outstanding tickets or warrants.	Current charges/trial pending, noncompliance with probation/parole.	Fully compliant with probation/parole terms.	Has successfully completed probation/parole within past 12 months, no new charges filed.	No active criminal justice involvement in more than 12 months and/or no felony criminal history.

	ASSM Assessment Category				
ASSM Domain	**In Crisis**	**At Risk**	**Building Capacity**	**Stable**	**Empowered/Thriving**
Substance Use	Meets criteria for severe abuse/dependence; resulting problems so severe that institutional living or hospitalization may be necessary.	Meets criteria for dependence; preoccupation with use and/or obtaining drugs/alcohol; withdrawal or withdrawal avoidance behaviors evident; use results in avoidance or neglect of essential life activities.	Use within last 6 months; evidence of persistent or recurrent social, occupational, emotional or physical problems related to use (such as disruptive behavior or housing problems); problems have persisted for at least 1 month.	Client has used during last 6 months, but no evidence of persistent or recurrent social, occupational, emotional, or physical problems related to use; no evidence of recurrent dangerous use.	No drug use/alcohol abuse in last 6 months.
Parenting Skills	There are safety concerns regarding parenting skills.	Parenting skills are minimal.	Parenting skills are apparent but not adequate.	Parenting skills are adequate.	Parenting skills are well developed.
Child Care	Needs child care, but none is available/accessible and/or child is not eligible.	Child care is unreliable or unaffordable, inadequate supervision is a problem for child care that is available.	Affordable subsidized child care is available, but limited.	Reliable, affordable child care is available, no need for subsidies.	Able to select quality child care of choice.
Children's Education	One or more school-aged children not enrolled in school.	One or more school-aged children enrolled in school, but not attending classes.	Enrolled in school, but one or more children only occasionally attending classes.	Enrolled in school and attending classes most of the time.	All school-aged children enrolled and attending on a regular basis.

Note. Minnesota Housing (1996). *Arizona Self Sufficiency Matrix* [PDF]. Retrieved from www.mnhousing.gov/get/MHFA_010996
The original tool, without Arizona's revisions, can be found here: http://www.performwell.org/index.php/find-surveyassessments/outcomes/employment-a-housing/housing-and-shelter/self-sufficiency-matrix-an-assessment-and-measurement-tool-created-through-a-collaborative-partnership-of-the-human-services-community-in-snohomish-county

Shriver Custody Pilot Projects Appendix C:

Supplemental Cost Tables

Supplemental Cost Tables

Table CA39. Average Cost per Case for Legal Aid Services in FY 2014 – Invoice Calculations – Los Angeles

Level of Service	Total Invoiced Amount FY 2014	Average Atty Hours per Case	Relative Level of Effort (LOE)[a]	X	Number of Cases	=	Number of LOE Units in FY 2014	Cost per Unit[b]	Average Cost per Case[c]
Representation		45.0	7.5		72		540		$1,219*7.5= **$9,143**
Unbundled Services		6.0	1.0		67		67		$1,219*1.0= **$1,219**
Total	**$739,977**				**139**		**607**	$739,977/607=$1,219	

[a] Relative level of effort (LOE) was estimated to reflect the proportional difference in resources needed to provide the two levels of service. Specifically, the average number of attorney hours for both representation (45.0 hours) and unbundled service provision (6.0 hours) was divided by 6.0, to develop a ratio. In this case, the ratio was 7.5 to 1.0. [b] LOE units were a standardized unit of measure across the levels of service. The cost per LOE unit was calculated by dividing the total amount invoiced ($739,977) by the total number of LOE units (607), yielding a cost per unit of $1,219. [c] Average cost per case was calculated by multiplying the cost per LOE unit by the number of LOE units by level of service.

