

# Self-Represented Litigation Network

## Pre Conference

May 2011

# Welcome

- The Day
- Note on Video Streaming

# Outline AM

8:30	Brief Introductions and Statements of Interest
9:00	SRLN and Washington Report
9:15	Research/Triage and Access to Counsel
9:50	Report on ABA Poll on Lawyers and Access
10:00	Unbundling and Pro Bono
10:45	Break
11:00	Federal Court Opportunities
11:30	LEP Updates and Innovations
12:15	Lunch and Networking

# Outline PM

1:00	Trip to local SHC
3:00	Model State APA and SRLs
3:20	US Justice Index
3:30	E-Filing Access Campaign Strategy Session
3:50	Brainstorm Court Simplification for Access
4:10	Problem Solving Time for All
4:45	Prioritizing Ideas for SRLN in 2011 – 201
All Day	Table for Sharing of Handouts

# I. Brief Introductions and Statements of Interest

Richard Zorza

- Who you are
- Why are you here
- 1 minute total!

## II. Washington Report

- The Budget Picture
- LSC
- SJI
- DOJ
- CCJ
- SCOTUS

# SRLN Directions

- The States
- Policy Directions
  - Judicial
  - Administrative
  - Simplification
- Work Groups
- Thinking about the Coming Year

# III. Research/Triage

Bonnie Hough and Richard Zorza

- Harvard Unemployment Study
- California Brief Services Study
- Los Angeles Self Help Center Study



# Integration of Conclusions

- How Little We Know
- Huge Variety of Outcomes/Patterns
- Need for Understanding Actual Process Studied
- Underlining Results Depend On Type of Case
- Underlining Need for True Randomness

# Lessons for Future of Research

- How Reported
- Law Version
- Statistical Significance
- Context Critical
- Need for Best Practices

# Implications for Access to Counsel

- Triage is key
- Not just who wins with help, but who wins anyway
- Need feedback loop for data on outcomes

# IV. Report on ABA Poll on Lawyers and Access

Will Hornsby, Staff Counsel

ABA Standing Committee on the Delivery  
of Legal Services

[Will.hornsby@americanbar.org](mailto:Will.hornsby@americanbar.org)

# The Survey

- Conducted by Harris Interactive
- Landline Telephone Survey
- Over 1,000 adults from around the country
- Weighted Sampling
- Conducted September 8 through 12, 2010

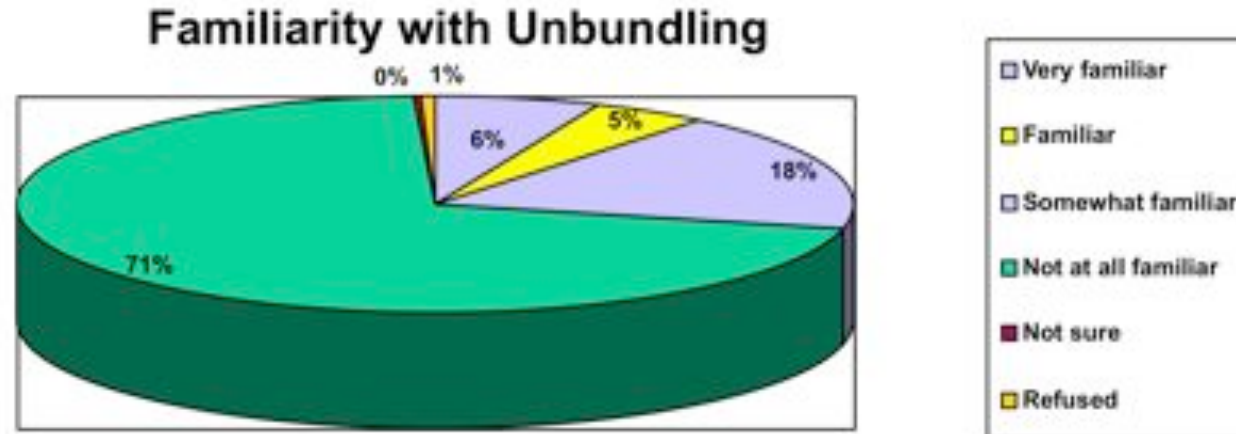
# Unbundling

- Definition
- Familiarity with Unbundling
- Likelihood of Talking to a Lawyer about Unbundling
- Importance of a Lawyer Unbundling Services

## Definition...

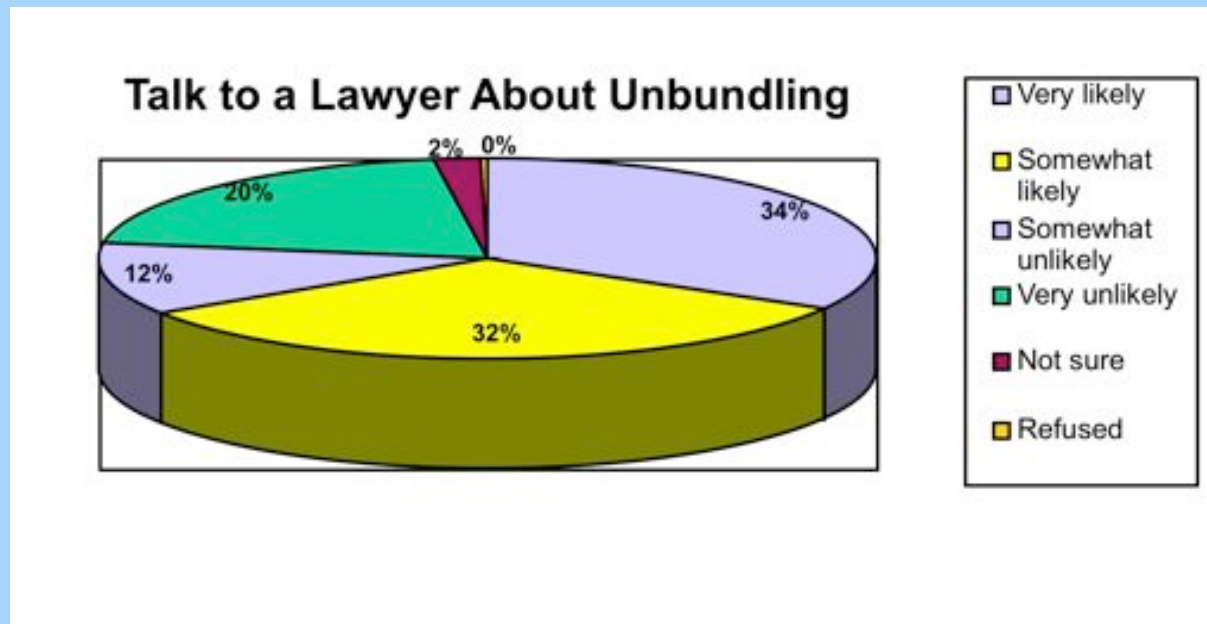
Some lawyers are unbundling their services. “Unbundling” means that the lawyer and the client team up to divide the work between them. Instead of the lawyer doing everything, the lawyer does some of the work and the client does some of the work. For example, a lawyer may give the client instructions on how to fill out the paperwork necessary for court and the client then completes the forms. This would save money on attorneys’ fees, but may take a lot of your time.

# Familiarity...





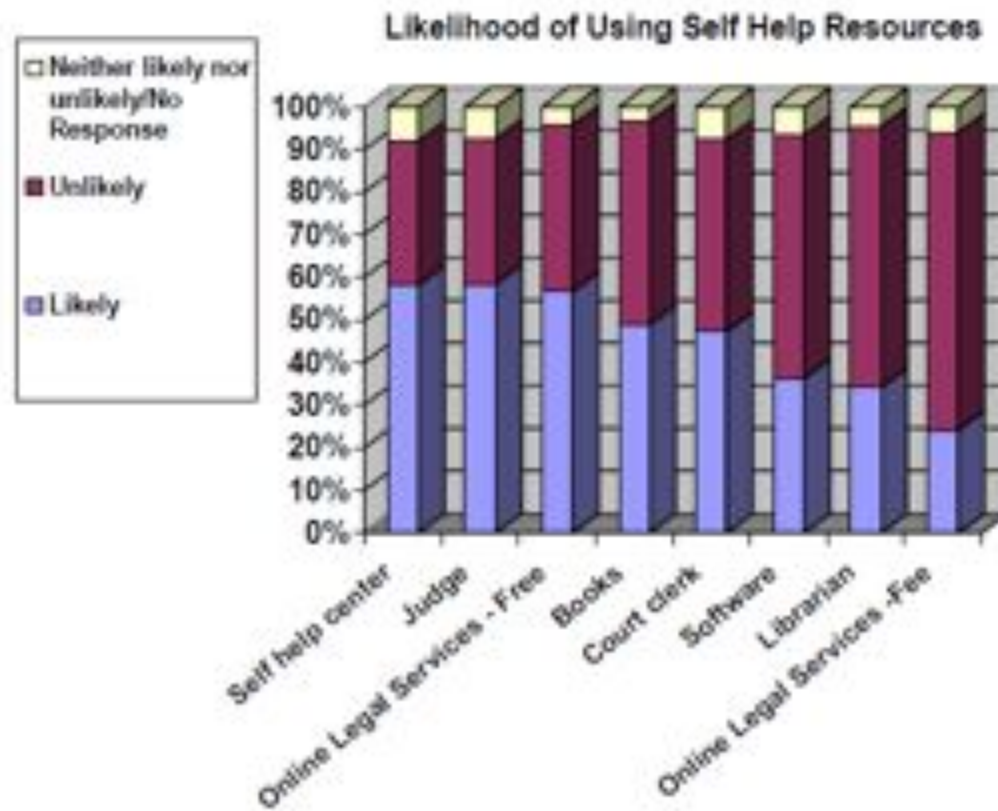
# Talking to a Lawyer About Unbundling



# Self-Help Resources

- • A court self-help center;
- • A court clerk;
- • A judge;
- • A librarian;
- • Self-help books;
- • Self-help software;
- • Online legal services that charge a fee;
- • Online legal services that are free

### C. Findings



# V. Unbundled Pro Bono in the Court

Stacey Marz

- Early Resolution Project (ERP) in Anchorage, AK
- All contested divorce & custody cases screened for suitability
- Both parties self-represented
- Volunteer attorneys do unbundled in court
- Self-help center staff assist with paperwork and child support calculations
- Paperwork is done and distributed in courtroom

## Some details – court side

- Judge functions as a settlement judge
- Mass setting of cases – 6-9 scheduled for 3 hour blocks
- Hearings are 2 times a month
- Fridays afternoons: more convenient for volunteer attorneys
- Attorneys coordinated by AK Pro Bono Program contract attorney

## Goals of ERP

- Settle and close cases
- Get parties before judge as soon as possible
- Enter interim orders if case doesn't settle
- Have parties meet with lawyers to get “reality check,” get legal advice, identify what is worth fighting about, try to settle any issue, craft unique provisions for particular case

# File screening

- All contested files routed to screening attorney after the answer filed
- Screened for likelihood of settlement, looking at several factors to get “flavor” of the case
- File takes about 15 minutes to screen
- Try to schedule ERP hearing within 30 days
- Try to balance calendars to include “easy” (uncontested that don’t need lawyers) and more contested (that could benefit from lawyers)
- Write brief summaries about case
- Draft expected orders and findings based on information in the file with brief memo to judge about any forms related issues

### ERP Screening Factors (5/5/11)

<u>Criteria</u>	<u>Accept for Calendar</u>
Uncontested on all or most issues	Yes
Uncontested on at least one issue	Yes
Current on child support	Yes
Limited issues in the case	Yes
Workable solution is obvious	Yes
Simple finances	Yes
Short duration of marriage	Yes
Receptive to advice and authority	Yes
Military member is a party	Yes
Could work well with a lawyer	Yes
Highly contested	No
Substantial criminal history	No
Active and significant DV	No
Substantial DV history	No
Complicated finances	No
Substantial fact-finding needed (paternity)	No
High emotional volatility	No
Large child support arrearages	No
Both parties are telephonic	No
One party is telephonic	Maybe (only if looks likely to settle and there are no/very few other telephonic cases)

█



# Encourage settlement mindset

- Scheduling order
  - Plain language
  - Presents hearing as a special opportunity
  - Tells them documents to file or bring
  - Includes phone number for questions
- Screening attorney calls both parties 2-3 days before hearing (average time 5 minutes)
  - Reminds them of hearing date, time and location
  - Gives pep talk about settling and finishing case
  - Explains difference between settlement hearing and trial
  - Tells them to fax or bring missing financial documents
  - Answers questions about process or forms

ERP 1 - without lawyer language - Microsoft Word

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Final Showing Markup Show

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All Entries

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

MACRO [PLAINTIFF'S NAME] )  
Plaintiff, )  
v. )  
MACRO [DEFENDANT'S NAME] )  
Defendant ) Case No. MACRO [CASE NO.]

