



The State Bar *of California*

3.1 Update on 2024 Justice Gap Study Recommendations

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LSTFC Meeting, December 12, 2024

Agenda

2024 Justice Gap Study (JGS)

- Preliminary Findings from the 2024 JGS
- Preliminary Recommendations
- Questions/Feedback/Next Steps



Civil Legal Needs: The Demand



Survey conducted by the National Opinion Research Center (NORC)

Statewide survey with sample size of 6,330

Languages: English, Spanish, Mandarin, Cantonese, Korean, and Vietnamese

Asked about Civil Legal Problems Faced in Last 12 Months

Respondents presented with list of 84 justiciable civil legal problems that could be resolved with legal action. Asked if experienced or not.

Analyses disaggregated by 4 income groups

Lowest income (at/below 200% FPL)

Lower income (above 200%FPL and below 80% of county median income)

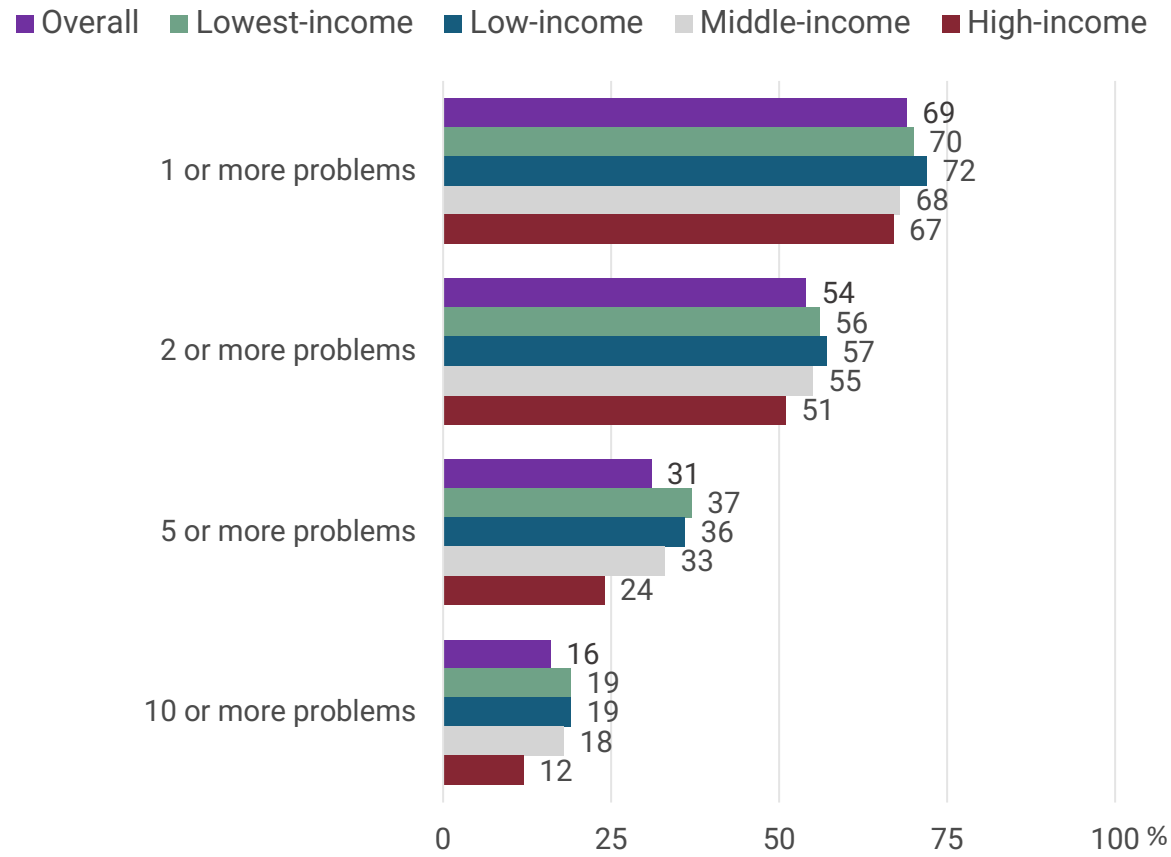
Middle Income (80 – 120% of county median income)

High Income (above 120% of county median income)



Number of Legal Problems Experienced in Last Year (Households)

- ✓ 69% experienced 1 or more problems
- ✓ 6 average number of problems (overall)
- ✓ 7 average number of problems experienced by lowest- low-, and middle-income households
- ✓ 5 average number of problems experienced by high-income households



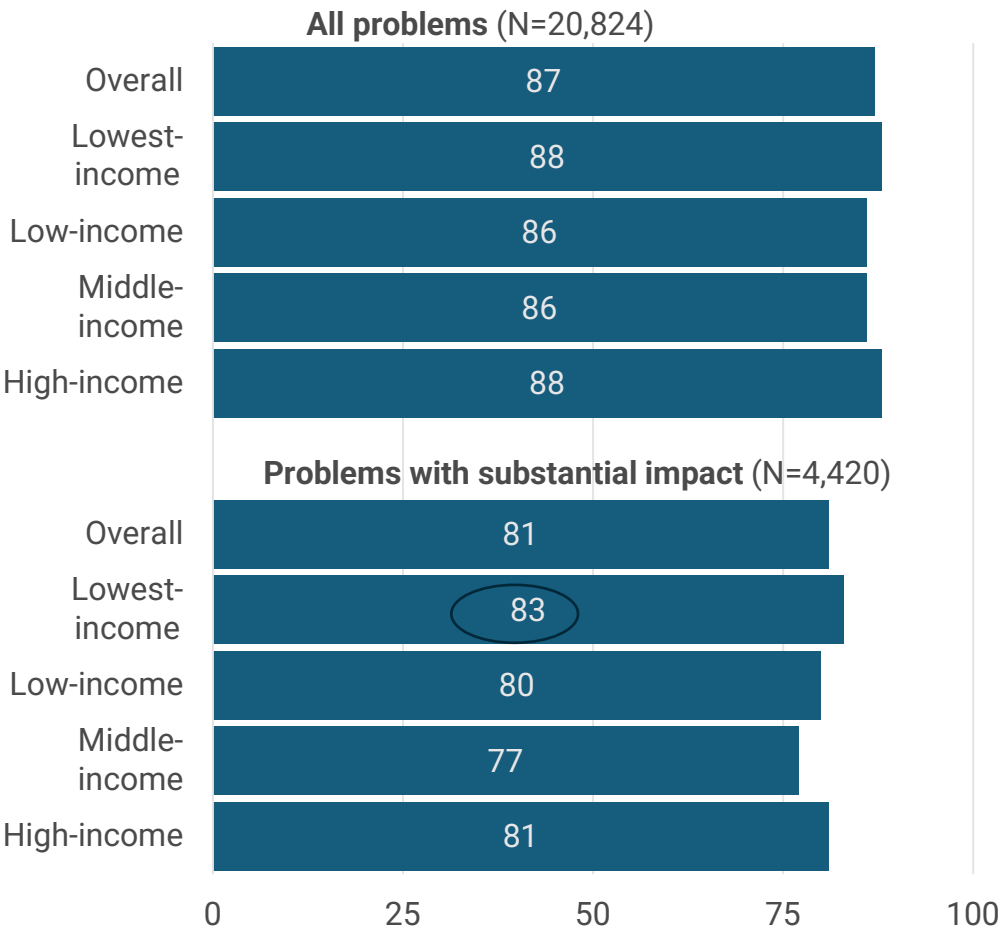
Justice Gap: Percent of problems for which Californians did not receive any or enough legal help



2019: 85% 2024: 87%

83% percent of problems with substantial impact for which lowest-income Californians did not receive any legal help or enough legal help.

