

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 2193 (Gabriel)
Version: March 24, 2022
Hearing Date: June 21, 2022
Fiscal: No
Urgency: No
TSG

SUBJECT

Civil representation: immigration status

DIGEST

This bill prohibits programs providing legal services through grants from the Sargent Shriver Civil Counsel Act (Shriver Act) from discriminating on the basis of citizenship or immigration status. Where the lead legal aid agency of the program cannot serve everyone due to other funding restrictions, the bill requires that agency to provide people it cannot serve with a referral to services elsewhere.

EXECUTIVE SUMMARY

The Shriver Act provides grants to fund pilot programs designed to ensure that legal counsel is available for people dealing with life-altering civil matters in court – child custody, conservatorships, or loss of housing, for example – in different locations across California. The simple intent behind this bill is to ensure that all eligible Californians can access Shriver Act services regardless of their citizenship or immigration status. Carrying out that intent becomes complicated, however, because some of the legal services providers that participate in Shriver Act programs take money from the federal Legal Services Corporation (LSC) and are therefore prohibited from serving most undocumented individuals. Where a legal services provider participating in a Shriver Act program cannot serve undocumented people for this reason, this bill would require that legal services provider to refer undocumented clients for services elsewhere.

The bill is author-sponsored. Support comes from immigrant and civil rights advocates who like the bill's inclusionary intent. There is no known opposition. The bill passed off of the Assembly Floor by a vote of 64-0. If the bill passes out of this Committee, it will next be heard on the Senate Floor.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Existing federal law guarantees a right to counsel in criminal proceedings (*Gideon v. Wainwright* (1963) 372 U.S. 335), but not generally in civil matters. (*Lassiter v. Dep't of Soc. Servs.* (1981) 452 U.S. 18).
- 2) Authorizes the Judicial Council to develop one or more pilot projects to test the concept of "Civil Gideon" by providing legal representation for persons at or below 200 percent of the federal poverty level who require legal services in civil matters involving housing, domestic violence and civil harassment restraining orders, probate conservatorships, guardianships of the person, elder abuse, or actions by a parent to obtain sole legal or physical custody of a child. (Gov. Code § 68651(b)(1).)
- 3) Provides that each pilot project shall be a partnership between a court, a qualified legal services project that serves as lead agency for case assessment and direction, and other legal services providers in the community that provide services for the project. (Gov. Code § 68651(b)(4).)
- 4) In recognition of the fact that not all indigent parties, even those with meritorious cases, can be provided counsel, directs the lead legal aid agency on the project to be responsible for providing procedures, personnel, training, and case management and administration practices that reflect best practices to ensure unrepresented parties have meaningful access to justice and guard against the involuntary waiver of rights. (Gov. Code § 68651(b)(4).)
- 5) Establishes criteria for the Judicial Council to use in selecting pilot projects for funding. (Gov. Code § 68651(b)(5).)
- 6) Establishes guidelines for applications for funding. (Gov. Code § 68651(b)(6-10).)
- 7) Prohibits legal services agencies from serving undocumented individuals, with specified exceptions, if the legal services agency receives funding from LSC. (45 C.F.R. Part 1626.)

This bill:

- 1) Requires Shriver Civil Counsel Act pilot programs to provide legal services without discriminating between clients on the basis of citizenship or immigration status.
- 2) Provides that if an organization participating in a Shriver Civil Counsel Act program is prohibited, due to other funding restrictions, from representing certain persons due to their citizenship or immigration status, that organization shall refer those individuals for services elsewhere.

COMMENTS

1. Brief background on the Shriver Act

In 2009, California enacted the Sargent Shriver Civil Counsel Act, so named in honor of then-California First Lady Maria Shriver's father, who was a major proponent of legal aid. (AB 590, Feuer, Ch. 457, Stats. 2009.) AB 590 passed both houses of the Legislature on a bipartisan basis and was signed by Governor Schwarzenegger on October 11, 2009.

Pursuant to the Shriver Act, legal aid agencies in partnership with their local county courts must present proposals for grant funding to the Judicial Council. The proposals must focus on at least one of the civil matters identified as having such profound impact on litigants' lives that legal counsel should be appointed: housing-related matters, domestic violence and civil harassment restraining orders, probate conservatorships, guardianships of the person, elder abuse, or actions by a parent to obtain sole legal or physical custody of a child. In addition, the proposed programs are supposed to involve implementation of court procedures, personnel, training, and case management and administration methods that reflect best practices to ensure unrepresented parties in those cases have meaningful access to justice, and to guard against the involuntary waiver of those rights or their disposition by default. As the Act puts it:

These pilot projects should be designed to address the substantial inequities in timely and effective access to justice that often give rise to an undue risk of erroneous decision because of the nature and complexity of the law and the proceeding or disparities between the parties in education, sophistication, language proficiency, legal representation, access to self-help, and alternative dispute resolution services. (Gov. Code § 68651(b).)

