

Self-Represented Litigation Network

Diagnostic and Recommendation Project



Protocol One: Introducing and Focusing the Diagnostic Process

**Prepared by the Working Groups of the Self-Represented Litigation Network
General Package Editor: Richard Zorza**

Developed by the Self-Represented Litigation Network, with funding from the Maryland Administrative Office of the Courts, and the National Center for State Courts.

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Introduction to Protocol Package

This is one of twelve Diagnostic Protocols, developed by the Self-Represented Litigation Network,¹ and designed to assist courts and their partners assess the need for, and options available to advance, solutions for access to justice challenges in their courts.

In these tough economic times, courts are facing budget cuts, increased caseload, more self-represented litigants and litigant who are themselves under greater financial and psychological stress. Court leaders focusing on both administrative and policy issues recognize that courts must continue to process cases and they want to do so in ways that optimize access to justice. As with other institutions, the crisis offers opportunities as well as stress, with courts needing to focus on changes and innovations that are low cost, easy to deploy, and highly cost effective. The highest stress is occurring in those case types that already have high – and now increasing – numbers of the self-represented: landlord tenant, foreclosure, family, consumer and credit card debt, small claims.

During the last three years, the Self-Represented Litigation Network² has developed a wide range of *Best Practices*, approaches, tools and materials that can assist courts in simultaneously achieving greater efficiency and effectiveness while promoting access to justice. Some of these involve small changes that can have a big impact; others involve the creation of new programs.

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² The Self-Represented Litigation Network is an open and growing group 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 who go to court on their own. The Network brings together a range of organizations including courts, and access to justice organizations in support of innovations in services for the self-represented. Participants range from the Conference of Chief Justices to the Legal Services Corporation, and from the Conference of State Court Administrators to the American Judicature Society. It operates in a number of Working Groups and is hosted by the National Center for State Courts under a Memorandum of Understanding.

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The Network has leveraged these materials to develop a diagnostic and problem solving methodology that can help as many as possible managerial and justice leaders in the courts on the ground choose and implement changes that are immediately practicable in these budget times. The approach will allow states to learn and deploy this methodology by using existing in-state resources, rather than requiring the courts to make significant additional investments.

This has been done by developing Diagnostic and Problem Solving Protocols that can be used in as cost effective a manner as possible to identify and facilitate potential improvements in access and efficiency. The protocols were developed by the Network and tested and enhanced in pilot visits in New Hampshire and Montana.

Each of the Protocols now available for this process include the following components:

- Suggested questions for the team to ask stakeholders to identify problem areas,
- Listings of likely problems to be identified,
- For each problem, a menu of specific low cost suggestions to help address those problems, and
- For each suggested solution, to the extent locatable, appropriate and realistic, resources, contacts, and general cost analysis

The full package of protocols, that include framing and process structuring protocols is as follows:

1. Protocol for Introducing and Focusing Diagnostic Process
2. Court Entryway Services Diagnostic Protocol
3. Self-Help Services Diagnostic Protocol
4. Clerk's Office/Forms Diagnostic Protocol
5. Caseflow Management Diagnostic Protocol
6. Hearing Diagnostic Protocol
7. Compliance Diagnostic Protocol
8. Self-Assessment Diagnostic Protocol
9. Access Partnering Diagnostic Protocol
10. Protocols for Integrating/Prioritizing Recommendations
11. Protocol for Customizing Protocols for State/Planning Use
12. General Approach Protocol

The protocols remain a collaborative work in progress, and suggestions for improvements are very welcome.

I. Protocol for Introducing and Focusing Diagnostic Process

This introductory protocol is designed to introduce courts to the concept of the protocol and to assist them to decide which areas of the court would be most appropriate for the problem solving attention that the later stages of this process offer.

- Part A includes a process and template materials for introducing the process statewide and to local courts.
- Part B lists and describes available substantive Diagnostic and Problem Solving Protocols – those that focus on a particular part of the courts processes.
- Part C suggests questions that might be directed at particular groups in order to identify the areas of initial focus
- Part D proceeds to an series of considerations that can be taken into account as a basis for their choice of substantive and institutional areas on which to focus, and for the Diagnostic Protocols that will be of most use in those focuses.
- Part E includes additional resources for conducting this process

A. Introducing the Protocol Process Statewide and Locally

It is important that the judges and staff of statewide stakeholders and any particular court understand the purpose and process of the Diagnostic Protocol before the process it starts.

We recommend early exposure to the concept, and active engagement with the state stakeholders and the court. The attached Template for Description of the Diagnostic Protocol Process can be used for engagement with both state and local partners. The Template is intended to be modified for each state.

1. Statewide Introduction and Team Recruitment

At the state level, the project recommends identifying statewide leadership and building a team with the capacity to:

- Assist in customizing the general version of the Protocols so that they are fully appropriate for the state.

- Engage local courts in the process so that those courts want to join the process, and feel that it is designed to help them.
- Participate in local court visits, both as experts and facilitators.
- Assist in synthesizing the learning from local court visits into statewide lessons and recommendations.
- Act as champions and credible advocates for the statewide recommendations that emerge from the process.

Protocol 11 has been specifically developed to assist in the process of customizing the general Protocols so that they are optimum for a particular state. (Note, however, that the pilot visits indicated that the protocols do not appear to require significant state customization.)

2. Introducing the Protocol Process to Local Courts

In particular, as the protocols are used in a local court, the court leadership should be viewed as part of the team. In other words the review team has two groupings, the local leadership, and the visitors. The visitors may or may not include out of state people, but should always include state representatives.

Attached to help with this introductory process as attachments to this protocol are:

- Template for Description of Diagnostic Protocol Process
- Template for Agenda of Initial Planning Meeting
- Template for Agenda of Launch Meeting for Diagnostic Visit

We recommend follow up contact between the planning meeting (which may be conducted by phone) and the launch meeting, and the visit itself.

We also recommend that the initial contact with the local court be planned to lay the groundwork as well as possible. It is important that at all times the purpose of the process be emphasized as to *help* the local court to identify *its own* needs and to develop *its own* solutions, rather than for outsiders to assess and demand. It is for this purpose that laying heavy emphasis of having the court itself participate in selecting what areas it chooses to focus on is critical.

Note that certain courts may not need to use the questions in this protocol to identify the areas on which they wish to focus. There may already be a consensus as

to which areas of the court's operations are most urgently in need of attention, or can most rapidly respond to the focus this process brings.

B. Available Substantive Diagnostic and Problem Solving Protocols

The currently available substantive area focused Diagnostic Protocols are as follows:

- Court Entryway Services Diagnostic Protocol. This protocol is recommended when the court wishes to improve the initial experience of litigants and other court users as they enter the courthouse. The overall philosophy is that security is improved when security staff are more directly engaged with those who visit the court. Even if such changes are not immediately practicable, other changes can dramatically change the initial experience of court visitors.
- Self-Help Services Diagnostic Protocol. This protocol will help a court without self-help services optimize an initial deployment. For those courts with such services, it will help improve the efficiency and effectiveness of the services.
- Clerk's Office/Forms Diagnostic Protocol. This protocol will support the clerk's office as it identifies the bottlenecks and inefficiencies in its dealings with the self-represented. The solutions it offers to identified problems will improve the litigant experience, the quality of worklife for clerk staff, and the quality of information that gets to the judge.
- Caseflow Management Diagnostic Protocol. Deploying caseflow management that meets the needs of the different needs of the self-represented is an emerging and important area of innovation. This protocol can be of use to courts that have not yet deployed caseflow management, as well as those that wish to modify their system to reflect recent understandings about how to manage self-represented cases most effectively.
- Hearing Diagnostic Protocol. This protocol covers both the staff and judicial role in the courtroom. It suggests concrete ways that staff can be used to speed and improve the process, as well as changes that judges can consider that might make them potentially efficient and able better to gather the information they need to make decisions. These suggestions are based on courtroom research conducted by the Self-represented Litigation Network and the National Center for State Courts.
- Compliance Diagnostic Protocol. This is an area that has only recently begun to receive attention from the self-represented innovation community, and is therefore a fruitful area for innovation even in courts that have already

deployed a significant range of innovations to improve the court's handling of cases involving the self-represented.

- Self-Assessment Diagnostic Protocol. This protocol deals with a court's processes for ongoing self-assessment. As such it can lay the groundwork for ongoing innovation.
- Access Partnering Diagnostic Protocol. This protocol focuses on the court's capacity to partner with other groups such as the bar, legal aid, and libraries in support of access to justice.

The project recommends that the availability of these Diagnostic Protocols be kept in mind as the questions below are explored.

C. Issue Identification Process

The questions in this Part can either be asked directly of the identified groups, or can be focus of discussion within leadership about the perspectives and needs of each of the constituencies, although they are drafted as if they are being asked directly of the individuals.

It may also be helpful to think about and discuss the track that an individual case takes through the system to consider which work groups are likely to have the most significant impact on the handling of the case and be appropriate for initial attention.

1. Questions for All Perspectives

- What do you think are the biggest access to justice problems in the court?
- Where are the largest increases in the self-represented?
- Which parts of the court process seem to be experiencing the biggest impact from this increase in the self-represented? How the impacts manifested?

2. Questions from Observation Process of the Court Overall

- Where are the most obvious physical backlogs?
- Where are the most obvious frustrations?
- Are any groups of litigants particularly frustrated?
- Are any groups of staff particularly frustrated?

- Are any parts of the court doing a particularly good job with the self-represented?

3. Special Questions Focused on Court Users

These might be used in an early focus group.

- Where do you feel most frustrated in your dealings with the court?
- Where to you feel you most need help?
- Where did the way the court operated seemed to you to waste the most of your time? Of the court's time?
- What was most helpful to you?

4. Special Questions Focused on Court Staff

The use of these questions can help convince the staff that the process is not aimed at them, but designed to help. Some court innovators have observed that some staff, when asked, report that there are "no problems," and that everything that has been done has already been done. These questions are an attempt to get around this problem.

- What are the areas on which you feel that you would have the most to offer in increasing the efficiency and accessibility of other parts of the court?
- What are the ways in which economic stresses are making your work harder?

5. Special Question Focused on External Stakeholders

Note that this question is positively focused.

- What are the areas on which you feel that you would have the most to offer in increasing the efficiency and accessibility of the court?

6. Special Questions Focused on Court Leaders

- Where do you see the greatest opportunity for improvements in effectiveness and accessibility?
- What are the barriers to change?

- Which areas do you see as most amenable to change?
- Which partners are most amenable to collaboration, and what could they bring?

D. Considerations in Focusing on Areas and Protocols

1. Narrowing Identified Areas of Substantive Need

Is there a consensus from the above discussion that particular substantive problems (foreclosure, small claims, divorce, guardianship, etc) need attention?

2. Narrowing Identified Problem Areas in the Process

Is there a consensus from the above discussion that certain process areas (clerk's office, hearing, etc.) of the court needs, and would particularly gain from, attention?

3. Identified Flexibility, Resource or Partner – Looking to Resources

Is there clarity that there is positive energy to move forward in a particular area of relative need. (In other words, even this may not be the area of greatest crisis, this is the area with the greatest chance of success?)

This might be because of internal consensus, external pressure, particularly enthusiastic internal leadership or external partner. As a practical general matter, this question of enthusiasm is often the most important. *(Agreement that something is important is less critical than someone who actually wants to do something.)*

4. Leverage for Change – Relationship to Long Term Strategy

Is there a focus that, if successful, will result in the greatest overall momentum for change – for example getting a key champion, changing the culture of the court, impacting the state overall.

5. Learning from Innovation Experience Nationally – What Seems Most Crucial

All other things being equal, the clerk's office, the self-help program (if it exists), and the courtroom may be likely good areas of focus – but all things are never equal.

E. Resources

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The SRLN publication, *Guidelines for the Use of Focus Groups*, is available at:
[http://www.selfhelpsupport.org/library/item.223582-Guidelines for the Use of Focus Groups](http://www.selfhelpsupport.org/library/item.223582-Guidelines%20for%20the%20Use%20of%20Focus%20Groups). It is part of a broader package of survey tools available on www.selfhelpsupport.org.

Appendix One: Template for Description of Diagnostic Protocol Process

The (state) Self-Represented Litigant Access to Justice Diagnostic and Problem Solving Process

The unique challenges that self-represented litigants present to our courts are well known. As Chief Justice (name) has said (quote from chief or other leader).

We are pleased that we are now making available to local courts a nationally developed and tested and (state) customized process to help courts identify the biggest challenges in providing efficient access to justice for the self-represented, and in finding the innovations and solutions that can make courts run more smoothly and efficiently while providing such access.

The idea is that a state team will work with the leadership of participating courts to identify (from a list of Protocols) the areas on which the court would like to focus. Options range from the Clerk's office to Case Management, and from the Hearing Process to Compliance. For each of these potential areas of focus, we have available a Protocol, developed initially by the Self-Represented Litigation Network, which is a broad group of national organizations hosted by the National Center for State Courts. The National Protocols have been modified to reflect the realities and needs of our state. Each of these protocols includes:

- Suggested questions for the team to ask stakeholders to identify issues they would like to address
- Listings of likely area to be identified in this process, (examples, might be lines at the clerk's office, litigants unaware of how to fill in forms, or judges having to deal with confused and angry litigants.)
- For each such problem, a menu of specific low cost suggestions to help address those problems, and
- For each suggested solution, to the extent locatable, appropriate and realistic, resources, contacts, and general cost analysis

Once the general areas of focus have been identified, a visiting team will spend time with court leadership, judges, and staff to discuss what areas might be improved, and then use the Protocols to offer alternatives for low cost possible solutions. The focus at all times will be on the practical, low cost, and realistic.

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At the same time, the team will be seeking input from court leadership as to statewide changes that might make the work of the local court more efficient, easier, and of higher quality.

At the close of the visit, the group will prepare a report, with suggestions and with references to the support materials in the Protocols.

The process in this state is coordinated by (name, title, phone, e-mail). Please be in touch for more information and to obtain additional materials.

Appendix Two: Template for Agenda of Initial Planning Meeting

(Court Name) Court Diagnostic Protocol Planning Meeting

Agenda

1. Introductions
2. Purpose of Meeting and Diagnostic Protocols
3. Description of How Diagnostic Protocol Visit Has Proceeded in Other Courts and of Products and Results
4. Discussion of How Process Might Work in This Court
5. Discussion of Areas of Desired Focus and How to Finalize Choice
6. Discussion of How to Involve Court Staff Appropriately
7. Issues and Problems
8. General Visit Scheduling Issues
9. Initial Planning for Scheduling During Visit
10. Conclusion and Next Steps

Appendix Three: Template for Agenda of Launch Meeting for Diagnostic Visit

(Court Name) Court Diagnostic Protocol Launch Meeting

Agenda

1. Introductions and Thanks
2. Review of Purpose and Status of Visit
3. Concerns and Review of Staff Issues and Expectations
4. Review of Schedule for Visit
5. Setting Check-In Times and Process
6. Conclusion

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Protocol Two: Court Entryway Services

Prepared by the Working Groups of the Self-Represented Litigation Network
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Introduction to Protocol Package

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the Network and tested and enhanced in pilot visits in New Hampshire and Montana.

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The protocols remain a collaborative work in progress, and suggestions for improvements are very welcome.

II. Diagnostic Protocol for Court Entry Services

This protocol focuses on the public gateway to the court, the entryway, security, and welcoming environment. In many courts, this area has received little attention, but is regarded by experts as critical in setting the tone of the entire court experience for court users.

It is a fertile area for low cost innovation, since security staff are already in place, and since experience has shown that volunteer programs are often able to play a significant role in welcoming and assisting court users. The various materials suggested would require initial investments of time and printing costs, but these are small, at least relative to payback.

A major new perspective that this Protocol offers is the idea that

A. Problem Identification Process

1. Questions for All on Court Entry Services

- What is happening to people when they arrive at the court? What problems are they facing with finding where to go, what to do, or who to ask?
- How do they behave and what emotions do they show when they do not know what to do? What happens when they do this?
- Is this putting stress on those not equipped to help? Who? Does this impact upon other court services?
- Are there resources in the entry area that might be more helpful?
- Do you have resources that might be better deployed in the entry area?
- Are their physical barriers to ease of use and access?

2. Questions for Observation Process of Court Entry Services

- What percent are obviously confused about where to go? What happens to them?
- Is signage for key locations comprehensible by the public?
- Are building maps available for staff to give to users? Is there staff placed in a prominent position to assist users either before or after they have passed through security?
- How is visitor frustration being communicated to staff, if at all? Is there a person or process to deal with user frustration?
- Do users have to wait for eye contact from staff? Is there a way for users to get attention of staff?

- Are there problems with parking?
- Is the building identifiable and are appropriate entrances indicated?

3. Special Questions for Users of Court Entry Services

- What was most helpful for you in finding where to go?
- What was most frustrating in your efforts to find where to go?
- Did you accomplish what you came here for?
- How long did it take for you to figure out the right place to go?
- Do you have suggestions for how to make the court offices more accessible?

4. Special Questions for Court Stakeholders of Court Entry Services

- Are there implications in your work from people having difficulty getting help with directions when they enter the courthouse?
- What complaints do you hear from people about finding locations in the courthouse?
- Do users' questions and frustrations interfere with the ability to get other work done? What solutions would you see?
- Do you have resources (people, materials, etc.) that might be helpful in the entryway?
- Have you considered using volunteers for this purpose?
- Do you have and train entryway staff or volunteers so that they would be better prepared to assist people who come?

5. Special Questions for External Stakeholders of Court Entry Services Process

- Do you hear of issues with this environment?
- Do you have suggestions for improving access?

- If asked, would you help with improving the welcoming and entry environment?

6. Special Questions for Court Leaders About Court Entry Services

- Are the resources that are currently in place effective in assisting people to find locations? If they are not effective, have you investigated why they are not effective?
- If not, are there barriers to improving the situation?
- Have attempts been made to consider overcoming these barriers?
- Is there more than can be done to make your court more ADA compliant?

B. Problems, Solutions and Cost Analysis

1. People do not know where to go or what to do

A problem in all systems, and the larger the court, the greater the problem.

a. Establish Volunteer or Staff Concierge Program

Description

As described in *Practice One: Concierge Courthouse Desk* of the SRLN Best Practices Document,

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.

Examples and Resources

Examples include the ***Sacramento California Superior Court*** program which 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.

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The Court also has a staff person at the Reception Area (Information Booth). This person greets and directs court customers to the location within the facility for the services they are seeking. If the service they seek is at one of our other locations, they have single page handouts for each of the court locations, which describe the services offered and how to get to the facility. Maps and travel directions to each court location are also included on the web site: www.saccourt.ca.gov. The contact for these programs is Lollie Roberts, robertsl@saccourt.com.

Another example is the Travis County, Texas desk, which is operated by the law library. 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.

Additional examples and resources are listed under *Practice One: Concierge Courthouse Desk* of the SRLN Best Practices Document.
[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

Cost Analysis

Volunteer programs vary widely in their cost. If there is an existing volunteer coordinator, or a law library or other court or partner position that can take on the supervision, then the cost is very low. Program costs can be reduced by having the program available only at hours of highest need.

b. Train Security Staff to give limited initial information

Description

The idea is simple, that court security staff can be trained to give minimal initial information, such as where the clerk's office or self-help center is, how to find what courtroom a case is being heard in, or how to follow up on a notice in the court users hand.

While some jurisdictions may find political and legal problems in moving forward with this solution, it can make a significant difference in the way court users perceive the court. Those who visit courts around the country are struck by the wide variety in attitude of security staff.

Examples and Resources

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Extremely impressive is the Rochester (NH) family division, in which both the Sheriff's Deputies at the magnetometer, and the court room bailiffs engage visitors and litigants on an individual basis to check that they have what they need.

This not only helps litigants, it also gives the security staff "eyeball to eyeball" contact with the litigants, enabling them to better assess any potential security threat.

The contact is Brigitte Siff Holmes, NH Court, Family Division Administrator, BHolmes@courts.state.nh.us.

General staff training issues are dealt with in *SRLN Leadership Package Module 5: Staff Ethics*, <http://www.selfhelpsupport.org/library/item.208596-Power Points for Module 5 Staff Ethics>.

Cost Analysis

This is a very low cost innovation. There would be some training time, and it might be useful to develop a standardized response protocol. It is unlikely that such a program would reduce the screening rate, or increase delays, since untrained staff often use significant time explaining that they can not help.

c. Develop Maps/Handouts for security staff to distribute

Description

Maps and handouts make it much easier for the security staff, since they do not have to have any substantive knowledge even of the physical layout of the courthouse. Routine handing out of materials also takes no time, since an engaged security staff has to have some contact with each person as they pass through the metal detector, if only to Ok them to move on.

Examples and Resources

The Travis County program described above, and many others, have developed such materials, although they are more usually distributed from the concierge desk. Examples at <http://www.selfhelpsupport.org/library/item.266497-Travis SHC Referral> (program description) and <http://www.selfhelpsupport.org/library/item.266490-Travis Map> (map). Contact Lisa Rush, Lisa.rush@co.travis.tx.us.

Similarly, Sacramento superior court has single page handouts for each of the court locations, which describe the services offered and how to get to the facility. Maps and travel directions to each court location are also included on the web site:

www.saccourt.ca.gov. The contact for these programs is Lollie Roberts, robertsl@saccourt.com.

Cost Analysis

This is a low cost program, with minimal ongoing cost (except for copying). Initial material development is also low cost, although it would take more time to get the materials looking good. Some locations may already have the materials, just not be distributing them.

d. Mail out maps with all court mailings

Description

A simple map makes the environment much easier to understand, and might increase court response rates. Bilingual maps might help overcome deficits in multi-lingual assistance at the courthouse entry.

Examples and Resources

None identified, as to courts that actually mail. However, the Travis County program described above, and many others, have developed such materials, although they are more usually distributed from the concierge desk. Example at http://www.selfhelpsupport.org/library/item.266490-Travis_Map (map). Contact Lisa Rush, Lisa.rush@co.travis.tx.us.

Cost Analysis

Again, the main cost will be the paper and copying. In some cases the information might be placed on the back of existing printed enclosures. This might be a program for which donated printing or copying services might be obtained.

e. Put courthouse building map on the court's website, and include link on all court documents

Description

Many court websites now get very significant traffic. A map is a very useful resource, and would not only help users directly, but would increase traffic to the site.

It would not be hard to change the standard template for all court documents so that the map link were included.

Courts should also consider that the online map might be designed for easy access by mobile phones that can access the web (perhaps even with software designed to help people find the right location, linked to GPS capacity.)

Examples and Resources

Contra Costa California has various maps, guides and images for all its courthouses online at:

<http://www.cc-courthelp.org/index.cfm?fuseaction=Page.viewPage&pageID=2152&stopRedirect=1>

Cost Analysis

A simple map would cost nothing to put online if the court already has a webmaster. A more complex multi-lingual interactive map would cost more, but would still be worth the effort.

- f. Put courthouse guide on internal website so that all employees know where services are.***

Description

Obviously more necessary in a large courthouse, this also makes it easier for staff to make referrals even into areas that they do not know well.

Examples and Resources

See the Contra Costa guide cited in the above solution. <http://www.cc-courthelp.org/index.cfm?fuseaction=Page.viewPage&pageID=2152&stopRedirect=1>

Cost Analysis

Cost depends upon prior existence of guide, and availability of web capacity. But the overall cost is low.

- g. Create Law Library/Self-Help Center Outpost in Front Entry***

Description

Such an “outpost” is probably the quickest way to get the center up and running. To the extent that it needs to use existing staff, they may be able to do some of their other work while staffing the desk. They may also be able to coordinate a volunteer program more easily than any other part of the court.

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One advantage of this approach is that there can be flexible allocation of tasks between the “outpost” and the managing entity, with, for example, appropriate forms and summary information being given out at the “outpost.”

Examples and Resources

The Travis County law library desk is described in Solution 1a.

The Hennepin County, Minnesota, self-help center runs a large and easy to find desk in the main lobby of the courthouse.

<http://www.mncourts.gov/district/4/?page=397>.

Contact Susan Ledray, susan.ledray@co@co.hennepin.mn.us.

Cost Analysis

This approach will require the usage of law library or self-help center resources, but will mean that the demand for services in the library or center may be reduced, or at least refocused onto those cases requiring more intense help. Cost is low.

h. Provide signage at all entries to the courthouse.

Description

Clean multi-lingual signage is critical to a welcoming and useful initial experience at the courthouse.

Examples and Resources

Signage is discussed in *SRLN Leadership Package, Module 3: Designing and Modifying Physical Space for Access*, at [http://www.selfhelpsupport.org/library/item.208585-Power Points for Module 3 Designing and Modifying Physical Space for Access](http://www.selfhelpsupport.org/library/item.208585-Power+Points+for+Module+3+Designing+and+Modifying+Physical+Space+for+Access), slide 36. Some of the photos may also be helpful.

Cost Analysis

Signage costs vary with the amount needed, the ease of mounting, and the level of design needed. Costs however, are small compared to changes in the overall physical environment, and have an immediate impact on perceptions of the court. Some signs can be generated on office computer printers or photocopiers printing onto appropriate material.

i. Train staff in the idea that all staff are responsible at all times to help litigants.

Description

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The key concept is to create a culture in which all staff take responsibility for helping court users find where they want to go, and what they need. Making sure this happens includes training all staff on what services are available and where those services are located.

This can be done by including the concept in regular staff training and newsletters, by giving awards to particularly helpful staff, by having staff wear identifying badges, and the like.

Examples and Resources

This is done in Hennepin, MN. Contact Susan Ledray,
susan.ledray@courts.state.mn.us.

Alaska has a good staff training video encouraging this. Contact Stacey Marz,
smarz@courts.state.ak.us.

Cost Analysis

These are all low cost ideas that can be done within existing budget flows. Even video is cheap these days.

j. Identify and develop model answers for most common questions about navigating the courthouse.

Description

These can be used as the basis for the training and for the intranet guide mentioned above, and can be printed and given out in response to questions. If they include a map they will be even more useful.

Examples and Resources

None identified as to specific purpose. Many courts have developed such FAQs for use on websites and otherwise. <http://cc-courthelp.org/>. Contact Sherma Deamer, sdeam@contracosta.courts.ca.gov.

Cost Analysis

This is another low cost item, requiring only staff time and photocopying. Copying costs are reduced by posting these materials on the Internet.

2. People do not understand the entry area signage or do not find the signs helpful in deciding where to go

A focused problem that can be solved with attention.

a. *Review signage for size, location, visibility, plain language, and relationship to function*

Description

Often signage reflects the words and concepts used by those who already know the system. It focuses on location and labels understood by those who know the system (Clerk, probation, scheduling) rather than the words used by the self-represented (starting a case, getting information, etc.) While there are length and size constraints, thought should be given to having the signage work not only visually and linguistically, but also conceptually.

Having non-experts review the environment and role play the process of trying to find the right place may be very valuable.

Examples and Resources

Signage is discussed in *SRLN Leadership Package, Module 3: Designing and Modifying Physical Space for Access*, at <http://www.selfhelpsupport.org/library/item.208585-Power Points for Module 3 Designing and Modifying Physical Space for Access>, slide 36. Some of the photos may also be helpful.

The plain language resources in *SRLN Leadership Package, Module 6: Developing and Deploying Plain Language Forms* may be helpful. While these materials are focused on forms, they deal with how to use words in ways that work for the self-represented. <http://www.selfhelpsupport.org/library/item.208587-Power Points for Module 6 Developing and Deploying Plain Language Forms>

The SRLN publication, *Tour Guide: A Self-Guided Tour of Your Courthouse from the Perspective of a Self-Represented Litigant*, helps design this kind of self-evaluation of issues such as signage. <http://www.selfhelpsupport.org/library/item.223585-Tour Guide A SelfGuided Tour of Your Courthouse from the Perspective of a S.>

Cost Analysis

Costs for this innovation can vary greatly. While experts will add value, much of this is relatively obvious if those involved get into thinking like those who have never been to the court before. The actual signs can be made relatively inexpensively at national chains or even on court copies and printers. (indeed, one advantage of such

a very low cost approach is that signs can be modified easily as problems become clear, or locations change.

b. Provide signage in the language(s) most commonly used in the jurisdiction.

Description

This is a no-brainer, but obviously there has to be a limit to the number of languages included or visual clutter becomes self-defeating. One compromise is to provide the most crucial directions in more languages than those less frequently needed.

Examples and Resources

Hennepin has signage, Somali Liaison, Lists of bi-lingual staff and protocols for counter assistance, and LEP plans for each District Court <http://www.mncourts.gov/?page=444>, and some translated forms and instructions <http://www.mncourts.gov/selfhelp/?page=324>.

See also, e.g. the San Francisco CA Limited English Proficiency Plan at p 5. http://www.sfgov.org/site/uploadedfiles/courts/Trial-Court-LEP-Plan_signature.pdf.

Cost Analysis

For general analysis, see above solution. Linguistic issues can often be addressed by volunteer attorney and community groups. Management time is required, and the technical logistics of printing non-Latin characters will have to be addressed. However, computer technology has solved most of these problems, and community groups will know how to get computers to print in their languages.

c. Add icons to signs if possible

Description

There are no universally agreed icons for courts (although it would be a good project to attempt to build such a library.) However a start might be made with the icons on the LawHelp websites (www.lawhelp.org) and hospitals and airports have a range that might be useful.

Examples and Resources

SRLN Leadership Package, Module 14: Promoting Access for Those with Limited English Proficiency, slide 12, <http://www.selfhelpsupport.org/library/item.208594-Power Points for Module 14 Promoting Access for those with Limited English>.

Cost Analysis

If available icons can not be found, a designer might be required to create the icons. This can be relatively expensive. On the other hand, lots of icons can be found online, and software tools allow for the relatively unskilled to develop their own. Reproduction costs are discussed above.

- d. Develop handouts, keyed to signs and icons, explaining role of each location; provide these at the entrances and at all security stations.***

Description

Such handouts will make it easier for users to find locations, have the right materials that they need, and make full use of the services provided at the location.

Examples and Resources

None identified as to keying to signs and icons. However, the Travis County, TX, court has particularly well structured handouts. Examples at http://www.selfhelpsupport.org/library/item.266497-Travis_SHC_Referral (program description) and http://www.selfhelpsupport.org/library/item.266490-Travis_Map (map). Contact Lisa Rush, Lisa.rush@co.travis.tx.us.

Cost Analysis

This is a low cost item, requiring only staff time, and reproduction costs.

3. People are getting confused about finding the places they need to go

Another relatively simple problem to which there are a variety of solutions.

- a. Paint colored paths on the walls and doorways, keyed to signs***

Description

This system is in wide use in hospitals. Experts point out that lines on floors are dangerous because they cause people to look down, increasing the risks of collisions and accidents. Systems of recurring arrows can be used if lines are inappropriate for the buildings design.

Examples and Resources

None identified in the court environment.

Cost Analysis

There is an initial cost for this item, which will depend on the size of the court, and its décor. In addition, each time there is repainting, the cost will be slightly higher than it would be without this feature.

b. Put larger arrows on or next to the signs

Description

Simple, and effective, but not transformative. This draws attention to the signs, but does not overwhelm.

Examples and Resources

None identified as to arrow sizes. General materials on signage are in *SRLN Leadership Package, Module 3: Designing and Modifying Physical Space for Access*, at <http://www.selfhelpsupport.org/library/item.208585-Power Points for Module 3 Designing and Modifying Physical Space for Access>.

Cost Analysis

This can be a very low cost item, because of low cost reproduction options. More can be spent for more professional effects.

4. LEP customers are particularly confused.

A major and ongoing problem that will require sustained attention.

a. Multi-Lingual Welcome Signs with Basic Information

Description

Such a sign, drafted to respond to the most frequent questions asked by the limited English proficient self-represented, could significantly reduce the number of questions for which an interpreter is needed. The document should be drafted with the assistance of the self-help center and staff usually present in the entry area, such as security staff.

Examples and Resources

None specifically identified. See, generally, the San Francisco Limited English Proficiency Plan at http://www.sfgov.org/site/uploadedfiles/courts/Trial-Court-LEP-Plan_signature.pdf.