**SCHEDULING ORDER  
FOR EARLY RESOLUTION HEARING**

**WHEN:** May 22, 2011 at 1:30 pm

**WHERE:** Jury Assembly Room, 2<sup>nd</sup> floor, Nesbett Courthouse, 825 W. 4<sup>th</sup> Ave.,  
Anchorage, AK 99501

**WHAT:** Your case has been selected for a special court hearing with a Settlement Judge when you will have the opportunity to resolve your case quickly if both parties can come to an agreement on the issues in your case. Plan to be at the court for approximately 3 hours, although your case may be done much quicker depending on how many issues need to be addressed. If you cannot settle all of the issues at the end of the Early Resolution Hearing, your file will go to the judge initially assigned to hear your case as listed on the Domestic Relations Initial Order. That judge will schedule additional hearings and a trial that will occur

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## Court's communication with volunteer attorneys

- 1 point of contact – AK Pro Bono Program Volunteer Attorney Coordinator (VAC) and SHC
- Screening attorney emails list of cases and case numbers to VAC upon selection
- VAC reviews files, may draft proposed orders, solicits volunteers, provides case names for conflict checks, matches cases to volunteer
- VAC emails which cases will work with volunteers and suggests case order for hearing
- VAC spends 15 hours per calendar (prep and in-court time)

## SHC coordinates with Judge before ERP hearing

- Prepares brief case summaries
- Prepares draft forms and child support calculations and memo identifying any issues
- Suggests order of cases, including which cases will work with volunteer attorneys, which will need the judge to settle on the record, which appear totally uncontested
- Notifies of telephonic parties

**ERP CALENDAR 4-15-2011** (as of 4/13/2011)

**Jeremiah McBride v. Damesha McBride (Shine)**

11-05860 Pfiffner

*Complaint for divorce without children. Married less than one year. Jeremiah wants the divorce.*

*Damesha seeking separation and opportunity to reconcile.*

Complaint filed 3/1/2011.

Answer filed 3/15/2011. Unresponsive answer in that Damesha checked all of the "no paragraph" boxes.

Parties married 5/24/2010 on Ft. Rich.

Jeremiah is 21, US Army, Ft. Rich.

Damesha is 20.

Both parties in ANC.

Both agree no property to divide.

Time/complexity: 2

**Amanda Morgan v. Jonathan Morgan**

11-05640 Aarseth

*Complaint for divorce without children. Uncontested. 5 month marriage, together 6 weeks. Both parties*

*say no property but Amanda checked boxes for car, guns,*

*bank, debt (?). Amanda asking for \$300/mo spousal support and attorney fees (if applicable). Amanda*

*claims \$2k of her PP missing.*

Complaint filed 2/22/2011. Answer filed 3/14/2011.

Parties married in ANC 10/22/2010. DOS 12/9/2010.

Amanda is 30.

Jonathan is 21. *Third marriage for Amanda.* This third marriage occurred 7 days after divorce number 2.

Amanda has pending motion for return of \$2k, pre-marital PP.

Time/complexity: 2

**Jeremiah Seui v. Luzfaletele Taufete'e**

10-10842 (Guid)

*Complaint for custody of four children ages 6 (twins), 5, and 4. Dad asks for joint and shared, mom asks*

*for sole and primary. Visitation will take time to work out, otherwise, not complicated. There is a*



# Specialized forms – from SHC and VAC

- Generic ERP Final Findings and Conclusions of Law and Decrees prepared by court staff
- VAC created form orders to provide standard custody arrangements for different situations (same location, relocation, shift employment)

SHC 400, 601 FFC: B. decree divorce with kids, no property - short - Microsoft Word

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All Entries

Plaintiff \_\_\_\_\_

vs.

Defendant \_\_\_\_\_ Case No. \_\_\_\_\_

**DIVORCE FINDINGS OF FACT AND CONCLUSIONS OF LAW WITH CHILDREN AND PROPERTY (Short Form)**

The settlement conference in this case was held on \_\_\_\_\_

The plaintiff appeared  in person  telephonically. The defendant appeared  in person  telephonically.

The record shows that the defendant was duly served with the summons and complaint for divorce. The parties reached a complete settlement on all issues.

The court has considered testimony and examined any evidence or agreements presented. The court makes the following findings of fact and conclusions of law.

**FINDINGS OF FACT**

1. The plaintiff is a resident of \_\_\_\_\_  
The defendant is a resident of \_\_\_\_\_
2. The plaintiff and defendant were married in \_\_\_\_\_ on \_\_\_\_\_, and have been husband and wife ever since.
3. There exists an incompatibility of temperament between the parties such that it has become impossible for them to remain together as husband and wife.
4. The following child(ren) was (were) born or adopted by these parties during or before the marriage:

Name	DOB

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**Forms for 4/22/11**

**Thompson v. Thompson, JAN-11-06106C1**

Forms: FFCL and Divorce Decree drafted – no property, no kids

Issues: Parties filed uncontested motion to cancel divorce on 4/14/11. On 4/19 Jim called both to confirm they wanted to reconcile and be removed from 4/22 ERP to which they agreed. Then 4/19 husband went to clerk's office to reinstate divorce hearing so we put them back on 4/22 and notified both parties to come to ERP hearing.

**Vang v. Lee, JAN-11-06000C1**

Forms: FFCL and divorce decree drafted

CSO drafted using divided calculation using income from 2010 tax returns. Mother filed a divided calculation that is correct to my calculation.

Issues: 6 kids, parents agree to divided custody with each having 3 kids; based on 2010 tax returns, they have been living this divided custody arrangement – each parent claimed 3 children

CSO drafted for 3 kids with father paying \$551.61/mo. I didn't do any calculations for when the kids start aging out as I don't know what custody arrangement is contemplated at that time (oldest kid is 15). No health insurance except for Dental IGcare. Their mailing addresses are the same based on the file. Also don't know who their employers are so left that blank.

\*\*May need to call the language line; Mother wanted to bring a friend to interpret and we told her the court would provide an interpreter and she then said she didn't want one (but the court has to provide a qualified interpreter under federal law if you believe she is LEP)

**Parker-Taylor v. McBirney, JAN-11-05975C1**

Forms: draft FFCL and decree for custody without specifics for vis plan

Issues: 14 year old child has not really known his father but has expressed desire to see him occasionally (letter from boy in file), hence the custody case. Father's answer agrees with sole legal and primary physical to Mother. No specific vis. plan suggested.

CRRD order of \$796 in effort and father has been paying court (see print out from CRRD)

# Logistics Outside Courtroom

- Parties show up at Jury Assembly Room (large room with tables and chairs)
- 2 laptops with forms loaded, wireless internet, printer
- Self-Help Center facilitator checks in parties and collect any financial docs they bring, copy and distribute to other party
- Parties fill out “Status Updates” for attorneys’ review
- VAC assigns parties volunteer attorneys and they meet and negotiate
- Cases that are relatively uncontested and those with a telephonic party go to the courtroom first
- Parties working with lawyers return to court when ready to report outcome and case heard as soon as possible



# Judge's Role

- Functions as a settlement judge
- Explains ERP and her role
  - May explain role of volunteer attorneys and unbundled legal services, depending on the case composition
- Only issues orders based on agreement or when parties agree to let judge make the decision
- Issues interim orders and either
  - schedules another ERP hearing at a future date to finalize, or
  - sends case to assigned judge for further proceedings
- Issues final orders, distributes in court and closes case

# Volunteer Lawyers

- VAC recruits volunteers based on experience and ability to work in “controlled chaos” setting of live courtroom
- VAC provides training on ERP (logistics, judge’s expectations, spirit of settlement), ethics of doing unbundled
- Lawyers give clients handout explaining role and limitation of representation, which litigant signs and returns
- Lawyers show up when available
- VAC matches lawyers with clients based on experience and issues in case
- Lawyer may function as a neutral / mediator depending on case and lawyer availability
- Lawyer may speak in court for client
- Lawyer may help with drafting paperwork and child support calculations or request help from self-help staff

# Role of Self-Help Center Staff

- Project management
  - Administrative logistics (equipment, calendaring, forms prep, arranging for telephonic appearance, keeping stats, docketing in CMS, prepping and sending scheduling orders, copying final orders)
  - File work (screening cases, summaries for judge and VAC, calendar composition, prep orders)
  - Communication (with judge and VAC)
  - Support volunteer attorneys during ERP
    - Document prep, simple child support calculations

# Party checks in with SHC staff



ATIS UPDATE - Microsoft Word

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All Entries

STATUS UPDATE on \_\_\_\_\_  
(Date)

Your Name: \_\_\_\_\_

1) Has anything important changed since you filed your paperwork? (health issues, bankruptcy, job change, another court case, etc.)

YES NO

If there are children involved in the case, fill out the remaining questions. If not, stop.

2) Describe the current custody & visitation schedule you have:

When is/are child(ren) with Mom?

When is/are child(ren) with Dad?

3) Do you want a different schedule? NO YES, if yes, please think about what exactly you want changed and why.

AutoShapes

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## Alaska Pro Bono Program, Inc.

As a public service, volunteer attorneys and attorney-mediators from the Alaska Pro Bono Program, Inc. are available for a brief, free consultation to help you finish your case today. The volunteers are private, independent lawyers and lawyer-mediators who do not work for the court, and are not being paid by anyone.

### The Volunteer Lawyer can provide:

- ✓ Confidential advice
- ✓ Advice regarding possible responses to proposals made by the Court or the other party in your case
- ✓ Advice about the importance of seeking private legal counsel if warranted and affordable ways to do that
- ✓ Speak for you in court today or to opposing counsel only to help explain your desire or agreements based on the consultation

### The Volunteer Lawyer CANNOT

- ✗ become your lawyer for the case
- ✗ answer questions at any other time than today
- ✗ draft any documents
- ✗ keep copies

### The Volunteer Mediator can provide:

- ✓ Neutral legal information to both parties
- ✓ Facilitate conversation with both parties to fine tune necessary details
- ✓ Keep information confidential from

### A Volunteer Mediator CANNOT

- ✗ provide legal advice
- ✗ answer questions at any other time than today
- ✗ draft any documents
- ✗ keep copies



Acknowledgement of Limitations for Volunteer Lawyer / Mediator

On \_\_\_\_\_

I \_\_\_\_\_, want a free consultation with a lawyer or mediator and agree to the terms described in the handout. I understand the volunteer is not my lawyer or mediator for the case, has no responsibility beyond today and can only provide me limited services based on our brief consultation.