Justice Gap =
$$\frac{\begin{array}{l} \text{(problems not receiving any legal help) +} \\ \text{(problems not receiving enough legal help)} \end{array}}{\text{all problems experienced}}$$

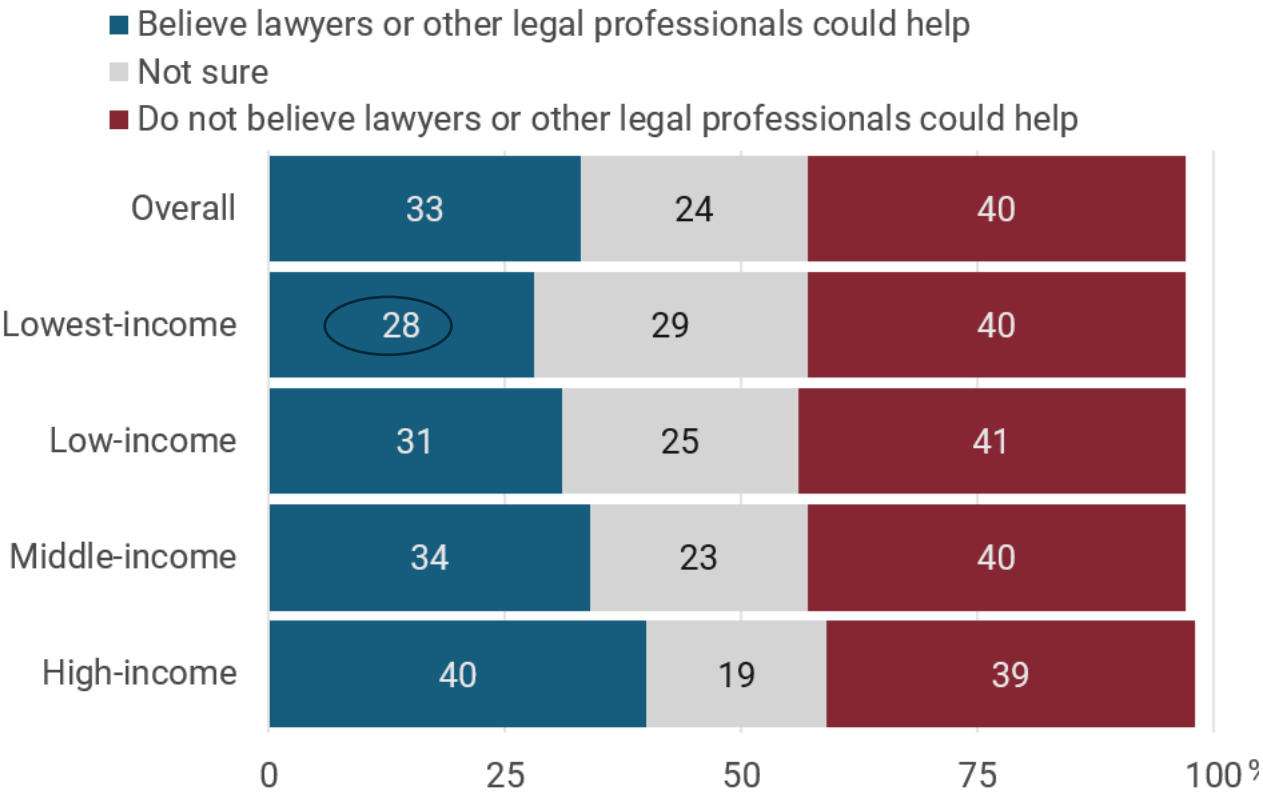


Knowledge Gap

“In your opinion, is this a type of problem that a lawyer or other legal professional could help resolve?”

Yes/No/Not sure

- Californians believe that a lawyer could resolve just **one- third** of their civil legal problems.
- Lowest-income Californians believe that a lawyer or other legal professional could help resolve just **28%** of their civil legal problems.
- There is very little variation in the share of Californians by income group who do not believe that lawyers or other legal professionals can help resolve their civil legal problems



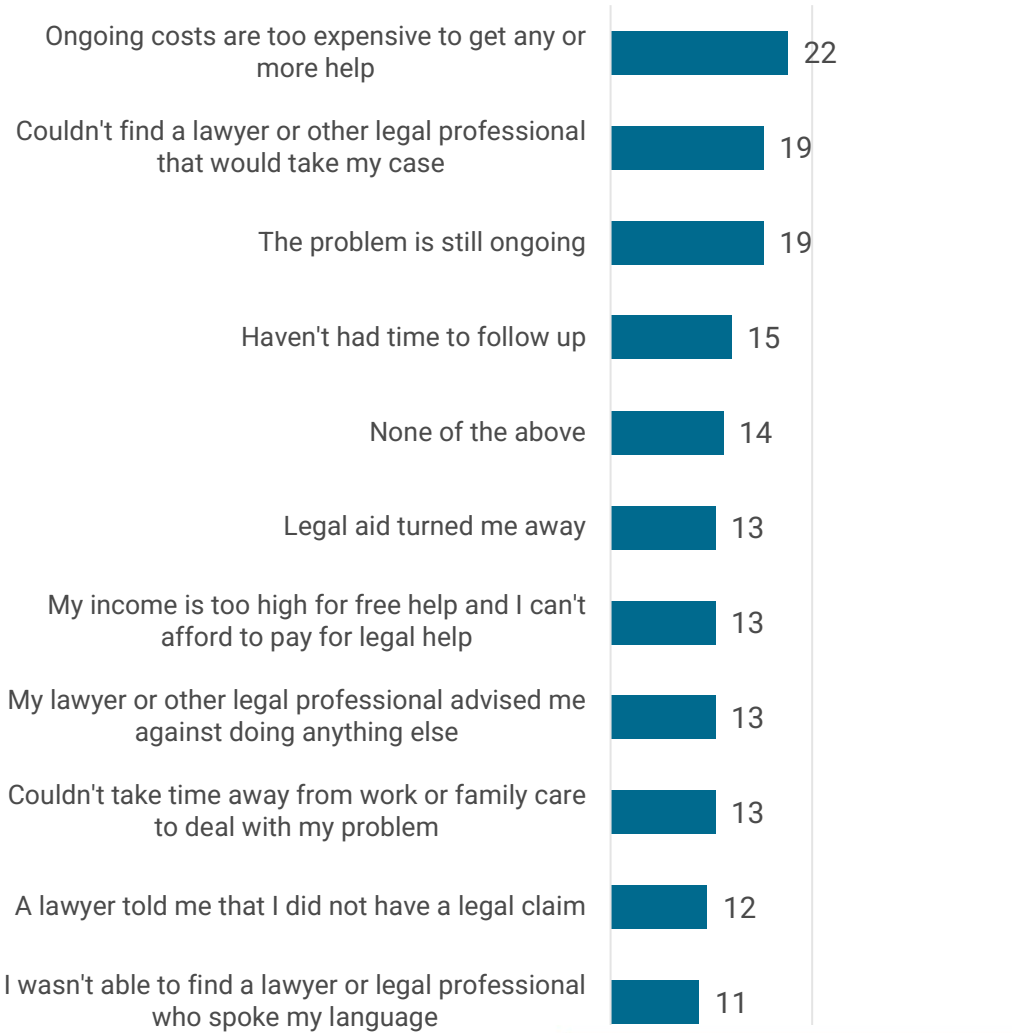
“Why haven’t you talked to a lawyer or other legal professional about this problem?”

