

2008 Edition

Best Practices in Court-Based Programs for the Self-Represented:

Concepts, Attributes, Issues for Exploration, Examples, Contacts, and Resources

2008 Edition



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Introduction

There is increasing understanding that both access to justice and effective court operations are greatly facilitated by services for those who represent themselves. The need for the identification of best practices in such services is increasingly urgent.

This document describes the practices that have been identified by the Self-Represented Litigation Network (SRLN) as likely to be effective and generally worthy of broad replication. They are generally based on a list developed by the National Summit on Self-Represented Litigation, held in the spring of 2005.¹ This updated second SRLN version includes additional information about examples of, contacts for, and resources for, adopting and implementing the Best Practices. The contacts and resources show the extent of concrete help available to those seeking to move forward in these areas. (The contacts have all agreed to be listed here.)

Since this remains a field that is relatively new and rapidly evolving, the choice of these practices can be based only in part on formal research. Rather the choice has been informed by the knowledge and experience of multiple groups active at the national and state levels in advancing self-help access to justice. Each jurisdiction should consider its own experiences and needs in developing a strategy or program. The list will continue to be refined and modified based on additional experience and research. (For example, this 2008 edition contains a new best practice relating to the use of videoconferencing.)

Given the great and continuing need for improvement in services for the self-represented, the choice as to which innovations should receive the highest priority may best be driven by an analysis of the most urgent areas of need, and of which stakeholders are most ready to move forward. As a strategic matter, creating self-help centers, standardizing forms, clarifying rules (with respect to ethics issues), and establishing educational programs for judges, court staff, and attorneys (on discrete service representation) continue to be viewed as having early broad enabling impact.

The Self-Represented Litigation Network, which has formalized these materials, is an open and growing grouping of organizations and working groups dedicated to fulfilling the promise of a justice system that works for all, including those who cannot afford lawyers and are therefore forced to go to court on their own. The Network brings together courts, bar, and access-to-justice organizations in support of innovations in services for the self-represented.

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2008 Edition

Participants in the Network now include:

- American Association of Law Libraries
- American Judges Association
- American Judicature Society
- California Administrative Office of the Courts
- Conference of Chief Justices
- Conference of State Court Administrators
- Harvard Law School Bellow Sacks Project on the Future of Civil Legal Services
- Law School Consortium Project
- Legal Services Corporation
- Maryland Administrative Office of the Courts
- National Center for State Courts
- National Association for Court Management
- National Association of IOLTA Programs
- National Association of Women Judges
- National Council of Juvenile and Family Court Judges
- State Justice Institute (SJI)

It should be emphasized that, while there has been extensive input, these best practices do not necessarily represent the views of the individual members of the Network.

The participants in the Network are cooperating in a wide variety of additional collaborative efforts and working groups. These efforts include providing information about innovations for the self-represented; promoting best practices in such areas as the setting up of self-help centers, the use of forms, e-filing, discrete task or limited scope representation, and judicial practices and education programs; and conducting research and working for the integration of self-help services within the system as a whole and for long term funding to support access to justice for the self-represented.

Early projects include the SelfHelpSupport.org website, the distribution of a national directory of court-based programs for the self-represented, a manual on starting a self-help center, two judicial curriculums, research on judicial communications, development of a self-evaluation toolkit for courts, and a description of federal funding opportunities for programs relating to self-represented litigants. A curriculum for court administrators is currently being developed.

The Network welcomes additional organizational members, seeks volunteers for member and non member organizations to join its working groups, and is fully open to suggestions for new projects and partnerships. Neither membership nor participation requires a contribution or fee.

The Network operates under a Memorandum of Understanding and is hosted by the National Center for State Courts. Funding is, or has been, provided by the State Justice Institute, the Administrative Office of the Courts of Maryland and California, the American Association of Law Libraries, and the National Center for State Courts.

Additional information may be found at www.srln.org
or by contacting Richard Zorza, the coordinator, at
richard@zorza.net,
202-549-1128.

Part I. Self-Help Centers and Services

One. Courthouse Concierge Desk

Concept. A staffed courthouse concierge desk service can welcome all members of the public who enter the courthouse and can direct them to appropriate services. This desk is staffed by volunteers and/or staff and can provide additional assistance such as basic information about the court. The service significantly changes the face of the court to the world.

Suggested Attributes

Courthouse concierge desk programs appear to be most effective when they:

- ✓ Are located where they can be seen immediately after entering the building or passing security.
- ✓ Are staffed at all times of significant court user volume.
- ✓ Are staffed by well-trained volunteers or staff who can correctly direct courthouse users to the right location or service.
- ✓ Have volunteers or staff who are well-trained on treating all court users with courtesy and respect and on the importance for courthouse personnel to show no appearance of bias toward anyone.
- ✓ Have staff or volunteers with knowledge of the most common languages spoken by court users.
- ✓ Have staff or volunteers who are culturally competent with respect to immigrant populations seeking to access the courts.
- ✓ Have maps of the courthouse, program referrals, and other basic introductory multilingual materials to hand out.
- ✓ Are able to make referrals to resources both inside and outside the courthouse.
- ✓ Are supported by well-considered and placed signage throughout the courthouse complex.

Issues for Exploration and Evaluation

1. It will be valuable to determine the impact on customer satisfaction as well as on court efficiency when fewer questions are directed to other staff members. This will occur if litigants are directed to appropriate services immediately rather than being forced to try to find their way on their own.
2. It would be helpful to identify what is optimum training for those who staff these programs and the relative advantages of staff or volunteers.
3. While the primary role of security staff is to protect the people in the courthouse and the courthouse itself, we do not know whether there may be advantages in providing training in these skills to those staff. There is much to learn on how to

structure courthouses so that security concerns are respected while maintaining an open and welcoming environment.

Examples

California Programs

A good example is the Help Desk in the lobby of the Peter L. Spinetta Family Law Center of the **Contra Costa County Superior Court**.

☎ The contact for this program is Mary Anne Devine, Family Law Facilitator, mdevi@contracosta.courts.ca.gov.

Another example is the Court Resource Bureau Unit of the **Orange County Superior Court** in California. This unit staffs Information Desks located in the main lobby of each courthouse in the county. Knowledgeable, bilingual staff are present to provide information, make referrals to appropriate resources, and address public complaints and grievances, in an effort to ensure constituents are well informed and treated fairly.

☎ The contacts for this program are Dwayne Roberts, Manager, drobotts@occourts.org, and Lorraine Torres, Family Law Facilitator, L1torres@occourts.org.

Sacramento Superior Court participates in the Volunteers in Partnership with the Sheriff (VIPS) program at its Family Relations Courthouse. The VIPS are community volunteers, recruited by the Sheriff's Department and jointly trained by the Sheriff and the Superior Court to provide logistical assistance to court customers. The VIPS are stationed at a kiosk immediately behind the entrance security station and help direct customers to the appropriate departments and services within the courthouse. The VIPS are easily identified by their distinctive uniforms and are present during the Family Court's highest volume times.

☎ The contact for this program is Lollie Roberts, robertsl@saccourt.com.

Hawaii Court Desk Program

A desk program is operated by the Hawaii court system, which has desks at the District and Circuit Courts in Honolulu.

☎ Contact information for these programs is at http://www.courts.state.hi.us/page_server/Services/CourtInterpreting/59492A8734E92D3D106A3BC5A48.html.

Travis County, Texas (Austin) Information Booth

The law library supervises the courthouse concierge desk in Travis County, Texas. By combining the information desk and the library reference desks under the library, information resources are coordinated and desk staff are trained by librarians to use abbreviated reference interviews. The desk offers bilingual directions, maps and brochures, change machines for parking, and revenue-generating notary services. Since it

serves also as the county phone operator, it is funded by the county general fund, not court or library funds

☎ The contact is Lisa Rush, Law Library Manager, Lisa.Rush@co.travis.tx.us.

Resources

Judiciary Opens Court Service Centers and Court Concierge Desk.

Hawaii Judiciary News Release, August 8, 2000. See <http://www.state.hi.us/jud/hook.htm>. This news release describes the concierge desks in Hawaii.

Legal Self Help Desk Pilot Project Underway in Lancaster County.

Nebraska Supreme Court News Release, July 23, 2007. See: <http://www.supremecourt.ne.gov/press/2007-releases/legal-self-help-center.pdf>.

Self Help Resources in the Daily Center and Around Chicago.

http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=3056. This web page describes the 12 different advice or help desks that are currently operating in Chicago.

Two. Self-Help Websites

Concept. Well-designed and comprehensive self-help websites are highly effective in providing the informational component of access to justice. After significant initial development costs, they can distribute information widely with little additional or marginal cost other than those on ongoing updates and maintenance. Self-Help websites facilitate partnerships with appropriate groups many of which can also provide access to these websites through their own computers.

Suggested Attributes

Websites appear to be most effective when they:

- ✓ Are well-branded (easy to identify and recognize).
- ✓ Have comprehensive and current content.
- ✓ Use, are organized and indexed in lay terms.
- ✓ Provide multiple language support.
- ✓ Are designed to diagnose the user's issues in terms of problems, not laws.
- ✓ Include a broad range of links to support services in the courthouse and the community.
- ✓ Provide litigants with access to information about their cases.
- ✓ Comply with national accessibility standards.
- ✓ Use software that supports easy updating.
- ✓ Are field and user tested to ensure ease of use and accessibility.
- ✓ Are planned with access and use by community organizations and others in mind.
- ✓ Are regularly updated and reviewed for accuracy.

Issues for Exploration and Evaluation

1. It is particularly important that these websites are planned so that they are accessible to the less literate, and that they are funded for the costs of making them comprehensive and keeping them up-to-date.
2. There is particular need for collaboration in this area with bar, legal aid, librarian and other potential providers of information content.

Examples

Alaska Family Law Self-Help Website and Civil Appeal Filing Website

The Alaska Family Law Self-Help website is a very comprehensive website on family law issues, including forms and information: <http://www.state.ak.us/courts/selfhelp.htm>. The program is unique in that the services are provided via the Internet website and telephone Helpline and all components of the program are integrated. This means that the website development, drafting of forms and information, and phone-based customer assistance all occur under one roof. Thus, these areas are directly connected. There is relatively instant feedback and direct action to address the needs of self-represented customers.

The self-help website for filing civil appeals to the Alaska Supreme Court: <http://www.state.ak.us/courts/shc/appeals/appeals.htm> is perhaps the most comprehensive website of its kind that exists in the United States.

☎ The contact for the Alaska websites is Stacey Marz, smarz@courts.state.ak.us.

California Court Self-Help Websites

The premier court self-help site is the **California self-help site** at <http://www.courtinfo.ca.gov/selfhelp>. The site includes over 1,200 pages of content, has been translated into Spanish and receives millions of visits each year.

☎ The main contacts for the California Site are Bonnie Hough, Bonnie.hough@jud.ca.gov and Harry Jacobs, Harry.jacobs@jud.ca.gov. Both work for the California AOC.

The **Contra Costa**, California self help website, at <http://www.cc-courthelp.org>, is noteworthy as including a particularly wide range of content and media.

☎ The contact for the Contra Costa site is Sherna Deamer, sdeam@contracosta.courts.ca.gov.

The **Santa Clara**, California self help website, at <http://www.scselselfservice.org/default.htm> also has a wide range of well presented material and has been translated in Spanish and Vietnamese.

☎ The contact for the Santa Clara site is Leigh Parsons, LParsons@scscourt.org.

King County, Washington Law Library Self-Help Services

The King County Law Library, Washington, site includes: Ask a Librarian, Research Guides, Topical Arrangement of Laws <http://www.kcll.org>.

☎ The King County contact is Marcus Hochstetler, marcus.hochstetler@kingcounty.gov.

Illinois Legal Aid Online

Illinois Legal Aid Online has developed and manages Illinois' statewide legal services website, www.IllinoisLegalAid.org, a comprehensive online resource that contains approximately 2,000 legal resources in 24 areas of law, including instructional videos, automated documents, Spanish resources, and Flash modules that help guide users from start to finish through their legal problem (for an example, see http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_Content&contentID=1768). This website is the backbone of a statewide network of courthouse based self-help centers. For each self-help center, a custom homepage is developed which incorporates details about the self-help center and features legal resources most relevant to that community, i.e., <http://iroquois.illinoislegalaid.org>.

☎ The contact for Illinois Legal Aid Online is Lisa Colpoys, lcolpoys@illinoislegalaid.org.

LawHelp Website Network

Many of the nation's court systems work with state access to justice partners in the national LawHelp network, located at www.lawhelp.org.

☎ The key contact for the LawHelp Network is Allison McDermott, at AMcDermott@probono.net.

Minnesota Judicial Branch Self-Help Website

The Minnesota Judicial Branch Self-Help website is the foundation of the court's statewide virtual self help center. Each courthouse has a workstation, printer and phone for accessing the website. The phone connects directly to self-help staff located in Hennepin County. <http://www.mncourts.gov/selfhelp>.

☎ The contacts for the Minnesota website are Katrina Zabinski, Katrina.zabinski@courts.state.mn.us and Susan Ledray, Susan.ledray@courts.state.mn.us.

Montana State Law Library Self-Help Services

The Montana State Law Library includes Ask a Librarian, Research Guides, Topical Arrangement of Laws <http://courts.mt.gov/library/default.asp>.

☎ The Montana contact is Judy Meadows, jmeadows@mt.gov.

Resources

Content from the LawHelp Network

The LawHelp.org system has a huge pool of content potentially available for use. It also operates a membership-only website and network of content coordinators. www.lawhelp.org.

Modifiable Content

The Contra Costa, California self help website, at <http://www.cc-courthelp.org>, has significant content that can be downloaded and modified.

National Center for State Courts

See: <http://www.ncsconline.org/WC/CourTopics/statelinks.asp?id=108&topic=ProSe>. This document provides links to both self help court websites as well as self help centers around the country.

Principles and Core Values for Online Legal Information

The American Association of Law Libraries has published *Principles and Core Values Concerning Public Legal Information on Government Websites*, http://www.aallnet.org/committee/aelic/AELIC_Core_Values.pdf.

Three. Self-Help Centers

Concept. Self-help centers have proved to be highly effective at increasing litigant satisfaction by helping litigants prepare for court and at increasing the court's ability to effectively and efficiently manage its entire caseload. Self-help centers provide neutral, non-confidential information to all court users and must always be available to all sides in any court action. They consist of programs in which court staff and others provide information on a one-on-one basis or in workshops about court procedures and the law. Such centers do not provide legal advice nor create attorney-client relationships. They can, however, be more engaged on a one-on-one basis with litigants than merely providing general information in written format.

Suggested Attributes

Self-help centers appear to be most effective when they:

- ✓ Are supervised by experienced attorneys.
- ✓ Have highly knowledgeable, legally trained support staff who receive regular training and follow-up training.
- ✓ Provide clear diagnosis as to which cases must be referred elsewhere for increased levels of legal service, based on clear criteria for referral.
- ✓ Offer referrals to full service representation, unbundled, and pro bono attorney providers, and to free legal clinics or other low-cost legal service providers.
- ✓ Are located in the courthouse or as near to the courthouse as possible.
- ✓ Have appropriate multi-lingual signs.
- ✓ Have multilingual staff, and provide special training for such staff.
- ✓ Have the role of staff clearly defined and well-communicated to both users and staff.
- ✓ Provide a variety of services, many of which are listed in this document as Best Practices – e.g. Initial Assessment, One-on-one Assistance, and Workshops.
- ✓ Are set up with a well-managed flow and queue.
- ✓ Have written multilingual informational materials on all major topics to complement one-on-one services.
- ✓ Where appropriate, provide referrals to alternate dispute resolution and social service support systems.
- ✓ Where appropriate, use technology to provide information and help with staff available to assist the user.
- ✓ Are well-integrated into all relevant aspects of court management and operations.
- ✓ Have regular opportunities to get feedback from the bench on the impact and effectiveness of Self Help program services, and to have discussions of the impact

- of procedural decisions and policies on the self-represented and the self-help program
- ✓ Meet regularly with other units within the court, such as by having the self-help center manager be part of the court management team.
 - ✓ Include an ongoing evaluation component.
 - ✓ Are integrated into the larger legal services community and meet regularly with community-based service providers to encourage flow of information in both directions.

Issues for Exploration and Evaluation

1. Further work needs to be done to learn the most effective staffing, problem assessment and service assignment practices in different situations.
2. Programs are still focusing on what words and phrases to use to describe their services, and to do so in way that makes it possible to give as much access-facilitating assistance as possible without threatening the perception or reality of the court's neutrality.

Examples

Alaska Family Law Self-Help Center

The Alaska Family Law Self-Help Center provides statewide assistance across an enormous geographic area including numerous rural communities not on any road system from a centralized office, largely by a toll-free telephone Helpline and a comprehensive website that includes forms and information. The vast majority of assistance provided is for contested cases, including divorce, custody and visitation, paternity, and child support.

☎ The Alaska contact is Stacey Marz, smarz@courts.state.ak.us.

California Self-Help Centers

California operates at least one self-help program in each of its 58 counties. See: <http://www.courtinfo.ca.gov/selfhelp/lowcost/helpcourt.htm> for a listing.

☎ The overall contact for these programs is Bonnie Hough at the California AOC, Bonnie.Hough@jud.ca.gov.

The first civil self-help center in California, which remains a leader in the field, is in **Ventura County**, <http://www.ventura.courts.ca.gov/venturaMasterFrames5.htm>.

☎ The contact for this program is its director, Tina Rasnow, tina.rasnow@ventura.courts.ca.gov.

Similarly, the **San Diego Superior Court** collaborates with community legal services organizations to operate a variety of on-site self-help clinics involving domestic violence restraining orders, civil harassment restraining orders, conservatorship, and landlord-tenant cases. These clinics serve more than 10,000 litigants per year in various court

locations. Additionally, there are family law self-help programs operating in all four court geographic divisions, using the services of court staff attorneys and support staff that are part of the Office of the Family Law Facilitator.

☎ The San Diego contact is Scott Brown, Special Projects Manager, at Scott.Brown@sdcourt.ca.gov.

The **Superior Court of Orange County** has implemented a comprehensive court wide plan for Self-Help Centers in its seven justice centers in the county. The first SHC was opened in August 2006 in the family court and has averaged 3000 people per month.

☎ The Orange County California contact is Lorraine Torres, Family Law Facilitator, at l1torres@occourts.org.

Other award-winning California self-help programs include the **SHARP regional self-help center** covering 3 rural communities, the **Fresno Spanish self-help program** and the **ACCESS center in San Francisco** offering assistance in 5 languages.

<http://www.courtinfo.ca.gov/programs/equalaccess/kleps.htm>.

Hennepin County, Minnesota, 4th District Court Self-Help Services

The Hennepin County 4th District Court in Minneapolis is regarded as having one of the most comprehensive centers, offering a wide range of services in a broad range of cases, extremely well integrated with overall court operations.

☎ The contact for this program is Susan Ledray, susan.ledray@courts.state.mn.us.

Idaho Court Assistance Offices

Idaho has state-wide service using a combination of trained deputy clerks providing limited services in small population counties and full-service offices in each Judicial District providing greater one-on-one services.

☎ The contact for this program is Hon. Michael Dennard, mdennard@idcourts.net.

Illinois Advice Desks and Self-Help Centers

In the state court in Chicago there are 12 advice desks and self-help centers, described at http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=3056.

Outside of Chicago there is a network of courthouse based legal self-help centers, which are coordinated by the Illinois Coalition for Equal Justice and Illinois Legal Aid Online. In the past 2 years self-help centers have opened in 19 counties throughout the state. These centers are staffed by non-attorney navigators who assist visitors in using www.IllinoisLegalAid.org to find legal information, complete automated documents, and obtain referrals to legal services. Each has a custom homepage that provides local information. For an example see <http://mclean.illinoislegalaid.org>.

☎ The Illinois contacts are Joe Dailing, jdailing@icfej.org, and Lisa Colpoys, lcolpoys@illinoislegalaid.org.

Maryland Self-Help Centers

Maryland has centers in all of its counties, operated in a variety of ways, some under contract by legal aid programs.

☎ The Maryland contact is Pamela Ortiz, pamela.ortiz@mdcourts.gov.