Table CA40. Average Cost per Case for Legal Aid Services in FY 2014 – Invoice Calculations – San Diego

Level of Service	Total Invoiced Amount FY 2014	Average Atty Hours per Case	Relative Level of Effort (LOE)[a]	X	Number of Cases	=	Number of LOE Units in FY 2014	Cost per Unit[b]	Average Cost per Case[c]
Representation		31.0	10.3		46		475		$718*10.3= **$7,418**
Unbundled Services		3.0	1.0		102		102		$718*1.0= **$718**
Total	**$414,451**				**148**		**577**	$414,451/577=$718	

[a] Relative level of effort (LOE) was estimated to reflect the proportional difference in resources needed to provide the two levels of service. Specifically, the average number of attorney hours for both representation (31.0 hours) and unbundled services provision (3.0 hours) was divided by 3.0, to develop a ratio. In this case, the ratio was 10.3 to 1.0. [b] LOE units were a standardized unit of measure across the levels of service. The cost per LOE unit was calculated by dividing the total amount invoiced ($414,451) by the total number of LOE units (577), yielding a cost per unit of $718. [c] Average cost per case was calculated by multiplying the cost per LOE unit by the number of LOE units by level of service.

Table CA41. Average Cost per Case for Legal Aid Services in FY 2014 – Invoice Calculations – San Francisco

Level of Service	Total Invoiced Amount FY 2014	Average Atty Hours per Case	Relative Level of Effort (LOE)[a]	X	Number of Cases	=	Number of LOE Units in FY 2014	Cost per Unit[b]	Average Cost per Case[c]
Representation		32.0	4.6		45		206		$737*4.6= **$3,371**
Unbundled Services		7.0	1.0		2		2		$737*1.0= **$737**
Total	**$153,146**				**47**		**208**	$153,146/208=$737	

[a] Relative level of effort (LOE) was estimated to reflect the proportional difference in resources needed to provide the two levels of service. Specifically, the average number of attorney hours for both representation (32.0 hours) and unbundled services provision (7.0 hours) was divided by 7.0, to develop a ratio. In this case, the ratio was 4.6 to 1.0. [b] LOE units were a standardized unit of measure across the levels of service. The cost per LOE unit was calculated by dividing the total amount invoiced ($153,146) by the total number of LOE units (208), yielding a cost per unit of $737. [c] Average cost per case was calculated by multiplying the cost per LOE unit by the number of LOE units by level of service.

Table CA42. Average Cost of Family Law Facilitator in a Highly Contested Custody Proceeding in FY 2014 (San Diego)

Staff Involved	Hourly Rate	Average Time Worked	Cost
Family law facilitator	$61	60 minutes	$61
Total cost per RFO			**$61**

Table CA43. Average Cost of Family Court Services in a Highly Contested Custody Proceeding in FY 2014 (San Diego)

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court operations clerk	$41	120 minutes	$82
FCS counselor	$61	240 minutes	$244
Total cost per RFO			**$326**

Table CA44. Average Cost of Paperwork and Calendaring in a Highly Contested Custody Proceeding in FY 2014 (San Diego)

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court operations clerk	$41	30 minutes	$21
Total cost per RFO			**$21**

Table CA45. Average Cost of a Fee Waiver Processing in a Highly Contested Custody Proceeding in FY 2014 (San Diego)

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court operations clerk	$41	10 minutes	$7
Total cost per RFO			**$7**

Table CA46. Average Cost of a Shriver Settlement Conference in a Highly Contested Custody Proceeding in FY 2014 (San Diego)

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court operations clerk	$41	25 minutes	$17
Calendar clerk	$45	25 minutes	$19
Court reporter	$42	20 minutes	$14
Courtroom clerk	$45	20 minutes	$15
Bailiff	$61	90 minutes	$91
Judge	$109	135 minutes	$245
Total cost per settlement conference			**$401**

Table CA47. Average Cost of a Regular Hearing in a Highly Contested Custody Proceeding in FY 2014 (San Diego)

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court operations clerk	$41	30 minutes	$21
Calendar clerk	$45	25 minutes	$19
Court reporter	$42	40 minutes	$28
Courtroom clerk	$45	42 minutes	$32
Bailiff	$61	40 minutes	$41
Judge	$109	65 minutes	$118
Total cost per hearing			**$259**

Table CA48. Average Cost of a Review Hearing in a Highly Contested Custody Proceeding in FY 2014 (San Diego)

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court operations clerk	$41	30 minutes	$21
Calendar clerk	$45	10 minutes	$8
Court reporter	$42	40 minutes	$28
Courtroom clerk	$45	42 minutes	$32
Bailiff	$61	40 minutes	$41
Judge	$109	60 minutes	$109
Total cost per hearing			**$239**