Select all that apply.



“Why haven’t you gotten all the legal help you wanted?”

Select all that apply



Intake Census

2024 Intake Census:

- ✓ Examines the justice gap through the experiences of California's legal aid organizations assisting low-income individuals (below 200% of FPL)
- ✓ Legal aid organizations recorded legal help provided (and to what extent) or reasons they were not able to provide any legal help
- ✓ 60 out of 89 direct-service legal aid organizations tracked requests for assistance over a four-week period in June 2024

Key Insights:

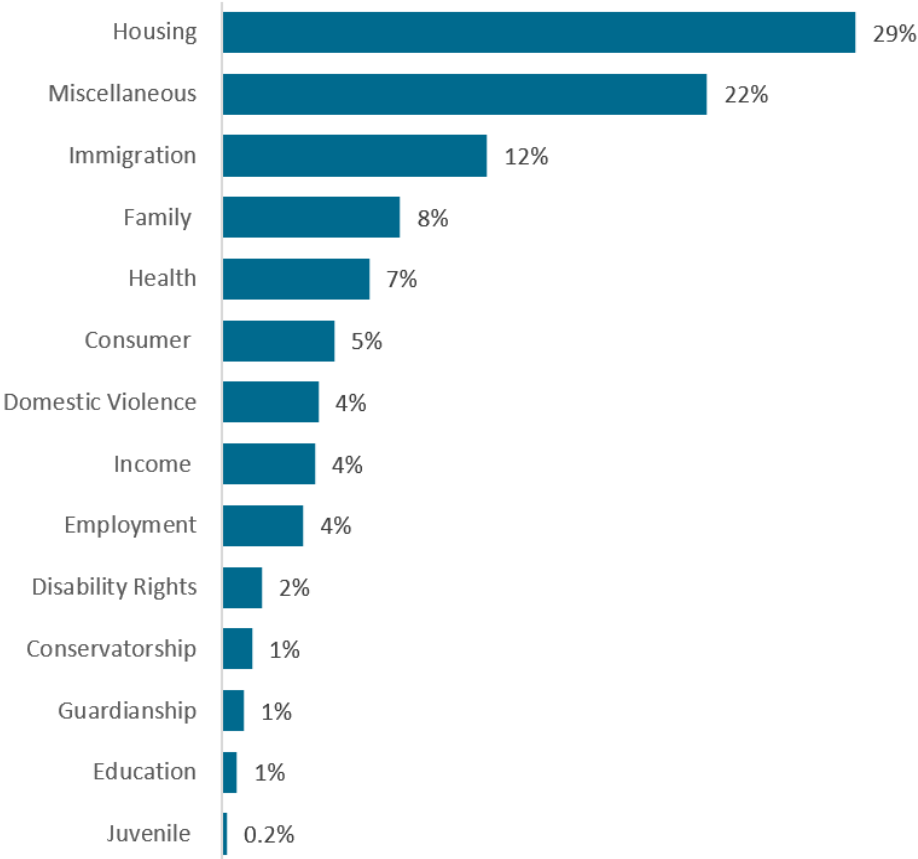
- ✓ Measure of the legal aid "justice gap" – the unmet needs of low-income Californians
- ✓ Number of civil legal problems brought to State Bar-funded organizations in 2024
- ✓ Most common areas of legal need and level of help provided
- ✓ Comparison to 2019 Intake Census findings



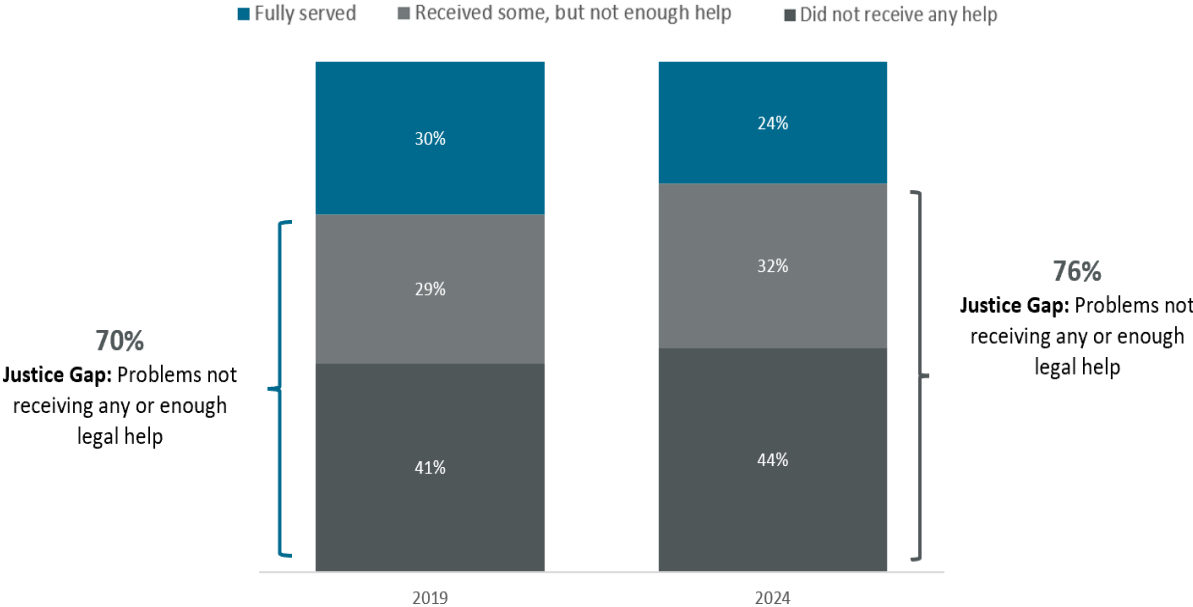
Key Findings

32,285 unique eligible problems received, translating to an **estimated 421,000 eligible problems in 2024.**

Distribution of the Types of Eligible Problems for Which Low-Income Californians Approached State Bar-funded Organizations for Help in 2024



The Justice Gap at State Bar-funded Organizations



Survey of Small Business Owners

4.1 million California small businesses support 2.6 million jobs and 45% are minority owned.

