

A SNAPSHOT OF  
LEGAL SERVICES IN  
SEVEN BAY AREA COUNTIES

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## INTRODUCTION

In January 2012, a legal services agency in the San Francisco Bay Area requested that the John and Terry Levin Center for Public Service and Public Interest Law (“the Levin Center”) undertake research to gather information regarding the free legal services provided in practice areas that overlap with its own, in the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo and Santa Clara.

The Levin Center was asked to obtain information about lawyers who were on staff at other organizations on a full-time equivalent (FTE) basis as well as staff members designated as “advocates,” who provide some level of supervised legal service beyond basic intake.

Following is a description of the Levin Center’s approach to this research, issues to consider as one reviews the data, and a summary of our findings.

To place this information in some context, we reference recent American Community Survey county data indicating the population living below the federal poverty level in each county, including those over 18, related children, and families, as well as the breakdown of languages spoken by those living below the poverty level in each county. We acknowledge (and further describe later) that this data does not correspond directly to the income requirements for providing legal services. However, it does provide an overall sense of the experience of poverty, diversity, and language needs county to county, and is offered in some juxtapose to the services that are offered as well as the staffing capacity within counties.

## DESCRIPTION OF METHODOLOGY

We collected information from the requesting agency regarding its case assessment processes and referral lists to both (a) design a survey instrument and (b) develop a list of legal service provider organizations and contacts at those organizations. Each of the interviewers used the same survey to ensure some level of consistency in the information we gathered. Attached is a copy of the survey instrument.<sup>1</sup>

*Service Providers Counted.* In compiling data on the staffing of each organization, we included all attorneys on the organization’s payroll as well as non-attorney staff, or “advocates,” who provide direct services to clients, free of charge, in the form of legal advice and counsel (beyond simply conducting intake interviews) and/or represent clients at hearings.<sup>2</sup> We excluded any organization that charges for its services, as well as those attorneys working at otherwise non-profit organizations that charge for their services, mostly in immigration. Note that we restricted our research to focus only on *paid* attorneys *on staff*. This excludes pro bono attorneys yet still includes postgraduate public interest fellows, some of whom may be paid with external funding sources.

*Practice Areas.* In categorizing attorneys and advocates into practice groups, we began with the following practice area categories of the legal services agency: Family, Public Benefits, Housing, Healthcare, and Consumer. However, we found during our interviews that there are significant services being delivered by providers that do not fit neatly into these categories. For this reason, this survey also employs the practice area categories of Immigration, Workers’ Rights, and Special Education. We also excluded those attorneys and advocates that provide services in specific practice areas that did not match the agency’s, such as guardianship and child protection. The final numbers represent our best effort at categorizing the San Francisco Bay Area’s

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<sup>1</sup> The survey instrument underwent some changes during the interview process. While we sought to maintain consistency in the data collection, minor changes in subcategories within family law and immigration law occurred. These were in response to the realization that some surveyed organizations’ practice areas did not fit neatly into the existing categories and to more accurately reflect the requesting legal services providers’ current practice areas.

<sup>2</sup> Thus, the definition of advocates excludes receptionists who are providing basic intake or staff who provide non-legal services, such as social workers.

civil legal services providers into discrete categories. We recognize that the allocation of an organization’s attorney(s) or advocate(s) to a particular category does not imply that such staff persons are providing comprehensive services in that category. In some cases, the attorney or advocate may focus exclusively on just one aspect of that category of law.<sup>3</sup>

We have presented the information gathered in both narrative and chart format by county. We have included descriptive information regarding these organizations in this narrative so as to provide a more complete picture of the services provided throughout the Bay Area.

*Calculations of “FTE”*

Several organizations are unable to provide precise FTE allocations of staff time by practice area. In some instances, the interview subjects explained that all attorneys on staff are “generalists” who serve clients across many substantive areas. Or, as in the case of attorneys at Rubicon in Contra Costa County or Law Foundation of Silicon Valley in Santa Clara County, attorneys serve clients in multiple practice areas and their time is not easily allocated. For example, Rubicon’s attorneys in their Mental Health Legal Services Program, Legal Barriers to Work, and HIV Legal Services programs all work on public benefits, housing, and consumer law. In these situations, we either asked the organization to estimate how the services provided by their attorneys could be broken down by practice group or did some estimation ourselves based on the information provided by the interviewee.

*Poverty Data.* In the narrative below, we provide information about the poverty population based upon the recent American Community Survey (ACS) produced by the Census Bureau. We reference data from the ACS 2006-2010 5 Year Estimate as well as the 1 Year Estimate for 2011 because the Census Bureau considers the former more statistically reliable, particularly for smaller populated areas and population subgroups, while the latter provides the most recent information.

Note that the Census Bureau uses poverty thresholds that differ from those used by the Legal Services Corporation. Following the Office of Management and Budget’s (OMB) Statistical Policy Directive 14, the Census Bureau calculates family income using money before taxes, not including capital gains or noncash benefits (such as public housing, Medicaid, or food stamps) and applies the following set of income thresholds (which are adjusted for inflation using the Consumer Price Index):

Size of family unit	Threshold
One person	\$11,139
Two people	\$14,218
Three people	\$17,374
Four people	\$22,314
Five people	\$26,439
Six people	\$29,897
Seven people	\$34,009
Eight people	\$37,934
Nine people or more	\$45,220
Source: U.S. Census Bureau.	

The regulations of the Legal Services Corporation, on the other hand, establish a maximum income level equivalent to 125% of the Federal Poverty Guidelines issued by the Department of Health and Human Services.

<sup>3</sup> For example, the Cooperative Restraining Order Clinic in San Francisco provides assistance with temporary restraining orders, and is not considered a full-service family law provider.

The figures for 2012 set out below are equivalent to 125% of the current Federal Poverty Guidelines as published on January 26, 2012 (77 FR 4034)<sup>4</sup>:

Legal Services Corporation 2012 Income Guidelines for the 48 Contiguous States and the District of Columbia	
Size of Household	Threshold
1	\$13,963
2	\$18,913
3	\$23,863
4	\$28,813
5	\$33,763
6	\$38,713
7	\$43,663
8	\$48,613
Each additional member add	\$4,950

*Participants.* The following individuals at the listed organizations were interviewed during the months of February 2012 through June 2012:

#### ALAMEDA COUNTY

- Elizabeth A. Hom, Alameda County Volunteer Legal Services Program
- Solomon Belette, Cynthia R. Jaggi, and Douglas Haffer, Catholic Charities of the East Bay
- Bianca Sierra, Centro Legal de la Raza
- Martha Brown, East Bay Community Law Center
- Erin Scott and Kristie Whitehorse, Family Violence Law Center
- Kirsten Voyles, Legal Assistance for Seniors

#### CONTRA COSTA COUNTY

- Kelly Dunn, Rubicon Legal Services
- Rob Ross, Contra Costa Senior Legal Services

#### MARIN COUNTY

- Paul Cohen, Legal Aid of Marin
- Kristine Cirby, Family & Children's Law Center

#### NAPA COUNTY

- Diana Dorame, Legal Aid of Napa

#### SAN FRANCISCO COUNTY

- Christopher Punongbayan, Asian Law Caucus
- Bill Hirsch, AIDS Legal Referral Panel
- Mairi McKeever, Bar Association of San Francisco, Volunteer Legal Services Program
- Christopher Martinez, Catholic Charities CYO
- Emberly Cross, Cooperative Restraining Order Clinic

<sup>4</sup> Regulations of the Legal Services Corporation, CFR 45 Part 1600, Section 1611.3(c), October 1, 2011, edition of the CFR. Note however, that the LSC regulations also provide exceptions to the annual income ceiling up to 200% of the Federal Poverty Guidelines (sections 1611.3, 1611.4 and 1611.5).