A special Judicial Council committee then reviews the project proposals and selects which projects will receive funding. The money for the Shriver Act grants derives from a \$25 increase in various court filing fees.

The Shriver Act is not meant to serve merely as an expansion of legal aid services. The Legislature initially designed the Shriver Act as a test of the theory behind the concept known as Civil Gideon: whether the provision of legal counsel in life-critical civil matters would improve outcomes for low-income litigants and whether or not such legal representation might also achieve certain efficiencies for the courts. Accordingly, data collection and evaluation requirements form an integral part of the Project's enacting legislation. (Gov. Code § 68651(c).) An independent, outside research agency

oversees this research and conducts regular evaluations of all of the programs. Thus far, the outcomes of these evaluations have been largely positive.¹

2. Attempting to ensure that Shriver Act services are available to all eligible Californians regardless of citizenship or immigration status

The purpose behind this bill is straightforward: it is intended to ensure that legal services provided using Shriver Act funds are available to all eligible Californians regardless of their citizenship and immigration status. As the author emphasizes, the issue is not just one of fairness and consistency with California values. It is also a matter of making sure that state resources are being used efficiently. Because they lack formal legal status in the country, undocumented immigrants live at perpetual risk of arrest, separation from their families, detention, and deportation. Unscrupulous employers, landlords, and businesses can -- and often do -- target undocumented individuals and families for abuse, knowing that the fear of adverse immigration consequences makes it less likely that their victims will try to hold them accountable. As a result, undocumented individuals are often among those who are most in need of competent legal services.

In theory, this bill should help to ensure that undocumented Californians can access those services. In practice, however, guaranteeing equal access to Shriver Act services is easier said than done.

The difficulty has to do with how government funding for legal aid works more broadly. At the federal level, the government distributes legal aid funding through the Legal Services Corporation (LSC). Over time, the federal government has placed restrictions on what LSC-funded legal aid programs can and cannot do.

Of particular relevance to this bill, in 1980 LSC prohibited its recipients from using LSC money to serve most undocumented clients. This led to a split among legal aid agencies. Some refused to take any further LSC money and endured massive cutbacks as a result. Others, though typically opposed to LSC's policy, continued to accept LSC's money. Then, in 1996, the federal government further tightened its rules. From that point forward, LSC not only prohibited the use of LSC funds to serve undocumented clients, it also forbid recipients of its funding from serving undocumented clients even using money from other sources. (45 C.F.R. Part 1626.) Despite a number of campaigns to overturn this rule, it remains in place today.

¹ For a detailed discussion of some of the evaluation results, see Sen. Com. on Judiciary, Analysis of Assem. Bill No. 330 (2019-2020 Reg. Sess.) as amended May 9, 2019 at pp. 6-8. For the most recent evaluation, see Jarvis *et al*, *Report to the California State Legislature for the Sargent Shriver Civil Counsel Act Evaluation* (Jun. 2020) NPC Research, available at: https://www.courts.ca.gov/documents/Shriver-Legislative-Report_June-30-2020.pdf (as of Jun. 5, 2022).

3. How LSC restrictions impact the availability of Shriver Act services

The impact of LSC's restrictions on Shriver Act projects varies depending on how the Shriver Act project is structured and where it is located. The Shriver Act itself requires each project to be designed around a central intake hub known as the lead legal services agency. Additional legal aid agencies or other relevant service providers operate around that hub as partners on the project. If the lead agency for a Shriver Act project is an LSC-funded institution – as is the case for several of the projects – then that lead agency cannot serve most undocumented individuals seeking services. That is not such a big deal, though, so long as one of the partner legal services providers is non-LSC funded. In that case, the LSC-funded lead agency can just direct any undocumented individuals seeking services to that non-LSC funded partner.

The real problem arises when there are no non-LSC legal services providers involved in the project at all. In that scenario there are simply no services available to most undocumented individuals who come seeking services from that project. What makes this scenario particularly vexing is that it is not randomly distributed. There are plenty of well-respected, non-LSC legal services providers in Los Angeles and the Bay Area. In many parts of the state, however, the LSC-funded program is the only legal aid provider around. In such places, there are no other legal aid providers who serve the undocumented community, so there is no one that can be brought in as partners on a Shriver Act project. Yet it is likely that these parts of the state – mostly rural and agricultural – are where legal services for undocumented individuals are most needed.

