Statewide Action Plan for Serving Self-Represented Litigants

JUDICIAL COUNCIL
OF CALIFORNIA

TASK FORCE ON
SELF-REPRESENTED LITIGANTS

SELF-REPRESENTED LITIGANTS TASK FORCE

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STATEWIDE ACTION PLAN FOR SERVING SELF-REPRESENTED LITIGANTS

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EXECUTIVE SUMMARY

The Judicial Council's Task Force on Self-Represented Litigants has found a unity of interest between the courts and the public with respect to assistance for self-represented litigants. Lack of legal assistance is clearly an enormous barrier for the public. It also creates a structural gap for courts which are designed to work with litigants who are represented by attorneys. Managing cases involving self-represented litigants is a daily business event at every level of court operations—from filing through calendaring, records management, and courtroom hearings. As courts plan during this period of fiscal austerity, attention to the reality of these cases will be imperative for any realization of net savings. In order to increase access to justice for the public and enhance the court's ability to efficiently handle cases in which litigants are self-represented, the task force makes the following key findings.

KEY FINDINGS

1. Court-based staffed self-help centers, supervised by attorneys, are the optimum way for courts to facilitate the timely and cost-effective processing of cases involving self-represented litigants, to increase access to the courts and improve delivery of justice to the public.

2. It is imperative for the efficient operation of today's courts that well-designed strategies to serve self-represented litigants, and to effectively manage their cases at all stages, are incorporated and budgeted as core court functions.

3. Partnerships between the courts and other governmental and community-based legal and social service organizations are critical to providing the comprehensive field of services required for success.

The task force has worked to develop a comprehensive statewide plan that effectively addresses the ways in which courts handle cases involving self-represented litigants. In its assessment of the needs of self-represented litigants, the task force found that many of California's courts have already begun to implement strategies specifically designed to manage cases involving self-represented litigants more effectively. The task force commends them and finds a compelling need to enhance and expand these strategies throughout the state.

The growth in the numbers of pro per litigants has been documented in a myriad of reports and articles and particularly in the strategic

A GREAT-GRANDMOTHER'S STORY

Bernice came to her local court's self-help center asking for assistance regarding her *great-granddaughter*, Amy (age five). Bernice's granddaughter, the child's mother, suffered from a long history of mental illness and drug abuse and was living in a motel room. She would show up unannounced and ask Bernice to take care of the child "for a couple more days," but days turned into weeks. Bernice lives on a fixed income and could not afford an attorney. She was the only relative capable of caring for the child, and there was nowhere else for her to turn. The center was able to help Bernice fill out the forms to obtain guardianship of the child. Amy now receives regular medical and dental attention and is enrolled in preschool. Bernice's ability to seek guardianship has probably helped avoid foster care placement for Amy.

plans submitted by local courts to the Judicial Council. In its analysis of these strategic plans, the Judicial Council identified both social and economic trends that are generating ever-increasing numbers of self-represented litigants in the courts. Court operational systems, in accord with traditional adversary jurisprudence, have been designed to manage a flow of cases in which the vast majority of litigants have attorneys to represent them. The same economic trends currently creating adverse fiscal conditions for courts are also working to increase the population of self-represented litigants. This reality is unlikely to change any time soon.

Many local strategic plans made the link between improved assistance to self-represented litigants and the improvement of the management and administration of the courts. Fiscal benefits to the courts produced by pro per assistance programs have already been recognized. The success of these programs is critical for courts as they attempt to deal with current budget conditions. The task force believes that unless the impact on self-represented litigants is a fundamental consideration in planning, any redesign of court operations will not achieve positive net savings.

FISCAL BENEFITS TO COURTS

- Save time in courtrooms
- Reduce inaccurate paperwork
- Increase ability to identify conflicting orders
- Improve quality of information provided by litigants
- Diminish inappropriate filings
- Minimize unproductive court appearances
- Lower continuance rates
- Expedite case management and dispositions
- Promote settlement of issues
- Increase the court's overall ability to handle its entire caseload

Courts that work well for cases involving self-represented litigants also produce significant benefits to the community as a whole.

PRO PER INFORMATION

Over 4.3 million of California's court users are self-represented

Some counties reported their pro per filing rates in local action plans to assist self-represented litigants.

PETITIONER AT FILING
(mean rates)

Unlawful Detainer*	34%
Family Law	67%
(Largest Counties = 72%)	
Probate	22%
General Civil	16%

*Judges and court staff report that the defendant in unlawful detainer cases is self-represented over 90% of the time.

Available Judicial Branch Statistical Information System (JBSIS) data for family law reports even higher pro per rates for petitioners at the time of disposition:

PETITIONER AT DISPOSITION
(mean rates)

Dissolution	80%
Legal Separation	76%
Nullity	76%
Paternity	96%

COURT-BASED SELF-HELP PROGRAMS
*(Customer Contacts: 1-year period)**

Family Law Facilitators	over 450,000
Family Law Information Centers *(3 Counties)*	over 45,000

*Due to the complexity of family law matters, many litigants use the services of these programs repeatedly throughout the process of their cases.

CALIFORNIA COURTS ONLINE SELF-HELP CENTER
(2003)

Over 1.6 million visits

All Judicial Council forms can now be filled out on this Web site.

BENEFITS TO THE GREATER COMMUNITY

- Improve the climate in which to conduct business
- Minimize employee absences due to unsettled family conflicts
- Lessen the amount of time lost from work due to repeated court appearances
- Relieve court congestion allowing all cases to be resolved more expeditiously
- Enhance timely disposition of contract and collection matters
- Promote public safety by increasing access to orders to prevent violence
- Support law enforcement with clear, written orders related to custody, visitation and domestic violence
- Lessen trauma for children at risk due to homelessness or family violence
- Significantly contribute to the public's trust and confidence in the court and in government as a whole

A DOMESTIC VIOLENCE STORY

Ann had been physically abused by her boyfriend Ron. She had managed to separate from him and obtain a restraining order. Ron works for the Health Maintenance Organization (HMO) that provided her healthcare. She has been a patient there for several years. Ron was using his employment to obtain personal information about Ann. The HMO had already provided some information to him, and was refusing to give Ann any information or protect her medical information from him. Ann went to her local court's self-help center. There she was assisted in filing a petition and obtaining a temporary restraining order, and obtaining a referral to a pro bono attorney to review the case and appear in court with her.

Our society is based upon the premise that disputes can be resolved peacefully, in a timely way, by the court system – rather than by violence. Failure to address the necessity of assisting self-represented litigants to obtain access to prompt and lawful remedies serves to further jeopardize California's already tenuous economy and diminish the quality of life Californians traditionally enjoy.

With its family law facilitator program, family law information centers, self-help Web site, self-help pilot projects, equal access partnership grants, and numerous innovative programs created by local courts in collaborations with law libraries, bar associations, and legal services, California has led the nation in beginning to address the reality of litigation involving those who represent themselves. The task force believes that California should continue in this leadership role.

Providing assistance to self-represented litigants clearly addresses the need of the self-represented public for information, but it is also a matter of administrative efficiency for courts. The task force believes that by directly confronting the enormity of pro per litigation, courts can improve the quality of their service to the public and reduce the time and cost of service delivery.

Recommendations

In crafting its recommendations, the task force has, to the greatest extent possible, attempted to include replication of existing best practices, collaborative efforts, development of standardized criteria for self-help centers, and other cost-effective methods or procedures. Mindful of the need to ensure the wisest utilization of scarce public resources, the task force has attempted to design processes and tools to measure outcomes. An effort has been made to identify both existing and potential funding sources.

The Task Force on Self-Represented Litigants has analyzed action plans to provide assistance to self-represented litigants that were developed by local trial courts, consulted with Judicial Council advisory committees on subject matter concerns, and met with experts on serving self-represented litigants. These recommendations are designed to assist California's courts to continue their leadership role in creating operational systems that work well for the timely, cost-effective and fair management of cases involving self-represented litigants and in improving access to justice for the public.

RECOMMENDATION I: SELF-HELP CENTERS

IN ORDER TO EXPEDITE THE PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND INCREASE ACCESS TO JUSTICE FOR THE PUBLIC, COURT-BASED, STAFFED SELF-HELP CENTERS SHOULD BE DEVELOPED THROUGHOUT THE STATE.

THE TASK FORCE RECOMMENDS THAT:

A. The Judicial Council continue to recognize self-help services as a core function of the trial courts and identify these services consistently in the budgetary process.

B. Courts use court-based, attorney-supervised, staffed self-help centers as the optimum way to facilitate the efficient processing of cases involving self-represented litigants, to increase access to the courts and improve the delivery of justice to the public.

C. Self-help centers conduct initial assessment of a litigant's needs (triage) to save time and money for the court and parties.

D. Court-based self-help centers serve as focal points for countywide or regional programs for assisting self-represented litigants in collaboration with qualified legal services, local bar associations, law libraries, and other community stakeholders.

E. Self-help centers provide ongoing assistance throughout the entire court process, including collection and enforcement of judgments and orders.

F. Administration of self-help centers should be integrated within a county or region to the greatest extent possible.

RECOMMENDATION II: SUPPORT FOR SELF-HELP SERVICES

A SYSTEM OF SUPPORT SHOULD BE DEVELOPED AT THE STATE LEVEL TO PROMOTE AND ASSIST IN THE CREATION, IMPLEMENTATION, AND OPERATION OF THE SELF-HELP CENTERS AND TO INCREASE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS.

THE TASK FORCE RECOMMENDS THAT:

A. A resource library with materials for use by self-help centers in the local courts be maintained by the Administrative Office of the Courts (AOC).

B. Technical assistance be provided to courts on implementation strategies.

C. Funding be sought for a telephone help-line service with access to AOC attorneys to provide legal and other technical assistance to self-help center staff.

D. The AOC serve as a central clearinghouse for translations and other materials in a variety of languages.

E. The California Courts Online Self-Help Center be expanded.

F. The Judicial Council continue to simplify its forms and instructions.

G. Technical training and assistance to local courts in the development and implementation of self-help technology on countywide or regional basis be continued.

H. Support for increased availability of representation for low- and moderate-income individuals be continued.

I. Work with the State Bar in promoting access for self-represented litigants be continued.

J. Technical assistance related to self-represented litigants be provided to courts that are developing collaborative justice strategies.

RECOMMENDATION III: ALLOCATION OF EXISTING RESOURCES

PRESIDING JUDGES AND EXECUTIVE OFFICERS SHOULD CONSIDER THE NEEDS OF SELF-REPRESENTED LITIGANTS IN ALLOCATING EXISTING JUDICIAL AND STAFF RESOURCES.

THE TASK FORCE RECOMMENDS THAT:

A. Judicial officers handling large numbers of cases involving self-represented litigants be given high priority for allocation of support services.

B. Courts continue, or implement, a self-represented litigant planning process that includes both court and community stakeholders and works toward ongoing coordination of efforts.

RECOMMENDATION IV: JUDICIAL BRANCH EDUCATION

IN ORDER TO INCREASE THE EFFICIENCY OF THE COURT AND TO MINIMIZE UNWARRANTED OBSTACLES ENCOUNTERED BY SELF-REPRESENTED LITIGANTS, A JUDICIAL BRANCH EDUCATION PROGRAM SPECIFICALLY DESIGNED TO ADDRESS ISSUES INVOLVING SELF-REPRESENTED LITIGANTS SHOULD BE IMPLEMENTED.

THE TASK FORCE RECOMMENDS THAT:

A. A formal curriculum and education program be developed to assist judicial officers and other court staff to serve litigants who navigate the court without the benefit of counsel.

B. The AOC provide specialized education to court clerks to enhance their ability to provide the public with high-quality information and appropriate referrals, as well as to interact effectively with the self-help centers.

C. The AOC, in consultation with the California Judges Association provide greater clarification of the extent to which judicial officers may ensure due process in proceedings involving self-represented litigants without compromising judicial impartiality.

RECOMMENDATION V: PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH

JUDICIAL OFFICERS AND OTHER APPROPRIATE COURT STAFF SHOULD ENGAGE IN COMMUNITY OUTREACH AND EDUCATION PROGRAMS DESIGNED TO FOSTER REALISTIC EXPECTATIONS ABOUT HOW THE COURTS WORK.

THE TASK FORCE RECOMMENDS THAT:

A. The AOC continue to develop informational material and explore models to explain the judicial system to the public.

B. Efforts to disseminate information to legislators about services available to, and issues raised by, self-represented litigants be increased.

C. Local courts strengthen their ties with law enforcement agencies, local attorneys and bar associations, law schools, law libraries, domestic violence councils, and other appropriate governmental and community groups so that information on issues and services related to self-represented litigants can be exchanged.

D. The Judicial Council continue to coordinate with the State Bar of California, Legal Aid Association of California, California Commission on Access to Justice, Council of California County Law Librarians, and other statewide entities on public outreach efforts.

E. Local courts be encouraged to identify and reach out to existing programs to better serve self-represented litigants.

RECOMMENDATION VI: FACILITIES

SPACE IN COURT FACILITIES SHOULD BE MADE AVAILABLE TO PROMOTE OPTIMAL MANAGEMENT OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO ALLOW FOR EFFECTIVE PROVISION OF SELF-HELP SERVICES TO THE PUBLIC.

THE TASK FORCE RECOMMENDS THAT:

A. Court facilities plans developed by the AOC include space for self-help centers near the clerks' offices in designs for future court facilities or remodeling of existing facilities.

B. Facilities include sufficient space for litigants to conduct business at the court clerk's office.

C. Facilities include sufficient space around courtrooms to wait for cases to be called, meet with volunteer attorneys, conduct settlement talks, and meet with mediators, interpreters, and social services providers.

D. Facilities include children's waiting areas for the children of litigants who are at the court for hearings or to prepare and file paperwork.

E. Information stations that provide general information about court facilities and services be placed near court entrances.

F. Maps and signage in several languages be provided to help self-represented litigants find their way around the courthouse.

RECOMMENDATION VII: FISCAL IMPACT

IN ADDRESSING THE CRITICAL NEED OF COURTS TO EFFECTIVELY MANAGE CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO PROVIDE MAXIMUM ACCESS TO JUSTICE FOR THE PUBLIC, CONTINUED EXPLORATION AND PURSUIT OF STABLE FUNDING STRATEGIES IS REQUIRED.

THE TASK FORCE RECOMMENDS THAT:

A. Continued stable funding be sought to expand successful existing programs statewide.

B. The AOC identify, collect, and report on data that support development of continued and future funding for programs for self-represented litigants.

C. Standardized methodologies to measure and report the impact of self-help efforts continue to be developed.

D. Uniform standards for self-help centers be established to facilitate budget analysis.

E. Efforts of the courts to seek supplemental public funding from local boards of supervisors and other such sources to support local self-help centers be supported and encouraged.

F. Coordination of local efforts among programs assisting self-represented litigants should be stressed in order to maximize services and avoid duplication.

G. AOC assistance with grant applications and other resource-enhancing mechanisms continue to be offered to local courts.

RECOMMENDATION VIII: IMPLEMENTATION OF STATEWIDE ACTION PLAN

TO PROVIDE FOR SUCCESSFUL IMPLEMENTATION OF THIS STATEWIDE ACTION PLAN, A SMALLER TASK FORCE CHARGED WITH THE RESPONSIBILITY OF OVERSEEING IMPLEMENTATION SHOULD BE ESTABLISHED.

THE TASK FORCE RECOMMENDS THAT:

A. The implementation task force consult with experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operations, and court-operated self-help services, as well as with partners such as bar associations, legal services, law libraries, and community organizations.

B. The number of members on the implementation task force should be limited, but members should be charged with the responsibility to seek input from non-members with unique knowledge and practical experience.

REPORT OF THE

TASK FORCE ON SELF-REPRESENTED LITIGANTS

Chief Justice Ronald M. George named the Judicial Council's Task Force on Self-Represented Litigants in May 2001. In response to the growing number of self-represented litigants, the task force members were charged with the following mission:

1. To coordinate the statewide response to the needs of self-represented parties;

2. To finalize development of a statewide pro per action plan and to launch implementation of that action plan, where appropriate;

3. To develop resources for pro per services, particularly for those activities in the statewide pro per action plan that require significant funding; and

4. To make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for self-represented parties.

The task force is chaired by Associate Justice Kathleen E. O'Leary, Court of Appeal, Fourth Appellate District. Its members are a diverse group of individuals from throughout the state representing the judiciary, the State Bar of California, trial court administration, court-based self-help centers, county governments, local bar associations, legal services, law libraries, and the public. (See Appendix 1 for task force roster.)

In this report, the task force has attempted present a comprehensive statewide plan that effectively addresses the way in which the court handles cases involving self-represented litigants. In its assessment of the needs of self-represented litigants, the task force found that many of California's courts have already begun to implement strategies specifically designed to manage cases involving self-represented litigants more effectively. The task force commends these courts and finds that there is a compelling need to enhance and expand these strategies throughout the state.

The growth in the numbers of pro per litigants has been documented in California and nationwide. In 2001, the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) identified the need for courts to design processes that work well for cases involving self-represented litigants as a priority. In accord, attendees at a 1999 National Conference on Public Trust and Confidence in the Courts ranked the

A FAMILY IN TROUBLE

Mr. Jorge Lopez and his family, who were all Spanish speaking, came to their local court's self-help center asking for assistance with a car accident matter. They had been trying without success to settle with the insurance company by themselves. The children had been hurt in the accident and required ongoing medical care. Damages had not been determined. The statute of limitations was going to run out that day. The center was able to assist them in completing and filing a complaint form so their cause of action could be preserved until they could obtain legal representation. They were then referred to a certified lawyer referral service.

cost of accessing the courts as the second most pressing issue for today's courts. At a 1996 National Conference of the Future of the Judiciary open access to the justice system was identified as one of the top five issues currently facing courts.

In California, many local strategic plans made the link between improved assistance to self-represented litigants and the improvement of the management and administration of the courts. In its analysis of these strategic plans, the Judicial Council identified both social and economic trends that are generating ever-increasing numbers of self-represented litigants in the courts. Court operational systems, in accord with traditional adversary jurisprudence, have been designed to manage a flow of cases in which the vast majority of litigants have attorneys to represent them. Strategies for handling cases without attorneys have typically not been addressed as a core function of the courts. The same economic trends currently creating adverse fiscal conditions for courts are also working to increase the population of self-represented litigants. This reality is unlikely to change any time soon.

The task force has found a unity of interest between the courts and the public with respect to assistance for self-represented litigants. Lack of legal assistance is clearly an enormous barrier for the public. It also creates a structural gap for the courts which are designed to work with litigants who are represented by attorneys. Many local strategic plans made the link between improved assistance to self-represented litigants and improvement of the management and administration of the courts.

Fiscal benefits to the courts produced by pro per assistance programs have already been documented in terms of savings in courtroom time; improvement in the quality of information given to judicial officers, reduction of inaccurate paperwork, inappropriate filings, unproductive court appearances and resulting continuances; and increases in expeditious case management and settlement services. The success of these programs is critical for courts as they attempt to deal with current budget conditions. It is imperative for the efficient operation of today's courts that well-designed strategies to serve self-represented litigants are incorporated throughout the full scope of court operations. The task force believes that unless the impact on self-represented litigants is a critical consideration in planning, any redesign of court operations will not be successful in producing positive net savings.

There is also a significant financial burden to the community at large when assistance for self-represented litigants in unavailable. Businesses suffer when congested court calendars delay collection efforts, cause extended employee absences, and hamper resolution of contract disputes. Public safety is compromised when litigants fail to obtain appropriate and enforceable orders to prevent domestic violence, receive child support, or obtain child custody. Perhaps most importantly,

AVOIDING LITIGATION

Jack and Lynn had been divorced for several years. Jack was moving some distance away, and they wanted information about changing their custody/visitation order, and whether they should also change child support. They came to their court's family law information center for help. Lynn and Jack were basically in agreement about the custody/visitation matters. The center attorney went through the child support guideline information with them, and they were also able to agree on a modification of child support. They were able to write up their agreement and submit it to the court for signature. Happily for these parents, and for the court, Jack and Lynn did not have to file a motion for the court to modify their orders, attend family court services mediation or participate in a court hearing.

public trust and confidence in the judicial process is undermined when justice is delayed or appears to be completely inaccessible to litigants who do not have access to legal help. Our society is based upon the premise that disputes can be resolved peacefully, in a timely way, by the court system – rather than by violence. Failure to address the necessity of assisting self-represented litigants to obtain access to prompt and lawful remedies serves to further jeopardize California's already tenuous economy, and diminish the quality of life Californians traditionally enjoy.

With its family law facilitator program, family law information centers, self-help Web site, self-help pilot projects, equal access partnership grants, and numerous innovative programs created by local courts in collaborations with law libraries, bar associations, and legal services, California has led the nation in beginning to address the reality of litigation involving self-represented litigants. The task force believes that California should continue in this leadership role. (A comprehensive description of California's self-help programs and projects is attached as Appendix 2.)

Background Information

In November 1999, the American Judicature Society held a National Conference on Self-Represented Litigants Appearing in Court, sponsored by the State Justice Institute. Chief Justice George appointed a team to attend the conference. The team developed a draft action plan that resulted in four regional conferences in California designed to encourage trial courts to develop their own action plans for serving self-represented litigants. To date 55 of California's 58 county courts have participated in this planning process, and 49 have completed their plans. The task force reviewed these action plans and a summary of the first 45 of these plans is attached as Appendix 3.

Through this planning process, local trial courts reported growing numbers of self-represented litigants in all areas of civil litigation. In those counties that reported the pro per rates in unlawful detainer, the average was 34 percent of petitioners (generally landlords) at the time of filing. Judicial officers and court staff estimate that over 90 percent of unlawful detainer defendants are self-represented. In probate, petitioners were self-represented an average of 22 percent at the time of filing. In family law, petitioners were pro per at the time of filing an average of 67 percent. In the large counties (with more than 50 judicial positions), that average was 72 percent. Available data from the Judicial Branch Statistical Information System presents rates in family law even higher for petitioners at the time of disposition. In dissolution at the time of disposition the average pro per rate was 80 percent; legal separation was 76 percent; nullity was 76 percent, and paternity was 96 percent. These data suggest that while some litigants may be able to afford representation at the time a case is initiated, they can not maintain it through disposition.

In one 12-month period, California's family law facilitator program handled over 450,000 contacts from self-represented litigants asking for help. Within the same time frame, the three family law information centers handled over 45,000 such requests. Due to the complexity of family law matters, many litigants use the services of these programs repeatedly throughout the process of their cases. In 2003, the California Courts Online Self-Help Center had over 1.6 million visits. Over 4.3 million of California's court users are self-represented. The number of Californians whose income is not sufficient to afford private legal representation (but is above

the limits of entitlement to free service from legal aid assistance programs or the public defender) continues to grow and results in larger numbers of self-represented litigants in even the juvenile law and criminal law departments.

Recommendations

In crafting its recommendations, the task force has, to the greatest extent possible, attempted to include replication of existing best practices, collaborative efforts, development of standardized criteria for self-help centers, and other cost-effective methods or procedures. Mindful of the need to ensure the wisest utilization of scarce public resources, the task force has attempted to design processes and tools to measure outcomes. An effort has been made to identify both existing and potential funding sources.

The task force has analyzed the action plan for serving self-represented litigants submitted by the local trial courts, consulted with Judicial Council advisory committees on subject matter concerns, and met with experts on serving self-represented litigants. These recommendations are designed to assist California's courts to continue their leadership role in creating operational systems that work well for the timely, cost-effective and fair management of cases involving self-represented litigants and for improving access to justice for the public.

RECOMMENDATION I: SELF-HELP CENTERS

IN ORDER TO EXPEDITE THE PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND INCREASE ACCESS TO JUSTICE FOR THE PUBLIC, COURT-BASED, STAFFED SELF-HELP CENTERS SHOULD BE DEVELOPED THROUGHOUT THE STATE.

THE TASK FORCE RECOMMENDS THAT:

A. The Judicial Council continue to recognize self-help services as a core function of the trial courts and identify these services consistently in the budgetary process.

Assistance for self-represented litigants and the efficient processing of cases involving self-represented litigants have become core operational processes of the court that directly affect its ability to achieve its mission, and appropriate funding should be provided. Budget request forms developed by the Judicial Council should consistently reflect these services as integral to the function of the court.

B. Courts use court-based, attorney-supervised, staffed self-help centers as the optimum way to facilitate the efficient processing of cases involving self-represented litigants, to increase access to the courts and improve the delivery of justice to the public.

A court-based, attorney-supervised, staffed self-help center is the optimum approach for both litigants and the court. Written instructional materials, resource guides, computer programs and Web sites, videos, and other materials should support self-help center staff. Without available staff assistance, these resources alone should not be considered a self-help center. Sufficient

support staff should also be provided to self-help center attorneys through training, additional staffing, and potential redeployment of existing staff.

Personal assistance by self-help center staff has been successfully provided through individual face-to-face assistance, workshops, teleconferencing, or telephone help lines. Services may be provided at court locations or in mobile vans, law libraries, jails, or other community locations. Some litigants are comfortable securing information exclusively through written materials or via the Internet. These services are helpful for those who find it difficult to take time from work or other responsibilities or who face geographic or physical challenges getting to a self-help center. It appears that the most desirable format for legal assistance varies based on the sophistication of the person seeking assistance, type of proceeding, complexity of the issues, availability of staffing resources, and volume of demand for services, along with a number of other factors.

The level of information and education given by self-help center staff distinguishes that role from the role normally played by a court clerk or other court staff. Self-help center staff must be able to understand the procedural complexities of a case from beginning to end. The triage function of the self-help center requires the ability to identify overlapping cases and issues, sometimes from multiple jurisdictions. In fact, checking local databases to identify multiple cases involving the same parties is an important function of the self-help center. Self-help center staff must also be able to operate various types of legal software for forms completion and child support calculations. A working familiarity with legal terminology, professional ethics, legal information management systems, public information contact techniques, and techniques to handle high emotional distress levels in litigants are all necessary for self-help center staff. The staff must also possess excellent listening skills and be able to competently teach basic legal procedure to self-represented litigants with diverse backgrounds, literacy or language issues, or learning disabilities. A current knowledge of legal and social community services currently available to self-represented litigants is essential so appropriate referrals can be made.

C. Self-help centers conduct initial assessment of a litigant's needs (triage) to save time and money for the court and parties.

Self-represented litigants need help in many areas of civil litigation. High numbers of individuals without legal representation are found in:

- Landlord/tenant
- Probate (including guardianships, conservatorships, and small estates)
- Small claims and consumer issues
- Family law
- Domestic violence
- Civil harassment
- Limited civil cases
- Traffic
- Misdemeanors
- Juvenile Dependency – caregivers
- Juvenile Delinquency – parents

It is clear that there are individuals who truly would be denied access to justice without full or partial representation by counsel. One of the most valuable services to the self-represented litigant is help with recognizing the need for legal counsel and referrals to appropriate legal resources in the community. This can create savings in court time otherwise spent repeatedly processing inaccurate or incomplete paperwork, calendaring unnecessary hearings, and dealing with repeated requests for legal advice made to judicial officers and other court staff. It also helps to discourage people from initiating complex lawsuits without legal representation in subject matter areas that require costly expert witnesses, difficult evidentiary proof, and other challenges impossible for a self-represented litigant to overcome.

Local courts should develop information regarding resources in their communities for those who need representation and implement appropriate referral systems. The self-help centers should be encouraged to work with qualified legal aid organizations and pro bono programs that can provide full representation, as well as certified lawyer referral and information services. Courts should support local bar associations and lawyer referral services programs to develop a panel of attorneys who provide unbundled legal services. Local courts can play a leadership role in encouraging discussion and development of seamless referral systems in their communities so members of the public can easily access the appropriate level of service. (Please refer to the diagram of service levels in Appendix 4.)

Identifying a litigant's issues and determining the adequate degree of necessary support early in the process increases court efficiency and allows for the most prudent allocation of resources. This assessment (triage) should occur when an individual first arrives at the self-help center seeking help and be reviewed when the individual returns to the self-help center. A qualified member of the court staff should conduct a brief needs assessment and direct the person appropriately. Staff need to know how to ask detailed direct questions to immediately identify the needs of the self-represented litigant and potential barriers such as language issues. Information on appropriate accommodations for litigants with disabilities should also be provided. Early intervention to assist with the correct completion of paperwork, explain procedural requirements including filing fees and costs, and provide basic information about court processes can save time for the court clerks, as well as the courtroom staff, and should avoid unnecessary continuances. These functions contribute greatly toward increasing public trust and confidence in the courts.

D. Court-based self-help centers serve as focal points for countywide or regional programs for assisting self-represented litigants in collaboration with qualified legal services, local bar associations, law libraries, and other community stakeholders.

Valuable support for those seeking assistance can be provided outside the court structure. It is strongly recommended that other effective efforts to support self-represented litigants be continued and encouraged. Support for staffing, facilities, and other needs can be obtained through partnership agreements and other collaborative efforts with private nonprofit legal

programs; local bar associations; law libraries; public libraries; law schools and colleges; professional associations for psychologists, accountants, and process servers; and other community groups and organizations.

Through aggressive networking and collective effort, a greater amount of services can be provided and a larger number of self-represented litigants can be assisted. One court cited its positive experiences with a mediation program for landlord-tenant disputes sponsored by the local board of realtors. County law libraries have been reliable and traditional sources of support for self-represented litigants. Nonprofit legal services organizations are providing help in a number of counties through both direct services and the services of pro bono attorneys. Many rural courts have developed successful models of sharing facilitator and self-help attorney services between counties.

Successful use of volunteers has been achieved throughout the state. The task force has identified many sources of a large number of potential volunteers to assist in these programs, including members of local bar associations; law students; attorneys emeritus; high school, college, and graduate students; retired persons; paralegal students; and retired judicial officers.

Community-focused planning processes by the local courts have been successful in involving representatives of these many different service providers in collaborative efforts with the courts to develop and implement enhanced services, including assistance for self-represented litigants.

E. Self-help centers provide ongoing assistance throughout the entire court process, including collection and enforcement of judgments and orders.

The task force recognizes that the need for bilingual staff and legal information and education for self-represented litigants is not limited to the preparation of forms but extends throughout the court process. Continuing triage and assessment of cases is critical to make sure that those litigants who are not capable of self-representation can be identified and referred to appropriate legal services.

Self-help centers should be encouraged to include an array of tasks designed to assist the public and the court in the processing of cases involving self-represented litigants. Examples of such tasks include:

(1) Positioning staff in the courtrooms to prepare orders, assist in reaching agreements, or answer questions;
(2) Helping to conduct mediations or other settlement processes;
(3) Offering assistance in status conferences, providing judicial officers with readiness information, and providing assistance to litigants with preparation of judgments;
(4) Assisting in coordination of related cases and in development of optimal court operations to expedite cases involving self-represented litigants;
(5) Serving as a resource for judicial officers and court staff on legal and procedural issues affecting self-represented litigants;

(6) Offering litigants information about enforcement of orders and judgments;
(7) Providing information that can assist litigants to comply with court orders;
(8) Serving as a single point of contact for community-based organizations and volunteers at the court; and
(9) Making information available to litigants about how to get help with the appellate process.

Self-help centers must be diligent in providing notice to litigants that the self-help center is not providing them with legal advice, that services of the center are available to both sides of a case, and there are limits on the confidentiality of information given to the self-help center.