Cost Analysis

This again is a low cost item, requiring only staff time and small reproduction costs. A range of design options would result in carried costs. Community groups might be willing to assist in the translation. Plain language assistance would be worth the investment.

b. Place plain language, multi-lingual signs outside all courthouse entries.

Description

Some courts handle the main entrance well, but manage other locations less well. It does not cost so much to provide the information in all locations. Indeed, there may well be less resources in the less central entrances. (Only larger courts are likely to have multiple entrances with security.)

Examples and Resources

None specifically identified. See the San Francisco Limited English Proficiency Plan, http://www.sfgov.org/site/uploadedfiles/courts/Trial-Court-LEP-Plan_signature.pdf.

Cost Analysis

A low cost item, particularly since the substantive linguistic work may well have been done for the main entrance. Lower cost signs might also be appropriate for the less used and less visible entrances.

c. Produce and provide Multi-Lingual Courthouse Materials.

Description

Such materials, while designed for use within the courthouse and the community, can have a paricule impact when available at the entry point, since they convey the powerful message that the court is trying to be open. Moreover, if there is no-one in the entry area who speaks the court user's language, the materials may be the only thing that is understood.

Examples and Resources

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>.

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

Materials and the development process are discussed in detail in *SRLN Leadership Package, Module 14: Promoting Access for those with Limited English Proficiency*. [http://www.selfhelpsupport.org/library/item.208594-Power Points for Module 14 Promoting Access for those with Limited English](http://www.selfhelpsupport.org/library/item.208594-Power%20Points%20for%20Module%2014%20Promoting%20Access%20for%20those%20with%20Limited%20English).

Cost Analysis

While a comprehensive multi-lingual information program can be expensive, multiple techniques can reduce cost. Examples include the use of community organizations for at least initial translation services, copying from other court's general materials, and focusing initially on a limited set of materials.

d. Recruit volunteer multi-lingual hosts from community.

Description

Such programs require careful management and attention, but can have high payback at relatively low cost. The best resources for such volunteers are trusted community organizations such as AARP. Clear codes of conduct, and methods of showing appreciation are critical to the success of such a program.

Examples and Resources

None specifically identified. Hennepin County, MN has an effective community outreach program. Contact Susan Ledray, susan.ledray@courts.state.mn.us.

Cost Analysis

These programs do require management attention, particularly since supervision is harder when services are being provided in a language that is not necessarily known by many supervisors. However, overall cost effectiveness is high.

e. Include Multi-lingual directional information on Court's website.

Description

Such information is relatively easy to translate and post on the web. It is particularly worthwhile to reach out to community organizations and websites aimed at linguistic communities to make sure that the information is referenced.

Examples and Resources

None identified.

Cost Analysis

Low cost, particularly if staff can develop, translate, and post.

- f. Develop program to coordinate and educate court staff about what multi-lingual services are available; create a manual or guide; place signs where there are usually multi-lingual services for a specific language.***

Description

It makes sense for one person to have clear responsibility for programs that communicate to court users where multi-lingual resources are available. This includes making sure that staff know this, documenting this online, and making sure signage is clear for those programs

Examples and Resources

Hennepin has written protocols for assisting LEP persons and all staff are expected to know how to assist and should have received training in this. Contact Susan Ledray, Susan.Ledray@courts.state.mn.us.

See, generally, the San Francisco CA Limited English Proficiency Plan.
http://www.sfgov.org/site/uploadedfiles/courts/Trial-Court-LEP-Plan_signature.pdf.

Cost Analysis

Cost depends on time used. Can be minimal. Can very possibly included in task for whoever has ongoing staff training function.

- g. Multi-lingual staff wear badges indicating which language(s) they speak***

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Description

Such a program must be done with respect, and not expect additional (possibly repetitive) work without additional remuneration. Such a program is probably best introduced as part of a general system to encourage all staff (including with welcoming and questioning badges) to be available to those in need of directions and referrals within the courthouse.

Examples and Resources

None identified.

Cost Analysis

The badges do not cost much. The time spend making sure that program is respectful might take significant time. Possible pay adjustments might take more.

C. General Resources

Best Practices in Court-Based Self-Represented Litigation Innovation (2d ed. 2008)
[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent.](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent.)

SRLN Leadership Package, Module 3: Designing and Modifying Physical Space for Access, at [http://www.selfhelpsupport.org/library/item.208585-Power Points for Module 3 Designing and Modifying Physical Space for Access.](http://www.selfhelpsupport.org/library/item.208585-Power%20Points%20for%20Module%203%20Designing%20and%20Modifying%20Physical%20Space%20for%20Access.)

SRLN Leadership Package, Module 14: Promoting Access for those with Limited English Proficiency. [http://www.selfhelpsupport.org/library/item.208594-Power Points for Module 14 Promoting Access for those with Limited English.](http://www.selfhelpsupport.org/library/item.208594-Power%20Points%20for%20Module%2014%20Promoting%20Access%20for%20those%20with%20Limited%20English.)

The library folder in the www.selfhelpsupport.org website that deals with self-help centers may be helpful. [http://www.selfhelpsupport.org/library/folder.40327-SelfHelp Programs.](http://www.selfhelpsupport.org/library/folder.40327-SelfHelp%20Programs.)

Self-Represented Litigation Network

Diagnostic and Recommendation Project



Protocol Three: Self-Help Services

**Prepared by the Working Groups of the Self-Represented Litigation Network
General Package Editor: Richard Zorza**

Developed by the Self-Represented Litigation Network, with funding from the Maryland Administrative Office of the Courts, and the National Center for State Courts.

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Introduction to Protocol Package

This is one of twelve Diagnostic Protocols, developed by the Self-Represented Litigation Network,¹ and designed to assist courts and their partners assess the need for, and options available to advance, solutions for access to justice challenges in their courts.

In these tough economic times, courts are facing budget cuts, increased caseload, more self-represented litigants and litigant who are themselves under greater financial and psychological stress. Court leaders focusing on both administrative and policy issues recognize that courts must continue to process cases and they want to do so in ways that optimize access to justice. As with other institutions, the crisis offers opportunities as well as stress, with courts needing to focus on changes and innovations that are low cost, easy to deploy, and highly cost effective. The highest stress is occurring in those case types that already have high – and now increasing – numbers of the self-represented: landlord tenant, foreclosure, family, consumer and credit card debt, small claims.

During the last three years, the Self-Represented Litigation Network has developed a wide range of *Best Practices*, approaches, tools and materials that can assist courts in simultaneously achieving greater efficiency and effectiveness while promoting access to justice. Some of these involve small changes that can have a big impact, others involve the creation of new programs.

The Network has leveraged these materials to develop a diagnostic and problem solving methodology that can help as many as possible managerial and justice leaders in the courts on the ground choose and implement changes that are immediately practicable in these budget times. The approach will allow states to learn and deploy this methodology by using existing in-state resources, rather than requiring the courts to make significant additional investments.

This has been done by developing Diagnostic and Problem Solving Protocols that can be used in as cost effective a manner as possible to identify and facilitate potential improvements in access and efficiency. The protocols were developed by

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the Network and tested and enhanced in pilot visits in New Hampshire and Montana.

The Protocols now available for this process include:

- Suggested questions for the team to ask stakeholders to identify problem areas,
- Listings of likely problems to be identified,
- For each problem, a menu of specific low cost suggestions to help address those problems, and
- For each suggested solution, to the extent locatable, appropriate and realistic, resources, contacts, and general cost analysis

The full package of protocols, that include framing and process structuring protocols is as follows:

1. Protocol for Introducing and Focusing Diagnostic Process
2. Concierge Diagnostic Protocol
3. Self-Help Services Diagnostic Protocol
4. Clerk's Office/Forms Diagnostic Protocol
5. Caseflow Management Diagnostic Protocol
6. Hearing Diagnostic Protocol
7. Compliance Diagnostic Protocol
8. Self-Assessment Diagnostic Protocol
9. Access Partnering Diagnostic Protocol
10. Protocols for Integrating/Prioritizing Recommendations
11. Protocol for Customizing Protocols for State/Planning Use
12. General Approach Protocol

The protocols remain a collaborative work in progress, and suggestions for improvements are very welcome.

III. Diagnostic Protocol for Self-Help Services

While self-help services are spreading rapidly, there are far from universally available. This Protocol is primarily designed to be used in a court that has initiated at least some services, although those services might be limited to having had the staff of the clerk's office trained to provide informational assistance.

The enhancement or improvement of such services may well have very significant impacts upon access for the self-represented. If there is already a service capacity in

place, then modifying that capacity, and improving its overall relationship to court functioning, will be less expensive than creating a new capacity.

However, the protocol may also be of use for those courts that have decided that they need to create a dedicated self-help capacity, and are still in the process of designing the actual services and programs.

A. *Problem Identification Process*

1. Questions for All on Self-Help Services

- What problems the self-represented experience that have the biggest impact on the overall operations of the court?
- In what areas might more help for litigants be needed to improve the process?
- Where are there omissions in the help for the self-represented?
- Where are there duplications in the help for the self-represented?
- Where are there those in need of services who are not getting them?

2. Questions for Observation Process of Self-Help Services

- In the self-help center, can you identify legal topics that are not being adequately addressed?
- What seem to be the most frustrating moments for the staff of the self-help center?
- Are there moments when the staff do not seem to have anything to do? Please describe.
- Are staff cutting off or failing to respond to questions? When, and for what apparent reason?

3. Special Questions for Users of Self-Help Services

- At what point in the process are you unable to get the information you need to proceed?
- Where in the process would you like more detailed help or information?

- If you did not use the center, why?
- Did you understand the information that the self help staff provided? If so, how was it helpful? If not, do you have any suggestions for improvement?

4. Special Questions for Court Stakeholders of Self-Help Services

- Is time being wasted because litigants are not properly prepared for their hearings or other steps? If so, please explain how and where this impacts the court.
- In what types of cases and when in the process is the court not getting the information that it needs to decide cases?
- Are there particular resources that might be helpful to self represented litigants that are not readily available? If so, please describe.

5. Special Questions for External Stakeholders of Self-Help Services

- In what types of cases or in what situations do you feel that it is not appropriate for people to represent themselves in court and why?
- What resources might you bring that would improve self-help services?

6. Special Questions for Court Leaders

- What constraints are being put on self-help services, and are those necessarily required?
- Might services be restructured to remove those constraints?
- What impact might the removal of self-help services have on the overall operation of the court?
- Is there overlap between self-help and other court services? If so, please describe.

B. Problems, Solutions and Cost Analysis

1. Not Enough Resources/Services – Lines

This is likely to be a very major issue, although it may be expressed in terms of the need to expand services beyond the current focuses.

a. Establish Volunteer Program with College or Law School (Justice Corps)

Description

Self-help centers use volunteers in a wide variety of ways, from relatively informal partnering to more formal use of AmeriCorps money to create Justice Corps programs that make very significant additions to the services provided in self-help centers.

Examples and Resources

The Self Help Center in the Montana Law Library is staffed by college students from college. They get college credit and \$600 for 450 hrs of work. Also in Montana, Dakota has volunteer clinic on family law in which. Law students meet first to focus on issues. The program meets law school pro bono requirements. The Montana Courts use volunteers from the Montana Campus Corps to provide law students who work with litigants to focus their questions before they meet with pro bono attorneys. <http://www.mtcompact.org/campuscorps.htm> Contact, Judy Meadows, jmeadows@mt.gov.

The Univ of Wisconsin Law School, operates a Family court Self Help Center that is staffed and run entirely by law students under the supervision of Prof. Mansfield. The students get about 4-6 law school credits.

Minnesota Justice Foundation organizes divorce clinics for pro se parties in metro and non-metro areas, using volunteer law students with atty supervision. Hennepin SHCs have volunteer law students assisting with Child Support workshops, intake and filling out forms, support for Volunteer attorney Clinics, and other tasks, with supervision by court employees. Also use some volunteer paralegals. Contact Susan Ledray, Susan.Ledray@courts.state.mn.us.

SRLN Leadership Package Module 4: Establishing Justice Corps and Volunteer Programs, deals exclusively with this approach.
<http://www.selfhelpsupport.org/library/item.208586-Power Points for Module 4 Establishing Justice Corps and Volunteer Programs>.

There is a particular focus on the Los Angeles Justice Corps Program, which is explained in additional detail in the Program Profile on www.selfhelpsupport.org.

Cost Analysis

Full scale AmeriCorps programs require significant investments, including a state match. However, smaller volunteer programs require essentially management time, and the cost of this goes down over time.

b. Restructure lines

Description

Self-help programs can be made more efficient, waiting times reduced, and numbers served increased, by studying and restructuring the system of lines and waiting at the Center counter.

This can be done best by observing the process at the counter and finding which queries take the longest, then finding a way to screen those into a second line. In larger centers, a “greeter” can be used to make sure that people are in the appropriate line. In larger centers it might make sense to take a week and collect systematic data on issues and times taken to meet need. This data could also be useful in budget discussions.

Examples and Resources

In the Hennepin Family Court Center, the space was overly congested and added to the stress levels for all. Supervisor moved the “sign in” process for the Center to the Family Court filing counter (with new signage) and moved one clerk to this location. This helped to: reduce congestion, improve triage, reduce stress levels.

In the Hennepin Civil Center, the program created a separate intake area for the volunteer attorney clinic, using staff from the partner organizations involved in the clinic, and moved this intake desk away from the main SHC intake counter. Separating people at the SHC for the clinic from people needing court staff assistance helps staff better assess how many people need their help (to modify how long they spend with a person), and creates more working space and less congestion, as the clinic clients are now seated out of the way.

Both Hennepin Centers ask people to sign in and sit down, and indicate language needed on the sign in sheet. This helps with tracking how many people are served, who needs to assist (language), and allows staff to do a quick survey asking people signed in why they are there, making notes on the sign-in sheet to help assess who should assist the person, and redirecting those with a quick question or who are in the wrong the place. When someone is helped, they are crossed off the list.

The Family Center has experimented extensively with appointments vs. walk-in and workshop settings for reviewing completed forms, and handles this process differently for complex and less complex forms. Less complex are handled as walk-ins only.

For all the above, contact Susan Ledray, Susan.Ledray@courts.state.mn.us.

The resources identified in the Concierge Protocol may also be of use in thinking through this issue.

Cost Analysis

This takes only a relatively small amount of management time to observe the process and test responses.

c. Train staff to triage internally

Description

The most efficient self-help centers perform significant internal triage and referral, making sure that they offer a variety of services, and that users are sent quickly to the internal or external service that is most focused on the litigant's problem. Some centers develop detailed protocols that describe available services, and how each kind of problem is to be responded to.

Examples and Resources

Hennepin County, MN, has a systematic protocol for services and referral. For example one protocol helps staff decide if the matter is a harassment (in which case assistance is provided at the Center, or a possible Order For Protection (in which case assistance is provided at Domestic Abuse Service Center). There is a chart to guide this decision making. Contact Susan Ledray, susan.ledray@co@co.hennepin.mn.us.

Cost Analysis

The costs are staff and training time. There may also be cost implications when it is realized that there are service gaps that need filling.

d. Move information to materials-video-Internet

Description

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Whenever staff can direct a user to a written, video, or Internet resource, time can be saved. In addition, since materials state information in general form, fears that the center is being non-neutral are greatly reduced.

While translating material costs money, once the material is written down, it is easier to translate it, and there is no need to pay for repeated re-statement of the information.

Of course, there are many situations and individuals in which one on one interchange is required, and programs must be careful to train staff to be highly sensitive to these needs.

Examples and Resources

Informational materials are addressed in *Practice 6: Videos/PowerPoint Slides* of the SRLN Best Practices Document.

[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent.](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent.)

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.

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

Orange County has forms and packets available in English and Spanish. The Orange County contact is Lorraine Torres, L1torres@occourts.org.

[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/link.cfm?9197http://www.selfhelpsupport.org/link.cfm?9197http://www.selfhelpsupport.org/library/folder.42553>.

Video is addressed in *Practice Six: Videos/PowerPoint Slides* of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent.](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent.) Examples and resources are below.

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.

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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.

Illinois Legal Aid Online has produced instructional videos for self-represented litigants, which appear on www.IllinoisLegalAid.org. The Illinois contact is Lisa Colpoys, lcolpoys@illinoislegalaid.org.

The Alaska Family Law Self-Help Center has 3 videos in English, Spanish and Yup'ik on the Domestic Violence Protective Order process at: <http://www.state.ak.us/courts/shcdv.htm#video>. The contact is Stacey Marz, smarz@courts.state.ak.us. 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>.

Cost Analysis

The development of materials is not particularly cost intensive. Video used to cost a lot of money, but can now be made with home video cameras and edited on a PC or Mac. It can be posted to YouTube for free or reproduced cheaply.

f. Cross-train staff in other departments of the court so they can deal with the simpler questions

Description

A major long term strategic issue for self-help programs is developing the right division of labor between the center and other court operations. If the clerks, for example, refer every question to the center, that can waste a more expensive resource, while making litigants go needlessly from place to place. On the other hand, it is important that questions be answered by those with an appropriate level of skill.

Many self-help centers have participated in such cross training designed to maximize their flexibility in responding to requests for information. The broader the capacity within the court to respond to questions, and the deeper a self-help support culture runs, the better for litigants.

Examples and Resources

One of the courts that has been most successful in this form of training has been Hennepin, MN. Contact Susan Ledray, susan.ledray@courts.state.mn.us.

In Anchorage, AK, this approach is used. Contact Stacey Marz, smarz@courts.state.ak.us.

Training of non-center staff, regardless of the existence of a center, is addressed in *SRLN Leadership Package Module 5: Staff Ethics*, http://www.selfhelpsupport.org/library/item.208596-Power_Points_for_Module_5_Staff_Ethics.

Cost Analysis

This is obviously a low cost program, particularly if training events are already scheduled.

g. Review division of labor with clerk

Description

A more focused version of the solution above suggests that there should be a planning process between the self-help center and the clerk in which a division of labor is formally or informally established.

Such a division of labor would identify those questions that can accurately and quickly be managed by the clerk's office. It might be guided by observation in both locations, and by focus groups with both staffs.

Examples and Resources

The Los Angeles Superior Court Self-Help Center works closely with the clerk's office to coordinate services. Contact Margaret Little, LITTLE@LASuperiorCourt.org.

Cost Analysis

This would take only some management and training time.

h. Quick question booth in welcoming area

Description

This innovation results in less need for litigants to go to the self-help center for what is really only a referral to a different part of the court. Such programs can often be staffed by volunteers.

Examples and Resources

Examples and resources are listed under *Practice One: Concierge Courthouse Desk* of the SRLN Best Practices Document.

[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent)

Protocol 2 also lists and describes details of such a solution and how it can be optimized.

Cost Analysis

As the cost analysis in Protocol 2 describes, such programs can be established and managed quite cheaply. However, like all volunteer programs, they do take management time.

2. Litigants not using the Center

This is a problem that will be easy to fix, given the great need. If this problem is identified, it should also be the occasion for review of the service package.

a. Community outreach

Description

If litigants are not using the center, and the problem appears to be that they do not know about it, or do not trust it, then outreach into the community would appear to be an important solution approach. Think about all possible providers who may come into contact with self-represented litigants.

Such outreach can take myriad forms, and include traditional media, cable TV, social media like Facebook and Twitter, community centers, hospitals, public libraries, social workers, public health nurses, public assistance offices, domestic violence shelters, the faith based community, Yellow Page ads, etc. It is most helpful when it does not merely announce the availability of services in the court, but provides those services in the community itself. Such outreach is particularly needed when particular ethnic communities have been identified as being in need of services.

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Examples and Resources

Examples and resources are listed under *Practice Ten: Community Outreach, Workshops and Clinics* of the SRLN Best Practices Document.

http://www.selfhelpsupport.org/library/item.223550-2008_edition_of_Best_Practices_in_CourtBased_Programs_for_the_SelfRepresent

The San Francisco model self-help 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 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. 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 County, 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>.

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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.

Cost Analysis

Costs obviously vary enormously, depending on the type of outreach, and the time invested.

The cheapest form of outreach is the electronic press release. The most expensive the development of high level outreach materials with a substantive focus. The lowest additional cost method is to ask all staff to spend an hour a week, perhaps during down time, just reaching out to the organizations with which they are already in contact.

b. Clerk's Office requires/promotes use of center

Description

There is agreement that it is an excellent idea for the clerk to promote the use of self-help centers, and the more the clerk's office understands the operation of the center, the better a job they will be able to do in making such referrals.

There is less universal agreement that requiring the use of the center and its services prior to filing is necessarily or always appropriate. There are fears that such a requirement would establish an additional barrier to access, that it would make it easier for the clerk's office to avoid providing basic services, and that it might result in a failure to give required levels of assistance. At a minimum, such a program should be instituted with care.

Examples and Resources

In Hennepin, MN, certain family cases require such review prior to filing. The center stamps the filing with a stamp that either indicates review, or that the filing meets threshold legal standards. Contact Susan Ledray, susan.ledray@courts.state.mn.us.

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Another alternative may be to offer classes about the process which explains what forms are options in different situations. For example, in Anchorage, Alaska, the Family Law Self-Help Center provides a free Family Law Education Class (FLEC). The litigants leave the class with commonly used forms and an understanding of how and when to fill them out. For example, the class emphasizes the importance of filing certificates of service and explains that it is the most common cause of deficient filings to help litigants avoid this pitfall. It is court-ordered for all self-represented litigants to attend after the initial pleadings are filed. The general public is welcome on a walk-in basis to accommodate those litigants who may have started with an attorney but are now representing themselves or those who are contemplating filing and want to understand what the process involves. The contact is Stacey Marz, smarz@courts.state.ak.us.

Cost Analysis

The cost is not in the making of the referral, but in the potential additional burden on the center staff. It would not be difficult to calculate the likely number of additional center visits, and the likely time they would take. With greater flow might come greater efficiencies.

c. Every court visitor given handout

Description

This simple idea requires only the production of the sheet, and the cooperation of the court security staff.

The sheet would need to describe in a sufficient level of detail the services provided. Care must be taken to use only plain language and to present the services in terms of what litigants actually need, rather than the legal categories in which court staff think. Nice design would be worth the investment.

Examples and Resources

This is done in Montana at the clerk's office in Helena. The handout is here:
http://www.selfhelpsupport.org/library/item.266566-Montana_Law_Library_SH_Brochure Contact Judy Meadows, jmeadows@mt.gov

Cost Analysis

Low cost, except for the copying.

d. Courtroom clerks/Judges announce program at beginning of day and after orders

Description

Encouragement from the courtroom clerk or judge increases the legitimacy of the self-help center, and helps the public see the judge as trying to help litigants obtain access. It may also make the litigants more willing to accept the information (and its consequences) given by the Center.

This can be done very simply. It happens, of course, in many courts on an ad hoc basis, particularly when the judge feels that the litigant needs extra assistance.

Examples and Resources

Judges in Travis County TX and many other courts, often reference the self-help center, particularly in domestic violence cases. Contact Lisa Rush, lisa.rush@co.travis.tx.us.

Alaska has a poster in the Clerk's office, Contact Stacey Marz, smarz@courts.state.ak.us.

Cost Analysis

A minute or two of court time at the beginning of the session can hardly be considered a cost.

e. Print announcement on all court mailings

Description

A short standard sentence could be placed in the footer of all court mailings. It could also be printed on the envelope.

Such a program need not be implemented all at once, but could instead be included whenever forms, announcements, or letterhead were reprinted or reprogrammed.

Examples and Resources

A related example is the listing of the California court self-help website on court mailings and required forms. Contact Bonnie Hough, Bonnie.Hough@jud.ca.gov.

Cost Analysis

This is a very low cost innovation, since it piggybacks on existing documents, mailings, etc. It will take management time, but only when management attention is already focused on a project – such as a reprint.

f. Require announcement in summons/complaint

Description

In states in which required form summons and complaints must be used, this would require a modification of the standard document. In other situations, a local rule might achieve this.

There might be opposition from the local bar, but many lawyers would recognize that in most cases use of the self-help center is not against the lawyer's interest, rather it expedites the case and makes the lawyers job easier.

Examples and Resources

A related example is the listing of the California court self-help website on court mailings and required forms. Contact Bonnie Hough, Bonnie.Hough@jud.ca.gov

Cost Analysis

This is a low cost innovation, requiring only management time.

g. Diagnose reasons for non-use – ask litigants

Description

The choice of solution (including ideas beyond those listed here) depends on an analysis of the reasons that court users are not making use of the self-help center.

This can be done by focus groups, surveys, discussions with court staff such as clerks (who will know how people respond to the suggestion) and discussions with community groups.

Examples and Resources

The SRLN Publication, *Guidelines for the Use of Focus Groups*, is helpful in setting up focus groups on this and other topics.

[http://www.selfhelpsupport.org/library/item.223582-Guidelines for the Use of Focus Groups](http://www.selfhelpsupport.org/library/item.223582-Guidelines%20for%20the%20Use%20of%20Focus%20Groups).

Cost Analysis

Internally organized focus groups, and similar evaluations take only management time.

3. Litigants not really ready for hearings

This is a major ongoing problem in most, perhaps all courts, and ultimately requires changes that go beyond the self-help center itself.

a. Classes, video, dvd, website on preparing for hearing

Description

A general point made by judges and court observers is that notwithstanding the information and efforts of self-help centers, litigants are not ready to present their evidence in the way most helpful to them and the judge.

Classes, video and DVDs represent one way of putting litigants in a position in which they can better prepare. Classes and workshops can be held in a variety of locations. Video and DVD can be shown in the centers, or given to litigants. Websites can be promoted through the center, appearance notices and community groups.

Examples and Resources

In Anchorage, Alaska, the Family Law Self-Help Center offers a free class on preparing for hearings and trials. The class, which is taught by the staff attorney or volunteer attorneys, teaches litigants what to expect at a hearing or trial, what the judge expects from the parties, how to organize testimony, how to select, prepare and question witnesses, how to select, prepare and introduce exhibits, and how to make objections. The class uses a Power Point presentation and attendees receive handouts and required forms and organizing tools to help them prepare.

<http://www.state.ak.us/courts/clinics.htm#2> Stacey Marz is the contact at smarz@courts.state.ak.us and can provide a copy of the presentation.

The ABA Pro Se/Unbundling online Resource Center has links to several such videos. <http://www.abanet.org/legalservices/delivery/delunbundself.html>.

Judicial Branch of Georgia provides video clips on a number of issues related to pro se litigation, including video titled *I Present My Case*.
<http://www.georgiacourts.org/aoc/selfhelp/>.

Illinois Legal Aid Online provides video on number of issues, including segments titled *Tips for Going to Court* and *Going to Court on Your Own*.
<http://www.illinoislegalaid.org/index.cfm?fuseaction=home.legalAidVideoByTopic>

[&topicID=77.](#)

Indiana Courts have Court Webcasts, *Family Matters: Choosing to Represent Yourself in Court*. <http://www.in.gov/judiciary/webcast/prose.html>.

King County, WA, Superior Court Video, *Your Day in Court: How to Make Sure Your Voice is Heard in King County*.

<http://your.kingcounty.gov/kcsc/yuflash/home1.htm>

Website of the Hawaii State Judiciary, *Tips on Going to Court*.

http://www.courts.state.hi.us/page_server/SelfHelp/38B4A4425FABEBB8EAB29A8752.html.

Iowa Judicial Branch Website, *How to Conduct Your Case Effectively*.

<http://www.judicial.state.ia.us/Representing Yourself/How to Represent Yourself/index.asp>.

Cost Analysis

Costs vary, but video can now be done for almost nothing, except staff and judicial time.

b. Encouraging litigants to go watch hearings

Description

This is real simple. The self-help center, and the clerk's office, can encourage litigants go to to listen to hearings before their court dates. If judges and other court staff are on a regular weekly staffing and subject matter schedule, litigants can be told to come the week before at the same time, and then get the closest approximation to the actual hearing environment that they will face.

Examples and Resources

AK does this in a slide used in the clinics on hearing preparation for one's case. They also offer assisting in finding similar proceeding before same judge. Contact Stacey Marz, smarz@courts.state.ak.us.

Montana also does this informally. Contact Judge David Ortley, dortley@flathead.mt.gov.

Cost Analysis

Zero cost.

c. *Handouts/checklists of required/useful evidence*

Description

Standardized evidentiary checklists must be customized for different kinds of cases. They have the great advantage of being clearly neutral. Since they are not prepared with any individual case in mind, and since they are available to all, they are fully informational and neutral.

They should be developed in consultation with judges and self-help center staff.

Examples and Resources

AK has forms for exhibits and witness lists and how introduce testimony. This is in their clinic PowerPoint and materials. The court preparation clinic is held every two weeks by a volunteer attorney and the Center attorney. The programs are promoted on Facebook and Twitter. Contact Stacey Marz, smarz@courts.state.ak.us.

Cost Analysis

These only take management and judicial time.

d. *Enhance forms to gather more of data*

Description

The court forms design process is always a tension between the need to gather as much information as needed to process the case and the desire for speed and simplicity. Often over time forms become larger and more complex. Committee review of forms will almost always identify data that is needlessly being collected, and information that could more helpfully be connected. As a general matter, forms were often designed with the clerks office, rather than the judge in mind. Even if designed with the judge in mind, they might have assumed the presence of counsel. Forms designers and reviewers need to remember that often the form will be the litigants best opportunity to tell the court their story.

Examples and Resources

Forms are the subject of *Practice Fifteen: Forms* of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent)

Many model forms are online at <http://www.selfhelpsupport.org/library/folder.123113-Forms>.

Cost Analysis

Forms redesign, while requiring mainly staff time, can take a surprisingly long time. This is because of the many constituencies that need to be mollified.

e. Automate forms to gather more of needed data

Description

The conundrum described in the above practice can be resolved by automated software that branches in the gathering of data. Thus litigants only need to respond to relevant questions. The design process similarly needs detailed input from judges who explain what additional data they need to decide cases, and what questions would best elicit that data.

Examples and Resources

Automated forms are the subject of *Practice Sixteen: Automated Forms*, of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent)

They are also the subject of *SRLN Leadership Package, Module 7, Deploying Automated Forms for Access*, [http://www.selfhelpsupport.org/library/item.208588-Power Points for Module 7 Deploying Automated Forms for Access](http://www.selfhelpsupport.org/library/item.208588-Power%20Points%20for%20Module%207%20Deploying%20Automated%20Forms%20for%20Access).

Resources are collected online at [http://www.selfhelpsupport.org/library/folder.123227-Automating Forms](http://www.selfhelpsupport.org/library/folder.123227-Automating%20Forms).

Cost Analysis

While there are now LSC/SJI supported resources to assist in this automation process, the cost is not low. Often legal aid programs are able to obtain additional resources to pay for the programming of the online forms.

f. Consider ways that staff can appropriately help litigants with range of potential evidence in advance, possibly with both sides present

Description

The engagement of a self-help program with potential evidence in support of one side or the other raises issues and challenges not present in other forms of information.

There is a greater risk that the engagement will be viewed as non-neutral because the self-help center will be viewed as having given one side or the other the benefit of its particular knowledge of the court.

Thus written materials, clinics open to all, even workshops or discussions open to the two sides at the same time offer an opportunity to convey this information in a detailed and fact-based, yet neutral way.

It might be, for example, that a staffer could meet with both husband and wife prior to a child support hearing to explain what the judge will be looking for at the hearing, and to discuss the types of evidence that would be needed. This might also be presented at a workshop, or given out in a handout.

Examples and Resources

None identified. The Los Angeles self-help center clinics come close to this approach. Contact Margaret Little, MLITTLE@LASuperiorCourt.org.

Cost Analysis

The cost of these workshops or sessions will primarily be staff time. While they do take staff resources on a case by case basis, they should save significant hearing time, thus justifying the expenditure.

g. Add pro bono unbundled consultation on preparation of evidence for hearing

Description

Some centers have found that unbundled pro bono assistance provided by the local bar enables litigants to have the benefit of a confidential and advice-oriented session with a lawyer without putting the center on one side or the other.

This approach could be applied to a detailed evidence preparation session for a litigant with a lawyer.

Appointments could be made, and the program advertized through, the self-help center.

Examples and Resources

The Hennepin, MN, self-help center provides a general 30 minute unbundled consultation with a local pro bono lawyer. The appointment takes place in a private

office at the center, and is not focused on the hearing, but covers the matter generally. Contact Susan Ledrday, susan.ledray@courts.state.mn.us.