Table CA49. Average Cost of a Long Cause Hearing in a Highly Contested Custody Proceeding in FY 2014 (San Diego)

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court operations clerk	$41	10 minutes	$7
Calendar clerk	$45	25 minutes	$19
Courtroom clerk	$45	120 minutes	$90
Bailiff	$61	90 minutes	$92
Judge	$109	165 minutes	$300
Total cost per hearing			**$508**

Table CA50. Average Cost of an Ex Parte Hearing in a Highly Contested Custody Proceeding in FY 2014 (San Diego)

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court operations clerk	$41	15 minutes	$10
Calendar clerk	$45	15 minutes	$11
Courtroom clerk	$45	20 minutes	$15
Bailiff	$61	15 minutes	$15
Judge	$109	30 minutes	$55
Total cost per ex parte hearing			**$106**

Table CA51. Average Cost of a Trial in a Highly Contested Custody Proceeding in FY 2014 (San Diego)

Staff Involved	Hourly Rate	Average Time Worked	Cost
Court operations clerk	$41	7 minutes	$5
Calendar clerk	$45	7 minutes	$5
Courtroom clerk	$45	270 minutes	$203
Bailiff	$61	240 minutes	$244
Judge	$109	300 minutes	$545
Total cost per trial			**$1,002**

Shriver Probate Pilot Project
Appendix A: Supplemental Cost Tables

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Appendix A: Supplemental Cost Tables

Table PA1. Average Cost per Case for Legal Aid Services in FY 2014 – Invoice Calculations

Level of Service	Total Invoiced Amount FY 2014	Average Atty Hours per Case	Relative Level of Effort (LOE)[a]	X	Number of Cases	=	Number of LOE Units	Cost per Unit[b]	Average Cost per Case[c]
Full rep.		16.3	7.8		16		124		$437*7.8 = **$3,389**
Unbundled svcs.		2.1	1.0		42		42		$437*1 = **$437**
Total	**$72,562**				**58**		**166**	**$72,562/166=$437**	

[a] Relative level of effort (LOE) was estimated to reflect the proportional difference in resources needed to provide the two levels of service. Specifically, the average number of attorney hours for both full representation (16.3 hours) and unbundled service provision (2.1 hours) was divided by 2.1, to develop a ratio. In this case, the ratio was 7.8 to 1.0. These numbers reflect all litigants who received unbundled services, regardless of Shriver eligibility status (which was determined later, after initial services were received).

[b] LOE units were a standardized unit of measure across the levels of service. The cost per LOE unit was calculated by dividing the total amount invoiced ($72,562) by the total number of LOE units (166), yielding a cost per unit of $437.

[c] Average cost per case was calculated by multiplying the cost per LOE unit by the number of LOE units by level of service (i.e., the relative level of effort).

Table PA2. Average Cost of a Hearing in FY 2014

Staff Involved	Hourly Rate	Average Time for a Hearing	Average Cost per Hearing
Probate attorney	$92	45 minutes	$69
Judicial assistant	$43	200 minutes	$143
Court reporter	$61	180 minutes	$183
Bailiff	$83	180 minutes	$249
Judge	$117	200 minutes	$390
Total cost per hearing			**$1,034**

Note. Data source: number of minutes estimated by court staff, staff hourly rates (judicial assistant, probate attorney) from SBSC, and (court reporter, judge, bailiff) from online budget information (http://publicpay.ca.gov/Reports/Counties/County.aspx?entityid=42&fiscalyear=2013)

Table PA3. Average Cost of a Continuance in FY 2014

Staff Involved	Hourly Rate	Average Time for a Continuance	Average Cost per Continuance
Probate attorney	$92	45 minutes	$69
Judicial assistant	$43	30 minutes	$22
Court reporter	$61	20 minutes	$20
Bailiff	$83	20 minutes	$28
Judge	$117	30 minutes	$59
Total Cost per Continuance			**$198**

Note. Data source: number of minutes estimated by court staff, staff hourly rates (judicial assistant, probate attorney) from SBSC, and (court reporter, judge, bailiff) from online budget information (http://publicpay.ca.gov/Reports/Counties/County.aspx?entityid=42&fiscalyear=2013)