\_\_\_\_\_  
Client's signature

I \_\_\_\_\_, want a free consultation with a lawyer or mediator and agree to the terms described in the handout. I understand the volunteer is not my lawyer or mediator for the case, has no responsibility beyond today and can only provide me limited services based on our brief consultation.

\_\_\_\_\_  
Client's signature

I certify I reviewed the limitations of service or representation with the client(s) listed above.

\_\_\_\_\_  
Volunteer's Name / Lawyer or Mediator

\_\_\_\_\_  
Volunteer's Contact Info

# Logistics in Courtroom

- “Easy” cases and telephonic cases heard first while lawyers work w/ parties outside
- Judge only issues orders (final or interim) if parties agree or agree to let judge make the call
- Parties with interim orders can come back to 2<sup>nd</sup> ERP hearing; beyond that case goes to assigned judge
- From judge’s ruling, the draft paperwork is finalized, printed, copied and distributed in courtroom by clerk
- If no agreement at all, send case to assigned judge for further proceedings



# Benefits to SRLs

- access to early resolution
  - avoids expedited motions and petitions for protective orders
- get the reality check conversation in private
- get a mini-legal diagnosis about whether hiring a lawyer would make a difference
- lawyers unveil issues such as coercion, or hidden legal issues because parties don't think they're "relevant"
- get appropriate interim orders, setting ground rules for the case and minimizing uncertainty
  - avoids expedited motions and petitions for protective orders
- all of the above helps triage the case to the proper resolution method
- lawyers do enforcement analysis, resulting in orders crafted to avoid obvious enforcement pitfalls
- get advice on post-judgment issues, most importantly child support modifications

# Benefits to volunteer attorneys

- Immediate gratification – lawyers work as real time problem solvers
- Opportunity to make a significant contribution to access to justice
- Discrete opt-in pro bono obligation – responsibilities last only as long as the consult
- Get training and experience doing unbundled work
- No preparation or follow-up required – APBP and court system provide administrative support
- Fun atmosphere
  - collegiality with other volunteers
  - “controlled chaos” environment of working in live court

# Benefits to the court

- Efficiently moves cases to resolution and closure
- Frees judicial resources for more complex cases
- Reduces workload for other departments who aren't touching files
- Final documents completed and distributed at hearing
- Reduces mailing costs because not mailing orders
- Parties get legal advice so buy-in to agreements and behave better in future proceedings

# Stats

- Approximately 45% of all newly filed Anchorage contested family law cases with 2 SRLs in ERP
- 72.1% full settlement rate
- 16.4% cases sent back to assigned judge, usually with an interim order
- 8.2% got interim orders and will come to second ERP hearing
- 3.3% removed from ERP because hired lawyer
- Appearance rate is almost 100% (only 1 party since Nov. 09 has not appeared!)

## Contact Information

- Stacey Marz, Director of Family Law Self-Help Center, Alaska Court System
  - [smarz@courts.state.ak.us](mailto:smarz@courts.state.ak.us)
  - (907) 264-0877
- Katherine Alteneder, Volunteer Attorney Coordinator, Alaska Pro Bono Program
  - [kalteneder@gmail.com](mailto:kalteneder@gmail.com)
  - (907) 694-1150



# 2011 Equal Justice Conference

***Helping Self-Represented Litigants in  
the Federal Courts: Pro Bono  
Opportunities and Innovative  
Partnerships***

May 20, 2011

# Introductions

- Janine Liebert, Librarian, Programs & Partnerships, LA Law Library
- Mairi McKeever, Managing Attorney, Volunteer Legal Services Program (VLSP)
- Michael Meyer, Supervising Staff Attorney, U.S. District Court for the Northern District of Illinois
- Suzanne H. Segal, United States Magistrate Judge, U.S. District Court for the Central District of California
- Hernán Vera, President and Chief Executive Officer, Public Counsel
- Richard Zorza, Coordinator, Self-Represented Litigation Network (SRLN)

# Overview for the Workshop

- Welcome and Goals for the Session
- Pro Se Litigation from a Federal Judge's Perspective
- Solutions to the Challenges of Federal Pro Se Litigation
  - Brief overview of three federal pro se clinic models
  - Effective collaboration
- Law Libraries as a Partnering Resource
- Trends in State Courts and Replication Strategies
- Next Steps and Closing

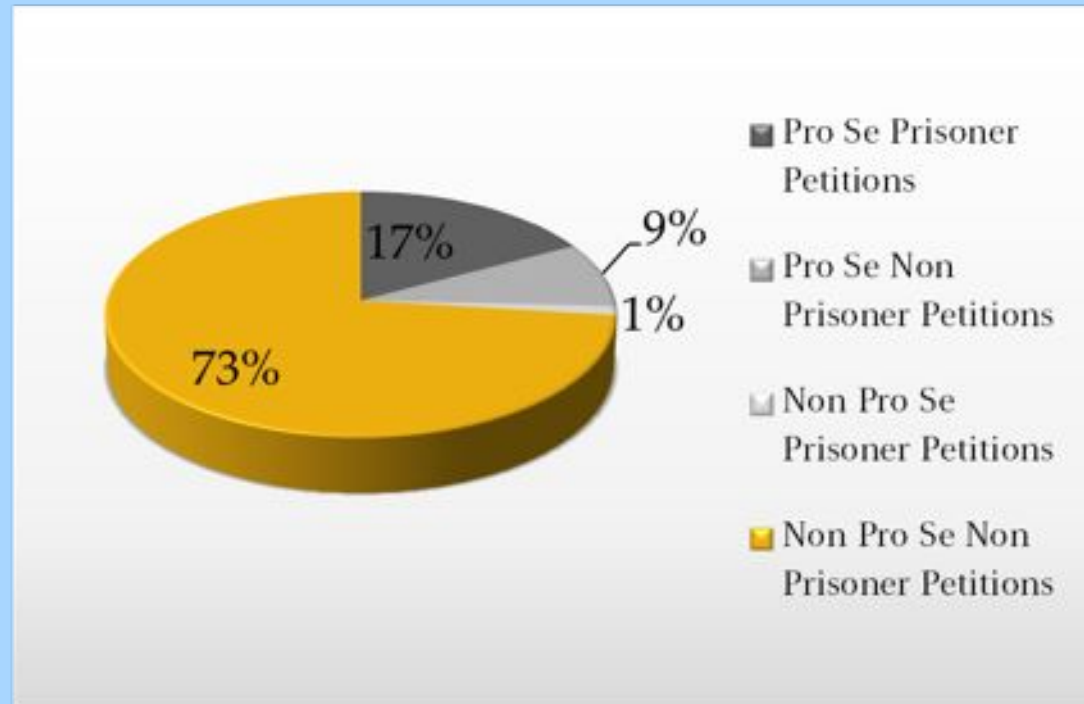


# The Rise in Pro Se Litigation

Filings	CY08	CY09	CY10	% Increase
Total Filings	267,257	276,397	282,895	5.9%
Pro Se Filings	70,948	71,543	72,900	2.8%
Prisoner Pro Se	50,756	48,722	48,581	-4.3%
Non Prisoner Pro Se	20,192	22,821	24,319	20.4%

# District Court Filings – CY10

## District Court Filings – CY10



# Pro Se Litigation from a Federal Judge's Perspective

- Volume/challenge of cases without counsel; impact on court's resources
- Challenges to court staff; increased workloads
- Denial of access to justice for legitimate claims due to obstacles of practicing in federal court
- Challenges faced by defendants who cannot afford counsel
- Security issues for judges, staff and volunteers
- Difficulty in resolving cases efficiently, both through motion practice and trial, when litigant is unrepresented
- Buy-in important –awareness of different viewpoints of value of self-help services w/in courts

# Solutions to the Challenges of Pro Se Litigation

## Pro Se Clinics: Three Models

- The Public Counsel Federal *Pro Se* Clinic
  - *U.S. District Court for the Central District of California*
- VLSP Legal Help Center
  - *U.S. District Court for the Northern District of California*
- Self-Help Assistance Desk
  - *U.S. District Court for the Northern District of Illinois*

# Federal Pro Se Clinic



## Pro Se (Self-Represented Litigant) Clinic

[Español](#)

We are pleased to announce that a new Federal Pro Se (Self-Represented Litigant) Clinic is now open.

The Clinic is located in:

**The United States Courthouse  
312 N. Spring Street, Room 525, 5th Floor  
Los Angeles, CA 90012**

Clinic Hours:

**Mondays, Wednesdays, and Fridays  
10:00 a.m. – 12:00 p.m.  
2:00 p.m. – 4:00 p.m.**



The Federal Pro Se (Self-Represented Litigant) Clinic offers on-site information and guidance to individuals who are representing themselves (proceeding pro se) in federal civil actions.

**For more information, please contact Public Counsel at 213-385-2977, Ext. 270.**

*The Federal Pro Se (Self-Represented Litigant) Clinic is administered by a non-profit law firm, Public Counsel (not by the Court.)*

[Federal Pro Se Clinic Annual Report](#) (February 2009 - February 2010)

[Public Counsel's Reference Materials - Instructional Guides and Forms](#)

# VLSP Legal Help Center

The screenshot shows the website for the VLSP Legal Help Center at the San Francisco Courthouse. The header features the text "United States District Court NORTHERN DISTRICT OF CALIFORNIA" and the names of the Chief Judge and Clerk of Court. A navigation menu includes links for HOME, ABOUT THE COURT, LOCATIONS, CONTACT, CALENDARS, FORMS, RULES & GENERAL ORDERS, and FAQ. The left sidebar lists various categories such as PRO SE LITIGANTS, JUDGES, CASES, ELECTRONIC CASE FILING, FACER, ALTERNATIVE DISPUTE RESOLUTION (ADR), CRIMINAL JUSTICE ACT (CJA), and CLERK'S OFFICE. The main content area is titled "The VLSP Legal Help Center at the San Francisco Courthouse" and includes a description of the service, its location, and hours.

United States District Court  
NORTHERN DISTRICT OF CALIFORNIA  
JAMES WARE, CHIEF JUDGE    RICHARD W. WIEKING, CLERK OF COURT

HOME   ABOUT THE COURT   LOCATIONS   CONTACT   CALENDARS   FORMS   RULES & GENERAL ORDERS   FAQ

**PRO SE LITIGANTS**  
Pro Se Handbook  
Privacy Notice to Pro Se Filers  
Tips for Pro Se Filers  
Civil Litigation Packets  
Finding a Lawyer  
**VLSP Legal Help Center (San Francisco)**  
Federal Legal Assistance Self-Help Center (San Jose)  
Resources for Prisoners

JUDGES  
CASES  
ELECTRONIC CASE FILING  
FACER  
ALTERNATIVE DISPUTE RESOLUTION (ADR)  
CRIMINAL JUSTICE ACT (CJA)  
CLERK'S OFFICE

HOME > Pro Se Litigants

## The VLSP Legal Help Center at the San Francisco Courthouse

The Legal Help Center is a free service offered by the Volunteer Legal Services Program - Association of San Francisco ("VLSP") to provide information and limited-scope legal assistance to pro se litigants in civil cases. The Legal Help Center is a project of the Bar Association of San Francisco and is not part of the United States District Court.

