LACBA’s Counsel for Justice provides funds to sustain four legal services projects: the Domestic Violence Legal Services Project, the AIDS Legal Services Project, the Immigration Legal Assistance Project and the Veterans Legal Services Project. All four CFJ projects provide legal services in civil matters to low income and indigent members of our community, making them excellent candidates for the receipt of cy pres awards. The cy pres doctrine takes its name from a Norman French expression which means “as near as possible.” Cy pres awards designate charities to receive the proceeds of settlements in class action cases when the monies cannot be distributed to actual class members without the cost of distribution eating up the value of the settlement. Sometimes the award is limited to funds left over when class members do not claim their awards or do not cash checks (also called a “residuary” award).

For example, in some cases it is impractical to distribute the sum being paid evenly among class members, because the amount allocable to each member is so small: the cost of identifying class members, mailings, processing of checks, etc., would be greater than the settlement fund itself. This is why courts often approve a remedy that will “as near as possible” serve members of the class or advance objectives that are in accord with the purposes of the litigation.

Both California and federal law provide for the use of “cy pres” awards. For example, California Code of Civil Procedure section 384(a) calls for funds that are unclaimed or undeliverable to be distributed as much as possible “. . . . either to further the purposes of the underlying cause(s) of action or to promote justice for all Californians.” Section 384(b) specifically endorses payment of funds to “. . . . nonprofit organizations . . . . to support projects that will benefit the class or similarly situated persons or that promote the law consistent with the objectives and purposes of the underlying cause of action, to child advocacy projects, or to nonprofit organizations providing civil legal services for the indigent.” Similar rules govern the use of cy pres awards in federal court.

In past years, the Domestic Violence Project and the Veterans Project have received substantial cy pres awards. CFJ used that money to provide desperately needed legal help to members of our community. CFJ and its projects might be a good fit for cy pres awards in litigation presenting a variety of issues, including:

- Legal problems faced by immigrants
- Discrimination against people living with HIV/AIDS
- Cases involving abuse and sexual violence
- Problems of the homeless
- Challenges facing children
- Legal issues related to disabilities or mental illness
- Veterans’ rights, challenges
- Housing, including discrimination, affordable or public/subsidized housing
- Civil rights and poverty law matters

If you, your firm, or someone you know is party to or counsel on a class action case involving potential cy pres awards, you can nominate Counsel for Justice or one or more of its projects as an awardee. If you would like more information about CFJ and how it might be a worthy recipient for a cy pres award, please contact Hazel Gaitan, Administrative Manager, Counsel for Justice, Los Angeles County Bar Association at 213.896.6417 or hgaitan@lacba.org.

The Counsel for Justice is a California Nonprofit Public Benefit Corporation and is recognized by the Internal Revenue Service as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code. Contributions to Counsel for Justice are tax-deductible to the fullest extent of the law.