Montana Self-Help Centers

The Montana Supreme Court has received legislative funding for, and is establishing a statewide Self-Help Law Program. The Program has opened two self-help law centers where staff assist local self-represented litigants.

☎ The contact for this program is Lonnie Browning at lbrowning@mt.gov.

Nationally, the over 130 programs now operating are listed in the directory in the Resource Section below.

Resources

California Guidelines for Self-Help Centers

These Guidelines are detailed and thoughtful and establish a fine baseline. Available at http://www.courtinfo.ca.gov/reference/documents/self_help_center_guidelines.pdf.

Maryland Best Practices for Programs to Assist Self-Represented Litigants in Family Law Matters

These general standards, promulgated by Maryland's Judicial Conference, Committee on Family Law in January 2005 are of great use. Available at <http://www.selfhelpsupport.org/link.cfm?6722>.

National Directory of Self Help Centers

By SelfHelpSupport.org and the Self Represented Litigation Network (2006). Over 130 centers listed. Accessible through <http://www.ncsconline.org/WC/Publications/ProSe/contents.htm>. A version online at SelfHelpSupport.org includes individual contact information for networking.

Self Help Centers in Pictures.

A collection assembled by Madelynn Herman of the National Center. Available through [selfhelpsupport.org](http://www.selfhelpsupport.org) at: <http://www.selfhelpsupport.org/library/item.172964>.

Starting a Technology Supported Self Help Center.

A manual authored by Wayne Moore, Bonnie Hough, Richard Zorza, Sherna Deamer, Allison McDermott and Gigi Amateau and distributed by the Self-Represented Litigation

Network. Available online at

http://www.ncsconline.org/WC/Publications/KIS_ProSeSHOManual.pdf.

Starting a Self-Help Center: Ten Key Resources

By Madelynn Herman of the National Center for State Courts, at

<http://www.courtinfo.ca.gov/programs/equalaccess/documents/selfrep07/HowStart/SHSRresources.pdf>.

Four. Law Library as Resource Center

Concept. Law libraries are major sources of assistance and support to self-represented litigants. The staffs are often expert in finding the law, accustomed to making community service referrals, and can assist litigants in using tools to find and understand the law.

Suggested Attributes

Library resources for the self-represented appear to be most effective when they:

- ✓ Have good referral relationships with legal aid programs, bar referral programs, court self-help centers and other court services, mediation services, limited scope referral panels, and other programs to which litigants might be referred.
- ✓ Have access to computerized research and support tools.
- ✓ Have materials appropriate for self-represented litigants.
- ✓ Have policies and procedures that make clear the role of librarians with respect to self-represented litigants.
- ✓ Have a Limited English Proficiency (LEP) Plan to assist library users with limited English proficiency.

Issues for Exploration and Evaluation

1. In many regions, law libraries, public libraries, courts and legal aid agencies are collaborating to ensure that self-represented litigants receive the information they need. While there are indications that law libraries are used by more highly educated self-represented litigants than those who use court-based self-help centers, the implications of this finding are unclear. In some cases law libraries are providing the space for court-funded centers or are contracting with legal aid to provide self-help services in the library.
2. It may be that law libraries are of particular use to those needing more complicated research assistance beyond the scope of the more standard services offered by self-help centers.
3. Changes are underway in the operations of many law libraries to optimize their usefulness for the self-represented, and to establish the most appropriate division of labor and relationship between law libraries and self-help centers.

Examples

A recent article published by the National Center for State Courts, and listed below, lists leading law libraries that are making a conscious effort to assist the self-represented litigant.

California County Law Library Programs

In **Nevada County**, California, the civil self-help center is co-located with the law library. This Public Law Center uses the law librarian and the center's attorney to provide assistance. http://court.co.nevada.ca.us/services/self_help/index.htm.

☎ The Nevada county program contact is Helen Stauts,
Helen.Stauts@nevadacountycourts.com.

In **Kern County**, the law library provides the space and resources for the civil self-help center and offers a wide variety of workshops, some of which are videotaped and made available on the law library's website: <http://kerncountylawlibrary.org>.

☎ The Kern contact is Annette Heath, AHEATH@KCLAWLIB.ORG.

Illinois Self-Help Centers within Law Libraries

Several Illinois Legal Self-Help Centers are located within the law library at the county courthouse. In some the law librarian acts as a navigator to assist people in using online resources, and in others there is dedicated staff to be navigator(s). See as an example, <http://kane.illinoislegalaid.org>.

☎ The Illinois contacts are Joe Dailing, jdailing@icfej.org, and Lisa Colpoys,
lcolpoys@illinoislegalaid.org.

Lancaster County, Pennsylvania, Law Library Program

Lancaster County, Pennsylvania's law library self-help program now serves as a state-wide model for providing service to self-representatives. It is located in the courthouse.

☎ The Lancaster contact is Eleanor Gerlott, GERLOTT@co.lancaster.pa.us.

Massachusetts Trial Court Law Libraries

The Massachusetts Trial Court Law Libraries provide live chat as a means for self-represented litigants to contact them, <http://www.lawlib.state.ma.us/chat.html>. A Trial Court Law Library borrowers cards allows one to download Nolo Press books at home or to any computer. They also have a blog on Massachusetts law which is a way to help the lay person consumer know more about the law, <http://www.lawlib.state.ma.us/whatsnew.html>. The group had a federal LSTA grant to run workshops with legal service groups to make better referrals called Navigating the Legal Maze.

☎ The Massachusetts Trial Court Law Library contact is Margaret M Warner,
margaret.warner@jud.state.ma.us.

Minnesota Counties Law Library Programs

In Minnesota, efforts underway in Anoka, Dakota, Hennepin, Stearns, Washington and Wright Counties vary from providing self-help resources, contract attorneys, and pro bono clinics to offering online "Ask a Law Librarian" services.

☎ For Dakota County, the contact is Sara Galligan, sara.galligan@co.dakota.mn.us.

- ☎ For Wright County, the contact is John McCooley, johnmccooley@co.wright.state.mn.us.
- ☎ For Hennepin County, the contact is Anne Grande, Anne.Grande@co.hennepin.mn.us.
- ☎ The state contact is Barb Golden, State Law Librarian, at barb.golden@courts.state.mn.us.

Travis County, Texas, Law Library Program

The Travis County Law Library in Austin, Texas, is a public law library that has taken a broad leadership role in providing access to justice information over the Internet. By forming partnerships with legal aid programs and the courts, the library received grant funding to develop forms for self-represented litigants that are used state-wide and are published on TexasLawHelp.org website. The library manages both the self-help center and the courthouse information desk for Travis County.

- ☎ The Travis country contact is Lisa Rush, Lisa.Rush@co.travis.tx.us.

Resources

A Review of the Field

Fritschel, Barbara. "Trends in Library Collaboration to Provide Access to Legal Information," 2007 Future Trends in State Courts, NCSC, 2007
http://www.ncsconline.org/D_KIS/Trends/index.html.

Email Reference

"Ask a Librarian" email service at <http://www.lawlibrary.state.mn.us>.

Newsletters of the California Law Library publication "Equal Access" are available at:

<http://www.courtinfo.ca.gov/programs/equalaccess/newslib.htm>.

Hennepin Law Library

Self-help materials in the Hennepin Law Library are at http://hclaw.co.hennepin.mn.us/screens/sh_welcome.html.

Professional Associations

The State, Court, and County Law Libraries Special Interest Section of the American Association of Law Libraries lists most of the public law libraries that are geared to serving SRLs, <http://www.aallnet.org/sis/sccll/>.

National Center for State Courts resources on law libraries are Charles Dyer, who also coordinates the SRLN Law Librarian's Working Group, charlesrdyer@clearwire.net, and

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Judy Meadows, jmeadows@mt.gov, who is co-chair of the Distance Services Working Group.

Legal Information Services to the Public Special Interest Section of the American Association of Law Libraries, at <http://www.aallnet.org/sis/lisp/>.

Five. Written Information Including Multi-Lingual Information

Concept. A program that produces a full range of information, including multi-lingual informational and educational materials about the law, the court, and court procedures, is crucial to any access to justice program. Such information can be distributed through a wide variety of technologies, allows effective use of bilingual volunteers, and helps encourage consistency within the court itself. Where appropriate materials should be multilingual and include community resource listings.

Suggested Attributes

Programs with written information, including multi-lingual information, appear to be most effective when they:

- ✓ Have materials that cover all major issues of law and procedure, and all sides of the issues.
- ✓ Have materials that are current.
- ✓ Have materials that can be located by, and understood by, low-literacy users.
- ✓ Have materials that use a non-patronizing tone.
- ✓ Have materials that are divided into small areas of text with informational headings.
- ✓ Have materials that are well designed, using graphics, white space, fonts, etc., to maximize comprehensibility.
- ✓ Have materials in the languages most commonly spoken in a jurisdiction.
- ✓ Have materials that are field and user tested to ensure ease of use and comprehensibility.
- ✓ Have versions of the materials available in large type versions for the visually impaired.
- ✓ Make sure that the materials are widely accessible, including over the Internet, at public and law libraries, and at community service providers.
- ✓ Make that sure the materials are reviewed by bilingual attorneys to ensure that legal accuracy and nuances are not lost in translation.
- ✓ Have materials that have been reviewed by litigants from the community, which is to be served to ensure that the materials meet standards of cultural competence.

Issues for Exploration and Evaluation

1. Most programs find the task of keeping all materials comprehensive and current to be more burdensome than initially expected. This is particularly the case with multilingual materials.

2. Some programs face issues as to what materials from outside advocacy groups are appropriate for use in the center or program.
3. Updating is particularly expensive in the multilingual context, and there is urgent need for better strategies, including relationships with community-based organizations.
4. Some languages and cultures are primarily oral, the written language may be relatively new, and the target audience may not read the language. The program should consult with community members about the usefulness of translated printed material before spending scarce dollars on translation. Video presentations may be more effective
5. Additional information on the most appropriate state role in providing such materials, particularly the multi-lingual materials, would be very helpful.

Examples

California Informational Materials Programs

While many counts have highly impressive materials programs, the **San Francisco Superior Court** has made a special effort in its multi-lingual materials.

http://www.sfgov.org/site/courts_index.asp?id=19649.

☎ The contact for San Francisco is Judy Louie, julouie@sftc.org.

Ventura County is also noteworthy,

<http://www.ventura.courts.ca.gov/venturaMasterFrames5.htm>.

☎ For Ventura, the contact is Tina Rasnow, tina.rasnow@ventura.courts.ca.gov.

Fresno has also developed extensive materials in Spanish.

http://www.fresnosuperiorcourt.org/representing_yourself/index.php?lang=sp.

☎ The contact for Fresno is Cathy Westlund, cwestlund@fresno.courts.ca.gov

Santa Clara has translated its extensive self-help website into Vietnamese as well as Spanish. <http://www.scselfservice.org/viet/default.htm>.

☎ The contact for Santa Clara is Leigh Parsons, LParsons@scscourt.org.

San Diego Superior Court has developed a directory of self-help programs offered by the Court, City, County and State Agencies, and non-profit and other collaborations with a legal services program. Over 5,000 copies of the brochure were distributed in the first year. The Court is planning to translate the directory into Spanish in the future.

☎ For the San Diego Court, the contact is Scott Brown, Special Projects Manager, San Diego Superior Court, Scott.Brown@sdcourt.ca.gov.

The **San Diego law library**, <http://www.sdcpll.org>, has research guides in Spanish.

☎ The contact for the San Diego Law Library is Robert Riger, rrieger@sdcppll.org,

The **Sacramento law library** has a Spanish website. <http://www.saclaw.lib.ca.us>.

☎ The contact for Sacramento is Coral Henning, chenning@saclaw.lib.ca.us.

Orange County has forms and packets available in English and Spanish. Most staff members in the court's Self-Help Center and Court Resource Bureau are Spanish speaking. In addition, attorneys who speak Korean and Vietnamese have recently been added to the staffs.

☎ The Orange County contact is Lorraine Torres, L1torres@occourts.org.

I-CAN! Modules

The I-Can Modules discussed in the Document Assembly section often include multi-lingual capacity. Minnesota, for example, has I-CAN! modules in English, Spanish and Somali.

☎ The general contact is AJ Tavares, AJtavares@Legal-Aid.com.

☎ The Minnesota contact is Susan Ledray, Susan.Ledray@courts.state.mn.us.

New York City Civil Courts Informational Materials Programs

The Civil Court of the City of New York has extensive materials in other languages to better serve its multi-lingual population. The court's entire website, including, forms, publications, and videos, is available in Spanish and Chinese:

<http://nycourts.gov/courts/nyc/civil/index.shtml>.

☎ The New York contact is Rochelle Klempner rklempner@courts.state.ny.us.

Resources

[SelfHelpSupport.org](http://www.selfhelpsupport.org) Online Library of Resources

[SelfHelpSupport.org](http://www.selfhelpsupport.org) has many, many resources and examples. For multi-lingual examples, see the dedicated library folder on Cultural, Language, and Internationally Issues. See especially the library sub-folder on translated materials/websites at <http://www.selfhelpsupport.org/library/folder.42553>.

Six. Videos/PowerPoint Slides

Concept. Many programs find that video and PowerPoint training materials are helpful in establishing and maintaining low-cost programs to help litigants prepare for court. These materials can show what court is like, introduce the court players, lessen intimidation, and introduce key legal concepts. They are particularly appropriate for populations for whom written materials are less effective. PowerPoint presentations are less expensive to produce, can be changed more easily than video formats, and can use graphics and animation to facilitate understanding.

Suggested Attributes

Programs using such materials appear to be most effective when they:

- ✓ Have training materials that are clearly written and well edited.
- ✓ Offer brief, on-point training materials.
- ✓ Use a non-patronizing tone in their materials.
- ✓ Have video and PowerPoint presentations appropriate for a range of verbal skill levels.
- ✓ Have training materials that are concrete and specific rather than general.
- ✓ Show what happens and provide real-life illustrations rather than offering descriptive “talking heads.”
- ✓ Use text to reinforce the audio messages in the materials.
- ✓ Avoid humor, which often falls flat or misleads.
- ✓ Avoid content that will require frequent updating.
- ✓ Offer multilingual versions of the materials.
- ✓ Offer easily accessible sites to view videos and Power Point presentations, ideally with staff support.
- ✓ When sound is included, provide headphones at the viewing stations to allow multiple users to use the materials in the same area.
- ✓ Include an ongoing evaluation component of training materials to ensure effectiveness.

Issues for Exploration and Evaluation

1. While low cost tools for production are rapidly becoming available, high quality videos are expensive to create, and expensive to change. If the videos contain hidden biases which have become clear only after substantial investment, it is expensive to change them.

2. Some programs have difficulty making sure that people actually look at such materials, and there is therefore need for experiments in encouraging use of these materials.
3. Courts within the same state should work together to create videos, sharing in the costs and resources.

Examples

California Video Projects and Materials

The most comprehensive attempt to use video and PowerPoint to communicate legal access tools for the self-represented is probably the **Contra Costa Virtual Self-Help Center**. This is at <http://www.cc-courthelp.org/>. Resources are available for download and modification.

☎ The contact for the Contra Costa program is Sherna Deamer, sdeam@contracosta.courts.ca.gov.

Kern County, California, Law Library has videos and podcasts listed on its website. <http://www.kclawlib.org/media.php?PHPSESSID=9fc357fbc5d83ff5a47568e898d6cea4>.

☎ The Kern contact is Annette Heath, AHEATH@KCLAWLIB.ORG.

In Orange County California, the program has developed power point presentations for their *How to Start a Divorce*, *How to Respond to a divorce*, and *How to Respond to a Temporary Restraining Order* workshops.

☎ The Orange County contact is Lorraine Torres, L1torres@occourts.org.

Hennepin County, Minnesota, Video Tutorials

The 4th Judicial District Court in Minnesota has produced videos and a tutorial viewable at <http://www.mncourts.gov/selfhelp/?page=1913>.

☎ The contact for this program is Susan Ledray, susan.ledray@courts.state.mn.us.

Illinois Instructional Videos

Illinois Legal Aid Online has produced the following instructional videos for self-represented litigants, which appear on www.IllinoisLegalAid.org:

Going to Court on Your Own

http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=5394.

Going to Small Claims Court

http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=5573 (English).
http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=6058 (Spanish).

Going to Eviction Court in Chicago

http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=555
2.

How to Get an Order of Protection

http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=589
7.

What do I do if I Get a Traffic Ticket?

http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=569
6.

Coming in May 2008 is a series of five short videos on mortgage foreclosure cases.

☎ The Illinois contact is Lisa Colpoys, lcolpoys@illinoislegalaid.org.

New York City Civil Court SRL Videos

The Civil Court of the City of New York produces videos (starring court employees) to provide assistance to self-represented litigants. The court also has a monthly community seminar series for civil, housing and small claims topics, which is taped and posted on the court's website. The videos and seminars can be found at

<http://nycourts.gov/courts/nyc/housing/videos.shtml>.

☎ The contact for these materials is Phaedra Perry, pfperry@courts.state.ny.us.

Resources

See Contra Costa Virtual Self-Help Center, above.

Online Library of Resources

Additional Examples of videos produced for self help programs can be found in the SelfHelpSupport.org .org library at: <http://www.selfhelpsupport.org/library/folder.82240>.

Video “Court Tips for Parents”

The Law Courts Education Society of British Columbia, Canada has produced several good quality online videos for self-represented litigants. See: “Court Tips for Parents: Representing Yourself in Chambers.” <http://www.courtstips.ca/>.

Seven. Rules in Support of Court Information Programs

Concept. Many jurisdictions that create court-based self-help programs have found that it is helpful to enact rules that clarify the responsibilities of program staff and the scope of services provided by the center.

Suggested Attributes

Such rules appear to be most effective when they:

- ✓ Clarify with users the limited nature of the relationship.
- ✓ Emphasize that such programs and their staff provide information, but not advice, and define the distinction.
- ✓ Clarify the ethical obligations of staff to provide services as described in Practice Three, Self-Help Centers.
- ✓ Clarify the obligation to provide services to all sides.
- ✓ Clarify the scope and limits of the services provided, including substantive areas of law and level of assistance in each particular area.

Issues for Exploration and Evaluation


1. Work remains to be done on the specifics of these rules, and the advantages of different formulations.

Examples

California Statewide Guidelines and Local Rules

California has put in place **statewide Guidelines** that provide a detailed framework for the structure and operation of self-help programs and thereby assist in the establishment of local rules.

http://www.courtinfo.ca.gov/reference/documents/self_help_center_guidelines.pdf.

 The contact for these Guidelines is Deborah Chase, of the California AOC, deborah.chase@jud.ca.gov.

California examples of such individual rules can be found at http://www.courtinfo.ca.gov/rules/documents/pdfFiles/appendix_c.pdf and <http://www.courtinfo.ca.gov/programs/equalaccess/ethical.htm>.

San Diego Superior Court has developed an additional Memoranda of Agreement between the court and legal services organizations providing self-help services at various court sites. These memoranda cover a variety of operational and policy issues.

☎ The contact for this is Scott Brown, Special Projects Manager, San Diego Superior Court, Scott.Brown@sdcourt.ca.gov.

Other States Rules on Court Staff Roles

Many states have developed more focused rules governing what court staff is permitted to do. These are available on SelfHelpSupport.org.

☎ John Greacen, at greacenjmg@earthlink.net, is the expert on the related issue of the ethical rules governing court staff, particularly clerks.

☎ Bonnie Hough, at Bonnie.Hough@jud.ca.gov, is also an expert on the broader standards that states may establish.

Resources

See above Examples.

Idaho Rules

<http://www.isc.idaho.gov/rules/icar53.txt>.

Florida Rules

Florida Rule 12.750: Family Self Help Programs can be found at http://phonl.com/fl_law/rules/famlawrules/famrul12750.htm.

Minnesota Rules

Minnesota Rule 110: Self Help Programs can be found at <http://www.mncourts.gov/rules/general/GRtitleII.htm#g110> or <http://www.courtinfo.ca.gov/programs/equalaccess/documents/selfrep07/EducationGuidance/Rule110.pdf>.

Online Resource Library

Additional court rules can be found within the SelfHelpSupport.org library sub-folder of court rules and standards at: <http://www.selfhelpsupport.org/library/folder.100606>.