F. Administration of self-help centers should be integrated within a county or region to the greatest extent possible.

Whenever possible, court-based pro per assistance services should be integrated within a county or regional self-help center system. Smaller counties may be better able to serve self-represented litigants by pooling resources to create cross-county programs. Litigants often have legal issues covering more than one area of law. Self-help centers should therefore strive to cover the comprehensive range of service areas affecting self-represented litigants and include such existing programs as the family law facilitators. For example, litigants with child support problems will frequently need help with issues within family law other than child support. Litigants with unlawful detainer cases may also have family law or small claims cases. Juvenile dependency litigants may also have domestic violence cases.

An integrated program is the most cost-effective way to maximize attorney resources. It facilitates the sharing of information among staff, broadens the reliable referral base, increases the opportunities for in-house training and expansion of professional expertise, promotes uniform procedures and forms, and allows members of the public to bring all of their questions to one program. This is not to say that a self-help center would provide services in only one location. Services can be provided in multiple court locations, community outposts, law libraries, jails, mobile vans, or whatever places most effectively increase access by the public. Whenever possible, services should be offered in the evenings or weekends for people who cannot come to the self-help center during regular business hours.

RECOMMENDATION II: SUPPORT FOR SELF-HELP SERVICES

A SYSTEM OF SUPPORT SHOULD BE DEVELOPED AT THE STATE LEVEL TO PROMOTE AND ASSIST IN THE CREATION, IMPLEMENTATION, AND OPERATION OF THE SELF-HELP CENTERS AND TO INCREASE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS.

THE TASK FORCE RECOMMENDS THAT:

A. A resource library with materials for use by self-help centers in the local courts be maintained by the Administrative Office of the Courts (AOC).

Collaborations between local court self-help centers are essential to the implementation of a statewide program. The purposes are to share best practices, increase consistency in the services provided and their delivery, increase efficiency of program development, and create an ability to address problems in a comprehensive manner. Critical work has already been done throughout the state to develop self-help materials to assist self-represented litigants with obtaining and enforcing court orders. Materials should be collected, expanded, and made available to local courts through resource libraries at the AOC and its regional offices. Web site designs, videos, brochures, translations, information packets, sample grant applications and partnership agreements, sample memorandums of understanding, volunteer training guides, and other materials can be easily replicated or modified for use in other parts of the state. Detailed information on self-represented litigant efforts that have been recognized with California court or bar awards should be showcased.

B. Technical assistance be provided to courts on implementation strategies.

The AOC should continue to provide funding to courts for the development, updating, and implementation of community-focused action plans for serving self-represented litigants. These planning efforts have been helpful to the courts in coordinating existing services as well as creating new services. The materials as a result of these planning efforts should be distributed statewide. Technical assistance should be provided to local courts in their efforts to serve self-represented litigants, including distributing information about promising and effective practices.

C. Funding be sought for a telephone help-line service with access to AOC attorneys to provide legal and other technical assistance to local self-help center staff.

The AOC should seek funding to provide assistance to the local courts by having staff available to assist with both legal subject matter expertise and knowledge about daily court operations. The AOC attorneys can serve as a resource for local self-help center staff and other court staff on legal and procedural matters involving self-represented litigants. Bilingual staff should be available to provide some telephone assistance to customers of court-based self-help centers that do not have bilingual staff available to answer questions.

D. The AOC serve as a central clearinghouse for translations and other materials in a variety of languages.

Self-represented litigants who face language and cultural barriers compose a significant segment of the Californians seeking access to justice without benefit of counsel. Several existing self-help programs have provided extensive services to non-English-speaking immigrants. Collaboration with local minority bar associations and other community nonprofit organizations should be fostered to help provide bilingual assistance. Creation of model protocols based on these achievements and the lessons learned, as well as a central clearinghouse and retention center for translations would be invaluable for courts with diverse populations. Key documents should be identified for translation and dissemination.

E. The California Courts Online Self-Help Center be expanded.

The California Courts Online Self-Help Center has provided assistance to an enormous number of Californians since its launch. In 2003, there were over 1.6 million users of the Web site. All Judicial Council forms can now be filled out online on this Web site. The AOC has now translated this site into Spanish and should create additional materials in other languages.

The self-help Web site should be expanded to include short videos in English and Spanish explaining various legal concepts critical to self-represented litigants, such as service of process, courtroom presentation, and the roles of judges and clerks. The Web site should include additional step-by-step guides and interactive features such as programs to help users decide where to file their cases, and prepare documents. Further development of Web site tools to assist the public in accessing legal information and to assist the court in serving the self-represented population of litigants should be supported and encouraged.

F. The Judicial Council continue to simplify its forms and instructions.

Recently the AOC has revised its domestic violence restraining order and adoption forms and instructions in a plain-English format. The response from the public has been very positive. Continued work to simplify forms and procedures, as well as to redesign forms in a plain-English format, should be supported and encouraged. Special attention should be given to fee waiver forms, and standardized procedures for issuing fee waivers should be implemented statewide.

The AOC should also continue its efforts to translate forms and instructions into more languages and to develop new forms that facilitate efficient case processing. The use of computer technology should be explored with respect to creating computerized documents that can impart content created in different counties and that allow pages to be tailored to meet the needs of users (including accommodations for people with different disabilities).

As advisory committees to the Judicial Council follow the Access Policy for Low-and Moderate-Income Persons adopted by the Judicial Council on December 18, 2001, and consider the impact of any proposed rules, forms, or procedures on low-income litigants, they should be especially mindful of the impact on self-represented litigants.

G. Technical training and assistance to local courts in the development and implementation of self-help technology on countywide or regional basis be continued.

Work has already been done on the development of technology designed to support self-help centers and provide distance-learning tools for the public. Examples are interactive forms programs; local Web site construction; videoconferencing for workshops, meetings, and court appearances; programs that allow clerks to create orders after hearings; expanded telephone systems for direct telephone assistance and direct-dial connections to language interpretation,

legal and other community services. The AOC should continue to assist local courts in developing these and other technologies to assist self-represented litigants and to provide training on how to incorporate technology into self-help centers.

H. Support for increased availability of representation for low- and moderate-income individuals be continued.

There are several approaches to meeting special needs and to increasing the availability of full representation for low- and moderate-income litigants. For example, partnerships between the judicial branch and nonprofit legal services organizations, the State Bar of California and local bar associations, the California Commission on Access to Justice, and the Legal Services Trust Fund Commission should be continued to increase funding for legal services in California.

The Judicial Council has adopted a resolution encouraging pro bono legal assistance, and the Chief Justice has demonstrated his personal commitment to this effort in many ways, including writing letters in support of pro bono and appearing at the State Bar's Annual Meeting to personally present the State Bar President's Pro Bono Service Awards each year. Judicial officers should be advised of the many ways in which they can join the Chief Justice in supporting pro bono work and other legal service efforts consistent with the California Code of Judicial Ethics provisions on impartiality. Local courts should consider promoting pro bono work through the recognition of programs or other procedures that make pro bono commitment less onerous for a lawyer.

An additional strategy is to increase representation is limited scope (unbundled) services. Limited scope representation allows a litigant to retain legal representation on a limited number of issues or tasks within a case, or for a single or limited number of court appearances. Many times it is the discovery process or judgment drafting that most challenges the self-represented litigant. Other times, the presence of an attorney at one hearing can help resolve a case. While full representation is optimal, the opportunity to retain counsel for a discrete portion of a case would be of enormous help to many. The concept of limited scope representation should continue to be pursued and supported. The AOC should provide training to judges and court staff on this concept and collaborate with the State Bar for the training of attorneys on limited scope representation.

I. Work with the State Bar in promoting access for self-represented litigants be continued.

Much can be accomplished by entities working together to promote access for self-represented litigants. These entities could help ensure coordination in developing resources and encourage efforts in this area. This could include recognizing and honoring, with awards and otherwise, individuals and organizations leading the way in providing access to self-represented litigants.

J. Technical assistance related to self-represented litigants be provided to courts that are developing collaborative justice strategies.

Many courts are now implementing collaborative justice strategies that integrate courts with community services. Examples are courts for mental health, juvenile justice, drug treatment, homeless, and community issues. Domestic violence courts have been implemented that collaborate with an array of service providers for families. Six mentor courts are in the process of developing a unified court for families model, and others have previously adopted this strategy. A number of the collaborative justice courts deal with high percentages of self-represented litigants. The AOC should provide technical assistance to these collaborative justice programs with issues relating to self-represented litigants. These courts provide holistic and helpful services for many self-represented litigants and should be encouraged.

RECOMMENDATION III: ALLOCATION OF EXISTING RESOURCES

PRESIDING JUDGES AND EXECUTIVE OFFICERS SHOULD CONSIDER THE NEEDS OF SELF-REPRESENTED LITIGANTS IN ALLOCATING EXISTING JUDICIAL AND STAFF RESOURCES.

THE TASK FORCE RECOMMENDS THAT:

A. Judicial officers handling large numbers of cases involving self-represented litigants be given high priority for allocation of support services.

In reviewing the practices of courts throughout the state, it became apparent to the task force that frequently the least experienced and sometimes the least knowledgeable judicial officers were given an assignment with a high population of self-represented litigants. Because self-represented litigants often lack a sophisticated understanding of the law, basic fairness dictates that the judicial officer hearing a matter without attorneys should possess a comprehensive knowledge of the law. The importance of assigning suitable and talented judicial officers and staff who possess the requisite energy and enthusiasm to deal with calendars with a high volume of self-represented litigants cannot be overstated. Presiding judges must provide sufficient resources to allow judicial officers and staff to provide quality service to self-represented litigants. Such resources might include access to additional courtroom support staff, assignment to courtrooms with the largest available space, increased security, and self-help center attorneys available in the courtrooms to provide procedural assistance. All too often calendars with the greatest frequency of self-represented litigants receive the smallest proportion of court resources.

Many times a person's only experience with the court system is as a self-represented litigant in a family, small claims, traffic, or unlawful detainer case. This single experience can determine an individual's trust and confidence in the courts and influence his or her perception of government as a whole. People often share their views with family members, friends, and co-workers, so one experience can have a ripple effect, influencing levels of trust in government institutions among the general public, far beyond those with firsthand negative experience.

B. Courts continue, or implement, a self-represented litigant planning process that includes both court and community stakeholders, and works toward ongoing coordination of efforts.

Many courts have developed enormously effective self-represented litigant planning groups that include participants from other governmental agencies, local bar associations and legal services groups, and numerous community participants. Courts have also forged valuable relationships in their communities through the community-focused court planning process. Collaborative planning among these stakeholders must be an ongoing process. Courts should be encouraged to continue these community and court planning groups and to conduct regular meetings of stakeholders to discuss ways to coordinate and enhance resources for self-represented litigants.

RECOMMENDATION IV: JUDICIAL BRANCH EDUCATION

IN ORDER TO INCREASE THE EFFICIENCY OF THE COURT AND TO MINIMIZE UNWARRANTED OBSTACLES ENCOUNTERED BY SELF-REPRESENTED LITIGANTS, A JUDICIAL BRANCH EDUCATION PROGRAM SPECIFICALLY DESIGNED TO ADDRESS ISSUES INVOLVING SELF-REPRESENTED LITIGANTS SHOULD BE IMPLEMENTED.

THE TASK FORCE RECOMMENDS THAT:

A. A formal curriculum and education program be developed to assist judicial officers and other court staff to serve the population of litigants who navigate the court without the benefit of counsel.

The surveys conducted by local courts in developing action plans to serve self-represented litigants indicate that these litigants rate the availability of staff to answer questions as the most valuable service the court can provide. In contrast, a similar inquiry of court personnel suggested that self-represented litigants could best be served not through direct staff service, but through written materials and other self-help support. (See Appendix 3.) Such a dichotomy is also evident in survey and anecdotal information gathered by this task force. This gap must be bridged, and it is hoped that education will assist in doing just that.

Judicial officers and court staff receive nominal, if any, education to prepare them to address the unique issues presented by self-represented litigants. A lawyer who is well acquainted with court rules and procedures and accustomed to courtroom and courthouse practices represents the traditional litigant. Most self-represented litigants do not routinely use the court and consequently they face and present particular challenges when they attempt to effectively access the justice system. Indicators from courts that provide assistance to self-represented litigants point to the fact that better informed litigants help the courts run smoothly. It is hoped that by providing staff with better skills to address these challenges direct service efforts will be viewed as more feasible and productive.

Conventional judicial branch education has been premised on the assumption that the typical person interacting with the courts is an attorney or other person with at least minimal training in the law (such as, attorney services, paralegals, or legal secretaries). Due to a variety of factors previously discussed, the California courts are now serving an increasing number of self-represented litigants who have not had formal legal training or education, many of whom also

have very limited English proficiency. Those charged with the responsibility of providing court services to this expanding group of litigants need special education and training to ensure fair and efficient delivery of services. Research should be conducted with judicial officers and litigants to determine effective strategies for communicating with self-represented litigants and to manage courtrooms in an efficient manner that allows litigants to have trust and confidence in the court.

In recent years education was offered to prepare judicial officers and court staff to work more effectively with litigants with distinct needs such as children or persons living with disabilities. Much thought was given to how the courts could accommodate unique requirements and still maintain the neutrality crucial to every fair adversarial proceeding. A model and delivery methods should be developed to provide judicial officers and court staff with the skills necessary to ensure that the needs of self-represented litigants are accommodated effectively within the bounds of impartiality. Subject matter areas should include:

- Duty of the court toward self-represented litigants
- Ethical constraints when dealing with self-represented litigants
- Working with self-help center staff to promote courtroom efficiency
- Simple and ordinary English language skill
- Effective techniques for interacting with self-represented litigants
- Cultural competency
- Creation of a fair process that promotes the perception of fairness
- Community outreach and education
- Common issues for self-represented litigants, such as fee waiver requests

Education for temporary judges, security staff, bailiffs, and others who often have significant interaction with self-represented litigants, but who often do not receive training in how to work effectively with them, should be developed and made mandatory whenever possible.

B. The AOC provide specialized education to court clerks to enhance their ability to provide the public with high-quality information and appropriate referrals, as well as to interact effectively with the self-help centers.

Particular attention should be given to continuing and expanding the training and education of court clerks. The expectation that clerks should answer questions for the public as long as no legal advice is given makes the need for increased training and education critical. The information provided to the public should be reliable and of high quality. If clerks are assigned to support self-help center attorneys, additional education is required to ensure the competence of the services provided. Subject matter areas should include:

- The difference between legal advice and legal information
- Working with self-help center staff to provide effective service to the public
- Working with the local community to develop lists of services available to self-represented litigants

- Uniform procedures for handling fee waiver requests
- An overview of substantive and procedural issues relevant to self-represented litigants
- Self-help Web site information available to court staff
- Creation of the perception of fairness and equal treatment of all court users
- Effective skills in dealing with people in crisis
- Cultural competency
- Use of simple and ordinary English language skills when explaining legal procedures

C. The AOC, in consultation with the California Judges Association, provide greater clarification of the extent to which judicial officers may ensure due process in proceedings involving self-represented litigants without compromising judicial impartiality.

The degree to which a judge is responsible for ensuring a fair hearing, and deciding what measures can be taken to protect constitutional safeguards for all litigants without compromising judicial impartiality, is a source of stress for judicial officers and for court staff as well. In particular, the situation in which an attorney represents one party and the other party is self-represented creates an extremely difficult courtroom environment. Judicial education in this area should attempt to provide judges with techniques they can employ to ensure due process and protect judicial impartiality.

RECOMMENDATION V: PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH

JUDICIAL OFFICERS AND OTHER APPROPRIATE COURT STAFF SHOULD ENGAGE IN COMMUNITY OUTREACH AND EDUCATION PROGRAMS DESIGNED TO FOSTER REALISTIC EXPECTATIONS ABOUT HOW THE COURTS WORK.

THE TASK FORCE RECOMMENDS THAT:

A. The AOC continue to develop informational material and explore models to explain the judicial system to the public.

Judicial officers should engage in community outreach and education programs consistent with standards of judicial administration. Public education programs can be conducted in collaboration with local bar associations, legal services, law libraries, and other members of the justice community. All too often the public forms its impressions and acquires its knowledge of the legal system based solely on how it is portrayed in the popular media. These depictions are often unrealistic and misleading and make it difficult for self-represented litigants to accurately anticipate and appropriately prepare for their day in court. To counter these distortions, judicial officers should be encouraged to engage in community outreach and education. Existing communication modes should be employed to better inform Californians about their courts.

Videotapes, speaker materials, and talking points on a variety of legal issues could be prepared for use by public-access television stations, self-help centers, law libraries, and other information outlets. Informational videotapes are shown before the court calendar is called in some courts to explain the basic procedures and legal issues to be covered. Development of educational materials describing court processes should be expanded. Presentations on cable television and public service announcements for radio and television should be considered. A law-related educational Web site should be developed for elementary school, middle school, and high school students. Programs such as Spanish-language radio programs should be encouraged to expand outreach to traditionally underserved populations. For example, information could be provided to alert immigrant populations in their native languages to the most commonly encountered differences between California's laws and those in their countries of origin.

B. Efforts to disseminate information to legislators about services available to, and issues raised by, self-represented litigants be increased.

Materials should be developed to more fully inform local and state legislators of the issues raised by self-represented litigants and to advise district and local staff as to how they might best direct constituents to services available to self-represented litigants. "Day on the Bench" events that courts conduct should include a visit to the self-help center. Collaborative intergovernmental endeavors to address the needs of self-represented litigants would be extremely productive.

C. Local courts strengthen their ties with law enforcement agencies, local attorneys and bar associations, law schools, law libraries, domestic violence councils, and other appropriate governmental and community groups so that information on issues and services related to self-represented litigants can be exchanged.

Local courts should make more training available to law enforcement agencies that must enforce the domestic violence, custody and visitation, eviction, and other orders made by the court. A law enforcement agency can be asked to enforce orders for which the individual seeking assistance has no written document, or arguing parties may present an officer with orders that appear to conflict. Information should be made available about enforcement of orders for self-represented litigants and the ways in which these orders can be modified through the court process. Courts should be encouraged to solicit ongoing input from law enforcement staff about problems they are experiencing enforcing court orders in the field. All participants in the justice community have valuable information that should be shared to the greatest extent possible.

The California justice structure represents a continuum of effort, beginning many times with an officer on the street and ending at some point in the court system. The need for cooperative and collaborative efforts to ensure efficient and consistent administration of justice, both in practice and in perception, must be instilled. Additionally local bar associations, law libraries, and other appropriate governmental and community groups should be consulted with regularly to share information on the needs of self-represented litigants and the services available for them. Collaborative training and outreach efforts should be encouraged.

D. The Judicial Council continue to coordinate with the State Bar of California, Legal Aid Association of California, California Commission on Access to Justice, Council of California County Law Librarians and other statewide entities on public outreach efforts.

Under the direction of the Judicial Council, coordination efforts among the AOC, State Bar of California, Legal Aid Association of California, California Commission on Access to Justice, Council of California County Law Librarians and other appropriate community organizations are critical to distributing information about statewide efforts and to supporting the work of local courts. Efforts to encourage community groups to assist litigants in using self-help Web sites and other technological resources are one example of outreach activities as are cosponsored conferences and workshops.

E. Local courts be encouraged to identify and reach out to existing efforts to better serve self-represented litigants.

Judicial officers and court administrators should be encouraged to identify and reach out to existing community efforts to better serve self-represented litigants. The task force is mindful of the need for judicial officers and courts to uphold the integrity and independence of the judiciary but believes local courts can work closely with appropriate partners without creating any appearance of partiality. Law librarians are an apt example of an appropriate court partner. They have expressed a strong desire to join forces with courts to provide services to self-represented litigants. The task force recognizes the extraordinary work law librarians currently do and the remarkable contribution they can make in cooperation with local self-help centers. Courts should seek out others in the community who can make similar contributions.

RECOMMENDATION VI: FACILITIES

SPACE IN COURT FACILITIES SHOULD BE MADE AVAILABLE TO PROMOTE OPTIMAL MANAGEMENT OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO ALLOW FOR EFFECTIVE PROVISION OF SELF-HELP SERVICES TO THE PUBLIC.

THE TASK FORCE RECOMMENDS THAT:

A. Court facilities plans developed by the AOC include space for self-help centers near the clerks' offices in designs for future courthouse facilities or remodeling of existing facilities.

A self-help center should be as close to the counter clerk's office as possible. Adequate space should be provided for self-help center staff to provide services to the public. Self-represented litigants need space to sit and work on their paperwork. Space should be available to conduct mediations with self-represented litigants. To maximize staff resources, space to conduct workshops should be provided. Copiers, computers, and other technological resources should be available in the self-help centers for self-represented litigants to use.

Courts should periodically assess how easy it is for court users to get around the courthouse. One idea is to develop an access checklist for court personnel to use that enables them to see the courthouse through the eyes of a first-time user. The tool should consider signage, how easy it is to find the self-help center, and other issues self-represented litigants face in navigating the court. Identification of courtrooms, including numbering, should be focused on helping the public easily find the correct location.

B. Facilities include sufficient space for litigants to conduct business at the clerk's office.

Court facilities should provide sufficient space for litigants to wait while conducting business. Waiting areas can contain written information, posters, flowcharts, and other types of information that help litigants be better informed by the time they reach the clerk's window.

C. Facilities include sufficient space around courtrooms to wait for cases to be called, meet with volunteer attorneys, conduct settlement talks, and meet with mediators, interpreters, and social services providers.

Frequently calendars with a high percentage of self-represented litigants are fairly large. This can be particularly true in family law. It is important for the safety of all concerned that a safe and sufficient space is provided for litigants to wait for their cases to be called. Problems arise if there is not enough space to sit in the courtrooms or the space is overcrowded, and the litigants are forced to wait in hallways without the support of courtroom staff. Space should also be made available at or near courtrooms for litigants to meet with service providers such as mediators, volunteer attorneys, interpreters, or social services providers.

D. Facilities include children's waiting areas for the children of litigants who are at the court for hearings or to prepare and file paperwork.

Litigants are often forced to bring children with them. Lack of funds or available child care is a common problem. Litigants are not able to supervise young children and also pay attention to instructions given to them by court staff**.** Without appropriate accommodations, children run unsupervised in the halls of the courthouse while the litigant is filling out forms. This creates frustration for other court users, court staff, and the parents. Valuable time is wasted, and safety is compromised.

Litigants often cannot find child care on the days of their hearings. Children are not allowed in the courtrooms in many family law departments. There is no way the parent can effectively participate in a hearing and handle a child at the same time. Again, this creates frustration for litigants and increased burden on court staff. Properly staffed children's waiting areas should be incorporated into all facilities. Courts should be encouraged to use the provisions of Government Code section 26826.3 to provide funding to staff these waiting rooms.

E. Information stations that provide general information about court facilities and services be placed near court entrances.

Information stations situated near entrances have proven to be very helpful to litigants in navigating their way around the court. Bilingual staff should be available whenever possible. This can be an ideal use of volunteers from the community who have no legal training. Litigants can be directed to their desired locations and to self-help centers and other resources. General questions about how to use the facility and the location of services can be addressed, and information about assistance for litigants with special physical and language needs can be available. Kiosks with general information about the court can be most useful when staff is unavailable.

F. Maps and signage in several languages be provided to help self-represented litigants find their way around the courthouse.

Signs, maps, and floor-plan charts have all proved useful to the public for providing information about how to use the courthouse. These should be translated into several languages. Universal signage should be developed to help litigants find common services, such as an information station.

RECOMMENDATION VII: FISCAL IMPACT

IN ADDRESSING THE CRITICAL NEED OF COURTS TO EFFECTIVELY MANAGE CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO PROVIDE MAXIMUM ACCESS TO JUSTICE FOR THE PUBLIC, CONTINUED EXPLORATION AND PURSUIT OF STABLE FUNDING STRATEGIES IS REQUIRED.

THE TASK FORCE RECOMMENDS THAT:

A. Continued stable funding be sought to expand successful existing programs statewide.

The Judicial Council should seek stable funding to support and expand valuable existing programs such as the family law information centers, family law facilitators, self-help pilot projects, planning grants for self-represented litigants projects, the Unified Courts for Families project, and the Equal Access Partnership Grant projects. Funding should be sought to expand successful pilot programs throughout the state.

Current programs operating to meet the needs of self-represented litigants rely on a variety of funding sources. Until adequate and stable funding is included in the judicial branch's appropriation, there can be no assurance that self-represented litigants throughout the state will have equal access to justice. Regrettably, access to justice presently is often dependent on the resourceful and vigilant efforts of local courts and communities to secure funding to support services for these litigants. It is imperative that the Judicial Council continue to explore and pursue funding strategies for self-represented litigant services.

Increases in filing fees to subsidize self-help centers were not considered appropriate at this time in light of competing critical needs such as court facilities and the fact that court fees are already heavily laden with a variety of special assessments. Should a realistic opportunity for the institution of such fees arise, it should be pursued.

Given the dire fiscal circumstances facing the state of California, and the judicial branch in particular, the task force felt it would be remiss if it did not consider policies and practices that may have potential for revenue generation. In that vein the task force considered the concept of user fees by including it in their first draft action plan. Comments received from experts in the fields of court administration and the administration of community legal services were highly negative. The Task Force was advised fees for self-help center services would not be cost effective. It was predicted that the costs of administration would exceed collections and detract significantly from the time available to provide services to the public and to the court itself. Concerns were also raised about the increased possibility of litigants believing that they were establishing an attorney-client relationship. Consequently, the task force has eliminated further pursuit of this strategy from its recommendations.

B. The AOC identify, collect, and report on data that support development of continued and future funding for programs for self-represented litigants.

The task force is very mindful of the current fiscal circumstances in California and recognizes the need for a thoughtful and cost-effective plan. A number of the suggested initiatives require ongoing funding and dovetail with ongoing work of the Judicial Council and the trial courts. Other proposals require new funding. Work needs to begin to develop a basis for continued and future funding. An attempt has been made to put forward measures that will save money as a result of consolidation, standardization, and other efficiencies.

Understanding that demonstrated need is a basic component of any successful funding request, the task force has tried to identify sources from which compelling data might be collected. The Judicial Branch Statistical Information System (JBSIS) should include information on whether or not one or both litigants are represented by counsel in all categories of cases. Existing operational data should be used whenever possible, and any additional data requirement should be coordinated in a manner likely to cause the least burden on the local courts. The information should be collected and reported by the AOC.

In addition to collecting uniform statistics from courts, a survey of local and state legislators should be considered to determine the number of constituent contacts they receive from self-represented litigants requesting legal assistance. Current information on state and local poverty demographics should be compiled and synthesized. Other community agencies may have data to assist in determining legal needs in specific areas. For example, organizations serving victims of domestic violence, the elderly or the homeless may also be able to contribute specific instances of demonstrated need for legal services. Needs assessments conducted by legal service providers and by other organizations such as the United Way are other sources of information.

C. Standardized methodologies to measure and report the impact of self-help efforts continue to be developed.

In addition to needs for service, the impact of programs for self-represented litigants must be documented and reported on. The AOC is currently conducting two major evaluations of self-help programs, and the results of those evaluations should be disseminated when completed in March 2005. The evaluation tools developed by these projects should be distributed to the courts to assist them in evaluating their local self-help centers. Strategies for determining and documenting cost savings would be of particular value.

Quality, not just quantity, of service must be calculated in evaluation of these programs. The impact of these services must be measured. Uniform definitions of terms must be established to allow for valid comparisons. New tools must be designed and implemented to capture efficacy data. Standard and periodic exit surveys or customer satisfaction inquiries should be considered throughout the state. These results will not only gauge success of a particular program, they will be useful in determining the relative effectiveness of individual parts of a program as compared with other services. A method should be crafted by which the impact of the self-help centers in expediting cases may be assessed. Examples of possible tools include review of court operations data, judicial surveys, and surveys of court staff. The effectiveness of computer and Web-based self-help programs should be studied.

D. Uniform standards for self-help centers be established to facilitate budget analysis.

Basic minimum standards should be established statewide. Criteria should include minimum staffing levels and qualifications, facilities requirements, referral systems, levels of service provided, and hours of operation. These standards should be incorporated into the development of uniform definitions of terms for the purpose of gathering meaningful data. The standards should be used to assist the courts in establishing a baseline for funding for self-help activities to assure equal access to core self-help assistance throughout the state.

E. Efforts of the courts to seek supplemental public funding from local boards of supervisors and other such sources to support local self-help centers be supported and encouraged.

Although we now have state court funding, many counties have made the decision to support local self-help projects and have worked out partnerships with their local courts and legal services programs to enhance their budgets for assistance to self-represented litigants. This represents an understanding by county governments of the constituent need for such services. It is hoped these endeavors will serve as an example for other counties of a sensible expenditure of public funding for meaningful constituent services.

F. Coordination of efforts among programs assisting self-represented litigants should be stressed to maximize services and avoid duplication.

Whenever possible, courts should look at the possibility of coordinating existing self-help assistance to save costs and provide more cohesive services for litigants. Courts should examine the possibility of co-locating with existing resources such as law libraries. Courts should also work closely with programs funded through the Dispute Resolution Program Act and Small Claims Advisors Act and seek to ensure collaboration whenever possible.

G. AOC assistance with grant applications and other resource-enhancing mechanisms continue to be offered to local courts.

The Judicial Council, through the AOC, should continue to provide assistance to local courts on how to obtain grant funding, offer centralized purchasing options to enhance buying power, and otherwise support local courts in obtaining resources for self-help efforts. Generic materials should be developed for the courts to use in seeking grants from appropriate outside sources.

RECOMMENDATION VIII: IMPLEMENTATION OF STATEWIDE ACTION PLAN

TO PROVIDE FOR SUCCESSFUL IMPLEMENTATION OF THIS STATEWIDE ACTION PLAN, A SMALLER TASK FORCE CHARGED WITH THE RESPONSIBILITY OF OVERSEEING IMPLEMENTATION SHOULD BE ESTABLISHED.

THE TASK FORCE RECOMMENDS THAT:

A. The implementation task force consult with experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operations, and court-operated self-help services, as well as with partners such as bar associations, legal services, law libraries, and community organizations.

The implementation of well-designed programs for self-represented litigants that effectively facilitate the expeditious management of their cases in court requires knowledgeable input from all levels of court operations. Participation of judicial officers and self-help attorneys is imperative. Expertise in court management, operations, facilities, and budgeting is also required. Additional expertise is needed in the areas of legislation and education for judicial officers and other court staff. Representatives of partners such as legal services programs, bar associations, law libraries, and community agencies should also be included.

B. The number of members on the implementation task force should be limited, but members should be charged with the responsibility to seek input from non-members with unique knowledge and practical experience.

Effective implementation of a comprehensive statewide plan to meet the needs of self-represented litigants requires varied and extensive subject matter expertise, knowledge and

understanding of practical concerns, and an in-depth understanding of court operations. It is believed that an implementation task force that included members who can provide all this information would be so large that it would be unworkable.

With this concern in mind, the task force recommends that the implementation task force membership be limited but include members who have ready access to a variety of groups and individuals who could serve as resources on an as-needed basis. Examples potential members or potential sources of expertise would include representatives from the bench who have accumulated knowledge and experience in cases involving self-represented litigants, the family law facilitators, self-help center attorneys or staff members, law librarians, Judicial Council advisory committees, legal services organizations, the Commission on Access to Justice, or State and local bar association committees and sections.