All business have legal needs; however, small businesses lack resources to get their needs met.

Impact: risk of business failure; risk of facing legal disputes with the public (i.e.: consumer issues; employer issues).

Over 100 small business owners participated a survey that asked questions about the legal needs they have and the ability to meet those needs.

Distributed survey in collaboration with California Office of Small Business Advocate (CalOSBA)



Key Findings

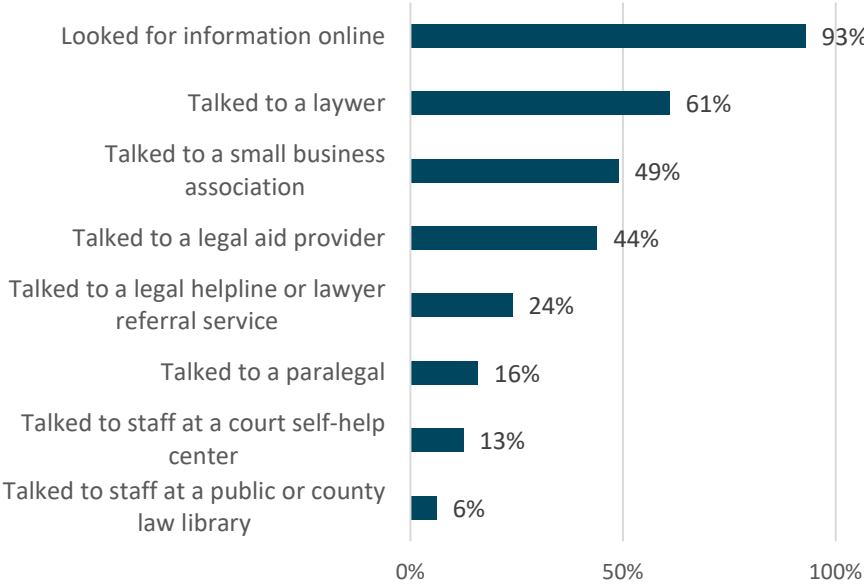
The Need

- 40%** reported having at least one legal need in last 12 months
- 4** average number of legal needs per business owner
- 78%** wanted legal advice about specific situations and what action to take
 - 50%** needed help with contracts/agreements (drafting, reviewing, negotiating)
 - 40%** need advice regarding tax law and other financial legal issues
 - 38%** needed advice re: compliance governance, and licensing/permits
 - 58%** reported legal needs not met

The Impact of Not Getting Legal Needs Met

- 85%** reported financial impact (lost business, revenue, lack of business growth)
- 77%** reported impact on time (resources taken away from the business)
- 75%** reported impact on mental health and well-being

What Small Business Owners Did to Meet Legal Needs



Reasons for Not Seeking Legal Help

- 67%** concerned about cost talking to a lawyer
- 35%** didn't know how to find help
- 27%** lacked time



Survey of Public Defenders

Purpose:

- ✓ Explore how civil legal challenges intersect with the criminal justice system

Distribution:

- ✓ Sent to public defender contacts across all 58 counties in CA during fall 2024

Response rate:

- ✓ Responses from 37 counties
- ✓ 15 counties had multiple participants, resulting in 89 completed surveys

Focus:

- ✓ Public defenders reflected on their 2024 clients, including those they were assisting at the time of the survey



Key Findings

The Need

88% reported that their clients experienced civil legal issues that substantially impacted their lives or the lives of others in their households during the time they represented them

44% reported that **most** of their clients experienced such issues

Most common issues:

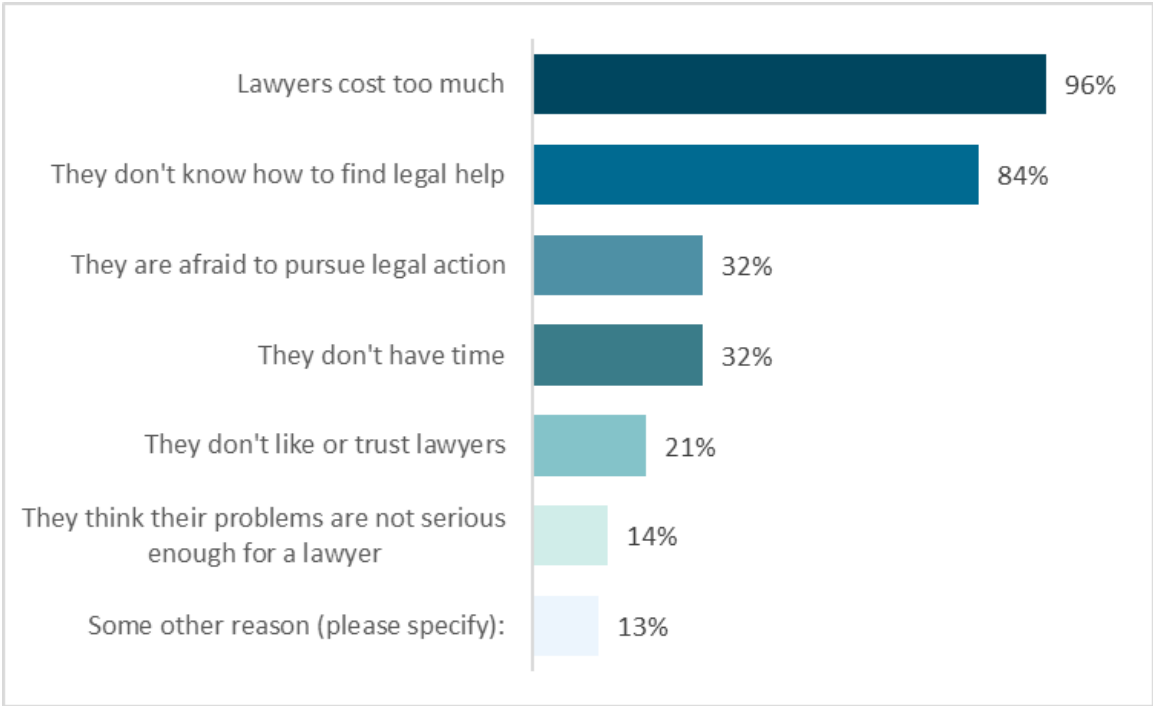
Housing (71%)