Eight. Video Conferencing to Provide Remote Services

Concept. Video conferencing technology is proving a powerful and cost effective way of providing remote services to court and community locations that would otherwise go unserved. It can be used to interview and provide direct assistance to the self-represented, to provide clinics and workshops, and for senior staff to monitor remote locations. The technology can also be used by the court to provide separated mediation services, and even for remote court appearances.

Suggested Attributes

Video conference technology appears to be most effective when:

- ✓ The video provides for high quality communication with minimum “lag” in the transmission.
- ✓ The system is connected to broader networks to maximize the ability to connect to a variety of locations.
- ✓ The equipment is placed in a location that permits the kind of communication (public, confidential, etc.) desired.
- ✓ The installation is properly supported by technology staff that are readily available.
- ✓ Those who use it, including self-help center staff are properly trained in the use of the technology.
- ✓ There are protocols governing appropriate use of the video.


Issues for Exploration and Evaluation

1. There are differences between in-presence and over-the-video encounters. We need to have a better sense of those differences, and when they matter.

Examples

California, Remote Video

Contra Costa, California, uses video to provide remote workshops for self-represented litigants, and also uses it in child custody mediation sessions when domestic violence is an issue. (With videoconferencing, each parent can be in a separate room, with the mediator spending half of his or her time with one party and the other half with the other parent.)

 The contact is Sherna Deamer, sdeam@contracosta.courts.ca.gov.

Video conferencing is also used by **the Self-Help Assistance Regional Project (SHARP)** - a collaboration between the courts of Butte, Glenn and Tehama counties in California. They have linked four self help centers through videoconferencing so that workshops and one-on-one assistance can be provided across the region.

☎ The SHARP contact is Tammy Grimm, tgrimm@glenncourt.ca.gov.

Montana Court and Legal Aid Video

The Montana courts and legal aid program use video in a variety of contexts.

☎ [Alison Paul, apaul@mtlsa.org](mailto:apaul@mtlsa.org).

Resources

The Role of Technology in the Access Solution.

This paper, prepared for the March 2005 Summit on the Self-Represented, includes, discussion of video. Available at

http://www.ncsconline.org/WC/Publications/Res_ProSe_FutSelfRepLitfinalPub.pdf at pages 90.

Video on Sharp Program

Video on the program is available at

<http://www.courtinfo.ca.gov/programs/equalaccess/kleps.htm>.

Nine. Library and Community Access Points

Concept. Experience has shown that many of the materials and programs developed in the court or legal aid context can also be used in flexible and accessible outside environments in which there are supportive individuals to assist the self-represented litigant. Examples are libraries and community agencies.

Providing assistance in these sites outside of the court can help overcome geographic barriers, and provide assistance with the use of the computer, interpretation or translation, basic information and emotional support. Sometimes the issue of accessing services is simply one of physical access, sometimes of help with the computer, sometimes language assistance is needed, or sometimes understanding the process or materials. A wide variety of community access points can help meet this need, and provide significant use of materials and on-line information already developed.

Suggested Attributes

Access point programs appear to be most effective when they:

- ✓ Are in locations that are accessible to a broad range of people.
- ✓ For court programs, use sites that do not align the court with a point of view.
- ✓ Have staff/volunteers available to help and inform.
- ✓ Have web and computer access in place.
- ✓ Use non-intimidating environments that feel open and friendly.
- ✓ Are in secure locations.
- ✓ Use feedback systems to tell how locations were actually used and how such locations can be improved.
- ✓ Keep up-to-date information on other resources available.
- ✓ Train staff at community agencies on common legal issues affecting their community and provide them with informational materials to hand out to their clients.
- ✓ Train librarians on ways to locate appropriate legal materials for patrons.

Issues for Exploration and Evaluation

1. Partners are still improving their understanding of how such access points can meet their own institutional needs through this service, of the most appropriate relationship between the access points and the courts, and of how they can best work together within their institutional constraints.

Examples

California Collaborations

The **Kern County California Law Library** maintains a law library in a community college library. <http://www.kclawlib.org>.

San Diego Superior Court is piloting a 2-1-1 Resource Assistance program where 2-1-1 hotlines have been installed in several courthouse locations. These hotlines provide the public with immediate access to a countywide repository of service providers in the health, human/social services, emergency services and legal services areas (to name a few).

☎ The contact is Scott Brown, Special Projects Manager, San Diego Superior Court, Scott.Brown@sdcourt.ca.gov.

Many programs in California offer workshops on legal information at community organizations. One example is the **ACCESS Center in San Francisco** which provides workshops in Spanish at La Raza Centro Legal, in Chinese at community agencies in Chinatown and similar agencies.

☎ The ACCESS contact is Judy Louie julouie@sftc.org.

Illinois Legal-Self Help Centers in Libraries

In the most rural counties in Illinois legal self-help centers are being established in public libraries instead of in the county courthouse. In many of these locations courts do not have the resources or space to support a self-help center, but by partnering with the local public library they are able to provide a valuable and necessary service to self-represented users of the courts. These self-help centers are coordinated by the Illinois Coalition for Equal Justice and Illinois Legal Aid Online, who train librarians on how to assist visitors who are seeking legal information and assistance. For an example see <http://franklin.illinoislegalaid.org>.

☎ Illinois contacts are Joe Dailing, jdailing@icfej.org, and Lisa Colpoys, lcolpoys@illinoislegalaid.org.

Montana Collaborations

The Montana State Law Library has partnered with Montana Legal Services Association to do several presentations at statewide conferences for local librarians on how to help patrons find legal information. In addition, Montana Legal Services Association has created Self-Help Resource Binders for local libraries across the state including brochures on common legal topics, information on finding information on MontanaLawHelp.org, and MLSA applications for services.

☎ The contact is Tara Veazey at tveazey@mtlsa.org.

Montana Legal Services Association is also using an interesting new technology, LiveHelp, that allows users to chat online with specialist who can help them find the

content they need. www.montanalawhelp.org. Pro Bono.net has replication resources and provides support.

☎ The contacts are Christine Mandiloff, cmandilo@mtlsa.org, Eve Ricaurte, ericaurte@iowalaw.org, and Liz Keith, lkeith@probono.net, who are involved in cross jurisdiction support for LiveHelp

Minnesota Access from the Library

The Minnesota courts partner with law libraries to provide access to the Court's Virtual Self Help Center and to host brief advice clinics, attorney self-help staff, and to distribute court forms. In turn, the law libraries support public libraries with legal materials and reference support.

☎ The contact is Susan K. Larson, County Law Library Coordinator, Minnesota Law Library, susan.larson@courts.state.mn.us

Wisconsin Directory of Libraries

The Wisconsin State Law Library maintains lists of local libraries that will serve the self-represented. <http://wsll.state.wi.us/wilib.html>.

☎ The contact e-mail is wsll.web@wicourts.gov.

Resources

Example law library resources are listed above.

Online Resource Library

Many Examples of library programs for self-represented litigants can be found within the SelfHelpSupport.org library at: <http://www.selfhelpsupport.org/library/folder.40329>.

Trends in Library Collaboration

Trends in Library Collaboration to Provide Access to Legal Information, by Barbara Fritschel in *Future Trends in State Courts*, National Center for State Courts (2007), describes several collaborative library programs at <http://www.ncsconline.org/WC/Publications/Trends/2007/ProSeLibraryTrends2007.pdf>.

Ten. Community-Education Outreach, Workshops, and Clinics

Concept. Community education in the form of outreach, workshops, clinics, classes and group help programs provide a cost effective way of educating litigants regarding the law and court procedures, and of preparing them for the court system. Such programs are also effective at general legal education of the community at large, so that informed community members are then more likely to avoid legal problems or can at least enter the legal system better prepared. These programs may consist of a general educational or informational presentation. Or they may be provided in more targeted clinics in which court proceedings and legal issues in a particular area of the law are explained and in which individual assistance is then provided to answer litigants' more specific questions.

Suggested Attributes

Outreach, clinics and workshops appear to be most effective when they:

- ✓ Provide appropriate content for each topic.
- ✓ Structure their content so that it works for users in terms of pacing.
- ✓ Provide multilingual informational materials if appropriate to the target audience.
- ✓ Provide information regarding court-based centers and other legal services available to litigants.
- ✓ Create mechanisms to be responsive to the needs of the community so workshops are relevant and current.
- ✓ Are part of a regular schedule of workshops and clinics so that the community can rely on a steady presence and commitment to community education.
- ✓ Take place at convenient times and days, such as evenings or Saturdays.
- ✓ Take advantage of existing meetings or media networks of people interested in a legal topic – such as single parents groups who are likely interested in family law issues, grandparents raising grandchildren support groups who will likely need information on guardianships, or a targeted radio or cable audience.

Issues for Exploration and Evaluation

1. There is need for more insight into where these workshops and clinics should be held, at the courthouse, libraries, schools, or at community agencies.
2. There should be exploration of the possibility of cross agency partnerships in the funding and hosting of such programs, and possible integration of complementary services.

Examples

California Community Programs

The San Francisco model pilot project provides assistance with civil matters and conducts workshops and clinics in community to meet LEP need, http://www.sfgov.org/site/courts_index.asp?id=19649. This project targets 5 languages plus English.

☎ The contact for the San Francisco program is Judy Louie at julouie@sftc.org.

The **Contra Costa County Court and bar association** both provide workshops, <http://www.cccbba.org/comm/default.htm>; <http://cc-courthelp.org/index.cfm?fuseaction=Page.ViewPage&PageID=570>; www.cc-courts.org/smallclaims.

☎ The Contra Costa contact is Sherna Deamer, sdeam@contracosta.courts.ca.gov.

Ventura Country, California has a Spanish radio “tip of the day” program aimed directly at the public. <http://www.courtinfo.ca.gov/programs/innovations/accpubserv-11.htm>.

☎ The Ventura contact is Tina Rasnow, Tina.Rasnow@ventura.courts.ca.gov.

The **Santa Clara Court** leads a Regional Court and Library Partnership in which self-help centers and legal services agencies provided training to local libraries on web-based legal information designed for self-represented litigants.

<http://www.courtinfo.ca.gov/programs/innovations/accpubserv-16.htm>.

San Diego County Public Law Library provides a wide range of courses for the self-represented, <http://sdcpll.org>. Under two Federal Library Service and Technology Act grants, SDCPLL expanded course and did train the trainer sessions.

☎ The San Diego library contact is Robert Riger, rriger@sdcpll.org,

San Mateo, San Jose, Alameda and San Francisco court self-help center staff appear regularly on a community radio show called "Your Legal Rights" to describe services they offer, basic information about the law and answer questions from callers.

Court Community Teen Parenting program of the **Superior Court of San Benito County** is an outreach effort designed to inform teenagers about the legal and financial consequences when a child is born and the parents are not living together and not financially independent and/or not yet 18. The objective is to reduce unplanned pregnancies and births where the children of teens become dependent on family members or public assistance. See <http://www.courtinfo.ca.gov/programs/equalaccess/kleps.htm>.

In an interesting instance of collaboration and outreach, the **Ventura County Self-Help Center** does a class each semester for the pregnant teens through a local continuation high school. It is on legal issues, and it is part of the series that the pregnant teens take as part of their high school curriculum to prepare them for parenthood. The program covers a wide variety of legal topics including child custody and support, paternity,

guardianship, juvenile dependency, family planning and consumer law. Placer and San Benito Counties in California offer similar workshops.

☎ The contact for the program is Tina Rasnow, Tina.Rasnow@ventura.courts.ca.gov.

Montana Monthly Video Clinics

To make self-help family law and bankruptcy clinics available across the vast, rural state of Montana, Montana Legal Services Association conducts monthly clinics via video conferencing to rotating locations throughout the state.

☎ The contact for the Montana program is tveazey@mtlsa.org.

New York Lunch-hour Video Casts

The Civil Court of the City of New York holds monthly seminars on various civil, small claims and housing topics. The seminars are held in the courthouse during the lunch hour and are often video-cast to the all the counties. The community seminars are later posted on the court's website: <http://nycourts.gov/courts/nyc/housing/videos.shtml#seminars>.

☎ The contact is Phaedra Perry, pfperry@courts.state.ny.us.

Resources

Model Pilot Evaluation

The San Francisco model pilot, which includes the above examples, has been fully evaluated, http://www.courtinfo.ca.gov/programs/equalaccess/documents/Self-Help_ch4.pdf

Eleven. Mobile Self-Help Centers

Concept. A mobile self-help center provides an effective, although somewhat expensive, way of communicating the commitment of a court to community outreach. Carrying materials and staff support to a wide variety of organizations and locations, the message of caring is clear. It allows programs to serve communities that are physically distant from the court.

Suggested Attributes

Mobile self-help centers appear to be most effective when they:

- ✓ Partner with existing community organizations and programs that maintain a full time presence in a fixed location
- ✓ Are used in climates where adverse weather conditions are minimal
- ✓ Are designed for distribution of a wide range of multilingual and/or low-literacy materials.
- ✓ Include capacity to support technology.
- ✓ Visit sites on a regular basis.
- ✓ Visit sites that are distanced from the court.
- ✓ Serve a range of sites and special needs.

Issues for Exploration and Evaluation

1. Such programs are relatively expensive, require ongoing outreach efforts, and are not particularly suited to environments with adverse weather conditions.
2. These programs have not been compared with other forms of outreach.

Examples

Ventura and Santa Clara, California, Mobile Programs

The leading mobile self-help center was pioneered by the **Ventura county program**.

☎ The contact is Tina Rasnow, tina.rasnow@ventura.courts.ca.gov.

Another mobile self-help center is operated by the **Santa Clara court**.

☎ The contact is Leigh Parsons, LParsons@scscourt.org.

Resources

Information on the Ventura Program

The Ventura program is described at http://www.ventura.courts.ca.gov/mobile_shlac.htm.

See also, Rasnow, *Traveling Justice: Providing Court Based Pro Se Assistance to Limited Access Communities*, Fordham Urban Law Journal, Feb 2002.

Information on the Santa Clara Program

The Santa Clara courtmobile is described at <http://www.scselselfservice.org/home/courtmobile.htm>.

Information on the Georgia Mobile Law Program

Georgia Mobile Law Units are described by LSTech.org at http://classic.lstech.org/projects/georgia_mobile_selfhelp_offices.

Twelve. Initial Assessment Processes

Concept. Initial assessments are increasingly being seen as critical to effective delivery of services. Such assessments and associated referrals make sure that litigants are obtaining services and assistance appropriate both to the case in which they are involved, and to their individual capacities. Such assessment might well take place within the self- help center and would provide referrals to a variety of resources.

Suggested Attributes

Assessment components appear to be most effective when they:

- ✓ Are conducted by trained personnel
- ✓ Include access to the information necessary to assess the legal complexity of the case.
- ✓ Are based on a clear multi-step formal protocol.
- ✓ Include consideration of factors such as the type of case, the capacity of the litigant, and the particular facts of the case.
- ✓ Whenever possible, include in the protocol factors based on research, or at least on a process of data gathering and reflection.
- ✓ Include a system of referrals to more comprehensive assistance.
- ✓ Incorporate the capacity for re-assessment when the underlying circumstances of a case change.

Issues for Exploration and Evaluation

1. While as a practical matter there is already extensive court user and litigant problem assessment being conducted within court-based self-help centers and legal aid programs, there is not yet sufficient systematization of knowledge available. Many feel that progress in this area is particularly crucial to the expansion of services and the creation of an accessible justice system.
2. In particular, we do not know what situations and what litigants require what levels of service to ensure access to justice

Examples

Centers with Intake Assessment Protocols

The **Ventura and San Diego, California** and **Hennepin County MN** self-help centers operate some of the more sophisticated initial assessment processes.

☎ The San Diego contact is Susan Groves, Office of the Family Law Facilitator, susan.groves@sdcourt.ca.gov.

☎ The Hennepin contact is Susan Ledray, susan.ledray@courts.state.mn.us.

Law Library Processes

Many law libraries have also instituted needs assessment systems.

☎ For information on law library approaches, contact Charles R. Dyer, Consultant, charlesrdyer@clearwire.net.

Resources

The San Diego Protocol

The San Diego protocol is available by contacting Susan Groves, Office of the Family Law Facilitator, San Diego Superior Court, at susan.groves@sdcourt.ca.gov.

Model Process in Evictions Cases

A model intake process in eviction cases is at

<http://www.courtinfo.ca.gov/programs/equalaccess/documents/selfrep07/Triage/UDIntakeAssessment.pdf>.

Paper on Triage as a Critical First Step

Helping People Before the Court: Effective Triage as a Critical First Step. A paper presented at the May 2007 California Statewide Conference on Self Representation.

Available at:

<http://www.courtinfo.ca.gov/programs/equalaccess/documents/selfrep07/Triage/TriageAppendix.pdf>.

Thirteen. One-on-One Assistance

Concept. Most well-established self-help centers use staff and pro bono attorneys to provide more intensive one-on-one assistance to self-represented litigants. While limited by the guidelines governing self-help center staff, these services provide more assistance than group or counter-based service delivery and allow for much more in depth assistance, particularly with non-routine cases.

Suggested Attributes

Systems of one-on-one assistance appear to be most effective when they include:

- ✓ Use of attorneys with experience in the subject matter area.
- ✓ Taking particular care to avoid the expectation on the part of the self-help center user that the center is actually providing representation, or attempting to assist with effectuating a particular case outcome.
- ✓ Explanation of the limited role in the assistance provided; including the fact that the communications will not be confidential, and that the services of the self-help center will be made available to the other side of the case if requested.
- ✓ Conformity with guidelines for giving information and education, rather than advice, and maintaining neutrality.
- ✓ Referrals to more comprehensive assistance when appropriate.
- ✓ Attorney supervision of staff providing one-on-one assistance.

Issues for Exploration and Evaluation

1. Additional exploration should be conducted of the level of skill needed to provide this service, as well as of what supervision is most appropriate and how best to train for neutrality while permitting sufficient engagement with the detail of a situation.
2. The risk of the center's services reaching such a level of engagement that it is perceived as becoming an advocate for a litigant is greater with this one-on-one form of service, and protocols and training must focus on avoiding this risk.

Examples

Most self-help programs provide extensive one-on-one assistance as part of their core program. Most rural self-help programs provide one-on-one assistance as a matter of practicality since it is difficult to have enough litigants with similar problems to organize workshops.

Alaska Remote Delivery One-on-One Assistance

The Alaska Family Law Self-Help Center provides one on one help via a toll-free telephone helpline which is one of the main methods of service delivery for our program. Their facilitators conduct a screening triage at the start of every call to identify issues, provide education, forms and procedural information about all options to advance issue at hand, as well as providing legal and non-legal referrals as relevant.

☎ The Alaska contact is Stacey Marz, smarz@courts.state.ak.us.

California Programs Offering One-on-One Assistance

Another significant program is the Contra **Costa Family Law Expansion Project**, which provides such one on one help as part of its standardized court intake process in all aspects of family law (divorce, child custody & visitation, child and spousal support, parentage, domestic violence) from initial filing through final judgment.

☎ The contact for the Contra Costa program is Mary Anne Devine, mdevi@contracosta.courts.ca.gov.

Alameda County Self-Help Services provides one-on-one assistance with forms completion, particularly when language access is an issue, and when the program has JusticeCorps students available. They also have weekly appointments for Family Law Judgments in our Oakland Self-Help Center; a SRL can have an attorney review the final documents and assist with completion of other required documents.

☎ The Alameda contact is Carole Raimondi, craimondi@alameda.courts.ca.gov.

The **Sacramento Superior Court** offers one-on-one assistance under appropriate circumstances. In addition to non-routine matters, it is also appropriate to offer one-on-one assistance when the amount of time in which the customer must act is limited and waiting for the next available workshop is not a viable option. These services are provided in person at the courthouse and also via email for customers unable to come to the courthouse in person

☎ The Sacramento contact is Lollie Roberts, robertsl@saccourt.com.

Orange County California provides one-on-one assistance in their Self-Represented Party calendar, which is a special calendar held weekly to assist self-represented parties complete their dissolution or paternity case.

☎ The Orange county contact is Lorraine Torres, Family Law Facilitator at lltorres@occourts.org.

Chicago, Illinois Advice Desks

At the courthouse in Chicago there are numerous topic specific advice desks where self-represented litigants can meet with an attorney to get advice and assistance in preparing pleadings and forms. See a list with descriptions of each at http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=3056.

