



The State Bar of California

California Justice Gap Study

The Service Gap – Findings and Recommendations

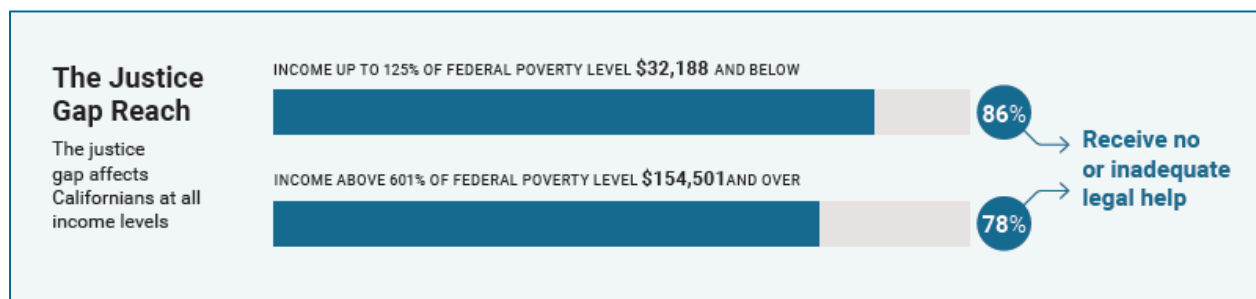
In 2020, the State Bar published the first-ever comprehensive study of the California Justice Gap, measuring the gap between Californians' civil legal needs and the resources available to meet those needs.

The study found that the California Justice Gap is widespread, pervasive, and multifaceted. It has two dimensions:

- **The Service Gap:** The current legal services delivery system is unable to meet the legal needs of Californians. This fact sheet highlights findings and recommendations about the Service Gap.
- **The Knowledge Gap:** Many Californians do not seek or receive legal help because they do not know their problems have a legal remedy, and they are uncertain how to access legal help.

How Do We Know There's a Service Gap?

- Californians received no or inadequate legal help for 85 percent of their civil legal problems.
- Many Californians who do not qualify for legal aid, based on their income, are unable to afford a private attorney and do not seek or receive legal help. The service gap persists at income levels well above 125 percent of the Federal Poverty Level.



- Legal aid organizations, the primary source of legal help for low-income Californians, could fully resolve only 30 percent of the problems presented to them in 2019.

What Causes the Service Gap?

- The California Justice Gap Study did not allow for an analysis of the service gap for Californians overall. As a next step, the State Bar surveyed Californians to better understand their legal help-seeking behaviors, and in particular, what help they seek online. The data is currently being analyzed
- Funding for legal aid comes from many different sources, which together are inadequate to fully serve the needs of low-income Californians.
- Staffing challenges also limit legal aid organizations' capacity to serve clients.

- State Bar-funded legal aid organizations cumulatively employed approximately 1,500 attorneys in 2018 and leveraged nearly 430,000 hours of pro bono assistance—the equivalent of another 1,500 full-time attorneys.
- To fully address the unmet need of low-income Californians, a conservative estimate is that the state would need another 9,000 full-time legal aid lawyers .

RECOMMENDATIONS

Funding Increases are Necessary But Inadequate to Close the Service Gap

New approaches and new services are needed

- **Increase the availability of legal services and address the areas of greatest legal needs.**
 - Identify technology- and nontechnology-based approaches to create more affordable legal services for those who do not qualify for legal aid but cannot pay the current market rate for attorneys.
 - Fund projects addressing the most common types of legal problems that Californians face: health, finance, employment, and income maintenance.
 - Through funding and services, address the regional disparities identified in the Justice Gap Study.
 - Collect more robust data on self-represented litigants so that approaches to addressing the needs of this population can be informed by current, comprehensive data.
- **Modify legal aid funding requirements to improve organizational efficiency and sustainability.**
 - Adopt uniform income eligibility limits and other funding requirements to decrease administrative burdens on legal aid organizations.
 - Extend funding cycles beyond 12 months to support long-term planning and provide a consistent funding base for legal aid.
 - Provide unrestricted multiyear grants for general operating costs.
 - Consider raising income eligibility limits for free civil legal aid to support Californians whose incomes are more than 125 percent of FPL.
- **Remove barriers to recruitment and retention of legal aid attorneys.**
 - Fund paid internships at legal aid organizations, including summer internships for law students, which could increase the pipeline of legal aid attorneys.
 - Promote loan repayment assistance programs that target areas of greatest legal need, based on problem types and geographic regions.
 - Promote legal aid careers through law school career centers, campus events, and job boards.
 - Incorporate flexible hours, remote work options, career advancement opportunities, and support for self-care and wellness into legal aid recruitment and retention strategies.
 - Pilot tuition assistance programs contingent on public interest work to determine their impact on preventing public interest drift.