Immigration (58%)

Family Law (48%)

59% reported that few clients (1-25%) sought help for their civil legal problems

Reasons People in Criminal Justice System Do Not Seek Legal Help for Civil Legal Issues According to Public Defenders



Analysis of Legal Aid 2023 Intake Census

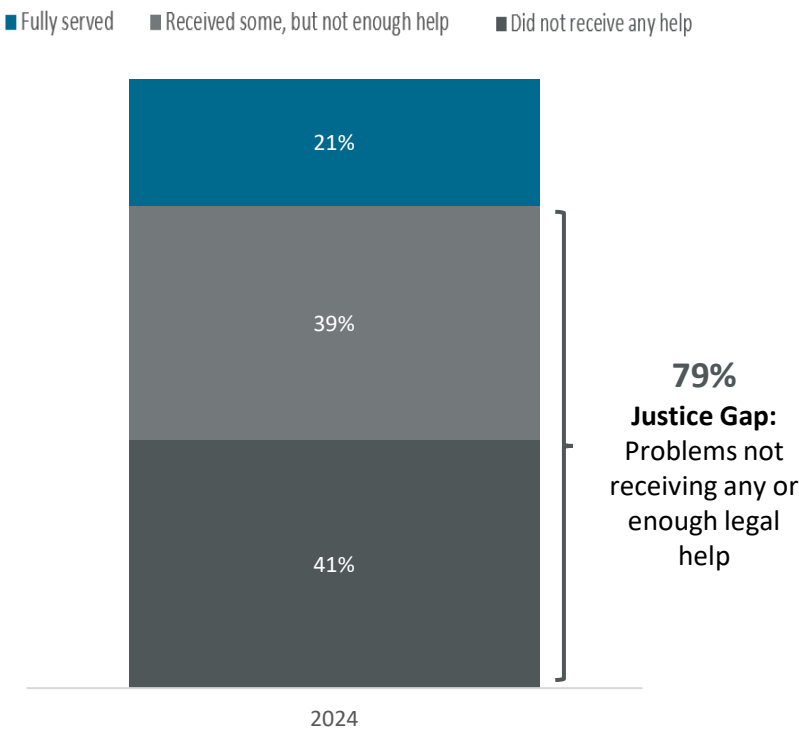
Analysis of the demand for legal help related to immigration services at legal aid organizations



Key Findings

- 12%:** percent of problems that were related to immigration (third largest category)
 - 3,880:** eligible problems presented related to immigration
 - 50,000:** estimated annual eligible problems related to immigration throughout 2024
 - 79%:** justice gap (higher compared to 76% overall)
 - 41%:** problems that did not receive any help
- For problems that did not receive any help: why not?
- Fall outside of priority guidelines **(22%)**
 - Insufficient funds **(27%)**
 - Other reasons **(51%)**

The Immigration Service Justice Gap at State Bar-funded Organizations



Supply Available to Meet Demand



Analysis of Legal Aid Grantee Data

Section provides a comprehensive overview of State Bar funding.

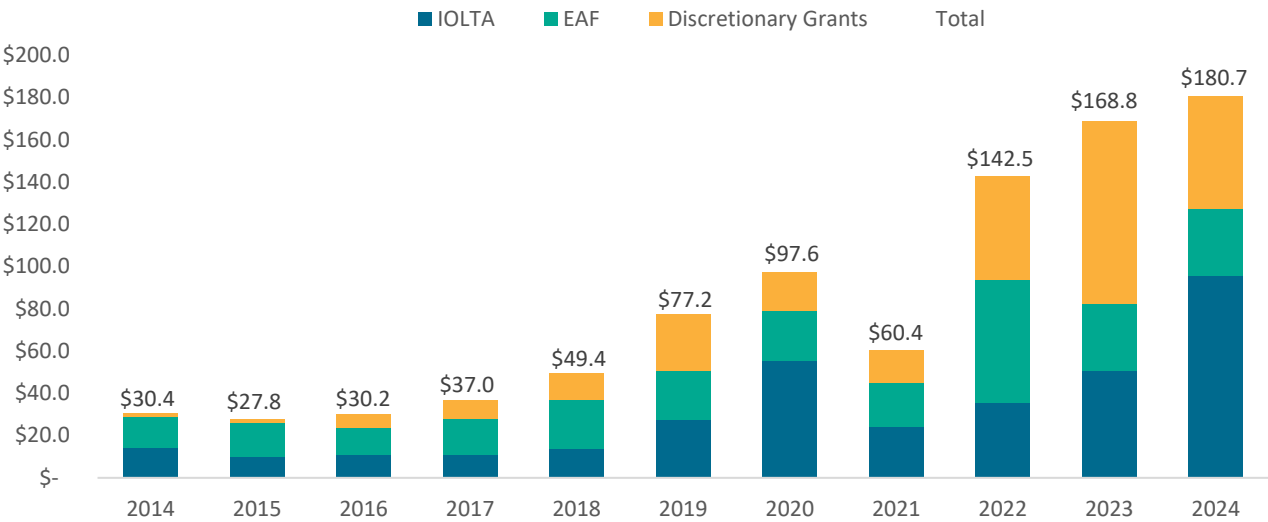
Analyses seek to understand the underpinnings of continued challenges in meeting demand reported by many organizations despite recent increases in funding.



Key Findings

- ✓ **\$ 180.7M** grants disbursed in 2024; there has been steady growth in funds disbursed over the last 10 years, except for 2021, when grants disbursed dropped to \$60.3 million.
- ✓ **51%** of State Bar funding in 2023 was tied to discretionary grants awarded for a specific purpose; this value was 35% in 2019. This may have restricted the ability to provide services when demand was for a different legal issue.

Total Amount of Legal Aid Grant Funding Disbursed by the State Bar, 2014-2024 (in millions)



Challenges Faced by Legal Aid Organizations

Budgets

20% of organizations’ total 2023 budgets came from the State Bar, up from 16% in 2019; this suggests that other sources of funding has decreased.