Hennepin County, Minneapolis, One-on-One Program

One noteworthy program is the Hennepin County one, that provides such assistance at the desk, and through pro bono attorneys,

☎ The contact for the Hennepin program is Susan Ledray,
susan.ledray@courts.state.mn.us.

New York One-on-One Programs

The Civil Court of the City of New York has provided one-to-one assistance for housing litigants since 1972. Since 1997, litigants can meet with court attorneys in the court's resource centers to obtain legal and procedural information, and they can also meet with volunteer attorneys to receive legal advice.

☎ The contact for the Civil Court of the City of New York's pro se court attorneys is Phaedra Perry, pfperry@courts.state.ny.us.

☎ The contact for the Volunteer Lawyer Project is Marcelle Brandes,
Mbrandes@courts.state.ny.us.

Resources

Directory of 130 Programs

A Directory of Court-Based Self Help Programs by SelfHelpSupport.org and the Self Represented Litigation Network (May 2006) describes the types of assistance that are provided by approximately 130 court-based self help programs around the country, including whether they provide one-on-one assistance. Available at:
<http://www.ncsconline.org/WC/Publications/ProSe/contents.htm>.

Fourteen. Workshops

Concept. Workshops, often combined with individual support, have proved a cost effective way of walking individuals through complex paper procedures, and preparing them for relatively common and simple court proceedings. The design of these programs varies widely, from a simple general presentation, to a multi-part series that includes line by line support for filling in forms and preparing testimony.

Suggested Attributes

Workshops appear to be most effective when they:

- ✓ Are conducted by qualified staff and supervised by attorneys
- ✓ Screen users for appropriateness.
- ✓ Provide relevant content for the topics covered in the workshop or training.
- ✓ Provide an appropriate environment for people to ask questions, yet not give the appearance of confidential or private consultations with an attorney.
- ✓ Pay attention to pacing and division of content in training materials.
- ✓ Provide and use available forms, packets and materials.
- ✓ Proceed on a step by step basis rather than attempting to cover an entire complex legal process (such as divorce) in a single session.
- ✓ Include built-in systems to provide support or referral when cases become more complex than anticipated.

Issues for Exploration and Evaluation

1. Knowledge of the comparative efficacy of group versus one-on-one support is still limited. The evaluations of programs offering workshops indicate that they are at least as successful as one-on-one assistance in the cases in which they're offered. It is likely that relative effectiveness depends upon the type of case and the existence of a sufficient volume of cases to allow a jurisdiction to screen appropriate cases for workshops versus one-on-one assistance.
2. As more information is obtained on how to convey legal information effectively, it may become simpler to provide workshops in areas that at this point appear particularly complex. Nor do we fully understand whether issues are more likely to be missed in a workshop format, particularly if participants are uncomfortable asking questions, just as we don't have that information with one-on-one services. Participants appear to gain emotional support from other participants in the workshops.

Examples

Alaska Family Law Self-Help Center Workshops

The Alaska Family Law Self-Help Center provides such workshops. In the most high-volume court they conduct 2 workshops. One is the *Family Law Education Class* (FLEC) which is court-ordered for all self-represented litigants in family law cases as at the start of their cases as well as offered to anyone who wants to attend. Also offered is the *Hearing and Trial Preparation* class which is voluntary to anyone. This class provides detailed information about choosing evidence and witnesses, questioning witnesses, marking and introducing exhibits, preparing trial and hearing briefs, and using organizing handouts to help choose what evidence to use and also to respond to questions about evidence if posed.

☎ The contact is Stacey Marz, smarz@courts.state.ak.us.

California Workshop Programs

Alameda County provides a bi-monthly Guardianship of the Person workshop. They use a video, an instruction packet, and when possible, computer pre-populated Judicial Council forms.

☎ The Alameda contact is Carole Raimondi, craimondi@alameda.courts.ca.gov.

The **Sacramento Superior Court** offers a variety of workshops in family law matters. A large variety of issues can be addressed in the workshop format thanks in large part to the use of standardized forms in California. Where there is sufficient volume of customers seeking to accomplish similar goals (e.g. file for divorce), they can be easily and efficiently assisted in a workshop format using the standardized forms. Workshops are particularly well suited for case or hearing initiation paperwork as the customer is not working under a court-imposed deadline and may schedule a workshop appointment at their own convenience.

☎ The Sacramento contact is Lollie Roberts, robertsl@saccourt.com.

Orange County California's Family Law Facilitator offers child support workshops daily and custody/visitation workshops 4 days a week. Assistance is provided in English and Spanish. Additional workshops on how to start a divorce, respond to a temporary restraining order, and respond to a divorce have also been started.

☎ The Orange County contact is Lorraine Torres, Family Law Facilitator, L1torres@occourts.org

The **Los Angeles Superior Court** offers a large number of workshops designed to assist litigants with all stages of proceedings. They include computer templates to fill out the basic information on forms allowing the workshop to focus on more complex legal issues. Focus group results of the workshops have been extremely positive.

☎ The Los Angeles contact is Kathleen Dixon, KDixon@LASuperiorCourt.org.

The **SHARP program in Butte, Glenn and Tehema** courts offers workshops to a rural area through the use of videoconferencing. The attorney offers the workshop in one location which is broadcast to three other sites where paralegals or other support people are filling out the forms properly, and raise their hands as they have questions. The evaluation of those programs has indicated that litigants were as pleased with receiving videoconferenced assistance as they were with assistance at the center.

☎ The contact is Tammy Grimm, TGrimm@glenncourt.ca.gov.

Illinois Web-Based Training

Illinois Legal Aid Online provides a host of web-based trainings for self represented litigants. See:

<http://www.illinoislegalaid.org/index.cfm?fuseaction=home.legalAidVideos>.

☎ Illinois contacts are Joe Dailing, jdailing@icfej.org, and Lisa Colpoys, lcolpoys@illinoislegalaid.org.

Resources

Illinois Web-Based Training

Illinois Legal Aid provides a host of web-based trainings for self represented litigants. See: <http://www.illinoislegalaid.org/>.

Online Resource Library

The SelfHelpSupport.org Self Help Video folder includes examples of the various video training offerings of many jurisdictions. Available at: <http://www.selfhelpsupport.org/library/folder.82240-VideosVideoconferencing>.

The SelfHelpSupport.org's library folder on clinics is at <http://www.selfhelpsupport.org/library/folder.40328-Clini>.

Part II. Forms, Document Assembly, and E-filing

Fifteen. Forms

Concept. Simple, easy-to-use forms are essential for self-help programs and benefit both litigants and courts. Litigants who use forms prepare legally sufficient pleadings more often, understand the system better, and complete the process faster and more frequently. When forms are available and used, courts run more efficiently and effectively, can decide disputes on the merits more often, and can present better data to decision makers. Forms also encourage jurisdictions to establish what issues are important for a legal problem and the process for resolving that problem. This allows for potential further improvements.

Suggested Attributes

Forms appear to be most effective when they:

- ✓ Cover all of the major issues and sides.
- ✓ Are laid out logically and understandably.
- ✓ Use plain language and are easy-to-understand.
- ✓ Minimize repeated entry of the same information.
- ✓ Provide sufficient space for writing in information by hand.
- ✓ Help the litigant determine when each form is appropriate.
- ✓ Are accompanied by instructional materials in the languages of the communities that are served.
- ✓ Contain instructions that are linked to the questions and understandable by the litigant population while avoiding excessive length.
- ✓ Define all of the legal terms that are used.
- ✓ Have detailed and understandable instructions on what the litigant should do with the completed forms.
- ✓ Are available in accessible formats for people with disabilities.
- ✓ Are available in multiple file formats.
- ✓ Can, if the litigant chooses, be printed out and completed by hand.
- ✓ Do not have any obscure or local court-specific requirements, such as fonts, paper colors or sizes, coversheets, or multi-part carbonized formats.
- ✓ Are readily available at the courthouse, in other locations, and on the Internet.
- ✓ Are available without cost.
- ✓ Are accepted by all of the judges in the jurisdiction.
- ✓ Are made available together with training for court staff on how to maximize the utility of, and support for use of, the forms.
- ✓ Are reviewed by attorneys, judges, and potential litigants for legal problems as well as areas of potential confusion and improvement.

Issues for Exploration and Evaluation

1. Strong qualitative evidence shows that forms help litigants to prepare legally sufficient paperwork; however, little firm quantitative data on cost savings exists.
2. While some jurisdictions have experienced initial reservations on the part of the organized bar, these reservations often disappear when the benefits for the bar become clear.

Examples

Most states have some type of standardized forms, although the forms are not necessarily accepted throughout the jurisdiction nor covering all areas of law.

Alaska Forms

The Alaska Family Law Self-Help Center has drafted many family law forms for contested cases. Most are at <http://www.state.ak.us/courts/shcforms.htm>. Additional forms are available through the Center's telephone helpline. The Center has also drafted forms for the Self-Help Services Appeals website. These forms are available at <http://www.state.ak.us/courts/shc/appeals/appealsforms.html>.

☎ The contact is Stacey Marz, smarz@courts.state.ak.us.

California Forms

California has had mandatory forms for over 25 years. Over 600 forms have been adopted by the Judicial Council for statewide use and must be accepted by every state court. Many, including domestic violence, family law, and small claims forms, must be used by both attorneys and self-represented litigants. All of the forms are available online as fillable PDFs at <http://www.courtinfo.ca.gov/forms/>, and many have been translated into a variety of other languages.

☎ The contact is Bonnie Hough, Bonnie.Hough@jud.ca.gov.

New York City, New York Forms

The Civil Court of the City of New York has many free court forms available in multiple languages for self-represented litigants. Most forms are available online – English at <http://nycourts.gov/courts/nyc/civil/forms.shtml>, Spanish/English at http://nycourts.gov/courts/nyc/civil/civil_spanish/forms.shtml, and Chinese/English at http://nycourts.gov/courts/nyc/civil/civil_chinese/forms.shtml. The English forms are available as fillable PDFs but must be filed in person.

☎ The contact is Rochelle Klempner, rklempner@courts.state.ny.us.

Resources

National Compilations

SelfHelpSupport.org has a library of forms with examples from a variety of states at http://www.selfhelpsupport.org/library/folder.126853-Drafting_Forms.

The NCSC links to many court forms, including self-help forms, at <http://www.ncsconline.org/WC/CourTopics/statelinks.asp?id=64&topic=ProSe>.

Sixteen. Document Assembly

Concept. Document assembly software helps users answer questions and uses those answers to fill out forms, which can be printed or filed electronically. The advantages of document assembly include providing additional informational support to people who complete the forms, eliminating the repeated entry of information, and focusing a user on the information that they need to fill out the form. The process of filling out the forms also educates the litigant on what is relevant to their claim and should therefore be presented in court.

Suggested Attributes

Document assembly software appears to be most effective when it:

- ✓ Fills out forms that meet the standards in the Forms section above.
- ✓ Can produce all of the documents needed for filing, service and completion in a case.
- ✓ Provides the same information that litigants would get if reading the form.
- ✓ Uses easy-to-understand language.
- ✓ Lets users find out at the beginning if the software service is appropriate for them.
- ✓ Supports multiple languages in both answering questions and printing completed forms, as possible.
- ✓ Is available online.
- ✓ Has a user interface that is laid out logically.
- ✓ Provides clear navigation so people do not get lost.
- ✓ Shows or hides additional information and questions based on users' answers.
- ✓ Minimizes how many questions users have to answer.
- ✓ Has a small number of questions on each screen and limits the need to scroll.
- ✓ Lets users save their answers, so changes can be made later, if needed.
- ✓ Has different versions available for public and expert users.
- ✓ Does not require any specific Internet browser.
- ✓ Integrates the instructions with the questions.
- ✓ Defines all of the legal terms that are used.
- ✓ Provides instructions on how to file and serve the forms as well as information on how to resolve the legal issue.
- ✓ Directs litigants to additional online information.
- ✓ Integrates video or audio help.
- ✓ Is integrated with other support systems, such as phone and "LiveHelp."
- ✓ Is used in court and community environments where help is available from supportive and knowledgeable staff.
- ✓ Is reviewed by attorneys, judges, and potential litigants for legal problems as well as areas of potential confusion and improvement.

Issues for Exploration and Evaluation

1. Document assembly, while very effective, requires significant up-front investment, particularly to deliver content on the Internet or to develop user-friendly content. Regular maintenance is also needed. Project planning must consider these needs.
2. Some online document assembly systems charge for use. Research is needed to assess the implications of these systems for access.

Examples

California Document Assembly Projects

California is doing extensive document assembly work. Most courts in California use a program called **EZLegalFile** (<http://www.ezlegalfile.org/go.jsp?act=actShowHome>), which allows litigants to complete nearly all needed forms for family law, landlord/tenant, domestic violence, small claims and guardianship cases at no charge.

☎ The contact is Anthony Serafica, ASerafica@sanmateocourt.org.

The **California Administrative Office of the Courts**, through a partnership with LawHelpCalifornia.org and NPADO (see below), is using online document assembly to improve their self-help workshops and clinics. With help from JusticeCorps volunteers, self-represented litigants use document assembly to fill in their basic information (names, addresses, birthdates) on their forms. The litigants then participate in a class, where a staff attorney explains and discusses the legal issues involved in their cases and helps the litigants fill out the rest of their forms by hand. Currently, this project is being piloted in Los Angeles; however, there are plans to expand to more locations.

☎ The contact is Harry Jacobs, Harry.Jacobs@jud.ca.gov.

Idaho Forms and Document Assembly Collaboration

Idaho Legal Aid Services (ILAS) and the Idaho Supreme Court are collaborating to create online document assembly content and have made it available online, using NPADO (see below) at <http://idaholegalaid.org/Home/PublicWeb/SelfHelpTemp>. In the first year, they developed several interviews to help Spanish speakers fill out English-language forms. This content is available at http://idaholegalaid.org/Home/PublicWeb/SelfHelpTemp/Spanish_Index.

The Idaho Supreme Court tracks how many of these forms are filed. The Idaho Supreme Court has assigned a code to each type of form. When a form is filed, this code is recorded in the court case management system. From June 2007, when the project was implemented, until September 2007, over 584 of these forms were filed.

Illinois Forms and Document Assembly Program

Illinois Legal Aid Online (ILAO) was one of the first programs to develop document assembly content for use with NPADO.org. Currently self-represented persons can access 57 document templates from www.IllinoisLegalAid.org (see <http://www.illinoislegalaid.org/index.cfm?fuseaction=home.formLibrary>). Recently, ILAO received a grant from the Lawyers Trust Fund of Illinois, the Illinois IOLTA program, to fund the development of document assembly content for legal aid advocates and pro bono attorneys. See <http://www.illinoislegaladvocate.org/index.cfm?fuseaction=home.showPracticeArea&type=hotdocs>

☎ The contact is Lisa Colpoys, lcolpoys@illinoislegalaid.org.

New York Document Assembly Projects

In New York, Legal Assistance of Western New York, Inc., Legal Services for New York City, and the New York State Unified Court System are collaborating on a document assembly initiative. They have made five interviews for self-represented litigants available online using NPADO (see below): a housing nonpayment answer, a housing nonpayment petition, an adult name change petition, a minor name change petition, and small estate settlement. The partners have formed a developer community of attorneys in legal services programs, court personnel, and technologists. This is a ground-breaking joint effort and a new direction in the method of developing interactive pro-se tools.

☎ The contact is Susan Kaufmann, skaufmal@courts.state.ny.us.

Utah Forms and Document Assembly

The Utah State Courts have developed a document assembly system called OCAP (Online Computer Assisted Program). At present, there are divorce, child support, custody, visitation, protective orders, guardianship and landlord-tenant programs. Many of these were developed from forms that were already available online. When documents prepared through OCAP are filed, the court collects a \$20.00 fee in addition to the regular filing fees.

The programs are designed to be easy to complete and have brief explanations about the relevant law and instructions on how to use the documents. OCAP is available at <http://www.utcourts.gov/ocap/>.

☎ The contact is Kim Allard, kima@email.utcourts.gov.

Pro Bono Net's National Document Assembly Server (NPADO)

NPADO lets programs use LexisNexis's HotDocs Professional, and optionally the Center for Access to Justice and Technology's A2J Author, to create document assembly content from their existing forms and documents. Templates that are uploaded to the NPADO server can be linked to from legal aid and court websites. From there, they can be made available for advocates, pro bono volunteers, and self-represented litigants, who are not

required to install HotDocs locally. In 2007, NPADO supported collaborative legal aid and court efforts in eighteen states and delivered over 76,000 assembled documents.

☎ The contact is Kate Bladow, kbladow@probono.net.

I-CAN! System

I-CAN! is a kiosk and web-based document assembly system designed to provide access to legal services for lower income people. I-CAN! modules create properly formatted pleadings, provide court tours, and educate users on the law and the steps needed to pursue their matter. It is operated by Legal Aid of Orange County.

☎ The contact is AJ Tavares, AJtavares@Legal-Aid.com.

Resources

Idaho Legal Services TIG Final Evaluation Report.

Available through SelfHelpSupport.org at <http://www.selfhelpsupport.org/link.cfm?9155>.

The Role of Technology in the Access Solution.

This paper, prepared for the March 2005 Summit includes the best general analysis of this field. Available at http://www.ncsconline.org/WC/Publications/Res_ProSe_FutSelfRepLitfinalPub.pdf at pages 87-89.

Seventeen. User-Friendly Electronic Filing

Concept. When designed to be easy to use for everyone including self-represented litigants, electronic filing (e-filing) systems can help litigants file pleadings more easily. If not, e-filing systems can increase barriers for self-represented litigants rather than decrease them.

Suggested Attributes

E-filing systems appear to be most effective when they:

- ✓ Integrate with the court's case management system using tools like XML.
- ✓ Include document assembly software to help litigants complete their documents before filing. (See the Document Assembly section above.)
- ✓ Have an easy-to-use interface for both non-experts and experts.
- ✓ Are built on an interface that uses a standard web browser rather than special software.
- ✓ Do not require a specific Internet browser.
- ✓ Do not require a fee to use or allow litigants to ask for the fees to be waived with the built-in fee waiver application.
- ✓ Alert litigants to issues that prevent the court from accepting their documents.
- ✓ Allow users to file manually without retribution. (Although access to the Internet and familiarity with computers is increasing rapidly, this is still an on-going concern.)

Issues for Exploration and Evaluation

1. We need to explore how best to ensure that systems are designed for all, not just for lawyers and law firms.
2. E-filing should not be primarily motivated by the goal of generating revenue. While implementing e-filing systems is expensive, the court should realize administrative savings if they have integrated the system with the court's case management system and not justice substituted images for paper. This savings should justify the expense of implementing the e-filing system.
3. It would be useful to know how much the public will also benefit from e-filing systems. For example, litigants will not need to take off from work to file pleadings in person.

Examples

Sacramento, California Small Claims System

The Small Claims Court Electronic Filing System is perhaps the best example of a customer-friendly e-filing system. This system has dramatically reduced the amount of

court staff time needed to assist litigants with filing. It is available at <https://www.apps-saccourt.com/scc/>.

☎ The contact is Marcia Barclay, barclam@saccourt.com.

Resources

The Role of Technology in the Access Solution.

Paper prepared for Self-Represented Litigation Summit,
http://www.ncsconline.org/WC/Publications/Res_ProSe_FutSelfRepLitfinalPub.pdf at
pages 87-89.

Eighteen. Rules in Support of Standardizing Forms

Concept. Standardizing forms across a jurisdiction is a critical step towards opening the system to those without lawyers. Standardized forms make investing in form design as well as document assembly and e-filing software more economical; increases the overall quality of forms and processes; allows for instructional information; and facilitates training and program support. Often, jurisdiction-wide rules are necessary in order to standardized forms.

Suggested Attributes

Rules in support of standardized forms appear to be most effective when they:

- ✓ Require, at a minimum, that the standardized forms be accepted in all courts, regardless of whether the information is typed or printed in or completed by hand.
- ✓ Provide universal forms for the entire jurisdiction.
- ✓ Provide forms that meet the standards under the Forms section above.
- ✓ Offer forms related to court processes and to the problems litigants face, rather than legal categories.
- ✓ Are accompanied by support services, such as software that allows courts to provide document assembly services.
- ✓ Provide processes for updating the forms that minimize the frequency and cost of revisions.
- ✓ Integrate form review with review of overall court processes.