### Location & Hours

United States Courthouse  
450 Golden Gate Avenue  
15th Floor, Room 2796  
San Francisco, CA 94102

The Legal Help Center is staffed by an attorney employed by VLSP. All services are provided in San Francisco. The center's regular office hours are:

# District Court *Pro Se* Help Desk



 **United States District Court**  
NORTHERN DISTRICT OF ILLINOIS

Search Web Site:  
enter a keyword

JUDGES RULES CLERK'S OFFICE ATTORNEY INFO E-FILING INFO JURY INFO HOME

Home > Resources for Persons Who File a Civil Case Without an Attorney

## Resources for Persons Who File a Civil Case Without an Attorney

Someone who files a civil case on his or her own behalf is often referred to as a *pro se* or *pro se* litigant (pronounced *pro say*). "Pro se" is a Latin phrase meaning "for oneself." If you are a *pro se* litigant, the resources listed below are intended to be helpful to you.

The rules, procedures and law that affect your case are very often hard to understand. With that in mind, you should seriously consider trying to obtain professional legal assistance from an attorney instead of representing yourself as a *pro se* party.

The staff of the Clerk's Office can help you by answering questions about procedures, but they are *prohibited* from giving you legal advice. This means, for example, that the Clerk's staff cannot do any of the following:

- recommend a legal course of action or suggest ways to help you win your case;
- predict how a district or magistrate judge may decide any issue;
- interpret the meaning of any judicial order; or
- interpret the local rules of this Court, federal procedural rules, federal statutes, or case law.

Although Court employees cannot give you legal advice, a free self-help assistance program is available to *pro se* litigants. For information on this program, [click here](#).

For a copy of a written guide to filing a civil case in federal court without an attorney, [click here](#).

For a table that summarizes the basic instructions for filing a civil case, [click here](#).



# Lessons Learned

- Challenges of set-up and addressing those challenges
- Identification of partnerships
- Level of services rendered
- Appointment of pro bono counsel
  - *Creative ways of encouraging participation (not just pro bono)*
  - *Settlement assistance program*
- Recognition of attorneys
- Coordination of services



# Law Libraries: Where do we fit in?



Law Libraries  
as a  
Partnering  
Resource

# LA Law Library: Services and Resources



- Legal research assistance
- General public legal materials
- Public access computers
- Legal research databases
- Strong referral relationships

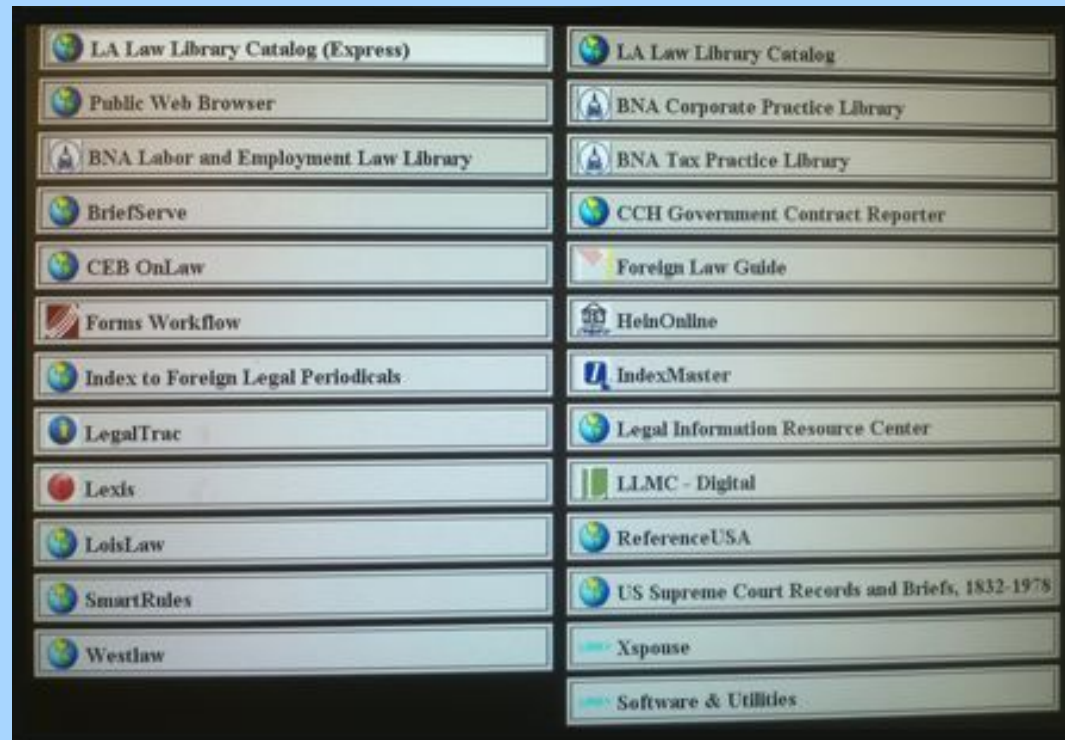
# LA Law Library: Services and Resources

- Professional staff to assist patrons in locating and using legal information resources, in print and electronic format





# LA Law Library: Services and Resources

- Provide free access to subscription legal research databases for the public



# LA Law Library: Services and Resources

- Provide tools to facilitate referrals from the courts to the law library




**Ask a Reference Librarian for Library Resources on:**

- Americans with Disabilities Act
- Civil Rights
- Employment Discrimination
- Foreclosures
- Intellectual Property
- Social Security
- Federal Tort Claims Act
- Other (Please Explain) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Referred by the Federal Pro Se Clinic**

 301 West First Street  
Los Angeles, California 90012-3140  
Phone 213.781.LAW  
Fax 213.613.1329  
www.lalawlibrary.org  
Monday - Friday: 8:30 am - 6:00 pm  
Saturday: 9:00 am - 5:00 pm


The Library is located at 301 W. First Street  
(at First St. and Broadway).

The LA Law Library is a public law library and provides legal information resources for Pro Se litigants.

**What you will find at the LA Law Library:**

- self-help Law Books and Form Books
- Reference Services
- Public Access Computer Terminals
- Public Access to Legal Research Databases
- Print and Internet Resources for Cases, Codes, Court Rules and more
- Public Training Classes
- Information on Federal Civil Procedure including:
  - How Courts Work
  - Filing a Lawsuit
  - Court Procedures
  - Representing Yourself in Court
  - Doing Legal Research
  - And more...

**PLEASE NOTE:**  
The LA Law Library does **NOT** give legal advice.

 Your Partner in Legal Research Since 1971

# Trends in State Courts and Replication Strategies

- Trends in State Courts Pro Se Assistance
  - *Interactions between state and federal*
  - *Possibilities for collaboration*
  - *Replication strategies*
- Unbundled Legal Services
- Data Assessment
- Judicial Education



# LALAWLIBRARY

Your Partner in Legal Research Since 1891

# VII. LEP Updates and Innovations

Stacey Marz

- Language access in the courts is a hot topic
- Why?
  - It is the right thing to do
    - LEP people need access to the courts to resolve their legal disputes
  - DOJ is investigating state courts to ensure compliance with federal law
- Courts are addressing language access issues in many ways



# Why LEP services helps the court

- LEP services help the litigant
  - Communicate what they need and want from the court (clerks' office and judge)
- LEP services help the court and judges
  - Court staff to provide customer service
  - Judges can understand the case
  - Judges can reach sound decisions

# Federal Requirements

- Title VI of the Civil Rights Act of 1964 – prohibits national origin discrimination by recipients of federal financial assistance
  - Must provide meaningful language access to LEP persons
  - Prohibit both intentional discrimination and practices that have a discriminatory impact
- EO 13166 “Improving Access for Services for Persons with Limited English Proficiency” (August 2000)
  - Recipients of federal \$ must provide meaningful access to their LEP customers
  - DOJ guidance letter to state courts (AAG Thomas Perez 8/16/10)
  - AG Holder memo of renewed commitment to language access obligations under EO 13166 (2/17/11)
- 2002 DOJ Guidance – 4 factor analysis

# Four-Factor Analysis

Recipients of federal \$ must reduce language barriers that can preclude meaningful access to important benefits, rights, programs, information, and services. The starting point is an individualized assessment that balances the following 4 factors:

1. The number or proportion of LEP persons in the eligible service population;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people's lives; and
4. The resources available to the grantee/recipient and costs.

## Perez guidance letter to state courts

- DOJ areas of concern:
  - Limiting the types of proceedings for which qualified interpreter services are provided by the court.
  - Charging interpreter costs to one or more parties.
  - Restricting language services to courtrooms.
  - Failing to ensure effective communication with court-appointed or supervised personnel.
- Language services expenses should be treated as a basic and essential operating expense, not as an ancillary cost.

## Court budgetary constraints

- DOJ Guidance acknowledges that recipients can consider the costs of the services and the resources available to the court as part of the determination of what language assistance is reasonably required in order to provide meaningful LEP access.
- But fiscal pressures don't provide an exemption from civil rights requirements.

## \$ Factors may include, but are not limited to, the following:

- The extent to which current language access deficiencies reflect the impact of the fiscal crisis as demonstrated by previous success in providing meaningful access;
- The extent to which other essential court operations are being restricted or defunded;
- The extent to which the court system has secured additional revenues from fees, fines, grants, or other sources, and has increased efficiency through collaboration, technology, or other means;
- Whether the court system has adopted an implementation plan to move promptly towards full compliance; and
- The nature and significance of the adverse impact on LEP persons affected by the existing language access deficiencies.

# DOJ Expectations

- Develop and maintain periodically updated written plan on language access
  - Document language assistance services
  - How staff and LEP persons can access those services
- Adoption of court rules, statutes or administrative orders providing for universal, free and qualified court interpreting
- Strong court leadership or dedicated language services coordinator
- See example: MOU between US and Maine Judicial Branch - [www.lep.gov/resources/Maine\\_MOA.pdf](http://www.lep.gov/resources/Maine_MOA.pdf)

## Elements of an Effective LEP Policy

- Identifying LEP persons who need language assistance
- Identifying ways in which language assistance will be provided
- Training staff
- Providing notice to LEP persons
- Monitoring and updating LEP policy



## Examples of Language Assistance Services

- Direct foreign/native language communication by fluent bilingual staff
- Interpretation (oral), conducted in-person, via telephone or video conference by qualified interpreters
- Translation (written) by qualified translators

# Interpretation

- The immediate communication of meaning from one language (the source language) into another (the target language). An interpreter conveys meaning orally, while a translator conveys meaning from written text to written text.
- Interpreters are subject to specific codes of conduct and should be well-trained in the skills, ethics, and subject-matter language.
  - Qualification procedures by courts include certification, assessments, training, experience

## Bilingual staff provide language assistance

- Bilingual staff can conduct the business of the workplace in the non-English language.
- This communication does not involve interpretation or the translation between languages (unless job is interpreter).
- Requires fluency in the non-English language, including fluency in court terminology. Such fluency should be assessed prior to relying on the bilingual employee for the provision of services.

What does DOJ mean about having a  
“qualified interpreter” for court- activities  
outside the courtroom?