Conclusion

This task force has worked to develop a comprehensive statewide plan that addresses the critical need of courts to effectively manage cases involving self-represented litigants while providing assistance to the public. The handling of self-represented litigants is a daily business event at every level of the court operations – from filing through calendaring, records management, and courtroom hearings. As courts plan during this period of fiscal austerity, attention to the reality of these cases will be imperative for any realization of net savings. Providing assistance to self-represented litigants clearly addresses the need of the self-represented public for information, but it is also a matter of administrative efficiency for courts. The task force believes that by directly confronting the enormity of pro per litigation, courts can improve the quality of their service to the public and reduce the time and cost of service delivery.

While many litigants will need full or partial representation, the self-represented litigant population continues to grow and is well documented nationally and even internationally. California, in recognizing that the courts have a duty to provide all Californians with a fair and efficient process by which to resolve their disputes, has been in the forefront of the effort to provide services to self-represented litigants and thereby increase access to justice. In so doing, the critical need for courts to include planning for the effective management of cases involving self-represented litigants has become clear.

Courts are recognizing the cost benefits of attorney-supervised self-help centers in cases involving self-represented litigants. Cost savings have been found in reduction of time for judges and other court staff, elimination of inaccurate paperwork and unnecessary continuances, and expeditious case management and settlement services. These are but a few of the ways that self-help techniques work to maximize scarce resources for the courts.

As Chief Justice Ronald M. George has noted, the population appearing in today's courts has changed in every respect and, as a result, so have society's expectations. California can and should continue its leadership role in this regard.

RECOMMENDATION I: SELF-HELP CENTERS

IN ORDER TO EXPEDITE THE PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND INCREASE ACCESS TO JUSTICE FOR THE PUBLIC, COURT-BASED, STAFFED SELF-HELP CENTERS SHOULD BE DEVELOPED THROUGHOUT THE STATE.

THE TASK FORCE RECOMMENDS THAT:

Strategies:

I.A. **THE JUDICIAL COUNCIL CONTINUE TO RECOGNIZE SELF-HELP SERVICES AS A CORE FUNCTION OF THE TRIAL COURTS AND IDENTIFY THESE SERVICES CONSISTENTLY IN THE BUDGETARY PROCESS.**

1. Effective self-help services and management of cases involving self-represented litigants should be budgeted consistently.
2. Judicial Council budget request forms should reflect these services as a core court function.

I.B. **COURTS USE COURT-BASED, ATTORNEY-SUPERVISED, STAFFED SELF-HELP CENTERS AS THE OPTIMUM WAY TO FACILITATE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS, TO INCREASE ACCESS TO THE COURTS AND IMPROVE DELIVERY OF JUSTICE TO THE PUBLIC.**

1. Methods of service delivery may vary according to the needs of the individual and the legal complexities of the case.
2. For cases in which self-study methods are sufficient, written materials, forms with instructions, Web site information, videos, and other materials should be made available.
3. Personal contact with self-help center staff by telephone, workshop, or individual assistance is usually the most helpful type of service.
4. Sufficient support staff should be provided to self-help center attorneys through possible redeployment of existing court staff.
5. Services may be provided at the court, or in community centers, mobile vans, libraries, jails, or other community locations.

I.C. **SELF-HELP CENTERS CONDUCT INITIAL ASSESSMENT OF A LITIGANT'S NEEDS (TRIAGE) TO SAVE TIME AND MONRY FOR THE COURT AND PARTIES.**

1. When an individual first arrives at the courthouse seeking help, a qualified member of the self-help center staff should conduct a brief needs assessment and direct the person appropriately.
2. The self-help centers should be encouraged to work with qualified legal aid organizations that can provide full representation as well as with certified lawyer referral and information services and should encourage the development of panels of attorneys providing unbundled services.
3. Early intervention by self-help center staff to assist with the correct completion of paperwork, explain procedural requirements, and provide basic information about court processes can save time for the court clerks, as well as courtroom staff, and can prevent unnecessary continuances.
4. Some individuals can only gain meaningful access to the court with full-service legal representation. To meet that need:
   - Courts should develop guidelines to identify those who seek representation and a system of referrals.
   - Self-help centers should work with certified lawyer referral services, State Bar qualified legal services, and pro bono programs.
   - Local courts should promote pro bono representation with recognition programs or other incentives for attorneys.

Recommendation I: Self-Help Centers – continued

Strategies – continued

I.D. **COURT-BASED SELF-HELP CENTERS SERVE AS FOCAL POINTS FOR COUNTYWIDE OR REGIONAL PROGRAMS FOR ASSISTING SELF-REPRESENTED LITIGANTS IN COLLABORATION WITH QUALIFIED LEGAL SERVICES, LOCAL BAR ASSOCIATIONS, AND OTHER COMMUNITY STAKEHOLDERS.**

1. Partnerships with organizations such as nonprofit legal services; bar associations; public institutions; law libraries and public libraries; professional associations for psychologists, accountants, and process servers; and other appropriate organizations should be continued.
2. Aggressive networking and collaborative efforts can maximize resources in numerous ways, such as:
   - Providing facilities for workshops
   - Providing mediation
   - Providing assistance at law libraries
   - Providing volunteer accounting or psychological assistance in appropriate cases
3. Collaborative efforts can also provide volunteer staffing resources, such as:
   - Local attorneys, attorneys emeritus, and retired judicial officers for the self-help centers
   - Law student interns
   - Other student volunteers
4. The Judicial Council should continue to support ongoing community-focused strategic planning.

I.E. **SELF-HELP CENTERS PROVIDE ONGOING ASSISTANCE THROUGHOUT THE ENTIRE COURT PROCESS, INCLUDING COLLECTION AND ENFORCEMENT OF JUDGMENTS AND ORDERS.**

1. Existing self-help resources should be coordinated to incorporate programs such as the family law facilitator, the small claims advisor, court-based legal services, and other programs into centers where both family law and civil law information are provided.
2. Self-help centers should be encouraged to include an array of services designed to assist the public and the court in the processing of cases involving self-represented litigants. Examples of these services include:
   - Positioning staff in the courtrooms to prepare orders, assist in reaching agreements, or answer questions
   - Helping to conduct mediation and other settlement processes
   - Offering assistance in status conferences, providing judicial officers with readiness information and providing assistance to litigants with the preparation of orders and judgments
   - Assisting in coordination of related cases and in development of optimal court operations
   - Serving as a resource for judicial officers and court staff on legal and procedural issues affecting self-represented litigants
   - Offering litigants information about enforcement of orders and judgments
   - Providing information that can assist litigants about comply with court orders
   - Serving as a single point of contact for community-based organizations and volunteers at the court
   - Making information available to litigants about how to get help with the appellate process

Recommendation I: Self-Help Centers – continued	
I.F	**ADMINISTRATION OF SELF-HELP CENTERS SHOULD BE INTEGRATED TO THE GREATEST EXTENT POSSIBLE.** 1. Self-help centers should provide a comprehensive group of services and include such programs as the family law facilitator. 2. Consolidation of services should enhance the ability to: • Maximize attorney resources • Facilitate information sharing among staff • Broaden a reliable referral base • Increase opportunities for in-house trainings • Promote uniform procedures and forms • Allow members of the public to bring all their questions to one place • Set schedules to make the most efficient use of resources

RECOMMENDATION II: SUPPORT FOR SELF-HELP SERVICES

A SYSTEM OF SUPPORT SHOULD BE DEVELOPED AT THE STATE LEVEL TO PROMOTE AND ASSIST IN THE CREATION, IMPLEMENTATION, AND OPERATION OF THE SELF-HELP CENTERS AND TO INCREASE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS.

THE TASK FORCE RECOMMENDS THAT:

Strategies:

II.A.	**A RESOURCE LIBRARY WITH MATERIALS FOR USE BY SELF-HELP CENTERS IN THE LOCAL COURTS BE MAINTAINED BY THE ADMINISTRATIVE OFFICE OF THE COURTS (AOC).** 1. Materials that have been developed to assist self-represented litigants with obtaining and enforcing court orders should be collected and maintained. Examples include: • Web site designs, videos, brochures, translations, and informational packets • Administrative materials such as partnership agreements, memorandums of understanding, and volunteer training guides • Detailed information on self-represented litigant efforts that have been recognized by California court or other awards
II.B.	**TECHNICAL ASSISTANCE BE PROVIDED TO COURTS ON IMPLEMENTATION STRATEGIES.** 1. Regional conferences, training sessions, and online meetings should be planned. 2. The AOC have knowledgeable staff available to provide legal subject matter and operations assistance to local courts.
II.C.	**FUNDING BE SOUGHT FOR A TELEPHONE HELP-LINE SERVICE WITH ACCESS TO AOC ATTORNEYS TO PROVIDE LEGAL AND OTHER TECHNICAL SUPPORT TO LOCAL SELF-HELP CENTER STAFF.** 1. AOC attorneys serve as a resource for local programs. 2. Experts in legal and procedural subject matters and court operations should be available. 3. Bilingual staff should be available.
II.D.	**THE AOC SERVE AS A CENTRAL CLEARINGHOUSE FOR TRANSLATIONS AND OTHER MATERIALS IN A VARIETY OF LANGUAGES.** 1. Model protocols based on the success of self-help centers that provide services in languages in addition to English should be created. 2. A clearinghouse for translations and other materials should be developed.
II.E.	**THE CALIFORNIA COURTS ONLINE SELF-HELP CENTER BE EXPANDED.** 1. Efforts to expand the California Courts Online Self-Help Center should: • Provide additional material in different languages. • Add short videos in English and Spanish to explain concepts such as service of process and courtroom presentations. • Create interactive features and step-by-step guides. • Continue to add additional information.

Recommendation II: Support for Self-Help Services – continued		
	Strategies – continued	
II.F.	**THE JUDICIAL COUNCIL CONTINUE TO SIMPLIFY ITS FORMS AND INSTRUCTIONS.** 1. Translation of forms and instructions into "plain language" should be expanded. 2. Work on simplification of forms and instructions should continue. 3. Efforts to translate forms and instructions into more languages should continue. 4. Forms for use with limited scope (unbundled) legal services should be developed. 5. Computerized forms that can create case-specific documents and meet the needs of persons with disabilities should be expanded.	
II.G.	**TECHNICAL TRAINING AND ASSIST ANCE TO LOCAL COURTS IN THE DEVELOPMENT AND IMPLEMENTATION OF SELF-HELP TECHNOLOGY ON COUNTYWIDE OR REGIONAL BASIS BE CONTINUED.** 1. The AOC to provide training to self-help centers on the use of technology and how to guide self-represented litigants 2. The AOC to assist in development of self-represented litigant technology, such as: • Interactive forms programs and programs to help litigants develop agreements • Local Web site enhancement • Videoconferencing for workshops, meetings, and court appearances • Telephone help-lines and direct telephone lines to legal and social services resources in the community • Programs for clerks to draft orders after hearings in the courtrooms • Audiotapes in English and other languages with information on forms preparation, procedures, and the courtroom	
II.H.	**SUPPORT FOR INCREASED AVAILABILITY OF REPRESENTATION FOR LOW- AND MODERATE-INCOME INDIVIDUALS BE CONTINUED.** 1. Partnerships between the judicial branch and nonprofit legal services organizations, the State Bar of California and local bar associations, the California Commission on Access to Justice, and the Legal Services Trust Fund Commission should be continued to increase funding for legal services. 2. Judicial officers should be advised of ways in which they can join with the Chief Justice in increasing pro bono work and other legal services, consistent with the Code of Judicial Ethics. 3. The provision of limited scope (unbundled) legal representation should be supported by training judicial officers and court staff and by collaborating with the State Bar for attorney training.	
II.I.	**WORK WITH THE STATE BAR IN PROMOTING ACCESS FOR SELF-REPRESENTED LITIGANTS BE CONTINUED.** 1. The organizations should continue to coordinate in developing resources. 2. Honors and awards for efforts to assist self-represented litigants should be given.	
II.J.	**TECHNICAL ASSISTANCE RELATED TO SELF-REPRESENTED LITIGANTS BE PROVIDED TO COURTS THAT ARE DEVELOPING COLLABORATIVE JUSTICE STRATEGIES.** 1. The AOC should provide assistance to courts with collaboration justice programs, such as: • Unified Courts for Families; Family drug courts; Domestic violence courts	

RECOMMENDATION III: ALLOCATION OF EXISTING RESOURCES

PRESIDING JUDGES AND EXECUTIVE OFFICERS SHOULD CONSIDER THE NEEDS OF SELF-REPRESENTED LITIGANTS IN ALLOCATING EXISTING JUDICIAL AND STAFF RESOURCES.

THE TASK FORCE RECOMMENDS THAT:

Strategies:

III.A. **JUDICIAL OFFICERS HANDLING LARGE NUMBERS OF CASES INVOLVING SELF-REPRESENTED LITIGANTS BE GIVEN HIGH PRIORITY FOR ALLOCATION OF SUPPORT SERVICES.**

1. The assignment of experienced, talented, and energetic judicial officers with a comprehensive knowledge of the substantive law to departments with high numbers of self-represented litigants—such as family law, small claims, traffic, or unlawful detainer—should be encouraged.
2. Judicial officers in assignments with large pro per populations should have additional staff support.
3. Courtroom assistance by a self-help center attorney should available to judicial officers and pro pers.
4. Sufficient courtroom staff should be provided to allow for efficient flow of calendars.

III.B. **COURTS CONTINUE, OR IMPLEMENT, A SELF-REPRESENTED LITIGANT PLANNING PROCESS THAT INCLUDES BOTH COURT AND COMMUNITY STAKEHOLDERS AND WORKS TOWARD ONGOING COORDINATION OF EFFORTS.**

1. Working groups that have been formed for local action planning for self-represented litigants should be ongoing and active.
2. There should be monthly meetings of local stakeholders.
3. Participants might include the court, legal services programs, other governmental agencies, local bar associations, law libraries, public libraries, law schools, community colleges, other schools, community social services providers, and a wide variety of other community-based groups.

RECOMMENDATION IV: JUDICIAL BRANCH EDUCATION

IN ORDER TO INCREASE THE EFFICIENCY OF THE COURT AND TO MINIMIZE UNWARRANTED OBSTACLES ENCOUNTERED BY SELF-REPRESENTED LITIGANTS, A JUDICIAL BRANCH EDUCATION PROGRAM SPECIFICALLY DESIGNED TO ADDRESS ISSUES INVOLVING SELF-REPRESENTED LITIGANTS SHOULD BE IMPLEMENTED.

THE TASK FORCE RECOMMENDS THAT:

STRATEGIES:

IV.A. **A FORMAL CURRICULUM AND EDUCATION PROGRAM BE DEVELOPED TO ASSIST JUDICIAL OFFICERS AND OTHER COURT STAFF TO SERVE THE POPULATION OF LITIGANTS WHO NAVIGATE THE COURT WITHOUT THE BENEFIT OF COUNSEL.**

1. Curriculum development recently implemented to accommodate the needs of children in the courtroom should be used as a model for assisting self-represented courtroom participants while maintaining neutrality.
2. Pro tem judges should be included in this training. Subject matter should include:
   - The duty of the court toward self-represented litigants
   - Ethical constraints when dealing with pro pers
   - Working with self-help center staff to promote efficiency in the courtroom
   - Plain-English language skills
   - Effective techniques for interacting with self-represented litigants
   - Cultural competence
   - Community outreach and education

IV.B. **THE AOC PROVIDE SPECIALIZED EDUCATION TO COURT CLERKS TO ENHANCE THEIR ABILITY TO PROVIDE THE PUBLIC WITH HIGH-QUALITY INFORMATION AND APPROPRIATE REFERRALS, AS WELL AS TO INTERACT EFFECTIVELY WITH THE SELF-HELP CENTERS.**

1. Subject matter should include:
   - The difference between legal advice and legal information
   - Working with self-help center staff to provide effective service to the public
   - Community services available to self-represented litigants and coordination with staff to keep information current
   - Uniform procedures for handling fee waiver requests
   - An overview of substantive and procedural issues relevant to self-represented litigants
   - Self-help Web site information available to court staff
   - Creation of the perception of fairness and equal treatment of all court users, including cultural competence
   - Effective skills in dealing with people in crisis
   - Use of simple and ordinary English language skills when explaining legal procedures

IV.C **THE AOC, IN CONSULTATION WITH THE CALIFORNIA JUDGES ASSOCIATION, PROVIDE GREATER CLARIFICATION OF THE EXTENT TO WHICH JUDICIAL OFFICERS MAY ENSURE DUE PROCESS IN PROCEEDINGS INVOLVING SELF-REPRESENTED LITIGANTS WITHOUT COMPROMISING JUDICIAL NEUTRALITY.**

- Courtroom techniques when one party is represented and another is not
- Appropriate methods to help gain important information from pro pers without compromising neutrality

RECOMMENDATION V: PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH

JUDICIAL OFFICERS AND OTHER APPROPRIATE COURT STAFF SHOULD ENGAGE IN COMMUNITY OUTREACH AND EDUCATION PROGRAMS DESIGNED TO FOSTER REALISTIC EXPECTATIONS ABOUT HOW THE COURTS WORK.

THE TASK FORCE RECOMMENDS THAT:

Strategies:

V.A.	**THE AOC CONTINUE TO DEVELOP INFORMATIONAL MATERIAL AND EXPLORE MODELS TO EXPLAIN THE JUDICIAL SYSTEM TO THE PUBLIC.** 1. Judicial officers should be encouraged to engage in community outreach and education programs. 2. Existing communication modes should be employed to better inform Californians about their courts. 3. Videotapes on a variety of legal issues should be prepared for use by public access television stations, self-help centers, law libraries 4. Information be developed for immigrant populations to differences between California's laws and those in their countries of origin. 5. A law-related educational Web site should be developed for elementary school, middle school, and high school students
V.B.	**EFFORTS TO DISSEMINATE INFORMATION TO LEGISLATORS ABOUT SERVICES AVAILABLE TO, AND ISSUES RAISED BY, SELF-REPRESENTED LITIGANTS BE INCREASED.** 1. Materials should be developed to more fully inform local and state legislators of the issues raised by self-represented litigants. 2. Implement a "Legislator's Day" in the self-help centers and provide referral materials, testimonials, and research demonstrating benefits to legislators who receive complaints related to access to the courts.
V.C.	**LOCAL COURTS STRENGTHEN THEIR TIES WITH LAW ENFORCEMENT AGENCIES, LOCAL ATTORNEYS AND BAR ASSOCIATIONS, LAW SCHOOLS, LAW LIBRARIES, DOMESTIC VIOLENCE COUNCILS, AND OTHER APPROPRIATE GOVERNMENTAL AND COMMUNITY GROUPS SO THAT INFORMATION ON ISSUES AND SERVICES RELATED TO SELF-REPRESENTED LITIGANTS CAN BE EXCHANGED.** 1. Training on enforcement of custody/visitation and restraining orders should be provided. 2. Information about the ways in which such orders are modified should be provided. 3. Courts should solicit regular input from law enforcement agencies about problems they are having with enforcement of court orders. 4. Courts should collaborate with these stakeholders in cross-trainings.
V.D.	**THE JUDICIAL COUNCIL CONTINUE TO COORDINATE WITH THE STATE BAR OF CALIFORNIA, LEGAL AID ASSOCIATION OF CALIFORNIA, CALIFORNIA COMMISSION ON ACCESS TO JUSTICE, COUNCIL OF CALIFORNIA COUNTY LAW LIBRARIANS AND OTHER STATEWIDE ENTITIES ON PUBLIC OUTREACH EFFORTS.** 1. Public outreach efforts to increase utilization of self-help Web sites and other technological resources 2. Cosponsoring conferences and workshops.
V.E.	**LOCAL COURTS BE ENCOURAGED TO IDENTIFY AND REACH OUT TO EXISTING EFFORTS TO BETTER SERVE SELF-REPRESENTED LITIGANTS.** 1. Judges and court administrators encouraged to meet and collaborate with community service providers 2. Identify and work with existing programs such as law libraries

RECOMMENDATION VI: FACILITIES

SPACE IN COURT FACILITIES SHOULD BE MADE AVAILABLE TO PROMOTE OPTIMAL MANAGEMENT OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO ALLOW FOR EFFECTIVE PROVISION OF SELF-HELP SERVICES TO THE PUBLIC.

THE TASK FORCE RECOMMENDS THAT:

Strategies:

VI.A. **COURT FACILITIES PLAN DEVELOPED BY THE AOC INCLUDE SPACE FOR SELF-HELP CENTERS NEAR THE CLERKS' OFFICES IN DESIGNS FOR FUTURE COURT FACILITIES OR REMODELING OF EXISTING FACILITIES.**

1. The plans should include:
   - Space for workshops and mediations and a place where self-represented litigants can sit and work on their paperwork
   - Use of copiers, computers, and other technology in the self-help centers
   - Self-help services that are as close to the counter clerk's office as possible
   - An access checklist developed for court personnel that enables them to see the courthouse through the eyes of a first-time user
   - Identification of courtrooms (numbering, etc.) focused on helping the public easily find the correct location

VI.B. **FACILITIES INCLUDE SUFFICIENT SPACE FOR LITIGANTS TO CONDUCT BUSINESS AT THE CLERK'S OFFICE.**

1. Sufficient space should be available while waiting at the court.
2. Helpful written information, pamphlets, and flowcharts can be available to help litigants be better prepared when their turn arrives.

VI.C. **FACILITIES INCLUDE SUFFICIENT SPACE AROUND COURTROOMS TO WAIT FOR CASES TO BE CALLED, MEET WITH VOLUNTEER ATTORNEYS, CONDUCT SETTLEMENT TALKS, AND MEET WITH MEDIATORS, INTERPRETERS, AND SOCIAL SERVICES PROVIDERS.**

1. The courtroom should have sufficient seating space.
2. Safe spaces should be provided for domestic violence cases.
3. Space should be provided around courtrooms to meet with volunteer attorneys, self-help center staff, mediators, interpreters, or other social services providers.

VI.D. **FACILITIES INCLUDE CHILDREN'S WAITING AREAS FOR THE CHILDREN OF LITIGANTS WHO ARE AT THE COURT FOR HEARINGS OR TO PREPARE AND FILE PAPERWORK.**

1. Supervised children's waiting areas should be available for the children of members of the public who are attending court hearings.
2. They should also provide for parents or guardians attending family court services mediations or using other court services.

VI.E. **INFORMATION STATIONS THAT PROVIDE GENERAL INFORMATION ABOUT COURT FACILITIES AND SERVICES BE PLACED NEAR COURT ENTRANCES.**

1. General information about how to find and use court services should be provided.

VI.F. **MAPS AND SIGNAGE IN SEVERAL LANGUAGES BE PROVIDED TO HELP SELF-REPRESENTED LITIGANTS FIND THEIR WAY AROUND THE COURTHOUSE.**

1. General information about courthouse use should be included.
2. Signs and information should be translated into several languages and universal signs developed.

RECOMMENDATION VII: FISCAL IMPACT

IN ADDRESSING THE CRITICAL NEED OF COURTS TO EFFECTIVELY MANAGE CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO PROVIDE MAXIMUM ACCESS TO JUSTICE FOR THE PUBLIC, CONTINUED EXPLORATION AND PURSUIT OF STABLE FUNDING STRATEGIES IS REQUIRED.

THE TASK FORCE RECOMMENDS THAT:

Strategies:

VII.A. **CONTINUED STABLE FUNDING BE SOUGHT TO EXPAND SUCCESSFUL EXISTING PROGRAMS STATEWIDE.**

1. Stable funding should be sought to expand successful programs including:
   - Family law facilitators
   - Family law information centers
   - Pilot self-help programs
   - Unified Courts for Families
   - Equal access funds for partnership grant programs

VII.B. **THE AOC IDENTIFY, COLLECT, AND REPORT ON DATA THAT SUPPORT DEVELOPMENT OF CONTINUED AND FUTURE FUNDING FOR PROGRAMS FOR SELF-REPRESENTED LITIGANTS.**

1. Implement uniform statistical reporting from local self-help centers statewide.
2. Local and state legislators should be surveyed about the number of constituent contacts they receive from pro per litigants requesting help.
3. State and local demographics on poverty and income levels should be collected and compiled.
4. Community organizations serving the homeless and other disadvantaged groups should be surveyed to identify needs for legal assistance.
5. The Judicial Branch Information System (JBSIS) should collect and report information on whether or not litigants are represented by counsel in all categories of cases.

VII.C. **STANDARDIZED METHODOLOGIES TO MEASURE AND REPORT THE IMPACT OF SELF-HELP EFFORTS CONTINUE TO BE DEVELOPED.**

1. Establish uniform definitions of terms to allow for valid comparisons.
2. Standardized exit or customer satisfaction surveys should be implemented.
3. Other evaluation tools should be designed and implemented to test quality of service as well as volume.
4. Methods to assess the success of the self-help centers in expediting the processing of pro per cases should be refined including:
   - Surveys of judicial officers
   - Surveys of court staff
   - Court operations data

Recommendation VII: Fiscal Impact – continued	
VII.D.	**UNIFORM STANDARDS FOR SELF-HELP CENTERS BE ESTABLISHED TO FACILITATE BUDGET ANALYSIS.** 1. Criteria for a self-help center must include: • Minimum staffing levels • Facilities requirements • Operating hours.
VII.E.	**EFFORTS OF THE COURTS TO SEEK SUPPLEMENTAL PUBLIC FUNDING FROM LOCAL BOARDS OF SUPERVISORS AND OTHER SUCH SOURCES TO SUPPORT LOCAL SELF-HELP CENTERS BE SUPPORTED AND ENCOURAGED.** 1. The success of those counties where the board of supervisors has funded legal self-help centers administered by the courts should be replicated.
VII.F.	**COORDINATION OF EFFORTS AMONG PROGRAMS ASSISTING SELF-REPRESENTED LITIGANTS SHOULD BE STRESSED TO MAXIMIZE SERVICES AND AVOID DUPLICATION.** 1. Courts should work closely with potential partners such as: • Small claims advisors • Dispute Resolution Program Act (DPRA) programs
VII.G.	**AOC ASSISTANCE WITH GRANT APPLICATIONS AND OTHER RESOURCE-ENHANCING MECHANISMS CONTINUE TO BE OFFERED TO LOCAL COURTS.** 1. The AOC should: • Help with grant writing and with applications for other grant funding • Provide advice on ethical issues in grant application and administration • Offer centralized purchasing options to enhance buying power

RECOMMENDATION VIII: IMPLEMENTATION OF STATEWIDE ACTION PLAN

TO PROVIDE FOR SUCCESSFUL IMPLEMENTATION OF THIS STATEWIDE ACTION PLAN, A SMALLER TASK FORCE CHARGED WITH THE RESPONSIBILITY OF OVERSEEING IMPLEMENTATION SHOULD BE ESTABLISHED.

THE TASK FORCE RECOMMENDS THAT:

Strategies:

VIII.A.	**THE IMPLEMENTATION TASK FORCE CONSULT WITH EXPERTS IN THE AREAS OF JUDICIAL EDUCATION, COURT FACILITIES, LEGISLATION, JUDICIAL FINANCE AND BUDGETING, COURT ADMINISTRATION AND OPERATIONS, AND COURT-OPERATED SELF-HELP SERVICES, AS WELL AS WITH PARTNERS SUCH AS BAR ASSOCIATIONS, LEGAL SERVICES, LIBRARIES, AND COMMUNITY ORGANIZATIONS.** 1. Through consultation, programs should be developed and implemented that: • Promote expeditious processing of cases involving self-represented litigants • Provide assistance to self-represented litigants that facilitates that process
VIII.B.	**THE NUMBER OF MEMBERS ON THE IMPLEMENTATION TASK FORCE SHOULD BE LIMITED, BUT MEMBERS SHOULD BE CHARGED WITH THE RESPONSIBILITY TO SEEK INPUT FROM NONMEMBERS WITH UNIQUE KNOWLEDGE AND PRACTICAL EXPERIENCE.** 1. Task force member should seek input from such individuals as: • Judicial officers with accumulated knowledge and experience in cases involving self-represented litigants • Family law facilitators • Self-help center attorneys • Judicial Council advisory committees • Legal services organizations • Law libraries • The Commission on Access to Justice • State and local bar association committee and sections

APPENDIX 1

MEMBERS OF THE TASK FORCE ON SELF-REPRESENTED LITIGANTS

Task Force Members

HON. KATHLEEN E. O'LEARY, CHAIR
Associate Justice, Court of Appeal, Fourth Appellate

HON. ROSALYN M. CHAPMAN
Federal Court Magistrate, United States District Court, Central Division of California

MR. NEAL DUDOVITZ
Executive Director, Neighborhood Legal Services

HON. JEREMY D. FOGEL
United States District Judge, United States District Court, Northern District of California

MR. ANDREW J. GUILFORD
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MR. PASTOR HERERRA, JR.
Director, Los Angeles County Department of Consumer Affairs

MS. MARILYN K. JAMES
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MS. PEGGY THOMPSON
Executive Officer, Superior Court of California, County of San Mateo

HON. DALE WELLS
Commissioner, Superior Court of California, County of Riverside

HON. ERICA YEW
Judge, Superior Court of California, County of Santa Clara

HON. LAURIE D. ZELON
Associate Justice, Court of Appeal, Second Appellate

FORMER TASK FORCE MEMBERS

HON. ALICE A. LYTLE
(Ret.) Superior Court of California, County of Sacramento

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Court Executive Officer, Superior Court of California, County of San Diego (Ret.)

HON. LOIS WOLK
Assembly Member, Eighth Assembly District

ADMINISTRATIVE OFFICE OF THE COURTS

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MR. HARRY JACOBS, Attorney
Center for Families, Children & the Courts

MR. KEVIN CHEW, Administrative Coordinator
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MS. TRACY KENNY, Legislative Advocate
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LIAISONS

JUDICIAL COUNCIL

HON. BARBARA ANN ZÚÑIGA
Judge, Superior Court of California, County of Contra Costa

STATE BAR OF CALIFORNIA

MS. MARY VIVIANO
Director, Legal Services Outreach
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APPENDIX 2

CALIFORNIA COURTS' PROGRAMS FOR SELF-REPRESENTED LITIGANTS

Description of California Courts' Programs for Self-Represented Litigants

November, 2003

California's courts are facing an ever increasing number of litigants who go to court without legal counsel largely because they cannot afford representation. The courts are responding with a variety of innovative strategies that may be incorporated into an overall strategy of increasing access to justice. This paper attempts to describe the strategies and the context in which they operate.

California has a total of 58 counties and a population of 33.9 million.[1] The counties vary greatly in size and population demographics. The smallest is Alpine County, with a population of 1,208, and the largest is Los Angeles County, with a population of 9.5 million, approximately one-third of the state's entire population.[2] In one county it takes eight hours to drive from one courthouse to another. There are mountainous counties where litigants can't get from one end of the county to the other during the winter because the roads are impassable in the snow. There are counties with no active private attorneys, let alone legal services programs, and counties with a wide variety of resources that with coordination could be much more effective.