Staffing

3 the average number of attorneys added

5,299 indigent Californians per legal aid attorney, an increase compared with 2019

13,729 pro bono attorney volunteers in 2023, a slight increase

331,245 pro bono attorney hours contributed; has not recovered to reach pre-COVID pandemic levels

9 average number of non-attorney staff added which can influence level of service organizations can provide

Staffing at State Bar-funded Organizations: 2019 and 2023

	<u>2019</u>	<u>2023</u>
Total Organizations	98	101
<u>Attorneys</u>		
Total	1,598	1,986
Average Per Organization	17	20
Number of indigent Californians per Attorney	4,120	5,299
<u>Pro Bono Attorneys</u>		
Total Pro Bono Hours	12,943	13,729
	359,641	331,245
<u>Non-Attorney Staff</u>		
Total	1,860	2,770
Average Per Organization	19	28



American Bar Association (ABA) 2022 Pro Bono Survey

California sample size: **3,000 attorneys** (99% active)

Representative of attorney race and gender diversity; less so for sector; weights applied to all results

Section also contains a discussion of

- ✓ State Bar's efforts to promote pro bono
- ✓ California and national policy landscape



Key Findings

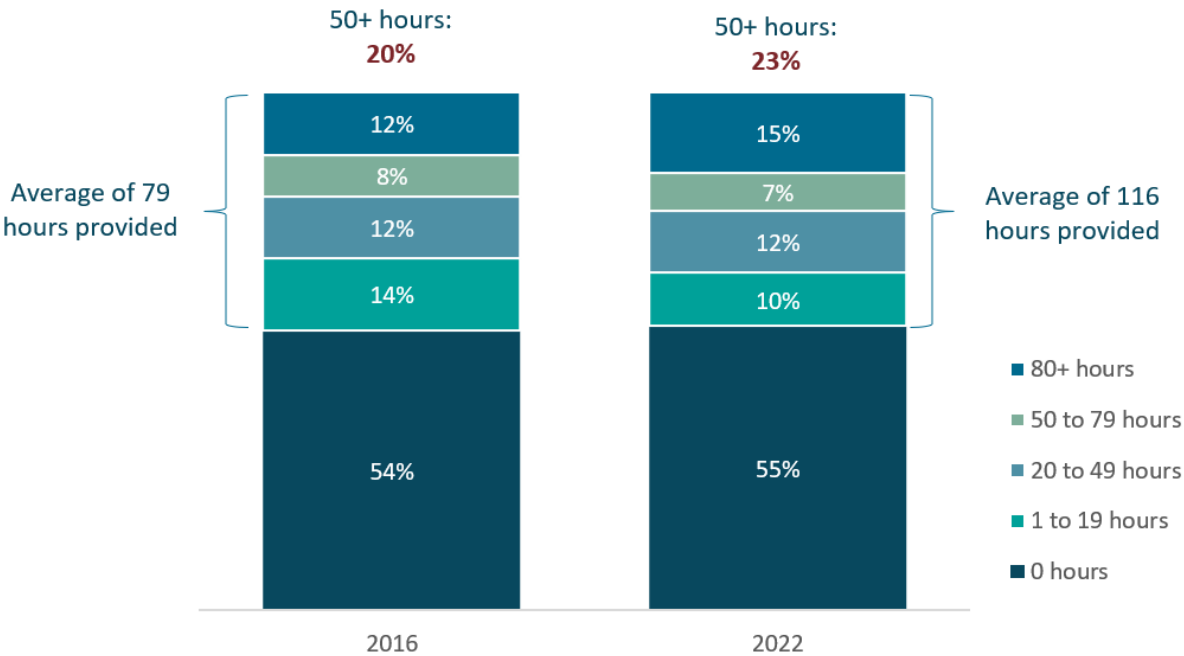
55% provided **no** pro bono services in 2022, the same as in 2016.

Nearly one in four provided 50 or more hours of pro bono service in 2022, up from 20 percent in 2016.

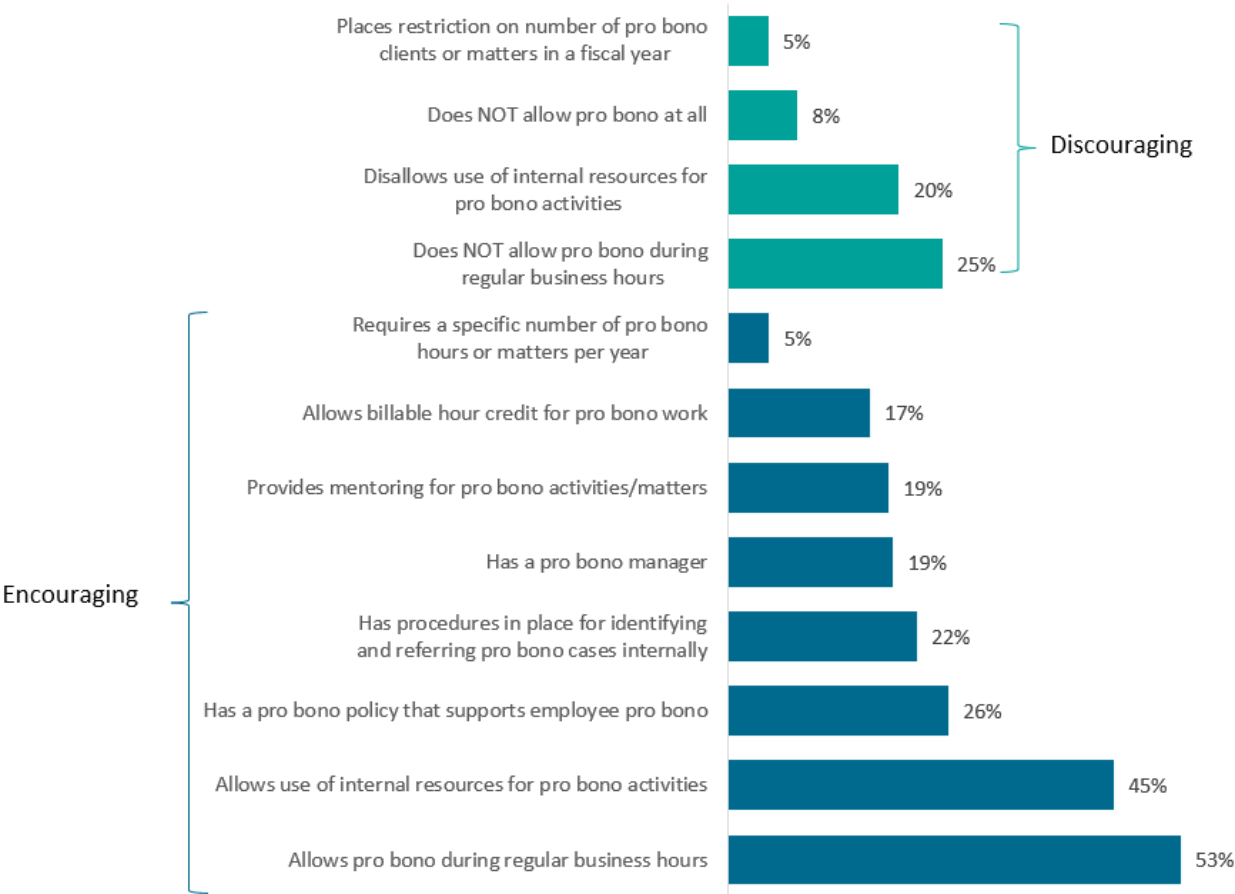
116: average number of hours attorneys who engaged in pro bono services; 47% increase from 2016