- Depends on where/type of interpreting needed.  
Depends on the nature, purpose, and context of the communication.
  - Bilingual court employee may provide direct customer service (procedure and forms information)
  - But interview by court custody investigator should be supported by highly skilled professional interpreter

# Minnesota Language Access

- Every court has an LEP plan on their website
- MN statutes state the court provides and pays for interpreters in all cases
- Some documents and forms have been translated into 5 most common languages: [www.mncourts.gov/selfhelp](http://www.mncourts.gov/selfhelp)
- Directional signage in courthouse in top 5 languages

# Minnesota – bilingual staff

- Some court positions are posted as bilingual required
- Bilingual staff provide help outside the courtroom
- Specialized training for bilingual court staff
- Somali liaison position: court clerk assists Somali people with court procedures and forms; travels to all court divisions to interpret between parties and court staff; does community outreach and resource development
- SHC serves as language resource hub – many bilingual staff

## Minnesota (cont.)

- Use ITV for some Spanish courtroom interpreting
- Partner with or refer to other agencies for language assistance
  - Completion of forms

# AK Court Language Assistant 2-day Training for Bilingual Staff

- Introductions
- Program Goals
- Pre-Test About Interpreting & Language Skills
- Who is a Person of Limited English Proficiency (LEP)?
- Language Assistance in the Courts - Role, Skills, Ethics
- Qualified/Certified Interpreting - Role, Skills, Ethics
- Providing Legal Information not Legal Advice
- Photo with the Alaska Supreme Court
- Language Proficiency Self-Assessment
- Lessons Learned from Day 1
- Development of Service Scenarios
- Scenario Practice in Language Groups
- Two-Way Language Assistance
- Three-Way Language Assistance
- Commonly Used Court Terms
- Language Assistance over the Phone
- Tips for Success
- Post-Test
- Resources for Development
- Program Evaluation



# Interactive training

- Individual exercises to self-assess language skills
- Group exercises to interact in 2<sup>nd</sup> language and identify legal terms
- Asked participants to provide questions they have received or expect to receive as a language assistance
- Discussed how to deal with customers wanting a higher level of help when from same community or ethnic group
- Discussed how to deal with judges wanting language assistants to be interpreters in court

# INTRODUCTION

- Name
- Position
- How long have you been with the AK Court System?
- What is your native language?
- How did you learn your second language?
- In what circumstances have you assisted court customers who have spoken a language other than English?
- What challenges do you face as a language assistant?
- Tell us about any situation where you did not know how to handle a customer who needed language assistance. What did you do?

# Language self-assessment

self assessment - Windows Picture and Fax Viewer

Language Self Assessment

- I use my language:
  - at all times at home, in social situations and at work
  - always at home and occasionally at work
  - only at home
  - rarely
- I can speak my language (circle all that apply):
  - to discuss abstract subjects such as politics, history, or the environment
  - to explain how to assemble, fix or use a device
  - to give directions to a location
  - to describe an unseen object or place
  - to converse with family and friends at a social gathering
  - to express my feelings
  - to comfort a child
  - none of the above
- When I speak my language I feel:
  - more at ease than when I speak English
  - comfortable on most subjects, whether personal or professional
  - comfortable on a few subjects (specify) \_\_\_\_\_
  - uncomfortable because there are a lot of words I don't know
- I read in my language:
  - every day on a variety of subjects
  - frequently in certain situations (e.g. letters from family)
  - occasionally
  - I don't know how to read in my language
- My formal education in my language is:
  - extensive, including college
  - all or part of high school
  - all or part of grade/elementary school
  - I have no formal education in my language
- I feel comfortable reading these materials in my language:
  - literature, newspapers, professional journals, religious texts, and more
  - newspapers and religious texts, letters from family
  - letters from family
  - none
  - other \_\_\_\_\_

self assessment - Windows Picture and Fax Viewer

Language Self-Assessment Questions    Name \_\_\_\_\_

Last Name, First Name

Please fax, mail or bring to the screening section this self assessment.

Barb Jacobs, Program Manager Language Interpreter Center, Alaska Immigration Justice Project  
411 W. 7th Avenue, Suite 200, Anchorage, AK 99501  
907-279-2417 Fax: 907-279-2450 barb.jacobs@alaskainmigrationjustice.org

Across the top of the chart list the languages that you speak and write fluently, to the extent that you could use them in a professional capacity. For each language named, please check the appropriate boxes to indicate the settings where you use that language:

	Language 1: (specify)	Language 2 (specify)	Language 3 (specify)	Language 4 (specify)
I use this language:	English	_____	_____	_____
At home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
With friends and family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At school	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At religious activity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For reading	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For news or entertainment (TV, radio, movies)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Rate your skill level for each of the languages you listed above on a scale of 1 (low) to 12 (high).

Speaking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Writing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Understanding speech	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reading	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other comments:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Training for Bilingual Court Employees Pre/Post Test

### True/False Questions

TF

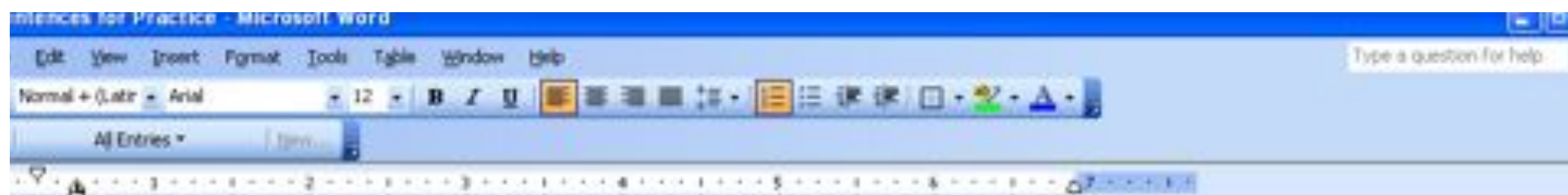
- 1. Anyone who is bilingual can interpret.
- 2. Simultaneous interpreting is only done at the United Nations.
- 3. There is a shortage of qualified interpreters in the United States.
- 4. Interpreting can only be accomplished when everyone is present in the same room.
- 5. People who speak some English may be assigned as interpreters in court.
- 6. Translating is more accurate than interpreting.
- 7. You need to be able to read both languages in order to interpret between them.
- 8. Translating involves written documents, and interpreting involves oral communication.
- 9. It would be a conflict of interest to interpret for both parties in a divorce action.
- 10. Court interpreters explain complex legal issues to defendants who don't speak English.

### Multiple Choice Questions

1. A target language is
  - a. a language into which you interpret
  - b. a language learned in school
  - c. a language in danger of extinction
  - d. a language spoken by immigrants
2. Culture
  - a. should not be considered when interpreting in court
  - b. is a significant component of interpreting in court
  - c. is related to religion, diet, and dress, not to language
  - d. must be abandoned during the process of assimilation
3. A language assistant
  - a. can help people who don't speak English to navigate the court system
  - b. can substitute for a certified interpreter in cases that are not felonies
  - c. can interpret but not translate in court proceedings
  - d. can fill out forms on behalf of people who can't read or write English
4. Certified interpreters must demonstrate proficiency in
  - a. simultaneous and consecutive interpreting as well as sight translation
  - b. cultural mediation for people who don't understand the U.S. legal system
  - c. legal concepts, ethical behavior, and translation skills
  - d. consecutive interpreting, translation of legal documents, and criminal law
5. The main aspects of the court interpreter's code of ethics are
  - a. compassion, cultural awareness, and accuracy
  - b. accuracy, confidentiality, and impartiality
  - c. honesty, advocacy, and cultural awareness
  - d. accuracy, impartiality, and compassion

## Legal Information vs. Legal Advice component

- Added to regular court training to address issues specific to language assistants
  - Asked to identify the words in the 2<sup>nd</sup> language which would be a red flag for asking for advice (akin to “Should I?” or “Which is best?”)
  - Asked to figure out how to say “your question asks for legal advice which I can’t give you. However, I can explain the court procedure and forms in your case.”
  - Practiced answers to legal advice questions by turning into legal learning opportunities (provided procedural info or used hypotheticals to answer)



### Sentences for Practice

1. I can't answer your questions, but I can provide you with a pamphlet about that program. Right here there is a toll-free phone number you can call for further assistance.
2. The court will provide an interpreter for you for your hearing. I'll let the clerk know they need to schedule one for you.
3. The Probation Department is in the government center, three blocks north of here. When you go out the front door, turn right and go three blocks to Clinton Blvd.
4. Here is the form to fill out to apply for those services. If you need assistance, I can translate the questions for you but I can't help you with the answers. Do you have someone at home who can help you fill it out?
5. This is a summons for jury duty. It says you have to report for jury duty on March 31, but if you don't speak English very well you can be excused. If you like, I can call the jury clerk's office for you.
6. You need to return to court on April 3 at 9:00. An interpreter will be provided for you at that time.
7. Traffic tickets are handled in traffic court, which is in another building. You need to go across I Street to the 5 story building on the first floor.
8. I would like to help you but I'm not allowed to give legal advice. I can give you legal information.
9. Whether you qualify for the Public Defender or not is based on your financial situation. Would you like an application form?
10. Thank you for offering, but it's against the rules for us to accept gifts. I'm just doing my job, and that's reward enough.





## Language Practice Exercise

Participants are divided into three groups (try to have two language-specific participants in each group—Spanish-Spanish, etc) and ask to interpret to their group these phrases:

### Level 1 Sentences

My name is . . . .  
May I help you?  
Court begins at 3:00.

### Level 2 Sentences

The bathroom is down the hall.  
Here is the form you need to complete.  
Your court hearing is scheduled for 10:00 a.m.

### Level 3 Sentences

The public defender is located at the corner of 5<sup>th</sup> and I Street. Let me give you directions. . . .  
You will need to talk to the jury clerk about your jury service. She will give you more information about what to expect.



[Home](#)

[Background](#)

[Planning](#)

[Program Management](#)

[Service Delivery Models](#)

[Funding](#)

[Pro Bono](#)

[Instructional Materials](#)

[Staff Resources](#)

#### LEP Resources

- Informational and instructional materials translated by California superior courts
- Tip of the Day Radio Program

[Technological Resources](#)

[Ethical Issues](#)

[Conferences and Trainings](#)

## LEP Resources

### Limited-English Proficiency (LEP) Materials and Resources

[Translated Materials](#)

[Translated Judicial Council Forms](#)

[Bilingual and/or Translated Court websites](#)

[Effective programs](#)

[Tools for Providing Services to LEP Litigants](#)

[Multilingual glossaries](#)

[Interpreter and Translator resources](#)

[National LEP Resources](#)

[Online translation tools](#)

[Language Access Reference Materials](#)

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[Translated Materials](#)

Informational and instructional materials translated by California superior



[Translated Court Publications](#) by the Superior Court of California, County of Sacramento. Includes materials regarding domestic violence, family law, juvenile dependency, traffic and unlawful detainers in, among others, Hmong, Korean, Lao, Russian, Samoan, Spanish, Tongan, Ukrainian and Urdu.

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#### Translated Judicial Council Forms

Domestic violence forms [Chinese](#) | [Spanish](#) | [Korean](#) | [Vietnamese](#)

---

#### Bilingual and/or Translated Court websites

Court	Spanish	Chinese	Korean	Vietnamese	Russian
Cal. Courts	<a href="#">California Courts Self-Help Center</a>				
Los Angeles	<a href="#">Website translation project</a>				
Fresno	<a href="#">Spanish Self-Help Center (Recursos Legales)</a>				
Santa Clara	<a href="#">Self-Help Center</a>			<a href="#">Self-Help Center</a>	
Riverside	<a href="#">Self-help center</a>				

---

#### Effective programs

##### [Trio of the Day Radio Program](#)

Developed by the Superior Court of California, County of Ventura.