4. The solution offered by the bill in print and its shortcomings

The solution offered by the bill in print is straightforward. It requires an LSC-funded legal services provider participating in a Shriver Act project to refer undocumented individuals for services “elsewhere.” This solution appears well-intended and it has the virtue of simplicity, but it can be criticized as being both going too far and not far enough.

Requiring LSC-funded programs to refer clients elsewhere can be said to go too far in the sense that it forces the LSC-funded programs to issue a referral to undocumented people seeking services even when the LSC-funded program knows that the referral will not actually lead to anything productive. In other words, the bill can be said to obligate LSC-funded programs to give people the runaround. For example, if an undocumented individual approaches an LSC-funded legal services provider in an isolated part of the state where no other legal services are available, rather than admitting to the person seeking services that nothing else is available, this bill would force the LSC-funded provider to give the person a referral to... “elsewhere.” Going through the motions in this fashion would not appear to help anyone and might actually damage the LSC-funded agency's credibility in the community.

At the same time, requiring LSC-programs to refer clients elsewhere may be said not to go far enough. First of all, a referral is not a guarantee of service. Second of all, even if there are services available “elsewhere,” there is no guarantee that they are equivalent to what LSC-eligible clients could obtain at the LSC program. For example, if an LSC-funded program offers its clients services ranging all the way up to representation at trial, while the services “elsewhere” only involve brief counsel and advice sessions, the dynamic is still discriminatory.

5. Incentivizing fomentation of expanded legal services for undocumented individuals

Crafting a realistic and genuine path out of the existing dynamic presents a conundrum. Requiring nothing more than a referral to services elsewhere has the limitations spelled out in Comment 4, above. Restricting Shriver Act projects to those that include an established, non-LSC legal services provider would only redirect Shriver Act resources into the major metropolitan areas where most, if not all, of those established non-LSC programs are located already. In other words, such a move would do little to increase the availability of services for undocumented people and, at the same time, it would be counterproductive to efforts to increase the availability of legal services in rural parts of the state. Moreover, it is not the author’s intent to harm LSC-funded legal services providers in any way. The goal is simply to improve access to state-funded legal services.

The best resolution to this problem would be if the federal government would drop the restrictions that prevent LSC-funded programs from serving most undocumented people. Assuming that the federal government will not be making that change anytime soon, the author proposes amendments to the bill that should operate to improve access to Shriver Act services for everyone. The amendments adjust the Shriver Act selection criteria to require greater attention and emphasis on the need to ensure that all eligible Californians can access the services.

For those programs already operating with Shriver Act funding, the amendments direct the Judicial Council to encourage the programs to look for ways that the programs can reorganize themselves to better serve everyone regardless of citizenship or immigration status. In particular, the Judicial Council’s Shriver Act selection committee should encourage examination of opportunities for the lead legal services agency to contract with organizations or individual providers that are not subject to the same prohibition and to include those organizations or providers as members of the local Shriver Act advisory committee.

When the Judicial Council is reviewing new applications for Shriver Act funding, the bill directs the Judicial Council to give additional consideration to proposals that would newly open up legal services to undocumented individuals in a region. Thus, programs located in places where legal services are already available regardless of citizenship and

immigration status would have no particular advantage. Neither would programs that propose to establish Shriver Act services in a new place, but fail to include components that would ensure those services are available to all eligible Californians. Additional consideration would only be given where a proposal would expand legal services in a way that seeds new legal services initiatives that are open to all. In this way, Shriver Act grants would invest in more equitable legal services over time, rather than simply accepting the status quo as imposed by LSC restrictions.

A mock-up of the proposed amendments in context is attached to this analysis.

6. Arguments in support of the bill

According to the author:

AB 2193 [...] strengthens the Shriver Program by helping to ensure that all Californians, regardless of their immigration status, are eligible for legal assistance provided under the Shriver Program. Unfortunately, many legal services organizations are currently unable to provide representation to undocumented Californians because of conditions attached to federal funding. This legislation will help to address that injustice by requiring these organizations to refer immigrants for services elsewhere if they are unable to formally provide them. This requirement is both moral and deeply practical, especially at a time when our undocumented neighbors – who are among the most vulnerable Californians – are being denied relief provided to other Californians and are therefore more likely to be in need of the type of services provided under the Shriver Program.