- Paul Chavez, Lawyers' Committee for Civil Rights of the San Francisco Bay Area
- Howard M. Levy, Legal Assistance to the Elderly
- Susan Bowyer, Immigration Center for Women & Children
- Abigail Trillin, Legal Services for Children
- Cathy Sakimura and Ming Woo, National Center for Lesbian Rights

#### SAN MATEO COUNTY

- Phil Hwang, Community Legal Services of East Palo Alto (CLSEPA)
- Jessica Dayton, Communities Overcoming Relationship Abuse (CORA)
- Althea Tomijima, Immigration Services Mountain View
- Stacey Hawver, Legal Aid Society of San Mateo
- Ann Marquart, Project Sentinel
- Juliet Brodie, Stanford Community Law Clinic
- Alyson Kamhi, Stanford Immigrants' Rights Clinic

#### SANTA CLARA COUNTY:

- Richard Konda, Asian Law Alliance
- Stephen Hicken, Catholic Charities Santa Clara County
- Angelo Ancheta, Katherine & George Alexander Community Law Center at SCU
- Allison Barnum, Law Foundation of Silicon Valley
- John Hedges, Pro Bono Project Silicon Valley
- Patricia Diaz, Services, Immigrants Rights & Education Network (SIREN)

#### OFFICES SERVING MULTIPLE COUNTIES

- Heidi Li, Asian Pacific Islander Legal Outreach [San Francisco and Alameda Counties]
- Ramon Arias, Bay Area Legal Aid
- Ellen Dumesnil, International Institute of the Bay Area [San Francisco, Alameda, San Mateo and Contra Costa Counties]
- Paul Chavez, Lawyers' Committee for Civil Rights of the San Francisco Bay Area
- Carol Vigne, Legal Aid Society - Employment Law Center

#### NON-RESPONSIVE ORGANIZATIONS

We made several attempts to contact other organizations serving these counties, but some organizations were not able to participate in our survey. We recognize that the absence of some providers impacts the overall representativeness of some of our numbers.

#### NOTABLE ISSUES

##### *- Immigration Legal Services*

In an area whose demographics in many ways are defined by our immigrant communities, it remains notable that Legal Services Corporation restrictions prevent its grantees from providing many of the most desired immigration law services. What has developed in response is a hybrid of non-profit legal aid providers who charge for immigration services, especially naturalization assistance, regardless of the income level of the clients.

Several agencies commented upon the greatly increased demand for immigration and naturalization legal services over the past ten years and ongoing LSC restrictions that require programs to serve only lawful permanent residents. AIDS Legal Referral Panel in San Francisco noted that immigration cases used to constitute less than 1% of its caseload but has steadily climbed to as high as 10% in 2008. It has since fallen slightly to 8% of its caseload.

While there continue to be a few agencies offering free immigration services,<sup>5</sup> there are several nonprofit organizations that charge fees for immigration and naturalization services. Based on the fee schedule provided by Catholic Charities CYO in San Francisco, clients can expect to pay up to one-half of the market rates charged by private immigration lawyers. These non-profit organizations are staffed by attorneys and/or Board of Immigration Appeals (BIA) accredited representatives, several of whom are eligible to represent clients in immigration courts. Numerous agencies offering low-cost immigration services, such as Catholic Charities CYO in San Francisco and Catholic Charities of Santa Clara County, do not have any lawyers on staff and instead rely entirely on accredited representatives.

Other non-profit organizations, including Community Legal Services of East Palo Alto (CLSEPA), International Institute of the Bay Area, Immigration Center for Women and Children, and Immigration Services of Mountain View, do have attorneys on staff, but also charge fees for immigration services. CLSEPA charges fees that are similar to or lower than those charged by Catholic Charities, while Immigration Services of Redwood City charges fees that, while higher than those of Catholic Charities, are below the market rate.

Given the high demand for immigration legal services in the Bay Area, there are long waiting lists for free legal services. Even organizations who charge \$600 to \$800 for a U Visa or T Visa have three to four month waiting lists. At least one, Catholic Charities CYO, mentioned they are no longer accepting new asylum cases because they have reached capacity. One attorney also noted that her clients have told her that there is a 1.5 year long waiting list for help securing a U Visa at free agencies, which her agency can process almost immediately for a fee of \$775. That same organization may be hiring another attorney soon given the high demand.

Amongst immigration service providers, there are few similar models, and thus comparisons are difficult. For example, Bay Area Legal Aid provides immigration services to primarily domestic violence and trafficking victims. The Legal Aid Society of San Mateo also provides limited immigration services to domestic violence and trafficking victims, but their services are focused primarily on teens and young adults. Other organizations, such as the Asian Law Alliance in Santa Clara County and Asian Pacific Islander Legal Outreach in San Francisco, provide the majority of their immigration services in citizenship and naturalization, a smaller amount of services in U Visa and T Visa work, and refer asylum and deportation/removal cases to other organizations. In addition, there are organizations, namely Legal Services for Children, Legal Assistance for Seniors, and AIDS Legal Referral Panel, who focus on providing immigration services exclusively to their target client populations. Moreover, the few organizations that do provide a similarly broad array of services are often much more limited geographically. For example, Asian Law Caucus provides a range of immigration services, but 80% of all its cases are in San Francisco and only San Francisco residents receive free immigration legal services. Non-San Francisco residents with immigration needs may be required to pay fees, although these fees are below market rate and such cases constitute a small percentage of the immigration cases ALC accepts.

#### *- Legal Services Provided to Target Populations - Across Counties*

Some of the immigration legal services groups also provide social services for immigrants<sup>6</sup> and do not offer other legal services beyond immigration. This holistic approach in serving a specific subset of clients is similar to some other organizations interviewed, such as those serving youth<sup>7</sup> or seniors.<sup>8</sup>

In many cases, organizations targeting specific client populations do not have geographic limits. At least three that provide immigration legal services do not have strict geographic limits,<sup>9</sup> and accept clients across the Bay

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<sup>5</sup>For example, Asian Law Caucus and Legal Aid of Marin.

<sup>6</sup> For example, Catholic Charities of the East Bay and International Institute of the Bay Area.

<sup>7</sup> Legal Services for Children includes both lawyers and social workers in its staff.

<sup>8</sup> Legal Assistance for Seniors Also provides health insurance counseling for Medicare recipients.

<sup>9</sup> For example, Immigration Center for Women and Children, Legal Services for Children, and the AIDS Legal Referral Panel.