The California court system is the largest in the nation, with more than 2,000 judicial officers and 18,000 court employees. It also has one of the least complicated structures. There are three levels of courts in California: trial, appellate, and Supreme. There is one trial court in each county and as many as 1 to 55 court locations per county, six regional appellate court districts, and one Supreme Court comprised of seven justices.[3] In 1997, funding responsibility for the trial courts transferred from the counties to the state. In 1998, the trial courts, formerly divided into superior and municipal courts, unified into a one-tier trial court system. Trial court employees changed from being county employees to court employees in 2001. In 2002, the state began to assume responsibility from the counties for trial court facilities.[4] These efforts are intended to build a strong, accessible, statewide system of justice with consistent and adequate funding.[5]

The decision-making body for the California state court system is the Judicial Council. The council is the constitutionally created 27-member policymaking body of the California courts. The council is chaired by the Chief Justice and consists of 14 judges appointed by the Chief Justice, 4 attorney members appointed by the State Bar Board of Governors, 1 member from each house of the Legislature, and 6 advisory members, who include representatives of the California

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[1] U.S. Bureau of the Census, *United States Census 2000,* Table DP-1 Profile of General Demographic Characteristics: 2000, Summary File 1 (SF1), *http://factfinder.census.gov* (as of Mar. 10, 2003).
[2] *Id.*
[3] See *http://www.courtinfo.ca.gov/reference/documents/cajudsys.pdf* for additional information.
[4] For a history of judicial administration in California, see L. Sipes, *Committed to Justice: The Rise of Judicial Administration in California* (San Francisco: Administrative Office of the Courts, 2002); excerpts at *http://www.courtinfo.ca.gov/reference/commjust.htm*.
[5] See *http://www.courtinfo.ca.gov/reference/documents/profilejc.pdf*.

Judges Association and court executives (administrators). The council performs most of its work through internal and advisory committees and task forces.

The Administrative Office of the Courts is the staff agency of the Judicial Council. It has slightly over 500 employees. Among its divisions is the 55-member Center for Families, Children & the Courts (CFCC), whose mission is to improve the quality of justice and services to meet the diverse needs of children, youth, families, and self-represented litigants in the California courts.[6] Staff for CFCC's Equal Access Unit work to assist the courts in responding to the needs of self-represented litigants.

The reason for this focus is that there appear to be a growing number of litigants representing themselves in family courts, which leads to a variety of challenges. Courts report that many of these litigants require additional time at the clerk's office and in the courtroom because they do not understand the procedures or the limitations of the court. There also appear to be a growing number of cases that involve multiple filings in different types of proceedings. For example, new cases involving the same family may be filed in family law, domestic violence (both civil and criminal), child support, and guardianship proceedings—leading to differing results, including potential judicial determinations of different fathers. Some types of proceedings in California, such as traffic and small claims, have traditionally been composed primarily of self-represented litigants and have developed mechanisms to provide for informal procedures that diminish the need for legal assistance. The recent growth of self-represented litigants in family law is encouraging a rethinking of how self-represented litigants are served by courts throughout the system.

Nolo Press reports that when *How to Do Your Own Divorce in California* was published in 1971, only 1 percent of litigants proceeded without attorneys.[7] While there is no statewide data on the number of pro se litigants, it is clear that this number has dramatically expanded. In San Diego, for example, the number of divorce filings involving at least one pro se litigant rose from 46 percent in 1992 to 77 percent in 2000.[8] A review of case files involving child support issues conducted by the Administrative Office of the Courts between 1995 and 1997 showed that both parties were self-represented in child support matters 63 percent of the time, and that one party was self-represented in an additional 21 percent of cases. In only 16 percent of the cases were both parties represented by counsel.[9] In a similar study of case files from 1999, both parties were self-represented in 75 percent of the cases, and one parent was self-represented in an additional 14 percent. In only 11 percent of the cases were both parties represented by counsel.[10]

In a recent survey of pro se assistance plans submitted to the Administrative Office of the Courts by 45 of California's counties, estimates of the pro se rate in family law overall averaged 67

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[6] Administrative Office of the Courts, "Fact Sheet: Center for Families, Children & the Courts"(Jan. 2003), available at http://www.courtinfo.ca.gov/reference/documents/cfcc.pdf.

[7] E. Sherman, *How to Do Your Own Divorce in California* (Berkeley: Nolo Press, 2001) p. 11.

[8] D. J. Chase and B. R. Hough, "Family Law Information Centers: Benefits to Courts and Litigants" (forthcoming) 5 *Journal of the Center for Families, Children & the Courts*.

[9] Judicial Council of California, executive summary of *Review of Statewide Uniform Child Support Guideline, 1998*, at p. ES-5, available at http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/suppguide.pdf.

[10] Judicial Council of California, *Review of Statewide Uniform Child Support Guideline, 2001*, at p. 39, available at http://www.courtinfo.ca.gov/programs/cfcc/1058files2001/CH3.PDF.

percent. In the larger counties, that average was 72 percent.[11] In domestic violence restraining order cases, litigants are reported to be pro se over 90 percent of the time. One reason for this large number of self-represented litigants relates to the cost of attorney fees, which are not publicized generally, but in one list of attorneys willing to provide unbundled legal services in one suburban community, appear to range between $175 and $225 per hour.[12] The median household income in California was $47,493 per year in 1999.[13] Given that many persons in the midst of a divorce or separation are already facing financial challenges in setting up two separate households and otherwise dealing with financial issues, these hourly rates often seem prohibitive.

California's Chief Justice, Ronald M. George, has made access to justice a key goal and has been extremely supportive of efforts to improve services for self-represented litigants.[14] He regularly focuses a significant part of his State of the Judiciary address to a joint session of the Legislature on access to justice and services for self-represented litigants.[15] He regularly attends events such as the opening of the Spanish Self-Help Education and Resource Center in Fresno.[16] As chair-elect of the Conference of Chief Justices, he has also encouraged the leadership of chief justices in other states in increasing services to self-represented litigants.[17]

It is clear that the Chief Justice's leadership and support has made a huge difference in encouraging courts to expand services and make this issue a priority. In the strategic planning efforts of the Judicial Council, access to justice is the first of six goals. In its three-year operational plan, the council chose four specific objectives for increasing services to self-represented litigants. These included developing a self-help Web site, increasing the number of self-help centers in the state's courts, developing a statewide action plan for serving self-represented litigant, and having each trial court develop an action plan for serving self-represented litigants.[18]

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[11] *A Report and Analysis of Action Plans Throughout California: Integrating Services for Self-Represented Litigants Into the Court System, Center for Families, Children and the Courts,* (June 2003) http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/articles.htm#self.

[12] Superior Court of California, County of Placer, "Attorneys Available for Consultations With 'Pro Per' Family Law Litigants" (2003)

[13] U.S. Bureau of the Census, *United States Census 2000*, DP-1 Population and Housing Characteristics, Summary File 1 (SF1), http://factfinder.census.gov/bf/_lang=en_vt_name=DEC_2000_SF3_U_DP3_geo_id=04000US06.html.

[14] See D. Whelan, "Big State, Big Crisis, Big Leadership: With California's Poverty Population Swelling, Chief Justice George Sets Bold Course" (Spring 2003) 2(1) *Equal Justice Magazine*, http://www.ejm.lsc.gov/EJMIssue4/judicialprofile/judicial_profile.htm.

[15] See, for example, R. M. George, State of the Judiciary address to a Joint Session of the California Legislature, Sacramento, Mar. 25, 2003, http://www.courtinfo.ca.gov/reference/soj032503.htm.

[16] See, for example, R. M. George, Remarks at the Opening of the Superior Court of Fresno County's Spanish-Language Self-Help Education and Information Center (Oct. 10, 2002), http://www.courtinfo.ca.gov/reference/speech101002.htm.

[17] See Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA), Resolution 31: In Support of a Leadership Role for CCJ and COSCA in the Development, Implementation and Coordination of Assistance Programs for Self-Represented Litigants (Aug. 2, 2002), http://www.ncsconline.org/WC/Publications/Res_ProSe_CCJCOSCAResolution31Pub.pdf. See also Conference of Chief Justices and Conference of State Court Administrators, *Final Report of the Joint Task Force on Pro Se Litigation* (July 29, 2002), http://www.ncsconline.org/WC/Publications/Res_ProSe_FinalReportProSeTaskForcePub.pdf.

[18] Judicial Council of California, *Operational Plan: Leading Justice Into the Future, Fiscal Years 2000–2001 through 2002–2003,* pp. 2–3, http://www.courtinfo.ca.gov/reference/documents/opplan2k.pdf.

These planning efforts are designed to focus attention on the issue of access to justice and to encourage community partnerships to build upon a framework of services in place in California. They also are designed to encourage a reexamination of existing resources to consider how to enhance their usefulness for self-represented litigants.

This paper attempts to describe the current structure in place, and identify some future directions suggested by these planning efforts.

Family Law Facilitators

Effective January 1, 1997, California Family Code section 10002 established an Office of the Family Law Facilitator in each of the state's 58 counties. The Judicial Council administers the program, providing over $11 million per year in federal funds to court-based offices that are staffed by licensed attorneys. These facilitators, working for the superior court, guide litigants through procedures related to child support, maintenance of health insurance, and spousal support. They assist with cases involving the local child support agency, many of which are public assistance reimbursement cases. In addition, many courts have enlisted volunteer attorneys or provide additional funding that enables facilitators to assist self-represented litigants in other family law areas, including divorce, custody, and visitation.[19]

By statute, family law facilitators provide services to both parties, do not represent either party, and do not form an attorney-client relationship.[20] This allows the court to provide assistance to litigants without compromising the court's neutrality. It also limits the level of assistance that can be provided. Guidelines for the operation of family law information centers and family law facilitators offices have been developed to assist court-based attorneys in this new ethical paradigm that has been followed by the majority of self-help programs operated in the courts.[21]

Facilitator services are available to all self-represented litigants; the act does not require an income-qualification test.[22] However, data from 2000 indicates that "82% of facilitator customers have a gross monthly income of under $2,000. Over 67% of facilitator customers have gross monthly incomes of under $1,500. Over 45% of facilitator customers have gross monthly incomes of under $1,000, and approximately one-fifth report gross monthly income of $500 or less."[23] In 2002, facilitators provided assistance to over 450,000 litigants.[24]

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[19] F. L. Harrison, D. J. Chase, and L. T. Surh, "California's Family Law Facilitator Program: A New Paradigm for the Courts" (2000) 2 *Journal of the Center for Families, Children & the Courts* 61–98, http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/061harrison.pdf.

[20] Cal. Fam. Code, § 10004, available at http://www.leginfo.ca.gov/calaw.html

[21] See Cal. Rules of Court, appen., div. 5 (Guidelines for the operation of family law information centers and family law facilitators offices), available at http://www.courtinfo.ca.gov/rules/appendix/appdiv5.pdf.

[22] Cal. Fam. Code, § 10003, available at http://www.leginfo.ca.gov/ *calaw.html.* +

[23] Harrison, Chase, and Surh, p. 76, *available at* http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/061harrison.pdf.

[24] *A Report and Analysis of Action Plans Throughout California: Integrating Services for Self-Represented Litigants into the Court System*, Center for Families, Children and the Courts, (June 2003) *http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/articles.htm#self.*

Family law facilitators provide a range of services based upon the needs in their community and their assessment of what would be most effective.[25] In a survey taken in 1999, all offered assistance with forms and instructions, and nearly all provided informational brochures and videos and had staff to answer procedural questions. Two-thirds offered domestic violence assistance and nearly one-half provided litigants with access to copiers, fax machines, and other resources. "More than half of the facilitators reported that they provided mediation services, in which they meet with both parents and help work out child support issues. Other services reported included interpreters and rural outreach. Many facilitators make presentations to schools, homeless shelters, domestic violence organizations, radio talk shows, public access television, and jails on child support and the services provided by their offices. Facilitators' methods of providing services range from use of paralegal assistance (34 counties), to use of a legal clinic model (26 counties), to operation of self-help centers (24 counties)."[26] Since the time of that study, it appears that a growing number of facilitators are providing assistance in court to help answer questions, mediate cases, and provide assistance to the court with coordination, case review, calendar call, and referrals.[27]

The Administrative Office of the Courts offers training twice a year for facilitators in both substantive law as well as practical strategies for serving self-represented litigants. Facilitators are mandated to attend at least one of these training sessions,[28] and as a result of this regular contact and active e-mail discussions, they have developed a strong network.

Since family law facilitators are available in every court, they have formed the backbone of self-help activities throughout the state. By statute, they must be attorneys with family law litigation or mediation experience.[29] They are chosen by the judges in their county, and in a survey taken in 1999, facilitators on average had 12 years of law practice experience. Fourteen of the facilitators (23 percent) have served as judges or commissioners pro tem.[30] Most came from private practice and have good connections with their local bar. As experienced attorneys with the respect of both the bench and the bar, they have been able to alleviate many of the private bar's concerns about the program and to encourage changes in local rules and procedures to be more accommodating for self-represented litigants.

Surveyed customers of the family law facilitators were pleased with the services they had received and reported 99 percent of the time that they would return to the facilitator if they needed help in the future and that they would refer a friend or family member to the facilitator. When asked about the quality of service they had received from the facilitator, 96 percent

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[25] J. Byron, "Pro Pers Find Help In Family Matters," *Court News* (July–August 1998) p. 1, http://www.courtinfo.ca.gov/courtnews/07980898.pdf.

[26] Judicial Council of California/Administrative Office of the Courts, *California's Child Support Commissioner System: An Evaluation of the First Two Years of the Program* (May 2000) page 43, http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/cscr2000.pdf.

[27] See S. Alexander and T. Suhr, "Effective Use of Facilitators in the Courtroom" (Aug. 2002) 3(2) *CFCC Update* 10–11, http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/newsAug02.pdf.

[28] Cal. Rules of Court, rule 5.35 (Minimum standards for the Office of the Family Law Facilitator), http://www.courtinfo.ca.gov/rules/titlefive/1180-1280.15-16.htm#TopOfPage.

[29] Cal. Fam. Code, § 10002, available at http://www.leginfo.ca.gov/calaw.html

[30] Judicial Council of California/Administrative Office of the Courts, *California's Child Support Commissioner System: An Evaluation of the First Two Years of the Program* (May 2000) p. 34, http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/cscr2000.pdf.

reported that the service was excellent or good.[31] Following are examples of comments from facilitator customers:

"The way the program is presently operated is excellent. There are not many people like you who are willing to help people with our problems the way your program does."
[These comments came from an illiterate man who dictated his responses.]

"*While the whole issue of child support has been one of the worst experiences of my life, this office has provided me with invaluable assistance."*

"*Really helped us come to an agreement that both of us were happy with."*

"Best service I've ever experienced with the judicial system."

"*I didn't know where to go for help and I couldn't afford an attorney or paralegal, and your office provided me with excellent service. . . ."*

"She [the paralegal] *is a light in a very dark tunnel*."[32]

The facilitators have also been much appreciated by the courts. As one judicial officer reported in a focus group:

"Since the facilitator has been in effect ... you don't have these long, long lines at the clerk's office. You don't have these incredible calendars that go on well into the noon hour because the judges are trying to explain to the pro pers. I think where you can see the cost-effectiveness most is in the courthouse, in the clerk's office, in the judge's courtroom. It's cutting down time tremendously."[33]

These efficiencies have also been helpful in encouraging bar support for the facilitator program. The support of the bench for the program, combined with the recognition that the litigants generally do not have the resources to hire private counsel and the willingness of facilitators to refer to the private bar when appropriate, seems to have greatly diminished initial concerns about the program.

Family Law Information Centers

Effective January 1, 1998, California Family Code section 15000 established a Family Law Information Center pilot project in order to help "low-income litigants better understand their obligations, rights, and remedies and to provide procedural information to enable them to better understand and maneuver through the family court system."[34] The Judicial Council administers

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[31] Satisfaction surveys from April through June 1999 from the Los Angeles County Office of the Family Law Facilitator.
[32] Judicial Council of California/Administrative Office of the Courts, *California's Child Support Commissioner System: An Evaluation of the First Two Years of the Program* (May 2000), p. 58, http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/cscr2000.pdf.
[33] *Id. at p. 62.*
[34] Cal. Fam. Code, §15000, *http://www.leginfo.ca.gov/calaw.html*

three pilot project centers in the Superior Courts of Los Angeles, Sutter, and Fresno Counties. The centers are supervised by attorneys and assist low-income self-represented litigants with forms, information, and resources concerning divorce, separation, parentage, child and spousal support, property division, and custody and visitation. Specific services that are offered by the Family Law Information Centers include:

- Information on the various types and nature of family law proceedings, including restraining orders, dissolution, legal separation, paternity, child support, spousal support, disposition of property, child custody, and child visitation;
- Information about methods available to seek such relief from the court;
- Guidance about required pleadings, instruction on how to complete them, and information explaining the importance of the information contained in these pleadings;
- Assistance in the preparation of orders after hearing;
- Information about the enforcement of orders;
- Referrals to community resources such as low-cost legal assistance, counseling, domestic violence shelters, parent education, mental health services, and job placement programs; and
- Interpreter services to the extent that these are available.

Family Code section 15010(k) sets out the standards for evaluating these pilot projects. The legislation states that the programs will be deemed successful if:

- They assist at least 100 low-income families per year;
- A majority of customers evaluate the Family Law Information Center favorably; and
- A majority of judges surveyed in the pilot project court believe that the Family Law Information Center helps expedite cases involving pro se litigants.

An evaluation of the project was completed in March 2003.[35] It demonstrated that these programs were a resounding success. The three pilot Family Law Information Centers provided services to more than 45,000 individuals each year, using $300,000 in grant funding and $120,000 in trial court funding annually.

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[35] Judicial Council of California/Administrative Office of the Courts, *A Report to the California Legislature: Family Law Information Centers: An Evaluation of Three Pilot Programs* (Mar. 1, 2003), *http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm*.

Customers were overwhelmingly pleased with the services they received at the Family Law Information Centers. Many wrote narratives expressing enormous admiration for the staff and gratitude for the assistance they received. A survey of 1,364 customers from the period October 21, 2002, to December 31, 2002, had the following results:

- 95 percent felt they had been treated with courtesy and respect;
- 93 percent felt the service was helpful;
- 90 percent got help with forms;
- 87 percent felt they better understood their case;
- 82 percent felt better prepared to go to court;
- 83 percent believed they have a better understanding of the court;
- 78 percent reported receiving prompt service; and
- 92 percent would use the center again.

Typical comments of customers included the following:

"The Family Law Center has helped me every step of the way. I don't know where I'd be without it. The people are very helpful. I'm a single mom w/ low income and without this Center I would not [have] *been able to accomplish everything."*

"Very helpful and informative. I think more fathers would respond to court orders with the help they can receive. [Service was] *very directional and friendly, went through step-by-step process very quickly and with patience even though she had people waiting."*

"I am grateful that someone is able to help me understand the court process."

Twenty-four judicial officers in the pilot counties were interviewed to document their evaluation of the pilot Family Law Information Centers. These judicial officers also expressed a high degree of satisfaction with the service that the pilots provided to both the public and the court, as follows:

- 88 percent reported that the center helped expedite cases involving pro se litigants;
- 88 percent reported that the center saved courtroom time;
- 88 percent reported that the centers helped litigants provide correct paperwork to the court;
- 75 percent believed that the center helped the litigants come to court better prepared; and
- 67 percent believed that the center helped people understand how the law and court procedures were being applied in their cases.

Typical comments from judicial officers included the following:

"I often cannot even figure out what a case is about when the paperwork is prepared by a pro per without the help of the Family Law Information Center."

"They ask fewer questions, are more informed, and they are better able to stay on point."

"They are taking a day off work and we want to minimize that. They have families, sometimes two, to support so we want them to keep their jobs."

"They get a fair hearing, they feel confident that they are being heard and getting a fair shake."[36]

The majority of the judicial officers interviewed believe that the Family Law Information Centers (FLICs) save valuable time in the courtroom and expedite pro se cases as a whole. Many also expressed the opinion that FLICs are an integral part of managing family law cases because pro se litigants are often the parties in the majority of their calendars. Based upon this evaluation demonstrating that both the needs of the public and those of the court are well served by the centers, the Judicial Council has directed staff to develop a budget request for statewide funding of Family Law Information Centers.

Five Model Self-Help Centers

The 2001 State Budget Act provided funding totaling $832,000 to begin five pilot self-help centers that would provide various forms of assistance, such as basic legal and procedural information, help with filling out forms, and referrals to other community resources, to self-represented litigants. This project is aimed at determining the effectiveness of court-based self-help programs and providing information to the Legislature on future funding needs. The Judicial Council selected one of each of the five following models for funding beginning May 2002. These five programs will provide models for replication in other counties in addition to translated materials and technological solutions. A significant research component has been built into the models to try to evaluate the effectiveness of the centers in meeting key objectives.

Regional Model: Superior Court of California, County of Butte

Goals of the model: This is a regional program that is intended to serve at least two smaller counties. This model explores how counties that may not be able to afford a full-time attorney at a self-help center can share resources effectively with other counties. What agreements are necessary? What special challenges exist, and what can be done to overcome them?

Butte County's program: The Superior Court of Butte County is partnering with the courts in Glenn and Tehama Counties to provide assistance to self-represented litigants in the areas of small claims, unlawful detainer, eviction, fair housing, employment, Supplemental Security Income (SSI), enforcement of judgments, guardianships, name changes, family law issues not

[36] Judicial Council of California/Administrative Office of the Courts, executive summary of *A Report to the California Legislature: Family Law Information Centers: An Evaluation of Three Pilot Programs* (Mar. 1, 2003), http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm

addressed by the family law facilitator, bankruptcy, probate, general civil procedures, tax law, tenant housing, and senior law issues. An attorney coordinator conducts workshops and clinics through the use of real-time videoconferencing, enabling self-represented litigants in these three counties to receive assistance simultaneously. Information on the project is available at: http://www.buttecourt.ca.gov/self_help/default.htm.

Urban Collaboration Model: Superior Court of California, County of Los Angeles

Goals of the model: This is a program intended to coordinate self-help centers in a large jurisdiction. In some jurisdictions a number of self-help centers operate in or near the court, often with limited communication or sharing of resources. This is likely to lead to duplication of efforts and confusion for litigants. The urban collaboration model seeks to coordinate resources and provide a more seamless service delivery system for litigants.

Los Angeles County's program: The Superior Court of Los Angeles County's program creates a centralized Self-Help Management Center that will develop partnerships with the court, the local bar, local schools, and local social service organizations; coordinate self-help activities on a countywide basis; and standardize self-help intake procedures and protocols throughout the county. Services rendered by the center include the provision of informational materials about the court and its proceedings and procedures; instructions on how to complete forms; and the provision of reference materials about legal service providers, social service agencies, and government agencies, as well as other educational material. In coordination with existing self-help centers, the project is developing workshops and materials that can be offered throughout the county.

Technology Model: Superior Court of California, County of Contra Costa

Goals of the model: This is a program intended to emphasize the use of technology in providing services. As the number of self-represented litigants increases, technological solutions are being explored for completion of forms, provision of information, meeting with litigants at a distance, and other needed services. This model will utilize and evaluate the effectiveness of at least two methods of technology to provide services.

Contra Costa County's program: The Superior Court of Contra Costa County will deliver expert information and assistance via a combination of the Internet, computer applications, and real-time videoconference workshops to create a Virtual Self-Help Law Center for self-represented litigants with dissolution, child custody and visitation, domestic violence, civil, and guardianship cases. Virtual Self-Help Law Center resources will help parties navigate the court process; complete, file, and serve court forms; be prepared to handle their court hearings; understand and comply with court orders; and conduct certain mediations at a distance. The Contra Costa website is found at: http://www.cc-courthelp.org/.

Spanish-Speaking Model: Superior Court of California, County of Fresno

Goals of the model: The large number of Spanish-speaking litigants in California presents special challenges for self-help programs. This model seeks to provide cost-effective and

efficient services for a primarily Spanish-speaking population while exploring techniques for educating litigants about the legal issues and procedures in their cases.

Fresno County's program: The Spanish Self-Help Education and Information Center developed by the Superior Court of Fresno County serves self-represented litigants in the areas of guardianship, unlawful detainer, civil harassment, and family law. The center provides daily access to Spanish-language self-help instructions, established a volunteer interpreter bureau, provides a Spanish-speaking court examiner to review court documents, and sponsors clinics with rotating "how-to" lectures for the areas of law specified above. The Fresno website is found at: http://www.fresno.ca.gov/2810/SSHC/SSHC_esp.htm.

Multilingual Model: Superior Court of California, County of San Francisco

Goals of the model: California has a diverse population, with a large group of immigrants and litigants who speak many different languages and have significantly different experiences. This model seeks to provide self-help services to litigants who speak a wide variety of languages and to develop materials and techniques to address the needs of a multilingual, multicultural population.

San Francisco County's program: The Superior Court of San Francisco County's program establishes a Multilingual Court Access Service Project that assists self-represented litigants in family law, dependency mediation, probate, small claims, civil harassment, child support, and other general civil cases. The center creates formal partnerships with community-based organizations that provide services to ethnic populations and those that address legal issues for self-represented litigants. A bilingual attorney works with clients to ensure adequate services for them within the court and will provides referrals to appropriate community and legal agencies. Additional services include the translation of court materials, the development of a multilingual computerized self-help directory, and recruitment and coordination of multilingual interpreters. Information on the San Francisco program is found at: http://sfgov.org/site/courts_page.asp?id=19649.

Research component of the Model Self-Help Centers

The primary goal of the model self-help center research is to measure the overall effectiveness of the centers in several arenas. The centers may address several or all of the following outcomes:

- *Increased understanding of, and compliance with, the terms of court orders*
  Self-represented litigants, lacking an attorney to explain the system to them, often misunderstand orders made by the court. Self-help centers are expected to better educate self-represented litigants about the legal system and its procedures so they will be more likely to understand the court orders and the consequences of noncompliance. They will also be more likely to feel the court has been fair in its decision, leading them to take more responsibility in following its orders.

- *Increased access to justice*
  Much of the target population is unable to access the court system due to geographic/ transportation and language barriers, financial constraints, and a lack of knowledge and resources. As a result, many people who want to bring their cases to court simply cannot, and others may not even be aware that they have legal recourse. The self-help centers seek to bridge these gaps so that self-represented litigants will be better able to navigate and make proper use of the court system.

- *Increased likelihood of "just" outcomes in cases involving self-represented litigants*
  Many self-represented litigants come to court ill prepared and do not know how to properly present their cases. As a result, the court may lack information or have inaccurate information upon which to base its rulings. In turn, litigants may not get the outcome they were seeking and end up feeling that the system is unfair. Self-help centers will educate users so that they can present their best case and feel that their voice has been heard.

- *Increased user satisfaction with the court process*
  When self-represented litigants have improved access to the assistance they need, learn how to navigate the court system, and are better prepared to present their cases, the system can respond more appropriately to their needs and they will be more satisfied with their experiences.

- *Increased efficiency and effectiveness of the court system*
  Self-represented litigants often come to court with forms that are improperly filled out or with the wrong forms altogether. They are uninformed about court procedures and have to ask court clerks for assistance that should have been solicited prior to the court appearance. These types of issues slow down court proceedings and may even cause a matter to be continued. Self-help centers will provide assistance in filling out forms and educate self-represented litigants on procedures so they will be better prepared to handle matters so that their cases will move more smoothly through the system.

- *Increased education for court users so that their expectations are reasonable in light of the law and facts*
  Self-help centers will educate clients on the court system, legal terms, procedures, and their rights and responsibilities. When the mystery is removed from the process, self-represented litigants will have a more realistic view of the merits of their cases and potential recourse.

Secondary goals of the research include developing a profile of center users and determining which services and delivery methods are most helpful/effective.

Though the research is largely intended to measure the impact of the centers, the fact that these are innovative pilot programs requires that some process evaluation elements be incorporated into the research. This primarily involves documenting the development of the centers and tracking changes that might affect outcomes over time; describing program operations, including how the centers are set up and how services are delivered; and assessing the outreach

efforts and visibility of the centers. Additionally, a key objective of the project is to provide models for replication across the state, so the documentation should be sufficiently detailed to serve as a "blueprint" for replication of the programs in other counties.[37]

Other Court-Based Self-Help Centers

A growing number of courts have established self-help centers in addition to those provided by statute. These centers generally provide assistance with general civil matters as well as family law. While some partnerships were started between courts and local legal services agencies to provide services in courthouses in the 1980s,[38] the movement to develop these court-based programs began in the 1990s,[39] and in 1997, the first center that did not involve staffing by a legal services agency was created in Ventura County. None of these programs charge fees for service and all are open to all members of the public regardless of income, immigration status, or other common factors that can restrict services elsewhere. Restrictions relate to how much assistance can be provided and the types of law that can be covered.

Ventura County Self Help Legal Access Center

The Ventura program[40] has branches at the two main courthouses in the county as well as a branch in a predominantly Latino neighborhood and another that provides services via a mobile center in a converted 35-foot recreational vehicle. The center provides information on a variety of legal issues including:

- Adoption
- Conservatorship
- Guardianship
- Name change
- Small claims
- Unlawful detainer
- Civil harassment
- Appeals
- Civil
- Jury service
- Traffic

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[37] For a request for proposals (RFP) describing this research project and the objectives to be measured, see *http://www.courtinfo.ca.gov/reference/rfp/selfhelp_pilot.htm*.

[38] For examples of some of these early partnership projects with legal services agencies, see F. L. Harrison, D. J. Chase, and L. T. Surh, "California's Family Law Facilitator Program: A New Paradigm for the Courts (2000) 2 *Journal of the Center for Families, Children & the Courts* 76, *http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/061harrison.pdf;* see also Cal. Fam. Code, §§ 20010—20026, available at *http://www.leginfo.ca.gov,* and §§ 20030–20043, available at *http://www.leginfo.ca.gov,* for two very interesting models for legislative creation of pilot programs. These programs helped provide the framework for the family law facilitator program and have merged into that program in the pilot counties.

[39] *Litigants Without Lawyers Find Assistance at Courts*, Janet Byron, Court News, March-April 1998, Judicial Council, http://www.courtinfo.ca.gov/courtnews/03980498.pdf

[40] See The Superior Court of Ventura County's self-help Web site at *http://courts.countyofventura.org/venturaMasterFrames5.htm*.

- Juvenile
- Probate/estate planning
- Enforcement of criminal restitution orders
- Modification of probation
- Petitions for changes of plea or dismissals

The family law facilitator is available in the same location and provides a broad rage of family law assistance, including completing forms for litigants. Information is available in the form of books, videos, sample forms with instructions, brochures, and legal sites on the Internet. Trained staff is available to provide informational assistance to people needing help understanding the materials or completing court forms. Information is also provided on alternatives to civil litigation.

As the court with the first major civil self-help center in the state, Ventura developed a number of packets and sample forms that are available on its Web site. These materials have been adapted by other counties. It was also the first center to have a mobile center.

Nevada County Public Law Center

Another of these self-help centers is the Nevada County Public Law Center, which was established in March 2001. The center is part of a creative public outreach project undertaken by the court to improve access to justice for all members of the community. It provides information to people who are not represented by attorneys and who have any number of general and substantive legal issues, in the same areas as those addressed by the Ventura program.