In support, California Rural Legal Assistance writes:

Although CRLA is not a recipient of Shriver funds, we understand how immigration funding restrictions can deny critical services to immigrant residents because for many years, we have been restricted in that manner by the Legal Services Corporation (LSC) that restricts LSC Programs from assisting applicants who are not legally in the country. In California, more than 50% of the farmworker population is ineligible for our services for that reason. In summary, AB 2193 seeks to correct the problem of legal aid funders also restricting Shriver funds because of citizenship/immigration status and we support that effort.

In support, Centro Legal de la Raza writes:

Centro Legal de la Raza believes that it is important that people seeking legal representation are indeed connected to the resources they seek, and believe this legislation will help make those fruitful connections. While our organization does not maintain that more legal aid will solve the underlying issues that may prompt Californians to seek services from lead agencies in the first place, we do believe that this bill will help address the negative, disproportionate impact that the current lack of access of justice places on the immigrant community in terms of quality of life.

SUPPORT

California Catholic Conference
California Immigrant Policy Center
California Rural Legal Assistance Foundation, Inc.
Central Valley Immigrant Integration Collaborative
Centro Legal de la Raza
Council on American-Islamic Relations, California
Immigrant Legal Resource Center
National Association of Social Workers, California Chapter
Neighborhood Legal Services of Los Angeles County
Public Law Center

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 2271 (Gabriel, 2020), among other things, would have required that any legal services nonprofit funded through the Shriver Act refer undocumented immigrants to alternate providers of legal services if the nonprofit itself is barred from serving those immigrants by other funding restrictions. AB 2271 was never heard in the Senate Judiciary Committee due to legislative constraints resulting from the outbreak of the COVID-19 pandemic.

AB 330 (Gabriel, Ch. 217, Stats. 2019) made three important changes to the Shriver Act. It: (1) increased fees charged to the public for certain court services by \$15, with the additional funds directed to increased Shriver funding; (2) expanded indigent access to family law services; and (3) required the Judicial Council to begin studying the

effectiveness and continued need for the Shriver program in 2020, and to report its findings and recommendations every five years thereafter.

AB 2709 (Cooper, 2018) would have modified how residual or unclaimed class action payments are handled and directed part of the distribution of such payments to go to the Shriver Act programs. AB 2709 died in the Assembly Judiciary Committee.

SB 843 (Committee on Budget, Ch. 33, Stats. 2016) lifted the sunset date from the Shriver Civil Counsel Act statute, thus extending the Project indefinitely.

AB 590 (Feuer, Ch. 457, Stats. 2009) enacted the Sargent Shriver Civil Counsel Act which raised fees on certain court filings and directed the proceeds to fund a series of grants for pilot projects to test the impact of providing legal representation to low-income individuals in probate conservatorship, eviction, and child custody matters.

PRIOR VOTES:

Assembly Floor (Ayes 64, Noes 0)

Assembly Judiciary Committee (Ayes 9, Noes 0)

Amended Mock-up for 2021-2022 AB-2193 (Gabriel (A))

Mock-up based on Version Number 97 - Amended Assembly 3/24/22

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 68651 of the Government Code is amended to read:

68651. (a) Legal counsel shall be appointed to represent low-income parties in civil matters involving critical issues affecting basic human needs in those specified courts selected by the Judicial Council as provided in this section.

(b) (1) Subject to funding specifically provided for this purpose pursuant to subdivision (e) of Section 70626 and donations provided pursuant to subdivision (e), the Judicial Council shall develop one or more programs in selected courts pursuant to a competitive grant process and a request for proposals. Programs authorized under this section shall provide representation of counsel for low-income persons, regardless of their citizenship or immigration status, who require legal services in civil matters involving housing-related matters, domestic violence and civil harassment restraining orders, probate conservatorships, guardianships of the person, elder abuse, or actions by a parent to obtain legal or physical custody of a child, as well as providing court procedures, personnel, training, and case management and administration methods that reflect best practices to ensure unrepresented parties in those cases have meaningful access to justice, and to gather information on the outcomes associated with providing these services, to guard against the involuntary waiver of those rights or their disposition by default. ~~If an organization participating in a program authorized under this section is prohibited, due to other funding restrictions, from representing certain persons due to their citizenship or immigration status, that organization shall refer those individuals for services elsewhere.~~ These programs should be designed to address the substantial inequities in timely and effective access to justice that often give rise to an undue risk of erroneous decision because of the nature and complexity of the law and the proceeding or disparities between the parties in education, sophistication, language proficiency, legal representation, access to self-help, and alternative dispute resolution services. In order to ensure that the scarce funds available for the programs are used to serve the most critical cases and the parties least able to access the courts without representation, eligibility for representation shall be limited to clients whose household income falls at or below 200 percent of the federal poverty level. Programs shall impose asset limitations consistent with their existing practices in order to ensure optimal use of funds.