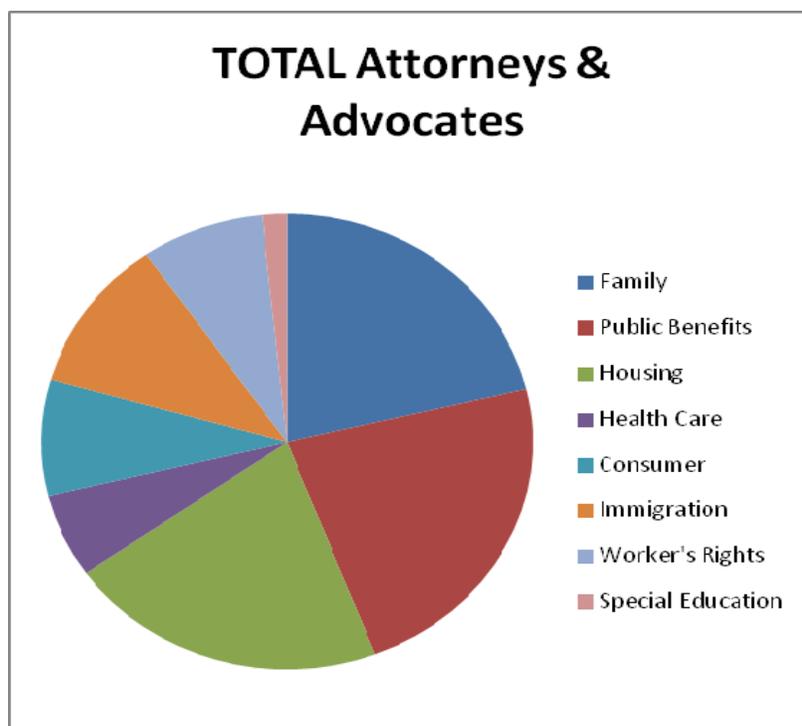
Area. In some cases, organizations accept clients outside the Bay Area<sup>10</sup> as far as Stockton, Fresno, Watsonville, Monterey, and Yuba City. Others that serve clients regardless of the county of residence or the locus of jurisdiction include National Center for Lesbian Rights and Lawyers' Committee for Civil Rights of the San Francisco Bay Area.

### FINDINGS

The charts below reflects our best estimate of the breakdown of FTE attorneys and advocates that provide their services free of charge, by county and practice area during the February – June 2012 time period when we conducted interviews.

County	Family	Public Benefits	Housing	Health Care	Consumer	Immigration	Worker's Rights	Special Education	Total By County
ALAMEDA	8.8	13.2	7	5.3	7.1	5	4.57	0	51.97
CONTRA COSTA	4.5	6.4	6	0	0.5	0.5	0.88	0	18.78
MARIN	0.5	1.6	2.7	0	0.2	0	1.48	0	6.48
NAPA	1.7	0.7	0	0	0.3	0.6	0.05	0	3.35
SAN FRANCISCO	11.35	9.75	9.3	2	1.5	7.9	4.62	3	49.42
SAN MATEO	6.75	4.75	5.25	1.5	5	1.25	3.34	0.25	28.09
SANTA CLARA	7.5	9	11.5	3	1.75	4.25	1.05	0	38.05
<b>TOTAL</b>	<b>42.1*</b>	<b>45.4</b>	<b>41.75</b>	<b>11.8</b>	<b>16.35</b>	<b>20.5*</b>	<b>15.99</b>	<b>3.25</b>	<b>202.84*</b>

\* Total includes attorneys and advocates not necessarily allocated to one or more county or practice area.



<sup>10</sup> For example, Immigration Services of Mountain View and Catholic Charities of San Francisco CYO.

If we had included fee services attorneys in our calculations, the breakdown of FTE attorneys and advocates that provide their services (regardless of fees charged), by county and practice area during the February – June 2012 time period would be as represented in the chart and graph that follows.

FTE SUMMARY OF ATTORNEYS & ADVOCATES (FEE SERVICES INCLUDED)									
County	Family	Public Benefits	Housing	Health Care	Consumer	Immigration	Worker's Rights	Special Educ	TOTAL by County
ALAMEDA	8.8	13.2	7	5.3	7.1	15	4.57	0	60.97
CONTRA COSTA	4.5	7.4	6	0	0.5	3.5	0.88	0	22.78
MARIN	3.1	1.6	2.7	0	0.2	0	1.48	0	9.08
NAPA	1.7	0.7	0	0	0.3	0.6	0.05	0	3.35
SAN FRANCISCO	11.35	9.75	9.3	2	1.5	16.9	4.62	3	58.42
SAN MATEO	6.75	4.75	5.25	1.5	5	9.25	3.34	0.25	42.09
SANTA CLARA	7.5	9	11.5	3	1.75	19.25	1.05	0	60.05
<b>TOTAL</b>	<b>44.7*</b>	<b>46.4</b>	<b>41.75</b>	<b>11.8</b>	<b>16.35</b>	<b>65.5*</b>	<b>15.99</b>	<b>3.25</b>	<b>262.44</b>



Alameda County

Of the 1,353,837 people over 18 years of age estimated to live in Alameda County by the 2006-2010 American Community Survey, 117,081 of them, or close to 8.6%, are estimated to live below the federal poverty level. Of those adults living below the poverty level in Alameda County, approximately 60,596, or 51.8% speak only English at home; 26,305, or 22.5% speak Spanish at home; 22,584, or 19.3% speak an Asian or Pacific Islander language; and 5,390, or 4.6% speak another Indo-European language at home.

According to the 2011 ACS 1 Year Estimate of Poverty Status in the Past 12 months, 197,283 people, or 13.1 % of people in Alameda were living in poverty. 16.4% of related children (54,966) under 18 were below the poverty level, compared with 9.8% of people 65 years old (16,719) and over. 9.6% (355,646) of all families, and 25% (71,474) of families with a female householder and no husband present had incomes below the poverty level.

The FTE numbers for Alameda County are based on responses by East Bay Community Law Center (which is based in Berkeley and primarily serving Alameda County residents but also has a few Health practice clients in Contra Costa County), Legal Assistance for Seniors (which is based in Oakland and primarily serves seniors in Alameda County but gets some referrals for clients in Contra Costa County), Catholic Charities of the East Bay (which provides social services and immigration legal services), Bay Area Legal Aid (which has an office in Alameda), Centro Legal de la Raza, and other organizations whose main headquarters may be elsewhere, such as San Francisco (e.g., International Institute for the Bay Area, Asian Pacific Islander Legal Outreach, and Immigration Center for Women & Children). More information on the San Francisco-based providers who serve clients outside of San Francisco is included in the San Francisco section below. Note that Legal Assistance for Seniors provides services to senior residents of Alameda County and *does* accept fees when serving as court-appointed representatives to conservatees in conservatorship cases.

One of the largest providers in Alameda County is East Bay Community Law Center. Yet one FTE attorney is unaccounted for in our categories because that attorney focuses on community economic development. We counted EBCLC's Neighborhood Justice Clinic's attorneys as consumer law attorneys because components of their work fall within this category. The Neighborhood Justice Clinic attorneys work on helping with small claims, when a client's car is impounded, and citation defense work for homeless clients.