Issues for Exploration and Evaluation

1. Courts are often reluctant to abandon local practices and requirements. Innovators need to develop strategies on how to engage decision makers and demonstrate the overall benefits of standardization.
2. Jurisdictions that have successfully achieved standardization provide an important source of statistical and anecdotal evidence of its benefits.


Examples

California Rules

California has rules of court that mandates the use of the state-approved forms in many areas of law. Information about the process that California used to adopt its statewide rules and forms is at <http://www.courtinfo.ca.gov/invitationstocomment/about.htm>.

☎ The contact is Bonnie Hough, Bonnie.Hough@jud.ca.gov.

Idaho Statewide Forms Program

 Contact Judge Michael Dennard, at the Idaho Courts, mdennard@idcourts.net.

Resources

National Compilation

Additional information about rules supporting standardized forms is available on SelfHelpSupport.org at http://www.selfhelpsupport.org/library/folder.126849-Court_Rules_Statutes_and_other_Authority_Regarding_Standardized_Forms.

Part III. Practices in the Courtroom

Nineteen. Self-Represented Litigant-Friendly Judicial Practices

Concept. A truly self-help friendly court must change the processes that lead to the courtroom, and the way proceedings in the courtroom are conducted. Judicial officers and those that work with them are developing and sharing specific ways to manage the courtroom. Systems that work for all, regardless of whether the litigant has a lawyer, enhance neutrality.

Suggested Attributes

Practices appear to be most effective when:

- ✓ They use neutral judicial practices and questions that work for those with and without lawyers.
- ✓ The judge explains to litigants what information the court needs.
- ✓ The judge protects against witness obstruction by opposing parties or attorneys.
- ✓ Courts offer neutral judicial techniques to avoid circumstances in which innocent failure to comply with technicalities about evidence changes the result.
- ✓ They include best practices education to judges.
- ✓ They incorporate information for judicial officers on both verbal and non-verbal communication skills.

Issues for Exploration and Evaluation

1. There remains substantial fear that changing court procedures to be friendly to the self-represented undercuts judicial neutrality. Important analytic work show otherwise, and informal surveys after educational programs show that the majorities of judges support these newly highlighted practices,
2. Courtroom procedures must be designed to support relaxed neutral communication between judges and self-represented litigants. That is optimal for obtaining the facts necessary on which to base high quality decision-making.

Examples

Minnesota Judicial Protocols

Minnesota has formal judicial protocols. See, e.g., “Suggested Protocol for Domestic Abuse and Harassment Hearings with Pro Se Litigants,” from the First Judicial District of Minnesota at http://www.ajs.org/prose/pdfs/Sugested_Protocol.pdf.

☎ The contact for the Minnesota judicial protocol is Judge Ed Lynch,
Edward.lynch@courts.state.mn.us.

Collections of State Protocols

Many other states have equivalent resources. These protocols can be accessed at SelfHelpSupport.org or http://www.selfhelpsupport.org/library/folder.42613-Communication_Protocol.

Resources

Courtroom Best Practices Curriculum

This comprehensive set of materials, developed by the Self-Represented Litigation Network is regarded as the most comprehensive resource on such judicial practices. It is available for modification and can be accessed in the Judicial Conference folder under Highlighted resources at:

http://www.selfhelpsupport.org/library/folder.165143-Harvard_Judicial_Leadership_Conference_Nov_13_2007.

Judicial Techniques for Cases Involving Self Represented Litigants.

Rebecca A. Albrecht, John M. Greacen, Bonnie Rose Hough, and Richard Zorza. Judges Journal, Winter 2003,

www.zorza.net/JudicialTech.JJWi03.pdf

National Bench Guide

This customizable version is based on the earlier California version.

http://www.selfhelpsupport.org/library/folder.177582-National_Bench_Guide.

Proposed Protocol to Be Used by Judicial Officers During Hearings Involving Self Represented Litigants.

Appendix G, Report of the Conference of Chief Justices Pro Se Implementation Committee (2002), http://www.ajs.org/prose/pdfs/Proposed_Protocol.pdf.

Twenty. Attorneys Available to Assist and Expedite

Concept. Courtroom attorneys review the case files of the self-represented litigants before the case is called and assist both self-represented litigants and the judicial staff. The attorneys can triage the case, answer procedural questions when referred by the judge, assist in completing or updating the required court forms so the case may go forward, provide referrals to services outside the courtroom, and, when needed, prepare the orders after hearing or assist in settlement.

Suggested Attributes

Programs appear to be most effective when they:


- ✓ Have clarity on attorney ethical duties.
- ✓ Have the ability to make referrals to full service and limited scope representation services.
- ✓ Make services available to those on all sides of cases.
- ✓ Provide standardized forms that attorneys can use to as-needed in the courtroom.
- ✓ Have strong judicial support and engagement.

Issues for Exploration and Evaluation


1. Programs must be structured carefully so that the court is neither supporting, nor perceived to be supporting, one side over the other.
2. Negative perception is much less likely when the court makes sure that appropriate services are available to all.

Examples

California Courtroom Services Programs

 Information on California experiments can be obtained from Deborah Chase at deborah.chase@jud.ca.gov.

In the San Francisco Court there is integration with case management, courtroom support and follow up, managed in a dedicated self-represented litigant calendar.

 The contact for the San Francisco Family Court is Lisa Wolter, the case manager, lwolter@sftc.org.

San Diego Superior Court, through its Family Law Facilitator (FLF), has developed a Status Conference program to expedite SRL family law dispositions. The CCC programs uses court FLF staff attorneys to conduct a conference 150 days after filing in order to determine case issues and establish a timetable for resolution. FLF staff conduct the conference and review court files for completeness of paperwork, existence/validity of the proof of service of summons, and then determine what the parties must do to bring their case to disposition. When possible, FLF assists parties to complete their case on the day of the conference. FLF provides education on applicable law and assists with completing court forms. When both parties are present and wish to settle the case, FLF provides mediation and an FLF-created judgment form is generated. Parties who have reached agreement are assisted with drafting a stipulated judgment which is sent into court. If the Respondent has not files a response, FLF assists the Petitioner in preparing a default judgment packet and a proposed judgment to submit to the court for approval.

☎ The contact of the Status Conference program is Susan Groves, Office of the Family Law Facilitator, Susan.Groves@sdcourt.ca.gov.

Maryland Courts Self Help Center Courtroom Support Programs

Maryland Family Law Self-Help Centers are available to assist self-represented litigants in preparing for trial.

A number of Maryland jurisdictions operate day-of-court facilitator programs. Volunteer attorneys serve as facilitators which are a form of alternative dispute resolution, although not generally considered to be mediation. When the parties appear for a scheduling conference, pretrial conference or merits hearing, the facilitators are available to assist the parties in resolving urgent or *pendente lite* issues in family matters, and can run child support guidelines to assist the parties in resolving child support disputes. This service is available in all cases regardless of whether or not the parties are represented. In SRL cases it can be a very effective tool for resolving immediate issues, or limiting issues for trial. In some instances, if the parties have resolved all outstanding issues, the facilitator will assist the parties in putting the agreement on the record. The Circuit Court for Baltimore City operates a “day of court” mediation program for cases involving self-represented litigants.

☎ The Maryland contact is Pamela Ortiz, pamela.ortiz@mdcourts.gov.

Resources

Community Courts and Family Law

By Deborah J. Chase, Sue Alexander & Barbara Miller, 2 Journal of the Center for Families, Children and Courts 37 (2000). The authors propose a community court model for family law and give Examples. Pages 48-49 set out an example of courtroom services to pro se litigants in a domestic violence court setting. Available at <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/037alexander.pdf>.

The Courtroom Environment for the Self-Represented

By Susan Ledray and Deborah Chase (2005). This paper from the 2005 Summit on the Future of Self-Represented Litigation reviews the state of innovation in the courtroom, and recommends a number of new ideas for testing.

http://www.ncsconline.org/WC/Publications/Res_ProSe_FutSelfRepLitfinalPub.pdf, at page 45.

Effective Use of Facilitators in the Courtroom

By Sue Alexander & L Thomas Surh, Center for Families Children and the Courts Update, August 2002, California Administrative Office of the Courts, p. 9. This article describes how judges can make effective use of court based self-help attorneys and qualified, supervised staff to provide courtroom services to pro se litigants. Available at <http://www.courtinfo.ca.gov/programs/equalaccess/documents/newsaug02.pdf>.

National Bench Guide

Chapter Six of the National Bench Guide includes material on this topic.

http://www.selfhelpsupport.org/library/folder.177582-National_Bench_Guide.

Twenty One. Immediate Written Order Upon Decision

Concept. There is emerging agreement that for those without lawyers it is better if, whenever possible, there is an immediate decision in writing at the end of the hearing. This makes it easier for the parties to accept finality, and obtain the services they may need for the next step.

Suggested Attributes

Immediate order programs appear to be most effective when they:

- ✓ Provide an immediate decision when possible and appropriate.
- ✓ Provide all parties with an order memorialized by the judge or clerk before litigants leave the court, possibly by using document assembly software or blank forms for that purpose.
- ✓ Provide for explanation of the order either by an attorney in the courtroom or by the self-help center, including providing information as to compliance assistance resources.
- ✓ Provide information on next steps, e.g. how to serve a wage assignment.
- ✓ Provide information on compliance and on enforcement of orders.
- ✓ Ensure that appropriate matters are taken under submission. These matters include cases that require additional research or thought, and those where a judge determines that an order from the bench would make management of the courtroom or litigants difficult.


Issues for Exploration and Evaluation

1. Although the availability of a written order reduces later enforcement issues, some judges remain in doubt about the appropriateness of this practice, at least in some circumstances.
2. More formal research about its benefits, including in reducing enforcement problems, would be useful.

Examples

California Courts Family Law Facilitators and Self-Help Attorneys

Contra Costa and Alameda are among the many counties in California that provide such orders.

 General information about California practices can be obtained from Deborah Chase at deborah.chase@jud.ca.gov.

Alameda County has Family Law Facilitators and Self-Help Attorneys in the Family Law Pro Per court rooms to write orders after hearings, to provide procedural information to the SRLs, and to assist in completing required forms so the case may move forward.

☎ Specific information on Contra Costa can be obtained from Mary Anne Devine, Family Law Facilitator, at mdevi@contracosta.courts.ca.gov.

The **San Diego Superior Court** Status Conference (CCC) program described in previous section includes this service.

☎ The Alameda County contact is Carole Raimondi, craimondi@alameda.courts.ca.gov.

Maryland Courts Information Systems

In Maryland a number of types of court orders are now built in to the court information systems. This has evolved to aid courts in complying with federal and state laws, and, for example, to enhance victim safety in abuse and domestic violence cases. These practices will also have increasing benefits for the self-represented by improving the legibility and uniformity of court orders, and by making those orders available more quickly when possible.

☎ The Maryland contact is Pamela Ortiz, pamela.ortiz@mdcourts.gov.

Resources

National Bench Guide

Chapter Six of the National Bench Guide includes information on this practice.

http://www.selfhelpsupport.org/library/folder.177582-National_Bench_Guide.

Twenty Two. Attorneys Available to Provide Courtroom Settlement Assistance

Concept. Self-represented litigants should be provided with the opportunity to settle their cases at the time of hearings. Unrepresented litigants usually have not had settlement discussions prior to their scheduled court date and are not able to discuss the matter on their own while waiting for their hearing to be called. Most self-represented litigants gratefully agree to engage in assisted settlement discussions and/or appropriate forms of mediation. They are able to resolve their disputes with the help of a court-based self-help attorney or volunteer attorney acting as a neutral third party.

Suggested Attributes

Such services for self-represented litigants appear to be most effective when:

- ✓ The judge refers cases and carefully triages out those that are inappropriate.
- ✓ Participation is clearly voluntary and the parties understand that if they cannot reach an agreement, the court will still hear their case.
- ✓ The services are provided by attorneys with substantial expertise in the underlying legal subject matter.
- ✓ The litigants have been provided with all the information they need to make informed decisions about their case.
- ✓ Litigants walk away with a clearly written understandable agreement, as well as with instructions of what to do if someone violates the agreement.

Issues for Exploration and Evaluation

1. Some courts have implemented these programs as part of a larger case flow management strategy, particularly in family law cases.
2. There is debate as to whether non-attorneys should be conducting settlement assistance with self-represented litigants, and if so, under what circumstances.

Examples

California Pilot Projects in Settlement Assistance

There are three pilot projects operating to provide settlement assistance in civil cases in California. These models are designed to provide information about how mediation

works as well as the basic legal issues in the cases. Research is being done on the impact of that assistance.

San Diego Superior Court has two programs that qualify as settlement assistance. The first involves small claims cases. In collaboration with two local law schools, a trained mediator supervises law students who act as mediator in small claims where both sides agree they would like to mediate a settlement. In the second court program, run in collaboration with **Legal Aid Society of San Diego**, a legal aid attorney offers mediation/settlement services in landlord-tenant cases where the defendant is not represented by counsel. No legal counsel relationship is established in either of these programs.

See also the San Diego Superior Court CCC program example described in previous two sections.

☎ Contacts for the San Diego programs, Scott Brown, Special Projects Manager, San Diego Superior Court, at Scott.Brown@sdcourt.ca.gov, and Susan Groves at San Diego Superior Court, Office of the Family Law Facilitator, at Susan.Groves@sdcourt.ca.gov.

Contra Costa County’s “Double Pro Per Settlement Conference” family law calendar is a highly successful model which has a 90% success rate.

☎ The contact is Lee Pearce lcpearce@travelin.com, runs the Contra Costa Pro Per Settlement Program.

Maryland Courts ADR Programs

A number of Maryland courts have developed ADR programs specifically to address the needs of the self-represented.

Baltimore City Circuit Court operates a day-of-court mediation program for self-represented litigants. On-site mediators serve to assist the self-represented in resolving outstanding issues. That court also provides volunteer attorney settlement panels. Three attorneys work together to conduct settlement conferences in family law matters.

In **Anne Arundel County**, custody evaluators provide a “triage” service, assisting both represented and self-represented litigants to resolve emergency issues and immediate conflicts when they appear in court.

In the **Circuit Court for Harford County** a team of bar members and court professionals hold settlement conferences for self-represented litigants.

☎ The contact for the Maryland programs is Pamela Ortiz, pamela.ortiz@mdcourts.gov.

New York City Housing Resolution

The Civil Court of the City of New York’s Housing Part is set-up so all cases first go to a Resolution Part to see if the case can be resolved. Court Attorneys are available to conference all the cases.

☎ The contact for the New York City Civil Court is Judge Fern Fisher,
admindiv@courts.state.ny.us.

Resources

Information and Video about New York City Civil Court's Resolution Parts

Information and video about the New York City Civil Court's resolution parts is available at <http://nycourts.gov/courts/nyc/housing/resolutionpart.shtml>.

Part IV. Limited Scope Representation, Pro Bono and Volunteer Programs

Twenty Three. Limited Scope Representation

Concept. The core concept of limited scope representation, also known as unbundled services or discrete services, is that attorneys provide assistance within the attorney-client relationship but with that assistance limited only to certain specified tasks or to certain portions of the case. The specific allocation of responsibility, decided jointly by the attorney and the client, focuses legal assistance on those aspects of the matter in which it provides the greatest benefit. It reduces the cost to the client, and facilitates the court's work by reducing continuances and confusion caused by litigants' unfamiliarity with the court process, while providing additional business to the attorney.

Suggested Attributes

Limited scope representation programs appear to be most effective when they:

- ✓ Have judicial commitment to the program and particularly to respect the limitations on scope, resist the temptation to expand the scope, and to let the attorney out of the case when the agreed upon service has been completed.
- ✓ Have strong bar association support demonstrating the opportunities for lawyers to provide such services profitably within their practices and as an alternative means of providing pro bono services.
- ✓ Provide training for attorneys in the ethical and practical implications of this form of representation.
- ✓ Are supported by court rules and/or practices.
- ✓ Receive and provide conduits for referrals from court programs, lawyer referral programs and others.
- ✓ Provide training for judges in the benefits to the courts and litigants of limited scope, and on how judges can support this form of representation.
- ✓ Tie in to existing pro bono programs to aid in recruitment of volunteer attorneys and to assist in placement of those cases not appropriate for discrete service representation.
- ✓ Use existing templates for law office forms, court appearance forms and the like to effectively delineate the limitations in scope and reduce misunderstandings about the scope of the attorney's involvement.
- ✓ Offer simple explanations of the concept of limited scope and options for apportioning responsibility in simple English, or the native language of the non-English speaking litigants.

Issues for Exploration and Evaluation

1. Unbundled representation requires additional diagnostic and support skills not necessarily required in full service representation. Not all cases or clients are appropriate for this form of representation.
2. Additional materials are being developed to train attorneys in the specialized skills required in limited scope representation, as well as to assure that this form of representation is only used where appropriate under the circumstances.

Examples

California Unbundled and Limited Scope Representation

California has had rules of court and mandatory court forms for limited scope representation in family law matters since 2003. It approved similar rules and forms for civil matters effective January 2007.

Many California counties have varied unbundling programs, including limited scope lawyer referral panels. The California Commission on Access to Justice has approved a comprehensive set of Risk Management Materials for limited scope representation in family law and civil litigation contexts. These materials include Best Practices, office forms, client intake forms, court rules, court forms, and sample limited scope fee agreements.

- ☎ The best source of national and California information is Sue Talia at sue@privatefamilylawjudge.com.
- ☎ Michele Morley, iris@sfvba.org, is the contact for the San Fernando Valley Bar Association Limited Scope lawyer referral panel, which has translated a limited scope representation explanatory brochure into Spanish.

Massachusetts Pilot Program

Massachusetts is operating a multi-county evaluated pilot in family cases.

- ☎ The Massachusetts contacts are Jayne Tyrrell, JTyrrell@maiolta.org, and Massachusetts Appeals Court Associate Justice Cynthia Cohen, Cynthia.Cohen@appct.state.ma.us.

New Hampshire Bar

The New Hampshire Bar operates an award winning program.

- ☎ The New Hampshire bar contact is Ginny Martin at gmartin@nhbar.org.

New York City Civil Court Pilot Pro Bono Project

The New York City Civil Court operated a pilot pro bono discrete service attorney of the day program in housing cases and is now operating a permanent program in partnership with the City Bar Association.

☎ The New York contact is Rochelle Klempner at RKLEMPNE@courts.state.ny.us.

Resources

Content from Sue Talia

Sue Talia operates an extensive website at www.unbundledlaw.org. Additional resources are available at SelfHelpSupport.org and <http://www.courtinfo.ca.gov/programs/equalaccess/ethiss.htm#limited>.

A Roadmap for Implementing a Successful Unbundling Program, Sue Talia. The national expert lays out the steps. Available at <http://www.selfhelpsupport.org/link.cfm?6725>.

Materials from the California Bar and Courts

Civil limited scope risk management materials at: <http://www.courtinfo.ca.gov/programs/equalaccess/documents/selfrep07/Unbundling/MgmtMaterials.pdf>.

Ethics Primer for Limited Scope Representation at http://calbar.ca.gov/calbar/pdfs/ethics/COPRAC/COPRAC_02-0005_11-17-04.pdf.

Family law limited scope risk management materials at http://calbar.ca.gov/calbar/pdfs/accessjustice/Risk-Management-Packet_2004-01-12.pdf.

The Contra Costa Bar association information can be found at <http://www.cccbba.org/comm/unbundling.htm>.

Materials from the Civil Court of the City of New York

Volunteer Lawyer for the day Pilot Project Report available at: <http://nycourts.gov/courts/nyc/housing/videos.shtml#publications>.

University of Maryland Materials

Michael Millemann, at the University of Maryland, has written extensively on discrete services, mmillemann@law.umaryland.edu.

Twenty Four. Volunteer Attorney Involvement in Self-Help Centers

Concept. Volunteer attorneys can provide critical support to a self-help program. Operating within the constraints placed on court staff, they can function like highly trained center staff, including providing neutral courtroom services as described in these Best Practices. They can provide workshops, training videos, courthouse consultations and information.