(2) (A) In light of the significant percentage of parties who are unrepresented in family law matters, proposals to provide counsel in child custody cases should be considered among the highest priorities for funding.

(B) Up to 20 percent of available funds shall be directed to programs regarding civil matters involving actions under the Family Code, subject to the priority set forth in subparagraph (A). This subparagraph shall not apply to distributions made pursuant to paragraph (3).

(3) Amounts collected pursuant to subdivision (e) of Section 70626 in excess of the total amount transferred to the Trial Court Trust Fund in the 2011–12 fiscal year pursuant to subparagraph (E) of paragraph (1) of subdivision (c) of Section 68085.1 and subdivision (e) of Section 70626 shall be distributed by the Judicial Council without regard to subparagraph (B) of paragraph (2). Those amounts may be distributed by the Judicial Council as set forth in this subdivision. If the funds are to be distributed to new programs, the Judicial Council shall distribute those amounts pursuant to the process set forth in this subdivision.

(4) Each program shall be a partnership between the court, a qualified legal services project, as defined by subdivision (a) of Section 6213 of the Business and Professions Code, that shall serve as the lead agency for case assessment and direction, and other legal services providers in the community who are able to provide the services for the program. The lead legal services agency shall be the central point of contact for receipt of referrals to the program and to make determinations of eligibility based on uniform criteria. The lead legal services agency shall be responsible for providing representation to the clients or referring the matter to one of the organizations or individual providers with whom the lead legal services agency contracts to provide the service. Funds received by a qualified legal services project shall not qualify as expenditures for the purposes of the distribution of funds pursuant to Section 6216 of the Business and Professions Code. To the extent practical, the lead legal services agency shall identify and make use of pro bono services in order to maximize available services efficiently and economically. Recognizing that not all indigent parties can be afforded representation, even when they have meritorious cases, the court partner shall, as a corollary to the services provided by the lead legal services agency, be responsible for providing procedures, personnel, training, and case management and administration practices that reflect best practices to ensure unrepresented parties meaningful access to justice and to guard against the involuntary waiver of rights, as well as to encourage fair and expeditious voluntary dispute resolution, consistent with principles of judicial neutrality.

(5) The participating programs shall be selected by a committee appointed by the Judicial Council with representation from key stakeholder groups, including judicial officers, legal services providers, and others, as appropriate. The committee shall assess the applicants' capacity for success, innovation, and efficiency, including, but not limited to, the likelihood that the program would deliver quality representation in an effective manner that would meet critical needs in the community and address the needs of the court with regard to access to justice and calendar management, and the unique local unmet needs for representation in the community. Programs approved pursuant to this section shall initially be authorized for a three-year period, commencing July 1, 2011, subject to renewal for a period to be determined by the Judicial Council, in consultation with the participating program in light of the program's capacity and

success. After the initial three-year period, the Judicial Council shall distribute any future funds available as the result of the termination or nonrenewal of a program pursuant to the process set forth in this subdivision. Programs shall be selected on the basis of whether, in the cases proposed for service, the persons to be assisted are likely to be opposed by a party who is represented by counsel. The Judicial Council shall also consider the following factors in selecting the programs:

(A) The likelihood that representation in the proposed case type tends to affect whether a party prevails or otherwise obtains a significantly more favorable outcome in a matter in which they would otherwise frequently have judgment entered against them or suffer the deprivation of the basic human need at issue.

(B) The likelihood of reducing the risk of erroneous decision.

(C) The nature and severity of potential consequences for the unrepresented party regarding the basic human need at stake if representation is not provided.

(D) Whether the provision of legal services may eliminate or reduce the potential need for, and cost of, public social services regarding the basic human need at stake for the client and others in the client's household.

(E) The unmet need for legal services in the geographic area to be served.

(F) The availability and effectiveness of other types of court services, such as self-help.

(G)(i) The program's plan for providing service to all potential clients regardless of immigration status.