Information is available in the form of books, videos, packets, brochures, computer forms, and online research sites and links. Free clinics and classes are held to explain court procedure, as well as substantive areas of law commonly encountered by people representing themselves ("pro se litigants"). Alternative dispute resolution (ADR) is offered as an alternative to litigation. A small claims advisor is available to answer questions about small claims actions. In addition, free tours of the courthouse are offered to those who may have a court matter now or in the future, to insure that they will feel comfortable about their knowledge of the type and location of relevant court services available to them. The Public Law Center is located in the county's law library which is housed at the Superior Court. Videoconferencing equipment is used to broadcast workshops offered by local attorneys to other courthouses in this mountainous community.[41]

Santa Clara Self Service Center

Santa Clara County, the home of the City of San Jose and the Silicon Valley, started a Self-Service Center in 2002. The office is intended to provide the public with a guide to navigate the court system in Santa Clara County. At the Self-Service Center, members of the public have access to three computer workstations, which can be used to access legal Web sites and other

[41] See the Superior Court of Nevada County's self-help Web site at *http://court.co.nevada.ca.us/services/self_help/sh_services.htm*.

law-related resources. An attorney and other staff members at the center are available to help the public. Forms can also be filled out online and then printed. In addition, pamphlets and books are available on topics ranging from divorce to tenants' rights to guidelines for nonparental relatives raising children.

A Self-Service CourtMobile travels throughout Santa Clara County bringing free legal resources and assistance to libraries and community centers within the county. The CourtMobile provides:

- Forms and form packets;
- Computers with Internet access to the court's self-service Web site;
- A VCR for watching videotapes with legal information;
- Help filling out legal forms;
- Help learning about court rules and processes; and
- Referrals to other legal resources.

Information about the program is available at the court's very comprehensive self-help Web site.[42]

Emerging Self-Help Programs

A number of smaller counties, including Lassen, Mariposa, Lake, and Inyo, have created self-help centers with implementation funds from planning efforts. Many of these programs are built upon the existing family law facilitator program. New programs are being created in Calveras, Alameda, and Marin Counties, as well as a tri-county effort involving Santa Cruz, San Benito, and Monterey Counties.

Each of these programs emphasizes partnerships with other community organizations, including legal services programs. They are under the direction of an attorney and also use court staff to provide support and information. This expansion of services is particularly striking in a time of significant cutbacks in court budgets.

Additionally, the Los Angeles County Board of Supervisors has funded the creation of four new self-help centers in the last two years. Following the Ventura model, these centers provide both family law and limited civil assistance, primarily in landlord/tenant and small claims matters. They are operated by legal services organizations in collaboration with and located at the court.

Equal Access Fund

The Equal Access Fund was created by the Budget Act of 1999 and has been continued in the Budget Acts of 2000, 2001, and 2002. Each of these budgets allocated $10 million to the Judicial Council to be distributed in grants to legal services providers through the Legal

[42] See the Superior Court of Santa Clara County's self-help Web site at *http://www.scselfservice.org/default.htm*.

Services Trust Fund Commission of the State Bar (the commission). The budget control language provides for the following two kinds of grants:

- Ninety percent of the funds remaining after administrative costs are to be distributed to legal services programs according to a formula set forth in California's Interest on Lawyer Trust Accounts ("IOLTA") statute.

- Ten percent of the funds remaining after administrative costs are set aside for Partnership Grants to legal services programs for "joint projects of courts and legal services programs to make legal assistance available to pro per litigants."

101 organizations receive support from the Equal Access Fund according to the IOLTA formula.[43]

The Budget Act contains the following four essential elements for partnership grants:

- Recipients must be organizations that are eligible for a Legal Services Trust Fund Program grant.

- The funds must be granted for joint projects of legal services programs and courts.

- The services must be for indigent persons as defined in the Trust Fund Program statute.

- The services must be for self-represented litigants.

The partnership grants span a wide range of substantive, procedural, technical, and programmatic solutions. Eighteen programs have been started in courts throughout the state to assist litigants in cases involving domestic violence, guardianships, family law, landlords and tenants, and general civil assistance. All are required to include the following:

- A letter of support from the applicable court's presiding judge and the legal services provider's director.

- Agreements between the legal services programs and the courts. As part of the grant process we require recipients to develop a written agreement with the cooperating court indicating how the joint project, the court, and any existing self-help center, including the family law facilitator as appropriate, will work together.

[43] For a list of the organizations funded in 2001–2002, see *http://www.courtinfo.ca.gov/reference/rfp/documents/eaf_grant_recip.pdf*.

- Projects must identify plans to provide for lawyers to assist and to provide direct supervision of paralegals and other support staff.

- Projects must establish protocols for use in the event of a conflict of interest, including: what, if any, resources would be available to individuals who cannot be served because of such conflicts; what would be the relationship between the provider and the pro per litigant; and other similar issues.

- Projects must anticipate and meet the needs of litigants who are not within the legal services provider's service area or are ineligible for their services. While this can be a challenge for organizations with limited funding, a number of applicants have developed collaborations with other legal services providers that will facilitate a broad availability of services. These solutions are being studied by the commission for possible applicability to other programs.

- Grant recipients are encouraged to find ways to address the needs of unrepresented litigants who do not meet the financial eligibility requirements (e.g., providing general information in the form of local information sheets, videos, workshops, etc.). Programs that have achieved success in this field are being closely evaluated so that ideas may be gleaned which might be effective for other programs that have yet to establish an effective referrals protocol.

- Projects must clearly state a policy regarding administration of financial eligibility standards, and must establish protocols to observe that policy.

The Legislature has required that the Judicial Council report on the efficiency and effectiveness of the Equal Access Fund in March 2005. The council has hired a researcher to coordinate this evaluation, which will include mandatory reporting as well as a toolkit of optional evaluation tools.[44]

Small Claims Advisors

The oldest of California's self-help programs is the Small Claims Advisors Program. This service, created in 1978, provides free assistance to litigants in small claims proceedings. California's small claims court was created in 1921 to provide a fair, fast, and inexpensive procedure for parties to resolve disputes that have a relatively small monetary value. Since 1990, the jurisdictional limit has been $5,000. The main features of small claims court include the following:

[44] For a request for proposals (RFP) describing the Equal Access evaluation project, see *http://www.courtinfo.ca.gov/reference/rfp/cfcc_eval.htm*.

- Parties represent themselves; attorneys generally are not allowed at trial.
- There is no right to a jury trial.
- The plaintiff has no right to appeal an adverse decision, but the defendant may appeal. Appeals consist of a trial de novo in superior court.
- Third party assignees are not allowed; only the parties directly involved in the dispute may participate in small claims court.
- No unlawful detainer actions (evictions) may be filed.[45]

There is currently discussion of raising the small claims limits, in large part "because of the inability of parties to find attorneys who will handle cases between $5,000 to $10,000 for a fee that does not eat up all the potential award. It is often even difficult to find attorneys who will take those cases at all."[46]

By statute, counties must provide some level of assistance to small claims litigants, however services may (and do) vary in each county in accordance with local needs and conditions. In each county where more than 1,000 small claims actions are filed each year, the following services must be offered:

- Individual personal advisory services, in person or by telephone, and by any other means reasonably calculated to provide timely and appropriate assistance.
- Recorded telephone messages may be used to supplement the individual personal advisory services, but shall not be the sole means of providing advice available in the county.

Adjacent counties may provide advisory services jointly. For counties with fewer than 1,000 filings, recorded telephone messages providing general information relating to small claims actions filed in the county must be available during regular business hours and informational booklets must be made available to litigants.[47]

The statute provides that small claims "[a]dvisors may be volunteers, and shall be members of the State Bar, law students, paralegals, or persons experienced in resolving minor disputes, and shall be familiar with small claims court rules and procedures. Advisors may not appear in court as an advocate for any party."[48]

A recent report commissioned by the Judicial Council indicates that there are significant problems with this approach, as shown in the following quotes therefrom:

> In Fresno there is a small claims advisory center, using law students. The office is not in the courthouse, but rather in another downtown building. Neither of the two law students whom we interviewed had ever seen a small claims trial, although observing trials has now been added to the required training of the

[45] Administrative Office of the Courts, *Report of the California Three Track Civil Litigation Study* (prepared by Policy Studies, Inc., July 31, 2002) p. 2.
[46] *Id.* at p. 33.
[47] Cal. Code Civ. Proc., § 116.940, available at: http://www.leginfo.ca.gov/calaw.html..
[48] *Ibid.*

> advisors. One advisor told us that the law students were not permitted to give legal advice, but merely advice on the process.
>
> In San Diego there is a small claims advisor's office attached to the court, run by a full-time attorney, with non-attorney volunteers working under him. The volunteers are able to help people with process questions. The supervising attorney is able to assist the volunteers with legal questions.
>
> In San Francisco, there is a full-time small claims advisor in the court and an advisor available full-time by telephone, paid by the court. Both are attorneys. The advisor located in the court sees about 30 litigants per day. Her office is behind the clerk's counter, and there is a sign-up sheet in the clerk's area. She can advise on filing, on what will be needed at trial. Under California law the small claims advisors are immune from suit for malpractice.[49]

As a result of this report, standards for small claims advisors and judicial officers are being reviewed as part of the discussion of raising the jurisdictional limits.

Forms

California has nearly 600 forms that must be accepted by all courts throughout the state. (See http://www.courtinfo.ca.gov/forms for a complete list of these forms.) Forms adopted for mandatory use must be used in the types of actions to which they pertain; forms approved for optional use must be accepted by the courts although litigants may choose, instead, to craft their own pleadings. Many types of cases are completed solely by the use of mandatory forms. These case types include family law, domestic violence, guardianship, probate, juvenile dependency, and landlord/tenant matters.California also has forms for discovery, including form interrogatories and requests for information.

Mandatory forms were initially developed in 1971 upon the passage of the Family Law Act which instituted no-fault divorce. They were designed to assist attorneys and judges fully plead and decide the elements of cases given this major change in the law. The number and variety of forms has increased dramatically since that time. As a result of these standardized forms, instructional materials, document assembly packages, and other methods of assisting litigants can be completed economically. These self-help instructional materials first appeared in 1971, starting with the Nolo Press book *How to Do Your Own Divorce in California.* This book, which provides the basics of California family law and explains how to complete the related mandatory forms, has sold over 800,000 copies and has sparked a large number of other books and now an extensive Web site *(http://www.nolo.com).*

The Judicial Council has also developed a variety of instructional materials to assist litigants in understanding the law and court procedures and in completing these forms: Instructional materials range from a 25-page guide on summary dissolution that contains sample forms and a

[49] Administrative Office of the Courts, *Report of the California Three Track Civil Litigation Study* (prepared by Policy Studies, Inc., July 31, 2002) pp. 34–35.

sample agreement (http://www.courtinfo.ca.gov/forms/documents/fl810.pdf) to domestic violence forms and instructions (http://www.courtinfo.ca.gov/selfhelp/dv/dvforms.htm#get)..

Since these forms were designed with attorneys and judges in mind, they are not always easy for self-represented litigants to read and understand. While the Legislature has specifically directed the Judicial Council to develop certain procedures and forms with self-represented litigants in mind (such as the simplified financial statement[50] and simplified modification of order for child, spousal, or family support[51]), the same basic format has been used for the last 30 years. In January 2003, the Judicial Council approved its first major change to that format with the adoption of new plain-language domestic violence and adoption forms. These forms, which include graphics and larger type, were designed to be much simpler to read and understand by non-attorneys. The council undertook user testing of these forms with litigants, court staff, and law enforcement. For a sample proof of personal service see *http://www.courtinfo.ca.gov/forms/fillable/dv200.pdf*. For a sample temporary restraining order see *http://www.courtinfo.ca.gov/forms/fillable/dv110.pdf*. Other forms are being revised in areas of the law such as landlord/tenant, small claims, and child support, where many litigants are representing themselves.

All Judicial Council forms are now fillable online using Adobe® Acrobat®. Additionally, the California Courts Web site links to programs that help litigants complete forms using a simple question and answer format. These programs include the Superior Court of Sacramento County's e-filing program for small claims litigants (see *http://www.apps-saccourt.com/scc/*); EZLegalFile by the Superior Court of San Mateo County that allows for basic filings in family law, small claims, guardianships, and landlord/tenant matters (see *http://www.ezlegalfile.com/elf-welcome/index.jsp*); and I-CAN! by Orange County Legal Aid that offers a question and answer format as well as video (see *http:/www.icandocs.org/newweb/*). I-CAN! has been evaluated by researchers from the University of California at Irvine and found to be very easy for litigants—even those who did not read English—to use.[52] The Administrative Office of the Courts has provided funding for each of these programs and works with them to increase their effectiveness and availability for statewide use.

Language Access

Two hundred and twenty-four languages are spoken in California's courts.[53] Of the 32 percent of Californians who speak a language other than English, nearly 1 in 10 speak no English. Twenty-six percent of Californians are foreign born; 33 percent of those are from Asia and 56 percent are from Latin America.[54] From 1990 to1998, 1.8 million people legally immigrated to California from other countries. Estimates of undocumented aliens (principally from Latin American

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[50] Cal. Fam. Code, § 4068(b), available at *http://www.leginfo.ca.gov/calaw.html*
[51] *Id.,* § 3680, available at http://leginfo.ca.gov/calaw.html
[52] J. W. Meeker and R. Utman, *An Evaluation of the Legal Aid Society of Orange County's Interactive Community Assistance Network (I-CAN!) Project* (May 2002), *http://www.icandocs.org/newweb/eval.html*
[53] Administrative Office of the Courts, "Fact Sheet: Court Interpreters" (Jan. 2003), available at *http://www.courtinfo.ca.gov/reference/documents/ctinterp.pdf*.
[54] U.S. Bureau of the Census*, United States Census 2000*, as reported in *Policy Paper: Language Barriers to Justice in California* (in draft by the Commission on Access to Justice).

countries) who come to California directly or through other states are as high as 225,000 per year.

When litigants with limited or no English proficiency try to access the court system without counsel, they face significant barriers. However, the statutory right to counsel exists only for criminal and domestic violence cases due to the implications for loss of liberty. The Administrative Office of the Courts has been working to seek funding to increase the availability of interpreters and has been actively involved in other efforts (e.g., recruitment) to increase the number of qualified interpreters.[55]

State funds are also provided to the courts to pay for interpreter services for low-income persons in cases involving domestic violence. This funding is based upon an evaluation of a pilot project where such funds were provided that found that interpreter services proved extremely useful in custody and visitation matters.[56]

Based upon the need for interpreters in other languages, all domestic violence forms and instructional materials developed by the Judicial Council are now available in English, Spanish, Vietnamese, Chinese, and Korean. Posters and postcards alerting litigants to this information have been developed and circulated to the courts and to legal services and social services agencies.

A number of courts have translated materials into different languages to reflect the needs in their community. These materials are now being gathered together on the California Courts Online Self-Help Center that is described below.

Web Site

On July 1, 2001, the Judicial Council launched an updated version of its comprehensive Online Self-Help Center (found at *www.courtinfo.ca.gov/selfhelp/)* for court users who do not have attorneys and others who wish to be better informed about the law and court procedures. This Web site provides more than 1,000 pages of information on legal issues that come before state courts with step-by-step instructions for many common proceedings. It also has over 2,400 links to other resources that provide additional legal information, including resources for areas of law such as bankruptcy and federal claims that are not within the jurisdiction of state courts. Most Californians (76 percent) use a computer at home, work, or school, and 65 percent say they use the Internet.[57]

The site is heavily used, as described in the chart below:

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[55] For a description of the efforts, including collaboration on training programs, see the page of the California Courts Web site devoted to court interpreters: *http://www.courtinfo.ca.gov/programs/courtinterpreters/*.
[56] Judicial Council of California/Administrative Office of the Courts, *Family Law Interpreter Pilot Program, Report to the Legislature* (2001), *http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/FLIPP.PDF*.
[57] Administrative Office of the Courts, "Fact Sheet: Online Self-Help Center Q&A, *www.courtinfo.ca.gov/selfhelp/*" (Jan. 2003), available at *http://www.courtinfo.ca.gov/reference/documents/selfhelpqa.pdf*.

Month/Year	Hits	Views	User Sessions	Avg. Time (in minutes)
November 2002	1,493,321	377,393	102,394	11:07
December 2002	1,482,476	368,539	100,085	11:00
January 2003	2,134,175	620,728	128,051	13:04
February 2003	2,005,531	702,366	108,967	13:57
March 2003	2,064,202	577,798	124,231	12:47
April 2003	2,184,476	560,840	129,504	12:42
May 2003	2,381,386	563,902	139,055	12:10
June 2003	2,353,585	562,343	138,972	11:55
July 2003	2,655,946	598,293	149,193	11:41
August 2003	2,921,612	686,873	153,922	12:22
September 2003	2,670,430	654,915	140,930	13:16
October 2003	2,965.211	728,080	154, 105	13:55

The entire site was rewritten and redesigned to make it easier for non-attorneys to read and understand. The revised site was launched January 1, 2003. A number of features were added, including easy access to a service offered by law librarians to assist with basic legal research online at no charge. The entire Web site is being translated into Spanish, and the Spanish version of the site was launched July 28, 2003.

A new link was added at that time for materials available in foreign languages other than Spanish to help both litigants and those assisting them find translated materials easily. AOC staff is now working on templates to assist self-represented litigants in drafting legally enforceable agreements and logical declarations in common case types.

Many local courts have also developed helpful resources for litigants representing themselves. Examples include Santa Clara: http://www.scselfservice.org/default.htm; Ventura: http://courts.countyofventura.org/venturaMasterFrames5.htm; Los Angeles: http://www.lasuperiorcourt.org/familylaw/ and http://www.lasuperiorcourt.org/probate/index.asp?selfhelp=1; Sacramento: http://www.saccourt.com/index/family.asp, http://www.saccourt.com/index/ud.asp, and http://www.saccourt.com/index/smallclaims.asp; Stanislaus: http://www.stanct.org/courts/familylaw/index.html; Shasta: http://www.shastacourts.com/familylaw.shtml; Fresno: http://www.fresno.ca.gov/2810/SSHC/SSHC_esp.htm and Contra Costa; http://www.cc-courthelp.org/.

Videos

The Administrative Office of the Courts (AOC) offers several videos to help the estimated 94,500 self-represented litigants involved in custody mediation each year learn more about family court procedures. The award-winning *Focus on the Child* orients self-represented parents to court procedures, mediation, child custody evaluation, effective presentation of child-related information to the courts, parenting plans, and supervised visitation. The AOC also has developed videos on how to request a domestic violence restraining order and how to respond to a request for a domestic violence restraining order. These videos are available in English, Spanish, Vietnamese, Chinese, and Korean. Additional videos describe how to prepare court

forms for an uncontested divorce and how to prepare for a family law hearing. These videos are available in English and Spanish.

Videos developed by local courts have also been adapted for use statewide and are made available by the AOC. These include videos with step-by-step instructions for completing forms in paternity and divorce cases, an overview of guardianship procedures, a guide to court proceedings in landlord/tenant cases, and an orientation to small claims court[58].

Additional Informational Publications for Self-Represented Litigants

The AOC develops and distributes a wide variety of materials for self-represented litigants. These include:

- *Summary Dissolution Information:* Provides detailed instructions on how to complete forms for a summary dissolution and how to write a marital settlement agreement.[59]
- *How to Adopt a Child in California:* A handout on how to prepare adoption forms.[60]
- *Emancipation Pamphlet:* A guide for minors on the process for emancipation.[61]
- *What's Happening In Court? An Activity Book for Children Who Are Going to Court in California*.[62]
- *Guardianship Pamphlet:* A guide for adults considering becoming a guardian of a minor.[63]
- *Juvenile Court Information for Parents:* A guide for parents of minors charged with crimes.[64]
- *Dependency Court: How It Works:* A guide for parents whose children in dependency care.[65]

Community-Focused Planning Efforts

The Judicial Council established the Task Force on Self-Represented Litigants in 2001 to coordinate the statewide response to the needs of litigants who are representing themselves. The task force has been developing a statewide action plan on serving self-represented litigants. This work builds on an intensive community-focused planning process of the trial courts.

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[58] For a list of videos see http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/catalog.htm
[59] Judicial Council form FL-810 (also available in Spanish as FL-811), http://www.courtinfo.ca.gov/forms/documents/fl810.pdf.
[60] Judicial Council form ADOPT-050, http://www.courtinfo.ca.gov/forms/documents/adopt050.pdf.
[61] Judicial Council form MC-301, http://www.courtinfo.ca.gov/forms/documents/mc301.pdf.
[62] For PDF and interactive versions in English and Spanish, see http://www.courtinfo.ca.gov/programs/children.htm.
[63] Judicial Council form JV-350 (also available in Spanish as JV-355), http://www.courtinfo.ca.gov/forms/documents/jv350.pdf.
[64] Judicial Council form JV-060, http://www.courtinfo.ca.gov/forms/documents/jv060.pdf.
[65] Judicial Council form JV-055, http://www.courtinfo.ca.gov/forms/documents/jv055.pdf.

In the spring of 2001, the council sponsored four regional conferences to allow courts to discuss different models for providing self-help services and determine how to best meet the needs of self-represented litigants in their communities. Over 600 persons attended these conferences, representing 57 out of California's 58 counties.

Welcomes were extended by Chief Justice Ronald M. George and a representative from the State Bar Board of Governors. In each region, a judicial leader gave a keynote speech describing regional characteristics and issues. A plenary session on evaluation was held. Other plenary sessions concerned technology and cultural diversity. A resource center was set up at each conference to showcase innovations and distribute materials.

Thirty workshops were held at each conference. Topics included the following:

- Unbundling legal services;
- The changing role of court clerks and law librarians;
- Judicial communication and ethics;
- Making the courthouse more accessible for self-represented litigants;
- Funding for self-help programs;
- Alternative dispute resolution programs;
- Providing services to non-English-speaking litigants;
- Court partnerships with the bar and legal services agencies; and
- Technological resources to help self-represented persons.

Binders with materials for each of the sessions, as well as leading articles on the topic, were prepared for all participants and continue to be ordered by local planning groups.[66]

Three breakout sessions were held for counties to consider specific questions in developing an initial action plan. Facilitators were available for each of the groups. A county action plan packet was developed to help the participants identify the following:

- Resources currently available;
- Challenges facing self-represented litigants;
- Services needed in the community;
- Potential partners for providing services;
- What they were trying to achieve and the strategies they might use to evaluate that; and
- What objectives they wanted to focus on first and how to accomplish those objectives.

Breakout sessions were also held for professional groups such as facilitators, judges, court administrators, private attorneys, small claims advisors, and others to encourage regional networking and discussion.

[66] Binder contents are available at http://www.courtinfo.ca.gov/programs/equalaccess/

In the course of the conferences, most courts developed initial action plans. The level of detail in the plans varied significantly among the counties. To encourage the further development of those plans and to encourage courts to obtain community input on them, the Judicial Council made $300,000 of Trial Court Improvement Fund moneys available in fiscal year 2000–2001 to assist courts in developing their action plans. Forty courts applied for and were granted these planning funds. An additional $300,000 was offered in 2001–2002 and again in 2002–2003 to assist courts that had not yet received planning funds and to provide funding for courts that had created plans to begin implementation. To date, 44 plans have been received, 7 are still being developed, and 7 smaller courts have not developed plans. Each of the completed plans is posted on a password-protected Web site that is available to court employees throughout the state.

For the courts that developed plans, additional funds were provided for implementation. Projects include those establishing self-help centers in collaboration with local libraries, developing additional information on local Web sites, using computer programs to assist litigants in completing court forms, and reaching out to the community to provide training for volunteers from different ethnic backgrounds on how to assist self-represented litigants.[67]

The Judicial Council's Center for Families, Children & the Courts (CFCC) is currently developing a series of statewide Web-based discussions for those persons involved in the local courts planning committees. These discussions will focus on topics of interest, such as free and low-cost legal assistance, limited-scope legal representation (unbundling), technology, and self-help centers. By sharing the most recent information and resources, we hope to promote effective practices and minimize duplication of efforts as well as to maintain momentum for these new programs during lean budget years.

Education and Training

The Administrative Office of the Courts (AOC) sponsors a number of trainings for judges, court staff, attorneys, advocates, law enforcement and others who work with self-represented litigants. One AOC project that was specifically aimed at self-represented litigants themselves targeted foster parents. It produced an educational booklet, entitled "Caregivers and the Courts: a Primer on Juvenile Dependency Proceedings for California Foster Parents and Relative Caregivers,"[68] in English and Spanish versions to assist caregivers who wish to participate in juvenile court hearings. The booklet gives information about the dependency court process, the law relating to caregiver participation in court hearings, information the court may consider helpful, how to decide whether written reports or court attendance is more effective, tips for caregivers who are called to testify in court, de facto parent status, and local court culture.

Additionally, training was provided to foster parents and relative-caregivers groups on participation in the dependency court process. The training focused on general legal concepts

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[67] A short description of each of the implementation projects is available at *http://www.courtinfo.ca.gov/programs/cfcc/resources/grants/selfgrants.htm*.

[68] Judicial Council of California, "Caregivers and the Courts: A Primer on Juvenile Dependency Proceedings for California Foster Parents and Relative Caregivers, Judicial Council of California," English version available at *http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/caregive.pdf*.

and the practical aspects of caregiver participation in court. Research was conducted on the impact of that training on caregiver participation in juvenile court hearings and outcomes for children in care. The study also began to explore in a qualitative way what factors determine how information from caregivers is or could be used in decision making, and what effects caregiver participation might have on the well-being of children in care. The report indicated that the training was very useful for the caregivers and that they were more likely to participate in hearings as a result. Since they often brought critical information about the children to the court's attention, the benefits of the training seemed significant.[69]

Court Clerk Training

In 2001, the Judicial Council adopted a standard form to be posted in court clerks' offices in lieu of other signage regarding legal advice to clarify what assistance court clerks can and cannot provide to self-represented litigants.[70] This form was based upon the analysis by John Greacen in his seminal article "No Legal Advice from Court Personnel! What Does that Mean?"[71] The following basic principles of this approach are that:

1. Court staff have an obligation to explain court processes and procedures to litigants, the media, and other interested citizens.

. . .

2. Court staff have an obligation to inform litigants, and potential litigants, how to bring their problems before the court for resolution.

. . .

3. Court staff cannot advise litigants whether to bring their problems before the court, or what remedies to seek.

. . .

4. Court staff must always remember the absolute duty of impartiality. They must never give advice or information for the purpose of giving one party an advantage over another. They must never give advice or information to one party that they would not give to an opponent.

. . .

5. Court staff should be mindful of the basic principle that counsel may not communicate with the judge ex parte. Court staff should not let themselves be used to circumvent that principle, or fail to respect it, in acting on matters delegated to them for decision.72

A broadcast training has been developed by the Administrative Office of the Courts to help clerks determine the difference between legal information and legal advice and encourage them to be more helpful to the public. The training is one and a half hours long and includes an

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[69] See Administrative Office of the Courts and National Center for Youth Law, *Caregivers in the Courts: Improving Court Decisions Involving Children in Foster Care* (2002), http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/CaregiverES.pdf.

[70] Judicial Council form MC-800, *Court Clerks Office Signage,* http://www.courtinfo.ca.gov/forms/documents/mc800.pdf.

[71] J. Greacen, "No Legal Advice from Court Personnel! What Does that Mean?" (American Bar Association, 1995) *The Judges' Journal*, at http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/SH-tab3.pdf.

[72] *Id.* at pp. 7–8.

introduction by the Chief Justice, presentation by John Greacen on his analysis, and a live discussion by court clerks, a judge, and an attorney regarding taped vignettes featuring court clerks providing legal information.

All California courts now have equipment to receive satellite broadcasts. This enables court staff to receive training and updates without having to travel from their courts. This training was the first offered to court clerks, and feedback forms indicated that over 1,000 people watched the supervisor broadcast and 1,500 watched the line clerk broadcast the first weeks it was offered. It's been offered nine times in the last two years.

Judicial Training

California's Administrative Office of the Courts has a nationally respected training arm with a long history of providing judicial training. They have offered a number of classes about effectively serving self-represented litigants.

AOC staff are currently working to expand the body of research and training resources available for judicial officers regarding self-represented litigants.[73] One article contributing to that effort is "Judicial Techniques for Cases Involving Self-Represented Litigants,"[74] appearing in the winter 2003 issue of *The Judges Journal*. Other research is being conducted into the procedural justice literature and how it might be used by judicial officers in managing their courts. Another piece is being developed to help judges consider how best to use family law facilitators and other court-based attorneys to assist them in managing a calendar effectively and maintaining a neutral courtroom.

A focus group of judges who are particularly effective with self-represented litigants is being planned to identify techniques and understandings that can be shared. A courtroom observation tool is being developed to identify what types of techniques seem particularly effective from the perspective of the litigants themselves.

Since California has a single-tier trial court system, many judges are transferred to assignments in which they have had no practical experience or legal training. This poses great challenges in a courtroom where neither litigant knows the law either and there are no attorneys to rely on for a clear written or verbal presentation of the facts and law. Training both on the substantive law and on practical skills in managing a courtroom of nonlawyers is critically needed..

Limited Scope Representation (Unbundling)

Limited scope representation is a relationship between an attorney and a person seeking legal services in which it is agreed that the scope of the legal services will be limited to specific tasks

[73] See, for example, Web materials on how judges can communicate effectively with self-represented litigants, http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/SH-tab4.pdf.

[74] R. A. Albrecht, J. M. Greacen, B. R. Hough, and R. Zorza, "Judicial Techniques for Cases Involving Self-Represented Litigants"(American Bar Association, winter 2003) 42(1) *The Judges' Journal* 16–48, http://www.zorza.net/JudicalTech.JJWi03.pdf.

that the person asks the attorney to perform. This is also called "unbundling" and "discrete task representation."

At the request of the president of the State Bar of California, the Commission on Access to Justice established a Limited Representation Committee. The committee was composed of representatives from the private bar and the judiciary, legal ethics specialists, and legal services representatives. Their work was informed by legal research and discussion as well as by a series of focus groups that included private attorneys, judicial officers, legal services representatives, insurance company representatives, lawyer referral service representatives, litigants, family law facilitators, and legal ethics specialists. Focus groups and individual interviews were also conducted with current and potential users of limited scope services.

In October 2001 the committee issued a *Report on Limited Scope Legal Assistance With Initial Recommendations.*[75] The Board of Governors of the State Bar of California approved those initial recommendations on July 28, 2001. Some of the recommendations, categorized by the committee as "court-related," called for the committee to work with the Judicial Council to adopt rules and forms.

Limited scope representation helps self-represented litigants

- Prepare their documents legibly, completely, and accurately;
- Prepare their cases based on a better understanding of the law and court procedures than they would haveif left on their own;
- Obtain representation for portions of their cases, such as court hearings, even if they cannot afford full representation; and
- Obtain assistance in preparing, understanding, and enforcing court orders.

This assistance can reduce the number of errors in documents; limit the time wasted by the court, litigants, and opposing attorneys because of the procedural difficulties and mistakes of self-represented litigants; and decrease docket congestion and demands on court personnel. In focus groups on this topic, judges indicated a strong interest in having self-represented litigants obtain as much information and assistance from attorneys as possible. They pointed to the California courts' positive experience with self-help programs such as the family law facilitator program, which educates litigants and assists them with paperwork. These programs, however, cannot meet the needs of all self-represented litigants and, because of existing regulations, must limit the services they can offer.