Suggested Attributes

Volunteer attorney programs appear to be most effective when they:

- ✓ Have strong bar association support.
- ✓ Include an effective training program and training and support materials.
- ✓ Utilize existing templates for law office forms, court appearance forms and the like to effectively delineate the limitations in scope and reduce misunderstandings about the attorney's involvement.
- ✓ Include supervision and mentoring by center staff.

Issues for Exploration and Evaluation

1. While pro bono attorney programs have a long history, volunteer staffing of self-help centers is a new concept, research is required into how to deal with any problems it may create.
2. A particular area of research needed is the attorney's role and the willingness of the attorney to assist within the constraints placed on self-help center staff and to commit to specific hours and day of availability, is of particular interest.

Examples

California Models

The **San Francisco Self-Help Center** uses private attorneys to generate material, to conduct workshops and community outreach.

 The contact information for the San Francisco program is Judy Louie at julouie@sftc.org.

Ventura county uses volunteer attorneys extensively particularly with respect to our probate cases. Volunteer attorneys assist with matters referred from the courtroom, they help develop self-help materials, and they also volunteer on a regular basis in the SHLA Centers.

☎ The Ventura contact is Tina Rasnow, Tina.Rasnow@ventura.courts.ca.gov.

Minnesota Models

The Hennepin County program uses pro bono attorneys to provide unbundled consultations. Also in Minnesota, the Dakota County law library uses pro bono attorneys recruited by the legal aid program to provide assistance.

☎ The contact for the Hennepin court program is Susan Ledray,
susan.ledray@courts.state.mn.us.

☎ The contact for the Dakota County law library program is Sara Galligan,
sara.galligan@co.dakota.mn.us.

New York City Civil Court

The New York City Civil Court recruits, trains and runs a Volunteer Lawyer Project to provide unbundled consultations in the court's resource centers. The volunteer lawyers are supervised by the resource center court attorneys.

☎ The contact for the Civil Court of the City of New York is Marcelle Brandes,
mbrandes@courts.state.ny.us.

Resources

Civil Court of the City of New York

Information for the Civil Court of the City of New York Volunteer Lawyer Project is available at <http://nycourts.gov/courts/nyc/housing/vlp.shtml>.

Examples from SelfHelpSupport.org

Examples of many volunteer lawyer projects can be found on SelfHelpSupport.org at [http://www.selfhelpsupport.org/library/folder.40335-Volunteer and Low Cost Attorney Programs](http://www.selfhelpsupport.org/library/folder.40335-Volunteer%20and%20Low%20Cost%20Attorney%20Programs).

San Francisco

Information on the San Francisco ACCESS Self-Help program is at http://www.sfgov.org/site/courts_index.asp?id=19649.

Twenty Five. Self-Help Center Coordination with Pro Bono Attorney Service Programs

Concept. Self-help programs can coordinate with pro bono attorney programs for the self-represented. They can work with bar associations and others to establish a seamless system of referrals to programs in which attorneys provide pro bono or limited scope representation focused on cases not suitable for self-representation. Self-help centers can also work with pro bono attorney services on assessment protocols to identify clients and case-types that need full representation and are not currently being served by legal aid programs due to financial or other capacity issues and attempt to place those cases. This assessment function can substantially improve referrals to pro bono and lawyer referral attorneys, and improve participation and satisfaction by counsel who have received pre-screened cases. Since these programs may create an attorney-client relationship, it is important that the services themselves not be under the direct supervision of the courts self-help center program.

Suggested Attributes

Pro bono attorney programs facilitated by the self-help center appear to be most effective when they:

- ✓ Are clear in the distinction between the pro bono program and the self-help center program and its services.
- ✓ Are operated in cooperation with a bar association or similar program.
- ✓ Make full use of technology to increase the efficiency of the program.
- ✓ Take steps to ensure that the service is available to all sides and that the same attorney does not provide attorney-client services to more than one side in the same case.
- ✓ Are facilitated by rules minimizing imputed conflicts of interest (ABA Model Rule 6.5), where appropriate.
- ✓ Include training designed to maintain quality and focus on substantive legal issues, and on ethical issues.
- ✓ Are set up so that problems or issues with the pro bono attorneys are ultimately the responsibility of the pro bono program, not the court.
- ✓ Are set up so that the nature of the attorney-client relationship is clearly explained in writing and provided to the client.

Issues for Exploration and Evaluation

1. In some states legal advice programs use space in the courthouse or self-help center and also provide “attorney of the day” services. At least one state has placed limitations on providing legal advice in courthouse settings because of the potential appearance of bias, and other ethical and liability concerns.
2. More research and study of the divergent views is needed, particularly on the appropriateness of locating programs that provide legal advice services at the courthouse itself.
3. It is important to work with the sponsoring bar association or non-profit to develop mechanisms for maintaining quality.

Examples

California Pro Bono Programs

Alameda County's Oakland Self-Help Center has an agreement with the Volunteer Legal Services Corps of the Alameda County Bar Association for pro bono attorneys to provide debt collection, low-income landlord and Family Law services at the Self-Help Center.

☎ The contact for the Alameda program is Carole Raimondi, craimondi@alameda.courts.ca.gov.

The **East Bay Community Law Center**, which is connected to University of California, Boalt Hall Law School, has weekly clinics at the Oakland Self-Help Center for low-income tenants and for criminal record expungement.

The **San Francisco ACCESS program** has a monthly clinic for Guardianship of the Person in collaboration with the local bar association's Volunteer Legal Services Program.

☎ The contact for the San Francisco program, Judy Louie, julouie@sftc.org

Ventura County also has an emeritus attorney run Volunteer Lawyer Services Program, which operates closely with the Self Help Centers. The VLSP program won the California State Bar President’s Pro Bono Service Award several years ago.

☎ The Ventura contact is Tina Rasnow, Tina.Rasnow@ventura.courts.ca.gov.

Resources

See resources listed in the sections above, which also apply here.

Twenty Six. Reduced Fee Attorney Programs

Concept. Reduced fee attorney programs (also called modest means programs) provide flexibility for both attorneys and programs, potentially combining the benefits of pro bono and paid programs, while radically increasing access to justice.

Suggested Attributes

Reduced fee attorney programs appear to be most effective when they:

- ✓ Include clear rules governing fees charged by the attorney.
- ✓ Include protections against additional charges for the work agreed to.
- ✓ Engage in broad recruitment with judicial support.
- ✓ Cover a broad range of legal needs.
- ✓ Include training and support materials.
- ✓ Utilize existing templates for office forms, court forms and the like.

Issues for Exploration and Evaluation

1. Debate continues on whether participation in referral programs generally should require showings of competence by the attorney, and if so in what way competence should be measured.
2. Whether participation by the litigant should require a showing of financial need is also a matter of debate.

Examples

Lawyer Referral Services

Many bar associations operate these programs in association with the lawyer referral program or as stand alone services.

For example, see the New Hampshire Bar Association reduced fee attorney program at <http://www.nhbar.org/lawyer-referral/reducedfee.asp>.

- ☎ National lawyer referral service experts can be contacted at lris@staff.abanet.org.
- ☎ The California contact regarding lawyer referral service and related programs is Rodney.Low@calbar.ca.gov.

Resources

ABA Standing Committee on Lawyer Referral and Information Service

The website of lawyer referral programs is operated by the ABA Standing Committee on Lawyer Referral and Information Service at <http://www.abanet.org/legalservices/lris/>.

Twenty Seven. Non-Attorney Volunteer Programs

Concept. Volunteer programs reduce the costs of access to justice, while providing a range of services not otherwise available through the current delivery system. Under the direction of an attorney, centers can provide referral and make extensive use of volunteer assistance, particularly when combined with technological information and tools. When paralegals assist, they require less supervision and training, and can provide greater levels of assistance.

Suggested Attributes

Volunteer programs appear to be most effective when they:

- ✓ Have established ethical guidelines for all staff and volunteers working in the self-help centers, and written protocols relating to volunteering in the center.
- ✓ Have clear rules as to what roles such volunteers can play.
- ✓ Establish guidelines of where greater attorney involvement is indicated in particular situations, as well as referral sources to obtain support.
- ✓ Have bar engagement and be supervised by attorneys.
- ✓ Are structured so that the burden on the volunteer is reasonable.
- ✓ Include clear training programs, supervision, and quality control.
- ✓ Have coordinating staff.
- ✓ Are supported by well developed materials and web based tools.

Issues for Exploration and Evaluation

1. Keeping volunteers happy and ensuring that their work is of high quality takes significant time and energy.
2. Recruitment must be structured around the capacities and needs of such volunteers, and is significantly improved by limiting the assignment in terms of time or scope.

Examples

California Projects

A particularly exciting program is the **Justice Corps program operating in the Los Angeles Superior Court** under Americorps. Students provide one-on-one services and receive an Americorps scholarship. A Bay area collaborative **San Francisco, Alameda, San Mateo, Santa Clara and Contra Costa counties** utilize JusticeCorps members as volunteers at the self-help centers. **San Diego** also operates a program.

- ☎ The contact for the Justice Corps program is Kathleen Dixon, KDixon@LASuperiorCourt.org.
- ☎ The Bay Area Collaborative contacts are Carole Raimondi, (Alameda County), craimondi@alameda.courts.ca.gov, Judy Louie, julouie@sftc.org, or other self-help staff at other counties in the SF Bay Area.
- ☎ San Diego JusticeCorps contact is Karen Dalton, Public Affairs Officer, Karen.Dalton@sdcourt.ca.gov.

The **San Diego County Public Law Library** uses law students as volunteers under a legal clinic run by the University of San Diego School of Law.

- ☎ The San Diego County Public Law Library contact is Robert Riger, rriger@sdcppl.org.

The **San Francisco ACCESS program** has a small claims mediation program and utilizes volunteer attorneys and volunteer mediators trained to work with SRLs in their small claims cases, pre-filing, post-filing, day of hearing and post judgment. ACCESS also holds a weekly workshop for Judgment Collection taught by a volunteer who is a retired judgment enforcer

- ☎ The San Francisco ACCESS contact is Judy Louie, julouie@sftc.org.

The **San Diego Superior Court** has a structured, extensive volunteer program that uses community, law student, and pro bono volunteers in a variety of self-help court-based settings. Collaborations with local law schools have been formed to increase the availability of law students.

- ☎ The contact for San Diego Superior Court's volunteer program is Julie Myres, courtwide volunteer coordinator, Julie.myres@sdcourt.ca.gov.

Imperial County, California uses law student interns from Mexico to provide Spanish-language workshops and assistance at their self-help center.

- ☎ The contact for the Imperial County program is Diane Altimirano, Diane.Altamirano@imperial.courts.ca.gov.

New York City Civil Court Resolution Assistance Program

The Civil Court of the City of New York has a Resolution Assistance Program (RAP) for law student volunteers in Housing Court to encourage self-represented litigants to present their claims and defenses in hallway negotiations and conferences and to refer litigants to services.

- ☎ The contact for the Civil Court of the City of New York RAP program is Emily Morales, emorales@courts.state.ny.us.

Resources

Justice Corps Description and Focus Group Report

The Justice Corps program is described at www.courtinfo.ca.gov/programs/justicecorps.

A focus group report on the project is at

<http://www.courtinfo.ca.gov/programs/equalaccess/documents/selfrep07/SHAssistance/FGFullReport.pdf>.

Twenty Eight. Rules or Clarifications in Support of Limited Scope Representation

Concept. Innovation in limited scope representation is sometimes held back by ungrounded fears that it might violate ethical rules. These fears focus on the appropriateness of the practice itself, perception of increased risk of malpractice exposure, and on the risk of bench officers expanding the scope beyond that originally contemplated, or refusing to allow an attorney to withdraw after completion of the limited scope retention. While these fears are largely unfounded even under existing rules and rule interpretations, innovators have found that enactment of rules or rules clarifications along the lines of those proposed in the ABA Ethics 2000 process can often make a huge difference to removing these fears and advancing adoption of the technique. Rules changes are not always needed.

Suggested Attributes

Such rules or clarifications appear to be most effective when they:

- ✓ Provide clarity regarding the ethical propriety of limited scope representation for lawyers assisting self-represented litigants, lawyers representing parties who oppose self-represented litigants and judges who preside over cases where self-represented litigants appear.
- ✓ Provide guidance on how to determine which cases, clients or matters lend themselves to limited scope representation.
- ✓ Provide guidance on how to effectively limit scope of representation and how to document the services that are to be provided by the lawyer as well as how to document any changes in scope of representation that may later be agreed.
- ✓ Affirmatively support document preparation, with a duty only to identify that a lawyer assisted in the preparation and not the requirement that lawyers' identities be disclosed.
- ✓ Offer appropriate model retainer, intake and change of scope forms.
- ✓ Protect lawyers from being forced by judicial officers to provide services beyond the scope of the agreement with the client.
- ✓ Provide appropriate limited appearance forms and facilitate expedited withdrawal from cases where the litigant and lawyer had agreed to limit the scope of services.
- ✓ Reduce obligations to check for imputed conflicts of interests where no known conflict exists when providing brief service and advice.
- ✓ Provide a mechanism for the attorney to withdraw at the end of the limited scope representation.

- ✓ Adopt the ABA Model Rules of Professional Conduct, including Rule 1.2(c) and Rule 6.5, which were amended and added, respectively, as a result of Ethics 2000.

Issues for Exploration and Evaluation

1. Judges and attorneys are significantly reassured by the existence of clear rules and procedures from an authoritative source which affirmatively authorize and encourage limited scope representation, with or without court forms tailored to limited scope.
2. Rules changes proved extremely effective in California in providing reassurance to attorneys and judges, as did the implementation of mandatory court forms when an attorney appears of record on a limited scope basis. In addition, the existence of formal rules specifically authorizing the practice (as opposed to silence and an absence of disapproval) was very helpful in addressing the concerns of wary malpractice insurance carriers. In contrast, in Minnesota, the State Bar Association Pro Se Committee did a thorough review of the ethics and procedural rules, and conducted focus groups with judges, lawyers, and court personnel, and involved the office of professional conduct and concluded that no changes were needed, even though the procedural rules do not specifically mention limited scope services.
3. In some jurisdictions there have been difficulties in linking litigants to attorneys.

Examples

State Rules on Limited Scope Representation

Iowa, New Hampshire, Colorado, Washington State, Alaska, Maine, Florida, Utah and California are among the states that have put in place various forms of rules changes that support limited scope of representation.

- ☎ Will Hornsby of the ABA is the most up to date on the adoption of these rules. He is at whornsby@staff.abanet.org.
- ☎ The Utah contact is Tim Shea, tims@email.utcourts.gov.
- ☎ The contact for all aspects of limited scope representation in New Hampshire is Ginny Martin, gmartin@nhbar.org. The NH Bar did a comprehensive analysis of needs prior to the promulgation of rules enabling self-representation support.
- ☎ The contact for all aspects of limited scope representation in California is Sue Talia sue@privatefamilylawjudge.com.

Resources

ABA Resources

The ABA Standing Committee on the Delivery of Legal Services has issued a white paper entitled “An Analysis of Rules that Enable Lawyers to Serve Pro Se Litigants,” at <http://www.abanet.org/legalservices/downloads/delivery/prosewhitepaperfeb2005.pdf>.

The ABA Pro Se/Unbundling Resource Center provides links to state rules, ethics opinions, cases and articles. It is at <http://www.abanet.org/legalservices/delivery/delunbund.html>.

Materials from the California Judges Association

20 Things Judicial Officers Can Do to Encourage Limited Scope Representation, published by the California Judges Association in 2003 can be found at <http://calbar.ca.gov/calbar/pdfs/accessjustice/20-Things-Judicial-Officer.pdf>.

Materials from the National Center for State Courts

Unbundling Rules State Links. This National Center for State Courts document provides links to many of the states that have adopted court rules to allow for unbundling. See: <http://www.ncsconline.org/wc/CourTopics/statelinks.asp?id=67&topic=ProSe>.

Other Resources

Resources are also at SelfHelpSupport.org. See specifically http://www.selfhelpsupport.org/library/folder.39778-Unbundling_Limited_Scope_Representation.

Resources are also at <http://www.courtinfo.ca.gov/programs/equalaccess/ethiss.htm#limite>.

Part V. Judicial Ethics and Education

Twenty Nine. Materials and Judicial Guidebooks in Support of Self-Represented Litigant-Friendly Judicial Practices

Concept. Judges need educational materials, such as judicial guidebooks, that include analyses and examples that will help them develop personal styles that work with the way they judge, and that support of access for those without lawyers and reflect recent insights.

Suggested Attributes

Materials programs appear to be most effective when they:

- ✓ Include guides to judicial practices that support access for the self-represented while making sure that judges are neutral and are seen to be neutral.
- ✓ Include analysis of court rules and how the rules are applied in practice, making clear the judges who act in good faith to support access for the self-represented are not criticized.
- ✓ Include detailed and specific analysis of the relationship between the rules of evidence in the jurisdiction and the requirements of access, with attention to the broad discretion generally given to judges under these rules, and what that means for cases involving self-represented litigants.
- ✓ Offer a variety of “scripts” and examples for how to deal with both typical and difficult situations.
- ✓ Include “scripts” for the opening of a case, for the beginning of the taking of evidence, for intervening when the litigant does not stay focused on relevant material, for dealing with hearsay, for dealing with interrupting litigants, for dealing with disruptive parties or attorneys, and other similar situations.
- ✓ Deal with the stages of the case, from setting the stage, dealing with missing elements or crucial evidence and preparing the litigants for next steps.
- ✓ Help judges understand the important components of encouraging communication, particularly in terms of the risks caused by language problems, unintentional bias (assumptions of the litigant which the judge is not aware) and cultural differences.
- ✓ Highlight the importance of non-verbal communication such as gestures, body language and tone of voice.
- ✓ Expose judges to a variety of styles of judging that work for self-represented litigant cases, so that judges can create one that is appropriate both for them personally and for the courtroom.
- ✓ Include leadership issues such as how judges can provide support of limited scope representation.

Issues for Exploration and Evaluation

1. While there has been significant progress in developing models and spreading the idea of such programs, there is still much work to do in sharing effective practices in education,
2. Similarly, while huge progress has been made in the past two years in identifying best practices for judges in the courtroom, there is still a great need to study and understand what works best in making sure that judges and litigants communicate
3. The need is particularly acute when there are linguistic barriers.

Examples

The Self Represented-Litigation Network Curriculum

As described above, the model curriculum from the Self-Represented Litigation Network brings together in one place the best materials, and resources. See below

- ☎ Four Judges who worked on the curriculum have agreed to be resources for the adoption of the curriculum at the state level: Judge Karen Adam, (Arizona,) Judge Maureen McKnight Oregon,) Justice Laurie Zelon (California) and Judge Mark Juhas (California.) All may be contacted through Richard Zorza, richard@zorza.net.

Resources

The Self Represented-Litigation Network Curriculum

The resource guides of the curriculum and the dedicated section on SelfHelpSupport.org now contain the key resources in this area.

For the curriculum PowerPoints, see:
http://www.selfhelpsupport.org/library/folder.169510-CURRICULUM_POWER_POINTS.

For the resources associated with this curriculum see
http://www.selfhelpsupport.org/library/folder.169512-CONFERENCE_RESOURCE_MATERIALS.

Judicial Management of Cases Involving Self-Represented Litigants,

National Center for State Courts, Best Practice Institute. A summary of the key tactics judges should use, available at
http://www.ncsconline.org/Projects_Initiatives/BPI/ProSeCases.htm.

Judicial Techniques for Cases Involving Self-Represented Litigants, Rebecca

A. Albrecht, John M. Greacen, Bonnie Rose Hough, and Richard Zorza, *Judges Journal* (Winter 2003), available at <http://www.zorza.net/JudicialTech.JJWi03.pdf>.

Thirty. Clarification of Ethical Rules to Help Judges Be More Open to Self-Represented Litigants

Concept. It is very helpful for judges when the governing ethical rules make clear that it is appropriate for judges to engage with litigants, such as by asking questions, in order to make sure that they get all the facts from all sides. While in many jurisdictions there may be no need to make actual changes in the wording of the rules, finding a way to make clear that the rules do not stop judges engaging in this way is helpful for judges. This can be made clear by adding new comments to the rules, or by other more informal mechanisms that will vary state by state.