Cost Analysis

The main cost is carried by the pro bono lawyers. There is a limited management cost. If recruitment and attorney scheduling is by the bar association, that reduces management costs.

4. Litigants arriving at center upon judicial referral, uncertain what is needed

This problem is reported by a significant number of centers. Often the litigants' oral explanation of the reason for the referral is unclear or confusing.

a. "Prescription pad" for use by judge

Description

In this program, the judge completes a short form describing the recommended informational assistance, and gives it to the litigant to carry to the self-help center. This acts as a notice to the center that there is a referral, often triggering priority attention, as well as telling the center exactly what help is needed.

Examples and Resources

The Los Angeles County Court Family Courtself-help center uses this technique.

The Sacramento County, CA, Law Library program uses this technique. The prescription slip appears at slide 12 of *SRLN Leadership Package, Module 12, Supporting and Integrating Law Library Service for the Self-Represented*, [http://www.selfhelpsupport.org/library/item.208592-Power Points for Module 12 Supporting and Integrating Law Library Services](http://www.selfhelpsupport.org/library/item.208592-Power%20Points%20for%20Module%2012%20Supporting%20and%20Integrating%20Law%20Library%20Services).

Cost Analysis

This is a very low cost innovation.

b. Training for judges on what referrals are appropriate

Description

It is natural for judges to refer more complicated situations to the self-help center in the hope that the center can get a case moving forward again. However, in some

cases these referrals are inappropriate, asking the center to go beyond its neutral role, or to perform a task beyond its areas of skill.

Such problems are usually resolved by judicial education, which can be performed as part of the regular judicial meetings in the court. Such education is probably most effective when presented affirmatively, focusing on what the center can and does do, and using this as a way to explaining why certain kinds of tasks are not appropriate.

This can help avoid otherwise extremely uncomfortable situations.

Examples and Resources

The Alaska Self-Help Center director does training every year for the newer judges. Part of the program has a good judge show and discusses badly drafted orders. The Alaska director participates in the court's overall leadership processes. Contact Stacey Marz, smarz@courts.state.ak.us.

The role of centers is well addressed in the California Guidelines for Self-Help Centers,
http://www.courtinfo.ca.gov/reference/documents/self_help_center_guidelines.pdf

Cost Analysis

This is minimal cost item.

c. Center handouts available in courtroom (staff trained)

Description

This is a simple idea, and gives options to judge and court staff for assisting the litigants quickly and efficiently without needing to make a referral. In one court, the materials, including forms, are in a rolling cart.

Examples and Resources

In Travis County, TX, the materials are available for handout by court and law library staff in the courtroom. Contact Lisa Rush, lisa.rush@co.travis.tx.us.

Cost Analysis

Very low cost, with a major impact on smooth flow of cases.

5. Litigants unable to complete forms properly

This is very much a problem that can be fixed within the center.

a. Volunteer-Justice Corps Program

Description

The Justice Corps Program is described in Solution 1a, above.

One of the most effective use of the college students who participate in the program is to help litigants with the completion of the forms. While the litigants are responsible for the choice of words, and the information in the forms, the program volunteer can guide and assist in this process, restating and explaining questions, and describing kinds of answers, and even acting as a scrivener when needed for language or skill reasons. (One way of viewing this as in expanding the instructions in a fully neutral way.)

In addition, the volunteers can provide support services in clinics, as litigants complete the forms.

Examples and Resources

The Los Angeles Justice Corps fulfills this role. Contact, Margaret Little, MLITTLE@LASuperiorCourt.org.

SRLN Leadership Package Module 4: Establishing Justice Corps and Volunteer Programs, deals generally with the Justice Corps approach.
[http://www.selfhelpsupport.org/library/item.208586-Power Points for Module 4 Establishing Justice Corps and Volunteer Programs](http://www.selfhelpsupport.org/library/item.208586-Power%20Points%20for%20Module%204%20Establishing%20Justice%20Corps%20and%20Volunteer%20Programs).

Cost Analysis

See cost analysis in 1a, above.

b. Clearer Rules and Training on what forms help can be provided by staff and volunteers

Description

Often centers are providing less help than they might because of fears that assisting litigants will consist of engaging in the unauthorized practice of law, or violate requirements of court neutrality.

It is therefore helpful to clarify the appropriateness of court staff and volunteer engagement with the process of filling in forms, provided that engagement is informational rather than adversarial.

Examples and Resources

This is well addressed in the California Guidelines for Self-Help Centers, http://www.courtinfo.ca.gov/reference/documents/self_help_center_guidelines.pdf

See also, the California Judicial Council's *May I Help You, Legal Advice Versus Legal Information*, [http://www.selfhelpsupport.org/library/item.263744-May I Help You Legal Advice vs Legal Information](http://www.selfhelpsupport.org/library/item.263744-May_I_Help_You_Legal_Advice_vs_Legal_Information).

Cost Analysis

The training component is cheap. It may take some time for the national consensus on these matters to become integrated with local concerns.

c. *Simplification and redesign of forms and converting into software*

Description

These are probably the key approaches to improving the quality of forms completion.

Forms are described as follows in the *Best Practices Document*:

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.

Document assembly is described as follows in the *Best Practices document*:

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,

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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.

See also Solutions 3d and 3e.

Examples and Resources

Forms are the subject of *Practice Fifteen: Forms* of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent)

Many model forms are online at
<http://www.selfhelpsupport.org/library/folder.123113-Forms>.

Automated forms are the subject of *Practice Sixteen: Automated Forms*, of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent)

Resources on forms automation are collected online at
[http://www.selfhelpsupport.org/library/folder.123227-Automating Forms](http://www.selfhelpsupport.org/library/folder.123227-Automating%20Forms).

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.

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 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>.

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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 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.

Pro Bono Net's National Document Assembly Server (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.

Cost Analysis

Cost varies hugely, with form simplification possible at almost no cost, except time, and automation requiring significant programming time.

d. Instruction sheets for forms

Description

While plain language advocates will tell you that the perfect plain language form needs no instructions, that is often not the case when the same form must meet myriad different needs and serve different populations. Moreover, when neutrality concerns limit the ways that staff can help users complete the forms, it is sometimes useful to draft careful additional instruction sheets to support forms.

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One major advantage of these instructions is that they can greatly broaden the range of neutral guidance that can be given to court users.

The instructions should be drafted with sensitivity to the needs of those completing them, and would gain from discussion between judges, who can explain what information is often missing, and center staff, who may understand litigant confusion.

Examples and Resources

The Minnesota Self Help Centers have detailed information to serve these purposes, in multiple formats. See www.mncourts.gov/selfhelp. Contact person: Susan Ledray, susan.ledray@courts.state.mn.us.

Cost Analysis

The main cost is time, although there is a printing cost.

e. Form Review process by staff

Description

Review of the form after the litigant, with or without help, has completed the form increases accuracy and completeness. If there are gaps, omissions, or obvious inconsistencies, the staffer can point them out, and suggest general directions to fix the problem. Most who provide this service have it performed by an attorney or skilled paralegal.

Examples and Resources

The Los Angeles Centers include this function. Contact, Margaret Little, MLITTLE@LASuperiorCourt.org.

The Hennepin Court, MN, Centers include this service. Contact Susan Ledray, ledray@courts.state.mn.us.

Cost Analysis

Expert review only takes a few minutes per case, and can save much more courtroom time and adjournments.

f. Clinic for forms

Description

Clinics provide a cost-effective way for centers to go in detail through the requirements of forms without risking the perception of non-neutrality. One lawyer or paralegal can go line by line through the form, perhaps using a PowerPoint and projector, explaining in general terms what is to go where.

Examples and Resources

The Los Angeles self-help center model relies very heavily upon this model. Contact Margaret Little, MLITTLE@LASuperiorCourt.org.

Cost Analysis

This is much cheaper than one-on-one assistance.

6. Litigants need more complex help than available at Center

Notwithstanding the great range of informational assistance that can be given at a self-help center, a significant portion of the users come with situations that are, or appear to be, too complex either for that particular center, or for the self-help approach in particular.

a. Unbundled Assistance Program

Description

Some centers have found that unbundled pro bono assistance provided by the local bar enables litigants to have the benefit of a confidential and advice-oriented session with a lawyer that can get into the complexities that are beyond the scope of self-help services.

This is particularly useful if there must be a confidential discussion, or if the situation is so complex that the litigant needs help in choosing a strategy.

Appointments could be made, and the program advertised through, the self-help center.

Examples and Resources

The Hennepin, MN, self-help center provides a general 30 minute unbundled consultation with a local pro bono lawyer. The appointment takes place in a private office at the center, and is not focused on the hearing, but covers the matter generally. Contact Susan Ledray, susan.ledray@courts.state.mn.us.

Cost Analysis

The main cost is carried by the pro bono lawyers themselves. There is a limited management cost. However, if recruitment and attorney scheduling is done by the bar association, that reduces management costs.

b. Law Student (supervised) program

Description

Under this concept, law students, under the supervision of a member of the bar or law school faculty can provide more detailed and specific information to the litigant. One model is to link with a law school clinic

Examples and Resources

The Montana Courts use volunteers from the Montana Campus Corps to provide law students who work with litigants to focus their questions before they meet with pro bono attorneys. <http://www.mtcompact.org/campuscorps.htm> Contact, Judy Meadows, jmeadows@mt.gov.

Cost Analysis

This approach should cost the court very little, except set-up management time, since the routine management costs can be carried within the clinic. There is a match cost with AmeriCorps programs.

c. Law Library Partner

Description

Law libraries are generally limited to the same *kinds* of services that self-help centers provide. They are not providing legal advice, merely information and research assistance.

However, they are particularly well suited to providing more in depth assistance in these areas, since the staff are better trained in legal research – in finding the law, and are therefore going to be more comfortable showing litigants the more complex detail of such law. Moreover, some programs have more time than court-based self-help centers, which tend to focus on volume work in a small number of areas of the law and procedural situations.

Examples and Resources

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This approach is explored in, *SRLN Leadership Package, Module 12, Supporting and Integrating Law Library Service for the Self-Represented*,
[http://www.selfhelpsupport.org/library/item.208592-Power Points for Module 12 Supporting and Integrating Law Library Services](http://www.selfhelpsupport.org/library/item.208592-Power%20Points%20for%20Module%2012%20Supporting%20and%20Integrating%20Law%20Library%20Services).

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 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>.

Cost Analysis

Such cooperation does not cost the court much.

d. Review whether lack of availability is driven by lack of money or by neutrality concerns

Description

A detailed review of the situations in which assistance is not being given will help determine whether the reason people are being denied is lack of time and resources, or an accurate understanding that the assistance can not be given without violating neutrality norms.

As a general matter, the more attention is paid to neutrality norms, the more likely it is that helpful informational assistance can be given while maintaining fidelity to those norms.

The process might start with keeping a list of cases of service refusal, and then a review of whether ways might have been found to be helpful.

Examples and Resources

The California Guidelines for Self-Help programs will be useful in this process.
http://www.courtinfo.ca.gov/reference/documents/self_help_center_guidelines.pdf

Cost Analysis

The review process is not expensive. However, depending on the results, programs might need to provide additional resources.

e. Review if additional clarity/training in ethics rules will solve issue

Description

It may be that the review above will result in a finding that the barrier is an exaggerated anxiety about neutrality.

If so, consideration should be given to enhancing training and guidelines for self-help center staff to maximize the confidence and flexibility of the staff.

Examples and Resources

The California Guidelines are helpful there too.

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

Cost Analysis

This would require management attention and staff time, but is a low cost item.

f. Diagnostic and Referral System to increase success of referrals of those most in need

Description

While most self-help programs have some capacity to make referrals to programs that can provide full legal services, the capacity of these programs is highly limited. (And, indeed, statistics show that most of the caseload is provided only “brief service and advice,” which, while possibly more comprehensive than that offered in the self-help center, does not meet the litigants need.) Moreover, traditional referral systems merely have the litigant handle the transfer on their own, often resulting in a failure to follow up, or a simple refusal.

There is need for a triage, referral, and linkage systems in which those legal aid, pro bono, and similar agencies are linked to court referrals in ways that increase the chance that the court’s perception of legal need is given weight. (Traditionally, informal pro bono referrals by judges played this role.) This may require working on creating the right kind of referral system, that is both more closely linked, and yet maintains required distance. As court funding of legal aid increases, it will be easier to create such systems

In particular, referral systems need follow-up mechanisms to help ensure that litigants are getting the services they need.

Examples and Resources

Illinois self-help centers hand out referrals sheets for legal aid programs.

[http://www.selfhelpsupport.org/library/item.266413-Illinois Sample SHC Legal Referral Info.](http://www.selfhelpsupport.org/library/item.266413-Illinois%20Sample%20SHC%20Legal%20Referral%20Info)

Cost Analysis

This approach does not cost much to explore. Developing more complex intake protocols will take both management time and training time.

g. Develop additional materials to cover situations that are currently seen as beyond center role (i.e making it neutral)

Description

All too often, center users are turned away because the staff does not know how to provide informational assistance in the particular context. The question asked is seen as requiring advocacy rather than information.

In many of these situations, however, production of a general statement of the law, with examples, allows the staff to provide a general response that is sufficiently focused on the litigant's situation to be helpful.

A wide variety of informational materials can be focused on particular situations. Examples might be: *What to do when service is refused. What to do when you do not know where the person who must be served is. What to do when a lien is based on a defective judgment. What to do when your spouse is not including all income in an income declaration. How to read your court file to find out why the case is not moving and what to do to get it moving.*

Once such material is developed, center staff can easily point to particular language in the materials.

A review with staff of situations in which they have felt unable to respond helpfully will help identify the materials that should be developed. The basic rule is to generalize.

Examples and Resources

For a library of informational resources, go to

<http://www.selfhelpsupport.org/library/folder.40618-Handbooks and Guides>.

For a program of identifying needs for additional informational resources
None identified.

Cost Analysis

Cost varies with number of materials developed. Costs generally low, and easy to control.

7. Litigants unable to keep cases moving after center assistance

This problem while often buried, impacts all systems.

a. Develop materials on keeping case moving

Description

If litigants are given materials indicating how and when cases should move, and what they as litigants need to do keep them moving, risks of cases getting dead-ended are greatly reduced.

Such materials can be handed out when cases are filed, and at other key events, particularly those in which the next step is up to the litigant.

Examples and Resources

See resources in Protocol Five on Caseflow Management.

Cost Analysis

Such materials are relatively cheap to develop.

b. Interface with Caseflow Management System

Description

More and more courts are modifying their caseflow management systems to take into account the special needs of the self-represented.

Examples and Resources

These new practices are the subject of *Protocol 5, Caseflow Management Diagnostic Protocol*. Many of these involve close work with the self-help center, which may participate in the provision of services needed to make such a case management approach work.

Attention is also drawn to *Practice 33, Case Management Integration* of the *SRLN Best Practices Document*. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

SRLN Court Leadership Package, Module 8: Case Management for Access, addresses these in great detail, and provides examples, [http://www.selfhelpsupport.org/library/item.208589-Power Points for Module 8 Caseflow Mangement for Access](http://www.selfhelpsupport.org/library/item.208589-Power%20Points%20for%20Module%208%20Caseflow%20Mangement%20for%20Access).

Greacen Associates, Developing Effective Practices in Family Caseflow Management, especially Chapter 6, *Special techniques applicable to cases involving unrepresented litigants* [http://www.selfhelpsupport.org/library/item.205420-California Family Case Management Manual](http://www.selfhelpsupport.org/library/item.205420-California%20Family%20Case%20Management%20Manual).

Cost Analysis

Effective case management can require significant investments. However, almost all courts already have systems in place, and helping these systems become more sensitive to the needs of the self-represented takes only management time. What costs money is the addition of additional services. In many cases, however, the savings occasioned will more than pay for these services.

c. Review where initiative for case movement should be

Description

Twenty five years ago the court system assumed that cases moved when the parties wanted them to. In the last generation, the assumption has changed, and it is now understood that cases move when the courts create an environment that encourages them to move. However, because the system still assumes that people have lawyers, it continues to assume greater initiative can be taken by the parties than is in fact realistic.

The solution is to move towards a system in which the court takes full responsibility for moving cases, keeping them on a schedule, and reminding people if there are steps (such as service) that they must but have failed to complete.

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Examples and Resources

Examples include San Diego Status Conferences, discussed at slide 8, Ventura County Case Manager and automatic scheduling, at slide 10-13, and Orange County differentiation at slide 15, all of the *SRLN Court Leadership Package, Module 8: Case Management for Access*, <http://www.selfhelpsupport.org/library/item.208589-Power Points for Module 8 Caseflow Mangement for Access>. 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.

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

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

Cost Analysis

As indicated above, shifting responsibility requires additional resources, but provides payback.

d. Look back to see where blocks are occurring

Description

Comprehensive solutions in this area require review of how, and why, blocks are occurring, and cases are failing to move. This can be done by file review, judge and staff interview, and litigant focus group.

Examples and Resources

Los Angeles county has been a pioneer in this review, in part by using Justice Corps resources. Contact is Margaret Little, MLITTLE@LASuperiorCourt.org.

Cost Analysis

This research process can be done at relatively low cost. If file review is to be done, students may be able to do it.

8. Litigants unable to obtain benefit of order issued

The failure of litigants to obtain the benefit of relief actually ordered is a very frequent problem in self-represented litigation, and it is one that self-help centers, often focused on the beginning of the case, need to focus on more.

a. Materials on compliance/enforcement

Description

Such materials help in a number of ways. Most obviously they help litigants both comply and obtain compliance. The process of generating the materials helps the whole court focus on the process, and perhaps on how it might be simplified. Finally, the existence of the materials helps keep judges and staff attentive to the importance of compliance issues.

Examples and Resources

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>.

Cost Analysis

As with most materials, the cost is low, and can be managed internally.

b. Clinics/services on compliance/enforcement

Description

All the service techniques that self-help centers provide to litigants can be employed in support of compliance. As the example below shows, it is as important to assist those seeking to comply, as it is to assist those who need the courts help to obtain compliance.

Examples and Resources

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.

Cost Analysis

Cost vary. The cheapest way to provide services is to provide additional training to staff in the existing center, and promote those additional informational services, particularly at the concluding hearing.

c. *Forms for compliance/enforcement*

Description

Often programs neglect this important forms area.

Examples and Resources

Ventura also has compliance-oriented forms.

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

Cost Analysis

A low cost item, that can save significant resources.

d. *Get judges to give clearer warnings and explanations, and to make sure that orders are compliance-appropriate.*

Description

Judges play a large role in creating expectations. This role extends to trying to make sure that orders are appropriate for compliance, in the sense that they are practical, deal with the reality, and require manageable steps.

Examples and Resources

SRLN Leadership Package, Module 15: Access Innovations to Increase Compliance, covers these judicial techniques at slides 13 and 17-23.

<http://www.selfhelpsupport.org/library/item.208595->

[Power Points for Module 15 Access Innovations to Increase Compliance](http://www.selfhelpsupport.org/library/item.208595-Power Points for Module 15 Access Innovations to Increase Compliance).

These issues are also addressed in the *SRLN Judicial Education Curriculum*, in both the short version, <http://www.selfhelpsupport.org/library/item.196177-Introductory Curriculum on Access to Justice for the Self Represented>, and the long version, <http://www.selfhelpsupport.org/library/item.167142-Curriculum One Access to Justice in the Courtroom for the Self Represented>.

Cost Analysis

Integrating this into judicial training, and informal judicial discussions is a very low cost item.

e. Get judges to identify barriers etc.

Description

There is an increasing understanding that having judges work with litigants to identify barriers to compliance, and modifying the orders in order to maintain their force but making them realistic, has an impact on compliance.

Examples and Resources

These issues are addressed in the *SRLN Judicial Education Curriculum*, in both the short version, [http://www.selfhelpsupport.org/library/item.196177-Introductory Curriculum on Access to Justice for the Self Represented](http://www.selfhelpsupport.org/library/item.196177-Introductory%20Curriculum%20on%20Access%20to%20Justice%20for%20the%20Self%20Represented), and the long version, [http://www.selfhelpsupport.org/library/item.167142-Curriculum One Access to Justice in the Courtroom for the Self Represented](http://www.selfhelpsupport.org/library/item.167142-Curriculum%20One%20Access%20to%20Justice%20in%20the%20Courtroom%20for%20the%20Self%20Represented).

Cost Analysis

While this might lengthen hearing times, it will also reduce returns to court, for a likely net saving.

9. Center not providing LEP Services

A significant problem, that is hard to solve without significant resources.

a. Translate materials, possibly with assistance of community groups

Description

This is a critical step in providing any services.

Examples and Resources

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.

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.scservice.org/viet/default.htm>. The contact for Santa Clara is Leigh Parsons, LParsons@scscourt.org.

On www.selfhelpsupport.org see the dedicated library folder on Cultural, Language, and Internationally Issues. [http://www.selfhelpsupport.org/library/folder.32085-Cultural Language International Issues](http://www.selfhelpsupport.org/library/folder.32085-Cultural%20Language%20International%20Issues). See especially the library sub-folder on translated materials/websites at <http://www.selfhelpsupport.org/library/folder.42553>.

Cost Analysis

Translation can be costly, particularly when plain language consultants are used. Community groups can reduce this cost, but care must be taken to ensure quality.

b. Rotate and cross-train court staff so there are multi-lingual staff in SHC

Description

Such cross training can make it possible for there to be special times when LEP services are available. Or referrals may be made within the court to a person who is able to help.

Examples and Resources

None identified.

Cost Analysis

The main cost would be in compensating multi-lingual staff for their additional skills.

c. College student intern program

Description

Multi-lingual college students, as in the Justice Corps, can play a major role in providing access. Programs do not need to be as comprehensive as the Justice Corps.

Examples and Resources

SRLN Leadership Package Module 4: Establishing Justice Corps and Volunteer Programs, deals exclusively with this approach.

<http://www.selfhelpsupport.org/library/item.208586-Power Points for Module 4 Establishing Justice Corps and Volunteer Programs>.

Cost Analysis

These programs take only management costs.

d. Collaborative program with consulates

Description

At least one California County, has partnered with the Mexican Consulate and other Mexican governmental entities to cross train to provide self-help services.

Examples and Resources

Imperial County CA has extensive collaboration. Contact Diane Altamirano, Diane.Altamirano@imperial.courts.ca.gov.

Cost Analysis

This is a cost saving program, although it has taken significant management time.

C. General Resources

SRLN Best Practices Document,

<http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent>.

SRLN Leadership Package Module 2: Establishing and Operating a Court-Based Self-Help Center, deals exclusively with this approach.

<http://www.selfhelpsupport.org/library/item.208584-Power Points for Module 2 Establishing and Operating a CourtBased SelfHelp>

SRLN Leadership Package Module 4: Establishing Justice Corps and Volunteer Programs, deals the Justice Corps program.

<http://www.selfhelpsupport.org/library/item.208586-Power Points for Module 4 Establishing Justice Corps and Volunteer Programs>.

SRLN Leadership Package Module 5: Staff Ethics,

<http://www.selfhelpsupport.org/library/item.208596-Power Points for Module 5 Staff Ethics>.

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SRLN Court Leadership Package, Module 8: Case Management for Access,
[http://www.selfhelpsupport.org/library/item.208589-
Power Points for Module 8 Caseflow Mangement for Access.](http://www.selfhelpsupport.org/library/item.208589-Power Points for Module 8 Caseflow Mangement for Access.)

*SRLN Leadership Package, Module 12, Supporting and Integrating Law Library
Service for the Self-Represented,*
[http://www.selfhelpsupport.org/library/item.208592-
Power Points for Module 12 Supporting and Integrating Law Library Services.](http://www.selfhelpsupport.org/library/item.208592-Power Points for Module 12 Supporting and Integrating Law Library Services.)

SRLN Leadership Package, Module 15: Access Innovations to Increase Compliance,
[http://www.selfhelpsupport.org/library/item.208595-
Power Points for Module 15 Access Innovations to Increase Compliance.](http://www.selfhelpsupport.org/library/item.208595-Power Points for Module 15 Access Innovations to Increase Compliance.)

SRLN Judicial Education Curriculum, short version,
[http://www.selfhelpsupport.org/library/item.196177-
Introductory Curriculum on Access to Justice for the Self Represented,](http://www.selfhelpsupport.org/library/item.196177-Introductory Curriculum on Access to Justice for the Self Represented.) and long
version, [http://www.selfhelpsupport.org/library/item.167142-
Curriculum One Access to Justice in the Courtroom for the Self Represented.](http://www.selfhelpsupport.org/library/item.167142-Curriculum One Access to Justice in the Courtroom for the Self Represented.)

Self-Represented Litigation Network

Diagnostic and Recommendation Project



Protocol Four: Clerk's Office

**Prepared by the Working Groups of the Self-Represented Litigation Network
General Package Editor: Richard Zorza**

Developed by the Self-Represented Litigation Network, with funding from the Maryland Administrative Office of the Courts, and the National Center for State Courts.

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Introduction to Protocol Package

This is one of twelve Diagnostic Protocols, developed by the Self-Represented Litigation Network,¹ and designed to assist courts and their partners assess the need for, and options available to advance, solutions for access to justice challenges in their courts.

In these tough economic times, courts are facing budget cuts, increased caseload, more self-represented litigants and litigant who are themselves under greater financial and psychological stress. Court leaders focusing on both administrative and policy issues recognize that courts must continue to process cases and they want to do so in ways that optimize access to justice. As with other institutions, the crisis offers opportunities as well as stress, with courts needing to focus on changes and innovations that are low cost, easy to deploy, and highly cost effective. The highest stress is occurring in those case types that already have high – and now increasing – numbers of the self-represented: landlord tenant, foreclosure, family, consumer and credit card debt, small claims.

During the last three years, the Self-Represented Litigation Network has developed a wide range of *Best Practices*, approaches, tools and materials that can assist courts in simultaneously achieving greater efficiency and effectiveness while promoting access to justice. Some of these involve small changes that can have a big impact, others involve the creation of new programs.

The Network has leveraged these materials to develop a diagnostic and problem solving methodology that can help as many as possible managerial and justice leaders in the courts on the ground choose and implement changes that are immediately practicable in these budget times. The approach will allow states to learn and deploy this methodology by using existing in-state resources, rather than requiring the courts to make significant additional investments.

This has been done by developing Diagnostic and Problem Solving Protocols that can be used in as cost effective a manner as possible to identify and facilitate potential improvements in access and efficiency. The protocols were developed by the Network and tested and enhanced in pilot visits in New Hampshire and Montana.

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The Protocols now available for this process include:

- Suggested questions for the team to ask stakeholders to identify problem areas,
- Listings of likely problems to be identified,
- For each problem, a menu of specific low cost suggestions to help address those problems, and
- For each suggested solution, to the extent locatable, appropriate and realistic, resources, contacts, and general cost analysis

The full package of protocols, that include framing and process structuring protocols is as follows:

1. Protocol for Introducing and Focusing Diagnostic Process
2. Concierge Diagnostic Protocol
3. Self-Help Services Diagnostic Protocol
4. Clerk's Office/Forms Diagnostic Protocol
5. Caseflow Management Diagnostic Protocol
6. Hearing Diagnostic Protocol
7. Compliance Diagnostic Protocol
8. Self-Assessment Diagnostic Protocol
9. Access Partnering Diagnostic Protocol
10. Protocols for Integrating/Prioritizing Recommendations
11. Protocol for Customizing Protocols for State/Planning Use
12. General Approach Protocol

The protocols remain a collaborative work in progress, and suggestions for improvements are very welcome.

IV. Diagnostic Protocol for Clerks and Forms

A. Problem Identification Process

Note that the problem identification process should be as inclusive as possible to involve Judges, Law Clerks, Secretaries, Filing Office Clerks, Department Advocates , i.e. all those who have contact with files, forms and pleadings, and the process by which they are filed, in the unfilled in, or filled in state.

1. Questions for All on Clerk Process and Forms

- Do you have a system in place that helps the self-represented navigate the beginning of the court process?
- Which parts of your system seem to be running most smoothly for those without lawyers?
- What forms and pleadings seem to create the most problems for the self-represented, for which ones, how, and why?
- Which forms or pleadings are being refused for filing and/or returned and why?
- Are information problems causing cases to clog up later in the system, and if so, when?
- What steps in the system are delaying the filing and case starting process and why?
- Is information being gathered that doesn't need to be gathered?
- Is there additional information that needs to be gathered?

2. Questions for Observation Process of Clerk and Forms

- Where are the delays at the window, and what seems to be causing them?
- Is there miscommunication at the window?
- Are requests for procedural information answered or rebuffed?
- Is the information being provided correct and appropriate?
- Are there problems with the paper filing and if so why?
- What forms or petitions seem to cause the most problems?
- Is there missing or wrong data, and if so what?
- Are the wrong forms being filed by SRLs?
- Are the differences in the treatment of SRL's from attorneys appropriate?

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- Are there workflow and physical barriers to efficiency?
- Are there problems for SRLs completing forms in the clerks office?

3. Questions for Clerk's Office Staff

- What is most difficult and irritating about SLR litigants?
- What forms/pleadings give you the most trouble? How and Why?
- What questions do you find hardest to answer?
- What types of assistance/information are you are unable to provide but wish you could?
- What needs and requests from the court/judge are most difficult to comply with?
- Do staff not have enough expertise to answer questions?
- Is there a problem that people do not have access to computers?
- Do SRLs need more information than you currently provide?

4. Special Questions for SRL's

- Were you able to accomplish what you came here for? If not, why not?
- What is most difficult about dealing with the filing process?
- Were the form instructions helpful? If not, why not?
- Were the forms understandable and easy to complete? If not, why not?
- Was resource information easily accessible to assist you through the filing process?
- Do you feel you were treated respectfully?

5. Special Questions for Court Stakeholders (Judges, Law Clerks, Court Administrators) of Clerk and Forms

- Are there things you need from the clerk's office that you are not getting? (Information, documents, preparation, filtering, etc.)
- Is there information from the pleadings that you need that you are not getting?
- Are the files structured and organized to make the process as efficient as possible in its later stages?
- Are there resources that could be available in the clerk's office that would make case management more efficient?

6. Special Questions for External Stakeholders (Bar members, Non-profit groups, CASA Volunteers, etc.) of clerk and Forms

- Are you aware of barriers to SRL's access to the court system?
- Does your organization have resources that could assist in overcoming these barriers?

7. Special Questions for Court Leaders

- What image of the court would you like the clerk's office to present? How might this be done?
- Are there special issues of collaboration, management and/or communication that the relationship of the clerk's office to the rest of the court raises?
- Are there opportunities for a joint analysis of SRL access issues?

B. Problems and Solutions

1. Lines at Filing Window

This is an ongoing problem at many courts, made worse when there are staff reductions or increased demand because of economic problems. Moreover, an increase in the number of self-represented puts particular stress upon the line,

because the self-represented may not be fully familiar with the procedures, or require additional review of their forms or documents.

a. Improve signage for lines

Description

Many courts find that court users, particularly but not only the self-represented end up in the wrong line – or even the wrong room – and waste their own time as well as that of the clerks.

Improving signage can make a big difference in reducing this problem.

Examples and Resources

Signage is discussed in *SRLN Leadership Package, Module 3: Designing and Modifying Physical Space for Access*, at <http://www.selfhelpsupport.org/library/item.208585-Power Points for Module 3 Designing and Modifying Physical Space for Access>, slide 36. Some of the photos may also be helpful.

Cost Analysis

Signage can be cheap or expensive. Use of printers and copiers at the court can reduce the cost significantly.

b. Analyze lines and reconfigure; Consider SRL line vs. frequent court users' line

Description

Reconfiguring lines can significantly change the experience of the clerk's office. This can be done best by observing the process at the counter and finding which queries take the longest, then finding a way to screen those into a second line. In larger centers, a "greeter" can be used to make sure that people are in the appropriate line. In larger centers it might make sense to take a week and collect systematic data on issues and times taken to meet need. This data could also be useful in budget discussions.

Examples and Resources

None identified as to specific solution. The Los Angeles Self-Help Center has worked with its clerk's office on flow issues, and the use of Justice Corps volunteers to help make sure that people are in the right lines. Contact Margaret Little, MLITTLE@LASuperiorCourt.org.