Note that Alameda County Volunteer Legal Services Program only uses volunteer attorneys to provide direct client services. The organization's managing attorney and administrative staff do not directly serve clients, so they were not included in the total FTE for Alameda County.

Also, Asian Pacific Islander Legal Outreach noted that 90% of its clients do not pay any fees (such as those seeking naturalization, immigration, and domestic violence services). However, a small number who do not qualify for free services are charged a flat fee and there is a fee for service in other practice areas (e.g., estate planning).

### Contra Costa County

Of the 947,703 people over 18 years old estimated to live in Contra Costa County by the 2006-2010 American Community Survey, 61,052 of them, or close to 6.4%, are estimated to live below the federal poverty level. Of those adults living below the poverty level in Contra Costa County, approximately 34,265, or 56.1%, speak only English at home; 17,068, or 28.0%, speak Spanish at home; 5,457, or 8.9%, speak an Asian or Pacific Islander language; and 3,622, or 5.9%, speak another Indo-European language at home.

According to the 2011 ACS 1 Year Estimate of Poverty Status in the Past 12 months, 127,369, or 12 %, of people in Contra Costa were living in poverty. 14.8% of related children (38,062) under 18 were below the poverty level, compared with 7.4% of people 65 years old (9,899) and over. 8.6% (268,067) of all families, and 20.8% (45,510) of families with a female householder and no husband present had incomes below the poverty level.

Rubicon Legal Services and Contra Costa County Senior Legal Services are the only two civil legal services organizations who focus exclusively on Contra Costa County. Bay Area Legal Aid has a Contra Costa office with attorneys practicing in Family Law, Housing, and Public Benefits. As noted above, Rubicon's attorneys are difficult to categorize because of assignments to projects, which serve clients in multiple practice areas (e.g., Mental Health Legal Services Program, Legal Barriers to Work, and HIV Legal Services) and they all work on

public benefits, housing, and consumer law for their respective client groups. Rubicon also *does* accept fees for certain Social Security matters.

Note that while Contra Costa Senior Legal Services provides services in family law, housing, and worker's rights, its services are only provided to senior residents of Contra Costa County. There are also other service providers with offices located in San Francisco or Alameda Counties who serve residents of Contra Costa County.

### Marin County

Of the 227,237 people over 18 estimated to live in Marin County by the 2006-2010 American Community Survey, 12,794 of them, or close to 5.6%, are estimated to live below the poverty level. Of those adults living below the poverty level in Marin, approximately 8,451, or 66.1%, speak only English at home; 2,617, or 20.5%, speak Spanish at home; 514, or 2.3%, speak an Asian or Pacific Islander language; and 1,183, or 9.2%, speak another Indo-European language at home.

According to the 2011 ACS 1 Year Estimate of Poverty Status in the Past 12 months, 23,278, or 9.5 %, of people in Marin were living in poverty. 10.6% of related children (5,412) under 18 were below the poverty level, compared with 4.7% of people 65 years old (2,046) and over. 6% (65,281) of all families, and 18.3% (11,450) of families with a female householder and no husband present had incomes below the poverty level.

Legal Aid of Marin and the Family and Children's Law Center are the only two providers serving Marin County exclusively. Legal Aid of Marin provides services in the areas of family law, housing, consumer and worker's rights. The Family and Children's Law Center only provides services in family law, ranging from child abuse to domestic violence, custody, and support, for cases filed in Marin County. Legal Aid of Marin does not charge fees, while the Family and Children's Law Center *does* charge fees. Legal Aid of Marin sometimes also receives referrals for family law cases when Family and Children's Law Center has a conflict of interest. Bay Area Legal Aid has staff who split their time between Marin and Napa Counties, with the majority of their time spent in Marin.

### Napa County

Of the 122,081 people over 18 estimated to live in Napa County by the 2006-2010 American Community Survey, 9,278 of them, or close to 7.6%, are estimated to live below the poverty level. Of those adults living below the poverty level in Napa, approximately 5,311, or 57.2%, speak only English at home; 3,088, or 33.3%, speak Spanish at home; 452, or 4.9%, speak an Asian or Pacific Islander language; and 421, or 4.5%, speak another Indo-European language at home.

According to the 2011 ACS 1 Year Estimate of Poverty Status in the Past 12 months, 19,613, or 14.6%, of people in Napa were living in poverty. 23.2% of related children (7,132) under 18 were below the poverty level, compared with 6.4% of people 65 years old (1,307) and over. 9.2% (34,853) of all families, and 17.2% (6,892) of families with a female householder and no husband present had incomes below the poverty level.

Legal Aid of Napa Valley is the one legal services provider based in Napa, and they provide services in immigration, consumer law, public benefits, and family law. Bay Area Legal Aid has staff who split their time between Marin and Napa Counties, with a smaller portion of their time spent in Napa.

### City and County of San Francisco

Of the 746,119 people over 18 estimated to live in San Francisco County by the 2006-2010 American Community Survey, 79,428 of them, or close to 10.7%, are estimated to live below the federal poverty level. Of those adults living below the poverty level in San Francisco County, approximately 41,313, or 52.0%, speak only English at

home; 9,910, or 12.5%, speak Spanish at home; 22,304, or 28.1%, speak an Asian or Pacific Islander language; and 5,035, or less than 6.3%, speak another Indo-European language at home.

According to the 2011 ACS 1 Year Estimate of Poverty Status in the Past 12 months, 110,210, or 13.8%, of people in San Francisco were living in poverty. 14.1% of related children (15,059) under 18 were below the poverty level, compared with 13.6% of people 65 years old (14,966) and over. 8.5% (157,073) of all families, and 20% (31,232) of families with a female householder and no husband present had incomes below the poverty level.

Asian Pacific Islander Legal Outreach is the most generalist organization in San Francisco, with a substantial family law and immigration practice and a smaller public benefits and housing practice. The Asian Law Caucus also provides some services in housing, immigration, and worker's rights in San Francisco. Catholic Charities CYO, in San Francisco, has 5 accredited representatives, one of whom can represent clients in immigration court. Bay Area Legal Aid has an office in San Francisco providing services in housing, family law, health access, and public benefits.

Note that for more than 95% of its clients, the Asian Law Caucus does not charge any fees. Less than 10 cases out of hundreds of cases are charged 50% of market rate, which is usually for residents of counties other than San Francisco who have immigration-related cases.

Of organizations servicing specific client populations in San Francisco, the Cooperative Restraining Order Clinic provides services solely in family law, limited to assisting domestic violence survivors in obtaining restraining orders, and is the main organization providing this service. They can assist clients who are not San Francisco residents, provided that the case is filed in San Francisco. Legal Assistance to the Elderly provides services in the areas of family law, public benefits, and housing to elderly clients in San Francisco only.