15% percent of attorneys who provided 80 hours or more of pro bono service, up from 12% in 2016

Hours of Pro Bono Service California Attorneys Provided in 2016 and 2022

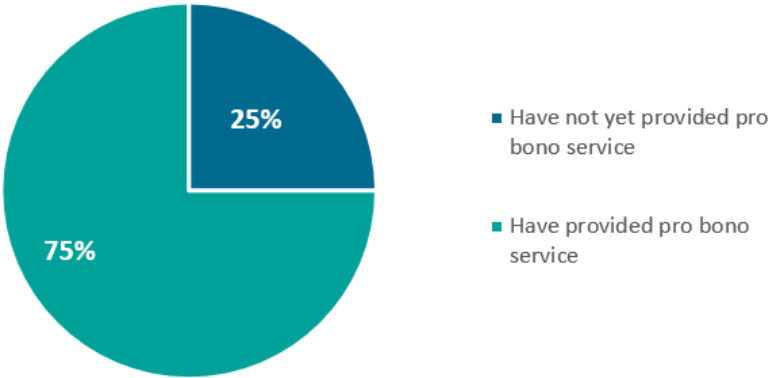


Ways Employers Discouraged or Encouraged Pro Bono According to California Attorneys

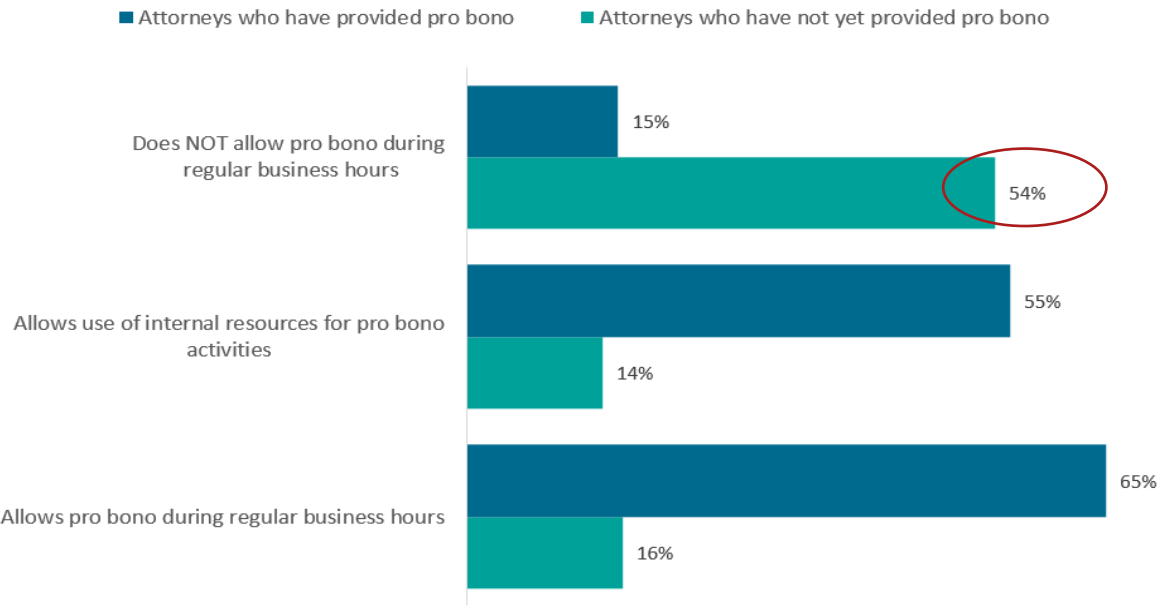


Barriers and Opportunities

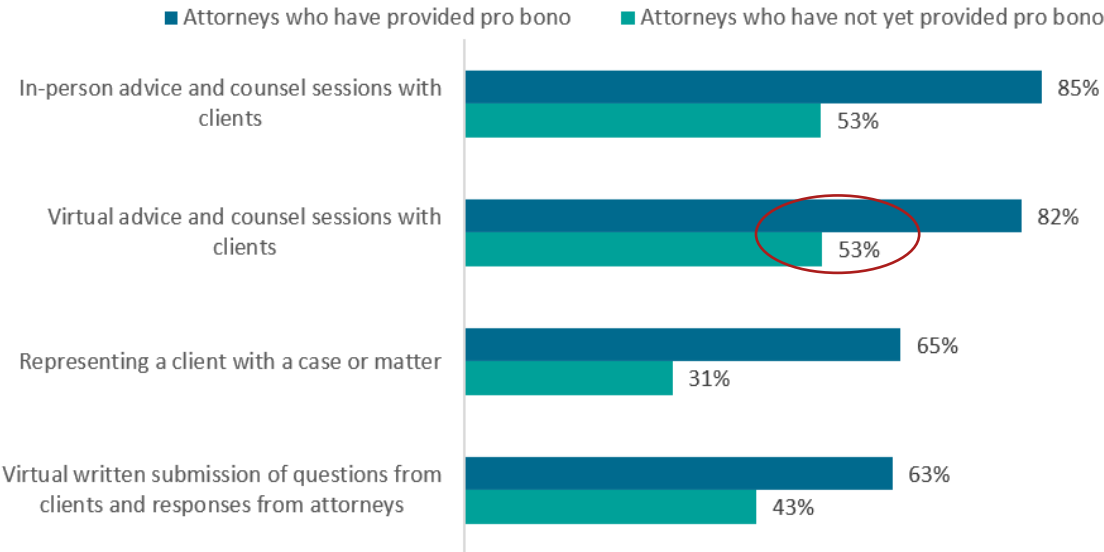
California Active Attorneys



Ways Employers Discouraged or Encouraged Pro Bono According to California Attorneys by Previous Pro Bono Experience



California Attorneys' Likelihood of Engagement with Pro Bono Opportunities by Previous Pro Bono Experience