Suggested Attributes

Rules or clarifications appear to be most effective when they:

- ✓ Make clear that it is appropriate and indeed fully neutral for judges to become engaged in cases, provided this is done in a way that does not prejudice rights of any party, and provided that it is done so in order to make sure that litigants have access to justice.
- ✓ Give examples of the kinds of engagement that are appropriate, while making clear that these are just examples, and not the only way of doing things..
- ✓ Indicate what kinds of things judges should not be doing, and why (with a discussion of not just the things themselves a judge might but should not do, but also how the circumstances and situation made those things wrong).
- ✓ Are written to be general and flexible, so that they make it easy to keep behavior up to date with new experiences and ideas
- ✓ Deal both with what happens in the courtroom and with what judges can do in the courthouse and the community to support access to justice programs.

Issues for Exploration and Evaluation

1. It will be useful to explore in much greater detail what are the best ways to encourage flexibility while making sure that these key principles are followed.
2. We know that the formal rules in fact usually do not prohibit the kind of things that judges need to do to make sure that they hear all sides. However, we need to explore much more how this principle applies to the formal rules of evidence.

Examples

Some Specifics

Massachusetts and **Minnesota** are examples of states that have developed specific guidelines for judges.

- ☎ The contacts for the Massachusetts Guidelines are Sandra Lundy, sandra.lundy@sjc.state.ma.us, and Associate Justice Cynthia Cohen, Massachusetts Appeals Court, Cynthia.Cohen@appct.state.ma.us.
- ☎ The contact for the Minnesota Protocol for Domestic Abuse cases is Judge Ed Lynch, Dakota County District Court, at Edward.lynch@courts.state.mn.us

Judge Fern Fisher in the **Civil Court of the City of New York** has issued Advisory Notices to the Judges on allocutions involving self-represented litigants in Civil and Housing cases.

- ☎ Administrative Judge Fern Fisher of the Civil Court of the City of New York can be reached at adminciv@courts.state.ny.us.

ABA Model Code of Judicial Conduct (2007 version)

The 2007 version of the ABA Model Code of Judicial Conduct includes general comment language that moves in this direction. (In its recent report, *Clearing a Path to Justice*, the Maryland Judiciary Work Group on Self-Representation in the Maryland Courts recommended the adoption of commentary to the Canon of Judicial Ethics that would the ability of judges to undertake affirmative, engaged and non-prejudicial steps to create an environment in the courtroom which enhances neutrality by ensuring all relevant facts can be presented.)

- ☎ For information on the status of the ABA Model Rules contact John Holtaway, JHoltaway@staff.abanet.org.
- ☎ For the status of adoption in Maryland, contact Pamela Ortiz, pamela.ortiz@mdcourts.gov.

New York City Application to Administrative Law Judges

Rules of Conduct for Administrative Law Judges and Hearing Officers of the City of New York, governing the conduct of administrative judges is an interesting model.

- ☎ The contact for additional information on the Rules of Conduct for Administrative Law Judges and Hearing Officers of the City of New York is David Goldin, Administrative Justice Coordinator, dgoldin@cityhall.nyc.gov.

Resources

Massachusetts Guidelines

The Massachusetts Guidelines are online at
<http://www.mass.gov/courts/judguidelinescivhearingstoc.html>.

Minnesota Guidelines

The Minnesota Guidelines are online in the article at
<http://www.zorza.net/JudicialTech.JJWi03.pdf>.

New York City Administrative Law Rules

The New York City rules can be found at
http://www.nyc.gov/html/oath/html/inst_rules_toc.html

New York City Housing Courts

Judge Fisher's Housing Advisory Notice:
<http://nycourts.gov/courts/nyc/housing/directives/AN/allocutions.pdf>.

Thirty One. Curriculum and Educational Programs on Self-Represented Litigant-Friendly Judicial Practices

Concept. Judges are greatly helped by clear curricula and educational programs that show how to apply the general approach espoused in these Best Practices. Such components should be included in all general new judge educational programs as well as on a periodic basis in general judicial educational gatherings.

Suggested Attributes

Educational programs and curriculum appear to be most effective when they:

- ✓ Draw on the materials, rules and clarifications described in the section on Materials and Judicial Guidebooks.
- ✓ Include a wide variety of situations from different kinds of cases for discussion.
- ✓ Include detailed examples from these situations
- ✓ Encourage openness about a variety of ways judges can deal with these cases that help access for the litigants.
- ✓ Include judges talking in detail about their own experiences, the problems they have faced, and how they have dealt with them.
- ✓ Emphasize the importance of judicial discretion to ensure access, while making clear that there are limits to such discretion, because judges can neither deny access, nor act to prejudice the rights of either side to have a neutral judge.
- ✓ Include video or in-person demonstrations of best practices.
- ✓ Include activities such as role playing real situations and brainstorming of ideas and approaches.
- ✓ Include discussion of the importance of non-verbal communication
- ✓ Include discussion of the importance of cultural and linguistic sensitivity and of the risks of cultural bias.
- ✓ Where possible, include the option of videotaping judges in typical situations, so that the judges can get feedback on their courtroom techniques and the non-verbal cues they may be giving.

Issues for Exploration and Evaluation

1. These programs have received very positive feedback. Judges are looking for ways of handling cases that are truly neutral and that help litigants get access. While we are learning at a rapid pace, much remains to be learned about how to expose judges to these issues most effectively, how best to encourage continued discussion and experimentation, and how to reassure and educate those judges most wary of new approaches..

Examples

As described above, the Self-Represented Litigation Network Curriculum is the model.

Recent educational programs have been conducted in California, Oregon, Massachusetts, Indiana, New Hampshire, Arizona, New York, and by the National Judicial College, a partner in the development of the above curriculum. Programs are scheduled in many other states in the near future

- ☎ Cindy Gray of the American Judicature Society, cgray@ajs.org, John Greacen, greacenjmg@earthlink.net, and Richard Zorza, richard@zorza.net, have provided judicial education programs on these topics to state and regional gatherings of judges.
- ☎ Will Brunson, brunson@judges.org, is the contact at the National Judicial College on this topic.
- ☎ Richard Zorza, richard@zorza.net, can put people in contact with judicial educators and judges in the above states, and has information on future scheduled state programs.

Resources

The Disconnect Between the Requirements of Judicial Neutrality and Those of the Appearance of Neutrality when Parties Appear Pro Se

The Disconnect Between the Requirements of Judicial Neutrality and Those of the Appearance of Neutrality when Parties Appear Pro Se: Causes, Solutions, Recommendations, and Implications, Richard Zorza, 17 Geo. J. L. Ethics 423 (2004), http://findarticles.com/p/articles/mi_qa3975/is_200404/ai_n9401537. This is the paper that proposed the concept of “transparent engaged neutrality,” as the way for judges to manage cases involving self-represented litigants.

Reaching Out or Overreaching

In addition to the above curriculum, the AJS curriculum, *Reaching Out or Overreaching*, provides useful resources and is a model for teaching these issues. <http://www.ajs.org/prose/pdfs/Pro%20se%20litigants%20final.pdf>.

Part VI. Post-Order Practices

Thirty Two. Compliance and Enforcement Support

Concept. Many programs agree that they have been better at giving people information at the beginning of the case, and supporting them during the case, than they have been at helping them at the end. Programs are beginning to explore the creation of initiatives focused on support for compliance with, and enforcement of, already issued orders. This will increase overall compliance with court orders and satisfaction with the court and its processes.

Suggested Attributes

Compliance assistance and enforcement support programs appear to be most effective when they:

- ✓ Recognize that attorneys have traditionally assisted their clients in explaining and locating the services to which courts order parties in order to improve their position and that therefore there is a special need when parties are not represented.
- ✓ Provide immediate assistance to the litigants in the preparation of the court order or judgment when it is not prepared by the court.
- ✓ Have staff or volunteers available to explain why post-order services are needed, how they will benefit the parties and their children, and to direct the users to providers of such court-ordered services.
- ✓ Have staff or volunteers available to inform litigants how to comply with an order and/or obtain enforcement of an order.
- ✓ Provide detailed materials on how parties can obtain enforcement and/or can comply.
- ✓ Include compliance and enforcement systems that minimize the need for independent actions by the prevailing party.
- ✓ Use systems by which the court obtains information to aid enforcement immediately upon decision.
- ✓ Consider whether changes in pre-decision procedure, such as gathering information during the hearing or obtaining input in to the detailed shape of an order, might increase post-decision compliance by the parties.
- ✓ Consider mechanisms by which translated orders in the language of the person to be charged with compliance of those orders could be made available.

Issues for Exploration and Evaluation

1. It is early in the design of such programs, and they will need careful structuring and evaluation, in particular to make sure that they not radically shift the balance of power among classes of litigants.

2. Courts should prepare themselves to assist those parties wishing to comply with the court's orders by affirmatively providing the information self-represented litigants need in order to do so.

Examples

California Pilots

Ventura County, California, has perhaps the most advanced program of materials, information, and support on compliance and enforcement.

☎ Tina Rasnow, the director of the self-help program, tina.rasnow@ventura.courts.ca.gov, is the key contact. She also coordinates the Compliance and Enforcement Working Group of the Self-Represented Litigation Network.

Fresno County, California provides a one-stop service center in a centralized court location, the ACTION Center assists offenders in understanding court orders, receiving referrals, and setting up and making payments.

☎ The contact for Fresno is Cathy Westlund, cwestlund@fresno.courts.ca.gov.

Resources

Compliance with Judgments and Orders,

By Richard Zorza. This paper from the 2005 National Summit on Self-Represented Litigation offers a number of ideas as to how courts might enhance compliance with their orders. Available at http://www.ncsconline.org/WC/Publications/Res_ProSe_FutSelfRepLitfinalPub.pdf, at page 59.

Fresno Project Description

The description of the Fresno project is found at <http://www.courtinfo.ca.gov/programs/innovations/accpubserv-13.htm>.

Ventura Information

The website of the Legal Self-Help Center at the Superior Court of California, County of Ventura contains detailed information on post-order practices. See <http://www.ventura.courts.ca.gov/venturaMasterFrames5.htm>.

Part VII. Court Management and Evaluation Practices

Thirty Three. Case Management Integration

Concept. Court administrators have come to understand that the core principles of case management apply just as much to self-represented litigant cases as to cases with lawyers. Understanding that the system will run more smoothly for everyone when the court takes responsibility for keeping cases moving through the system is critical to meeting the needs of the self-represented, and improving court efficiency.

Suggested Attributes

Case management programs for the self-represented appear to be most effective when the programs:

- ✓ Have court-based self-help centers, supervised by attorneys, that are available to all litigants and provide services from the beginning to the end of the case.
- ✓ Treat these self-help centers as a central court service integrated into overall management of the court.
- ✓ Have the court itself set the date for the key events in the case.
- ✓ Have ways of making sure that people have done all they need to do keep cases moving forward.
- ✓ Have ways for seeing which cases need additional help to keep them moving.
- ✓ Make sure that different kinds of cases get the different kinds of help that they need.
- ✓ Have the court provide resources to help litigants overcome the barriers to moving the case.
- ✓ Make sure that litigants and cases are not allowed to get into the situation in which they are not moving, but in which the litigants do not realize that they need to do something before they can get the case resolved.
- ✓ Be fully integrated into the court's overall case management strategy.

Issues for Exploration and Evaluation

1. We need to experiment more in the development of tools to help litigants before cases come to a stop,
2. It is also helping keep cases moving through the system, and identifying the stages at which cases loses momentum,
3. A longer term solution is to develop ways of providing the assistance and support that solves the problems that cause delay.

4. Ultimately this research and experimentation will help identify changes in the system as a whole that will minimize the risk of cases getting bogged down.

Examples

Many counties in California and Hennepin County, Minnesota, are the pioneers in this area, with many California counties developing systems of readiness review and intervention that are specific to the needs of the self-represented. California has supported case management innovation review at the county level.

- ☎ Deborah Chase, deborah.chase@jud.ca.gov, is the California state contact. She also coordinates the Courtroom Services and Case Management Working Group of the Self-Represented Litigation Network.
- ☎ John Greacen, greacenjmg@earthlink.net, is the consultant who has worked with California counties on this issue. He has also worked with courts in Alaska, Arizona and Maryland on caseload management for self-represented litigants. He is one of the co-chairs of the Research and Evaluation Working Group of the Self-Represented Litigation Network.
- ☎ Susan Ledray, susan.ledray@courts.state.mn.us, is the contact for Hennepin.

Resources

Case Management Video Example

A videotape of the San Diego case management conference system is found at:
<http://www.courtinfo.ca.gov/programs/equalaccess/2007Materials.html#CaseManagement>

National Bench Guide

Chapter Five of the National Bench Guide is the major general resource.
http://www.selfhelpsupport.org/library/folder.177582-National_Bench_Guide.

Self-Help Program Evaluations

SelfHelpSupport.org provides access to many evaluation reports of self-help programs in their library at http://www.selfhelpsupport.org/library/folder.32151-Evaluation_Reports.

Thirty Four. Rule and Procedure Simplification

Concept. Simplifying the court's rules and procedures benefits the court, the self-represented litigant, lawyers, and people who have lawyers. While sometimes some of the rules and procedures can not be changed by the court on its own, because they can only be modified by the legislature or others, each court can do a lot to get the process started by looking at how it handles cases and deciding whether each practice and requirement is really needed.

Suggested Attributes

Simplification programs appear to be most effective when they:

- ✓ Try to reduce of the number of steps, the number of documents, and the number of procedural requirements that litigants have to complete, while not undercutting the justice and due process requirements.
- ✓ Aim to make each of the remaining steps, documents, and procedures as simple and clear as possible.
- ✓ Aim to explain to litigants the reasons for those things that are complicated in the system.
- ✓ Include assessment and evaluation of steps that have been taken to simplify things, to make the case for more changes.
- ✓ Include a sufficient range of the groups involved in the system so that needed changes can actually be made.
- ✓ Include those who bring to the discussion the experiences and views of those who actually use the system.

Issues for Exploration and Evaluation

1. One possible approach is to assess every step, every requirement, every required document, and every procedural potential obstacle to determine whether it serves the goals of access and/or justice, and if not, what steps can be taken to remove, simplify, or combine it with others.
2. Another is to seek specific breakthroughs that make things simpler and then discuss the implications for the whole process.
3. These processes have only begun to be started, and the above list should be regarded as tentative.
4. One early idea is to make service of process simpler, perhaps including changes to permit proof of mail service by the litigant themselves

Examples

San Diego Experiments

San Diego has been moving towards comprehensive simplification efforts. San Diego Superior Court's Special Projects Unit conducted assessments of its Status Conference program and its Guardianship program's mandatory proof of service component to identify opportunities to improve both efficiency and effectiveness. The Guardianship study consisted of a case file review to identify the number of times continuances had to be granted because there was not a successful proof of service (to meet the 'in person' or 'by mail' requirements). The study identified the reasons for the continuances, and proposed ways to reduce the continuances and thus expedite the hearing.

☎ The San Diego contacts are Chris Stratton, San Diego Superior Court, Manager of the Special Projects Unit, Christopher.Stratton@sdcourt.ca.gov, and Scott Brown, Scott.Brown@sdcourt.ca.gov.

Resources

And Justice for All-Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators and Clerks

By Russell Engler, 67 Fordham L. Rev. 1987 (1999),
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=835564.

Civil Legal Assistance for All Americans, Bellow-Sacks Access to Civil Legal Services Project

By Jeanne Charn and Richard Zorza, Harvard Law School (2005). This report lays out a broad vision of overall system change, integrating enhanced services with the self-represented with system simplification, a complex mixed model delivery system and integrated intake and triage. Available at www.bellowsacks.org.

Final Report of the Joint Task Force on Pro Se Litigation,

Conference of Chief Justices and Conference of State Court Administrators, (Submitted July 29, 2002). This Report, endorsed by supportive resolution of COSCA and CCJ, sums up the need and implications for courts. Available at <http://cosca.ncsc.dni.us/WhitePapers/TaskForceReportJuly2002.pdf>.

The Self-Help Friendly Court: Designed from the Ground Up to Work for People Without Lawyers

By Richard Zorza, National Center for State Courts (2002). A long term vision for a court that really works for those without lawyers. Available at http://www.ncsconline.org/WC/Publications/Res_ProSe_SelfHelpFriendlyCtPub.pdf.

Thirty Five. Broad Training of Courthouse Staff

Concept. Self-help services should not be regarded as an “add-on” program, but should be considered a core service of the court for which all share responsibly. The court should therefore provide training to all courthouse staff so that all know how they can help make the court work for those without lawyers. Such training is particularly important for those who deal with the public, such as clerks and courtroom staff.

Suggested Attributes

Broad training programs appear to be most effective when they:

- ✓ Make sure that all court staff trained in how to help self-represented litigants.
- ✓ Have staff evaluated in part on their effectiveness in providing this help.
- ✓ Include training programs and materials clarifying what staff may and may not do.
- ✓ Encourage staff to report issues and problems that come up in their efforts to assist self-represented litigants.
- ✓ Have court staff across the court seek advice from the self-help program staff and vice versa.
- ✓ Provide public awards to staff for excellent service to self-represented litigants.
- ✓ Provide opportunities for job-switching between staff in self-help centers and those performing other functions within the court.
- ✓ Provide resources and support to allow clerks to make appropriate referrals on questions that they have not been trained to answer.

Issues for Exploration and Evaluation

1. There is as yet little understanding of how best to build courts into institution-wide self-learning teams in which there is continued review of data and experiences so that the system is constantly improved.

Examples

Montana, Alaska and Utah have significant broad educational programs.

- ☎ The Alaska contact is Stacey Marz at smarz@courts.state.ak.us.
- ☎ The Montana contact is Judy Meadows at jmeadows@mt.gov.
- ☎ The Utah Contact is Kristine Price, krisp@email.utcourts.gov

Resources

Legal Information vs. Legal Advice—Developments During the Last Five Years,

John M. Greacen , 84 *Judicature* 198 (January-February 2001). The follow-up article to the defining piece that pioneered the distinction between legal information and legal advice. Available at http://www.ajs.org/prose/pro_greacen.asp. The original article is *No Legal Advice From Court Personnel: What Does That Mean?*, John M. Greacen, *The Judges Journal*, Winter 1995.

Michigan Online Course

The Michigan courts provide online courses on the topic of legal information and legal advice as well as serving the self represented litigant. See http://courts.michigan.gov/mji/resources/model_curriculum/curr_legal_terminology.htm.

Other Examples Online

SelfHelpSupport.org provides Examples of other trainings available for court staff on issues relating to self represented litigants. See <http://www.selfhelpsupport.org/library/folder.42608-Curriculum>.

Thirty Six. Development of Interpreter Programs

Concept. Interpreter programs are critical to access to justice. When there are no such programs all limited or non-English speaking litigants are harmed, but it makes the biggest difference to those who do not have a lawyer.

Suggested Attributes

Interpreter programs appear to be most effective when they:

- ✓ Help people who speak the languages that are most common in the area.
- ✓ Are free.
- ✓ Use good interpreters who know that there are often differences in culture as well as language that can get in the way of presenting a litigants case.
- ✓ Include training on what interpreters can and can not do -- ethics issues -- including the particular problems faced when litigants are not represented and how interpreters can be helpful in these situations.
- ✓ Have Standards and a Code of Ethics for interpreters that reflect the needs of self-represented litigation.
- ✓ Consider a certification requirement, at least for interpreters in frequently used languages.
- ✓ Provide access to handouts in commonly spoken languages that explain basic court processes and include answers to questions frequently asked of interpreters by self-help centers.
- ✓ Develop regular training and communication with the self-help center to encourage interpreters to make appropriate referrals and to identify areas where additional self-help instructional materials are needed and in what languages.

Issues for Exploration and Evaluation

1. We know that interpretation and cultural barriers are far greater for self-represented litigants, but have not yet researched how best to structure these interventions when the litigants are self-represented,
2. Nor do we understand the implications of the fact that the task of the interpreter is then inevitably somewhat different from the way it would be when the parties have counsel.
3. We need to explore whether the ethical rules governing court interpreters are appropriate for those working with litigants without lawyers.

Examples

Integrated Interpreter Programs

Fresno, California and the Judicial Branch of Minnesota have integrated interpreter programs.