As called for in the Limited Representation Committee's report, the Judicial Council recently adopted forms and rules designed to help facilitate attorneys' provision of this assistance, including the following:

- A rule of court that allows attorneys to help litigants prepare pleadings without disclosing that they assisted the litigants (unless they appear as attorneys of record

[75] Limited Representation Committee of the California Commission on Access to Justice, *Report on Limited Scope Legal Assistance With Initial Recommendations* (Oct. 2001), http://www.calbar.ca.gov/calbar/pdfs/reports/2001_Unbundling-Report.pdf.

or seek the award of attorney fees based on such work);[76]

- A form to be filed with the court clarifying the scope of representation when the attorney and client have contracted for limited scope legal assistance;[77] and
- A simplified procedure for withdrawal from cases when an attorney is providing limited scope assistance.[78]

Some courts in other jurisdictions have expressed concern that providing anonymous assistance to a self-represented litigant defrauds the court by implying that the litigant has had no attorney assistance. The concern is that this might lead to special treatment for the litigant or allow the attorney to evade the court's authority. However, California's family law courts have allowed ghostwriting for many years. Family law facilitators, domestic violence advocates, family law clinics, law school clinics, and other programs and private attorneys serving low-income persons often draft pleadings on behalf of litigants.

Judicial officers in the focus groups reported that it is generally possible to determine from the appearance of a pleading whether an attorney was involved in drafting it. They also reported that the benefits of having documents prepared by an attorney are substantial.

In focus groups, private attorneys who draft pleadings on behalf of their clients revealed that they would be much less willing to provide this service if they had to put their names on the pleadings. Their reasons included the following:

- Fear of increased liability;
- Worry that a judicial officer might make them appear in court despite a contractual arrangement with the client limiting the scope of representation;
- Belief that they are helping the client tell his or her story, and that the client has a right to say things that attorneys would not include if they were directing the case;
- Concern that the client might change the pleading between leaving the attorney's office and filing the pleading in court;
- Apprehension that their reputation might be damaged by a client's inartful or inappropriate arguing of a motion;
- Concern that they would be violating the client's right to a confidential relationship with his or her attorney; and
- Worry that they may not be able to verify the accuracy of all the statements in the pleading, given the short time available with the client.[79]

The Judicial Council approved the logic that the filing of ghostwritten documents does not deprive the court of the ability to hold a party responsible for filing frivolous, misleading, or deceptive pleadings. A self-represented litigant makes representations to the court by filing a pleading or other document about the accuracy and appropriateness of those pleadings. (Code

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[76] Cal. Rules of Court, rule 5.70 (effective July 1, 2003, number amended January 1, 2004).
[77] Judicial Council form FL-950 (effective July 1, 2003).
[78] Cal. Rules of Court, rule 5.71 (effective July 1, 2003, number amended January 1, 2004) and Judicial Council forms FL-955, FL-956, and FL-958 (all effective July 1, 2003).
[79] From Judicial Council of California, Invitation to Comment W03-06, *Family Law: Limited Scope Representation*, (Winter 2003), at http://www.courtinfo.ca.gov/invitationstocomment/documents/w03-06.pdf.

Civ. Proc., § 128.7(b).)[80] In the event that a court finds that section 128.7(b) of the Code of Civil Procedure has been violated, the court may sanction the self-represented litigant. The court could also ask the litigant who assisted in preparation of the pleading and lodge a complaint with the State Bar about the attorney's participation in the preparation of a frivolous or misleading document, whether or not his or her name is on the pleading. (See Los Angeles County Bar Association, Formal Opinion No. 502, Nov. 4, 1999.)[81]

Under new rule 5.170, an attorney providing limited scope representation must disclose his or her involvement if the litigant is requesting attorney fees to pay for those services, so that the court and opposing counsel can determine the appropriate fees. Awarding attorney fees when a litigant receives assistance with paperwork or preparations for a hearing may also help encourage attorneys to provide this service. Family Code section 2032 states that the court "shall take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party's case adequately."[82] The only counsel many litigants can afford, even with attorney fees awards, is counsel willing to provide limited scope legal services. If a litigant were able to present a case "adequately" through coaching or assistance with preparation of a pleading, an award of fees might also be appropriate.

The Administrative Office of the Courts is also working with the Limited Representation Committee to develop training curricula for judicial officers on California's new rules and forms. It has developed an educational piece entitled "Twenty Things that Judicial Officers Can Do to Encourage Attorneys to Provided Limited Scope Representation (or how to get attorneys to draft more intelligible declarations and enforceable orders for self represented litigants)"[83]

Conclusion

As described above, California's courts have developed a large number of programs to increase access to justice for self-represented litigants. Many of these have developed creative solutions to long-standing problems regarding the propriety of the court's providing assistance to litigants, others are building upon technology to provide information, while still others explore fundamental assumptions about courtroom management. All are directed at the very basic concern raised by California's Chief Justice Ronald M. George in his State of the Judiciary address in 2001: "If the motto 'and justice for all' becomes 'and justice for those who can afford it,' we threaten the very underpinnings of our social contract."[84]

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[80] Cal. Code Civ. Proc., § 128.7, available at *http://www.leginfo.ca.gov/calaw.html*.

[81] *Lawyers' Duties When Preparing Pleadings or Negotiating Settlement for In Pro Per Litigant*, Los Angeles County Bar Association Professional Responsibility and Ethics Committee, Formal Opinion No. 502 (Nov. 4, 1999), *http://www.lacba.org/showpage.cfm?pageid=431*.

[82] Cal. Fam. Code, § 2032, available at *http://www.leginfo.ca.gov/calaw.html*.

[83] Administrative Office of the Courts, "Twenty Things That Judicial Officers Can Do to Encourage Attorneys to Provided Limited Scope Representation" (or how to get attorneys to draft more intelligible declarations and enforceable orders for self represented litigants), Administrative Office of the Courts, (April 2002), *http://www.unbundledlaw.org/States/twenty_things_that_judicial_offi.htm*.

[84] R. M. George, State of the Judiciary address to a Joint Session of the California Legislature, Sacramento, Mar, 20, 2001, *http://www.courtinfo.ca.gov/reference/soj0301.htm*.

APPENDIX 3

A REPORT AND ANALYSIS OF ACTION PLANS THROUGHOUT CALIFORNIA

Note: Since this report to the State Justice Institute was originally made, several more local courts have submitted their action plans to assist self-represented litigants.

A REPORT AND ANALYSIS OF ACTION PLANS THROUGHOUT CALIFORNIA

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Action Plans Summary Chart

The four Regional Conferences on Assisting Self-Represented Litigants in California in 2001 and this publication were made possible by a grant from the State Justice Institute (SJI-01-N-117), with supplemental funding from the Foundation of the State Bar of California and the State Bar of California. Points of view expressed herein do not necessarily represent the official positions or policies of the Judicial Council of California, the California Administrative Office of the Courts, the State Justice Institute, the Foundation of the State Bar of California, or the State Bar of California.

This is an excerpt from a report entitled "A Report and Analysis of Action Plans Throughout California: Integrating services for self-represented litigants into the court system" may be obtained from the Administrative Office of the Courts. The report is also available on the California Courts Web site: *www. courtinfo.ca.gov/programs/cfcc.*

I. Introduction

Assistance for unrepresented litigants has become one of the most crucial issues facing the court system as it works to enhance public trust and confidence. This report describes work that, with support from the State Justice Institute, has enabled courts throughout California to engage in community-focused planning to meet this challenge.

In November 1999, the American Judicature Society held a *National Conference on Self-Represented Litigants Appearing in Court*, sponsored by the State Justice Institute. Chief Justice Ronald M. George appointed a team to attend the conference, and others from California participated as speakers. The team developed a draft action plan that was submitted to the American Judicature Society in January 2000, in response to the conference.

Among its recommendations, the action plan called on Administrative Office of the Courts staff to seek a grant from the State Justice Institute to hold four regional conferences in California to encourage trial courts to develop their own action plans for serving self-represented litigants. The regional approach was used because needs and resources vary dramatically among California's 58 counties. California is an extremely large and diverse state. It ranges from Alpine County in the Sierra, with approximately 1,200 residents, to Los Angeles County, with more than 9,000,000 residents. There are counties with no private attorneys, let alone legal service programs, and counties with a wide variety of resources that with coordination could be much more effective. A different type of action plan to serve self-represented litigants is needed for each of these areas.

It is often enormously frustrating for a small county to hear from a larger one about all the wonderful things it is doing and to feel that it simply does not have the resources to replicate those programs. It can also be frustrating for large counties to hear about the small number of litigants who must be served in smaller counties. The goal was to provide replicable models and foster the participation of groups of counties with similar demographic issues so that they could talk to each other about what would work in their communities. In addition, by holding regional conferences, the costs of transportation and accommodations were significantly lowered. More people were able to attend and participate in discussions.

The conferences were designed to (1) enable a wide group of participants from each county to learn about some of the cutting-edge thinking about serving unrepresented litigants and (2) provide them an opportunity to hear from programs in other communities with similar demographics. California has numerous court-based self-help programs. These include small claims advisors, family law facilitators, and many legal services or pro bono programs. However, each of these has a different funding source, works with different litigants, and is already operating at breakneck speed - leaving no time to coordinate efforts, consider common issues, or develop a strategy to maximize the combined

resources. The goal was to provide key partners with a common base of knowledge and the time to begin developing an action plan to address the issues.

The grant proposal was funded, and four conferences were held in the spring of 2001. More than 600 persons attended these conferences, representing 57 out of 58 of California's counties. Attendance at the conferences was by invitation only. The Chief Justice sent a letter of invitation to all presiding judges, encouraging them to appoint a diverse team to attend the conference. Each conference was two days long and had a similar format.

Welcomes were extended by Chief Justice Ronald M. George and a representative from the State Bar Board of Governors. In each region, a judicial leader gave a keynote speech describing regional characteristics and issues. A plenary session on evaluation was held. Other plenary sessions concerned technology and cultural diversity. A resource center was set up at each conference to showcase innovations and distribute materials.

Thirty workshops were held at each conference. Topics included:

- Unbundling legal services
- The changing role of court clerks and law librarians
- Judicial communication and ethics
- Making the courthouse more accessible for self-represented litigants
- Funding for self-help programs
- Alternative dispute resolution programs
- Providing services to non-English speaking litigants
- Court partnerships with the bar and legal services agencies
- Technological resources to help self-represented persons

Binders with materials for each of the sessions, as well as leading articles on the topic, were prepared for all participants and continue to be ordered by local planning groups. The binder contents are available at *http://www.courtinfo.ca.gov/programs/cfcc/resources/selfhelp/list.htm*.

Three breakout sessions were held for counties to consider specific questions in developing an initial action plan. Facilitators were available for each of the groups. A county action plan packet was developed to help the participants identify:

- Resources currently available;
- Challenges facing self-represented litigants;
- Services needed in the community;
- Potential partners for providing services;
- What they were trying to achieve and the strategies they might use to evaluate that; and
- What objectives they wanted to focus on first, and how to accomplish those objectives.

Breakout sessions were also held for professional groups such as facilitators, judges, court administrators, private attorneys, small claims advisors, and others to encourage regional networking and discussion.

Evaluations from the conferences were very positive; some stated that it was the best conference that they had ever attended. Others commented that it was the first time they had ever been able to meet with partners in their community and that they were amazed at how much could be accomplished in those discussions.

In the course of the conferences, most courts developed initial action plans. The level of detail in the plans varied significantly among the counties. To encourage the further development of those plans and to encourage courts to obtain community input on them, the Judicial Council made $300,000 of Trial Court Improvement Funds available in 2000 – 2001 to assist courts in developing their action plans. Forty courts applied for and were granted these planning funds. An additional $300,000 was offered in 2001-2002 and again in 2002-2003 to assist courts that had not yet received planning funds and to provide funding for courts that had created plans to begin implementation. To date, 44 plans have been received, 7 are still being developed, and 7 smaller courts have not developed plans. Each of the completed plans is posted on a password-protected site that is available to court employees throughout the state.

This planning effort built on a major initiative launched by Chief Justice Ronald M. George in 1999 toward community-focused court planning to improve public trust and confidence in the courts and provide direction for the courts.

In that planning process, 41 of the 52 courts that submitted plans identified the need for increased access for self-represented litigants. Seventy-three percent of the courts identified at least four strategies for assisting self-represented litigants. Those strategies included self-help centers, informational materials, kiosks or public terminals, information and services through the Internet, expanded interpreting, training of court personnel, and use of lawyers and paralegals to provide information and assistance to self-represented litigants. See *www.courtinfo.ca.gov/programs/cfcc/* for a synopsis of the plans.

It is clear that the additional information available to the courts from the SJI-sponsored conferences, as well as the increased attention and focus on the needs of self-represented litigants, has led to a much more sophisticated approach to this issue.

The Administrative Office of the Courts is planning an online conference in late spring of 2003 in which self-represented litigant teams throughout the state will share what's been learned, brainstorm about new ideas, and identify ways to sustain the momentum through difficult budget years.

We hope that the following analysis of the action plans submitted to date will enhance the court community's understanding of how services for self-represented litigants can be incorporated into the core of the court's functions.

II. The Action Plans[1]

California has a total of 58 counties and a population of 33,871,648.[2] As already stated, the counties vary greatly in size and population demographics. The smallest is Alpine County, with a population of 1,208, and the largest is Los Angeles County, with a population of 9,519,338, approximately one-third of the state's entire population.[3] The court in each county was invited to submit a proposal for planning or for implementation of a plan. For purposes of this report, the courts have been divided into five categories defined by the number of judges allocated to each.

Category 1	Smallest	13 counties[4]	0 – 4 judges
Category 2	Small	15 counties[5]	5 – 14 judges
Category 3	Medium	12 counties[6]	15 – 49 judges
Category 4	Large	8 counties[7]	50 or more judges
Category 5	Regional	10 counties[8]	Multi – county proposals

For the most part, the multi-county proposals were submitted by smaller courts. The largest of these 10 courts was the Superior Court of Monterey County, with 18 judges allocated to it. All the other courts in this group have fewer than 15 judges, and 6 of them have fewer than 5.

[1] A chart summarizing the proposals is attached at Appendix C.
[2] U.S. Census Bureau, *United States Census* 2000, DP-1 Population and Housing Characteristics, Summary File 1 (SF1), *http://factfinder.census.gov*, 3/10/03.
[3] Ibid.
[4] Alpine, Colusa, Del Norte, Inyo, Lake, Lassen, Mariposa, Modoc, Mono, Plumas, Siskiyou, Trinity, and Tuolumne.
[5] El Dorado, Humboldt, Imperial, Kings, Madera, Marin, Mendocino, Merced, Napa, Placer, San Luis Obispo, Shasta, Sutter, Yolo, Yuba
[6] Contra Costa, Fresno, Kern, Riverside, San Joaquin, San Mateo, Santa Barbara, Solano, Sonoma, Stanislaus, Tulare, and Ventura.
[7] Alameda, Los Angeles, Orange, Sacramento, San Bernardino, San Diego, San Francisco, and Santa Clara.
[8] Butte/Glenn/Tehama, Calaveras/Amador, Monterey/Santa Cruz/San Benito, and Nevada/Sierra.

COURT	IMPLEMENTATION PLANS SUBMITTED	STILL IN PLANNING PROCESS	NOTHING PROPOSED
1. SMALLEST	8	2	3
2. SMALL	10	2	3
3. MEDIUM	12	–	–
4. LARGE	7	1	–
5. REGIONAL	8[8]	2[9]	–
TOTAL	**45**	**7**	**6**

Since the regional conferences on self-represented litigant assistance, the courts from 52 of California's 58 counties have submitted to the AOC proposals for programs to assist self-represented litigants. All counties with more than 15 judges have submitted proposals for either planning or implementation. Most of the courts have developed plans that they are now working on implementing, but a few are still in the planning stage.

[9] Represents one proposal covering two counties.

A. Needs Assessments

The local action plan proposals characterized the barriers faced by self-represented litigants by grouping their needs into six basic types: (1) access to legal information; (2) language access; (3) distance/geographic access; (4) income to afford private assistance; (5) training of court staff; and (6) settlement assistance.

1. ACCESS TO LEGAL INFORMATION

Lack of access to legal information for pro se litigants was the central theme in all the action plans that were submitted. Forty-nine percent of the plans specifically mentioned lack of information access in their needs assessment sections; the other 51 percent addressed it in their program designs.

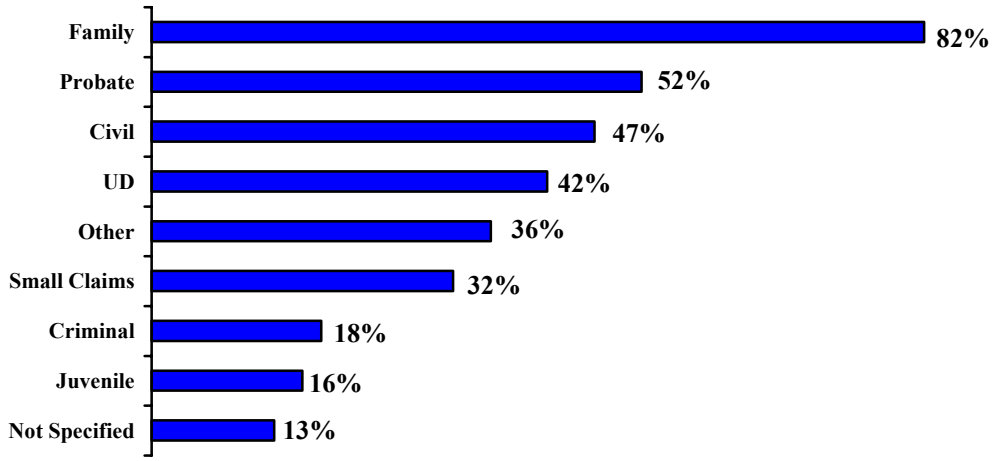
The smallest counties (those with fewer than five judicial positions) expressed this concern more frequently in their needs assessments. These courts also reported a serious shortage of community resources for pro se litigants, particularly legal aid services. This lack of community resources tends to differentiate smaller, rural counties from larger, urban ones. There were no counties with more than 50 judicial positions that expressed a primary concern with a lack of community resources per se. In the large counties, the lack of access to legal information seemed to be attributed more frequently to the enormous numbers of people needing services compared to the size of the available services, and to language barriers.

Case Types

Most of the local action plans assessed the needs of self-represented litigants in terms of the case types in which they most frequently appear.

Pro Se Needs--by Case Type

% of local plans citing each case type (*n* = 45)



All the courts except the largest group reported that the greatest need for services is in the family law area. The largest courts cited unlawful detainer, small claims and civil cases as the ones where self-represented litigants have the greatest needs. The medium-sized and large courts were more likely to cite the need for services in probate guardianship and conservatorship cases. These differences among counties may be related to the greater availability in large counties of community-based services for self-represented litigants in family law. Another significant factor may be the fact that many smaller counties often have only a part-time family law facilitator,[10] or a facilitator funded only to assist with matters of child support. The larger counties have had full-time facilitators and have been better able to provide the additional funding required to allow the facilitators to expand services beyond just child support.

Among the cases making up the "Other" category were bankruptcy, SSI, immigration, appeals, tax, workers' compensation, and other public benefits.

There were eight counties that reported needing services in the criminal area for self-represented litigants. In seven of these, the assistance proposed was for traffic court matters. One county did not specify the types of criminal cases considered.

Five of the courts that specified needing services in family law cases indicated that they would seek to provide services in other, unspecified civil cases. Six courts did not specify which case types involved the most difficulty for self-represented litigants.

Size of the Demand for Self Represented Litigant Services in California

The only uniform data available about the size of the pro se population in California comes from the California Family Law Facilitator Survey Project. [11]

Although family law facilitators are funded specifically to provide assistance with child support-related issues, many courts have provided additional funding for these programs that allows them to offer assistance with other aspects of family law. The Family Law Facilitator Survey Project gathers uniform data from these programs monthly. Statewide, family law facilitators provided services to 463,680 self-represented litigants in calendar year 2002.[12]

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[10] Family law facilitators are attorneys who work for the courts, providing information to self-represented litigants with respect to child support. The funding for the family law facilitators limits them to working only on child support–related issues, particularly in title IV-D child support enforcement actions.

[11] Family Law Facilitator Survey Project. Data available at the California Judicial Council, Administrative Office of the Courts, San Francisco (2003).

[12] Some of these litigants used the services of facilitators on more than one occasion.

SELF-REPRESENTED LITIGANTS SEEKING HELP FROM THE FAMILY LAW FACILITATORS (FLFs)					
Action Plan/Planning Counties	Number of Counties	Total Population in 2002[13]	Percentage of Total Population	Pro Se Litigants Seeking Help From FLFs in 2002	Percentage of FLF Customers in 2002
Smallest < 5 judges	10	291,517	1%	13,608	3%
Small <15 judges	12	1,726809	5%	32,628	7%
Medium <50 judges	12	8,046,732	24%	129,468	28%
Large 50+ judges	8	22,015,452	65%	246,720	53%
Regional	10	1,167,503	3%	30,312	7%
No Proposals Submitted	6	623,635	2%	10,944	2%
Totals	58	33,871,648	100%	463,680	100%

The 52 courts that have participated in the self-represented litigant action planning process to date cover counties accounting for 98 percent of California's population of almost 34 million people. The family law facilitators in these counties account for 98% of those customers seeking help from facilitators statewide in family law matters. In the action-planning counties, the total number of self-represented litigants seeking help in family law matters from the facilitators in 2002 was 452,736.

California also funds three Family Law Information Centers located in three of the action-planning counties. In fiscal year 2001 – 2002, these Family Law Information Centers served 45,000 self-represented litigants in family law matters not covered by local family law facilitators.[14]

It was anticipated in all action plans that the number of self-represented litigants seeking help in family law matters would be very great. Twenty of the 45 action plans estimated the percentages of self-represented litigants in their family law courts. Those estimates ranged from 31 percent to 95 percent. The mean was 67 percent.

Less information was available about the demand for services for self-represented litigants in other areas of civil law. Los Angeles County estimated that it had 282,000 filings per year by self-represented litigants.

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[13] U.S. Census Bureau, *United States Census 2000,* Summary File1;(*http://factfinder.census.gov*, 3/26/03*)*.
[14] Family Law Information Centers: An Evaluation of Three Pilot Programs, A Report to the Legislature, Judicial Council of California (March 2003), *http://www.courtinfo.ca.gov/programs/cfcc/resources/publications /FLICrpt.htm*

Five of the action plans estimated the percentages of self-represented litigants in unlawful detainer cases. Those estimates ranged from 13 percent to 95 percent. The mean was 34 percent.

Five of the action plans estimated the pro se rates in their probate departments. Those estimates ranged from 6 percent to 55 percent. The mean was 22 percent.

Ten of the action plans estimated the percentage of pro se litigants appearing in their civil departments, both limited and unlimited. Those estimates ranged from 6 percent to 50 percent. The mean was 16 percent.

One court estimated that 40 percent of juvenile dependency litigants appear without attorneys.

Most Helpful Kinds of Services

Self-Represented Litigant Surveys. Six of the courts conducted surveys of self-represented litigants asking them what sorts of services they believe are most useful to them. The choices were (1) staff to answer questions; (2) written instructional materials; (3) Web/Internet assistance; (4) referrals to attorneys; and (5) unspecified other types of assistance.

In all six surveys, litigants rated the availability of staff to answer their questions as the most valuable service. Likewise, in a recent study of three pilot family law information centers in California in which self-represented litigants were similarly surveyed, they responded that staff to answer questions was the most helpful service they had received.[15]

In the six action plan surveys, litigants rated written materials, such as forms with instructions and informational brochures, as the second most helpful type of assistance.

The litigants rated assistance on the Internet as third most helpful.

An equal number of survey respondents rated attorney referral and other unspecified services as fourth and fifth most helpful.

Court Staff Surveys. Three courts interviewed their staffs to assess the needs of pro se litigants. Interestingly, the clerks did not agree with the litigants on the priority of staff to answer questions. None of the court staffs rated this as the most desirable service for the court to offer to pro se litigants. Instead, all three groups ranked written materials, such as

[15] id

forms with instructions and informational brochures, as most important for the court to offer.

Two groups ranked other forms of self-help (a walk-in self-help center and Web site information) as the second most important service to offer. Only one group ranked staff to answer questions as the second most important court service to pro se litigants.

Two groups ranked staff to answer questions as third in priority. One ranked attorney referral services as third.

The differences in perception between the self-represented litigants and the court staffs is interesting. Even more interesting are the responses of the court staffs when compared to their other answers about the sorts of information self-represented litigants most frequently requested from them. Two of the three court staff groups responded that pro se litigants most frequently asked for information about their legal options. One group reported that they were most commonly asked for forms; however, information about legal options was a very close second. These are not questions that seem easily addressed without knowledgeable staff available to answer questions. This seeming contradiction may be related to how court clerks have traditionally been trained with respect to answering questions from the public. In most cases, the traditional position is that clerks should not answer the public's questions for fear of inadvertently giving erroneous information or crossing a line into legal advice. Without a clear definition of which answers are information and which are advice, the position has been to simply refrain from answering any questions.

Staffs in three courts were asked what they felt was the most frustrating aspect of their jobs with respect to pro se litigants. In all three surveys, the court staffs responded that having to refuse to answer questions for pro se litigants when they knew the answers was the most frustrating. Also, in all the surveys, the court staffs responded that the most rewarding aspect of their jobs was feeling that they had been helpful to a litigant and that the litigant was appreciative of the help.

The frustration of court staffs in dealing with self-represented litigants may also express itself in the way responsibility for difficulties is attributed. For example, court staff members in the two surveys were asked what the greatest obstacles were for a pro se litigant outside the courtroom. In one of the groups, respondents seemed ready to place responsibility on the self-represented litigants for much of their own difficulties with the court. Here are some examples of their responses:

a. Self-represented litigants are unable to follow directions.
b. Self-represented litigants don't understand the legal procedures.
c. Self-represented litigants are hostile.
d. Self-represented litigants are unwilling to seek outside legal advice.

Asked what the obstacles inside the courtroom were, they responded:

a. Self-represented litigants don't pay attention.
b. Self-represented litigants don't understand the law.
c. Self-represented litigants don't understand why they are in court.
d. Self-represented litigants don't know how to present information.
e. Self-represented litigants are late for court.

Responses such as these were more frequent from staff members in the largest courts. Those are the courts where the enormous numbers of pro se litigants can be routinely overwhelming to the court staffs.

One study of judges may have relevance to this situation. It was found that when judges felt unable to spend adequate time hearing a case due to large caseloads and felt as if they were simply processing people, there was a tendency for these judges to withdraw their empathy and respect for the litigants.[16] The frustration of these judges is not dissimilar to that common among court staffs and may contribute to an array of negative perceptions of the pro se population. Insufficient staffing can add greatly to the frustration of both court personnel and the public.

Judicial Surveys. One court conducted a survey of its judicial officers with respect to the needs of pro se litigants. The judges who responded to that survey agreed with the self-represented litigants that the most helpful assistance was the availability of staff to answer questions. The second most helpful type of service was written materials, such as forms with instructions. The judges also reported that the type of information pro se litigants requested most frequently from them was information about their legal options.

In accord with the judges in this survey were 24 judges who were surveyed as part of the recent evaluation of the three pilot Family Law Information Centers. These judges were on family law assignments in all three counties. When asked what services they thought were most beneficial to the litigants, they reported that, aside from improvement in paperwork, having staff to answer their questions was the most beneficial to the litigants. Comments included:[17]

- "It gives the litigant the ability to sit down with someone who can provide guidance."
- "It is important that they have a live person who pays attention to them and provides accurate information."

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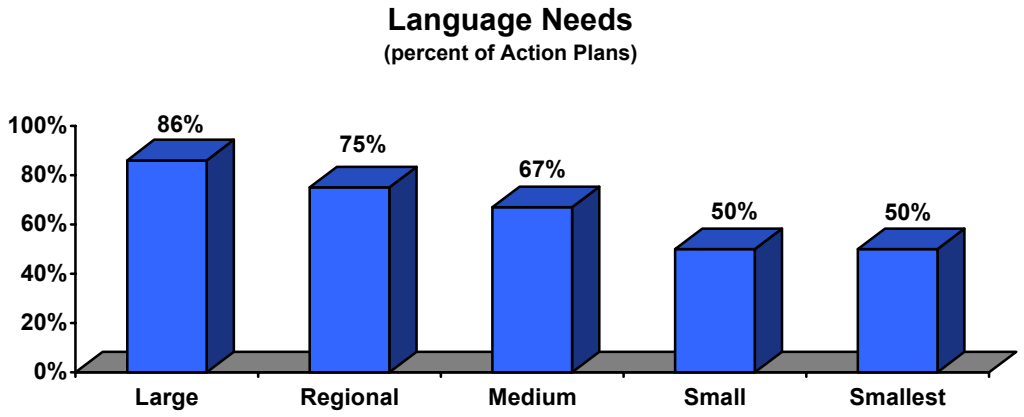
[16] I. M. Zimmerman, Stress—What It Does to Judges and How It Can Be Lessened (1981) 20. *Judges Journal, 4 – 9.*
[17] Family Law Information Centers: An Evaluation of Three Pilot Programs, A Report to the Legislature, Judicial Council of California, March 2003. *http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm*

2. LANGUAGE ACCESS

All of the action plans mentioned the need for language access—translation of written materials, videos, and other self-help materials into a variety of languages. The non-English language mentioned most frequently was Spanish.



Twenty-nine of the local action plans (64 percent) cited language in the needs assessment as a particularly important barrier for the self-represented litigants in their courts. Among the largest courts, 86 percent of the plans cited language access as a pressing need for the public.

The percentage of action plans citing language access in the needs assessment section increased with the size of the court responding. After large courts, the next largest percentage of action plans citing language access as a primary need came from the regional court groups, followed by the medium sized courts. The courts with fewer than 15 judicial positions were less likely to cite language barriers in their needs assessments.

3. GEOGRAPHIC/DISTANCE ACCESS

Twenty-six (58 percent) of the local action plans described serious problems self-represented litigants have in getting to locations where services are available.

Most of the counties that cited geographic difficulties proposed either physical helps, such as outpost facilities, mobile vans, or transportation to the courthouse, or the use of communications technology, such as telephone help lines, video-conferencing, or Web-based information systems. Most of the proposed solutions involving the physical helps came from the medium and large courts. Smaller courts tended to rely more heavily on technological solutions.