Cost Analysis

This takes only a relatively small amount of management time to observe the process and test responses. It should have a big payback not only in user satisfaction, but in lessening of clerk frustration.

c. *Analyze needs and provide needed information in different ways*

Description

The approach here is to analyze the questions that clerks are asked, and develop a wide range of ways of responding to the questions more quickly, such as through handing out informational materials, referring to websites, etc.

Examples and Resources

A wide variety of such ways are discussed in Part One of SRLN Best Practices *in Court-Based Programs for the Self-Represented*.
[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent.](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresented)

Cost Analysis

Costs are obviously dependant upon method chosen. But likely payback will be quick for the cheaper materials, such as handouts.

2. Filers Bringing Incomplete Pleadings/Forms

This is a well-known and huge problem, with high percentages of clerk time spent working to explain and correct errors. If clerks do not do this, the result is increased delay in the courtroom, which is even more expensive for the system as a whole.

a. *Introduce or upgrade forms and instructions, including by clarifying who is responsible for this process.*

Description

The forms upgrade process involves a variety of stakeholders, from clerks to judges, and from litigants to advocacy groups. The end result can be forms that work well for a wide variety of these stakeholders.

Examples and Resources

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Forms generally are the subject of *Practice Fifteen: Forms* of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

Forms are the subject of *SRLN Leadership Package, Module 6: Developing and Deploying Plain Language Forms*, [http://www.selfhelpsupport.org/library/item.208587-Power Points for Module 6 Developing and Deploying Plain Language Forms](http://www.selfhelpsupport.org/library/item.208587-Power%20Points%20for%20Module%206%20Developing%20and%20Deploying%20Plain%20Language%20Forms).

Many model forms are online at <http://www.selfhelpsupport.org/library/folder.123113-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 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.

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.

Cost Analysis

Forms redesign, while requiring mainly staff time, can take a surprisingly long time. This is because of the many constituencies that need to be mollified.

b. Automate forms.

Description

Automated forms greatly reduce the error and confusion rates. However they can not be deployed without sensitivity to the needs of those less familiar with automation. The automation process requires significant management attention and collaboration with stakeholders. Nor is it cheap.

Examples and Resources

Automated forms are the subject of *Practice Sixteen: Automated Forms*, of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent)

They are also the subject of *SRLN Leadership Package, Module 7, Deploying Automated Forms for Access*, [http://www.selfhelpsupport.org/library/item.208588-Power Points for Module 7 Deploying Automated Forms for Access](http://www.selfhelpsupport.org/library/item.208588-Power%20Points%20for%20Module%207%20Deploying%20Automated%20Forms%20for%20Access).

Resources are collected online at [http://www.selfhelpsupport.org/library/folder.123227-Automating Forms](http://www.selfhelpsupport.org/library/folder.123227-Automating%20Forms).

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 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 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.

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, skaufma1@courts.state.ny.us.

The Utah State Courts have developed a document assembly system called OCAP (Online Court Assistance 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.

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.

Cost Analysis

Costs for this innovation are hugely variable depending on the number of forms to be automated, the technology used, and the sophistication of the planned application.

c. Consider ways to increase review by self-help center (if available)

Description

Some courts have found that requiring or incentivizing review of the forms by self-help center staff will dramatically reduce the problems and errors with the forms.

Some courts however, are reluctant to mandate such review, in that such review might be perceived as adding extra barriers to access.

A middle ground would be to strongly encourage such review, without mandating it.

Another alternative may be to offer classes about the process which explains what forms are options in different situations.

Examples and Resources

Hennepin, MN, requires review in certain types of family law cases. Contact Susan Ledray, susan.ledray@courts.state.mn.us.

With respect to the alternative solution of informational classes, in Anchorage, Alaska, the Family Law Self-Help Center provides a free Family Law Education Class (FLEC). The litigants leave the class with commonly used forms and an understanding of how and when to fill them out. For example, the class emphasizes the importance of filing certificates of service and explains that it is the most common cause of deficient filings to help litigants avoid this pitfall. It is court-ordered for all self-represented litigants to attend after the initial pleadings are filed. The general public is welcome on a walk-in basis to accommodate those litigants who may have started with an attorney but are now representing themselves or those who are contemplating filing and want to understand what the process involves. Contact Stacey Marz, smarz@courts.state.ak.us.

Cost Analysis

This moves the cost of staff time from the clerk's office to the self-help center. It moves the activity to an expert, and an environment designed to provide that service.

d. Develop system to discover, when the filing is inappropriate, where did the SRL obtain the forms?

Description

There have been substantial problems with private vendors taking and selling forms online. While varied interventions are necessary to deal with the problem, alerting clerks, and having them alert those responsible for the forms system, is a necessary first step.

Examples and Resources

The Montana Access to Justice Commission, which has experienced significant problems in this area, has asked clerks to be on the lookout for these problems, contact Judy Meadows, jmeadows@mt.gov.

Cost Analysis

Enforcing intellectual property can be costly for the courts, but there is a history of pro bono counsel playing this role, at least in the legal services world.

3. Filers filing when not appropriate

Given the complexity of legal requirements, it is not unusual for litigants to be sufficiently confused that they file for relief when it is clear that the relief is not appropriate, or that a different form should have been filed.

This can be very wasteful for clerks, litigants, and sometimes the judiciary (if the case gets to the courtroom).

a. Develop materials that will assist SRL's in selecting the appropriate forms for their situation

Description

Some courts have developed general instructions that help litigants decide what is the appropriate form for use in a particular situation. They can use good graphics, boxes, etc, to make this selection easy.

Examples and Resources

The self-help website of the Contra Costa Court is one example of such tools.

<http://divorce.cc-courthelp.org/index.cfm?fuseaction=Page.viewPage&pageID=633&stopRedirect=1>.
Contact Sherma Deamer, sdeam@contracosta.courts.ca.gov.

Cost Analysis

This is a low cost item, that can make a significant difference.

b. Change forms and forms automation to catch inappropriate attempts

Description

Good forms design, including good online forms design, can catch these mistakes. It does so with paper forms by including at the top of the form a bulleted description of the requirements and purposes of the form. For automated forms, the process should begin with a series of diagnostic questions that make sure that the litigant using the form in fact falls within the situation for which the form is designed.

Examples and Resources

Forms, including examples, are the subject of *SRLN Leadership Package, Module 6: Developing and Deploying Plain Language Forms*,
<http://www.selfhelpsupport.org/library/item.208587-Power Points for Module 6 Developing and Deploying Plain Language Forms>.

Automated forms, including examples, are the subject of *SRLN Leadership Package, Module 7, Deploying Automated Forms for Access*,
<http://www.selfhelpsupport.org/library/item.208588-Power Points for Module 7 Deploying Automated Forms for Access>.

Cost Analysis

The cost for modification of printed forms is small. The cost of additional programming for a diagnostic front end is low compared to the overall cost, and should be routinely included in

- c. *Provide educational tools such as clinics, videos or web based instruction (which would include forms, court process, service, etc.) before filing***

Description

Such tools reduce the rate of error through informing the litigants of what is appropriate.

Examples and Resources

A wide variety of such ways are discussed in Part One of *SRLN Best Practices in Court-Based Programs for the Self-Represented*.
<http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent>.

Cost Analysis

The costs of such materials vary. Online and printed materials are the cheapest.

4. Failure to Perfect Service

Failure to perfect service is a particularly frequent and disruptive problem. Given scheduling systems it can result in repetitive adjournments, at great cost to all the system.

a. Clarify service requirements including timing issues

Description

Often the first step is to review the courts practices in the light of legal requirements, and to decide whether the steps and detail required are in fact legally necessary, or have been selected for other reasons. It may be, for example that timing requirements are non-statutory, or that proof requirements can be relaxed or made more flexible.

Once that review is completed, the court can decide if the current process can be modified.

Examples and Resources

None identified.

Cost Analysis

This can take significant management time, and changes, if significant, will do the same.

b. Develop materials on how to perfect service that includes a diagram

Description

Educational materials on completion of service are likely to increase the success rate. While some of the failure rate is because it is impossible for litigants to find those upon whom service is required, much of it is because they do not understand what has to be done, by when, or how it is proved.

These materials should be routinely distributed at time of filing intake, as well as posted and distributed more broadly.

Examples and Resources

In Alaska, a 1 page Service Reminder explains the basic information about the requirement to serve a document, using simple pictures and plain language. See <http://www.state.ak.us/courts/shc/shc-remind.doc>. For more detailed information, the Family Law Self-Help Center's website provides a comprehensive section of FAQs, including forms, about serving the opposing party. See <http://www.state.ak.us/courts/serve.htm>. Contact Stacy Marz, smarz@courts.state.ak.us

Cost Analysis

This is a low cost item.

c. *Integrate with Caseflow Management process*

Description

Caseflow management processes around the country are being modified to take account of the special needs of the self-represented. The focus of these changes is to make sure that the self-represented get what they need to get and keep cases moving.

A major component of this new focus is putting in place the pre-hearing checking and services that can help make sure that the self-represented perfect service.

Examples and Resources

General resources on case management approaches are covered in *Practice 33: Case Management Integration*, of *SRLN Best Practices in Court-Based Programs for the Self-Represented*. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

Chapter Five of the National Bench Guide is the major general resource.
[http://www.selfhelpsupport.org/library/folder.177582-National Bench Guide](http://www.selfhelpsupport.org/library/folder.177582-National%20Bench%20Guide).

SRLN Court Leadership Package, Module 8: Case Management for Access, addresses these in great detail, and provides examples,
[http://www.selfhelpsupport.org/library/item.208589-Power Points for Module 8 Caseflow Mangement for Access](http://www.selfhelpsupport.org/library/item.208589-Power%20Points%20for%20Module%208%20Caseflow%20Mangement%20for%20Access).

Cost Analysis

The cost of this will depend on the innovation. However it is likely to require additional staff time at both the diagnostic stage and the service stage.

d. *Establish Service Problems Hotline*

Description

Given that problems with service often mean that an entire hearing slot is wasted, with costs to court, litigants, and attorneys, and given also that people often do not realize how complicated service is till they are engaged in the process, it might be cost-effective to provide a hotline that would focus on answering problems with service as they occur. Given also how much service is after hours, this might be

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made available on a 24/7 basis. The number would be printed on all service, service instructions, and proof of service forms

Examples and Resources

This idea has not yet been tried, although existing hotlines could easily be modified to break out this service for focused promotion.

Alaska and Minnesota already have general statewide hotlines for the self-represented. Contacts Susan Ledray, susan.ledray@courts.state.mn.us, and Stacey Marz, smarz@courts.state.ak.us.

Cost Analysis

Adding this to an existing hotline would not be expensive. Setting up a new system would be, but an existing self-help center might be able to add a statewide hotline focused on this issue at low cost.

5. Clerks unable/unwilling to answer questions

Resolving this problem can have a very substantial impact on access to justice, since clerks are the front line for access in so much of the system. The good news is that a great deal has already been done in this area.

a. Develop materials (for court personnel) on when they can/can't answer questions

Description

Explicit materials on what questions can be answered, and how, as a general matter they can best be answered, have been developed in many states.

These materials have been found to have a very substantial impact.

Examples and Resources

SRLN Leadership Package, Module 5: Staff Ethics, covers this field in detail.
[http://www.selfhelpsupport.org/library/item.208596-Power Points for Module 5 Staff Ethics](http://www.selfhelpsupport.org/library/item.208596-Power%20Points%20for%20Module%205%20Staff%20Ethics).

The California Judicial Council's *May I Help You, Legal Advice Versus Legal Information*, is a critical staff training document,
[http://www.selfhelpsupport.org/library/item.263744-May I Help You Legal Advice vs Legal Information](http://www.selfhelpsupport.org/library/item.263744-May%20I%20Help%20You%20Legal%20Advice%20vs%20Legal%20Information).

A variety of 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>.

Cost Analysis

Compared to its substantial impact, this is a low cost item, which can be integrated with pre-existing training plans.

b. Train all clerk staff on the above materials

Description

It is very important that all clerk staff be trained on the above materials. Online training can reduce the cost.

Examples and Resources

See above listings.

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

Cost Analysis

Low cost, particularly when the core materials have been developed.

c. Identify staff to answer more delicate questions and provide special training to these people.

Description

Particularly when a court does not have a self-help center, it may be helpful to designate certain staff as “self-represented information clerks” and provide them additional training and support. This will free up the time of remaining clerks.

Examples and Resources

Training materials are above. In addition, such clerks might find it helpful to use the protocols and guidelines that have been developed for self-help centers.

In Anchorage, Alaska, there is a specialized family law legal technician who provides in person assistance to parties in the clerks office who have family law filing questions. She is not a Self-Help Center facilitator and refers complex questions to the Center, however, she is able to help parties avoid deficient filings by pointing out obvious problems with paperwork and answering questions. Having litigants speak to this legal technician helps keeps the lines flowing in the clerks office because observation showed that family law questions require the most clerk time. Contact Stacey Marz, smarz@courts.state.ak.us.

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

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

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>.

The California Guidelines cover a wide range of issues.
http://www.courtinfo.ca.gov/reference/documents/self_help_center_guidelines.pdf

Cost Analysis

This is a low cost item, except that it might appear that the designated clerk might be less superficially productive, while saving significant time for other clerks.

d. Develop handouts for public dissemination re: common question answers (FAQ's)

Description

These FAQs should be focused on the most frequent questions. Note that the FAQ can be used by the clerk as a basis for a more detailed oral explanation. In other words, these materials are not just about efficiency, but about helping clerks perform this informational role.

Examples and Resources

Informational materials are covered in *SRLN Best Practices, Practice 5: Written Information, Including Multi-Lingual Information*.
[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

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The Hennepin, MN, court has developed a particularly broad and focused set of handouts. Contact Susan Ledray, susan.ledray@courts.state.mn.us.

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.

Fresno has also developed extensive materials, including in Spanish. http://www.fresnosuperiorcourt.org/representing_yourself/index.php?lang=sp. The contact for Fresno is Cathy Westlund, cwestlund@fresno.courts.ca.gov

Cost Analysis

This is a relatively low cost item.

6. Litigants asking Clerks to do more than they can/should

This is an ongoing problem that can cause clerks to become more resistant than they should be to answering even routine and appropriate questions. It is therefore particularly important to find ways to minimize these situations and that clerks know how to deal with them when they arise.

a. Create general protocols and materials that are neutral

Description

The best and broadest way to deal with the issue is to develop protocols and materials that allow the clerk to respond appropriately to a question that might initially to seem inappropriate. As a general matter, these would simply involve a general statement of the law, with a range of examples that might fit with the litigants' situations.

The clerks themselves will know better than anyone what these questions and situations are.

Examples and Resources

For a library of informational resources, go to [http://www.selfhelpsupport.org/library/folder.40618-Handbooks and Guides](http://www.selfhelpsupport.org/library/folder.40618-Handbooks%20and%20Guides).

Cost Analysis

This is a low cost item

b. Train on ways to deflect and explain

Description

Clerk training should always include information not just on what questions can and can not be answered, but on how to deflect inappropriate questions, and, when possible, how to rework those questions so that they can appropriately be responded to.

Such an approach involves explaining why the question can not be appropriately answered, reworking the question into a general one, and giving a general response that is of actual use to the litigant in dealing with their situation. (This is not a “nudge and wink” to the question asked, rather it asks the litigant to make the decision or choice, not the clerk.)

Examples and Resources

SRLN Leadership Package, Module 5: Staff Ethics, covers this field in detail.
[http://www.selfhelpsupport.org/library/item.208596-Power Points for Module 5 Staff Ethics](http://www.selfhelpsupport.org/library/item.208596-Power%20Points%20for%20Module%205%20Staff%20Ethics).

Cost Analysis

A low cost item, particularly when training already occurs.

c. *Develop referral resources inside and outside court*

Description

Referral resources make it possible for the clerk to send the litigant to someone who can answer the question. If a more expert person can respond appropriately, then internal court referral, such as to a self-help center, might be appropriate.

If the complexity is such that the judgment of an attorney client relationship is required, then referral to pro bono, unbundled, legal aid, or attorney referral service is needed.

Examples and Resources

Referrals are covered in part in *SRLN Best Practices, Practice 12: Initial Assessment Process*. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

Cost Analysis

Development of such referrals can take significant management time. To the extent that additional resources must be developed, that can become a major project.

7. Forms not telling judges what they need to know to decide case

This is a major problem throughout the system, and one which requires multiple solutions.

a. Redesign forms with more specific questions and instructions

Description

Forms redesign can make a major difference on what information gets to the judge. A good design process will include exploring with the judges what information they need and are not getting.

Automating the form will make it much easier to design a form that gathers more information without creating a massively long form that overwhelms the litigant.

Examples and Resources

Forms generally are the subject of *Practice Fifteen: Forms* of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

Forms are the subject of *SRLN Leadership Package, Module 6: Developing and Deploying Plain Language Forms*, [http://www.selfhelpsupport.org/library/item.208587-Power Points for Module 6 Developing and Deploying Plain Language Forms](http://www.selfhelpsupport.org/library/item.208587-Power%20Points%20for%20Module%206%20Developing%20and%20Deploying%20Plain%20Language%20Forms).

Many model forms are online at <http://www.selfhelpsupport.org/library/folder.123113-Forms>.

Automated forms are the subject of *Practice Sixteen: Automated Forms*, of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent)

They are also the subject of *SRLN Leadership Package, Module 7, Deploying Automated Forms for Access*, [http://www.selfhelpsupport.org/library/item.208588-Power Points for Module 7 Deploying Automated Forms for Access](http://www.selfhelpsupport.org/library/item.208588-Power%20Points%20for%20Module%207%20Deploying%20Automated%20Forms%20for%20Access).

Resources are collected online at [http://www.selfhelpsupport.org/library/folder.123227-Automating Forms](http://www.selfhelpsupport.org/library/folder.123227-Automating%20Forms).

Cost Analysis

Updating forms is a relatively low cost option. Automating forms is expensive, but has a major payback in a variety of access areas, including community based access.

b. Develop materials on what judges want/need to hear

Description

This idea would be to develop materials focused on telling litigants what it is that judges need to hear to decide cases on particular topics. These materials would be like statements of the law, but would be more oriented to the way litigants look at the facts, (and judges) rather than formal statements of the governing law. They would include examples, but written in such a way that they would not be used verbatim. This would be made available *before* litigants completed relevant forms. They would also be useful before hearings.

Examples and Resources

None specifically identified.

Cost Analysis

This is a low cost item, but would take time.

c. Add stage in caseflow management for review of sufficiency of data

Description

Caseflow management provides multiple opportunities for review of sufficiency of documentation.

In this idea, the forms would be reviewed, possibility at a status hearing, for sufficiency of the detail of information, and litigants given materials to assist in more comprehensive completion of the forms. They could also be directed to clinics.

Examples and Resources

These new practices are the subject of *Protocol 5, Caseflow Management Diagnostic Protocol*. Many of these involve close work with the self-help center, which may participate in the provision of services needed to make such a case management approach work.

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Attention is also drawn to *Practice 33, Case Management Integration* of the *SRLN Best Practices Document*. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

SRLN Court Leadership Package, Module 8: Case Management for Access, addresses these in great detail, and provides examples,

[http://www.selfhelpsupport.org/library/item.208589-Power Points for Module 8 Caseflow Mangement for Access](http://www.selfhelpsupport.org/library/item.208589-Power%20Points%20for%20Module%208%20Caseflow%20Mangement%20for%20Access).

Greacen Associates, Developing Effective Practices in Family Caseflow Management, especially Chapter 6, Special techniques applicable to cases involving unrepresented litigants
[http://www.selfhelpsupport.org/library/item.205420-California Family Case Management Manual](http://www.selfhelpsupport.org/library/item.205420-California%20Family%20Case%20Management%20Manual).

Cost Analysis

Cost will vary with extent of prior caseflow management review, and with nature of additional services planned.

C. General Resources

SRLN Leadership Package, Module 5: Staff Ethics, covers this field in detail.
[http://www.selfhelpsupport.org/library/item.208596-Power Points for Module 5 Staff Ethics](http://www.selfhelpsupport.org/library/item.208596-Power%20Points%20for%20Module%205%20Staff%20Ethics).

The California Judicial Council's *May I Help You, Legal Advice Versus Legal Information*, is a critical training document,
[http://www.selfhelpsupport.org/library/item.263744-May I Help You Legal Advice vs Legal Information](http://www.selfhelpsupport.org/library/item.263744-May%20I%20Help%20You%20Legal%20Advice%20vs%20Legal%20Information).

A variety of 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>.

Self-Represented Litigation Network

Diagnostic and Recommendation Project



Protocol Five: Caseflow Management for Access

**Prepared by the Working Groups of the Self-Represented Litigation Network
General Package Editor: Richard Zorza**

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Introduction to Protocol Package

This is one of twelve Diagnostic Protocols, developed by the Self-Represented Litigation Network,¹ and designed to assist courts and their partners assess the need for, and options available to advance, solutions for access to justice challenges in their courts.

In these tough economic times, courts are facing budget cuts, increased caseload, more self-represented litigants and litigant who are themselves under greater financial and psychological stress. Court leaders focusing on both administrative and policy issues recognize that courts must continue to process cases and they want to do so in ways that optimize access to justice. As with other institutions, the crisis offers opportunities as well as stress, with courts needing to focus on changes and innovations that are low cost, easy to deploy, and highly cost effective. The highest stress is occurring in those case types that already have high – and now increasing – numbers of the self-represented: landlord tenant, foreclosure, family, consumer and credit card debt, small claims.

During the last three years, the Self-Represented Litigation Network has developed a wide range of *Best Practices*, approaches, tools and materials that can assist courts in simultaneously achieving greater efficiency and effectiveness while promoting access to justice. Some of these involve small changes that can have a big impact, others involve the creation of new programs.

The Network has leveraged these materials to develop a diagnostic and problem solving methodology that can help as many as possible managerial and justice leaders in the courts on the ground choose and implement changes that are immediately practicable in these budget times. The approach will allow states to learn and deploy this methodology by using existing in-state resources, rather than requiring the courts to make significant additional investments.

This has been done by developing Diagnostic and Problem Solving Protocols that can be used in as cost effective a manner as possible to identify and facilitate potential improvements in access and efficiency. The protocols were developed by

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the Network and tested and enhanced in pilot visits in New Hampshire and Montana.

The Protocols now available for this process include:

- Suggested questions for the team to ask stakeholders to identify problem areas,
- Listings of likely problems to be identified,
- For each problem, a menu of specific low cost suggestions to help address those problems, and
- For each suggested solution, to the extent locatable, appropriate and realistic, resources, contacts, and general cost analysis

The full package of protocols, that include framing and process structuring protocols is as follows:

1. Protocol for Introducing and Focusing Diagnostic Process
2. Concierge Diagnostic Protocol
3. Self-Help Services Diagnostic Protocol
4. Clerk's Office/Forms Diagnostic Protocol
5. Caseflow Management Diagnostic Protocol
6. Hearing Diagnostic Protocol
7. Compliance Diagnostic Protocol
8. Self-Assessment Diagnostic Protocol
9. Access Partnering Diagnostic Protocol
10. Protocols for Integrating/Prioritizing Recommendations
11. Protocol for Customizing Protocols for State/Planning Use
12. General Approach Protocol

The protocols remain a collaborative work in progress, and suggestions for improvements are very welcome.

V. Diagnostic Protocol for Caseflow Management

Introductory Note: The application of caseflow management concepts to access to justice is relatively new, and many of the ideas suggested here have not yet been fully tested. It should also be noted that this approach frequently needs additional resources, including focused training for judicial officers.

The quoted language below is from the MN court employee Position Description Questionnaire. It gives a feel for the overall process.

Review case files prior to hearings: ensure that required actions are complete and that information needed by court is available and conforms to court policy. Monitor readiness of parties for hearings and trials and confirm appearances; notify relevant individuals prior to hearings about missing information/documents or non-compliant legal forms. Research/monitor status of individual cases and follow up with lawyers/parties/judge when cases are off track. Maintain accurate inventory of cases pending: distinguish inactive (e.g., interlocutory appeals, fugitive status) from active cases; produce list of active cases. Identify and dismiss inactive cases. Track cases referred to alternative dispute resolution and initiate reminders or other actions when case resolution exceeds standards for timely processing. Monitor continuances and scheduled vs. actual appearances and implement correctives.

A. Problem Identification Process

1. Questions for All on Caseflow Management

- Are cases moving as fast as they might through the process?
- Are there items/issues that are getting lost in the process?
- Where are the log-jams in the process?
- Do litigants perceive the process as fair in terms of being heard?
- Are there expectations of the process that are not being met?
- Are court procedures predictable?
- Are court procedures tailored for local court conditions?
- How can pro bono attorneys assist in the process?
- How can attorneys outside the court buy into the case flow management process?
- Does the process include document review so that all information needed to resolve cases/issues is in the file or imaged in the electronic file?
- If there are imaged files is there a system to make sure all documents are correctly imaged?

2. Questions for Observation Process of Caseflow Management

- Are the appropriate people involved at each step?
- Are the users of case flow management prepared to move forward at each step?
- Are there incentives to early settlement or resolution?

3. Special Questions for Staff Using Caseflow Management

- Are there efficiencies that are not being used? (example: technology)
- Are there steps that are not needed?
- Is there a meeting of the minds between all the court staff who need to coordinate their work?
- Are they bench officers really invested in process?

4. Special Questions for Other Court Stakeholders of Caseflow Management

- Is there coordination with the Self-Help Centers/FLF offices that assist SRLs in their paperwork and the case flow management team, if they are separate entities in the court?
- Are timelines realistically made?
- Are timeline goals being met?
- Is technology supporting the case management?
- Is there a “team” view to the work?
- Are there regular meetings of all involved to foster “team” identity?
- Is case flow management being supported by statistical gathering and reports from the court’s research unit?

5. Special Questions for External Stakeholders of Caseflow Management

- Do you think that the litigants experience/perceive the process as “fair”?
- Are you think that litigant’s special circumstances being considered or is it one size fits all?
- Do you think that the litigants have the opportunity to express their views to decision makers.
- Are court hearings considering work schedules of litigants? (example: number of hearings, completion of hearings on date scheduled)
- Do attorneys perceive the process as fair to their clients?
- Have private attorneys been adequately informed and educated re the process?
- Do customers leave the hearings with a clear understanding of their next steps?
- Do customers, including attorneys, consider the case flow management hearing time well spent?

6. Special Questions for litigants

- Do you find the process as “fair”?

- Do you think that any special circumstances you may have are being considered?
- Were you given the opportunity to express your views to decision makers.
- Are court hearings considering your work schedules or important scheduling needs? (example: number of hearings, completion of hearings on date scheduled)
- Did you leave the hearings with a clear understanding of their next steps?
- Did you consider the time spent in the court checking if you were ready for the hearing

7. Special Questions for Court Leaders

- Have court administrators actively sought buy-in of judicial leadership?
- Is there a system in place to regularly evaluate the effectiveness of the case flow management system?
- Have indices of success been identified in advance for ease of measurement?

B. Problems, Solutions and Cost Analysis

We start with a general piece of advice. Start with the problems that case management is intended to correct, rather than with problems with case management solutions.

1. System of regular review hearings where little or nothing is finally resolved discourages parties from taking affirmative action to resolve their cases.

This is a not unusual problem, with systems getting into a rule of adjournment after adjournment. While court leadership in case resolution is critical, it cannot replace litigant initiative as a component on efficiency, and the suggestions below help support litigants to take the initiative.

a. Upon filing of new cases, provide litigants with information on all available methods for completing their case, including referrals to the self help center for assistance

Description

The idea is that there should be a standardized handout that can be given to all new filers in a particular kind of case, with the handout detailing the options available to move the case forward. This would include referrals to any self-help center, or other program that might be useful either generally, or any particular path, such as

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through the selection of a mediation program, speedy filing of consent documents. It should be noted that the process of developing this document might help clarify for court staff and leaders what these available options are, and perhaps even that there need to be new options.

Examples and Resources

The drafting of such materials is generally discussed in *Practice 5, Written Information*, of the *SRLN Best Practices Document*,
[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

For general information on caseflow, see the *SRLN Court Leadership Package, Module 8: Case Management for Access*, ,
[http://www.selfhelpsupport.org/library/item.208589-Power Points for Module 8 Caseflow Mangement for Access](http://www.selfhelpsupport.org/library/item.208589-Power%20Points%20for%20Module%208%20Caseflow%20Mangement%20for%20Access).

Cost Analysis

This is a low cost program, since all it involves in drafting a document, and printing and/or posting it on the courts website. It may produce significant staff time and cost savings, although these might be hard to document.

b. Develop a method for exempting appropriate cases from the case flow management program.

Description

Such a system would trigger when parties are making good faith efforts to resolve the case without court hearings. It might be triggered by party request, of the hearing officer based on observation. It would need some monitoring (even if electronic) to avoid cases going into a “hole” and never moving.

Examples and Resources

Orange County has a good example, using their electronic case management system. Contact Linda Daeley, ldaeley@occourts.org.
Sonoma County sets all cases on a status calendar to determine where they are in the process and uses volunteers to try to resolve the cases that day or they are set on a future calendar for review again in the future. Contact Louise Bayles Fightmaster, lbayles@sonomacourt.org.

Cost Analysis

A low cost program that might reduce the number of appearances and thus costs.

c. Develop or strengthen protocol for setting review hearings and educate judicial officers on the appropriate use of review hearings.

Description

Such a protocol helps ensure that the review hearings actually result in progress. A checklist for judges to use in preparing for these hearings might be helpful.

Examples and Resources

The National Bench Guide and the California Resource Guidelines (not yet finalized) both address this. The Bench Guide is at

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

Cost Analysis

This is a management time cost item. Hearings might take more or less time, depending on circumstances, but the time would be used more efficiently.

2. Because the system focuses so heavily on case resolution, it bypasses systems for obtaining temporary orders and beneficial programs developed to assist with those orders.²

Lack of interim remedies hurts the litigants and may delay ultimate resolution.

a. Develop and distribute educational materials on methods for obtaining temporary orders

Description

Such educational materials would include mediation and other services available to assist litigants in resolving peripheral issues in their case outside the case flow management program.

Cases would still be in the case flow management program, but these tools would make it easier for litigants to work on resolving issues on their own.

Examples and Resources

² Such as orientation, and mediation for obtaining custody orders.

Self Help Centers offer Order to Show Cause workshops for obtaining temporary orders regarding custody and visitation in Sacramento, Alameda and Sonoma counties. The Sacramento contact is Lollie Roberts, RobertsL@saccourt.ca.gov. The Sonoma contact is Louise Bayles Fightmaster, lbayles@sonomacourt.org.

Cost Analysis

These materials could be produce in cooperation with existing providers, so the cost would be low.

b. Prior to Case flow management hearing, review each case to determine potential interim custody and/or support issues

Description

This internal staff review system would allow the time at the hearing to be used in a more focused way, and would increase the chance that the hearing results in concrete steps that deal with these interim issues. The review would include addressing methods for resolving these issues at the case flow management hearing and also prior to scheduling the next case flow management hearing.

Note that one way of doing this is for judges and/or their staff on hearing calendars should look for the next case flow management hearing and, if there is not one scheduled, schedule the next hearing, based upon the status of the case and the resolution reached in court that day.

Examples and Resources

San Francisco County has a three tier process for reviewing cases. Low level staff conduct the first review for procedural requirements. The second level is conducted by a staff attorney and is more substantive. The judges review for cases that need to be voir dired in open court, after the staff attorney meets with the judicial officers to focus their review on the cases with the thorniest issues. Contact Judy Louie, julouie@sftc.org.

Cost Analysis

This staff review would add to staffing costs, but would ultimately reduce number of hearings by moving cases towards earlier resolution.

3. Too many cases are scheduled on each case flow management calendar to allow for individual attention to cases

This kind of problem cascades into broad impacts on the hearings and beyond.

a. Increase support staff resources for case flow management

Description

If there are additional staff assigned and/or more highly skilled staff to work in detail with the litigants at the hearings, that time can be used to reduce the time that the judge needs. This allows more individual time with customers and more detailed outcomes.