##### [Assisting Court Customers with Educational and Self-Help Services \(ACCESS\)](#)

Implemented in the Superior Court of California, County of San Francisco.

##### [Bi-weekly articles in English and Spanish in local Latino newspaper educating readers.](#)

[Spanish Resource Guide to Fresno Superior Court](#) - A Spanish resource guide to the court's self-help services and jury services published and distributed to 42,000 subscribers inside an issue of Vida en El Valle, the largest Spanish-language newspaper in the Fresno area.

[Click here](#) (PDF) for Program Bus Sign in English. [Click here](#) (PDF) for Program Bus Sign in Spanish.

[Welcome from Court Staff - Video](#) (Available in English, Spanish, Korean, Mandarin, Punjabi and Tagalog.) (Prepared by the [Superior Court of Costa Costa](#).)

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#### Tools for Providing Services to LEP Litigants

[Multi-lingual "Need an Interpreter?" poster](#) and ["Need an Interpreter?" flyer](#) Prepared for the Administrative Office of the Courts.

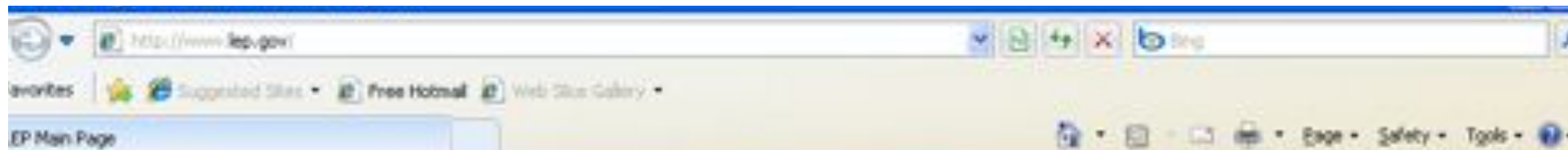
[Small printable signs](#) in English, Chinese, Korean, Spanish, and Vietnamese that inform people that the court will be closed for the next holiday. It includes separate signs for each of the court holidays in 2009.

## Include language services in every budget!

- Should be part of every new or existing program or protocol that involves interacting with the public
- Self-help centers, law library collaborations, setting up websites, social media accounts, classes, video, etc.
- Translate instructions and educational materials
- Factor into grant requests

# Resources

- [www.lep.gov](http://www.lep.gov)
- Consortium for Language Access in the courts ([www.ncsc.org/education-and-careers/state-interpreter-certification.aspx](http://www.ncsc.org/education-and-careers/state-interpreter-certification.aspx))
- National Association of Judiciary Interpreters and Translators ([www.najit.org/](http://www.najit.org/))
- ABA Standing committee on Legal Aid and Indigent Defendants ([www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants.html))
- California courts LEP Resources: [www.courts.ca.gov/partners/53.htm](http://www.courts.ca.gov/partners/53.htm)



# Limited English Proficiency A Federal Interagency Website

Home

Executive Order 13166

Federal Agency LEP  
Plans and Language  
Access Plans

Interpretation and  
Translation

Resources

LEP Brochures

2

File a Complaint

## Mission of LEP.gov Website of the Federal Interagency Working Group on Limited English Proficiency

LEP.gov promotes a positive and cooperative understanding of the importance of language access to federally conducted and federally assisted programs. This website supports fair, reasoned and consistent implementation of Executive Order 13166, Title VI of the Civil Rights Act of 1964 (Title VI), and the Title VI regulations regarding language access. This site also acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding limited English proficiency and language services for federal agencies, recipients of federal funds, users of federal programs and federally assisted programs, and other stakeholders.

External links from this site are provided for informational purposes only, in keeping with the mission of the site. The United States government retains exclusive discretion to determine whether or not to post such links. The United States government does not necessarily endorse the views expressed or the facts presented on any non-federal site. Further, the United States government does not endorse any commercial products or other materials or services that may be available on any of these external sites. [español](#)





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NCSC International

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SHARE

COURSES

CERTIFICATION PROGRAMS

ICM FELLOWS

PRODUCTION SERVICES

STATE INTERPRETER  
CERTIFICATION

- Resources for  
Interpreter Program  
Managers

- Compensation and  
salaries of Court  
Interpreters

- Testing schedules by  
state

## Consortium for Language Access in the Courts

### Our mission

The Mission of the Consortium is to inspire and enable its members to promote equal access to justice in courts and tribunals by eliminating language barriers for persons with limited English proficiency.

### Core Values

The Consortium dedicates itself to

**Fairness** – By promoting and supporting programs to provide competent and effective interpreting and other language services for people with limited English proficiency involved in courts and tribunals.

**Integrity** – By exhibiting honesty, reliability,

### So you want to be a court interpreter?

Professional court interpreters are individuals who possess an educated, native-like mastery of both English and a second language; display wide general knowledge, characteristic of what a minimum of two years of general education at a college or university would provide; and perform the three major types of court interpreting: sight translation, consecutive interpreting, and simultaneous interpreting.

### Examination Overview Manuals

- Oral Exam
- Written Exam

Common Oral Interpreting Exam  
Performance Deficiencies



# NAJIT

NATIONAL ASSOCIATION OF JUDICIARY INTERPRETERS & TRANSLATORS

[FIND AN INTERPRETER](#)

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[MEMBER LOGIN](#)

## WELCOME TO NAJIT

The National Association of Judiciary Interpreters and Translators's mission is to promote quality services in the field of legal interpreting and translating. Our members play a critical role in assuring due process, equal protection and equal access for non-English or limited English proficient (LEP) individuals who interact with the judicial system.

As of 2010, NAJIT's membership of nearly 1200 professionals includes practicing judiciary interpreters and translators as well as attorneys, judges, Ph.D. linguists, educators, researchers, students, administrators, as well as managers of non-profit community language bureaus and for-profit language agencies. While most of our membership resides in the U.S., some members live and work in Latin America, Europe, Asia and Australia. Anyone with an interest in the field of judiciary interpreting and translating or who shares NAJIT's interests and objectives is welcome to join.

### JOIN OUR MAILING LIST

Email

## WHAT'S NEW

- ◆ **CONFERENCE** – Registration for NAJIT's 32nd Annual Conference in Long Beach, CA is now open. The Conference will take place May 13-15, 2011. To register, please click [here](#).
- ◆ **April 13, 2011** – SSTI is co-sponsoring two interpreter training workshops - one for Khmer (4/30/11-5/1/11) and one for Punjabi (5/7/11-5/8/11). Please go to the [calendar](#) for more information.
- ◆ **April 4, 2011** – Selected courses from the conference have been approved for CIMCE credits by California.
- ◆ **March 25, 2011** – The Conference has been approved for Continuing Education Credits by the Texas



# Lunch and Networking

12:15 to 1:00

Lunch Provided for Registered



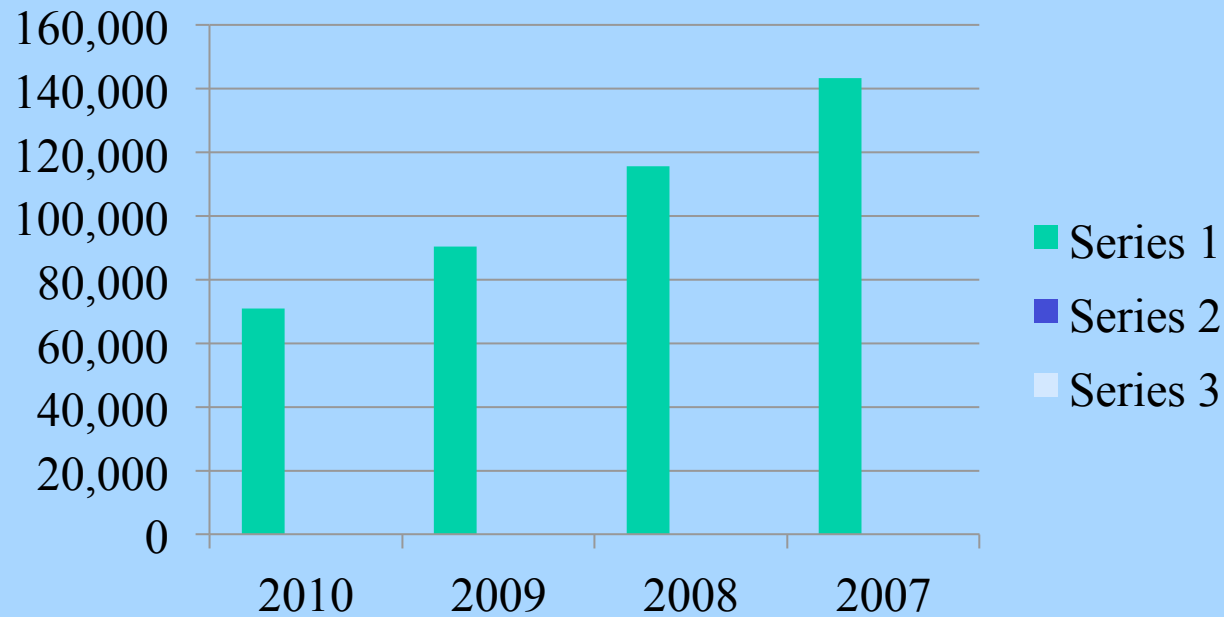
# VIII. Trip to local SHC

Organizer: Anna Marie Johnson

Buses are Provided – No Charge  
Max Capacity 66

# Trip to local SHC

Customers Served by Year



## Trip to local SHC

- The numbers are for total customers served each year – walk-ins and telephone calls.
- The worsening economy and the highest unemployment rate in the nation did affect the number of people needing assistance.
- The total for the first quarter of 2011 is 16,722 customers served. If this keeps up, the Center will serve more in 2011 than in 2010.

# Trip to local SHC

- <http://www.clarkcountycourts.us/shc/>

# IX. Model State APA and SRLs

Richard Zorza

- Background (Role of APA)
- Model State APA
- History of Revision

# Problems with RMSAPA

- Right to Self-Represent
- Role of Presiding Officer
- Language Access Issues
- Ultimate Decision-Maker Question

# THE MSAPA'S STATED GOALS

The final version of the MSAPA purports to:

1. provide for "guarantees of fundamental fairness in contested hearings;"
2. set forth provisions that "represent best practices in the states;" and
3. set forth the "uniform minimum set of procedures to be followed by agencies subject to the act."

## Adopted Comment to Sec. 403

- Subsection (h) is based on 1981 MSAPA Section 4-203(b). This Act does not expressly confer a right to self-representation in contested cases. The absence of such a provision reflects a belief that a broad right to self-representation is inappropriate for an APA that will apply globally to all contested cases, ranging from the simplest proceedings to very complex ones. States have the option to provide a right to self-representation in particular statutes that require evidentiary hearings, and the absence of a corresponding right in this Act should not be interpreted as discouraging such legislation.



# MSAPA'S PROCEDURAL RIGHTS AND DUTIES

The preface to the MSAPA posits that the Act "creates only procedural rights and imposes only procedural duties." But the MSAPA fails to include procedures for contested hearings involving self-represented parties and parties who lack access to the language spoken at a contested hearing.