A number of organizations based in San Francisco provide services to other counties. In some cases, the San Francisco-based organizations focus largely on San Francisco clients because of city-funded grants but still have some clients in neighboring counties. The Asian Law Caucus does a small amount of Immigration and Worker's Rights work in San Mateo and Alameda Counties. The AIDS Legal Referral Panel provides services across almost all subject matters to persons living with HIV or AIDS (though 80% of its clients are San Francisco residents); and Legal Services for Children provides services for youth in immigration, education, foster care, and guardianship cases (primarily in San Francisco, but with some clients in other local counties). Note, however, that the AIDS Legal Referral Panel, National Center for Lesbian Rights, Legal Assistance to the Elderly, and Legal Services for Children provide services to particular subsets of the population.

Others have broader geographic scope and a more evenly distributed client pool across the Bay Area, like the Legal Aid Society-Employment Law Center, which provides services in the area of Worker's Rights throughout the Bay Area; the Immigration Center for Women and Children, which provides immigration services to any clients who can pay their fees, regardless of their county of residency; and the National Center for Lesbian Rights, which provides family law and immigration services to LGBT parents and families nationwide. We did not include FTEs for the Lawyers' Committee for Civil Rights of the San Francisco Bay Area because they do not have staff attorneys in the substantive areas of direct services area we are documenting.

The International Institute of the Bay Area (IIBA) charges for its services, and has four offices in the Bay Area, including its headquarters in San Francisco. It receives funding to target seniors in San Francisco, but also serves clients with immigration needs throughout the Bay Area. Ninety percent of their clients are within 150% of the federal poverty level but still pay the fees charged by IIBA.

### San Mateo County

Of the 651,792 people over 18 estimated to live in San Mateo County by the 2006-2010 American Community Survey, 34,596 of them, or 5.31%, are estimated to live below the poverty level. Of those adults living below the poverty level in San Mateo County, approximately 14,914, or 33.1%, speak only English at home; 10,640, or 30.7%, speak Spanish at home; 5,865, or 17.0%, speak an Asian or Pacific Islander language; and 1,952, or 5.6%, speak another Indo-European language.

According to the 2011 ACS 1 Year Estimate of Poverty Status in the Past 12 months, 55,703, or 7.7%, of people in San Mateo were living in poverty. 8.8% of related children (13,857) under 18 were below the poverty level, compared with 5.7% of people 65 years old (5,561) and over. 4.8% (175,804) of all families, and 11.8% (26,553) of families with a female householder and no husband present had incomes below the poverty level.

The Legal Aid Society of San Mateo is the primary provider of legal services in San Mateo County, and provides a range of services, with a strong practice of several attorneys in public benefits and housing, and a substantial practice in family law, and health care. They also provide some services in consumer law, immigration, and special education. Note that their family practice includes an attorney who provides services at least primarily, if not exclusively, to teens. Bay Area Legal Aid also has an office serving clients in San Mateo County, and practices in the areas of Housing, Family Law, and Public Benefits.

Community Legal Services of East Palo Alto (CLSEPA) has a strong immigration practice, as well as a strong Consumer Law practice (which includes Mortgage Foreclosures). CLSEPA also has a small housing practice. Though CLSEPA's immigration practice is significant, we excluded CLSEPA's immigration attorneys from the total FTE count for San Mateo County because the organization charges fees for its immigration work. Stanford's Immigrants' Rights Clinic is one of the few organizations that provides deportation defense work, and is staffed by two attorneys, but neither attorney spends the majority of her time on individual cases.

Both CLSEPA and the Legal Aid Society of San Mateo report that their housing practice consists largely of eviction defense cases in a variety of settings (public, subsidized, as well as private housing), and that they also handle affirmative cases regarding habitability and other non-eviction issues. Likewise, both report referring housing discrimination cases to Project Sentinel, which though it does not have practicing attorneys, does have a large number of housing counselors who provide advice & counsel and conduct investigations into alleged violations of the Fair Housing Act. We did not, however, include Project Sentinel's counselors in our FTE count because they are not supervised by attorneys and do not represent clients in court. The Stanford Community Law Clinic also provides representation in the areas of criminal expungement, housing, and worker's rights, and also refers fair housing cases to Project Sentinel.

Communities Overcoming Relationship Abuse (CORA) has a small family law practice with attorneys who provide legal services to victims of domestic violence, many of whom are Latina or Filipina, due in part to CORA's history as the merger of two organizations servicing solely victims of those populations. CORA attorneys provide services in the context of restraining order, custody, child support, and divorce.

### *Santa Clara County*

Of the 1,587,475 people over 18 estimated to live in Santa Clara County by the 2006-2010 American Community Survey, 106,267 of them, or close to 6.7%, are estimated to live below the poverty level. Of those adults living below the poverty level in Santa Clara County, approximately 41,628, or 39.1%, speak only English at home; 31,833, or 30.0%, speak Spanish at home; 25,149, or 23.7%, speak an Asian or Pacific Islander language; and 6,353, or 6.0%, speak another Indo-European language.

According to the 2011 ACS 1 Year Estimate of Poverty Status in the Past 12 months, 189,016, or 10.6%, of people in Santa Clara were living in poverty. 12.2% of related children (51,738) under 18 were below the poverty

level, compared with 9.1% of people 65 years old (18,216) and over. 7% (429,293) of all families, and 19.2% (65,593) of families with a female householder and no husband present had incomes below the poverty level.

The Law Foundation of Silicon Valley is the main legal services provider in Santa Clara County, followed by Bay Area Legal Aid, which has an office in Santa Clara County, offering services in housing, family law and public benefits. Many of the Law Foundation's attorneys are grouped in project teams focused on specific client populations, such as Legal Advocates for Children & Youth (LACY) which services minors in special education, juvenile dependency, and family law matters, and Health Legal Services (HLS) which services people with HIV and Aids as well as other chronic illnesses such as diabetes in public benefits, housing rights, discrimination, and employment rights matters. We included only a fraction of the family law attorneys at LACY, limited to an estimate of those attorneys who represent pregnant and parenting teens in paternity, child custody and support, and visitation matters, and teens in unhealthy relationships. We excluded from our count those attorneys who work on guardianship or child protection matters. In our estimate of the Law Foundation's public benefits attorneys, we also limited our numbers to those attorneys in the Mental Health and Advocacy Project (MHAP) who provide representation in economic rights issues (rather than patient's rights issues).

The Katherine & George Alexander Community Law Clinic at Santa Clara Law and Asian Law Alliance are the other two generalists in Santa Clara County. The former handles cases in immigration, consumer law, and workers rights, with one supervising attorney in each area. The latter has a substantial immigration practice with several attorneys, but they also have a small practice (about one attorney) in public benefits and housing.

There are also a number of immigration service providers in Santa Clara County who charge for their services, including Immigration Services of Mountain View; Catholic Charities of Santa Clara County, which staffs a large number of accredited representatives, several of whom can represent clients in immigration court; and Services, Immigrant Rights, and Education Network (SIREN), which also has a small number of accredited representatives.

The Pro Bono Project of Silicon Valley stated that their aim is to fill in service gaps and thus they focus on family law cases involving survivors of domestic violence who have already obtained protection orders, eviction defense, and consumer law cases, with mostly part-time attorneys supervising pro bono attorneys in each area.