Examples and Resources

Staffing issues are well addressed in *SRLN Leadership Package Module 2: Establishing and Operating a Court-Based Self-Help Center*,
[http://www.selfhelpsupport.org/library/item.208584-Power Points for Module 2 Establishing and Operating a CourtBased SelfHelp](http://www.selfhelpsupport.org/library/item.208584-Power%20Points%20for%20Module%20Establishing%20and%20Operating%20a%20CourtBased%20SelfHelp)

Cost Analysis

This obviously takes increased resources, although earlier attention to problems will reduce total costs.

b. Offer staggered case flow management hearing dates and times

Description

This will increase efficiency for both staff and litigants. It will require more aggressive calendar management.

Cases that are default eligible should not be heard on the same calendars as cases that require settlement discussions. Some courts separate these cases when they appear on the calendar together, but this separation could occur at the time of scheduling.

Examples and Resources

San Diego County schedules their hearings in different departments on different dates in order to maximize on the use of self help center staff and to continue to maintain self help services for customers not on calendar that day.

Ventura County schedules pro per cases on a separate day so help can be provided during the calendar. Contact Caron Smith, caron.smith@ventura.courts.ca.gov.

Sonoma County redirects self help staff to the courtroom to assist during case management hearings and closes the self help center to other forms of assistance. Contact Louise Bayles Fightmaster, lbayles@sonomacourt.org.

Cost Analysis

There will be some management costs, but the changes will result in greater efficiency at the hearings themselves.

c. Schedule matters with similar issues on same calendar

Description

If cases with similar issues are scheduled on the same case flow management calendar, informational material can be distributed to entire group simultaneously. This will save bench time, which would otherwise be needed to address similar issues repeatedly.

This also makes it possible to schedule clinics, staff, etc at the same time, making for greater efficiencies, and less waiting.

This works best in courts with large calendars.

Examples and Resources

Such scheduling issues are discussed in part in the National Bench Guide, [http://www.selfhelpsupport.org/library/folder.177582-National Bench Guide](http://www.selfhelpsupport.org/library/folder.177582-National_Bench_Guide).

Cost Analysis

This is another investment that will take management time to set up, and some staff time to manage, but that will return time savings promptly.

4. Attorneys attempt to circumvent the case flow management system

This occurs when they feel that they lose control of the case.

a. Make opt-out system easier to use

Description

If there is a system for opting out of the case flow management program, make it available to all parties, whether represented or not.

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It is also useful to make instructions and forms for opting out readily available in the courthouse and on the court's web site, with clear instructions and prompt response.

Cases that are moving along on their own need not be scheduled for additional case management hearings.

Examples and Resources

Sonoma County has a reset form that permits parties to move their hearings out if they are making progress working towards resolution on their own. Contact Louise Bayles Fightmaster, lbayles@sonomacourt.org.

Orange County only schedules hearings for those cases that are not meeting milestones on their own. Contact Linda Daeley, ldaeley@occourts.org.

Cost Analysis

This will reduce time wasted by those who do not want to take advantage of the benefits of case management.

b. Bar outreach.

Description

It is worthwhile to encourage sponsoring judicial officers to outreach to the local bar about the need for and benefits of the court's case flow management program.

Examples and Resources

Technical assistance visits from other courts in California include interviews and focus groups with members of the local bar. Feedback from the local bar is incorporated into the recommendations to the court on how to improve their caseload management. These visits were conducted by Deborah Chase at the California AOC, Deborah.Chase@jud.ca.gov, and John Greacen, greacenjmg@earthlink.net.

Sonoma County met with the Bar during the development, during the launch of the new program and continues to meet regularly with the Bar and update them on the status of the program.

Cost Analysis

This will take some time and effort, but has long term benefits.

- c. Develop methods for attorneys to provide feedback to the court on it's case flow management program.***

Description

Among the methods that might work are focus groups, surveys, online surveys, and questionnaires at the end of cases.

Examples and Resources

Ventura has an attorney case manager who actively manages the attorney cases and in this way receives regular feedback from the attorneys. Contact Caron Smith, caron.smith@ventura.courts.ca.gov.

Cost Analysis

This can be done in a low cost manner.

- d. Invite private attorneys to participate in the development and modification of the case flow management program.***

Description

Attorneys bring a valuable perspective, and can make suggestions that will save resources.

Examples and Resources

Sonoma County did this successfully in implementing their case flow management program, but this needs to be done carefully so as not to surrender control to the private bar. The local culture must be taken into account when determining how best to proceed. Contact Louise Bayles Fightmaster, lbayles@sonomacourt.org.

Cost Analysis

Should not have a significant impact on routine costs, although the consultation process will take court management time.

5. Customers arrive unprepared to their case flow management events.

This deeply undercuts the return on any investment in this area of innovation.

- a. Develop informational materials***

Description

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These materials should tell litigants how to complete cases.

Materials should be readily available to customers both in the courthouse and on the court's website.

They might be routinely distributed at the beginning of the case, or prior to appropriate hearings.

Examples and Resources

The drafting of such materials is generally discussed in *Practice 5, Written Information*, of the *SRLN Best Practices Document*, http://www.selfhelpsupport.org/library/item.223550-2008_edition_of_Best_Practices_in_CourtBased_Programs_for_the_SelfRepresent.

A particularly impressive application of this idea is the "First Appearance Chart" distributed to all litigants in the NH Family Court Division. This shows the various steps and alternatives through which a case may go, and is referred to frequently by the judge during his introduction to the case management hearing. Contact Brigette Siff Holmes, BHolmes@courts.state.nh.us.

Cost Analysis

A small development cost. Small print costs on an ongoing basis.

b. Include instructions with case flow event notification

Description

The notice that informs customers of their case flow management events, should be designed to include instructions on what to complete prior to the hearing and what to bring with them to the hearing.

The notice should include a referral to the self help center to receive assistance prior to the date of their case flow management event.

Examples and Resources

Ventura County provides various instructional materials to assist customers in moving their cases along and avoiding dismissal. Contact Caron Smith, caron.smith@ventura.courts.ca.gov.

San Diego also provides instructions to litigants when notifying them of their next case flow management event. Contact Susan Groves, Susan.Groves@SDCourt.CA.Gov.

Sonoma County provides a referral to the Self Help Center and explains how to receive assistance prior to the case flow management event. Contact Susan Groves, Susan.Groves@SDCourt.CA.Gov.

Cost Analysis

Not expensive to modify the notice.

c. Have self help staff, including attorneys, available to answer questions and provide procedural assistance.

Description

This is a key service innovation, and can include assistance with identifying what needs to be done, specific assistance dealing with the underlying problem, and referral if needed.

Examples and Resources

Ventura, San Diego and Sonoma Counties all provide self-help staff to assist litigants at the time of the case flow management events. Contacts: Caron Smith, caron.smith@ventura.courts.ca.gov, Susan Groves, Susan.Groves@SDCourt.CA.Gov, Louise Bayles Fightmaster, lbayles@sonomacourt.org.

Cost Analysis

This can take significant time and adds staff costs.

6. Court staff and Judicial Officers do not buy-in to case management

This is a general problem, which is likely to reflect a cultural issue in the court.

a. Collect data to support the implementation of a case flow management program.

Description

Data collection can range from very primitive (check lists by judges and clerks) to very complicated (modification of case management software to track problems leading to adjournments.)

Examples and Resources

San Diego and Orange Counties both have collected extensive data and have analyzed the data to demonstrate the need for case flow management programs.

Contacts: Contact Susan Groves, Susan.Groves@SDCourt.CA.Gov, Linda Daeley, ldaeley@occourts.org.

Cost Analysis

Costs vary with complexity. However, costs should not deter, since simple systems will provide a useful initial picture.

b. Meet with court staff and judicial officers on case management

Description

Such meetings should occur prior to implementation of the case flow management program, or any changes to explain the program and answer any questions. Such meetings should grow out of a consultative process that has led to the implementation or change. Data supporting the new system should be shared at these meetings and the benefits to be gained should be explained.

Examples and Resources

Issues of staff buy-in are addressed in *SRLN Court Leadership Package, Module 8: Case Management for Access*, <http://www.selfhelpsupport.org/library/item.208589-Power Points for Module 8 Caseflow Mangement for Access>.

Cost Analysis

Such meetings are a staff only cost, and critically important.

7. Self help staff is not being utilized efficiently to assist with case resolution.

In other words, a system is in place, but not having much effect, at least with respect to the self-represented. Internal prohibitions unnecessarily limit the scope of services that self help staff are permitted to provide.

a. Permit self help staff to provide the most needed services throughout the court process

Description

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The problem is often that internal prohibitions unnecessarily limit the scope of services that self help staff are permitted to provide. These do not reflect legal requirements, but rather perceived legal requirements.

Examples and Resources

Los Angeles Superior Court conducts workshops for each stage of the process of a family law case. Contact Kathleen Dixon, KDixon@LASuperiorCourt.org

Ventura's Family Law Facilitator conducts mandatory settlement conferences in self represented litigant cases. Contact Caron Smith, caron.smith@ventura.courts.ca.gov.

San Diego self help attorneys conduct case status conferences. Contact Susan Groves, Susan.Groves@SDCourt.CA.Gov.

Sonoma and Sacramento Counties have volunteer attorneys acting as pro tem judges who conduct mandatory settlement conferences. Self represented parties take their written agreement to the Self Help Center to be typed into a formal judgment which both parties then sign before it is submitted to the judge for signature. Contact: Louise Bayles Fightmaster, lbayles@sonomacourt.org, Lollie Roberts, RobertsL@saccourt.ca.gov.

Santa Clara County assigns attorneys to each SRL courtroom and the judge refers people to that attorney throughout the calendar to assist with forms, support calculations and settlement. Contact Fariba R. Soroosh, FSoroosh@scscourt.org.

Cost Analysis

Cost depends upon the innovation. However, there is a very significant saving associated with many of these concepts.

b. Include referrals to the self help center with every notice of case flow management event and at every case flow management event

Description

Such a referral helps make sure that existing staffing resources are deployed in conjunction with the pressure of case management.

Examples and Resources

None identified.

Cost Analysis

The referral is low cost. Additional staff time may result.

b. Develop referral system to self-help center, if available

Description

Staff will be better utilized if there is a system of referring matters to the self help center during the case flow management calendar. Next hearings should be scheduled after assistance has been received

Examples and Resources

Los Angeles does this. Contact Kathleen Dixon, KDixon@LASuperiorCourt.org.

Cost Analysis

This will take a small ongoing staff resource.

8. Customers are returning to court for subsequent case flow management hearings before they have had an opportunity to complete necessary actions identified at the previous case flow management hearing.

This problem can undercut the whole case flow management approach, resulting not only in wasted time, but a sense of frustration and futility. The problem stems from a rigid scheduling system that does not allow the parties extra time to complete necessary steps, when needed.

Solutions are relatively simple.

a. Develop flexible scheduling system

Description

One solution is to develop a flexible system of scheduling subsequent case flow management hearings to allow sufficient time for customers to complete necessary actions before next hearing date.

This can simply be to establish flexible date setting. A more complex approach would be to only reschedule when triggering events have happened. Such a system would require a system of checking and default calendaring.

Examples and Resources

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Sonoma County schedules cases on an individual basis after the initial case flow management event, after assessing the actions to be completed before the next event. Contact Louise Bayles Fightmaster, lbayles@sonomacourt.org.

Orange County only schedules events if the parties fail to meet various milestones by pre-determined dates. Contact Linda Daeley, ldaeley@occourts.org.

Cost Analysis

A simple system is very cheap. More complex systems require staffing support and cost resources, but would also save hearing time.

- b. Work with parties and their attorneys to determine accurate and reasonable time estimates for scheduling the next case flow management event.***

Description

An alternative is to include verbal and written referrals to self help center and other resources, so that litigants can get the help they need to complete necessary steps before next case flow management hearing date.

Examples and Resources

Implicit in effective caseflow management. See generally, *SRLN Court Leadership Package, Module 8: Case Management for Access*, <http://www.selfhelpsupport.org/library/item.208589-Power Points for Module 8 Caseflow Mangement for Access>

Cost Analysis

This is a low cost item.

9. Self represented litigants feel that they are being forced to jump through hoops that are not placed before litigants with attorneys.

This occurs when programs intended to assist the self-represented are structured in such a way that they are being subject to additional steps or requirements.

- a. Case flow management program should apply equally to both represented and non-represented parties***

Description

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Any innovation or existing program should be reviewed to make sure that any steps required of the self-represented are facilitative and that lawyers can not avoid the obligations of the program.

Examples and Resources

Ventura and Sonoma County treat represented and unrepresented parties the same with respect to their case flow management programs. Contact Caron Smith, caron.smith@ventura.courts.ca.gov, Louise Bayles Fightmaster, lbayles@sonomacourt.org.

Cost Analysis

There is only a management cost.

b. Use separate calendars

Description

If the court schedules attorney cases on different calendars from SRL cases, it will tend to reduce the appearance of preference that may be implied from the court's different methods of interacting with attorneys and SRLs.

While such an approach makes it more cost effective to schedule the resources for the courtroom that the SRLs need, it also can enhance the sense of segregation. It is important to avoid creating too much separation as this may result in two separate and distinct systems developing.

Examples and Resources

Most California courts which have case flow management programs schedule represented and self-represented parties on separate calendars, including Ventura, San Francisco, and Placer. Contact: Caron Smith, caron.smith@ventura.courts.ca.gov; Judy Louie, julouie@sftc.org; Diane Bras, dbras@placer.courts.ca.gov.

Alternatively, Sonoma County does not use separate calendars. Contact Louise Bayles Fightmaster, lbayles@sonomacourt.org

Cost Analysis

This may save money by allowing for more precise deployment of support resources in the self-represented calendar.

10. Litigants feel pressured to settle their cases in order to avoid frequent and costly trips to the courthouse for case flow management hearings

Such pressure is likely to occur in any low or middle income cases, regardless of whether the cases involve counsel. One goal of the system should be to avoid unnecessary court intervention.

- a. Prior to implementation, carefully analyze the case flow process to determine the minimum amount of intervention required to successfully manage cases to disposition.***

Description

The case flow process should be analyzed to determine if there are key points at which small interventions can be made that will have the significant impact in moving cases to disposition.

Examples and Resources

Los Angeles County is making incremental and minimal changes to their system in order to determine if a small intervention is sufficient to move the cases to disposition. All cases are being carefully tracked to determine the effectiveness of the small interventions. Contact Kathleen Dixon, KDixon@LASuperiorCourt.org.

Cost Analysis

Usually such information is low cost.

- b. Develop flexible system for scheduling hearings to allow sufficient time for litigants to complete each step before returning to court***

Description

Such an approach will lessen the disincentives to protecting one's rights.

Examples and Resources

None identified

Cost Analysis

Low cost, and possible increased efficiency.

- c. Create more litigant-friendly court schedule***

Description

If a court schedule hearings at times that better accommodate customers' work schedules, such as first thing in the morning, late in the afternoon or in the evening when the court is open for night court, pressure to conclude cases inappropriately will be reduced. Other solutions include relaxing the rules regarding telephonic appearances at hearings scheduled during the normal work hours

Examples and Resources

None identified.

Cost Analysis

Opening court at additional times can be costly.

d. The Court should allow sufficient time for a full hearing to be held when the litigants appear for their hearings, but not necessarily for the case flow management events.

Description

Matters that are not resolved at scheduled hearings often result in additional hearings being scheduled to address the unresolved issues. A careful review of the case prior to the hearing is necessary to ensure that all issues raised in the moving papers are addressed during the hearing.

Examples and Resources

Sonoma County keeps all hearings and trials in the direct calendar department and does not move on to the next case until the trial is completed. Contact Louise Bayles Fightmaster, lbayles@sonomacourt.org

Cost Analysis

Long term cost savings.

11. Customers are unsure of the steps that need to be taken prior to the next case flow management hearing.

This is a real and frequent problem that imposes significant costs upon the whole system.

a. Provide comprehensive information at beginning of case.

Description

It is helpful, upon the filing of new cases, to provide customers with an overview of the court process and referrals to the self help center for assistance understanding and completing the necessary steps.

Examples and Resources

Los Angeles County provides all litigants with a “road map” for completing their case whenever a new family law case is filed. Contact Kathleen Dixon, KDixon@LASuperiorCourt.org.

The New Hampshire Family Court Division provides a flow chart of the case resolution process at a special “first appearance.” Contact is Brigette Siff Holmes, BHolmes@courts.state.nh.us.

Cost Analysis

This information is cheap, and can radically reduce time wasted through needless adjournments.

b. Provide additional information prior to each hearing.

Description

The notice of the case flow management hearing can include information on the steps to complete before the hearing, what to bring to court on the hearing date and where to go for assistance completing the necessary steps.

Examples and Resources

Ventura County has an attorney case manager who contacts parties and attorneys prior to the hearing to remind them of the event date and any required paperwork that they need to bring with them. Contact Caron Smith, caron.smith@ventura.courts.ca.gov

Cost Analysis

This information is cheap, and can have a very significant impact, particularly if the referrals provide genuine help.

- c. Provide information at the end of each hearing explaining the orders that were made that day and the next step to move the case along.***

Description

Self help staff can be available to explain orders and provide directions on next steps before the parties leave the courthouse after their hearing.

Examples and Resources

Alameda County has self help attorneys in the courtrooms who prepare the orders then explain them to the litigants (SRLs only). The Alameda County, CA program is described in an article by Hon. Evelio M. Grillo

http://www.selfhelpsupport.org/library/item.263860-Access_to_Justice_Delivering_Effective_Service_to_Pro_Se_Litigants.

Cost Analysis

This is so impressive in its time savings, that it clearly saves money.

12. Judges and court staff have differing perceptions of the effectiveness of the court's case flow management program

Such perceptions may result from a focus on different aspects of the program, and different sources of information about its benefits and impact.

- a. Gather baseline statistics prior to program deployment***

Description

Such statistics should focus on the length of time cases take to reach disposition prior to implementing case flow management program. They might also include customer satisfaction data.

Examples and Resources

This approach was used in the technical assistance visits coordinated by the Administrative Office of the Courts for Superior Courts in California. These visits were conducted by Deborah Chase at the California AOC, Deborah.Chase@jud.ca.gov, and John Greacen, greacenjmg@earthlink.net.

Orange County gathered extensive data before launching their pilot. Contact Linda Daeley, ldaeley@occourts.org.

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Los Angeles is taking the same approach. Contact Kathleen Dixon, KDixon@LASuperiorCourt.org.

Ventura County has also gathered extensive data. Contact Caron Smith, caron.smith@ventura.courts.ca.gov.

Cost Analysis

The timeline statistics should be being gathered in any event. Customer satisfaction data can be collected cheaply with volunteers.

b. *Share baseline data*

Description

Sharing such baseline data with court staff and judicial officers and informing them of how and when additional data will be gathered on the case flow management program will help create common measures of success, as well as focus expectations on the outcomes about which the court cares.

Examples and Resources

Orange County used baseline data to persuade the family law bench of the need for a pilot case flow management system. Contact Linda Daeley, ldaeley@occourts.org.

Cost Analysis

The sharing process itself is cheap.

c. *Regular updating meetings*

Meeting regularly with court staff and judicial officers during first year of program to share updated information about the program and to discuss how it might be modified, is critical to maintain buy in. These meetings should rely in large part upon new timeliness data.

Examples and Resources

Ventura County put together a case flow management committee that met monthly to work on their system and to work out any problems that arise. Contact Caron Smith, caron.smith@ventura.courts.ca.gov.

Cost Analysis

The meeting process itself is cheap.

13. Excessive continuances are clogging the dockets and diverting court time from hearing-ready cases

This is an inherent problem with case management, which uses hearings as a focus for solutions and resolution.

Flexibility and responsiveness reduce the problem.

- a. Develop and enforce a policy to limit/discourage continuances except for good cause.***

Description

Such a policy provides flexibility but can reduce the force of case flow management in keeping cases moving. What is needed is a combination of flexibility with the provision of services so that the reason for the continuance can be dealt with. There is no point to a continuance for its own sake. Most courts already have a local rule that discourages repeated continuances. The Court needs to enforce these rules if it would like to discourage continuances.

Examples and Resources

Ventura, Fresno and Sonoma Counties are trying to enforce their rules, but there is a strong culture of continuances in the legal community that must be overcome and it is slow going. Contact: Caron Smith, caron.smith@ventura.courts.ca.gov; Contact Louise Bayles Fightmaster, lbayles@sonomacourt.org

Cost Analysis

Any reduction of pressure can increase the total number of hearings. But sensitive enforcement can optimize benefits without significant cost.

- b. Bolster efforts to educate customers about service requirements and to provide self help services in meeting these requirements.***

Description

Such efforts will reduce the need for adjournments. They will include information, handouts, self-help clinics, etc.

Examples and Resources

General information about materials is generally discussed in *Practice 5, Written Information*, of the SRLN Best Practices Document,

<http://www.selfhelpsupport.org/library/item.223550->

[2008 edition of Best Practices in CourtBased Programs for the SelfRepresent.](http://www.selfhelpsupport.org/library/item.223550-)

Cost Analysis

Materials are cheap, and expansion of self-help services are potentially less so.

c. Encourage and provide front-end self-help services

Description

More detailed and focused initial services will help ensure that pleadings are prepared properly and customers understand service requirements. Thus services increase the chances that continuances will not be necessary.

Examples and Resources

Los Angeles has made particular efforts in this general area. Contact Kathleen Dixon, KDixon@LASuperiorCourt.org.

Cost Analysis

These services will not be expensive if existing systems exist. They will take more if there are no prior services.

d. Pre-hearing review of court files and moving papers to verify that cases are hearing-ready.

Description

This is one of the major focuses of self-help oriented caseflow management, and requires significant staff attention. This attention, however, saves significant courtroom and continuance time. Note that the key is not just identifying the problem, it is providing the services to resolve it and get the case moving again.

Examples and Resources

In Sonoma County, courtroom clerk (with judicial officer oversight) reviews all files prior to the status conferences and uses a cheat sheet to verify that all necessary steps have been taken. If the parties fail to appear, the clerk calls the parties and notifies them of what they need to do next and attempts to schedule the next event. Contact Louise Bayles Fightmaster, lbayles@sonomacourt.org.

Cost Analysis

This innovation takes significant investment because there is need for staff time to diagnose, and also for the addition of services. However there are savings at the actual hearings and after that.

e. Integrate scheduling of other events

Description

In some situations, the excessive adjournments are because mandatory pre-hearing processes (eg. custody mediation) have not been scheduled with sufficient time to complete them before or at the time of the hearing. Fixing this, and providing flexibility, will improve the adjournment rate and increase resolutions. In part this can be done with a timing review protocol that can be followed in all cases.

Examples and Resources

None specifically identified. See, generally, *SRLN Court Leadership Package, Module 8: Case Management for Access*,

[http://www.selfhelpsupport.org/library/item.208589-Power Points for Module 8 Caseflow Mangement for Access](http://www.selfhelpsupport.org/library/item.208589-Power%20Points%20for%20Module%208%20Caseflow%20Mangement%20for%20Access).

Cost Analysis

This is an innovation that will require management attention to set up, and also ongoing staff time to ensure that new problems do not develop.

14. Backlog of processing documents creates delay in obtaining orders and may lead to the scheduling of additional hearings to resolve problems caused by the delay.

These are the problems that occur because of court processing problems (which may also, however, be exacerbated by errors by litigants, such as mis-filing.)

Such problems are likely to get worse rather than better. They are a good example of how problems in one area can create problems and waste in other areas.

The Court needs to take responsibility for ensuring that orders after hearing are prepared and placed in the court file, including directing the preparation of orders by attorneys. The Court should also have an appropriately qualified review of default judgments, which may vary with the complexity of the documents filed.

Hearings on defaults should only be scheduled when it is necessary to voir dire the litigants.

a. Establish and publish a protocol for processing documents and apply it across all court locations.

Description

A protocol needs to make sure that the back-office paperwork is managed in a way that gets the file courtroom ready at the time of the hearing, and with sufficient time to enable pre-hearing processes to be completed in a timely way. A method for monitoring and enforcing these rules needs to be implemented.

Examples and Resources

Alameda County prepares orders after hearing on all cases heard on the pro per calendar.

Sonoma prepares all orders for the self-represented. Contact Louise Bayles Fightmaster, lbayles@sonomacourt.org.

San Francisco has an effective default judgment process, although it is not always completed in a timely fashion. Contact Judy Louie, julouie@sftc.org.

Ventura County's default process is completed in a timely fashion. Contact Caron Smith, caron.smith@ventura.courts.ca.gov.

Cost Analysis

The development of such a protocol can require a significant management and training investment, since it involves a range of staff and staff roles.

However, the savings will ripple through the system.

b. Ensure that documents are being given appropriately high priority.

Description

The system and protocol must have protections to make sure that those files needed to be up to date for a hearing are actually up to date for that hearing. This requires attention to deadlines when the documents are first received, if there is any processing backlog.

Examples and Resources

Sacramento County checks the case management system for upcoming hearings whenever documents are filed. If there is an upcoming hearing, the documents are routed to the department rather than to the filing department. Contact Lollie Roberts, RobertsL@saccourt.ca.gov.

Cost Analysis

A minimal system to make sure that priority documents get priority should be less disruptive and expensive than a more comprehensive system.

- c. *Train staff in identifying differences between harmless and fatal errors and provide sufficient oversight.***

Description

Some of the paperwork problems come from excessive returns of documents to litigants. This can be dealt with by establishing protocols that make it easier for staff to reject only those papers in which the omission or error is fatal, rather than harmless. The ultimate standard is that papers should only be rejected if they lack the data required to allow the case to move forward, with the understanding that if the error can be fixed at the hearing, then the problem does not stop the case from moving forward.

Examples and Resources

San Francisco County has a multi-layered review and clerical staff are trained to differentiate between harmless and fatal errors. Files with harmless errors are advanced to attorney staff to determine if the error can be overcome. Contact Judy Louie, julouie@sftc.org.

Cost Analysis

The development and deployment of this protocol will require management attention. Once deployed, however, it will save resources and refilling costs.

- d. *Provide clear explanations of reasons that documents are rejected and include referrals for assistance where appropriate.***

Description

In those situations in which the problems are such that the papers must be rejected, litigants should receive clear explanations, instructions as to what to do, and referrals for where to get additional assistance. The review of the documents should be complete and should not stop upon the identification of the first error. All

deficiencies should be described in the rejection letter so that they may all be corrected before the next submission.

To ensure that this happens, courts need to develop protocols identifying the form of explanation and information to be provided in each situation.

Examples and Resources

Sacramento County reviews for all deficiencies, includes them all in the rejection letter and includes referrals for assistance in the parties are self-represented. Contact Lollie Roberts, RobertsL@saccourt.ca.gov.

Ventura, Alameda and Sonoma also do this well.

Cost Analysis

It will take significant management attention to develop this protocol, and the informational materials to accompany notifications. There will be significant payback.

15. Parties do not show up for their case flow management events.

a. Use autodial system to remind parties of their scheduled events.

Description

This is a standard technology. The complexity comes into integrating into the case management system.

Examples and Resources

Orange County is looking into doing this. Contact Linda Daeley, ldaeley@occourts.org.

Cost Analysis

These systems take significant investments, depending on court size.

b. Have case flow management staff call the parties before each scheduled event to remind them of their court date and time.

Description

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A simple idea, but takes time. Human calling provides more opportunity to identify problems.

Examples and Resources

Ventura and Sonoma Counties are currently doing this. Contact Caron Smith, caron.smith@ventura.courts.ca.gov; Louise Bayles Fightmaster, lbayles@sonomacourt.org.

Cost Analysis

This takes significant staff time, but provides opportunities for significant interaction and delay reduction.

- c. *Use an appointment slip that the parties can take away with them when they are in court to remember their next scheduled event.***

Description

Simple to complete and use.

Examples and Resources

Placer County has appointment slip pads on the counsel tables. At the end of each case flow management event, the parties are instructed to write out their next scheduled event on the appointment pad and take it with them to remember their next event. Contact Diane Bras, dbras@placer.courts.ca.gov.

Cost Analysis

Very low cost.

C. General Resources

General resources on case management approaches are covered in *Practice 33: Case Management Integration*, of *SRLN Best Practices in Court-Based Programs for the Self-Represented*. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresented](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresented).

SRLN Court Leadership Package, Module 8: Case Management for Access, addresses these in great detail, and provides examples, [http://www.selfhelpsupport.org/library/item.208589-Power Points for Module 8 Caseflow Mangement for Access](http://www.selfhelpsupport.org/library/item.208589-Power%20Points%20for%20Module%208%20Caseflow%20Mangement%20for%20Access).

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Greacen Associates, Developing Effective Practices in Family Caseflow Management, especially Chapter 6, Special techniques applicable to cases involving unrepresented litigants, [http://www.selfhelpsupport.org/library/item.205420-California Family Case Management Manual](http://www.selfhelpsupport.org/library/item.205420-California%20Family%20Case%20Management%20Manual).

Chapter Five of the National Bench Guide is the major general resource.
[http://www.selfhelpsupport.org/library/folder.177582-National Bench Guide](http://www.selfhelpsupport.org/library/folder.177582-National%20Bench%20Guide).

Self-Represented Litigation Network

Diagnostic and Recommendation Project



Protocol Six: Hearing Management

**Prepared by the Working Groups of the Self-Represented Litigation Network
General Package Editor: Richard Zorza**

Developed by the Self-Represented Litigation Network, with funding from the Maryland Administrative Office of the Courts, and the National Center for State Courts.

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Introduction to Protocol Package

This is one of twelve Diagnostic Protocols, developed by the Self-Represented Litigation Network,¹ and designed to assist courts and their partners assess the need for, and options available to advance, solutions for access to justice challenges in their courts.

In these tough economic times, courts are facing budget cuts, increased caseload, more self-represented litigants and litigant who are themselves under greater financial and psychological stress. Court leaders focusing on both administrative and policy issues recognize that courts must continue to process cases and they want to do so in ways that optimize access to justice. As with other institutions, the crisis offers opportunities as well as stress, with courts needing to focus on changes and innovations that are low cost, easy to deploy, and highly cost effective. The highest stress is occurring in those case types that already have high – and now increasing – numbers of the self-represented: landlord tenant, foreclosure, family, consumer and credit card debt, small claims.

During the last three years, the Self-Represented Litigation Network has developed a wide range of *Best Practices*, approaches, tools and materials that can assist courts in simultaneously achieving greater efficiency and effectiveness while promoting access to justice. Some of these involve small changes that can have a big impact, others involve the creation of new programs.

The Network has leveraged these materials to develop a diagnostic and problem solving methodology that can help as many as possible managerial and justice leaders in the courts on the ground choose and implement changes that are immediately practicable in these budget times. The approach will allow states to learn and deploy this methodology by using existing in-state resources, rather than requiring the courts to make significant additional investments.

This has been done by developing Diagnostic and Problem Solving Protocols that can be used in as cost effective a manner as possible to identify and facilitate potential improvements in access and efficiency. The protocols were developed by the Network and tested and enhanced in pilot visits in New Hampshire and Montana.

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The Protocols now available for this process include:

- Suggested questions for the team to ask stakeholders to identify problem areas,
- Listings of likely problems to be identified,
- For each problem, a menu of specific low cost suggestions to help address those problems, and
- For each suggested solution, to the extent locatable, appropriate and realistic, resources, contacts, and general cost analysis

The full package of protocols, that include framing and process structuring protocols is as follows:

1. Protocol for Introducing and Focusing Diagnostic Process
2. Concierge Diagnostic Protocol
3. Self-Help Services Diagnostic Protocol
4. Clerk's Office/Forms Diagnostic Protocol
5. Caseflow Management Diagnostic Protocol
6. Hearing Diagnostic Protocol
7. Compliance Diagnostic Protocol
8. Self-Assessment Diagnostic Protocol
9. Access Partnering Diagnostic Protocol
10. Protocols for Integrating/Prioritizing Recommendations
11. Protocol for Customizing Protocols for State/Planning Use
12. General Approach Protocol

The protocols remain a collaborative work in progress, and suggestions for improvements are very welcome.