# Earlier Proposed Language

- *A party may exercise the right to self representation in a contested case.*
- *In such a case, the presiding officer shall provide information about the issues, contentions, applicable law and relevant contested case procedures, including the steps required to submit evidence, to the self-represented party. To ensure that the presiding officer is in possession of all relevant facts, and that the hearing record is fully developed for review, in such cases the presiding officer also shall ask such even-handed questions as are necessary to develop fully the positions of the parties and the evidence in support.*
- *The presiding officer may also take such additional discretionary neutral steps as may be necessary to ensure that the evidentiary record is fully developed.*

## Proposed Comment

*The first paragraph of subsection ( ) provides for a right of self representation for parties in contested case proceedings. The second paragraph requires presiding officers to accommodate the self represented party's unfamiliarity with agency procedures in contested cases by explaining those procedures to the extent consistent with fair hearing and impartial decision maker requirements. The third paragraph requires questioning to fully develop the parties factual and legal positions, and the fourth paragraph permits additional discretionary steps to ensure that the case is decided on the facts and the law. Goldberg v. Kelly (1970) 397 U.S. 254,271 (impartial decision-making is essential to due process of law). The presiding officer's even-handed provision of information and engagement in the hearing process is non-neutral and promotes for a fully neutral process.*

## Proposed Comment

*A presiding officer does not ensure a fair hearing or impartial decision making by improperly assisting one party develop his or her case at the contested hearing.*

*Procedural adjustments such as an explanation of the issues, contentions, law and hearing procedures and even-handed questioning, do not constitute such improper assistance.*

# Current Working Group and Strategy

- SRLN and ATJ Chairs
- Status of Rewrite
- Planned Use of Rewrite
- Membership
- Invitation to Join
- Discussion

X. US Justice Index Plan  
David Udell

# XI. E-Filing Access Campaign Strategy

Glenn Rawdon and Allison McDermott

- Statement of the problem
- What is happening in the states of attendees
- Strategic discussion of what should be happening nationally
- New Developments

# Agenda

- Statement of the problem
- What is happening in the states of attendees
- Strategic discussion of what should be happening nationally
- New Developments



# E-filing—why is it important?

- E-filing is about access to the courts
- E-filing is being implemented rapidly
- E-filing is becoming mandatory

## Reality of E-filing

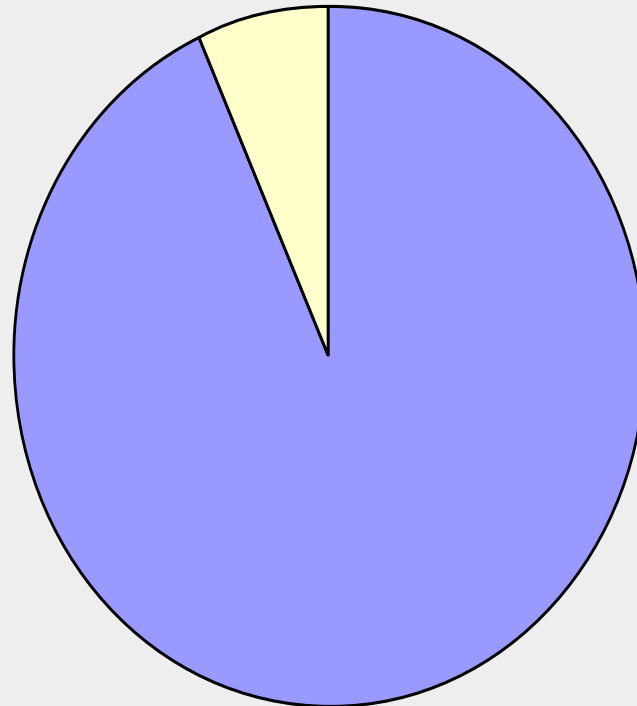
- Most systems do not accommodate fee waivers
- Many e-filing systems charge the e-filing fees on top of statutory fees
- E-filing systems are designed for lawyers
- Systems may require setting up an account, creating an account, credit card
- In Orange county I-Can has created an e-filing system for SRLs

## SRLN Survey

- 15 responses
- 10 are doing e-filing, 5 are not
- Some are from the same state
- Respondents were from MN, CA, PA, DC, WY, IL some states were represented more than once, so the results may be skewed by that