## ATTORNEY DEMOGRAPHICS

*A Note on Methodology and Survey Reliability.* Our survey instrument included questions about attorney demographics, including gender, race/ethnicity identification, languages spoken, and years of experience. However, the information we collected is not consistent across organizations, as many of the organizations interviewed either did not have this information readily available, did not have it available in comparable levels of detail, or did not respond to subsequent follow-up requests. With respect to attorney race/ethnicity identification, so few organizations were able to provide this information that we have not included responses in the results summarized here. Additionally, we do not have the data in a format that allows us to summarize on a county by county basis.

Similar to the data on attorney numbers we collected, we have excluded any attorneys that charge for their services. However, dissimilar to the data on attorney numbers, we have *not* included advocates, or non-attorney staff who provide direct services to clients, as the organizations we surveyed consistently did not have this information available.

*Gender:* Our survey results show that of the attorneys in the San Francisco Bay Area included in this report, 76.5% are female and 23.5% are male.

*Experience:* In terms of years of experience, our survey results show that of the attorneys in the San Francisco Bay Area included in this report, 15.3% have 0-2, 22.6% have 3-5, 18.4% have 6-9, and 43.7% have 10 or more.

*Language:* Language capacity is more difficult to quantify, as some organizations provided us with specific numbers of attorneys who speak languages other than English, but the majority were only able to provide a list of languages spoken, and not how many attorneys speak each. We are able to conclude that most organizations have at least one attorney who speaks Spanish, and many organizations have several attorneys who speak Spanish. We learned of 45 known Spanish-speaking attorneys and 11 additional organizations told us they have Spanish-language capacity. Chinese, either Mandarin or Cantonese,<sup>11</sup> is the second most-represented language. We learned of five Chinese-speaking attorneys, and six additional organizations told us they have Chinese-language capacity. We also learned of four organizations with Tagalog capacity and 4 organizations with Vietnamese capacity.

## CONCLUSION

From the organizations we interviewed in the seven Bay Area counties and eight relevant practice areas, we counted a total of 202.84 FTE attorneys and advocates who provide free (or very limited fee) legal services. Serving Alameda County were 25.62% of those attorneys and/or advocates, 9.26% serve Contra Costa, 3.19% serve Marin, 1.65% serve Napa, 24.36% serve San Francisco, 13.85% serve San Mateo, and 18.76% serve Santa Clara.

<b>Attorneys/Advocates in the Bay Area vs. 2011 ACS 1 Year Poverty Status Estimate</b>						
	<b>Attorneys by County</b>		<b>Families Living in Poverty</b>			
<b>COUNTY</b>	% of total Atty's in Bay Area	# of Atty's	% of families living in poverty	# of families living in poverty	# of Families/Atty	% of total families living in poverty in the Bay Area/county
<b>Alameda</b>	25.62%	51.97	9.6%	355,646	6,843	23.93%
<b>Contra Costa</b>	9.26%	18.78	8.6%	268,067	14,274	18.04%
<b>Marin</b>	3.19%	6.48	6%	65,281	10,074	4.39%
<b>Napa</b>	1.65%	3.35	9.2%	34,853	10,404	2.35%
<b>San Francisco</b>	24.36%	49.42	8.5%	157,073	3,178	10.57%
<b>San Mateo</b>	13.85%	28.09	4.8%	175,804	6,259	11.83%
<b>Santa Clara</b>	18.76%	38.05	7%	429,293	11,282	28.89%

Due in large part to the funding structure of legal services in the Bay Area (which is generally representative of that of legal services in California as well as the United States as a whole in that funds are restricted to certain geographies as well as certain types of services), the distribution of attorneys and/or advocates providing legal services does not parallel the distribution of families living in poverty in the Bay Area.<sup>12</sup> Not only are there not enough attorneys or advocates to serve all the families who require legal services, but available attorneys and advocates are disproportionately distributed due to funders' restrictions. In addition, there are far more

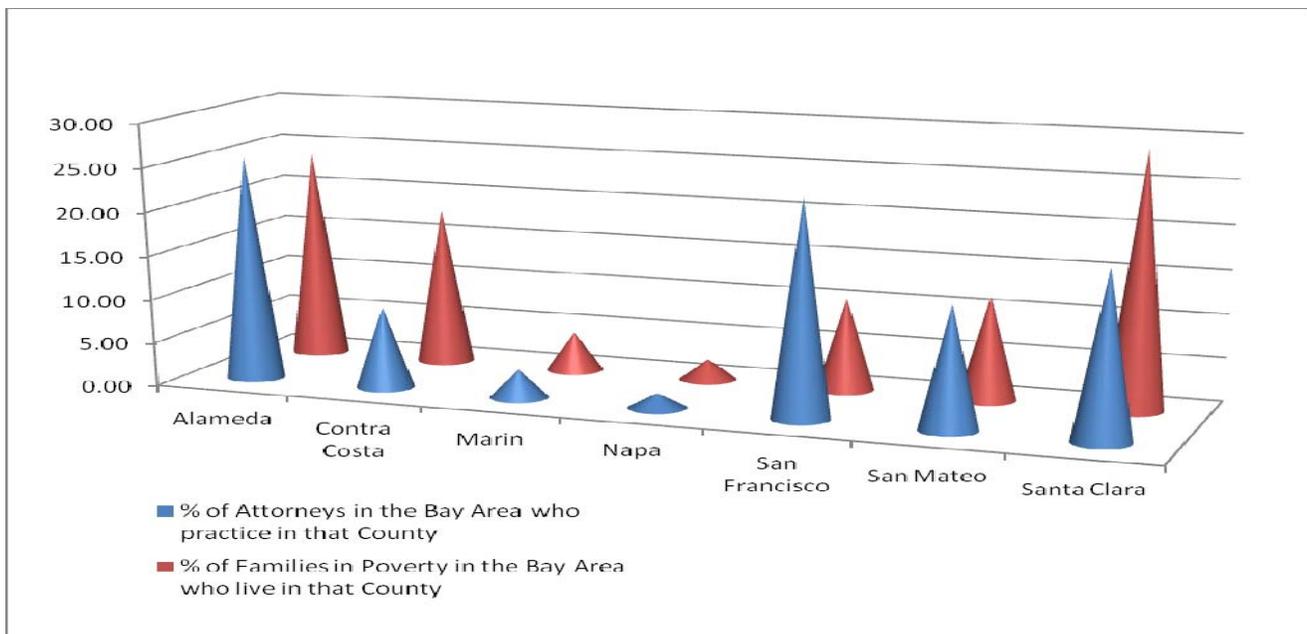
<sup>11</sup> Some providers responded that they had Chinese speakers on staff, but did not specify Mandarin or Cantonese.