VI. Diagnostic Protocol for Hearing

General Methodological Note on the use of the Hearing Diagnostic Protocol:

It is important to recognize judicial primacy in the structuring of hearings. This protocol is designed to provide as much information as possible to judges and judicial decision-makers in order to enable them to optimize the ways that they manage hearings. As such it seeks input from a wide variety of observers, none of whom will have the full perspective of the judge. Users of this protocol must be sensitive to this dynamic.

A. Problem Identification Process

1. Questions for All on Hearing

- Where do the self-represented seem to be having the most problems in the hearing?
- What situations involving self-represented litigants in the hearing seem to be causing the possible lack of full information being presented to the court?
- What situations involving self-represented litigants in the hearing seem to be causing the greatest delay or problems?
- Is time apparently being wasted in hearings? If so, how?

2. Questions for Observation Process of Hearing

- Are courtroom staff being used to the extent possible to assist with moving the cases?
- Are staff experiencing “dead time” in the courtroom?
- Are staff sufficient for the level of tasks they are being asked to perform?
- Is the judge providing information that could more appropriately be provided by the self help attorney?
- What seems to be most challenging for the judge?

3. Special Questions for Judges

- What gets in the way of your deciding cases?
- Are staff helpful to you in the courtroom?
- What are the biggest problems communicating with litigants?
- How do you feel cases are not courtroom ready?

4. Special Questions for Users of Hearing (Litigants)

- Do you feel you are getting a full opportunity to tell your story? If not, when and how are you not?
- Are staff helpful to you in the courtroom?
- Do you think you understand what occurred at your hearing? (additional probing may be needed to determine whether users truly understand what occurred in court)
- Do you feel that the court hearing was a fair process?
- What would you like us to do differently to make the court process more understandable to you?
- Do you understand what you need to do next?

5. Special Questions for Court Stakeholders (staff) of Hearing

- Are there ways that your could make cases more “courtroom ready” than they are? If yes, please describe.
- Are there ways that your time could be better spent in the courtroom?
- Are there things that you or others could do prior to the hearing that would make the courtroom process flow more smoothly?

6. Special Questions for External Stakeholders of Hearing

- Are you seeing ways that cases are getting to the courtroom without being courtroom ready?
- Are there things that you or others could do prior to the hearing that would make the courtroom process flow more smoothly?

7. Special Questions for Court Leaders

- How can court leaders work with judges on ways that the system as a whole gets cases fully courtroom ready?
- How can the system better assist judges develop perspectives on management of hearings and the courtroom processes?

- What can be done to ensure all court staff (including judicial officers) are focused on the same goal of ensuring that every case on calendar is ready to move forward?
- What obstacles prevent court administration from placing priority on the importance of self help and staff support to the courtroom process

B. Problems, Solutions and Cost Analysis

Note that some of these suggestions are directed to the judge, and require action only by the judge. Others also require changes in the operation of the courtroom by its staff. Yet others may also require changes in other parts of the court. The diagnostic process is designed to bring these complexities to light and to make possible the conversations needed to deploy comprehensive changes.

1. Cases being adjourned because of service or other paper problems

a. Modify caseflow management system to prevent unnecessary court appearances

Description

Caseflow management systems offer a variety of ways to catch cases before the hearing when those cases are going to result in an adjournment. Methods include file review, pre-hearing conferences, and changing calendaring policies.

One example is to implement a process for identifying matters with pending hearings when accepting proof of service forms for filing so they can be routed to appropriate case management or courtroom staff.

Examples and Resources

These methods, with examples, are explored in detail in *Diagnostic Protocol 5, Case Management*, which is a part of this package.

General resources on case management approaches are covered in *Practice 33: Case Management Integration*, of *SRLN Best Practices in Court-Based Programs for the Self-Represented*. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresented](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresented).

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SRLN Court Leadership Package, Module 8: Case Management for Access, addresses these in great detail, and provides examples,
<http://www.selfhelpsupport.org/library/item.208589-Power Points for Module 8 Caseflow Mangement for Access>.

Greacen Associates, Developing Effective Practices in Family Caseflow Management, especially Chapter 6, *Special techniques applicable to cases involving unrepresented litigants*, <http://www.selfhelpsupport.org/library/item.205420-California Family Case Management Manual>.

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

Cost Analysis.

Cost will obviously vary greatly depending on the intervention planned.

b. Improve educational efforts with staff and litigants on service

Description

Providing detailed and comprehensible information on service requirements and methods increases the changes that the self-represented will be able to comply.

This solution also includes training court staff to provide blank proof of service forms and instructions to customers whenever accepting for filing papers that require service and which have not yet been served.

Examples and Resources

Litigant educational programs are discussed generally in the practices in Part One, *SRLN Best Practices in Court-Based Programs for the Self-Represented*.
<http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent>.

Staff educational programs are discussed generally in General resources on case management approaches are covered in *Practice 36: Broad Training of Courthouse Staff*, of *SRLN Best Practices in Court-Based Programs for the Self-Represented*.
<http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent>.

The Los Angeles Superior Court Self-Help Center is among those that provides information on service. Contact Kathleen Dixon, KDixon@LASuperiorCourt.org.

Cost Analysis.

Materials costs are low. Adding a few seconds of additional information at the clerk's window is also not expensive.

c. Review papers before hearing and postpone if unready with explanation and information for litigants

Description

It is recommended to review court files 1-2 weeks before scheduled hearings to verify that service has been complete.

If service is incomplete, contact customers to determine whether service will be complete by time of hearing or whether hearing needs to be continued to allow more time for service.

- Contact can be by letter, live telephone call, or automated call
- Consideration must be given to cases with sensitive issues such as domestic violence
- Customers may be asked at time of filing how they would like the court to contact them if questions arise prior to the hearing
- Additional help can be offered

Examples and Resources

In a related approach, in Sonoma County, courtroom clerk (with judicial officer oversight) reviews all files prior to the status conferences and uses a cheat sheet to verify that all necessary steps have been taken. If the parties fail to appear, the clerk calls the parties and notifies them of what they need to do next and attempts to schedule the next event. Contact Louise Bayles Fightmaster, lbayles@sonomacourt.org.

Cost Analysis.

This requires an additional affirmative step in the hearing preparation process for the court. As such it requires investment. However, it has an immediate saving in reduced need to adjourn cases.

d. Develop system to check that papers are fully courtroom ready

Description

Beyond service issues, cases are often not judge-ready, either because of missing documents, or because documents are not properly completed.

Staff can routinely review the whole file, and cases can then either be set for postponement until the file is complete, set for the use of the hearing date to complete the file, or set for some form of pre-hearing intervention to make sure that the file is courtroom-ready on the hearing date.

Examples and Resources

See above Sonoma County, CA example. Contact Louise Bayles Fightmaster, lbayles@sonomacourt.org.

Cost Analysis.

Can be done by clerk or caseflow system, but remedial steps will take additional resources.

2. Cases being adjourned because on wrong calendar

Cases can be on the wrong calendar because of clerk or litigant error. Early checking and/or intervention can save significant resources and aggravation.

a. Check prior to hearing notice

Description

A full check requires review of the file to analyze the relief sought and the underlying facts. If the case is headed to the wrong calendar, the remedy will depend on the cause of the error.

If the litigant has filed using the wrong procedure, it may be possible for the judge to make appropriate correction during the hearing, but in any event the case should be noticed on the correct calendar.

Most desirable is the development of a protocol to check for the right calendar, with steps to be taken for each potential error.

Examples and Resources

See above Sonoma County, CA example. Contact Louise Bayles Fightmaster, lbayles@sonomacourt.org.

Cost Analysis.

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This will take both management time to establish the system, and ongoing monitoring of the caseload. Ongoing monitoring can be integrated into other caseflow management file checking.

b. Better discussion with litigant at time of filing

Description

If the clerk or self-help center talks in greater detail with the litigant prior to or at filing, more of these errors will be identified.

This requires a more engaged role by the clerk that is used in some environments. However, notwithstanding “practice of law” concerns, it is fully appropriate for the clerk to check that the right procedure is being followed. It should be noted that this conversation will pick up problems in this area that will not necessarily be clear from the paperwork alone.

A protocol will speed the process.

Examples and Resources

SRLN Leadership Package, Module 5: Staff Ethics, covers this field in detail.
[http://www.selfhelpsupport.org/library/item.208596-Power Points for Module 5 Staff Ethics](http://www.selfhelpsupport.org/library/item.208596-Power%20Points%20for%20Module%205%20Staff%20Ethics).

The California Judicial Council’s *May I Help You, Legal Advice Versus Legal Information*, is a critical training document,
[http://www.selfhelpsupport.org/library/item.263744-May I Help You Legal Advice vs Legal Information](http://www.selfhelpsupport.org/library/item.263744-May%20I%20Help%20You%20Legal%20Advice%20vs%20Legal%20Information).

Cost Analysis

If there is a protocol that guides the function, it should not take clerks long to follow it.

c. Make sure flexibility does not result in increase in wrong filings

Description

As courts work to open the system up, clerks may become less rigid and formal in their requirements, and the risk is that this flexibility will result in wasteful misfilings.

One solution is the above protocol, which can underline the bottom line requirement that the case be filed in the right place.

Examples and Resources

SRLN Leadership Package, Module 5: Staff Ethics, covers this field in detail.

<http://www.selfhelpsupport.org/library/item.208596->

[Power Points for Module 5 Staff Ethics.](http://www.selfhelpsupport.org/library/item.208596-)

The California Judicial Council's *May I Help You, Legal Advice Versus Legal Information*, is a critical training document,

<http://www.selfhelpsupport.org/library/item.263744->

[May I Help You Legal Advice vs Legal Information.](http://www.selfhelpsupport.org/library/item.263744-)

Cost Analysis.

Development of such a protocol will require management attention. Applying it should not take long on a case by case basis.

3. Cases being adjourned because of lack of interpreters

Lack of required interpreters is a major problem nationally, with significant waste of court time being caused by unavailability of interpreters.

Moreover, it may well be that Limited English Proficiency issues may be the subject of higher federal attention than has been the case in the recent past.

a. Integrate interpreter scheduling into hearing planning

Description

The idea is simple, that the availability of the interpreter be checked at the time of the initial calendaring. The implications may be more complex, because if there is a high adjournment rate, then interpreter resources may be wasted too. It might make sense to integrate this innovation with others designed to reduce the no-show rate.

Examples and Resources

None identified. However, the San Francisco Family Court has much experience in integrating interpreters into its processes. Contact Judy Louie, julouie@sftc.org.

Cost Analysis.

This may represent a major management change in the court, the costs of which will depend on the overall structure and environment.

b. Establish interpreter-needed calendars

Description

Another simple idea, putting all cases that need interpreters on the same calendar. There may be concerns about ghettoization. A compromise might be to put all the cases requiring one language on one calendar, with a majority of English only cases.

Examples and Resources

None identified. However, San Francisco is particularly innovative in this area. Contact Judy Louie, julouie@sftc.org.

Cost Analysis.

This approach should save money, and not take much additional calendaring staff time. This assumes that the case management system collects data on which cases will need interpreters.

c. Implement system for paging attorneys/interpreters needed in multiple departments at the same time

Description

This paging system seems to be the one used in the larger courts.

Examples and Resources

None identified

Cost Analysis.

Pagers are very cheap, and interpreters may have mobile phones today anyway. Someone has to operate the summoning facility.

4. Judges having to explore detail and questions that should have been presented in the court papers

a. Review forms and self-help center support for forms

Description

If the forms do not have the information judges need, then the forms need review. Automated forms can provide much more detail since they can branch easily.

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Examples and Resources

Forms generally are the subject of *Practice Fifteen: Forms* of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

Forms are the subject of *SRLN Leadership Package, Module 6: Developing and Deploying Plain Language Forms*,
[http://www.selfhelpsupport.org/library/item.208587-Power Points for Module 6 Developing and Deploying Plain Language Forms](http://www.selfhelpsupport.org/library/item.208587-Power%20Points%20for%20Module%206%20Developing%20and%20Deploying%20Plain%20Language%20Forms).

Many model forms are online at
<http://www.selfhelpsupport.org/library/folder.123113-Forms>.

Automated forms are the subject of *Practice Sixteen: Automated Forms*, of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent)

Automated forms are also the subject of *SRLN Leadership Package, Module 7, Deploying Automated Forms for Access*,
[http://www.selfhelpsupport.org/library/item.208588-Power Points for Module 7 Deploying Automated Forms for Access](http://www.selfhelpsupport.org/library/item.208588-Power%20Points%20for%20Module%207%20Deploying%20Automated%20Forms%20for%20Access).

Automated forms resources are collected online at
[http://www.selfhelpsupport.org/library/folder.123227-Automating Forms](http://www.selfhelpsupport.org/library/folder.123227-Automating%20Forms).

Cost Analysis.

If there are not forms in place, then the political process of obtaining approval for the concept and then for the actual forms will take significant management time.

Looking at and modifying existing forms is a much less demanding and expensive process.

Automation of forms is expensive, and must start with a focus on a small number of forms that are heavily used and in which errors or omissions have a big impact. Statewide development is urged.

b. Set up system for ongoing judicial participation in forms and papers design

Description

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It may be that problems with the forms are a result of lack of judicial involvement with the design process. All too often, the design process is driven by the statute, and perhaps the needs of the clerk's office, rather than the real consumer, the judge.

It is often forgotten that in many self-represented cases, the form really is the litigant's best chance to tell the story to the judge. This is, of course, very different from the traditional form, grounded in notice pleading.

Examples and Resources

Slides 29 to 40 of *SRLN Leadership Package, Module 6: Developing and Deploying Plain Language Forms*, deal with the deployment management process, including involvement of stakeholders.

<http://www.selfhelpsupport.org/library/item.208587-Power Points for Module 6 Developing and Deploying Plain Language Forms>

Cost Analysis.

While this process takes management and judicial time, it is otherwise a low cost process, and the printing of replacement forms can be integrated with the routine process.

c. Establish regular meeting of the bench and court staff to create a forum for discussion of policy and procedure questions

Description

Lack of information in the submitted papers may also be reduced by changes in other components of the court, such as the clerk's office, self-help centers, website. It is therefore helpful to have forums at which such issues can be raised.

Examples and Resources

SRLN Leadership Package, Module 9: Working with Judges for Access, discusses a range of ways that such consultation can be established and maintained.

[http://www.selfhelpsupport.org/library/item.208590-Power Points for Module 9 Working with Judges for Access.](http://www.selfhelpsupport.org/library/item.208590-Power Points for Module 9 Working with Judges for Access)

Cost Analysis.

This process takes only staff and judicial time.

d. Train judges to think globally and act accordingly

Description

As a general matter, there is still work to be done with the judiciary to have them consider leadership on these issues, both within and outside the court, as part of their job.

This can be done through judicial education programs, but also in one on one discussion. As always, having a champion within the judiciary makes all the difference.

Examples and Resources

The SRLN Judicial Curriculum: *Overview of Judicial Leadership in Access to Justice for the Self-Represented*, covers a variety of leadership approaches.

[http://www.selfhelpsupport.org/library/item.169503-Curriculum Two An Overview of Judicial Leadership in Access to Justice for.](http://www.selfhelpsupport.org/library/item.169503-Curriculum%20An%20Overview%20of%20Judicial%20Leadership%20in%20Access%20to%20Justice%20for%20the%20Self-Represented)

Cost Analysis.

This is a time only item.

5. Judges not exploring questions necessary to get the full facts

Rapid changes are taking place in the judiciary as to the extent to which questioning and active listening are appropriate for judges in these cases.

Many states have now conducted trainings, issued bench books, adopted recent ABA Model Code of Judicial Conduct changes, or taken other steps to adopt this broader view.

Most of the steps are low cost.

a. Share materials on judicial ethics, models of judicial questioning, and active listening

Description

There are extensive materials on these subjects.

Examples and Resources

The SRLN *National Bench Guide* is the most helpful general resource.

[http://www.selfhelpsupport.org/library/folder.177582-National Bench Guide](http://www.selfhelpsupport.org/library/folder.177582-National%20Bench%20Guide). It is being adapted for use in a variety of jurisdictions.

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For the SRLN 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

In addition to the above curriculum, the American Judicature Society 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>.

Cost Analysis.

Distribution of these materials is a very low cost item. Training on these issues can be integrated with pre-existing training environments.

b. Establish idea sharing system for judges to discuss problem situations and how questions might be asked

Description

There is a great need for more informal discussions among judges about how deal with self-represented litigants. Many judges feel anxiety about the steps they are taking to get out the facts that they need, and some may fear that talking about these steps could create problems. Creating an atmosphere of sharing would enable good ideas and practices to percolate, and for even better ideas to develop.

Examples and Resources

Oregon achieves this with round table discussions at its annual judicial conference., Inclusion of access as a performance measure has facilitated this process. (The development of the measures was mandated by the Legislature.) The state also has a process to develop baseline criteria for self-service program, and one element is to have a judge involved in oversight with program. Contact Judge Maureen McKnight, Maureen.MCKNIGHT@ojd.state.or.us.

The Self-Represented Litigation Network has a national working group on this issue. Contact Richard Zorza, Richard@zorza.net.

Cost Analysis.

This is obviously a time only cost. It could well be done during lunch.

6. Litigants not able to present cases because of anxiety, analytic difficulties, thinking things do not need to be said, being unprepared, or other reasons

Expecting a litigant to present a case in an inevitably intimidating courtroom is to expect a lot. (Ask any attorney how they felt the first time they appeared, even if it was only to get an adjournment.)

A variety of approaches can lessen anxiety and problems, and make sure that the facts get out.

a. Educate judges on how to engage more

Description

Judicial engagement is the key response to this problem. Educational programs are now standard.

Examples and Resources

The SRLN bench guide, *Handling Cases Involving Self-Represented Litigants*, is on point. [http://www.selfhelpsupport.org/library/item.177584-A National Bench Guide for Judges](http://www.selfhelpsupport.org/library/item.177584-A%20National%20Bench%20Guide%20for%20Judges). Particularly relevant are Chapter 6, on courtroom and hearing management (and particularly the scripts in the appendix to that Chapter), Chapter 8 on communication tools, chapter 9 on avoiding unintended bias, and Chapter 10 on mental health issues.

Cost Analysis.

Distributing the material is not expensive. Developing a state or local version might take more work. Setting up formal educational programs can usually be done within existing programmatic structures.

b. Educate judges on humanizing self and process

Description

Beyond the techniques of question asking, it is useful for judges to think about their role and how they feel in court, or would feel as litigants.

Examples and Resources

See above resources.

Note also that the California AOC uses extensive role playing and videoing in their judicial training in dealing with the self-represented. Contact Bonnie Hough, Bonnie.Hough@jud.ca.gov.

Cost Analysis.

Adding video role-play to educational programs costs some money, particularly if a special trainer is added, but it is a small part of the educational program budget.

c. Develop video/clinic on presenting case

Description

Many courts have found that litigants gain from having videos online or otherwise available for litigants. One thing these videos can do is humanize the judge for the litigants.

Examples and Resources

Video is addressed in *Practice Six: Videos/PowerPoint Slides* of the SRLN Best Practices Document. http://www.selfhelpsupport.org/library/item.223550-2008_edition_of_Best_Practices_in_CourtBased_Programs_for_the_SelfRepresent. Examples and resources are below.

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.

Illinois Legal Aid Online has produced instructional videos for self-represented litigants, which appear on www.IllinoisLegalAid.org. The Illinois contact is Lisa Colpoys, lcolpoys@illinoislegalaid.org.

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>.

Cost Analysis.

Video has become very cheap to prepare. The main cost is now time.

e. Develop model evidence outlines in standard cases

Description

The idea is to develop evidentiary lists, outlines or checklists in types of cases and situations that occur frequently for the self-represented.

Examples and Resources

The resources on the self-help website of the Contra Costa Court go somewhat in this direction. <http://divorce.cc-courthelp.org/index.cfm?fuseaction=Page.viewPage&pageID=633&stopRedirect=1>. Contact Sherma Deamer, sdeam@contracosta.courts.ca.gov.

As a general model (not necessarily of evidence), in Travis County, TX, there are extensive materials covering a wide range of topics, available for handout by court and law library staff in the courtroom, as well as in the law library. Contact Lisa Rush, lisa.rush@co.travis.tx.us.

Cost Analysis.

This is a staff time project. Will need judicial input.

f. Develop pre-hearing forms designed to summarize both sides' positions

Description

In this idea, each sides, possibly with the help of self-help or case management staff, would summarize their positions and requests before the hearing. This would help the judge made sure that all issues were covered.

Examples and Resources

None as yet identified.

Forms generally are the subject of *Practice Fifteen: Forms* of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

Forms are the subject of *SRLN Leadership Package, Module 6: Developing and Deploying Plain Language Forms*, [http://www.selfhelpsupport.org/library/item.208587-Power Points for Module 6 Developing and Deploying Plain Language Forms](http://www.selfhelpsupport.org/library/item.208587-Power%20Points%20for%20Module%206%20Developing%20and%20Deploying%20Plain%20Language%20Forms).

Cost Analysis

This might take ongoing staff time to implement properly.

7. Cases very rushed in the courtroom

This problem is getting worse with the impact of the economic crisis. The long term fix is likely to take additional resources, but there are short term low cost fixes that can alleviate the problems.

a. Make sure calendar starts on time

Description

Simple, but requires discipline. Also well managed staffing so make sure that cases are ready.

Examples and Resources

Courtroom staffing issues are covered in SRLN Leadership Package, Module 10: Courtroom Staffing and Services for Access.

<http://www.selfhelpsupport.org/library/item.208591-Power Points for Module 10 Courtroom Staffing and Services for Access>.

Cost Analysis.

This should be doable with existing resources and focused management attention.

b. Make sure appropriate number of cases on calendar

Description

Managing caseload is partly a matter of getting more data on case status before the hearing, and partly a matter of filtering cases before hearing so that time is not wasted.

Examples and Resources

SRLN Court Leadership Package, Module 8: Case Management for Access, addresses calendar management issue.

<http://www.selfhelpsupport.org/library/item.208589-Power Points for Module 8 Caseflow Mangement for Access>.

Greacen Associates, *Developing Effective Practices in Family Caseflow Management*, especially Chapter 6, *Special techniques applicable to cases involving unrepresented litigants*

<http://www.selfhelpsupport.org/library/item.205420-California Family Case Management Manual>.

Cost Analysis.

This will take significant management attention. Research to predict courtroom times would take significant resources.

c. *Establish system for better estimating needed time, possibly through caseflow management system*

Description

This could be a major research project, although it might also be done by staff and judges estimating based on prior experience.

Examples and Resources

See, generally, *Greacen Associates, Developing Effective Practices in Family Caseflow Management*, especially Chapter 6, *Special techniques applicable to cases involving unrepresented litigants*, http://www.selfhelpsupport.org/library/item.205420-California_Family_Case_Management_Manual.

Cost Analysis.

An informal case labeling project would cost little, except management time. A research project would cost tens of thousands of dollars to establish and test predictive criteria.

d. *Make sure only hearing ready cases are called by better paper review*

Description

The idea is to review cases before they get to the courtroom as to whether they are ready, or are likely to be ready. If not, services should be offered and provided.

Examples and Resources

SRLN Court Leadership Package, Module 8: Case Management for Access, addresses paper review issues. http://www.selfhelpsupport.org/library/item.208589-Power_Points_for_Module_8_Caseflow_Management_for_Access.

Greacen Associates, Developing Effective Practices in Family Caseflow Management, especially Chapter 6, *Special techniques applicable to cases involving unrepresented litigants*
http://www.selfhelpsupport.org/library/item.205420-California_Family_Case_Management_Manual.

The Sonoma County, courtroom clerk (with judicial officer oversight) reviews all files prior to the status conferences and uses a cheat sheet to verify that all necessary steps have been taken. If the parties fail to appear, the clerk calls the parties and notifies them of what they need to do next and attempts to schedule the next event. Contact Louise Bayles Fightmaster, lbayles@sonomacourt.org.

Cost Analysis.

This process does take staff time.

e. Review papers and have courtroom and/or self-help center staff fill in gaps with litigant before they get to judge

Description

Self-help staff should review files and provide direction to SRLs on appropriate filings. Deficiencies in filed papers should be identified and the parties alerted to the necessary steps to attain hearing readiness prior to the date of the hearing

Examples and Resources

SRLN Court Leadership Package, Module 8: Case Management for Access, addresses paper review issues. http://www.selfhelpsupport.org/library/item.208589-Power_Points_for_Module_8_Caseflow_Management_for_Access.

Cost Analysis.

This takes staff time at both the checking and intervention levels.

f. Provide training to litigants in focusing cases

Description

Part of the reason that time is wasted in the courtroom is that litigants do not know how to focus their cases. Materials, video, clinics can be of help in to litigants in understanding both the underlying law and the processes that they should be following to present the facts.

These materials could be handed out at status conferences, or mailed out, with notices, or given out in the self-help center or clerk's office.

Examples and Resources

The resources on the self-help website of the Contra Costa Court go somewhat in this direction. <http://divorce.cc-courthelp.org/index.cfm?fuseaction=Page.viewPage&pageID=633&stopRedirect=1>. Contact Sherma Deamer, sdeam@contracosta.courts.ca.gov.

Cost Analysis.

Materials will take development time.

g. Hand out versions of pattern jury instructions as tool for understanding quickly

Description

Pattern jury instructions are often the best clear statement of the governing law. They have already been carefully drafted, and are kept up to date as the law changes.

It takes little effort to give them out at the appropriate time.

Examples and Resources

This has been done in Montana, Contact Judge David Ortley, dortley@flathead.mt.gov.

Cost Analysis.

This is a very low cost item.

h. Take time to frame issues at beginning

Description

This technique is recommended in most judicial protocols, since it helps the litigants stay focused on what the judge needs. It makes it easier for the judge to intervene if the litigants go off-track.

Examples and Resources

The SRLN bench guide, *Handling Cases Involving Self-Represented Litigants* deals with this. [http://www.selfhelpsupport.org/library/item.177584-A National Bench Guide for Judges](http://www.selfhelpsupport.org/library/item.177584-A%20National%20Bench%20Guide%20for%20Judges). Particularly relevant is Chapter 6, on courtroom and hearing management (and particularly the scripts in the appendix to that Chapter).

Video 6 and 7, in *Part Seven: Before the Hearing, Setting the Stage*, are described in *Best Practices in Self-Represented Litigation in the Courtroom: Videos for the Courtroom Curriculum*, <http://www.selfhelpsupport.org/library/item.196188-Best Practices in SelfRepresented Litigation in the Courtroom Videos for th>, and available from NCSC for judicial educational purposes only.

Cost Analysis.

This kind of training is a low cost item, particularly when the video is used as a focus of discussion.

i. Develop system of pre-filing of exhibits

Description

Courtroom time can be reduced if exhibits are identified and processed prior to the beginning of the hearing. The person checking in litigants for contested hearings can ask if exhibits are planned, and, if so, can follow a protocol designed to speed the admission process.

Examples and Resources

None identified. Materials development is covered in *Practice 5: Written Information*, of *SRLN Best Practices in Court-Based Programs for the Self-Represented*. <http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent>.

Cost Analysis.

This will take additional prehearing clerk and staff time, but should save a greater time in the hearing itself.

j. Have clerks identify cases that may take longer and allow sufficient time

Description

Calibrating hearing times to the case requires some knowledge. It might not always be advisable to inform the parties of additional scheduled time.

Examples and Resources

None identified.

Cost Analysis.

This is a very low cost item.

8. Cases being delayed by exhibit problems

a. Develop better materials on exhibit handling

Description

Good informational handouts on exhibits and exhibit handling, including step by step charts, scripts, and foundational checklists, will significantly reduce litigant confusion and speed contested cases.

Examples and Resources

None identified. General resources on materials are covered in *Practice 5: Written Materials*, of *SRLN Best Practices in Court-Based Programs for the Self-Represented*.
[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent.](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresented)

Cost Analysis.

These materials are relatively cheap to prepare and produce.

b. Have exhibit status checked when litigants check in for hearing

Description

Clerks or other staff can check the status, and see if the litigant can establish the foundation, and indeed knows how to do so. If there is uncertainty, there can be referral to self-help resources, if available.

Examples and Resources

None identified. Courtroom staffing ideas and issues are addressed in *SRLN Court Leadership Package, Module 8: Case Management for Access*,
[http://www.selfhelpsupport.org/library/item.208591-Power Points for Module 10 Courtroom Staffing and Services for Access.](http://www.selfhelpsupport.org/library/item.208591-Power%20Points%20for%20Module%2010%20Courtroom%20Staffing%20and%20Services%20for%20Access)

Cost Analysis.

This will take time at the check in, but that is often waiting time, in any event.

9. Judges seeming to be unfamiliar with cases

This not only slows the case down, but it looks bad to litigants, increases their anxiety, and may well make them less confident that they will be fully heard or understood, thus making it more likely that they will repeat, go into irrelevances, etc.

a. *Have courtroom staff review file and brief judge*

Description

This can significantly improve the overall speed and efficiency of the hearing. The way the judge starts the hearing is crucial, and an uninformed judge sets the tone completely wrong.

Examples and Resources

The Georgia Appalachian Circuit Family Cour Self-Help center plays this role, identifying any problem area in the papers. Contact Kayann Hayden, kayannhayden@yahoo.com.

The SRLN bench guide, *Handling Cases Involving Self-Represented Litigants* deals with this. <http://www.selfhelpsupport.org/library/item.177584-A National Bench Guide for Judges>. Particularly relevant is Chapter 6, on courtroom and hearing management (and particularly the scripts in the appendix to that Chapter).

Video 6 and 7, in *Part Seven: Before the Hearing, Setting the Stage*, are described in *Best Practices in Self-Represented Litigation in the Courtroom: Videos for the Courtroom Curriculum*, <http://www.selfhelpsupport.org/library/item.196188-Best Practices in SelfRepresented Litigation in the Courtroom Videos for th>, and available from NCSC for judicial educational purposes only.

Cost Analysis.

This does require a few minutes of staff time per judge. It saves more than that in court time.

b. *Manage caseload so judge can review papers*

Description

If the judge is not prepared, it may be that the caseload is just too large. Tighter caseload monitoring is needed.

Examples and Resources

Greacen Associates, Developing Effective Practices in Family Caseflow Management,,
[http://www.selfhelpsupport.org/library/item.205420-California Family Case Management Manual](http://www.selfhelpsupport.org/library/item.205420-California%20Family%20Case%20Management%20Manual).

Cost Analysis.

This could be a major cost item if it means that there have to be more courts and more judges. So the incentives to manage the caseload in other ways are great. This takes management time.

c. Structure forms and files so easy to find key information

Description

One way is to develop a coversheet that identifies filed documents within the file

Examples and Resources

Sacramento uses a system of colored flags for identifying key documents for ease of locating them within the file. Contact Lollie Roberts, RobertsL@saccourt.ca.gov.

Cost Analysis.

This is a low cost item.

d. Use pretrial/and or Center staff as form of triage so judge can focus on those that need preparation

Description

Early staff attention can focus the judge on the cases in which careful preparation is needed.

Examples and Resources

The Georgia Appalachian Circuit Family Cour Self-Help center plays this role, identifying any area that needs attention in the papers. Contact Kayann Hayden, kayannhayden@yahoo.com.

Cost Analysis.

This takes some, but not a lot of staff time.

e. Document assembly means that pleadings can be easier to focus on quickly

Description

The design of the printout from the document assembly can be structured so that the judge can find the most crucial language as easily as possible.

Examples and Resources

Automated forms are the subject of *Practice Sixteen: Automated Forms*, of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent)

They are also the subject of *SRLN Leadership Package, Module 7, Deploying Automated Forms for Access*, [http://www.selfhelpsupport.org/library/item.208588-Power Points for Module 7 Deploying Automated Forms for Access](http://www.selfhelpsupport.org/library/item.208588-Power%20Points%20for%20Module%207%20Deploying%20Automated%20Forms%20for%20Access).

Cost Analysis.

Document assembly is not a cheap initiative. However, if this is already being done, making sure that the print-outs are judge friendly costs very little.

10. Litigants incorrectly thinking judges have read all file

Many litigants give judges the benefit of the doubt and assume that the judge will be fully familiar with the contents of the whole file. When they realize otherwise, they may overreact, and start to assume the opposite – that the judge knows nothing.