4. SELF-REPRESENTED LITIGANTS' INCOME

Nineteen of the 45 local action plans (42 percent) specifically referred to self-represented litigants' lack of financial resources. This lack was cited more often in the needs

assessments of the smaller counties (50 percent). All of the smaller counties that cited a shortage of available community resources also cited a lack of money as a barrier to legal information for the pro se population. Two of the three regional plans also cited a lack of money as a serious pro se issue. The large (29 percent) and medium (25 percent) counties cited lack of money for pro se litigants in their needs assessment sections somewhat less often

This concern about the lack of money available to the pro se population is supported by demographic data from the family law facilitator survey project published in 2000:

> Overall, 82 percent of facilitator customers have a gross monthly income of under $2,000. Over 67 percent of facilitator customers have gross monthly incomes of under $1,500. Over 45 percent of facilitator customers have gross monthly incomes of under $1,000, and approximately one-fifth report gross monthly income of $500 or less.
>
> In Los Angeles County, 77 percent of the customers report gross monthly incomes of under $2,000. Approximately 62 percent of Los Angeles customers report gross monthly incomes of under $1,500, 35 percent have incomes under $1,000, and 23 percent report incomes of $500 per month or less.
>
> Rural counties, particularly in Central California, with populations between 100,000 and 499,000, report the highest percentages of customers with incomes under $1,000 per month. Over 50 percent of facilitator customers in these counties report incomes that fall within this range. The highest percentages of monthly incomes of $500 or less were also reported in these counties.
>
> Only 18 percent of facilitator customers overall have gross monthly incomes of over $2,000. The highest percentages of those reporting gross monthly incomes between $2,000 and $3,000 per month are in urban counties (11.9 percent) and counties with populations over 1 million (12.7 percent) in both Southern California and the Bay Area. Los Angeles reports that 15 percent of its customers are in this income group. Only 6.8 percent of customers report gross monthly incomes of over $3,000. The highest percentages in this category are reported by counties with populations between 500,000 and 1 million (7.9 percent), primarily in the Bay Area (11.2 percent) and in Los Angeles County (8 percent). This suggests that facilitators in areas where the cost of living is higher and legal representation is more costly may see more individuals in this category. Nevertheless, in all but two Bay Area counties where the cost of living is extremely high, over 90 percent of facilitator customers had gross monthly incomes under $3,000.
>
> For the most part, facilitator customers are not likely to have income sufficient to afford full-service legal representation; however, their incomes may be just high enough to make them ineligible for assistance from Legal Services Corporation or IOLTA-funded legal services programs.[18]

[18] Harrison, F., Chase, D., Surh, T. (2000) California's Family Law Facilitator Program: A New Paradigm for the Courts, *Journal of the Center for Families, Children & the Courts*, Vol. 2, p. 76

In 2003 another cohort of self-represented litigants in family law was studied as part of an evaluation of three pilot Family Law Information Center programs. In that study, it was again reported that the majority of litigants had gross monthly incomes below $2,000. In the three counties studied, the percentage of self-represented litigants with incomes under $3,000 per month greatly exceeded the percentage of the general population with such incomes in those counties, according to the 2000 U.S. Census. The study also found that approximately 80 percent reported not being able to afford an attorney. Approximately half had tried to get help elsewhere and had been unsuccessful.[19]

5. TRAINING FOR COURT STAFF

Fourteen of the local action plans (31 percent) cited lack of training of court staff as a serious problem for self-represented litigants. None of the small or smallest counties mentioned this in the needs assessment. One of the regional plans mentioned lack of staff training in its needs assessment. Eight (67 percent) of the local action plans from medium-sized counties and three (43 percent) from the large counties cited training as a serious issue.

Two of the large courts that conducted staff surveys asked staff members about the manner in which they were trained. The choices were: (1) "learn as you go," (2) verbal instructions from supervisors, and (3) written policies and procedures. In both counties the majority of court staff reported that they were trained by the "learn as you go" method. In one of the counties, only 41 percent of the responding staff felt very confident that they understood how much help they could actually give a pro se litigant. In the other county, 42 percent either were not confident they understood how much help they could give a pro se litigant or felt confident but would like more training.

6. SETTLEMENT ASSISTANCE

Thirteen of the local action plans (29 percent) mentioned the lack of services available to help self-represented litigants reach agreements in their cases. The small and medium-sized counties were most likely to cite lack of settlement services in their needs assessments. Half of these went on to include settlement/mediation services in their program designs. One of the regional plans mentioned lack of settlement services but did not include a settlement component in its program design. None of the large counties mentioned lack of settlement services in the needs assessment; however, one of the large counties did include it as part of the case management component in its program design.

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[19] Family Law Information Centers: An Evaluation of Three Pilot Programs, A Report to the Legislature, Judicial Council of California, March 2003. *http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm*

B. Program Designs

The development of services to make legal information and education available to the public was the primary concern in all the action plans, but it was not the only concern. Assessments of the needs of self-represented litigants led the 45 courts that submitted action plans to design assistance programs around four strategic access-to-justice concerns:

a. Access to legal information and assistance, including legal representation;
b. Usability of legal systems;
c. Physical access to courthouse services; and
d. Usability of courthouse facilities.

Each group of courts, regardless of size, addressed these four areas to some degree.

ACCESS TO LEGAL INFORMATION AND ASSISTANCE

The areas of the law in which the local action plans proposed providing services reflected those set out in the needs assessments, with family law being the largest category. Forty-two (96 percent) of the 45 action plans proposed the establishment or extension of a self-help center, with staff to answer the questions of self-represented litigants. One of the small courts and two of the medium-sized courts proposed self-help-only services, without staff to assist.

The small court that proposed self-help-only services planned to provide those services in outposts in the community. Service delivery would consist of written and technological vehicles, including forms with written instructions, educational brochures, videos, computers, the Web, and a telephone tree.

The two medium-sized courts that proposed self-help-only services also planned to provide those services outside the courthouse, in the community. One planned to use a mobile van. Both plans provided for instructional materials, computers, kiosks with interactive forms, and videos. One plan included a telephone tree, and another proposed educational programming on cable television.

Staff-Assisted Self-Help Centers

Staffing strategies for the self-help centers did not vary much among the counties. Thirty-three (79 percent) of the 42 plans proposing self-help centers with staff to answer questions structured the staff around attorneys. Their staff descriptions also included paralegals, legal assistants, court clerks, law students, and resource coordinators.

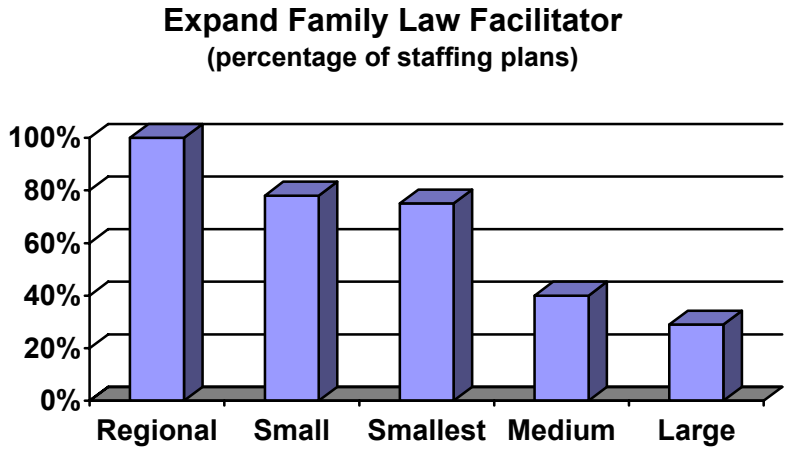
For the most part, the action plans provided for attorney supervision of the non-attorney staff. Only four counties proposed using paralegals or legal assistants without attorney supervision. Each size category had one of those four. Two of the smaller counties

proposed using court clerks in its self-help center, without attorney supervision. Two courts proposed using resource coordinators without attorney supervision, but these individuals were simply intended to provide referrals to other service providers. All of the plans that proposed staff in the "other" category also proposed attorney supervision. The use of attorneys and attorney supervision did not seem to vary according to court size.

Proposed Staffing Structures								
Counties	**Number of Counties With Staff**	**Type of Staff Proposed**						
		Attorney Supervisors		**Paralegal/ Legal Assistant**	**Court Clerk**	**Law Student**	**Resource Coordinator**	**Other**
		No. of Plans	% of Plans	No. of Plans	No. of Plans	No. of Plans	No. of Plans	No. of Plans
Smallest < 5 judges	8	6	*75%*	4	3	0	1	0
Small <15 judges	9	9	*100%*	3	4	0	1	2
Medium <50 judges	10	5	*50%*	4	3	0	1	2
Large 50+ judges	7	5	*71%*	1	0	0	1	4
Regional	8	8	*100%*	0	0	3	0	5
Totals	42	33	*79%*	12	10	3	4	13

The "other" category includes small claims advisors, interpreters, individuals to walk self-help litigants with special needs through the entire court process, and various volunteers from the community.

There was variation, however, in whether and how the counties proposed to expand the services of their family law facilitators' offices. Twenty-seven (82 percent) of the 33 counties planning to provide attorney assistance proposed expanding their family law facilitators' offices. Some of the plans sought to expand the facilitator services to include matters other than child support. Others were simply seeking to increase existing facilitator services from part-time to full-time. The fact that the smaller counties were more likely to propose expansion of the family law facilitator services probably reflects a number of courts with only part-time facilitator services. One of the large courts included expansion of the facilitator service to provide case management and settlement conference services in family law. Several plans proposed building their self-help centers upon the foundations already established by the family law facilitators and expanding that service to provide assistance in all areas of civil litigation.



Service Delivery Methods

Individual Assistance and Workshops. The most frequent method proposed for providing legal information and education was the use of staff to answer questions. Twenty-eight (67 percent) of the 42 plans proposing staffed self-help centers envisioned delivery of this service through one-on-one communication. They proposed that staff be available in the self-help centers to help with the completion of correct paperwork and give information about court procedures throughout the process, from filing until judgment.

Another 14 (33 percent) of the courts proposing staffed programs planned to provide legal information and education through the use of workshops and clinics. Two of the three regional plans included workshops. Seven of the smallest and small courts also proposed conducting workshops.

None of the medium-sized courts and only one of the large courts proposed using workshops to provide legal information and assistance. In the large counties, this may reflect the fact that the action plans tend to focus on unlawful detainer and other civil litigation matters. Workshops are less optimal in time-sensitive matters such as answering unlawful detainer actions. Also, other civil matters do not have the same types of legal and procedural uniformity found in many family law matters. Workshops are less effective for groups with a wide diversity of issues.

Telephone Assistance. Nine (21 percent) of the action plans proposing staffed self-help centers also proposed a telephone help line to provide legal information and education to the public. All size categories except the smallest included at least one plan that proposed access to legal information by a telephone line answered by staff. Two of the regional plans included telephone access to legal information. One small county and one large

county also proposed making telephone assistance available. Two of the medium-sized county plans included help lines.

Courtroom Assistance. Ten (24 percent) of the local action plans proposing staffed self-help centers put forward the idea of using staff to provide assistance either in or near the courtroom. Specific courtroom services that were mentioned included providing procedural information to the litigants who were there for a hearing, conducting settlement negotiations on financial matters, and preparing orders after hearings. There were two action plans each from the small and medium counties and one regional plan that proposed one or another of these services.

Only one of the smallest counties included courtroom assistance in its action plan. That plan proposed providing compliance assistance to self-represented litigants by explaining court orders and helping them obtain court-ordered services, such as batterers' intervention, parent education, or supervised visitation.

Two of the large counties proposed courtroom assistance. One plan included family law facilitator staff to conduct case management conferences in addition to other courtroom assistance. The other large county plan included the provision of staff to accompany litigants with special needs to their court hearings and to help them obtain court-ordered services.

Written Materials. Thirty-two (71 percent) of the action plans specifically mentioned the use of written materials to instruct self-represented litigants in forms completion and basic court procedures. Written materials mentioned included forms packets with instructions, self-help books, procedural flowcharts, and easy reference cards. Also mentioned were instructional audiotapes and general information brochures about the court and how it operates. All three of the non-staffed plans relied heavily on such materials to assist the public. Twenty-nine (69 percent) of the courts proposing staff also proposed the use of written materials to supplement their services. Written materials were a major strategy for supplying language access. Most materials were planned to be translated into two or more non-English languages.

Use of Technology. All three of the action plans proposing self-help-only service centers also proposed various kinds of technology to assist the public. In addition, more than 90 percent of the 42 plans proposing staffed self-help centers also included technological strategies. The technology proposed by the local action plans fell into two major categories. First was technology intended to support and facilitate communication between self-represented litigants and staff. The second category was technology designed for use by litigants alone, without the necessity of staff.

Communication With Staff. Of the 42 action plans proposing staffed self-help centers, 38 (90 percent) proposed the use of technology, and 18 of those (47 percent) included technological ways by which communication between self-represented litigants and staff could be facilitated.

- *Telephone help lines*. As already discussed, 9 (21 percent) of the plans proposing staffed self-help centers also proposed implementing telephone help lines that would be answered in real time by the centers' staff . It is important to differentiate these help lines from telephone trees in which no live person would be available to answer individual callers' questions.

- *Videoconferencing*. Eight (19 percent) of the 42 counties with staffed action plans proposed using videoconferencing to connect litigants from more remote areas with staff at the self-help centers. Two of the smallest county plans and two of the regional plans proposed using videoconferencing technology to conduct workshops for the public. One plan each from the small and medium courts also proposed using videoconferencing to help staff assist the public. There were also two video-conferencing proposals from the large counties. In one of those plans, videoconferencing was proposed for conducting child custody mediations, and in the other it was to be used to conduct hearings for nonresident litigants.

- *Fax or e-mail.* One of the small courts proposed using the fax transmission to assist with forms completion for customers who could not make it to the court. One of the regional plans proposed answering questions for the public by e-mail.

- *Computer networking.* One of the smallest counties and two of the medium counties proposed creating a networking system between the court and community service providers. One of those in the medium courts also planned to develop a touch-screen referral network to help litigants contact service providers directly from the courthouse.

- *Other communication technology.* One of the medium-sized courts planned to use a telephone interpreter service to address language issues. One regional plan mentioned communication technology without further specification. Two plans proposed giving educational presentations on local cable television channels.

Self-Help-Only. Forty (93 percent) of all the action plans proposed the use of self-help-only technology. All three of the counties whose action plans did not include the use of staff to answer questions proposed the use of self-help-only technology. Thirty-seven (88

percent) of the 42 plans proposing staff also included self-help-only technology to provide additional assistance.

- *Computers available to the public*. All of the plans without staff and 31 (74 percent) of the ones with staff specified that they will have computers available for the public to use.

  1. Online assistance—One of the two medium-sized counties proposing non-staffed self-help centers proposed giving self-represented litigants online computer assistance with forms completion. Twenty-one (50 percent) of the plans with staff also included online assistance for the public.

  2. Website expansion—The two medium-sized courts proposing non-staffed programs indicated that they intended to expand their court web sites to provide more information to self-represented litigants. Nineteen (45 percent) of the plans with staff included expansion of court web sites to provide more information.

  3. Interactive forms programs—Two of the plans without staff and 12 (29 percent) of the plans with staff proposed the use of interactive forms programs to help self-represented litigants with paperwork.

- *Kiosks.* Two of the 3 plans without staff proposed the use of kiosks to help litigants fill out forms. The kiosks would contain interactive forms programs that include instructions. Sixteen of the programs with staff also proposed the use of kiosks, particularly in outpost locations. Eleven of these 16 plans proposed using kiosks in locations such as mobile vans, libraries, domestic violence shelters, or other community service locations.

- *Videos.* Two of the three plans without staff propose making instructional videos available to self-represented litigants. Seventeen (41 percent) of the plans with staff also included the use of instructional videos.

- *Telephone trees*. All three of the plans without staff proposed the use of telephone trees to deliver information to litigants. One of the regional plans suggested a 24-hour telephone tree service. None of the other staffed plans proposed the use of telephone trees.

Legal Representation Referrals

The majority (71 percent) of the action plans did not address the issue of full-service legal representation for self-represented litigants. The collaboration with local bar associations in most plans focused on providing services to litigants who would remain self-represented.

One of the plans without staff proposed having a directory of attorney referrals, promoting unbundling, and offering incentives for attorneys to work pro bono, such as calendar preference, pro bono credit, or MCLE credit. One of the regional court groups and one large court also proposed attorney incentives, such as calendar preference.

There was one action plan with staff in each of the county size categories that proposed making attorney referrals.

Eleven (26 percent) of the plans with staff proposed working with local bar associations to promote the unbundling of legal services.

USABILITY OF THE LEGAL SYSTEM

Thirty-two (71 percent) of the 52 total local action plans proposed system changes intended to improve the efficiency of court operations and increase the usability of the justice system for the public. Of those plans that proposed systems changes, 18 (56 percent) included changes in legal procedure and operations. The medium-sized and large courts were more likely to propose changes in legal processing.

Case Management

Eleven (61 percent) of those 18 counties proposed case management techniques to improve the processing of pro se cases. A variety of case management ideas was proposed.

One large court proposed assigning self-help center staff in family law cases to conduct status reviews for pro se litigants. This court had assessed the volume of pro se cases that were not prosecuted to judgment. It sought to clear its backlog of abandoned actions and to assist litigants in completing their cases. Litigants would be noticed to appear for a status conference with the self-help staff. The staff would then help the litigants proceed with the case, should they so desire. Settlement discussions would be conducted whenever possible, stipulations prepared and submitted, default paperwork completed, and the case set for trial when no agreement was possible.

Another large court had conducted a survey of courthouse users on a given day and found that a major complaint was the amount of time it took to conduct business at the courthouse. As a result, that plan included a proposal for staggered hearing times in hopes of reducing the amount of waiting time at court.

One of the smallest courts proposed clustering its domestic violence cases into a domestic violence court based on the assessment that this population was nearly 100 percent pro se. The clustering of cases is intended to facilitate making ancillary support services more available at the courthouse for the litigants. Another of the smallest courts proposed post-

hearing case management to help litigants comply with their court orders by facilitating access to court-ordered services. One of the largest counties also proposed providing post-hearing compliance assistance to self-represented litigants.

One medium-sized court proposed a system by which orders after hearings would be prepared for the litigants so that everyone could leave with an order in hand.

Another medium-sized court proposed having self-help center staff conduct pre-hearing orientations for litigants. This staff would review files prior to hearings to determine readiness to proceed. One regional plan and one small court also proposed pre-hearing orientations.

Simplification and Uniformity—Local Rules and Procedures

Eight (44 percent) of the 18 plans that included changes in legal rules and procedures proposed simplifying rules and procedures to assist both the court and litigants in case processing.

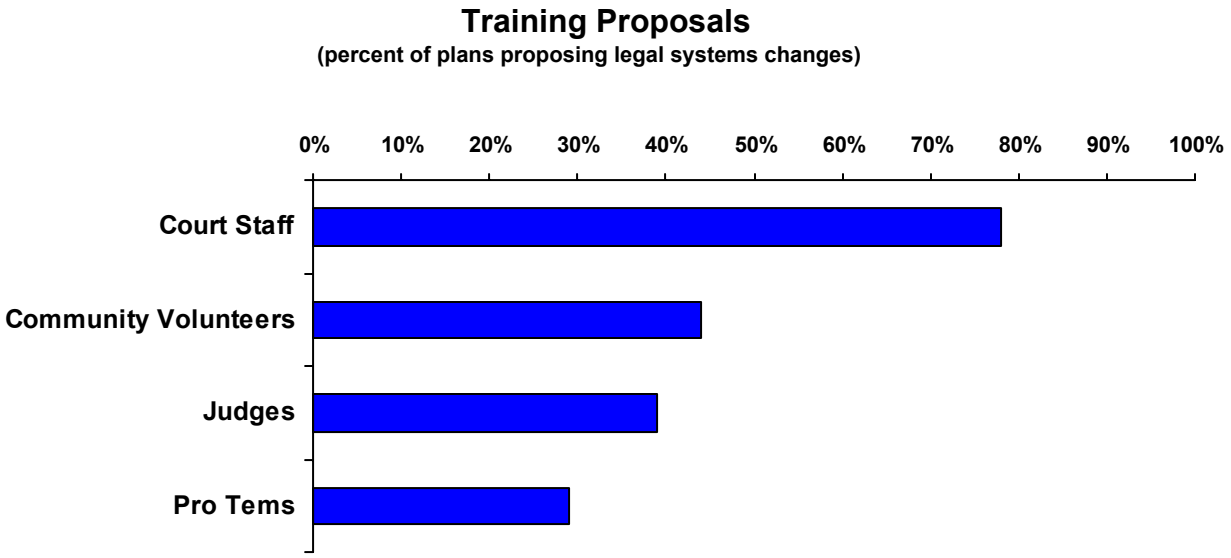
Four medium-sized counties made such proposals. Two proposed simplifying legal forms. One proposed simplifying local rules in family law, and another suggested simplifying the instructions that were handed out with the forms.

Three of the large counties also proposed changing local rules to simplify procedures. One of the counties also wanted to simplify the process by which the public could access case registry information and minute orders.

One of the regional plans clearly set the goal of developing uniform local rules among the three counties the program was servicing.

Training of Court Personnel

All 18 of the courts whose plans included changes in legal systems proposed training for court staff, judicial officers, and community volunteers with respect to the handling of pro se cases.



Fourteen of these 18 courts cited lack of training in their needs assessments. The other four included training in their program designs.

At least one plan from each county size group included training for court staff. The medium-sized and large counties were more likely to have plans that included training for staff. All eight of the medium-sized counties proposing legal systems changes included training for court staff. Those 8 counties made up 75 percent of all the medium-sized county action plans.

In the large counties, three mentioned training in their needs assessments; however, four included training for court staff in their program designs. Those four counties make up 75 percent of those proposing legal systems changes, and 57 percent of all in the large courts group.

Three of the smaller courts and one regional group also included training for court staff in their program designs.

Eight (44 percent) of the 18 courts that proposed training included training for volunteers from the community. None of the smallest counties proposed training for community volunteers. Two small counties, four medium counties, and two large counties proposed training for community volunteers. Two of the medium counties proposed a "train the trainers" strategy designed to teach community service providers how to assist self-represented litigants.

Eleven (61 percent) of these 18 action plans included proposals for training judges and pro tem judges. Eight of these plans came from large and medium-sized counties. Only two

small counties included judicial training in their plans. None of the smallest counties or regional plans proposed judicial training.

PHYSICAL ACCESS TO COURTHOUSE SERVICES

All of the local action plans had some strategy to address the issue of physical access to the courthouse. The plans for physical access fell into two basic categories: (a) in-person access and (b) technological access. As already noted, the smaller courts were more likely to propose technical access solutions. In those counties, resources tend to be scarcer, and the development of critical centralized services is still in progress. For example, many of the courts that still have only part-time family law facilitators fall within these smaller court categories. As a consequence, many of the action plans in this group focused on expanding the family law facilitator service and completing the development of other critical centralized services.

In-Person Access

The majority of plans citing geographic access as a barrier for self-represented litigants in their needs assessments proposed strategies to provide in-person physical access to the court facilities. The proposed solutions for in-person access follow.

Counties	Geographic Access Issues Cited		Proposed Solutions		
			Outpost Facilities	Mobile Vans	Transportation to Courthouse
	Number of Counties	Percentage in size category	Number of Counties	Number of Counties	Number of Counties
Smallest < 5 judges	5	63%	2	1	—
Small <15 judges	7	70%	5	—	1
Medium <50 judges	8	67%	4	3	
Large 50+ judges	3	43%	4	3	1
Regional	3	37%	3	5	3
Totals	**26**	58%	**18**	**12**	**5**

Proposed "outposts" included expansions of services to additional court locations in remote areas and placing specified services in libraries or community centers. One court proposed establishing regional traffic centers. Another proposed taking legal information services into the jails to make assistance with family law matters available to prisoners.

Technological Access

Nearly all of the action plans citing geographic access as a barrier for self-represented litigants made some sort of proposal for technical access to the court. There were 40 of the total 45 action plans that included technology strategies of various kinds. Over half of these included technology to help solve the geographic access problem.

Extended Hours. Seven counties proposed to extend the hours that the courthouse was open so that those unable to make it to the court during the workday could access the court after work or on a weekend day. One of the smallest, one small, and two medium-size counties proposed extending their hours. One of the regional plans also proposed to extend court hours. None of the large counties included this strategy in their action plans.

Courthouse Security. One court identified courthouse security as a physical access issue for victims of family violence. That plan included a proposal to increase security measures to protect the safety of such individuals when they have courthouse business to conduct.

TECHNOLOGICAL GEOGRAPHIC ACCESS STRATEGIES

Counties	Geographic Access Issues Cited		Proposed Solutions						
			Telephone Help Line (staffed)	Video-Conf.	Fax/ Email	On-Line/ Kiosks	Websites	Phone Tree	E-Filing
	Number of Counties	% in size category	Number of Counties	Number of Counties	Number of Counties	Number of Counties	Number of Counties	Number of Counties	Number of Counties
Smallest < 5 judges	**5**	63%	**0**	**2**	**0**	**3**	**2**	**0**	**0**
Small <15 judges	**7**	70%	**1**	**1**	**1**	**1**	**3**	**1**	**0**
Medium <50 judges	**8**	67%	**2**	**1**	**0**	**6**	**8**	**2**	**0**
Large 50+ judges	**3**	43%	**1**	**1**	**0**	**4**	**2**	**0**	**2**
Regional	**3**	37%	**5**	**3**	**3**	**8**	**6**	**3**	**0**
Totals	**26**	58%	**9**	**8**	**4**	**22**	**21**	**6**	**2**

USABILITY OF COURTHOUSE FACILITIES

General Information

Eighteen (40 percent) of the 45 action plans contained a proposal to provide the public with general information at the courthouse that would make it easier to use while doing court business.

Information Booths. Thirteen counties proposed installing information booths. These booths would have written materials about the court, instructions, and directions for courthouse facilities. No legal information or assistance would be available at the booths. Most of the plans that included information booths proposed that they be staffed with volunteers from the community.

Maps and Signage. Nine of the action plans proposed using signage at the courthouse to help litigants negotiate the facility . Five of the plans described detailed maps in the courthouse that would help people find the location they needed.

Facilities

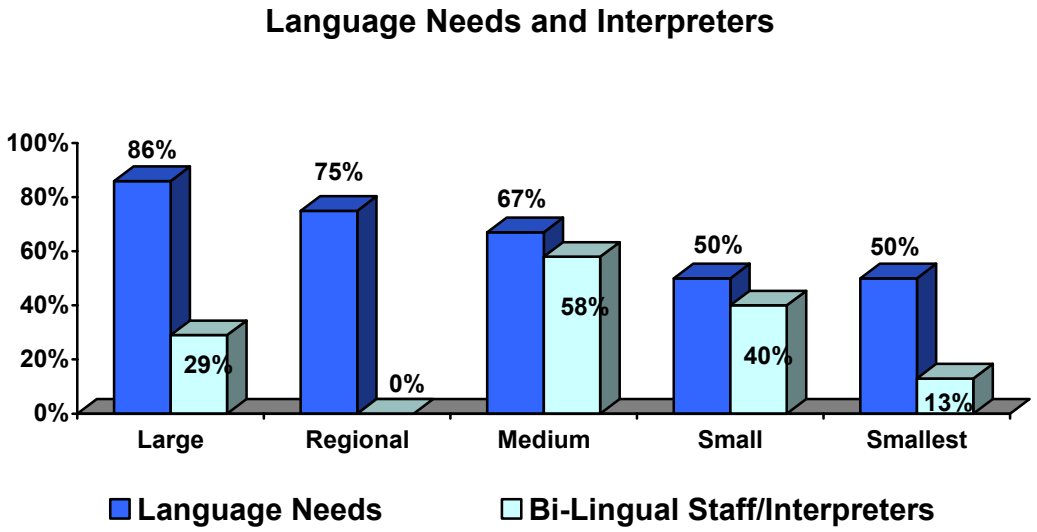
Sixteen (36 percent) of the action plans included proposals for changes in courthouse facilities that would help self-represented litigants use the courthouse.

Children's Waiting Rooms. Seven of the counties proposed the creation of children's waiting rooms. One regional court and at least one court from each of the other size categories proposed a children's waiting room. Thus, the need for this facility was not related to the size of the court but the number of children anticipated. Some plans included detailed descriptions of parents under tremendous stress coming to the courthouse and trying to conduct their business with small children in tow. The lack of a place for the children to wait causes frustration for both litigants and court staff.

Other Waiting Areas. One of the regional plans and one of the small counties proposed waiting areas for litigants who are at court for hearings. There was concern about overcrowding in the courtrooms. An additional concern was the need for a safe waiting area for victims of family violence who have a court hearing at which the alleged perpetrator is present.

Space for Self-Represented Litigants to Work. Nine courts proposed creating space in the courthouse for self-represented litigants to sit down and work. At the minimum, litigants need tables and chairs so they can sit and read instructions and complete forms. Additionally, five of the plans specified providing copy machines for the public to use at the courthouse.

Interpreter Services. As already mentioned, 29 (64 percent) of the total action plans cited language as a barrier for self-represented litigants. Fourteen (48 percent) of those 29 proposals included plans to make staff available to provide services in more than one language. All of the counties proposed the use of translated self-help materials. Fifteen (52 percent) of these counties have chosen to rely exclusively on such translated materials. The regional plans, for example, rely exclusively on translated materials.



The small and medium-sized counties were more likely to propose bilingual staff or interpreters to address the language issue. Seven out of the eight medium sized counties citing language access as a serious issue made such proposals. Two of the largest county plans proposed the use of bilingual staff or interpreters, while six proposed relying on translated self-help materials.

C. Community Partnerships

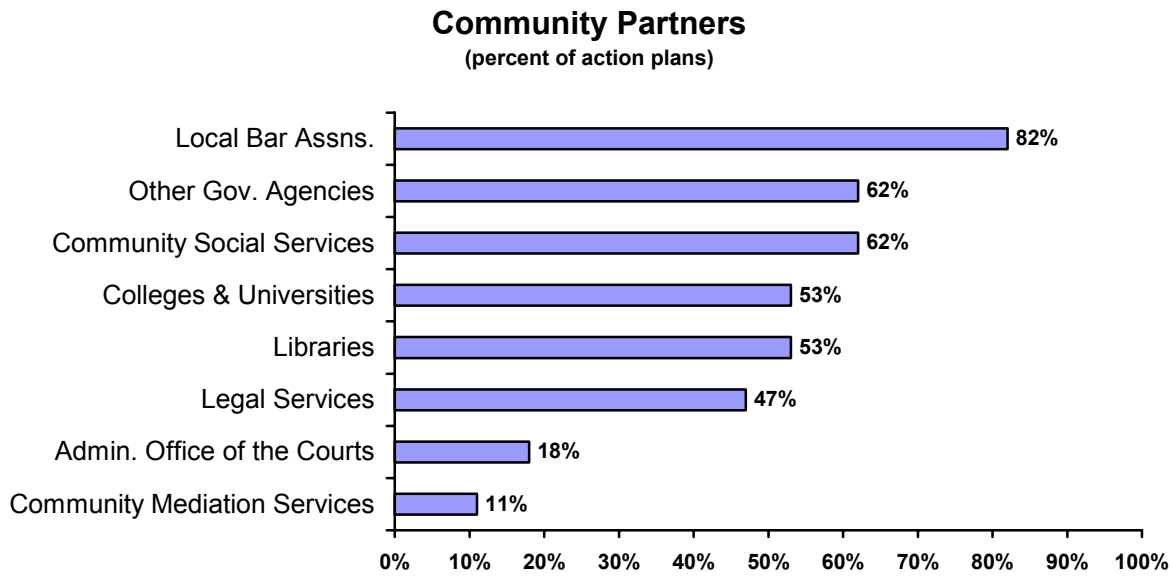
Partnerships between the court and other community service providers were pivotal to the development of these action plans. All the plans included multiple partners from both government and community in their planning process.

Other government agencies that were included were victim-witness programs, the Department of Child Support Services, district attorneys, public defenders, the Department of Social Services, boards of education, public health agencies, law enforcement agencies, a state hospital, departments of probation, and child care councils.