<sup>12</sup> This assumes that poverty statistics correlate with demand for the types of legal services surveyed.

individuals and families who would qualify for legal services than meet the poverty thresholds utilized by the Census Bureau because many who qualify for legal services are at 125% of the poverty level.<sup>13</sup>

As shown in this data summary chart, the number of attorneys providing legal services per county, as compared to the 2011 ACS 1 Year Estimate of Poverty Status, shows a greater number of attorneys providing services in San Francisco than in any other county but for Alameda, which has almost twice as many families (355, 646 versus 157,073) living in poverty. The fact that Alameda County has more attorneys than San Francisco makes sense, given the percentage of families living in poverty is 9.6% in Alameda as compared to 8.5% in San Francisco. However, given both the percentage and the number of families living in poverty in Contra Costa (8.6% and 268,067 respectively), Santa Clara (7%, 429,293), and Napa (9.2%, 34,853) counties, our data suggests that there is a greater demand for legal services in those counties than is currently being provided.

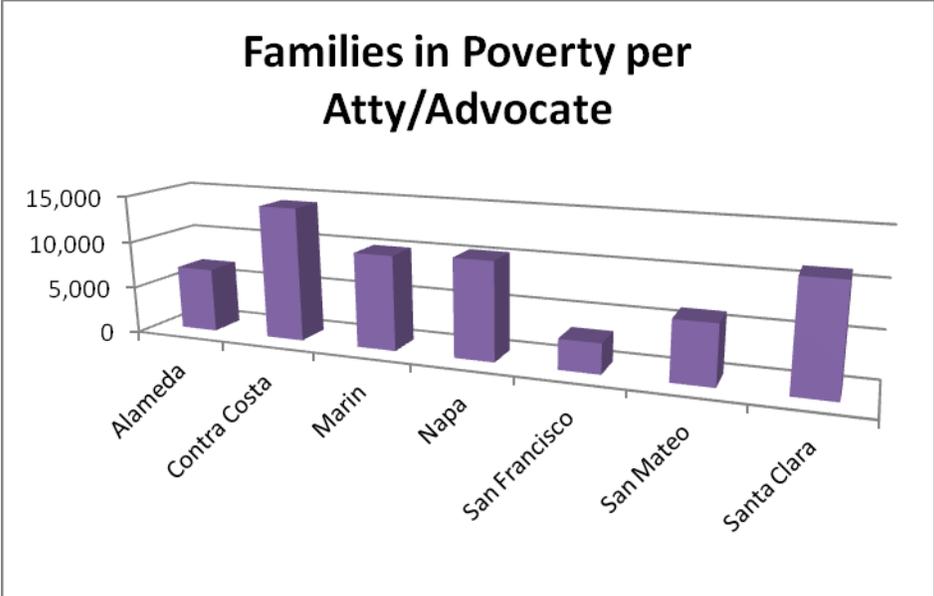
This is also apparent when we compare the percentage of attorneys/advocates in the Bay Area who practice in a given county against the percentage of families living in poverty by county. In other words, 9.26% of attorneys/advocates providing free legal services in the Bay Area do so in Contra Costa County, while 18.04% of all families living in poverty in the Bay Area live in Contra Costa County. Likewise, 18.76% of Bay Area attorneys/advocates serve Santa Clara County, while 28.89% of Bay Area families living in poverty live in Santa Clara County. Conversely, 24.36% of attorneys/advocates serve San Francisco County, while 10.57% of Bay Area families living in poverty live in San Francisco. The graph below compares these figures.



Another way of comparing the data is to divide the number of families living in poverty by each county by the number of attorneys/advocates serving each county, a commonly used trope for the “justice gap.” In Contra Costa, there are 14,274 families living in poverty per legal services attorney, and in Santa Clara there are 11,282 families per attorney, while in Alameda there are 6,843, in San Mateo there are 6,259, and in San Francisco there are 3,178. This data is also illustrated in the chart and graph below.

<sup>13</sup> Note that some organizations not restricted by LSC funding requirements provide services to individuals and families at up to 200% of the poverty threshold.

Ratio of Families in Poverty per Attorneys & Advocates	
COUNTY	Families in Poverty per Atty/Adv
Alameda	6,843
Contra Costa	14,274
Marin	10,074
Napa	10,404
San Francisco	3,178
San Mateo	6,259
Santa Clara	11,282



As mentioned above, these numbers are representative of those in California as well as the country as a whole. California’s Access to Justice Commission reports that the number of legal aid attorneys available to assist the low-income population is a tiny fraction of the number of private attorneys providing civil legal services to the general population. It has estimated that there are 8,995 Californians living in poverty who qualify for legal aid for every one Legal Aid lawyer.<sup>14</sup>

We provide this information not as criticism of the current staffing structure of legal aid agencies in the Bay Area, but rather as information that may be helpful in strategic planning for such organizations as well as for funders supporting the provision of legal services in the Bay Area.

<sup>14</sup> See, Materials Distributed at The State Bar of California 84th Annual Meeting, Program 49, Access to Justice: Critical Issues and Recent Developments, Friday, September 16, 2011, available at <http://html.documation.com/cds/SBC2011/HTML%20Files/PDFs/049.pdf>.

## SURVEY INSTRUMENT

INTRO: *This is part of a broader research goal we are pursuing to document the justice gap in coordination with several groups, including LAAC/OneJustice, the State Bar, and Bay Legal. This specific project is designed to identify the breadth and scope of services being provided in the Bay Area to tell a better and more complete story of the role of legal services in bridging the justice gap in this region.*

\*\*\*\*\*

ORGANIZATION:  
WEBSITE ADDRESS:  
NAME OF CONTACT:  
JOB TITLE:  
RESPONSIBILITIES

GEOGRAPHIC AREAS OF COVERAGE OF ORGANIZATION:

COST STRUCTURE:

- 1) FREE
- 2) FEE FOR SERVICE
- 3) SLIDING SCALE
- 4) EXCEPTIONS

CLIENT POPULATION:

- 1) PERCENTAGE OF POVERTY POPULATION
- 2) SPECIAL PROJECTS OR SERVICES FOR TARGETED POPULATIONS (E.G., YOUTH, VETERANS, LGBTQ, RACIAL/ETHNIC, RE-ENTRY, HIV/AIDS)
- 3) ANYTHING ELSE?

TYPES OF CASES

- 1) FAMILY
  - Divorce
  - Contested Divorce (Including: div defense, Pre-Decree relief and any other div hearing)
  - Uncontested Divorce
  - Paternity
  - Custody Only
  - Assistance to Self-Represented Litigants to Prepare TRO Requests (refer to clinics)
  - TRO Hearing representation, including modification of restraining orders
  - Civil Injunction Against Harassment (sexual assault only)
  - Child Abduction
  - Child Support+ (establish, modify or enforce)
  - Modification or Enforcement of Custody/ Visitation in Divorce Decree or Paternity Judgment  
*Including Move Away*
  - Safety Planning/Crisis

- 2) PUBLIC BENEFITS

*CALWORKS:*

- Written Denial
- Termination
- Reduction
- Overpayment
- W2W (childcare, trans, books)
- Time on Aid
- Exemptions
- Failure to coop re CS

*GA/FA:*

- Written Denial
- Termination
- Reduction
- Overpayment

*SSI/SSDI:*

- Denial of initial app due to disability
- Denial of initial app due to non-disability related reason
- Denial on request for recon for denial based on disability
- Overpayment
- Termination due to CDR or age 18 redetermination
- Termination or suspension other reason
- Appeal from ALJ decision
- Denial or Termination of survivor benefits