Opportunities

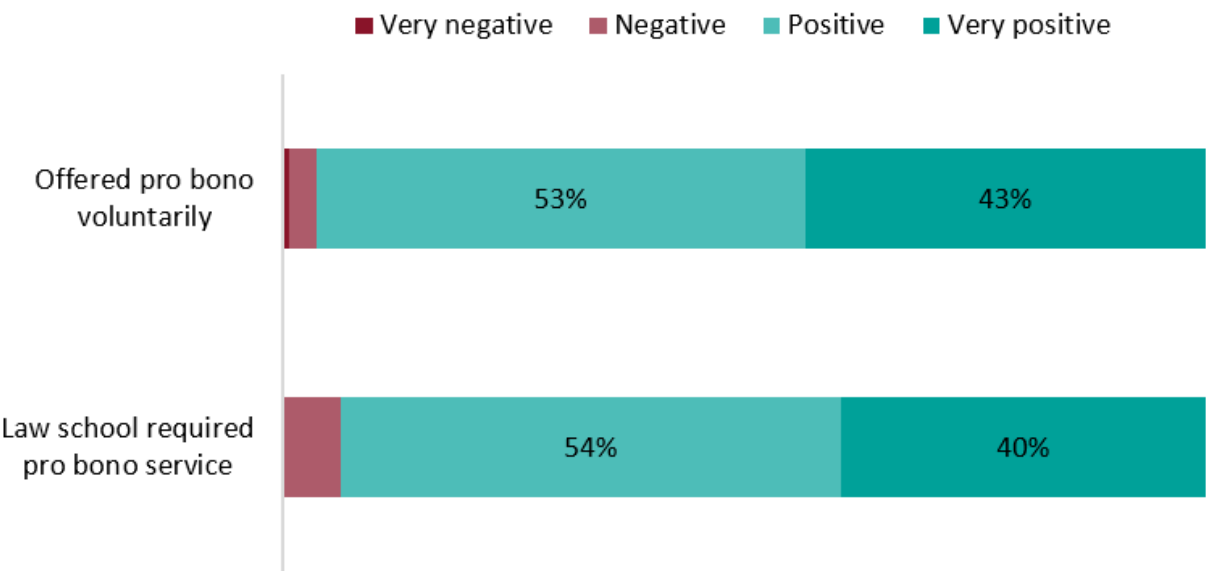
Pro Bono Service During Law School

9% reported that pro bono work was graduation requirement and around half reported the requirement was 25 hours or fewer.

49% of attorneys with no requirements reported voluntarily engaging with pro bono work during law school.

Nearly all attorneys who provided pro bono in law school rate their experience as positive, regardless of whether pro bono was mandatory or not

California Attorneys' Experience of Providing Pro Bono Services during Law School



Other efforts to increase supply of attorneys who offer free or affordable legal services.

Legal Aid Leaders Fellowship (LALF) Program

Paid summer fellowship for law students meant to strengthen pipeline of attorneys who work in legal aid organizations

Legal Incubators

Programs that cultivate workforce of private practice attorneys who offer affordable legal services.

Lawyer Referral Services

State Bar-certified services that connect the public with attorneys; are required by law to offer some services to serve persons of limited means



Legal Aid Leaders Fellowship: Key findings

Impact

88 law students hosted by 34 legal aid organizations in summer 2024

77% reported a high or very high level of interest in pursuing a career in legal aid after law school

86% reported that they would not have been able to work for a legal aid organization without the paid internship

97% recommend LALF to law students interested in a career in legal aid

Conclusion



New and relatively small grant fund supports small cohort of law students; would need to increase funding significantly to make a meaningful contribution to the supply of attorneys who will serve low-income Californians (for example, in 2023 legal aid organizations funded by the State Bar employ nearly 2,000 attorneys)



State Bar should collect more data to assess long term impact



Legal Incubators

Impact

5 incubator programs are currently active in California

- Contra Costa Family Justice Center
- Los Angeles Incubator Consortium (LAIC)
- Bay Area Legal Incubator (BALI)
- Access to Law Initiative
- Orange County Legal Consortium (OCLC)

400 attorneys have successfully completed programs

Conclusion



Programs do not collect data on post-program outcomes; the State Bar should offer technical support to improve data collection.



Lawyer Referral Services

2023 Impact

37 lawyer referral services throughout state

3,700 participating attorneys

179,000 number of referrals LRS made to callers

Services meant to promote access to justice for people with limited means




84% offer free 30-minute consultations

70% offer modest means panels

57% offer limited scope representation

19% offer flat fee panels

Conclusion

-  Current scale is insufficient to meaningfully address need for affordable legal services.
-  All LRSs do not offer the full range of services meant to promote access to justice for people with limited means.
-  State Bar lacks comprehensive data on the number of people served by each type of service.



Preliminary Recommendations



Considerations in Developing Preliminary Recommendations

- Review of 2019 JGS Recommendations
- Several additional areas of research, compared to the 2019 JGS
- Recommendations intended to be responsive to needs of all Californians (as a gap appears to exist all the way across the income spectrum)
- LSTFC's mission is dedicated to closing the justice gap in California by increasing equitable access to legal services for low-income and underserved communities



Preliminary Recommendations

- Administer the legal aid intake census every two to three years and analyze the results to illuminate trends, understand challenges to providing services, and advocate for appropriate supports for expanding and targeting services to areas of greatest need.
- Analyze attorney census data to gauge interest and understand the barriers to practicing in rural parts of the state as a precursor to possible initiatives aimed at increasing attorney presence and diversity in these areas.
- Develop guidance and promote responsible use of artificial intelligence (AI) and automated processes across all aspects of legal practice, particularly among legal aid providers, to increase efficiencies and expand services to more Californians in need of legal help.



Preliminary Recommendations

- Consider increasing the income eligibility threshold for legal aid services 200 percent of the federal poverty level to 300 percent to expand options for low-income Californians to access legal help.
- Include public defender offices in the recently authorized lawyer referral service partnership program to better address the complex civil legal needs of individuals involved in the criminal justice system.
- Explore partnerships between lawyer referral services and legal aid and pro bono programs as a means to increase pro bono work and facilitate referrals.
 - Leverage these partnerships to provide services to underserved areas of the state through virtual/remote means (e.g., video consultations, email, etc.)



Preliminary Recommendations

- Analyze attorney pro bono data, including practice area and location of attorneys, to inform future pro bono initiatives designed to increase volunteerism in the profession.
- Partner with legal aid organizations, California law schools, and other key stakeholders to conduct a pro bono education and engagement campaign:
 - Target specific audiences (law firms, law schools, local and affinity bar associations, incubator programs, etc.)
 - Raise awareness of justice gap, pro bono ethical responsibility, and California Pro Bono Portal
 - Encourage attorneys to provide pro bono services through organized legal aid and pro bono programs, which affords attorneys key supports including pre-screening clients, training, mentorship, and malpractice insurance.
 - Encourage California law schools to develop training/curriculum on access to justice which emphasizes the importance of pro bono services, for all law students.
 - Enhance pro bono programs and opportunities (required or otherwise)



Preliminary Recommendations

- Collect data at established intervals on outcomes for various initiatives, including:
 - Career outcomes for legal incubator participants to determine impact on the availability of services for low-to-moderate income clients and identify which models are most supportive and relevant for future practice;
 - Career outcomes for participants in the Legal Aid Leaders Fellowship program to determine whether it supports future employment in legal aid, and;
 - Lawyer Referral Service (LRS) modest means panel outcomes to inform development of the LRS partnership program.
- Launch an educational campaign centered on the legal needs of small business owners and include the needs of small business owners in development of the planned LRS partnership program.
- Other areas to be addressed...





Next Steps

- Additional discussion, questions, and feedback
- Work with co-chairs to refine and finalize recommendations by early January
- Publish 2024 Justice Gap Study report in February 2025