A number of low cost options help address this problem.

a. Have self-help services warn litigants and help them prepare

Description

Realistic information about how judges read files and pleadings and prepare for cases can be part of the routine information disseminated to litigants. This can be done orally, in handouts, and in web and video materials.

The most appropriate way is to treat the issue positively, telling litigants how to summarize, and how to highlight the most important information. The guidance can also make clear that litigants should reduce this when the judge indicates that he or she is familiar with the case.

Examples and Resources

None identified, although undoubtedly occurs in trial preparation clinics.

Cost Analysis.

This is a low cost item if materials and processes are in place.

b. *Educate judges on how to summarize what they do know, and what needs to be added*

Description

Some judges explicitly summarize the key facts and questions, and ask litigants to correct them if they are wrong. This can be very reassuring to litigants, since it highlights the judge's interest in hearing all sides and willingness to be guided by the litigants in making that happen.

Examples and Resources

The SRLN bench guide, *Handling Cases Involving Self-Represented Litigants* deals with this. [http://www.selfhelpsupport.org/library/item.177584-A National Bench Guide for Judges](http://www.selfhelpsupport.org/library/item.177584-A%20National%20Bench%20Guide%20for%20Judges). Particularly relevant is Chapter 6, on courtroom and hearing management (and particularly the scripts in the appendix to that Chapter).

Video 6 and 7, in *Part Seven: Before the Hearing, Setting the Stage*, are described in *Best Practices in Self-Represented Litigation in the Courtroom: Videos for the Courtroom Curriculum*, [http://www.selfhelpsupport.org/library/item.196188-Best Practices in SelfRepresented Litigation in the Courtroom Videos for th](http://www.selfhelpsupport.org/library/item.196188-Best%20Practices%20in%20SelfRepresented%20Litigation%20in%20the%20Courtroom%20Videos%20for%20th), and available from NCSC for judicial educational purposes only.

Cost Analysis.

Low cost item.

11. Litigants Not Asking for What They Need

Given their lack of legal training, and sometimes even lack of knowledge about the range of relief options available to judges, litigants may not be clear in their pleadings, or in the courtroom, about what they really need in terms of relief. This occurs particularly in areas such as domestic violence, in which courts have broad powers, but litigants may be very focused on particular goals.

a. *Educate Judges on how to draw this out of litigants what litigants need*

Description

Judges can learn from models in which other judges ask appropriate questions about what litigants really want. There is nothing inappropriate about such probing. Often such inquiry reveals less conflict between the goals of the parties than might at first appear.

Examples and Resources

Examples are in Video 18, in *Engaging Parties with the Decision*, in *Best Practices in Self-Represented Litigation in the Courtroom: Videos for the Courtroom Curriculum*, <http://www.selfhelpsupport.org/library/item.196188-Best Practices in SelfRepresented Litigation in the Courtroom Videos for th>, and available from NCSC for judicial educational purposes only.

Cost Analysis.

This is a low cost item, which can be integrated with existing training plans, of the subject of local seminar training, using the video.

b. *Make sure forms help litigants get out what they need*

Description

Many forms provide little detail on scope of relief requested, leaving it to judge and litigants to feel their way into the options at the hearing. This is wasteful of time, and less likely to lead to the optimum result.

Forms, particularly automated forms, can be designed to offer a wide variety of relief, even in a branching way, or based on facts offered higher in the chain of questions.

Examples and Resources

Automated forms are the subject of *Practice Sixteen: Automated Forms*, of the SRLN Best Practices Document. <http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent>

They are also the subject of *SRLN Leadership Package, Module 7, Deploying Automated Forms for Access*, <http://www.selfhelpsupport.org/library/item.208588-Power Points for Module 7 Deploying Automated Forms for Access>.

Cost Analysis.

If a forms or automated forms process is already in place, this is not an expensive item. If all that needs to be added is check the box options on an existing form, ten

the cost of redesign of the paper form is low. (Problems will arise if there is not enough space.

c. Work with self-help programs to make sure litigants know how to tell the judge what they need

Description

Programs (and even clerks) can handle this orally, by materials, or within clinics. Video examples are probably the most powerful technique.

Examples and Resources

None identified, but surely happens in clinics.

Cost Analysis.

This is a low cost item, particularly when added to existing materials or informational approaches.

12. Judges not reaching all issues raised by litigants

This can happen so easily when the caseload is crammed and the litigants do not push for resolution of other outstanding issues. The long term costs to the system and to litigants are great.

a. Educational programs including techniques for this

Description

It is simple to show judges ways of ending hearings that check whether all the issues have been addressed.

Examples and Resources

See, generally, SRLN Judicial Curriculum, *Access to Justice in the Courtroom for the Self-Represented*, especially, Part VIII, *Learning What you Need to Know to Decide the Issue*, starting at Slide 71, <http://www.selfhelpsupport.org/library/item.167142-Curriculum One Access to Justice in the Courtroom for the Self Represented>.

General hearing examples (not necessarily this particular technique) are in *Best Practices in Self-Represented Litigation in the Courtroom: Videos for the Courtroom Curriculum*, <http://www.selfhelpsupport.org/library/item.196188-Best Practices in SelfRepresented Litigation in the Courtroom Videos for th>, and available from NCSC for judicial educational purposes only.

Cost Analysis.

It is not expensive to make sure that this is included in existing programs.

b. Clerks/staff provide list of issues to be decided in each case

Description

This kind of checklist could include all the issues that have to be addressed or waived in any kind of case. This could be used by judges and litigants, and would be an additional source of transparency.

Examples and Resources

The Georgia Appalachian Circuit Family Cour Self-Help center plays this role, identifying issues to be decided. Contact Kayann Hayden, kayannhayden@yahoo.com.

Cost Analysis.

Creating such a list takes only judicial, staff, and management time.

c. Provide common issues checklist for judges

Description

This list, aimed at judges, would be use in all cases, either in preparation, or at the end of the hearing. It could be on a laminated card. Given the speed of many calendars, it would help assure that nothing got forgotten.

Examples and Resources

Such protocols are discussed in Chapter 12 of, Richard Zorza, *The Self-Help Friendly Court: Designed from the Ground Up to Work for People Without Lawyers*, National Center for State Courts (2002). Available at http://www.zorza.net/Res_ProSe_SelfHelpCtPub.pdf.

Cost Analysis.

Low cost item.

d. Empower clerks or courtroom staff to remind judge of missing issues

Description

Indeed, to the extent that clerks are not busy during the oral part of the hearing, they may be able to check the file for all the outstanding issues.

Examples and Resources

Cost Analysis.

Only judicial time with management support needed.

e. Judge should identify the issues to be addressed at the outset of the hearing

Description

It is agreed that it is a best practice to start hearings with a summary of what needs to be addressed and decided. This is often done even with lawyers. Training materials exist to promote this approach.

Examples and Resources

See, generally, SRLN Judicial Curriculum, *Access to Justice in the Courtroom for the Self-Represented*, especially, Part VII, *Setting the Stage*, starting at Slide 51, [http://www.selfhelpsupport.org/library/item.167142-Curriculum One Access to Justice in the Courtroom for the Self Represented](http://www.selfhelpsupport.org/library/item.167142-Curriculum%20One%20Access%20to%20Justice%20in%20the%20Courtroom%20for%20the%20Self%20Represented).

Examples are in Video 6, *Setting the Stage*, in *Best Practices in Self-Represented Litigation in the Courtroom: Videos for the Courtroom Curriculum*, [http://www.selfhelpsupport.org/library/item.196188-Best Practices in SelfRepresented Litigation in the Courtroom Videos for th](http://www.selfhelpsupport.org/library/item.196188-Best%20Practices%20in%20SelfRepresented%20Litigation%20in%20the%20Courtroom%20Videos%20for%20th), and available from NCSC for judicial educational purposes only.

Cost Analysis.

It is a low cost item to add to existing training.

13. Litigants confused about the outcome and what they have to do

Surveys have shown that many litigants leave the courtroom confused about what the judge has decided, and that the litigants are meant to do. This is no aid to high compliance, and can lead to additional hearings, not to mention the social problems that come from non-compliance.

a. *Show judges model ways of explaining decision and obtaining confirmation of understanding*

Description

There are extensive models for how judges can explain and obtain confirmation of understanding. They can be shared informally, or used in more formal educational programs.

Examples and Resources

See, generally, SRLN Judicial Curriculum, *Access to Justice in the Courtroom for the Self-Represented*, especially, Part X, *Making Sure the Decision or Order is Understood*, starting at Slide 102, [http://www.selfhelpsupport.org/library/item.167142-Curriculum One Access to Justice in the Courtroom for the Self Represented](http://www.selfhelpsupport.org/library/item.167142-Curriculum%20One%20Access%20to%20Justice%20in%20the%20Courtroom%20for%20the%20Self%20Represented).

Examples are in *Best Practices in Self-Represented Litigation in the Courtroom: Videos for the Courtroom Curriculum*, Part X, *Making Sure the Decision or Order is Understood*, Videos 20-23, [http://www.selfhelpsupport.org/library/item.196188-Best Practices in SelfRepresented Litigation in the Courtroom Videos for th](http://www.selfhelpsupport.org/library/item.196188-Best%20Practices%20in%20SelfRepresented%20Litigation%20in%20the%20Courtroom%20Videos%20for%20th), and available from NCSC for judicial educational purposes only.

Cost Analysis.

Adding this to planned trainings is not expensive.

b. *Develop system for printed/written order in courtroom*

Description

Research has confirmed a 50% reduction in returns to court when there is a such an order provided in the courtroom, rather than expecting litigants to draft their own orders for judicial signature.

Examples and Resources

The Alameda County, CA program is described in an article by Hon. Evelio M. Grillo [http://www.selfhelpsupport.org/library/item.263860-Access to Justice Delivering Effective Service to Pro Se Litigants](http://www.selfhelpsupport.org/library/item.263860-Access%20to%20Justice%20Delivering%20Effective%20Service%20to%20Pro%20Se%20Litigants).

Cost Analysis.

Depending on the technology, this program may take some investment in software. A cheaper version of the program is to use multi-part forms.

c. *Develop system for self-help center explaining order and implications*

Description

Self-help center staff, individually, or in a clinic, can explain the order and its implications.

Examples and Resources

The Fresno, California Action Center is profiled at [http://www.selfhelpsupport.org/library/item.263972-Traffic infraction One Stop Network](http://www.selfhelpsupport.org/library/item.263972-Traffic%20infraction%20One%20Stop%20Network).

Cost Analysis.

This takes additional staff resources.

d. *Develop system for translation of orders into litigant's language*

Description

Such a system could have a huge impact in multi-lingual contexts.

Examples and Resources

A planned project in Travis County TX and Imperial CA will test the use of automated document assembly to provide translations of standard pleading language. Contact Lisa Rush, lisa.rush@co.travis.tx.us.

Cost Analysis.

Interpreters are expensive, but may be available in an existing program. Software costs more money upfront, but is cheaper to use in the long term.

e. *Develop customized brochures for different situations and give out at decision – should be bite sized*

Description

Such brochures have the advantage of being available to the litigants to peruse when the stress of the courtroom has abated. Clerks and staff can make sure that the litigants get the ones that are relevant to the particular order.

Examples and Resources

None identified. General resources on written materials are in *Practice 5: Written Materials*, of *SRLN Best Practices in Court-Based Programs for the Self-Represented*.
[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresented).

Cost Analysis.

Low cost.

14. Litigants realizing after hearing that there was information that they should have presented

Such a realization can undercut the legitimacy of the hearing, and increase the risk that there will be wasteful subsequent hearings, and/or noncompliance.

a. Develop materials that explain to litigants what they need to present and how to present it

Description

The more the litigant is helped prior to the hearing, the less likely that there will be these kind of post hearing problems. These would best be focused on very specific proceedings and relief sought.

Examples and Resources

The ABA Pro Se/Unbundling online Resource Center has links to several such videos. <http://www.abanet.org/legalservices/delivery/delunbundself.html>.

Judicial Branch of Georgia provides video clips on a number of issues related to pro se litigation, including video titled *I Present My Case*.
<http://www.georgiacourts.org/aoc/selfhelp/>.

Illinois Legal Aid Online provides video on number of issues, including segments titled *Tips for Going to Court* and *Going to Court on Your Own*.
<http://www.illinoislegalaid.org/index.cfm?fuseaction=home.legalAidVideoByTopic&topicID=77>.

Indiana Courts have Court Webcasts, *Family Matters: Choosing to Represent Yourself in Court*. <http://www.in.gov/judiciary/webcast/prose.html>.

King County, WA, Superior Court Video, *Your Day in Court: How to Make Sure Your*

Voice is Heard in King County.

<http://your.kingcounty.gov/kcsc/yuflash/home1.htm>

Website of the Hawaii State Judiciary, *Tips on Going to Court.*

http://www.courts.state.hi.us/page_server/SelfHelp/38B4A4425FABEBB8EAB29A8752.html.

Iowa Judicial Branch Website, *How to Conduct Your Case Effectively.*

http://www.judicial.state.ia.us/Representing_Yourself/How_to_Represent_Yourself/index.asp.

Cost Analysis.

These are relatively low cost items.

b. Change forms so that this kind of information is being gathered through more specific questions in the forms process

Description

Increasing the level of detail is particularly easy with automated forms, but can also be done by careful design work on the forms themselves.

Examples and Resources

Forms generally are the subject of *Practice Fifteen: Forms* of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

Forms are the subject of *SRLN Leadership Package, Module 6: Developing and Deploying Plain Language Forms*, [http://www.selfhelpsupport.org/library/item.208587-Power Points for Module 6 Developing and Deploying Plain Language Forms](http://www.selfhelpsupport.org/library/item.208587-Power%20Points%20for%20Module%206%20Developing%20and%20Deploying%20Plain%20Language%20Forms).

Automated forms are the subject of *Practice Sixteen: Automated Forms*, of the SRLN Best Practices Document. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent)

They are also the subject of *SRLN Leadership Package, Module 7, Deploying Automated Forms for Access*, [http://www.selfhelpsupport.org/library/item.208588-Power Points for Module 7 Deploying Automated Forms for Access](http://www.selfhelpsupport.org/library/item.208588-Power%20Points%20for%20Module%207%20Deploying%20Automated%20Forms%20for%20Access).

Cost Analysis.

Form redesign is cheap. Automated form processes are more expensive.

c. *Inform judges of these “missing” areas and discuss potential use of questions to bring these matters out*

Description

The Self-Help Center, or the clerk’s office is most likely to know, because that is where litigants go when they experience this problem.

Self-help center directors can function as informal ombudsmen, indicating to judges that litigants are tending to forget particular areas, and encouraging questioning in these areas.

Examples and Resources

See, generally, SRLN Judicial Curriculum, *Access to Justice in the Courtroom for the Self-Represented*, especially, Part X, *Making Sure the Decision or Order is Understood*, starting at Slide 79, *When Key Issue Is Not Addressed*,
<http://www.selfhelpsupport.org/library/item.167142-Curriculum One Access to Justice in the Courtroom for the Self Represented>.

Examples are in *Best Practices in Self-Represented Litigation in the Courtroom: Videos for the Courtroom Curriculum*, Video 13, *Key Issue Not Addressed*,
<http://www.selfhelpsupport.org/library/item.196188-Best Practices in SelfRepresented Litigation in the Courtroom Videos for th>, and available from NCSC for judicial educational purposes only.

Cost Analysis.

This is not expensive if such an educational process is already in place.

d. *Checklist or court aide to make sure issues are raised*

Description

Such a check list will take little time for a judge to apply mentally as he or she is moving to the conclusion of the case.

Examples and Resources

None identified.

Cost Analysis.

Low cost item.

15. Litigants not knowing what to do after hearing

This is a very major problem, with litigants not knowing what they are supposed to do. This can arise from linguistic problems, for complexity of even English, from the complexity of the underlying legal remedy, or from anxiety or other emotions experienced by litigants.

Obviously this is very costly for the entire system, as well as the users.

a. Develop materials on how to comply with orders

Description

Such materials can have a major impact on the parties understanding, and thus on compliance.

Examples and Resources

The Fresno, California, Action Center, which prepares such materials, is profiled at [http://www.selfhelpsupport.org/library/item.263972-Traffic infraction One Stop Network](http://www.selfhelpsupport.org/library/item.263972-Traffic%20infraction%20One%20Stop%20Network).

Slide 9-13 in SRLN Leadership Package, *Module 15: Access Innovations to Increase Compliance*,
[http://www.selfhelpsupport.org/library/item.208595-Power Points for Module 15 Access Innovations to Increase Compliance](http://www.selfhelpsupport.org/library/item.208595-Power%20Points%20for%20Module%2015%20Access%20Innovations%20to%20Increase%20Compliance)

Cost Analysis

Such materials will take more resources than others if the court has not previously been involved in assisting people in this area. With this caveat, this is not a high cost item.

b. Develop materials on what to do when other party fails to comply with order

Description

Such materials are a critical part of the overall resources that should be available.

Examples and Resources

Slide 8 in SRLN Leadership Package, *Module 15: Access Innovations to Increase Compliance*,

<http://www.selfhelpsupport.org/library/item.208595-Power Points for Module 15 Access Innovations to Increase Compliance>.

Cost Analysis

Low cost materials.

c. *Train courtroom staff on how to direct litigants to obtain information and solve post judgment issues*

Description

Sometimes a self-help center is available. In other situations, the clerk, or offsite referrals are the location for this information. In any event, courtroom staff can make appropriate referrals without being in any way non-neutral.

Examples and Resources

Ethics issues, generally, are addressed in *SRLN Leadership Package Module 5: Staff Ethics*, <http://www.selfhelpsupport.org/library/item.208596-Power Points for Module 5 Staff Ethics>.

Cost Analysis.

This is only a training cost, and should be small, with long term payoff.

d. *Have judges look at models and discuss how and when to raise these issues in court*

Description

Judges have found that there is much to learn from videos and other materials on compliance.

Examples and Resources

See, generally, SRLN Judicial Curriculum, *Access to Justice in the Courtroom for the Self-Represented*, especially, Part XI, *Laying the Groundwork for Next Steps and Compliance*, starting at Slide 109, <http://www.selfhelpsupport.org/library/item.167142-Curriculum One Access to Justice in the Courtroom for the Self Represented>.

Examples are in *Best Practices in Self-Represented Litigation in the Courtroom: Videos for the Courtroom Curriculum*, Video 22, *Barriers to Compliance*, <http://www.selfhelpsupport.org/library/item.196188->

[Best Practices in SelfRepresented Litigation in the Courtroom Videos for th](#), and available from NCSC for judicial educational purposes only.

Cost Analysis.

Adding these issues to educational programs is not expensive.

e. Give materials/reminder slips out at end of case

Description

Such slips, going beyond the order, and given to both sides to summarize obligations, can increase comprehension and thus compliance. They are particularly helpful when the state of the law requires that the order itself be less comprehensible than one might want.

Document assembly software might make this a more focused and comprehensible document.

Examples and Resources

None identified.

Cost Analysis.

A low cost item, once agreement is obtained.

16. Litigants being confused by what they can and can not say in court

TV and movies tend to romanticize the complexities of the law. Court reality shows exacerbate this by often picturing hostile and overbearing judges.

It is important that litigants be free to ask about what to do, and not be intimidated.

Often relatively cheap innovations can make this happen.

a. Develop materials on difficult presentation issues

Description

Such materials dealing with issues such as hearsay, can play a major role in demystifying the complexities, of the law.

Examples and Resources

Informational materials are covered in *SRLN Best Practices, Practice 5: Written Information, Including Multi-Lingual Information*.

[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresented](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresented).

The Hennepin, MN, court has developed a particularly broad and focused set of handouts. Contact Susan Ledray, susan.ledray@courts.state.mn.us.

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.

Cost Analysis.

Such materials will be more expensive than some to develop, because of the complexity, and the need for attention to simplification of the language. However this is a relatively low cost item.

b. Judges give introduction on process

Description

Such an introduction has been found to be highly effective in focusing and relaxing litigants.

Examples and Resources

The SRLN bench guide, *Handling Cases Involving Self-Represented Litigants* deals with this. [http://www.selfhelpsupport.org/library/item.177584-A National Bench Guide for Judges](http://www.selfhelpsupport.org/library/item.177584-A%20National%20Bench%20Guide%20for%20Judges). Particularly relevant is Chapter 6, on courtroom and hearing management (and particularly the scripts in the appendix to that Chapter).

See, generally, SRLN Judicial Curriculum, *Access to Justice in the Courtroom for the Self-Represented*, especially, Part VII, Setting the Stage, starting at Slide 59, [http://www.selfhelpsupport.org/library/item.167142-Curriculum One Access to Justice in the Courtroom for the Self Represented](http://www.selfhelpsupport.org/library/item.167142-Curriculum%20One%20Access%20to%20Justice%20in%20the%20Courtroom%20for%20the%20Self%20Represented).

Video 6 and 7, in *Part Seven: Before the Hearing, Setting the Stage*, are described in *Best Practices in Self-Represented Litigation in the Courtroom: Videos for the Courtroom Curriculum*, [http://www.selfhelpsupport.org/library/item.196188-Best Practices in SelfRepresented Litigation in the Courtroom Videos for th](http://www.selfhelpsupport.org/library/item.196188-Best%20Practices%20in%20SelfRepresented%20Litigation%20in%20the%20Courtroom%20Videos%20for%20th), and available from NCSC for judicial educational purposes only.

Cost Analysis.

Adding this to educational programs is not an expensive item.

c. *Judges develop protocols by which they encourage and respond to “offers of proof” from SLRs*

Description

A simple idea. The judge invites the litigant to tell the judge about any testimony that the litigant is not sure is appropriate, and the judge will tell the litigant if it is OK.

Not a new idea – only in the SRL context.

Examples and Resources

The second cut in Video 6, in *Part Seven: Before the Hearing, Setting the Stage*, are described in *Best Practices in Self-Represented Litigation in the Courtroom: Videos for the Courtroom Curriculum*, includes a wonderful explanation of hearsay and an invitation to make what is in effect an “offer of proof,” although never given such a technical name, <http://www.selfhelpsupport.org/library/item.196188-Best Practices in SelfRepresented Litigation in the Courtroom Videos for th>, and available from NCSC for judicial educational purposes only.

Cost Analysis.

Very cheap to talk about with judicial colleagues.

d. *Embed this information in litigant preparation training*

Description

Litigant preparation training can have significantly more in it about complex evidentiary issues.

Examples and Resources

A valuable set of ideas is collected in Part 12, *Perspectives on the Rules of Evidence in Non-Jury Trials*, in *Access to Justice in the Courtroom for the Self-Represented*, starting at Slide 118, <http://www.selfhelpsupport.org/library/item.167142-Curriculum One Access to Justice in the Courtroom for the Self Represented>.

Chapter 4, Solutions for Evidentiary Challenges, in SRLN National Bench Guide focuses on evidentiary issues, <http://www.selfhelpsupport.org/library/folder.177582-National Bench Guide>.

Cost Analysis.

The cost depends on the media used.

17. Staff not sufficient for required support functions

This is obviously an ongoing issue, that gets worse with the economic situation, and with the desire to add additional support functions.

a. Have litigant check in before rather than during hearing

Description

This means that staff can be reduced, but it may require the staffer to be in the courtroom earlier.

Examples and Resources

None identified.

Courtroom staffing issues are covered in SRLN Leadership Package, Module 10: Courtroom Staffing and Services for Access.

[http://www.selfhelpsupport.org/library/item.208591-Power Points for Module 10 Courtroom Staffing and Services for Access.](http://www.selfhelpsupport.org/library/item.208591-Power%20Points%20for%20Module%2010%20Courtroom%20Staffing%20and%20Services%20for%20Access)

Cost Analysis

This has potential to save time and money.

b. Have litigants wait till after hearing for staff to help or talk to them – or take break

Description

Again, while this may require staff to wait around, it means that the same person can perform several tasks. The task of explaining court orders can be done after end of court, but within the overall day.

Whether this saves time depends on the overall staff situation.

Examples and Resources

None identified. Courtroom staffing issues are covered in SRLN Leadership Package, Module 10: Courtroom Staffing and Services for Access.

<http://www.selfhelpsupport.org/library/item.208591-Power Points for Module 10 Courtroom Staffing and Services for Access>.

Cost Analysis.

Depending on the overall picture, can save money

c. Review organization of calendars to maximize use of staff and increase access

Description

Focusing the calendars on particular areas of need will mean that the staff can be more efficiently utilized.

Examples and Resources

Such scheduling issues are discussed in part in the National Bench Guide, <http://www.selfhelpsupport.org/library/folder.177582-National Bench Guide>.

Cost Analysis.

This approach should lead to cost savings.

d. Review overall staffing patterns

Description

Often the staffing picture has evolved without an overview, with additional tasks and people being added in the courtroom without overall study of the implications.

Sometimes such an overview can lead to significant savings. One example (not desirable for other reasons) would be shutting down the self-help center during the specialized self-represented calendar.

Examples and Resources

None identified.

Cost Analysis.

This should save money.

e. Tune caseload management to minimize wasted time in courtroom

Description

Caseflow management is in constant need of tuning. When a system has been in place for a time, it may be that it has become staff-inefficient.

Study of whether staff participants can be focused on particular stages or groups uses their time most efficiently, without undercutting access goals.

Examples and Resources

None identified as to examples.

Greacen Associates, Developing Effective Practices in Family Caseflow Management, especially Chapter 6, *Special techniques applicable to cases involving unrepresented litigants*, [http://www.selfhelpsupport.org/library/item.205420-California Family Case Management Manual](http://www.selfhelpsupport.org/library/item.205420-California%20Family%20Case%20Management%20Manual).

Chapter Five of the National Bench Guide.
[http://www.selfhelpsupport.org/library/folder.177582-National Bench Guide](http://www.selfhelpsupport.org/library/folder.177582-National%20Bench%20Guide).

Cost Analysis.

This can save money, but requires management attention c

18. Courtroom staff have limited training and skills and are not qualified to provide legal education and assistance to the self-represented

It is not unusual that the staff who are actually in the courtroom are not ready to give assistance to litigants that is both needed and appropriate.

a. Develop protocols and standard materials for clerks to hand out

Description

Standardized materials and protocols can easily be given out by staff. If staff are unable to identify what would be appropriate, the judge can take on that role.

Examples and Resources

Informational materials are covered in *SRLN Best Practices, Practice 5: Written Information, Including Multi-Lingual Information*.
[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

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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.

Cost Analysis.

This is a low cost item, particularly since it may be possible to modify existing materials for this purpose.

b. Consider moving staff from other functions to courtroom

Description

As the demands on courtroom staff become greater, it may be worth considering moving staff around. It may be more practicable to retrain courtroom staff for other functions, than to retrain them to the level now needed for the courtroom.

Examples and Resources

None identified. Courtroom staffing issues are covered in SRLN Leadership Package, Module 10: Courtroom Staffing and Services for Access.
[http://www.selfhelpsupport.org/library/item.208591-Power Points for Module 10 Courtroom Staffing and Services for Access](http://www.selfhelpsupport.org/library/item.208591-Power%20Points%20for%20Module%2010%20Courtroom%20Staffing%20and%20Services%20for%20Access)

Cost Analysis.

This may have salary implications. But it is cheaper than adding additional staff.

c. Add staff or develop training program

Description

Adding staff, or training existing staff changes the equation.

Examples and Resources

SRLN Leadership Package, Module 5: Staff Ethics, covers this field in detail.
[http://www.selfhelpsupport.org/library/item.208596-Power Points for Module 5 Staff Ethics](http://www.selfhelpsupport.org/library/item.208596-Power%20Points%20for%20Module%205%20Staff%20Ethics)

Cost Analysis.

Training is cheap, additional staff expensive.

d. Supplement available technology for clerks

Description

Examples might include document assembly to generate orders, software to speed entry of data, review of designs for waste of time, upgrading hardware to reduce waiting time.

Examples and Resources

The Alameda County, CA program order generating program is described in an article by Hon. Evelio M. Grillo
[http://www.selfhelpsupport.org/library/item.263860-Access to Justice Delivering Effective Service to Pro Se Litigants](http://www.selfhelpsupport.org/library/item.263860-Access%20to%20Justice%20Delivering%20Effective%20Service%20to%20Pro%20Se%20Litigants).

Cost Analysis.

Depends on technology chosen, and plan.

e. Experiment with cross training/assignments between clerks and self-help center staff.

Description

Such cross training increases productivity and flexibility.

Examples and Resources

One of the courts that has been most successful in this form of training has been Hennepin, MN. Contact Susan Ledray, susan.ledray@courts.state.mn.us.

Training of non-center staff, regardless of the existence of a center, is addressed in *SRLN Leadership Package Module 5: Staff Ethics*,
[http://www.selfhelpsupport.org/library/item.208596-Power Points for Module 5 Staff Ethics](http://www.selfhelpsupport.org/library/item.208596-Power%20Points%20for%20Module%205%20Staff%20Ethics).

Cost Analysis.

Cross training is relatively inexpensive.

19. Staff are experiencing “dead time” in courtroom

a. Cross train for multiple tasks

Description

If courtroom staff have a broader range of skills they can use their dead time to help each other or the self-represented.

Examples and Resources

None identified. Courtroom staffing issues are covered in SRLN Leadership Package, Module 10: Courtroom Staffing and Services for Access.

<http://www.selfhelpsupport.org/library/item.208591->

[Power Points for Module 10 Courtroom Staffing and Services for Access](#)

Cost Analysis.

A relatively low cost item.

b. Study workflow to see if roles can be combined

Description

Combination of roles may have been made possible by technology, physical changes in the courtroom, higher staff productivity, or training.

Examples and Resources

None identified. Courtroom staffing issues are covered in SRLN Leadership Package, Module 10: Courtroom Staffing and Services for Access.

<http://www.selfhelpsupport.org/library/item.208591->

[Power Points for Module 10 Courtroom Staffing and Services for Access](#)

Cost Analysis.

This is going to take management time, but saves money in the long term.

c. Have contingency plan so people know how to use down time

Description

If staff know what to do when there is no need for them to be engaged with their primary role, then they will move more naturally into that role. Staff should be a major part of this redesign process.

Examples and Resources

None identified. Courtroom staffing issues are covered in SRLN Leadership Package, Module 10: Courtroom Staffing and Services for Access.

<http://www.selfhelpsupport.org/library/item.208591-Power Points for Module 10 Courtroom Staffing and Services for Access>

Cost Analysis.

This also takes significant management time, but has a long term payoff.

d. Make sure staff have computers, phones, etc for full productivity in courtroom

Description

Technology problems are often the cause of downtime. Ongoing audit, which may involve expenditures, will help reduce this wastage.

Examples and Resources

None identified. Should be part of routine management.

Cost Analysis.

Short term costs, both for the process, and for any needed investments.

20. Staff are not being helpful to litigants in courtroom

Such lack of helpfulness may come from being too busy (or feeling too busy), from not knowing what are the limits of the appropriate role, or from ignorance of underlying substance.

a. Train as to appropriate role and how can help

Description

Training can help fix the knowledge problems, and can improve the underlying culture.

Examples and Resources

SRLN Leadership Package, Module 5: Staff Ethics, covers this field in detail.

[http://www.selfhelpsupport.org/library/item.208596-Power Points for Module 5 Staff Ethics.](http://www.selfhelpsupport.org/library/item.208596-Power Points for Module 5 Staff Ethics)

The California Judicial Council's *May I Help You, Legal Advice Versus Legal Information*, is a critical training document,
[http://www.selfhelpsupport.org/library/item.263744-May I Help You Legal Advice vs Legal Information](http://www.selfhelpsupport.org/library/item.263744-May%20I%20Help%20You%20Legal%20Advice%20vs%20Legal%20Information).

Courtroom staffing issues are covered in SRLN Leadership Package, Module 10: Courtroom Staffing and Services for Access.
[http://www.selfhelpsupport.org/library/item.208591-Power Points for Module 10 Courtroom Staffing and Services for Access](http://www.selfhelpsupport.org/library/item.208591-Power%20Points%20for%20Module%2010%20Courtroom%20Staffing%20and%20Services%20for%20Access).

A variety of 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>.