☎ General California information is available from Lucy Smallsreed, lucy.smallsreed@jud.ca.gov.

☎ The Minnesota contact is Katrin Johnson, State Court Administration, at Katrin.johnson@courts.state.mn.us.

Fresno Self-Help Center

Fresno County operates a Spanish Self-Help Center where bilingual staff assist self represented litigants with forms as well as in court.

☎ The contact for Fresno is Cathy Westlund, cwestlund@fresno.courts.ca.gov.

New York Action Plan

New York state has an action plan for interpreters. The Action plan can be found at http://www.nycourts.gov/courtinterpreter/action_plan.pdf.

☎ The New York contact is Sandra Bryan, SBRYAN@courts.state.ny.us.

Resources

National Center for State Courts General Resources

General court interpreter resources are available at the National Center for State Courts Consortium for State Court Interpreters webpage at:

http://www.ncsconline.org/D_Research/CourtInterp.html.

Additional NCSC resources, such as a resource guide, FAQs, etc. can be found at <http://www.ncsconline.org/WC/CourTopics/ResourceGuide.asp?topic=CtInte>.

California Information

Information on California court interpreters programs may be found at <http://www.courtinfo.ca.gov/programs/courtinterpreters/>.

Fresno Model

Information on the Fresno model is found at:

<http://www.courtinfo.ca.gov/programs/innovations/accpubserv-4.htm>.

Thirty Seven. Court User Satisfaction Surveys

Concept. Court user satisfaction surveys are helpful in encouraging the court to think about the needs of litigants and to change the court's attitudes. The process of asking the questions is usually as important as the actual answers.

Suggested Attributes

Court user satisfaction survey programs appear to be most effective when they:

- ✓ Survey on a regular basis samples of people who come to court using the same surveys.
- ✓ Use efficient and cheap data collecting and recording techniques.
- ✓ Use surveys that obtain feedback on all aspects of using the court.
- ✓ Survey attorneys, including those that represent parties on the opposite side from self-represented litigants.
- ✓ Survey other programs that serve the litigant population, such as community service providers and find out if the court is helpful to the people those groups help.
- ✓ Have processes for making sure that results are analyzed and lead to recommendations and action.

Issues for Exploration and Evaluation

1. Most litigant surveys give very high satisfaction ratings for self-help programs. Techniques should be developed to get numbers that help us compare different kinds of programs.
2. We also need to be able to recognize and share the high satisfaction levels – as this may be in contrast to other areas of the court's work.

Examples

Hennepin, Idaho and California are among those that have done extensive satisfaction surveys.

- ☎ The California contact is Bonnie Hough, Bonnie.Hough@jud.ca.gov.
- ☎ The Hennepin contacts are Susan Ledray, susan.ledray@courts.state.mn.us and Dr. Marcy Podkopacz, Research Manager, marcy.podkopacz@courts.state.mn.us
- ☎ The Idaho contact is Judge Michael Dennard, mdennard@idcourts.net.

Resources

National Center for State Courts CourTool

Measure 1 of the National Center for State Courts' CourTools product – a set of ten core performance measures for trial courts, is a litigant satisfaction survey. The litigant satisfaction tool developed for the SRLN self assessment toolkit expands the Measure 1 survey to obtain additional information focused on self-represented litigants. John Greacen has used litigant satisfaction surveys in studies of self-represented litigants in Alaska, Arizona, Florida, Maryland, Minnesota and Utah

The NCSC CourTool 1 on Access and Fairness can be found at:

http://www.ncsconline.org/D_Research/CourTools/Images/courtools_measure1.pdf.

Self-Represented Litigation Network Toolkit

The Self-Represented Litigation Network is releasing a comprehensive set of self-assessment tools including customer use satisfaction surveys and focus group tools on [SelfHelpSupport.org](http://www.selfhelpsupport.org). See specifically their library folder on survey instruments at http://www.selfhelpsupport.org/library/folder.52281-Survey_Instruments.

Trial Court Research and Improvement Consortium

The Trial Court Research and Improvement Consortium Surveys are online at [SelfHelpSupport.org](http://www.selfhelpsupport.org).

Thirty Eight. Data Collection and Evaluation

Concept. Leading self-help friendly courts find that ongoing data collection and evaluation are critical to success. Ideally such a program has a researcher with expertise in the subject matter of the court and the law. However, just changing the court's case tracking software so that it provides data about self-represented litigant cases is of great value on its own.

Suggested Attributes

Overall data collection and evaluation programs appear to be most effective with respect to self-represented litigation issues when they:

- ✓ Are built into the court's computer system, so that little additional data collection effort is required.
- ✓ Collect data that looks at how well the court works from a variety of points of view, including that of the litigants.
- ✓ Include information about what happens including of time taken and how many cases are completed.
- ✓ Track data on whether people have lawyers throughout the case, not just the beginning or end.


Issues for Exploration and Evaluation

1. It is proving more difficult than anticipated to develop outcome measures that are broadly applicable and useful as well as non-controversial.
2. There has been relatively little experience with data gathering that integrates court case tracking with that of self-help centers and other support services – in other words that show which cases have gotten which services.
3. There is also need for better work in relating overall need to actual services delivered.

Examples

California Self-Help Center Information Collection

The California self-help centers are probably the ones that collect the most information about their cases.

 The California contact, including for the extensive pilot project evaluation, is Bonnie Hough, Bonnie.Hough@jud.ca.gov.

San Diego Superior Court has conducted analyses of several SRL programs, including the Status Conference program run by the Office of the Family Law Facilitator, and a guardianship service of process study.

☎ The San Diego Superior Court contact is Chris Stratton, Manager, and Special Projects Unit, Christopher.Stratton@sdcourt.ca.gov.

Hennepin County, Minnesota

The Hennepin County, Minnesota, self-help centers and courts are also a national leader.

☎ The Hennepin research contact is Dr. Marcy Podkopsz, marcy.podkopsz@courts.state.mn.us.

Experts

Michael Millemann at the University of Maryland, has been involved in a variety of access to justice research.

☎ Contact information is mmillemann@law.umaryland.edu.

John Greacen, has gathered and analyzed data on self-represented litigants in Alaska, Arizona, Florida, Maryland, Minnesota and Utah.

☎ Contact information is greacenjmg@earthlink.net.

Resources

NCSC CourTool 1 on Access and Fairness

This tool can assist court collecting data on access and fairness. See http://www.ncsconline.org/D_Research/CourTools/Images/courtools_measure1.pdf.

Model Self-Help Pilot Programs - A Report to the Legislature, March 2005

A comprehensive evaluation of 5 self-help pilot programs in California can be found at: <http://www.courtinfo.ca.gov/programs/equalaccess/modelsh.htm>.

Pro Se Statistics Memorandum.

By Herman, Madelynn. National Center for State Courts (2006) provides links to a variety of reports that provide statistics on self-represented litigants. See <http://www.ncsconline.org/WC/Publications/Memos/ProSeStatsMemo.htm>.

Report to the California Legislature - Family Law Information Centers: An Evaluation of Three Pilot Programs

An evaluation of three family law information centers in California can be found at: <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm>.

Report and Analysis of Action Plans Throughout California: Integrating services for self-represented litigants into the court system - June 2003

An example of using court data to develop action plans for courts to serve self-represented litigants may be found at:

<http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/actionplanrpt.htm>.

SelfHelpSupport.org Library

The SelfHelpSupport.org library holds many evaluation reports and survey instrument tools for evaluating self-help programs. See

[http://www.selfhelpsupport.org/library/folder.32143-Evaluation Tools Reports](http://www.selfhelpsupport.org/library/folder.32143-Evaluation_Tools_Reports).

Thirty Nine. Court as Convener for Innovation

Concept. Courts are coming to realize their unique power to bring together the many different players in the justice system. People believe strongly in courts, perhaps more than any other institution. They particularly know that courts are neutral.

Suggested Attributes

Courts appear to be most effective playing the convening role when they:

- ✓ Make sure that all groups with an interest are involved and engaged with the process.
- ✓ Use the highest authority in the court so that everyone knows that the weight of the court is behind the process.
- ✓ Recognize that each group has different needs.
- ✓ Provide ongoing leadership.
- ✓ Make sufficient resources available for practical follow up.
- ✓ Are careful to limit their leadership role to appropriately neutral activities.


Issues for Exploration and Evaluation

1. While some leaders think that playing such a convening role is not really neutral, experience has shown that this is not a problem. This knowledge needs to be shared to reassure those who continue to have such fears.

Examples

California Convening Initiatives

The California courts have been particularly effective at fostering such a convening leadership role.

 Local California contacts can generally be found in the individual plans listed below.

Montana Program

The Montana Supreme Court received legislative funding in 2007 to create a statewide Self-Help Law Program. Chief Justice Karla Gray played an instrumental leadership role in gaining legislative buy-in. A wide array of stakeholders came together to push for legislative funding, including legal services, the Court, community advocates and groups such as AARP and Consumer Credit Counseling Services, judges, and clerks of court.

The stakeholders continue to be engaged in the implementation of the program under the leadership of the Court.

☎ The contact for this program is Lonnie Browning at lbrowning@mt.gov.

Resources

California County Action Plans

The county-by-county action plans for the state of California give a good sense of the variety of plans that can emerge from court led processes. The plans can be found at <http://www.courtinfo.ca.gov/programs/equalaccess/localplans.htm>.

An analysis of these plans at can be found within the publication, A Report and Analysis of Action Plans Throughout California: Integrating Services for Self-represented Litigants into the Court System (June 2003), <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/actionplanrpt.htm>.

See also reports of outreach planning at the California Court and Community Collaboration Web Pages at: <http://www.courtinfo.ca.gov/programs/community/>.

Part VIII. Jurisdiction-Wide Strategies

Forty. Task Forces on Self-Represented Litigants

Concept. Task forces on self-represented litigation issues exist in many jurisdictions and play a major role in spearheading innovation. High-level judicial involvement or support is critical. In some jurisdictions, a broad access-to-justice commission fulfills the role of the task force, while in others a separate group focuses on the needs of the self-represented.

Suggested Attributes

Task forces appear to be most effective when they:

- ✓ Bring together a wide range of stakeholders and maintain a strategic focus on the needs and energies of these stakeholders.
- ✓ Establish concrete goals and evaluate their own success.
- ✓ Work hard to replace turf issues with a common set of principles that stakeholders as a whole can act on.
- ✓ Coordinate their efforts with those of other entities charged with expanding access to justice.
- ✓ Have a policy group that includes judicial leadership, court administrators, and leadership from other stakeholder groups as well as operational support from staff.
- ✓ Make use of models from other jurisdictions.
- ✓ Participate with the Self-Represented Litigation Network.


Issues for Exploration and Evaluation

1. The most successful task forces are those that emphasize the participation of a wide variety of stakeholders and have clear leadership with strong judicial support.
2. We need to know more about what is most effective in bringing together disparate stakeholders and channeling them in a single direction.

Examples

New Mexico Access to Justice Subgroup

An examples of a task forces that are a subgroup of an access-to-justice commission is the New Mexico Access to Justice Commission Self-Represented Working Group.

 The contact is Tina R Sibbet, albdtrs@nmcourts.com.

New Hampshire Access to Justice Subgroup

New Hampshire Access to Justice Commission Subcommittee on Self-Help, has succeeded New Hampshire Supreme Court Task Force on Self-Representation

California Task Force

An example of a task force that is not part of an access-to-justice commission, but collaborates effectively with an access-to-justice commission, is the California Judicial Council's Self-Represented Litigant Task Force. This Task Force works in close coordination with the California Access to Justice Commission.

☎ The contact is Mary Flynn, Mary.Flynn@calbar.ca.gov.

Iowa Joint Task Force

The Iowa Judges Association, in conjunction with the Iowa State Bar Association and Iowa Legal Aid, created a Joint Task Force on Pro Se Litigation. This Task Force produced a report and recommendations that was adopted by the Iowa Supreme Court. Based on the report, a Pro Se Family Law Forms Committee was appointed to develop user-friendly forms and instructions for pro se parties in family law matters.

☎ The Iowa contact John Goerd, john.goerd@jb.state.ia.us.

Montana Collaboration

Montana has a Supreme Court-appointed Equal Justice Task Force and Commission on Self-Represented Litigants. The two groups work closely with each other and with the State Bar of Montana's Access to Justice Committee. These three groups were instrumental in obtaining legislative funding for a statewide Self-Help Law Program.

☎ The contact is Lonnie Browning, lbrowning@mt.gov.

National Information on Examples

☎ Robert Echols, echols@suscom-maine.net, State Support Consultant for the ABA Resource Center for Access to Justice Initiatives, is the key contact in this area of activity.

Resources

ABA Access to Justice Website

This website has additional resources, www.atjsupport.org

California Access Policy

<http://www.courtinfo.ca.gov/programs/equalaccess/documents/jcaccpolicy.pdf>.

Funding Sources for Pro Se Programs, American Judicature Society

A listing of possible sources. Available at http://www.ajs.org/prose/pro_funding.asp.

How to Secure Funding for Court-Based Self-Help Projects

California Administrative Office of the Courts. This is written for California, but the approach is valuable. It both suggests ways to raise money for projects in other states and acts as a model for how a state might set up its funding mechanisms. Available at <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/SH-tab11.pdf>.

National Center for State Courts Listings

Access to Justice Committees and Commissions State Links. National Center for State Courts. This document lists many state access-to-justice commissions or committees, <http://www.ncsconline.org/wc/CourTopics/statelinks.asp?id=123&topic=ProSe>.

SelfHelpSupport.org

Resources are available on [SelfHelpSupport.org](http://www.selfhelpsupport.org). Links to many of the state pro se task force, committee, or commission reports can be found at http://www.selfhelpsupport.org/library/folder.43788-Task_Force_Committee_Reports.

Utah Strategic Plan for the Self-Represented

This is a product of a comprehensive survey and planning process. <http://www.utcourts.gov/committees/ProSe/>

Forty One. Self-Represented Litigant Strategic Plan

Concept. Self-represented litigation task forces find that strategic plans help them to maintain focus and build consensus. Strategic plans also facilitate on-going self-evaluation.

Suggested Attributes

Strategic planning appears most effective when it:

- ✓ Is based on an analysis of the most energized stakeholders, the most urgent needs, and the most pressing barriers to access to justice.
- ✓ Includes components that, at the least, address the areas within this Best Practices document.
- ✓ Includes a significant role for each player.
- ✓ Addresses the needs of the entire jurisdiction and of all stakeholders.
- ✓ Is grounded in a reasonable analysis of available resources.
- ✓ Includes a self-evaluation component and has the flexibility for strategy changes.

Issues for Exploration and Evaluation

1. It might be useful to collect and compare these plans and their impact in real world environments.

Examples

California Plan

The California Task Force on Self-Represented Litigants developed a statewide plan that was approved by the Judicial Council in February 2004. It can be found online at <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/actionplanfinal.htm>

 Contact Bonnie Hough at Bonnie.Hough@jud.ca.gov.

Iowa Plan

The Joint Iowa Judges Association and Iowa State Bar Association Task Force on Pro Se Litigation released a strategic plan in May 2005. It is at <http://tinyurl.com/4nt26w>.

Maryland Report

The Maryland Judiciary Work Group on Self-Representation in the Maryland Courts recently released a report that is particularly comprehensive. It is at <http://www.courts.state.md.us/publications/pdfs/selfrepresentation0807.pdf>.

New Mexico Report

The Report of the Self-Represented Working Group of the New Mexico Access to Justice Commission to New Mexico Supreme Court (May 2007) identifies major barriers and areas in need of further study. It also makes recommendations for the Court's consideration. It is at

<http://www.nmbar.org/Attorneys/ATJ/2007ReportoftheSelfRepresentedWorkingGroup.pdf>.

Resources

ABA Access to Justice Website

Additional Information at www.ATJsupport.org.

Collection of Action Plans

Action plans for assisting self-represented litigants can be found on SelfHelpSupport.org at http://www.selfhelpsupport.org/library/folder.66266-Action_Plan.

Utah Strategic Planning Initiative,

Report to the Judicial Council, Committee on Resources for Self Represented Litigants (July 25, 2006).

<http://www.ajs.org/prose/Midwest%20Notebook%20Contents/Tab%207/Report%20to%20OUT%20Judicial%20Council.pdf>.

Forty Two. Access-to-Justice Needs Studies

Concept. While not inexpensive, studies of the need for access to justice have helped change the political and financial climate with respect to access to justice. These studies show the breadth of need, the wide range of the constituencies that are not currently served, and the impact of failures to meet these needs on the legal system and society as a whole.

Suggested Attributes

Needs studies appear to be most effective when they:

- ✓ Are based on data gathered by independent research entities according to scientifically valid methodologies.
- ✓ Make use of court data on need.
- ✓ Estimate the extent of unmet legal needs by significant demographic groups (e.g., race, gender, age, institutionalized status).
- ✓ Break down the analysis of need geographically.
- ✓ Show the impact of unmet needs on the community, including on people's trust and confidence in the justice system.
- ✓ Show the impact of unmet need on a wide variety of institutions.
- ✓ Have human impact narratives, including those of successful interventions.
- ✓ Include recommended steps for addressing unmet needs.
- ✓ Integrate court and legal aid approaches to meeting the identified need.
- ✓ Are presented in a professional and visually compelling manner and are well publicized.
- ✓ Are updated regularly.

Issues for Exploration and Evaluation

1. Depending on the environment in a state, detailed citation to the findings of studies in other states may provide a far more cost effective approach than creating their own individual studies.
2. Current survey methodologies are expensive and often neglect important areas of analysis. They do not use census or other data to project the size of the need. They do not project what kinds of services would actually meet the need nor the most cost-effective ways of meeting the need and effectively integrating a broad variety ways of meeting the need. Current studies also do not assess the broader social impact and cost of failing to address the needs identified by the study. The concepts need to be explored, and some have been explored in research conducted in other countries.

Examples

United States National Study

In 2005, the Legal Services Corporation released *Documenting the Justice Gap in America*, <http://www.lsc.gov/JusticeGap.pdf>. (Recent state studies are listed and analyzed starting at page 9.)

Illinois Study

The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans, Chicago Bar Association, Illinois State Bar Association, Chicago Bar Foundation, Illinois Bar Foundation, Lawyers Trust Fund of Illinois (February 2005). <http://www.ltf.org>.

Montana Study

Legal Needs of Low Income Households in Montana. This study is notable for its broad focus. It led to the establishment of the Montana Court self-help program. [http://www.lawhelp.org/documents/326071Full_Report\[1\].pdf?stateabbrev=/MT/](http://www.lawhelp.org/documents/326071Full_Report[1].pdf?stateabbrev=/MT/).

New Jersey Study

People Without Lawyers: The Continuing Justice Gap in New Jersey, Legal Services of New Jersey (October, 2006). New Jersey updates its 2002 study regularly with data about unmet need from the courts, state administrative agencies, and legal aid programs. See <http://www.lsnj.org/PDFs/NJJusticeGap2006.pdf>.

Washington State Study

This 2003 study is still one of the most comprehensive. Available at <http://www.courts.wa.gov/newsinfo/content/taskforce/CivilLegalNeeds.pdf>.

Wisconsin Study


Bridging the Gap: Wisconsin's Unmet Legal Need, Wisconsin State Bar (March 2007) available online at http://www.wisbar.org/am/template.cfm?section=bridging_the_justice_gap.

United Kingdom Research

United Kingdom research on access-to-justice needs is much more sophisticated and can be found at <http://www.lsrc.org.uk/>.

Resources

Resources are available on SelfHelpSupport.org and on the ABA Access to Justice website at www.ATJsupport.org (including links to all recent studies).

 Robert Echols, echols@suscom-maine.net, State Support Consultant for the ABA Resource Center for Access to Justice Initiatives, is also the key contact in this area of activity.

Conclusion

The Best Practices described in this document are the product of input and opportunity to comment of the many working groups and participants in the Self-Represented Litigation Network.

In a field as rapidly evolving as this, however, they inevitably remain a work in progress.

The Network reiterates its invitation to all to provide ongoing feedback so the experiences and input of all can improve access for the self-represented and the justice system as a whole.

We thank you for your participation in this critical endeavor and welcome your networking participation in the process of bringing these Best Practices to implemented reality throughout the United States.