Examples of community social services and other community organizations that were included were churches, domestic violence services, chambers of commerce, the Rotary, Elks Clubs, Moose Lodges, vocational schools, neighborhood resource centers, senior citizen centers, parenting

programs, drug and alcohol programs, childcare centers, fair housing agencies, YWCA, fathers' support groups, the United Way, disability services, newspapers, and the Salvation Army.

College and university partners included both undergraduate programs and law schools. There were also several counties working with paralegal schools.



A few plans mentioned working with the California Administrative Office of the Courts as well as with the National Center for State Courts and courts from other counties.

The community participation in the planning process of the courts is noteworthy. Of the 45 courts that provided action plans, 35 had previously developed detailed community-focused strategic plans for their courts in which providing access to justice for self-represented litigants was cited as a high priority. Of the remaining ten courts, four included self-help centers with staff in their overall strategic plans, and four more included non-staffed self-help centers.

Collaboration with other government and community-based organizations has been central to most of the action plans. The first task in the Los Angeles County court's action plan, for example, was to coordinate the community-based services for self-represented litigants that were already operating at or around their numerous court locations.

Several of the partnerships that courts are crafting with schools, universities, and community centers involve translation of written instructions into several different languages. Some of the same organizations are serving as outposts for the courts where technological assistance (kiosks, etc.) can be located. Plans to use court staff or experts from local bar associations to train individuals in these locations frequently accompanies such proposals.

One of the main subjects of partnerships with local bar associations is limited-scope, or unbundled, legal representation. Bench/bar discussions about the realistic use of unbundling and the necessary

changes in local rules are frequently mentioned. Bench-bar groups are also reviewing local rules on other matters and working together to develop more pro bono services for the public. There are also proposals that include partnerships between the court and legal services to provide legal information and assistance to self-represented litigants.

In addition, partnerships with local newspapers and television and radio stations are mentioned as techniques to get general information about the court and news of available services out to the community.

Conclusion

To date, the courts in 52 of California's 58 counties have participated in the action planning for self-represented litigants. These 52 counties contain 98 percent of California's population of approximately 34 million people. Forty-five of the counties have already provided action plans; 7 are still in the planning process.

While the development of public access legal information and education through the creation of self-help centers remained the centerpiece of most local action plans, 71 percent moved beyond this first step to proposals for system changes designed to facilitate management of self-represented litigant cases.

DIRECT SERVICES TO SELF-REPRESENTED LITIGANTS

Approximately 93 percent of these action plans are structured around staffed self-help centers under the supervision of attorneys. Support staff included paralegals, court clerks, law students and other community volunteers. Over 80 percent planned to expand the role of their family law facilitator to all aspects of family law and/or to other civil matters. In both litigant and judicial surveys where services were rated according to usefulness, staff available to answer questions ranked first in importance. Access to staff is frequently supported by the proposed use of telephone help lines, videoconferencing, fax and e-mail, and the use of self-help assistance vans.

Self-help-only types of technology such as written forms with instructions, interactive online forms programs, Web site information, kiosks, and telephone trees are frequently proposed. In some plans, these tools are used in outpost locations away from the court and are intended to be used by self-represented litigants without staff to answer questions. In others, technology is part of a more comprehensive plan in which these tools are used to augment and support the work of the self-represented litigants assistance staff.

SYSTEMS CHANGES

Reviews of local rules and forms, case management systems, and calendaring strategies were proposed. Some plans proposed the use of staff resources, particularly attorneys, in courtrooms to conduct settlement negotiations, answer procedural questions, and prepare written orders and judgments. Others proposed using attorney staff to review files prior to hearings and determine

their readiness to proceed. One plan proposed having staff conduct prehearing orientations for the public.

Plans included proposals for case management in which staff attorneys would conduct routine status conferences and settlement negotiations and assist litigants with completing the court process. Adjustments in calendaring, clustering of similar cases, staggering hearing times, and rational numbering of courtrooms were all proposed as well.

Facilities changes were also included, such as children's waiting rooms, other waiting areas for litigants, space in the courthouse for litigants to sit and work on their paperwork, the availability of copying machines and phones for litigants to use, extended hours of service, transportation to court, and easier parking.

COLLABORATION AND RESOURCES

Critical to all of the action plans were the partnerships formed with other government and community-based organizations. These partnerships were particularly useful in the planning stages. Some of the partnerships were also central to the implementation of action plans. For example, the participation of local bars with respect to unbundled legal services, pro bono representation, and volunteer services to pro se litigants was important to many plans. Collaboration with colleges, universities, and community centers for translation of materials into many languages was often reported. And working with libraries and other community agencies to create outpost assistance in more remote areas was also extremely important.

Collaboration also helped address the issue of funding, the main barrier to full implementation of all the local action plans. Finding the requisite resources to provide adequate staff for the projects is an ongoing challenge, particularly during the current budget crisis in California. Although one court suggested charging for self-represented litigant services on a sliding scale, most of the action plans reported their dependence on grant funding from various government sources.

In conclusion, the courts in California have gained a tremendous amount of information about the optimal direction for pro se matters from two important sources: the family law facilitator program and the community-focused strategic planning process. The family law facilitator program pioneered court-operated self-help on a mass scale in the state. The court-community focused strategic planning process initiated ongoing dialogue and collaboration between the courts and their communities. The current action planning process has brought these two efforts together to create plans that reflect a comprehensive view of the justice system as it relates to self-represented litigants.

APPENDIX A

Action Plan Summary Chart

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Butte, Glen, Tehema	• Community Collaborations	Use Existing Resources Seek ADR Resources Outreach to churches, etc Research "Family Unity" system			In General: Schools Libraries DCSS Family Law Facilitator Legal Services Small Claims Advisory Parent Education Network Lawyer Referral Service
	• System Changes to make more "user-friendly"	Public transportation Jail services Electronic access Phone & email help Signage Children & other waiting rooms Handwritten pleadings Free consultations On-duty judge for orders Uniform rules & forms Social work training for court staff			
	• Provide Successful models of service delivery	Network with other counties Kiosk system DV Support Person Mobil Van Forms on court's website Incentive for attorneys (calendar preference)			
	• Technology & Education	Library Resources Computer programs-language Law School Library Services Outreach To High schools 24 hr. phone line	Chico State	Students	Schools, Libraries
	• Meet Access needs of diverse population	Self-Help Center Internet, I-CAN, local website, Copying, attorney referrals, Out-station locations	Courthouse Community	Attorney Coordinator	Self-Help Assistance Regional Project (SHARP) (Butte, Glen Tehama)*

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Calaveras, Amador	• Family Law Focus • SRL Education • Expansion of Resources and services for SRLs • Development of infrastructure to support SRL services	Self-help publications; on-line help; education programs, videos, staff assistance to answer questions. SHC in new facility; resource for supervised visitation program; case mgmt & tracking in family law; expanding presentations; use of other technology; develop a community hotline Court Community Action Planning Team	New facility	Family Law Facilitator Family Court Services	Bar Association Legal Services of No, Calif. Calaveras Legal Assistance Service
Colusa	• Extend Family Law Facilitator	Make position full time	Courthouse	Attorney	Judicial Council
	• Enhance Pro Bono Services	Promote Unbundling		Attorney	State & Local Bars
	• Public Information – Website	Court Website			Judicial Council
Contra Costa	• Court Access & Customer Relations	Transportation to court Mobile services- FLF, hearings, filings, computers Maps & signage Children's waiting rooms SRL work areas – kiosks Interpreter service info.	Courthouses Libraries Bus. Ctrs. Senior Ctrs. Schools Clubs Colleges	Coordinator/ Facilitator	Local Bar Legal Services Prison Law Office Sr. Legal Services Bay Area Legal La Raza Centro Friends Outside STAND Sr. Communitiess
	• Technology & Forms	I-CAN/ San Mateo Resource Information online Flowcharts Videos Forms access Links to other webs Education – court decorum Simplify rule CCTV	(same)		PD & DA DCSS Law Enforcement Board of Ed./ Com. Col. Dist St. Mary's & JFK Social Services

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	• Self-Help Resources	Self-Help Centers Written materials Workshops Videos Extended hours Video-conferencing Internet, computers, Copying	Each court Jails Libraries DCSS Bar. Assn		Above, plus: Small Claims Nat'l Center for Youth Law Family Law Facilitator ADR Legal Services for Children\ Elks, Moose Families First Ctr. For Law and the Deaf
	• Community Outreach & Education	Town Meeting	Community Locations		Above plus: Dependency Mediation
	• Case Management	Fast track: family law (not cc/cv); Probate guard, juvenile, Conservatorships, and limited civil; Differential Assessment; ADR			
El Dorado	• Educating SRLs	Computer workstations Street Law Program	Volunteer attorneys	Placerville Lake Tahoe	Private Bar
	• Expansion of Services to SRLs	Expansion of Family Law Facilitators; allow FLF to do non-AB1058 family law and other civil litigation assistance – also have bi-lingual staff at So. Lake Tahoe	FLF attorneys	Placerville Lake Tahoe	
	• Expansion of Family Law Facilitator				

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Fresno	• Self-Help Center (Spanish model)	Self-Help Center – multiple languages Simplified forms & instructions Public service announcements	Near the Family Law Facilitator	Paralegal; Community Resource Mgr.	Legal Services Local Bar
	• Mobile Access Unit	Hire permanent staff		Volunteers Attorneys	
	• Staff Training •	"Train the Trainers" (all court supervisors); Add SRL training to new judge and new employee training			
	• Technology	Website; kiosks; Internet; protocol database			Local Bar
	• Unbundling	Adopt rules & forms; Focus on family law pilot			
Inyo	• SRL Education	Self-Help publications; Written & online instructions; Videos; assistance from staff, educational programs			
	• Expansion of services & resources for SRLs	Videoconferencing; Computer & Software; Internet	Tecopa Community Center/Sm. Claims Advr		TCC
	• Expansion of Family Law Facilitator	Fulltime position; expand to cover custody/visitation & guardianship; Facilitate compliance w/orders	Courthouse	Family Law Facilitator	
Imperial	• Increased SRLs assistance • Assistance with matter not handled by SHC • Improve physical access	Self-Help Center – pamphlets; computers English/Spanish informational brochures into the community Website Provide transportation to services	Courthouse Pamphlets – law library	Family Law Facilitator Court staff Court staff	Bar Association – including San Diego Bar State Bar, AOC, other courts NCSC; AOC, other courts Salvation Army; Dial-a-Ride; Catholic Charities, ARC

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Kern	• Probate Assistance	Guardianship & Sm. Estates Written information; Document review; Easy Reference Cards Spanish service	Courthouse-Bakersfield	Legal Assistant	
Lake	• Educating SRLs • Expand Services	Expand FLF	Courthouse	Attorneys Paralegals	P.D ADR Program
Lassen	• Assist SRLs • Educate the Public about the Court • Network with community agencies	Assist with adoption; custody/visitation; TROs; Conservatorships;Guardianships; Probate; Landlord Tenant; Civil Harassment; Appeals, Civil, Juvenile & Traffic Education materials, books, videos, packets, brochures, computer resources Same as above – written materials; staff to answer questions	Law Library; Courthouse	Family Law Facilitator, Volunteer Attorneys, Small Claims Advisor; Court Staff	Law Library Board Local Attorneys
Los Angeles	• All Areas - multiple locations	(Volume Data: New SRL Filings 282,006/yr)	Central Family Central Civil, East LA, Pomona Citrus, Rio Hondo, Antelope Valley/ Palmdale/Lancaster, Glendale, Burbank, Pasadena, Alhambra, Santa Anita, San Fernando, Newhall/Santa Clarita, Van Nuys, Long Beach, San Pedro, Compton, Norwalk, Downey, Los Cerritos, Whittier Huntington Park, South Gate, Torrance/So. Bay, Inglewood, Santa Monica, Beverly Hills, West LA/Airport, Culver City, Malibu		Courthouses: LAFLA Barristers DV Project Guard. Vol. Project LAF-Long Beach Comm. Legal Services Jenesse Center Sm. Claims Advr. LA Housing Project FLF/FLIC Community Legal Services Law Schools Local Bars

SRL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Marin	• Self-Help Center: • Bi-lingual triage • Telephone assistance • Children's waiting area • Computer workstations • Videos • Meeting rooms • Referrals to attorneys • Unbundling • Clinics • Resource lists • Fax • Probation – restorative justice	Self-Help Center --- central point of entry	Courthouse-San Rafael	Attorney Coordinator Volunteer Attorneys Paralegals Interpreters Probation	Legal Services Law Libraries Mediation Services Social Services Public Guardian Community Organizations: Canal Comm. Alliance; Latino Council PD Health & Human Services Probation
Mariposa	• Establish a DV Court • Mobile SHC Unit • Develop SHC	Study & develop proposal for a DV Court Purchase van in conjunction with other counties Computers, printers, video, instructional tapes; written materials, develop feedback questionnaires	Courthouse Courthouse	Judicial officer To be determined	Other county courts
Mendocino	• Self-Help Center	Community resource manual, ADR services, Information & referral, bilingual written materials, bilingual videos, kiosks, online assistance, computers; typewriters	Courthouse	Attorneys Volunteers	Local Bar AOC Day Care Provider Volunteers
	• Public Education	Teaching process by case type, video – guide to ct. procedures, pre-hearing clinics, bilingual forms packets			
	• Judicial Officer & Staff Education	Judicial training, pro tem training, clerk training, volunteer trainings			
	• Bilingual Staff	Bilingual attorney & staff Extended hours for filing			
	• Navigation & Court Locations	Directions, signage Court information booth			

SRL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Mono	• On-site consultation with Spanish-speaking paralegal • SRL information on website • On-site computers so SRLs can use internet • Community outreach				Local Bar Paralegals Spanish Interpreters\ Web Consultant
Monterey/ San Benito/ Santa Cruz	• Expanding Available Services	SRL Services	Community	CBO Provider	County Bar Associations AOC – Regional Office Volunteer attorneys Other volunteers DCSS Family Law Facilitators Law Libraries Law Schools Law School Intern Programs
		Hire a Pilot SHC Coordinator		Court staff – nos	
		Extend ESL services to Watsonville; expand civil assistance		Language Line	
		Extend hours of service – research possible locations, link SHC to Family Law Facilitator and extending hours	Family Law Facilitators?		
		Mobile van program - Get information from other courts			
	• Technology	Website; kiosks; I-Can; other software/TurboTax			
	• Education	Outreach clinics; workshops			
	• Informational Materials	Forms w/instructions/flowcharts; English/Spanish brochures			
	• Partnerships	Develop volunteer participation			

SRL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Napa	• Expand Family Law Services	Expanded Family Law Center	Courthouse	Family Law Facilitator	Local Bar Probation Legal Services Law Enforcement H&H Services Dept. Ed. Schools Colleges PD & DA Library State Hosp.
	• General Self-Help Center	Self-Help Center – Materials & referrals Information Center	Courthouse	Attorney Sr. clerk (Spanish)	
	• General Public Information				
	• Technology	Video production/purchase			
	• Court outposts	Remote Center: UD, Fam. Law; Sm. Claims	Calistoga; Am. Canyon		
Orange	• Court Rules, Procedures, Forms & Case Scheduling	Judicial training (clarity of orders) Easy access to minute orders Simplify rules & procedures Stagger hearing times Unbundling			
	• Education & Use of Volunteers	Comm. Resource Guidebook Volunteer interpreters Self-help videos/materials to -Comm. Centers		Volunteers	Whittier Law School
	• Facilities & Expanded Services	Self-Help Centers Information counters Fact sheets of FAQs Re-number courtrooms rationally Regional traffic ticket centers	All courts		
		Mobile van Online services Accept handwritten forms		Attorneys Volunteers or Staff	
	• Technology	I-CAN Other kiosk info (“how to”) e-filing Easy access to case information Create interactive forms		Volunteers	

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Riverside	• Information to Public	Resource Guide Informational brochures; videos Workshops Public Information Booths Interpreters for Translations	Courthouse Law libraries	Attorney	Gov. Agencies Local Bar Law Libraries Faith Community Community Social Services
	• Expand Available Legal Services	Unbundling Calendar priority to pro bono attorneys Incentive for pro bono attorneys Local bar to adopt a 50-hour requirement Publicize low-cost legal services		Attorneys	
	• Regional SH Centers	Technology available		none	
	• Collaboration & Community Outreach	Court speakers bureau Provide information to jurors about low-cost legal services Establish Court Resource Development office to seek grant opportunities		All court staff	
	• Technology	Website, kiosks – I-CAN e-filing video-conferencing-hearings	Law libraries, shelters, community locations	none	
	• Transportation & Parking	Coordinate court times with bus schedules Expand time & signage on parking meters Security for DV victims Translate signage on parking meters Increase parking signage			
	• Training	Training staff, bench, protems, law libraries, agencies Publicize CJER materials Ask CJER for more training tapes on line			

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Sacramento	• Court/Community Liaison Program	Meet with SRL – in community prior to court Accompany to clinics Help with Technology – I-CAN, etc. Assist attaching to services Evaluate litigant's experiences	CBO staff-by contract		Gov. agencies CBOs Info Line VLSP
	• Community Based Court Service Centers	3 Centers + mobile unit Computers, Internet; I-CAN; e-filing Videoconferencing/hearings	Sr. Clerks; volunteer staff		
San Bernardino	• Community Outreach & Collaboration	Unbundling Information & referral Kiosk/computer forms	Law Libraries	Volunteers	Schools, service clubs, libraries, CBOs, churches, Legal Services, Chamber of Commerce, Local Bars
	• Family Law Resources	Expand Family Law Facilitator for non-AB1058 FL; DV assistance by FLF	Courthouse	Attorneys	Legal Services DV Services
	• Language Access	Translate materials into Spanish & Vietnamese	Community		Schools, service clubs, libraries, CBOs, churches, Legal Services, Chamber of Commerce Local Bars
	• Court User Information & Assistance	Written instructions, website, juror information: Put in kiosks - remote sites	Courthouses		
	• Public interface at Courts	Information booths, signage, materials – flowcharts, maps, resource directories; computers	Courthouses		
	• Training	Sensitivity, customer service, judges, court staff Ed. about court for public	Libraries		
	• Regional Self-Help Centers	Instruction packets; child care; parking assistance	Regional Locations		
	• Publicity	Website; press releases, flyers, videos			

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
San Diego	• Inventory of Legal Resources	Legal & social services - directory	Countywide		United Way Inform SD Law Library
	• Self-Help Centers & Clinics	Expand Existing Services CH Clinic UD Clinic DV Clinic Family Law Facilitator Case Management	Courthouses & Community (library)	Attorneys Paralegals IT Staff	
	• Technology	I-CAN; On-Line Disso; e-filing sm.claims			Legal Services Libraries Local Bars State Bar
	• Unbundling			Attorney	Local Bar
	• Funding	Research and collaborative funding			Legal Services, non-profits, libraries
San Francisco	• Multi-Language/Multi-cultural Service Center	Spanish; Cantonese, Vietnamese, Russian, Tagalog SRL services; I-CAN kiosks, SHC, Information Center	Courthouse Community Centers	Attorneys staff	VLSC Cooperative Restraining Order Clinic Bay Area Legal Services Law Library Hastings Law School; SF Bar Assn.
San Joaquin	• Self-Help Center	Expand Family Law Facilitator Computers, written materials Expand to Manteca location	Courthouse	Attorney	
	• Technology	Website Video-conferencing	Courthouses, Community		Other Central Valley Courts; Dual Vocation Institute
	• Language Access	Language Line			Others: FL Cntr. in Manteca Libraries Universities Women's Centers
	• Written Materials	Expand information packets			
	• Signage	Multi-lingual signage			

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	• Advertising	Outreach in local newspapers Directory of Services Phone book			Catholic Charities Sr. Centers
	• Public Education	Videos, phone access Court-Community Leadership & Liaison Academy			
	• Court Staff	Training			
San Louis Obispo	• Expand FLF • Mediation Services • Small Claims Advisor • Self-Help Library • Reception Center • Implement Clinics • Resource Brochure • Video Series • New SHC	Community Law Night		attorney attorney clerks staff attorneys attorneys/ paralegals	Gov. Agencies Community Mediation Local Bar Local Colleges & Universities Newspapers Cable TV
San Mateo	• Self-Help Resources	Centralized Service Center Mobile unit Kiosks Video viewing Written materials – multi-lingual Public education	Courthouses (or near) In Community		Non-profits Local Bars Libraries Universities Law Schools
	• Access to Services	Computers, copiers, handouts, maps, Courtroom assistance Interpreter services Social service referrals – streamlined intake; ADR referrals			
		Pro bono Programs Law Student volunteers at court		Volunteers	
	• Technology	Expand Interactive Forms Program Enhancement website			
	• Collaboration	Staff training – on available resources Develop a communication plan			

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Santa Barbara	• Public Information/ Education	Informational packets & brochures; expand court's website; public information programs on rules, procedures, forms, options; referral lists Better signage at courthouse			Bar Assn Bar Foundation Board of Supervisors Small Claims Advisor SB Community Mediation Program
	• SRL Resource Center	Tables, chairs, staff to answer questions, reference materials in Spanish & English, videotape library		Volunteer attorneys, paralegals, secretaries, court staff	
	• Language Assistance	I-CAN kiosks; San Mateo SH website; interrupter availability I courtrooms;			
	• Court Rules & Procedures	Review & simplify			
	• Training	More training for court staff—develop a full curriculum		Volunteer Attorney	
	• ADR	Expand to Family Law			
	• Collaboration with the Bar	Unbundling; more mediation services work with DA on UPL issues			
	• Criminal/Traffic	Electronic trials by declaration, requests for continuances, extensions of time, etc.			
Santa Clara	• Coordinate Information Booths Forms instructions	Phone service FAQ brochures Website & interactive forms	Courthouse, Mobile Unit Community Volunteers	Attorneys	Legal Services AOC Neighborhood Resource Centers Sr. Citizen Centers Schools Law Schools Paralegal Schools Libraries Religious/Ethnic Orgs

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	• Enhance Volunteer Services	Staffing Info. Booths Attorneys for SH Center			
	• Self-Service Center & Mobile Unit	Centralized SH Center + mobile van Individual legal information Web access, forms & handouts Workshops	Court & Mobile Unit Community	Volunteers	
	• Language Access	Translation of Written Materials			
	• Staff Training	Volunteers, ct. staff			
	• Community Outreach	Training & written information to community "experts" regularly in strategic limited subjects	Community	Volunteers	
Shasta	• Adjustment To Court Procedures	Review FL Court Files Expand ADR Generate more timely OAH procedures Review & Enhance training for Pro Tems in UDs	Courthouse	Staff	S.M.A.R.T.\Family Law Committee – Local Bar, Women's Refuge DCSS, Legal Services of No. CA, Senior Legal Services Above plus: HelpLine, Inc. VLSC, No. Valley Catholic Social Services Law Library, Redding Rancheria Shasta College, Simpson College, Chico State University, Student Day Care Assistance, Kids Turn, Cooperating as Separating Parents
	• Increase Low Cost Legal Assistance	Expand Family Law Facilitator Increase Volunteer Services at Women's Refuge Unbundling for private attorneys	Courthouse Community	Attorneys Volunteers Attorneys	
	• Increase Community Collaboration	Develop additional collaborations			
	• Establish a full-service SHC	Needs assessment; forms w/instructions; space for Family Law Facilitator; video information; information desk	Courthouse	Family Law Facilitator	

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	• Technology	Kiosks; enhance website; video-conferencing ability; computers	Courthouse Law Libraries		Program All above plus: Shasta Drug & Alcohol Program
Siskiyou	• Expand Family Law Facilitator – SRL Assistance to Public	Video-conferencing – outlying branches Front-end services to SRLs – doing a current needs assessment - SHC Refurbish computers for SHC Expanding SHC Hours; Community education Programs – videos MCLE program. – unbundling/ADR	Courthouse	Family Law Facilitator	Bar Assn.; Legal Secretaries Assoc.
		Children's Waiting Room	Courthouse		Family Interagency Service Council Siskiyou County Child Care Council
		ADR directory			County Law Library
		Recycling court files for pro per use		Court clerks	
		Public TV for educational materials – DV restraining orders for petitioners & respondents			Yreka – Channel 4
Solano	• Language Access	Translate written materials		Community volunteers	Community orgs.
	• Community Collaborations	Develop coordinated referral networks			Universities Community orgs Non-Profits

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	• Increase SRL services	Expand Family Law Facilitator – non-FL civil, Unbundling		Family Law Facilitator Private Attorney	Local Bar Legal Services
	• Simplify court processes & forms				
Sonoma	• Getting the word out	Ongoing service provider network Proactive exchange of information Public forums – career/employment fairs Education programs Recruitment – volunteers, interns	Courthouse community locations		CA Indian Legal Services California Parenting Institute CRLA Council on Aging DCSS Dads Make A Difference Disability Law Clinic Fair Housing of Sonoma FCS Friends Outside Grandparents Parenting…Again No. Bay Regional Center Petaluma People Service Center Recourse Mediation Services Sonoma Bar Assn Sonoma County Human Services Legal Aid Legal Services Foundation Sheriff Victim/Witness Sonoma State YWCA
	• Collaborations	Centralized services; Mobile community forum; Website services; "211" Information Line Services Collaborative in-service trainings; Commission on Community Resources			
	• Internet Connections	Centralized database; kiosks w/legal processes information; community access information – Cable TV; website links; public service segments/press releases			
	• Getting Legal Representation	Providing education to Bar, judges, community; Ongoing comprehensive training: community clinics, mentoring programs, PSAs			

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	• Public Education	Annual service providers forum, Public forums – fairs; Information Hub; Intra-agency intra-departmental "Ride alongs", expanded hours SHAC			
	• Continuous Improvement	Monitoring of grant opportunities; expanded ADR and CASA; task force development			
Stanislaus	• Language Access in all areas	Language Line – bi-lingual staff-additional interpreters	Courthouse & community locations		CRLA Disability Resources (DRAIL) Stanislaus BHC Modesto Bee Dept. of Education Curbside News United Way Kinship Center Children's Coordinating Council DV Coordinating Council
	• Getting the Word Out	Legal Hotline; signage; brochures; outreach to schools, migrant education, head start, other community locations; service provider network, centralized resource and referral; touch screen computers w/ telephone help at the courthouse, Law Library, Community Service Agency			
	• Collaborations	Resource Fairs; Senior Information Days; STOAAC monthly meetings; meetings; in-service trainings; customer surveys; mentor & support groups; multi-cultural committee			Law Library; other libraries; DCSS; victim-witness; all other collaborations
	• Internet Connections	Standardized platform uniform reporting system countywide; accessibility & simplicity of information; instruction & education; public & private access; FAQs on website; user-friendly process & language			Same as above
	• Getting Legal Representation	Legal information at high school level; collaboration with non-profits for education; leadership training for community leaders			Existing collaborations

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	• Increasing Understanding of the Courts and Service Providers	More free legal advice & information via SHC; information materials at clerks counters; conflict mgmt/resolution training available to all agencies; court directory of all services; website expansion			Add: VAWA Immigrant Refugee Program; Catholic Charities; Lions, Rotary, community cultural centers
Sutter	• Establish 3-year pilot SHC	Written materials in English and Spanish; research Sikh and Hmong interpreters	Books & pamphlets Workshops – subject matter like the Family Law Facilitator/Family Law Information Center; Videotape presentations	Courthouse or nearby – share space with the Family Law Facilitator Attorney, 2 clerical support; volunteer attorneys (1 bilingual staff)	Local Bar Assn
	• Charge people earning over $20K per year a fee – sliding scale up to $25/hr				

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Tulare	• Purchase of Computer Equipment • Purchase external CD-ROMs for computers in Family Law Facilitator's Office • Develop general courthouse brochure	4 computers/printers	Central & outlying courts	Family Law Facilitators	CRLA Small Claims Advisor\Law Library DV advocates College of Sequoias Paralegal program Tulare Office of Education C-SET job training
Tuolumne	• Coordinating Resources	Resource directory Training for other agencies Expand Family Law Facilitator Videos Workshops Written materials		Family Law Facilitator	Local Bar CPS Non-Profits Libraries DCSS Law Schools
	• Legal Advice	Legal aid to referrals from participating agencies	Courthouse	Contract Attorney	
	• Technology	Donated computers, printers, software video equipment, enhance website; online assistance			
	• Public Education	Workshops, videos clinics (eve/wkds)		Law student interns	

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Ventura	• Improve staffing & staff education • Public education & outreach • Technology • SRL helpful policies & procedures • Language access • Community collaborations	Expand current programs: Self-Help & Family Law Facilitators	Courthouse Community – Mobile Van	Attorneys Court clerks	Churches Schools Libraries Non-profits Health care Colleges
Yolo	• Public Access Desk	PAD: forms, instructions, nolo books, translations, computers, forms software	Main Courthouse		Law Schools
	• Expand Family Law Facilitator	Fulltime Position	2 courthouses		
	• Monthly Clinic Program	Instruction on how to file matters in court To be videotape and available at PAD	8/yr – outlying areas		
	• Traveling Court	Traffic, small claims – hearings			Community Orgs.
	• Mandatory Small Claims Mediation	Mediation program			Local Bar
	• Public Information	Information – 3 languages Website\brochures Public media			Newspapers, Cable TV; Community Orgs.

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Yuba	• Increasing Community Resources	Create handouts of local resources; create library of local resources	Courthouse & courthouse annex		
	• Improve Legal Information Assistance	Create information assistance; create family law brochure; create brochures for child support and domestic violence			
	• Funding	Apply for grants			
	• Operations	Extend FCS days	Courthouse		
	• Technology	SHC computers available	Courthouse		
	• Public Education	Handouts re: educational resources	Courthouse & Law Library		

APPENDIX 4

LEVELS OF LEGAL ASSISTANCE

COURT	LEGAL SERVICES	PRIVATE BAR

PARTNERS →

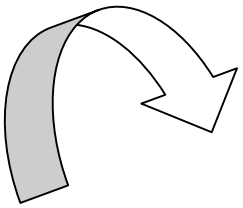
LEVELS OF SERVICE

FULL SERVICE REPRESENTATION

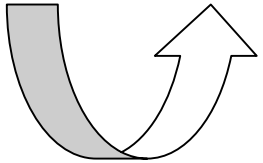
Legal Services
(Income Eligibility)

Private Attorney

Full Fee Representation
Sliding Scale
Pro Bono Representation
Court Appointed Counsel



Seamless System of Referrals



LIMITED REPRESENTATION & ADVICE ONLY

Legal Services
(Income Eligibility)

No General Appearance
Legal Advice Only
Education & Referrals

Private Attorneys
(Fee for Service)

Unbundled
Advice Only
Ghost Writing

NO ATTORNEY/CLIENT RELATIONSHIP

Court Operated Self-Help Center
Information & Education
(Most Have No Eligibility Limitations)

Procedural Information
Forms Assistance
Referrals
Community Education

Available to All Sides
No Legal Advice

Legal Services
Court-Based Self-Help
Information & Education
(Income Eligibility)

Procedural Information
Forms Assistance
Referrals
Community Education

Available to All Sides
No Legal Advice

Private Attorney
Pro Bono Volunteer at the Court
Information & Education
(No Income Eligibility)

Procedural Information
Forms Assistance
Referrals
Community Education

Available to All Sides
No Legal Advice