*MEDI-CAL:*

- Denial or reduction
- Long-term care planning
- Nursing home care

*COUNTY HEALTH*

*IHSS (Denial/10%+ reduction)*

*MEDICAL BILLS*

*MEDICAL INSURANCE*

*DENIAL OF TAR (request to approve specific treatment)*

*HEALTHY FAMILIES*

*PARATRANSIT*

*DENTI-CAL*

*MENTAL HEALTH*

*MEDICARE*

*UNEMPLOYMENT*

*VA BENEFITS*

3) HOUSING

*PUBLIC HOUSING:*

- evictions: notice only
- evictions: court papers received & no default
- default eviction: stays of execution
- default eviction: motion to set aside
- default eviction: motion for relief from forfeiture
- default eviction: after stipulation
- one strike cases
- public housing notices/grievance not involving eviction

*SUBSIDIZED HOUSING:*

- evictions: notice only
- evictions: court papers received
- default eviction: stays of execution
- default eviction: motion to set aside
- default eviction: motion for relief from forfeiture
- default eviction: after stipulation
- disputes over damages
- termination or notice of termination\*
- writ appeal of voucher termination
- change in rent due to change in income
- one strike cases
- preservation of project-based subsidized housing

*PRIVATE HOUSING:*

- evictions: notice only
- evictions: court papers received
- pvt hsg default eviction
- pvt hsg default eviction: motion to set aside
- pvt hsg default eviction: after stipulation
- private hsg discrimination
- transitional hsg & shelter evictions
- mobile home evictions

*NON-EVICTION CASES:*

- security deposits
- disputes over damages
- repairs/health & safety
- illegal lockouts/utility shut-offs
- breaking leases early
- late fees
- fair housing/hsg discrimination
- decrease in services, e.g., rent control board petition or appeal for rent reduction
- mediation at rent board hearing, e.g., rent increase (initial petition, hrg, appeal)
- grievance
- application for transfer
- denial of application
- recertification of eligibility or change in amt of rent subsidy

- §8 illegal “side rent” issues
- §8 building: late fees
- §8 building: notices by management company
- §8 rent redetermination
- §8 application denials and other admission problems

#### 4) HEALTHCARE

- a. benefits [see prior section on public benefits]
- b. debt related to health care [see next section on consumer issues]

#### 5) CONSUMER

- Place credit report freeze with consumer reporting agencies following identity theft
- Dispute ChexSystems/credit report/investigative report inaccuracies
- Litigate ChexSystems/credit report/investigative report inaccuracies
- Defend debt collection lawsuits
- Negotiate debt repayment
- Negotiate release of tax collection levies
- Issue cease and desist and *Czap* letters against aggressive debt collectors
- Litigate violations of the Federal Debt Collection Practices Act
- Assist self-represented litigants in consumer law small claims court cases
- Provide foreclosure mitigation assistance (loan modification document preparation)
- Represent clients in Chapter 7 bankruptcy filings
- Represent clients in Chapter 13 bankruptcy filings
- Affirmatively litigate cases against predatory cash lenders (payday lenders)
- Negotiate utility shut off and turn on issues (outstanding bills/deposit requirements)
- Litigate unconscionable consumer contracts
- Litigate consumer contracts written in English if negotiated in a foreign language
- Litigate unfair business practices in consumer contracts
- Set aside and negotiate dismissal of unlawful detainer judgments for judgment-proof clients
- Expunge criminal records

#### 6) IMMIGRATION

- LPR application
- Family-based immigrant visa petitions
- Naturalization
- Asylum
- U Visa/T Visa
- VAWA
- Suspension of deportation/removal proceedings
- HIV waivers

#### 7) WORKERS’ RIGHTS

- Wage and hour issues
- Discrimination or retaliation
- Wrongful Termination
- Workers’ Comp issues
- Issues re: sick leave in SF

- 8) SPECIAL EDUCATION
- Represent youth at IEP meetings

**RANGE AND SCOPE OF SERVICES**

ATTORNEY INFORMATION (THIS SECTION ASKS ABOUT ONLY REGULAR ATTORNEY STAFF, NOT LIMITED-TERM FELLOWS PAID BY OUTSIDE FUNDERS LIKE HASTINGS LAW SCHOOL OR NON-LEGAL STAFF)

- 1) NUMBER OF FTE (APPROX.) (NOT INCLUDING EXECUTIVE DIRECTOR OR OTHER MANAGEMENT POSITIONS IF THEY DO NOT DIRECTLY REPRESENT CLIENTS)
  - a. HOW MANY PER PRACTICE AREA (E.G., 3 IN HOUSING, 2 IN PUBLIC BENEFITS)?
  - b. HOW MANY PER COUNTY?
  - c. ANY ATTORNEYS SPLITTING TIME B/WEEN PRACTICE AREAS?
  - d. ANY ATTORNEYS SPLITTING TIME B/WEEN COUNTIES/GEOGRAPHIC AREAS OF SERVICE?
- 2) DEMOGRAPHICS
  - a. RACIAL/ETHNIC
  - b. GENDER
  - c. YEARS OF EXPERIENCE/SENIORITY (E.G., 1 ATTORNEY WITH 0-2 YEARS OF POST-LAW SCHOOL GRADUATION EXPERIENCE, 0 WITH 3-5 YEARS, 2 WITH 6-9 YEARS AND 3 WITH 10+ YEARS)
  - d. LANGUAGE CAPACITY
- 3) ORG EXPERIENCE WITH ATTRITION/TURNOVER/LAYOFFS
  - a. ANY ANALYSIS OF WHY ATTORNEYS LEFT, IF THEY DID?

OTHER STAFF:

1. WHO ELSE IS INVOLVED IN DIRECT SERVICES? (E.G., SOCIAL WORKERS, BIA ACCREDITED REPRESENTATIVES)
  - a. IN WHAT PRACTICE AREA?
  - b. IN WHAT COUNTY?
  - c. ANY SPLITS (ACROSS COUNTY OR PRACTICE AREA)?
2. DEFERRED OR BORROWED ASSOCIATES
3. LAW STUDENTS
4. EXTERNALLY FUNDED (FELLOW)
  - a. HOW MANY YEARS HAVE YOU HAD A FELLOW IN THIS POSITION?
  - b. HOW LIKELY WOULD YOU SAY YOU ARE TO HAVE A FELLOW IN THIS POSITION IN THE FUTURE?
5. PARALEGALS
6. ANY OTHER STAFF POSITIONS PROVIDING DIRECT LEGAL SERVICES?
7. PRO BONO ATTORNEYS?
  - a. HOW MANY PRO BONO ATTORNEYS PER YEAR?
  - b. HOW MANY PRO BONO HOURS PER YEAR?
8. DO YOU STAFF ANY HOTLINES?

ANY RECENT SURVEY OF CLIENT COMMUNITY'S LEGAL NEEDS?

ANY THING YOU ARE INTERESTED IN FOR US TO LOOK INTO IN FUTURE?