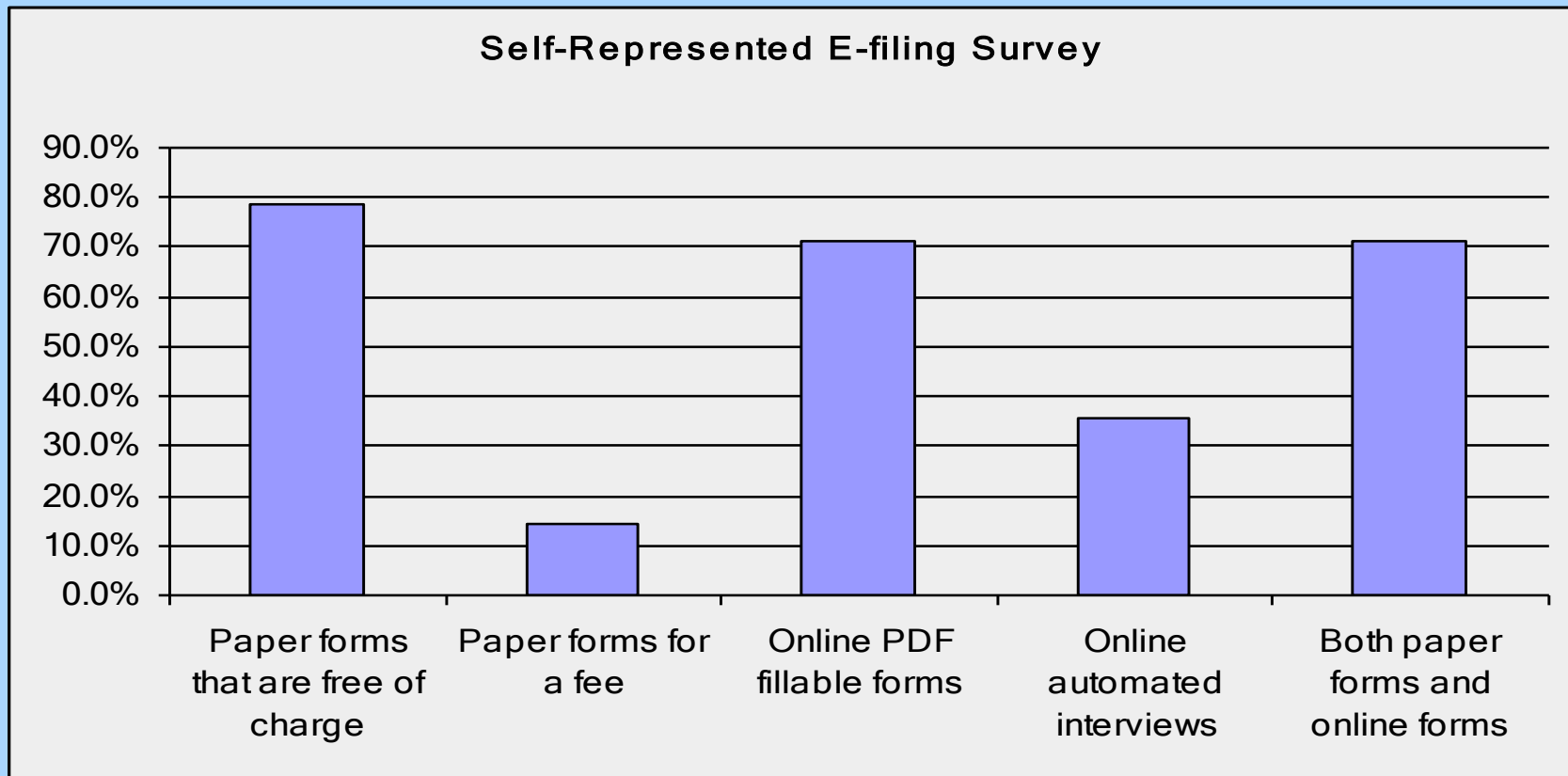
# Courts do provide forms to SRLS

Self-Represented E-filing Survey

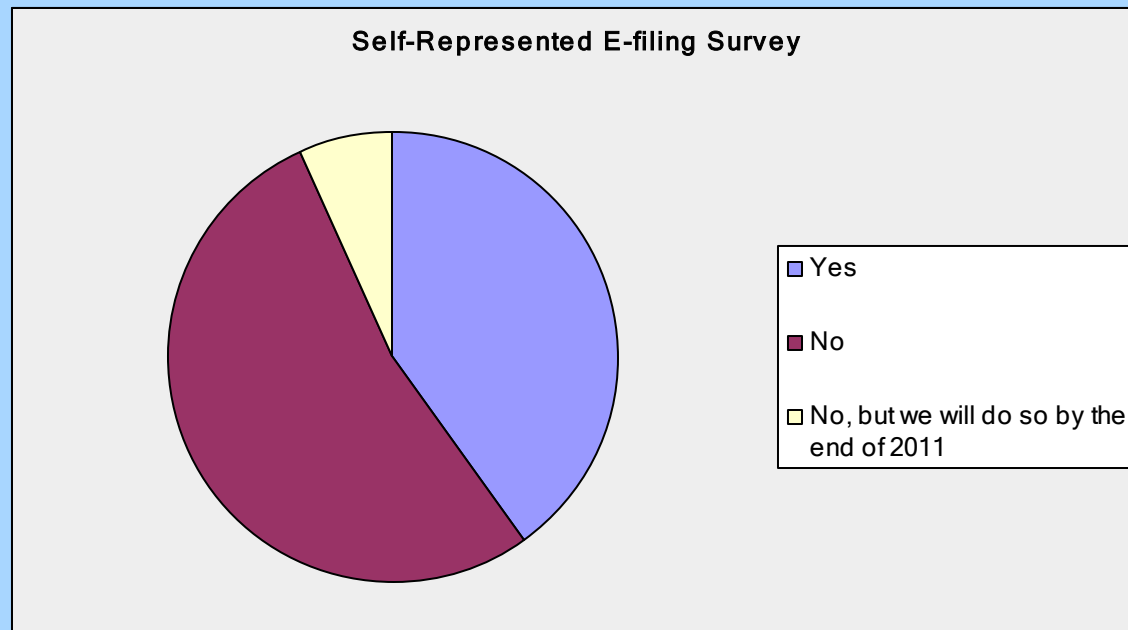


- Yes
- No
- No, but we will do so by the end of 2011

# Type of form provided to SRLs

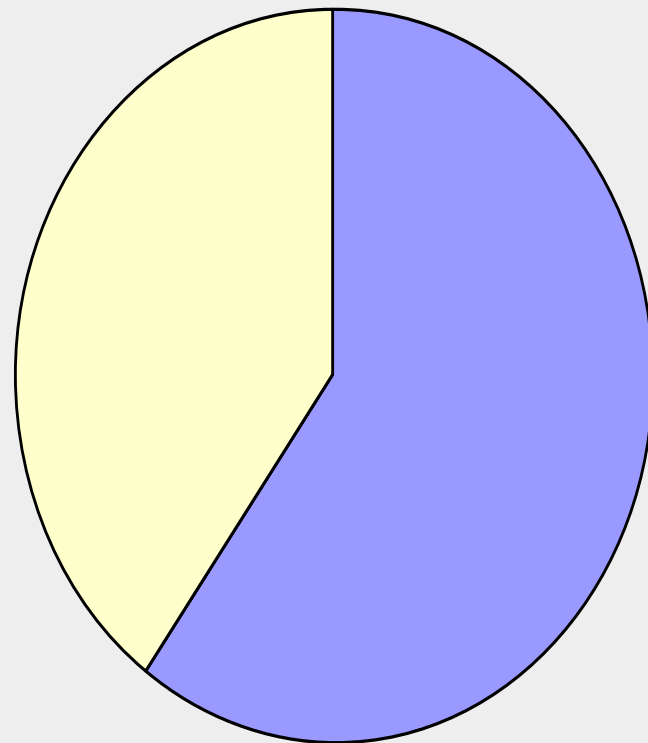


# Majority of courts do not allow SRLS to efile



# Who may e-file?

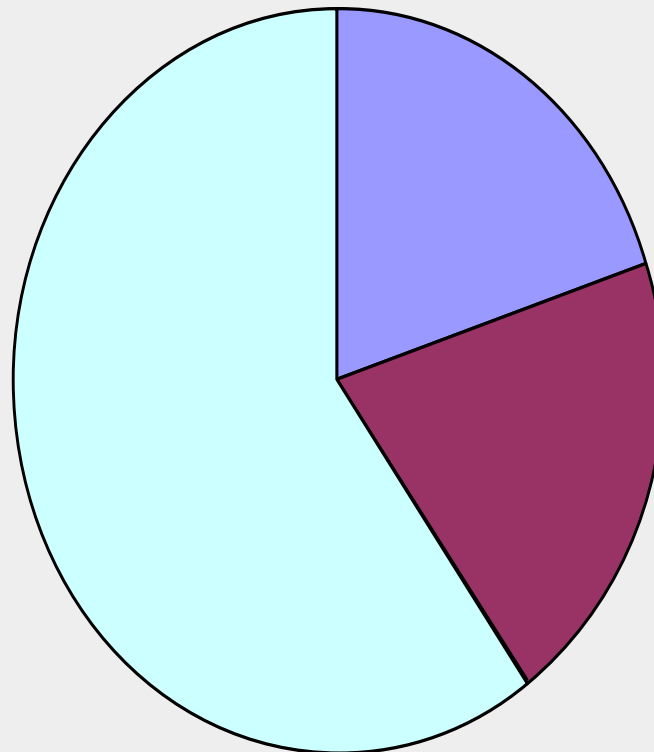
Self-Represented E-filing Survey



- Attorneys
- Self-represented litigants
- Both

# Most systems require payment

Self-Represented E-filing Survey

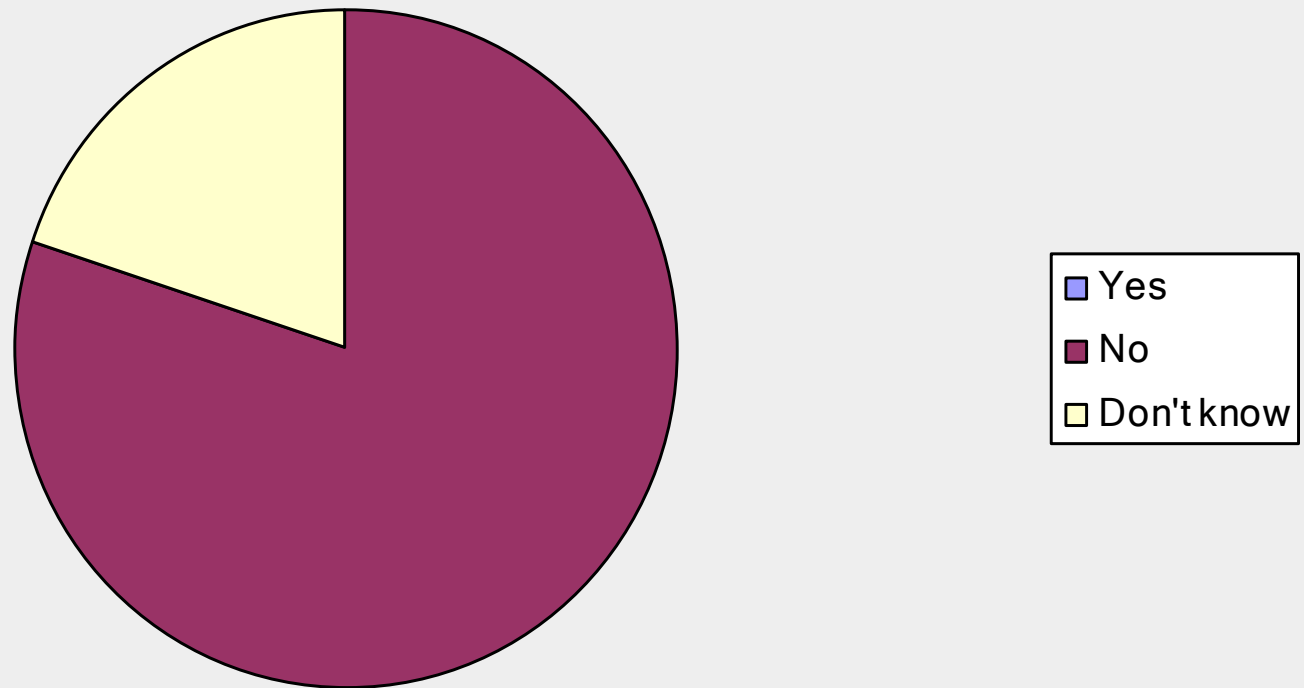


- For free-no filing e-filing fee and no statutory filing fees
- At a cost-no e-filing fee but must pay statutory filing fees
- At a cost-the litigant pays to e-file but pays no statutory filing fee
- At a cost-the litigant pays an e-filing fee and the statutory filing fee (two or more fees)

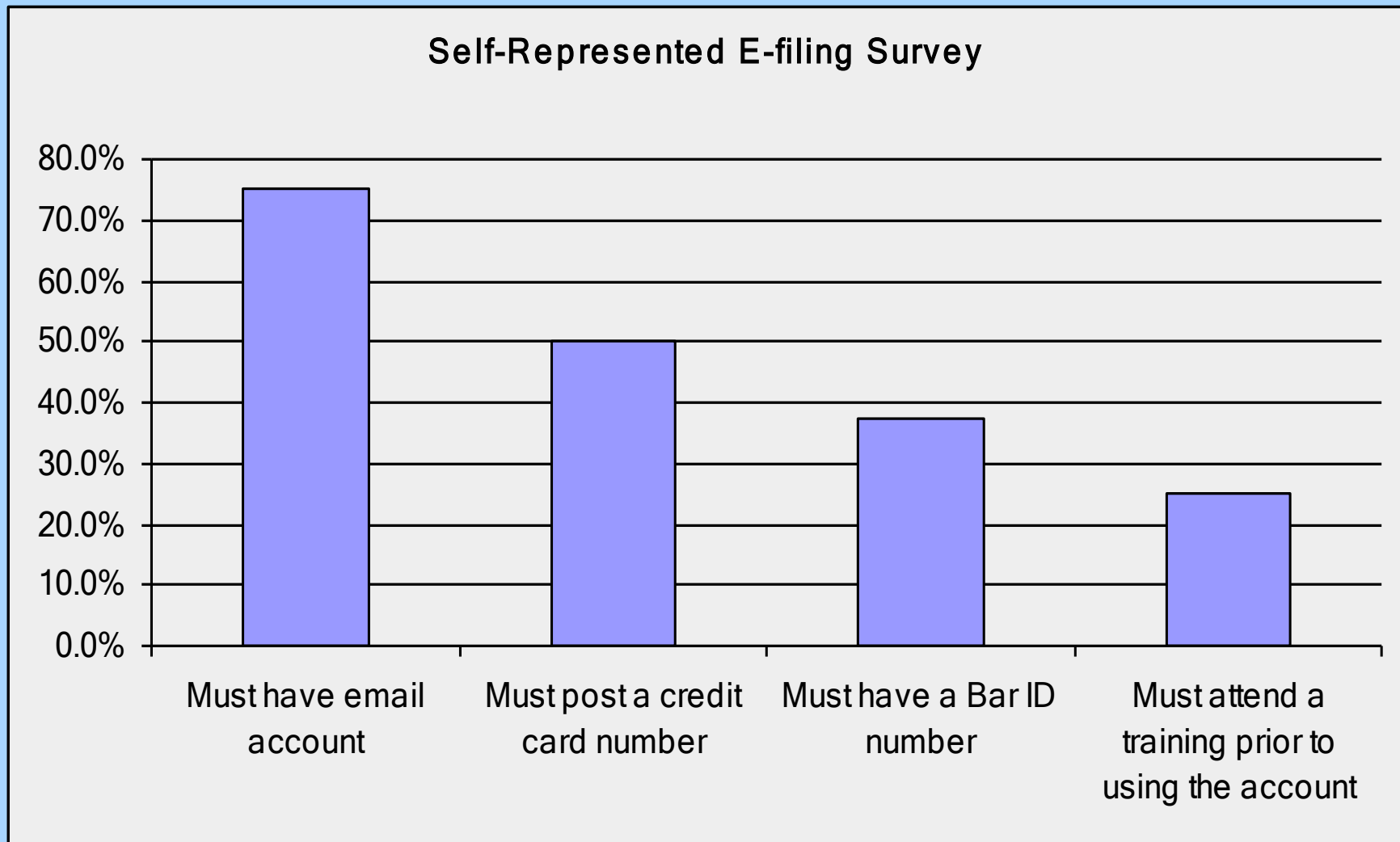


# E-filing still not mandatory for SRLS

Self-Represented E-filing Survey



# Requirements of mandatory to e-filing account



# Advocacy Opportunities

- Get involved in e-filing rules working panels
- Encourage your ATJ Commission to take an interest in e-filing
- Get to know your court IT and administrators
- Make sure e-filing does not thwart pro bono cases

# New Developments

- LSC has invited two applications from two states to work with their courts on e-filing systems (3 were submitted).
- The applications include partnerships with LawHelp Interactive, the local courts, and the local legal services community
- If funded work will start in 2012 to deploy in early 2013
- Pro Bono Net is creating a pre-filing system for LawHelp Interactive in NY State as a proof of concept in 2011.

## What is happening in your state?

- 2 minutes summary of each state approach to e-filing?

Is your state doing e-filing for SRLs?

Is it mandatory?

Does it allow for fee waivers?

Does it require accounts or trainings before using the system?

# XI. Brainstorm Court Simplification for Access

Richard Zorza

- Core Concepts
- NCSC “Reengineering” Approach
- Relationship to Economic and Budget Crisis
- Relationship to ABA-Boies-Olsen Campaign

# State Stories

- CA Elkins Commission
- NY Foreclosure Story
- SC Foreclosure Story
- CO Story

# Simplification Ideas/Approaches

- Organizing process around key steps
- Get the data at those steps
- Minimizing steps/forms etc
- Adding or focusing resources
- Technology



# More Approaches

- Moving issues out of court
- Decriminalizing
- Reviewing Notice etc
- Identification of areas of waste, delay

# Simplification Brainstorm

- Anything similar in your state?
- Inefficiencies seen?
- Changes made?

## XII. Problem Solving Time for All

Facilitator:  
Susan Ledray

# XIII. Prioritizing Ideas for SRLN in 2011 – 2012

Richard Zorza

- Tasks for Next Year
- Discussion of Possible Ongoing Groups

# Closing and Thanks