(ii) When renewing grants for existing programs whose lead legal agency is prohibited from serving certain persons on account of their citizenship or immigration status, the Judicial Council shall encourage the programs to explore ways to expand access to legal services for those persons, including potential opportunities for the lead legal services agency to contract with organizations or individual providers that are not subject to the same prohibition and to include them as a member of the local advisory committee.

(iii) When selecting among new program proposals, the Judicial Council shall give additional consideration to programs that propose to establish or assist in the development of program elements that would newly provide access to legal services regardless of immigration status in that region.

(6) Each applicant shall do all of the following:

(A) Identify the nature of the partnership between the court, the lead legal services agency, and the other agencies or other providers that would work within the program.

(B) Describe the referral protocols to be used, the criteria that would be employed in case assessment, why those cases were selected, the manner to address conflicts without violating attorney-client privilege when adverse parties are seeking representation through the program, and the means for serving potential clients who need assistance with English.

(C) Describe how the program would be administered, including how the data collection requirements would be met without causing an undue burden on the courts, clients, or the providers, the particular objectives of the project, strategies to evaluate their success in meeting those objectives, and the means by which the program would serve the particular needs of the community, ~~such as by providing~~ including how the program will provide representation to limited-English-speaking clients as well as whether and how the program will ensure that services are available to all eligible individuals seeking services regardless of immigration status.

(7) To ensure the most effective use of the funding available, the lead legal services agency shall serve as a hub for all referrals, and the point at which decisions are made about which referrals will be served and by whom. Referrals shall emanate from the court, as well as from the other agencies providing services through the program, and shall be directed to the lead legal services agency for review. That agency, or another agency or attorney in the event of conflict, shall collect the information necessary to assess whether the case should be served. In performing that case assessment, the agency shall determine the relative need for representation of the litigant, including all of the following:

(A) Case complexity.

(B) Whether the other party is represented.

(C) The adversarial nature of the proceeding.

(D) The availability and effectiveness of other types of services, such as self-help, in light of the potential client and the nature of the case.

(E) Language issues.

(F) Disability access issues.

(G) Literacy issues.

(H) The merits of the case.

(I) The nature and severity of potential consequences for the potential client if representation is not provided.

(J) Whether the provision of legal services may eliminate or reduce the need for, and cost of, public social services for the potential client and others in the potential client's household.

(8) If both parties to a dispute are financially eligible for representation, each proposal shall ensure that representation for both sides is evaluated. In these and other cases in which conflict issues arise, the lead legal services agency shall have referral protocols with other agencies and providers, such as a private attorney panel, to address those conflicts.

(9) Each program shall be responsible for keeping records on the referrals accepted and those not accepted for representation, and the reasons for each, in a manner that does not violate privileged communications between the agency and the prospective client. Each program shall be provided with standardized data collection tools and shall be required to track case information for each referral to allow the evaluation to measure the number of cases served, the level of service required, and the outcomes for the clients in each case. In addition to this information on the effect of the representation on the clients, data shall be collected regarding the outcomes for the trial courts.

(10) A local advisory committee shall be formed for each program, to include representatives of the bench and court administration, the lead legal services agency, and the other agencies or providers that are part of the local program team. The role of the advisory committee is to facilitate the administration of the local program and to ensure that the program is fulfilling its objectives. In addition, the committee shall resolve any issues that arise during the course of the program, including issues concerning case eligibility, and recommend changes in program administration in response to implementation challenges. The committee shall meet at least monthly for the first six months of the program, and no less than quarterly for the duration of the funding period. Each authorized program shall catalog changes to the program made during the three-year period based on its experiences with best practices in serving the eligible population.

(c) The Judicial Council shall conduct a study to demonstrate the effectiveness and continued need for the programs established pursuant to this section and shall report its findings and recommendations to the Governor and the Legislature every five years, commencing June 1, 2020. The study shall report on the percentage of funding by case type and shall include data on the impact of counsel on equal access to justice and the effect on court administration and efficiency, and enhanced coordination between courts and other government service providers and community resources. This report shall describe the benefits of providing representation to those who were previously not represented, both for the clients and the courts, as well as strategies and recommendations for maximizing the benefit of that representation in the future. The report shall describe and include data, if available, on the impact of the programs on families and children. The report also shall include an assessment of the continuing unmet needs and, if available, data regarding those unmet needs.

(d) This section does not negate, alter, or limit any right to counsel in a criminal or civil action or proceeding otherwise provided by state or federal law.

(e) The Judicial Council may accept donations from public or private entities for the purpose of providing grants pursuant to this section.