Cost Analysis

The training cost is relatively small. Training materials will need to be customized to the local environment.

b. See if roles can be changed so are less busy

Description

To the extent that the problem comes from a lack of time, that issue should be taken head on.

Examples and Resources

This issue is dealt with above in Problem 17.

Cost Analysis

If staff have to be added, this costs money. Other proposed solutions are more cost effective, and should be tried first.

c. Provide regularly recurring training for staff on overcoming bias and dealing with difficult customers

Description

To the extent that the lack of responsiveness comes from a problem of attitude, ongoing training and awareness is critical.

Examples and Resources

Chapter 10, *Avoiding Unintended Bias*, and Chapter 11, *Addressing Litigant Mental Health Issues in the Courtroom*, of The SRLN Bbench Guide, *Handling Cases Involving Self-Represented Litigants*, address these issues in detail,
http://www.selfhelpsupport.org/library/folder.177582-National_Bench_Guide.

Cost Analysis.

Such programs take some time, but that is the major cost.

d. *Staff who are not good with customers should not work in the courtroom*

Description

This is obvious, but not necessarily easy to achieve. As courtroom staff are expected to provide more assistance and information, this role becomes more and more important.

Examples and Resources

SRLN Leadership Package, Module 10: *Courtroom Staffing and Services for Access*, can be used to highlight the skills that are needed.

[http://www.selfhelpsupport.org/library/item.208591-Power Points for Module 10 Courtroom Staffing and Services for Access](http://www.selfhelpsupport.org/library/item.208591-Power_Points_for_Module_10_Courtroom_Staffing_and_Services_for_Access)

Cost Analysis.

A high cost in management time, but with long term significant pay back.

e. *Schedule staff resources to enable staff to focus on assisting customers during court proceedings*

Description

This may mean moving some self-help or clerk staff to the courtroom for short periods before, during or after, hearings when they are most in need.

Examples and Resources

None identified. Courtroom staffing issues are covered in SRLN Leadership Package, Module 10: *Courtroom Staffing and Services for Access*.

[http://www.selfhelpsupport.org/library/item.208591-Power Points for Module 10 Courtroom Staffing and Services for Access](http://www.selfhelpsupport.org/library/item.208591-Power_Points_for_Module_10_Courtroom_Staffing_and_Services_for_Access).

Cost Analysis.

Some costs in terms of staff time, but less than adding staff.

f. Consider if physical location would make more accessible

Description

Sometimes the physical layout of the courtroom is inhibiting effective services.

We are only just beginning to think about how to redesign physical spaces for access to justice.

Examples and Resources

The SRLN Leadership Package, Module 3: Designing and Modifying Physical Space for Access, raises these issues, <http://www.selfhelpsupport.org/library/item.208585-Power Points for Module 3 Designing and Modifying Physical Space for Access>

Cost Analysis.

Sometimes small changes can make a big difference – like moving a desk.

g. Rotate staff so not burned out

Description

Staff rotation can be very re-energizing.

Examples and Resources

None identified. Courtroom staffing issues are covered in SRLN Leadership Package, Module 10: Courtroom Staffing and Services for Access.

<http://www.selfhelpsupport.org/library/item.208591-Power Points for Module 10 Courtroom Staffing and Services for Access>

Cost Analysis.

No cost, except for some management time.

C. General Resources

The National Bench Guide is the major general resource.

<http://www.selfhelpsupport.org/library/folder.177582-National Bench Guide>.

SRLN Best Practices Document, Especially Practice 32, Compliance and Enforcement Support, [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent.](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent.)

SRLN Leadership Package Module 4: Establishing Justice Corps and Volunteer Programs, deals exclusively with this approach.
[http://www.selfhelpsupport.org/library/item.208586-Power Points for Module 4 Establishing Justice Corps and Volunteer Programs.](http://www.selfhelpsupport.org/library/item.208586-Power%20Points%20for%20Module%204%20Establishing%20Justice%20Corps%20and%20Volunteer%20Programs.)

SRLN Leadership Package Module 5: Staff Ethics,
[http://www.selfhelpsupport.org/library/item.208596-Power Points for Module 5 Staff Ethics.](http://www.selfhelpsupport.org/library/item.208596-Power%20Points%20for%20Module%205%20Staff%20Ethics.)

SRLN Court Leadership Package, Module 8: Case Management for Access,
[http://www.selfhelpsupport.org/library/item.208589-Power Points for Module 8 Caseflow Mangement for Access.](http://www.selfhelpsupport.org/library/item.208589-Power%20Points%20for%20Module%208%20Caseflow%20Mangement%20for%20Access.)

SRLN Leadership Package, Module 9: Working with Judges for Access.
[http://www.selfhelpsupport.org/library/item.208590-Power Points for Module 9 Working with Judges for Access](http://www.selfhelpsupport.org/library/item.208590-Power%20Points%20for%20Module%209%20Working%20with%20Judges%20for%20Access)

SRLN Leadership Package, Module 10: Courtroom Staffing and Services for Access.
[http://www.selfhelpsupport.org/library/item.208591-Power Points for Module 10 Courtroom Staffing and Services for Access](http://www.selfhelpsupport.org/library/item.208591-Power%20Points%20for%20Module%2010%20Courtroom%20Staffing%20and%20Services%20for%20Access)

SRLN Leadership Package, Module 12, Supporting and Integrating Law Library Service for the Self-Represented,
[http://www.selfhelpsupport.org/library/item.208592-Power Points for Module 12 Supporting and Integrating Law Library Services.](http://www.selfhelpsupport.org/library/item.208592-Power%20Points%20for%20Module%2012%20Supporting%20and%20Integrating%20Law%20Library%20Services.)

SRLN Leadership Package, Module 15: Access Innovations to Increase Compliance,
[http://www.selfhelpsupport.org/library/item.208595-Power Points for Module 15 Access Innovations to Increase Compliance.](http://www.selfhelpsupport.org/library/item.208595-Power%20Points%20for%20Module%2015%20Access%20Innovations%20to%20Increase%20Compliance.)

SRLN Judicial Education Curriculum, short version,
[http://www.selfhelpsupport.org/library/item.196177-Introductory Curriculum on Access to Justice for the Self Represented](http://www.selfhelpsupport.org/library/item.196177-Introductory%20Curriculum%20on%20Access%20to%20Justice%20for%20the%20Self%20Represented.), and long version, [http://www.selfhelpsupport.org/library/item.167142-Curriculum One Access to Justice in the Courtroom for the Self Represented.](http://www.selfhelpsupport.org/library/item.167142-Curriculum%20One%20Access%20to%20Justice%20in%20the%20Courtroom%20for%20the%20Self%20Represented.)

Best Practices in Self-Represented Litigation in the Courtroom: Videos for the Courtroom Curriculum, [http://www.selfhelpsupport.org/library/item.196188-Best Practices in SelfRepresented Litigation in the Courtroom Videos for th](http://www.selfhelpsupport.org/library/item.196188-Best%20Practices%20in%20SelfRepresented%20Litigation%20in%20the%20Courtroom%20Videos%20for%20th.), and available from NCSC for judicial educational purposes only.

Self-Represented Litigation Network

Diagnostic and Recommendation Project



Protocol Seven: Compliance

**Prepared by the Working Groups of the Self-Represented Litigation Network
General Package Editor: Richard Zorza**

Developed by the Self-Represented Litigation Network, with funding from the Maryland Administrative Office of the Courts, and the National Center for State Courts.

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SRLN Diagnostic and Recommendation Project
March 2010 Version

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Introduction to Protocol Package

This is one of twelve Diagnostic Protocols, developed by the Self-Represented Litigation Network,¹ and designed to assist courts and their partners assess the need for, and options available to advance, solutions for access to justice challenges in their courts.

In these tough economic times, courts are facing budget cuts, increased caseload, more self-represented litigants and litigant who are themselves under greater financial and psychological stress. Court leaders focusing on both administrative and policy issues recognize that courts must continue to process cases and they want to do so in ways that optimize access to justice. As with other institutions, the crisis offers opportunities as well as stress, with courts needing to focus on changes and innovations that are low cost, easy to deploy, and highly cost effective. The highest stress is occurring in those case types that already have high – and now increasing – numbers of the self-represented: landlord tenant, foreclosure, family, consumer and credit card debt, small claims.

During the last three years, the Self-Represented Litigation Network has developed a wide range of *Best Practices*, approaches, tools and materials that can assist courts in simultaneously achieving greater efficiency and effectiveness while promoting access to justice. Some of these involve small changes that can have a big impact, others involve the creation of new programs.

The Network has leveraged these materials to develop a diagnostic and problem solving methodology that can help as many as possible managerial and justice leaders in the courts on the ground choose and implement changes that are immediately practicable in these budget times. The approach will allow states to learn and deploy this methodology by using existing in-state resources, rather than requiring the courts to make significant additional investments.

This has been done by developing Diagnostic and Problem Solving Protocols that can be used in as cost effective a manner as possible to identify and facilitate potential improvements in access and efficiency. The protocols were developed by the Network and tested and enhanced in pilot visits in New Hampshire and Montana.

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The Protocols now available for this process include:

- Suggested questions for the team to ask stakeholders to identify problem areas,
- Listings of likely problems to be identified,
- For each problem, a menu of specific low cost suggestions to help address those problems, and
- For each suggested solution, to the extent locatable, appropriate and realistic, resources, contacts, and general cost analysis

The full package of protocols, that include framing and process structuring protocols is as follows:

1. Protocol for Introducing and Focusing Diagnostic Process
2. Concierge Diagnostic Protocol
3. Self-Help Services Diagnostic Protocol
4. Clerk's Office/Forms Diagnostic Protocol
5. Caseflow Management Diagnostic Protocol
6. Hearing Diagnostic Protocol
7. Compliance Diagnostic Protocol
8. Self-Assessment Diagnostic Protocol
9. Access Partnering Diagnostic Protocol
10. Protocols for Integrating/Prioritizing Recommendations
11. Protocol for Customizing Protocols for State/Planning Use
12. General Approach Protocol

The protocols remain a collaborative work in progress, and suggestions for improvements are very welcome.

VII. Diagnostic Protocol for Compliance

A. Problem Identification Process

1. Questions for All on Compliance

- What are the biggest areas in which compliance is lacking?
- Why are people not complying?

- Are there sources of data on compliance? If so, what sources?

2. Questions for Observation of Process of Compliance

- What are people coming back to the clerk's office about in the compliance area?
- In compliance related hearings, what are the sources of confusion and non-compliance?

3. Special Questions for Users of Compliance (Litigantss)

- Why have you not done what you were supposed to do?
- What court procedures, if any, are you aware of that can help with compliance?
- Why have you not used the procedures in the court to obtain compliance?
- What are the barriers that you have run into in complying or obtaining compliance?

4. Special Questions for Court Stakeholders of Compliance

- What relationship, if any, do you see between litigant compliance and your work load?
- What things, if any, could you do that would help with compliance?

5. Special Questions for External Stakeholders of Compliance

- What relationship, if any, do you see between compliance and your work?
- What things, if anything, could you do that would help with compliance?
- What barriers, if any, can you identify that make compliance more difficult?

6. Special Questions for Court Leaders

- To what extent, if any, is compliance regarded as a management problem at the court?

- What integrated approaches, if any, are you aware of with respect to compliance issues?

B. Problems, Solutions and Cost Analysis

1. Compliance is not a focus of attention at the court

In fact few courts give real attention to this issue, so there is lots of opportunity for improvement.

a. Establish compliance group, possibly within caseflow group

Description

Such a group can focus on the compliance problem, obtain staff and judicial views, monitor data, and propose and assess changes.

Examples and Resources

None identified. Work such a group might perform is discussed in *SRLN Leadership Package, Module 15: Access Innovations to Increase Compliance*, [http://www.selfhelpsupport.org/library/item.208595-Power Points for Module 15 Access Innovations to Increase Compliance](http://www.selfhelpsupport.org/library/item.208595-Power%20Points%20for%20Module%2015%20Access%20Innovations%20to%20Increase%20Compliance).

Cost Analysis.

The group itself takes only staff time. Innovations costs will depend on the specific innovation.

b. Get compliance data collection as routine part of case management data

Description

The best compliance data is after case closing survey data. However, a proxy can be follow up hearings. (Bearing in mind that the absence of hearings may not be because of compliance, but because the winner does not know what to do, or because he or she does not think it worth the effort.)

Examples and Resources

Data collection is covered in *Pratice 38, Data Collection of SRLN Best Practices in Court-Based Programs for the Self-Represented*.

[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent.](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent.)

Cost Analysis.

Survey processes can be done quite cheaply by mailing surveys to litigants. Integrating that data into case management would not be difficult using bar codes and scanning machines. But that technology would be expensive if not already in place.

2. Litigants do not know what to do to obtain compliance

This appears to be a major problem, and is a product of the complexity of the compliance system, and of the lack of information available.

a. Develop materials on obtaining compliance

Description

Such materials can have a major impact on the parties understanding, and thus on compliance.

Examples and Resources

The Fresno, California, Action Center, which prepares such materials, is profiled at [http://www.selfhelpsupport.org/library/item.263972-Traffic infraction One Stop Network.](http://www.selfhelpsupport.org/library/item.263972-Traffic%20infraction%20One%20Stop%20Network.)

Slide 9-13 in SRLN Leadership Package, *Module 15: Access Innovations to Increase Compliance*,
[http://www.selfhelpsupport.org/library/item.208595-Power Points for Module 15 Access Innovations to Increase Compliance](http://www.selfhelpsupport.org/library/item.208595-Power%20Points%20for%20Module%2015%20Access%20Innovations%20to%20Increase%20Compliance)

Cost Analysis.

Such materials will take more resources than others if the court has not previously been involved in assisting people in this area. With this caveat, this is not a high cost item.

b. Train courtroom staff on general principles so can direct to detailed information on compliance

Description

When courtroom staff understand the general principles of compliance law and process, they will be better able to provide initial information and the needed referrals.

The complexity of the system may well act as a current disincentive to such informational assistance.

Examples and Resources

Court staff training generally is addressed in *SRLN Leadership Package, Module 5: Staff Ethics*, http://www.selfhelpsupport.org/library/item.208596-Power_Points_for_Module_5_Staff_Ethics.

Cost Analysis

This is a relatively low cost item.

c. Put in processes so orders are in writing and verbally explained

Description

A written order can be referred to. A verbally explained order is more likely to be both understood and remembered.

Examples and Resources

The Alameda County, CA program order generating program is described in an article by Hon. Evelio M. Grillo
http://www.selfhelpsupport.org/library/item.263860-Access_to_Justice_Delivering_Effective_Service_to_Pro_Se_Litigants.

Idaho court has family services in the DV courtroom, so that if the judge needs to do referrals, those referrals are put into the orders and explained by the bench.
Contact Francis Thompson, fthompson@latah.id.us.

The Pro Per Orders Clinic of Butte County Superior Court includes assistance in Order (after hearing) preparation to create enforceable orders. The program is profiled at:
http://www.selfhelpsupport.org/library/item.263975-Pro_Per_Orders_Clinic_of_Butte_County_Superior_Court

Cost Analysis

Such programs vary in cost, depending on the level of technology, and the available existing programs that can be modified.

d. *Generate compliance FAQs for different kinds of situations*

Description

Such information makes it easier for both sides to comply and obtain compliance.

Examples and Resources

The Ventura program has particularly good materials. Programs are profiled at [http://www.selfhelpsupport.org/library/item.263980-Superior Court of California County of Ventura Self Help Legal Access Center](http://www.selfhelpsupport.org/library/item.263980-Superior%20Court%20of%20California%20County%20of%20Ventura%20Self%20Help%20Legal%20Access%20Center). Contact Caron Smith, caron.smith@ventura.courts.ca.gov.

Cost Analysis.

Such materials take principally management time.

3. Orders are impracticable

One reason for non-compliance is lack of practicability. Sensitivity to practicability, in the context of fairness and the underlying merits, will increase compliance and reduce the courts need for involvement in ongoing litigation.

a. *Work with judges on getting additional information on litigants, existing barriers to compliance, and how to modify orders to increase compliance without eroding core of judgment*

Description

This is a complex and difficult area, requiring sensitivity and flexibility.

Examples and Resources

Slide 5 of SRLN Leadership Package, Module 15: Access Innovations to Increase Compliance,

[http://www.selfhelpsupport.org/library/item.208595-](http://www.selfhelpsupport.org/library/item.208595-Power%20Points%20for%20Module%2015%20Access%20Innovations%20to%20Increase%20Compliance)

[Power Points for Module 15 Access Innovations to Increase Compliance](http://www.selfhelpsupport.org/library/item.208595-Power%20Points%20for%20Module%2015%20Access%20Innovations%20to%20Increase%20Compliance)

Part Nine, Making the Best Decision starting at Slide 90, in SRLN Judicial Education Curriculum, *Access to Justice in the Courtroom for the Self-Represented*,

[http://www.selfhelpsupport.org/library/item.167142-](http://www.selfhelpsupport.org/library/item.167142-Curriculum%20One%20Access%20to%20Justice%20in%20the%20Courtroom%20for%20the%20Self-Represented)

[Curriculum One Access to Justice in the Courtroom for the Self Represented](http://www.selfhelpsupport.org/library/item.167142-Curriculum%20One%20Access%20to%20Justice%20in%20the%20Courtroom%20for%20the%20Self-Represented).

The Ventura program has a history of working on these issues. Program is profiled at [http://www.selfhelpsupport.org/library/item.263980-Superior Court of California County of Ventura Self Help Legal Access Cente](http://www.selfhelpsupport.org/library/item.263980-Superior%20Court%20of%20California%20County%20of%20Ventura%20Self%20Help%20Legal%20Access%20Center). Contact Caron Smith, caron.smith@ventura.courts.ca.gov.

Cost Analysis.

A low cost item.

b. Work with judges to sensitize to practical barriers to compliance

Description

Judges may well not understand the kinds of barriers that litigants face in the real world.

Examples and Resources

Slide 5 and 13 of SRLN Leadership Package, Module 15: Access Innovations to Increase Compliance,

[http://www.selfhelpsupport.org/library/item.208595-Power Points for Module 15 Access Innovations to Increase Compliance](http://www.selfhelpsupport.org/library/item.208595-Power%20Points%20for%20Module%2015%20Access%20Innovations%20to%20Increase%20Compliance)

Part Nine, Making the Best Decision starting at Slide 90, in SRLN Judicial Education Curriculum, *Access to Justice in the Courtroom for the Self-Represented*,

[http://www.selfhelpsupport.org/library/item.167142-Curriculum One Access to Justice in the Courtroom for the Self Represented](http://www.selfhelpsupport.org/library/item.167142-Curriculum%20One%20Access%20to%20Justice%20in%20the%20Courtroom%20for%20the%20Self-Represented)

Cost Analysis.

This is a low cost item.

4. Orders are financially unrealistic

If it is completely unrealistic for a party to pay a financial order, then that person will fall into non-compliance, and ultimately the system will trigger enforcement proceedings. This can drive the person out of the productive economy, which is the last thing that is needed.

Questions of health insurance coverage for mental health and health related items also act as barriers to compliance. Does the court work have a method to refer litigants to public benefits, or assist them w/coverage of referrals, when necessary?

Does the court provide referrals to sliding fee programs (supervised care, treatment, therapy?)

If at a hearing an applicant reports that insurance co. or the public benefit did not cover the services, does the court refer the applicant to legal groups that can help with that issue?

a. Develop programs and referrals aimed at increasing financial capacity

Description

This is the most positive response. If people can generate more money, then they will be able to comply, and will stay in the system.

Examples and Resources

Many of the Homeless Courts (of which there are twelve in California) work towards this approach. Contact Steve Binder, San Diego, Steve.Binder@sdcounty.ca.gov. For information on the *Homeless Court San Diego Providers Tool Kit*, go to <http://new.abanet.org/homeless/Pages/default.aspx>.

Cost Analysis.

Such programs can take significant resources.

b. Review practices to ensure that involuntary incapacity to comply is not resulting in inappropriate sanctions

Description

The law does not authorize penalizing someone when it is utterly impossible for him or her to do it.

It is important, therefore, to have in place procedures to ensure that litigants are not improperly penalized.

Examples and Resources

Homeless courts are also a reference in this area.

Cost Analysis.

This could be other than lost cost because it might require the addition of new procedures on a routine basis.

5. Litigants can not trace financial assets

If litigants cannot trace assets, then they cannot obtain financial enforcement.

a. Consider changing protocols to require earlier disclosure of assets

Description

One idea is to require litigants early in the process to make disclosure of assets as a condition of moving forward. Such disclosure could be kept under seal until resolution of the merits. Note, however, that there is always the potential for abuse by institutional creditors who may pursue assets that are categorically exempt, and so the data gathering would need to include protections.

Examples and Resources

None identified.

Cost Analysis.

This does potentially add an additional step in the process, and that takes resources.

b. Set up process so that judge at end of hearing requires litigant to explain how will comply and give over information on assets

Description

Such a system puts the immediate power of the judge behind the gathering of information on assets See note of caution above.

Examples and Resources

Slide 16 of SRLN Leadership Package, Module 15: Access Innovations to Increase Compliance,

<http://www.selfhelpsupport.org/library/item.208595-Power Points for Module 15 Access Innovations to Increase Compliance>

Cost Analysis.

This would result in a small increase in the time of the hearing, but would reduce the need for additional proceedings in the future..

6. Litigants do not know what they are supposed to do to comply

This is a very major problem, with litigants not knowing what they are supposed to do. This can arise from linguistic problems, for complexity of even English, from the complexity of the underlying legal remedy, or from anxiety or other emotions experienced by litigants.

Obviously this is very costly for the entire system, as well as the users.

a. *Make sure orders are detailed and comprehensible in plain language*

Description

This is critical to compliance. The process of getting this right, will also improve the rest of the system.

Examples and Resources

Slide 19 of SRLN Leadership Package, Module 15: Access Innovations to Increase Compliance,

<http://www.selfhelpsupport.org/library/item.208595-Power Points for Module 15 Access Innovations to Increase Compliance>

This article discusses the difficulty in Imperial County, CA in enforcing court orders because of the dual cultures in the U.S. and Mexico.

<http://www.selfhelpsupport.org/library/item.263974-Imperial County Developing Systems to Facilitate and Ensure Compliance with>

Forms are the subject of SRLN Leadership Package, Module 6: Developing and Deploying Plain Language Forms,

<http://www.selfhelpsupport.org/library/item.208587-Power Points for Module 6 Developing and Deploying Plain Language Forms>.

The Alameda County, CA program order generating program is described in an article by Hon. Evelio M. Grillo

<http://www.selfhelpsupport.org/library/item.263860-Access to Justice Delivering Effective Service to Pro Se Litigants>

Cost Analysis.

This can take some significant investment in time and processes.

b. *Make sure orders are accompanied with detailed instructions in appropriate languages*

Description

Such instructions make it much easier for litigants to know what to do to comply.

Examples and Resources

Slide 9 of SRLN Leadership Package, Module 15: Access Innovations to Increase Compliance,

<http://www.selfhelpsupport.org/library/item.208595->

[Power Points for Module 15 Access Innovations to Increase Compliance](#)

A planned project in Travis County TX and Imperial CA will test the use of automated document assembly to provide customized instructions with the translations of standard pleading language. Contact Lisa Rush, lisa.rush@co.travis.tx.us.

Cost Analysis.

Handing out instructions is not expensive. Generating software is not a low cost item, but has greater payback.

- c. Have judges inquire for confirmation that litigants know what they have to do***

Description

This technique can have a transformative impact, in part because it underlines for litigants that the judge cares that things will work.

Examples and Resources

Part Ten: Making Sure the Decision is Understood, starting at slide 102, in SRLN Judicial Education Curriculum, *Access to Justice in the Courtroom for the Self-Represented*, <http://www.selfhelpsupport.org/library/item.167142-Curriculum One Access to Justice in the Courtroom for the Self Represented>

Part IIIC starting at Slide 20, in

<http://www.selfhelpsupport.org/library/item.208595->

[Power Points for Module 15 Access Innovations to Increase Compliance.](#)

Cost Analysis.

This is a low cost item, requiring only judicial education, often at an informal level.

- d. Use software to generate plain language orders (with translation versions where possible)***

Description

This will give the litigants much better and more comprehensible information.

Examples and Resources

The Alameda County, CA program order generating program is described in an article by Hon. Evelio M. Grillo

[http://www.selfhelpsupport.org/library/item.263860-
Access to Justice Delivering Effective Service to Pro Se Litigants](http://www.selfhelpsupport.org/library/item.263860-Access%20to%20Justice%20Delivering%20Effective%20Service%20to%20Pro%20Se%20Litigants)

A planned project in Travis County TX will test the use of automated document assembly to provide translations of standard pleading language. Contact Lisa Rush, lisa.rush@co.travis.tx.us.

Cost Analysis

Such programs take investments, but provide great payback.

7. Litigants do not realize the consequences of non-compliance

This is a greater problem than many lawyers, well versed in negative consequences, may realize. Moreover, given the range of issues in many people's lives, it just may not be at the top of the list, unless underlined.

a. Have judges be very specific about non-compliance consequences

Description

Such specificity carries a credibility that no other player carries, particularly this that player might ultimately be the one make decisions about the consequences of non-compliance.

Examples and Resources

Slide 22 of SRLN Leadership Package, Module 15: Access Innovations to Increase Compliance,

[http://www.selfhelpsupport.org/library/item.208595-
Power Points for Module 15 Access Innovations to Increase Compliance](http://www.selfhelpsupport.org/library/item.208595-Power%20Points%20for%20Module%2015%20Access%20Innovations%20to%20Increase%20Compliance)

Slide 112 of in SRLN Judicial Education Curriculum, *Access to Justice in the Courtroom for the Self-Represented*, [http://www.selfhelpsupport.org/library/item.167142-
Curriculum One Access to Justice in the Courtroom for the Self Represented](http://www.selfhelpsupport.org/library/item.167142-Curriculum%20One%20Access%20to%20Justice%20in%20the%20Courtroom%20for%20the%20Self-Represented)

Cost Analysis.

This is a very low cost item, only requiring judicial attention.

b. Start SRL calendars with non-compliance cases

Description

This provides an opportunity to demonstrate the consequences of non-compliance in a dramatic way. Seeing sanctions imposed will have an impact.

Note, however, that some feel that making an example of what happens when one does not comply is mostly valuable to self-represented litigants and not attorneys.

Examples and Resources

Drug courts often orchestrate the calendar in this way. A listing of drug courts is at <http://www.ncsconline.org/wc/CourTopics/StateLinks.asp?id=24&topic=DrugCt>.

Cost Analysis.

This is a very low cost item.

8. Litigants face LEP barriers to understanding the order

This is a huge issue for a large population of the self-represented.

a. Develop systems for translation of orders and instructions

Description

Such systems will make it much easier to comply.

Examples and Resources

Slide 9 of SRLN Leadership Package, Module 15: Access Innovations to Increase Compliance,

[http://www.selfhelpsupport.org/library/item.208595-Power Points for Module 15 Access Innovations to Increase Compliance](http://www.selfhelpsupport.org/library/item.208595-Power%20Points%20for%20Module%2015%20Access%20Innovations%20to%20Increase%20Compliance)

A planned project in Travis County TX will test the use of automated document assembly to provide customized instructions with the translations of standard pleading language. Contact Lisa Rush, lisa.rush@co.travis.tx.us.

The Fresno, California, Action Center, is profiled at
[http://www.selfhelpsupport.org/library/item.263972-Traffic infraction One Stop Network](http://www.selfhelpsupport.org/library/item.263972-Traffic%20infraction%20One%20Stop%20Network)

The Access Center in San Francisco County is a multilingual self help center working w/LEP court users on all aspects of court interaction. They may be a model and have examples of specific tasks courts can do to make sure LEPs don't have disproportionate non compliance rates. Contact Judy Louie, julouie@sftc.org.

Cost Analysis.

This is expensive.

b. Develop systems of referral to multilingual assistance

Description

Examples and Resources

This article discusses the difficulty in Imperial County, CA in enforcing court orders because of the dual cultures in the U.S. and Mexico.

[http://www.selfhelpsupport.org/library/item.263974-Imperial County Developing Systems to Facilitate and Ensure Compliance with](http://www.selfhelpsupport.org/library/item.263974-Imperial%20County%20Developing%20Systems%20to%20Facilitate%20and%20Ensure%20Compliance%20with)

Hennepin County has extensive referrals. Contact Susan Ledray, susan.ledray@courts.state.mn.us.

Cost Analysis.

This takes management time to generate and keep up to date.

c. Educational efforts about overall process

Description

People from other cultures often do not understand who does what in the compliance system, that this makes it even harder for litigants to comply or obtain compliance.

Examples and Resources

The Ventura program has made a particular effort in this area. It is profiled at:

[http://www.selfhelpsupport.org/library/item.263980-Superior Court of California County of Ventura Self Help Legal Access Cente.](http://www.selfhelpsupport.org/library/item.263980-Superior%20Court%20of%20California%20County%20of%20Ventura%20Self%20Help%20Legal%20Access%20Center)

Contact Caron Smith, caron.smith@ventura.courts.ca.gov.

Cost Analysis.

It takes time to find the cultural translators who can develop the appropriate materials.

9. The steps to obtain compliance are too complicated and costly

This is a major, long term, and hard to solve problem that ultimately needs a major focus that should be part of a broader re-alignment effort.

a. Try to simplify number and requirements of steps to compliance.

Description

This could radically reduce the barriers to compliance, but will take a careful analysis of the actual in place process. It is important that debtor protections are not removed.

Examples and Resources

The Fresno Action Center provides “one stop shopping” for compliance related services.

Idaho is working to simplify. Contact Judge Michael Denard, mdennard@idcourts.net.

Simplification is discussed in the *Draft Report* of the California Elkins Task Force on Family Law, <http://www.courtinfo.ca.gov/jc/tflists/documents/draft-finalrec.pdf>.

Cost Analysis.

Cost depends on complexity of innovation.

b. Look at process to see which steps can be court self-executing.

Description

There may be more things that courts can do for litigants so that litigants do not have to take the initiative to keep cases moving.

Examples and Resources

The model here is child support enforcement. The US collects Best Practices at http://www.acf.hhs.gov/programs/cse/pubs/2007/best_practices/.

Cost Analysis.

Cost depends on ideas adopted.

10. Litigants do not realize that they have to take steps for the court's orders to become final, or to be put into effect

This is the problem that has led to the “accidental bigamist” phenomenon. More generally, it happens whenever litigants do not realize that there are things that they have to do.

a. *Include this in a wide range of materials*

Description

This is easy to include in materials that can be distributed both early in the case, and at the point that the litigant has to start moving the case themselves.

Examples and Resources

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>. Contact Caron Smith, caron.smith@ventura.courts.ca.gov.

Cost Analysis.

Not a large cost item.

b. *Have judge reiterate point at judgment*

Description

Judges should in any event make clear what is going to happen next, and who needs to do what.

Examples and Resources

Slide 114, and following, in SRLN Judicial Education Curriculum, *Access to Justice in the Courtroom for the Self-Represented*,
<http://www.selfhelpsupport.org/library/item.167142-Curriculum One Access to Justice in the Courtroom for the Self Represented>

Cost Analysis.

This is a low cost item.

11. Other government agencies are not involved with the process

Many compliance issues involve other agencies, police, district attorney, child support, welfare department, housing authority, etc. Often the courts are not providing what they need to move compliance forward. Often they are ignoring the courts needs.

a. Develop court mechanisms for regular coordination with law enforcement, state agencies, etc.

Description

Such mechanisms are the main hope for overcoming these disconnects. They need to operate at a high enough level to be meaningful, but also need to include the operational level.

Examples and Resources

Section VI: Building a Program, Needs and Partners, of SRLN Leadership Package, Module 15: Access Innovations to Increase Compliance,
<http://www.selfhelpsupport.org/library/item.208595-Power Points for Module 15 Access Innovations to Increase Compliance>

Cost Analysis.

This takes management time to keep information flowing.

b. Develop division of labor and process protocols for all involved agencies

Description

Such protocols can ensure that cases do not drop into the void, and that it is always clear who is responsible.

Examples and Resources

The San Francisco Access Center works extensively with community organizations, particularly when needed in the limited English proficiency area. Contact Judy Louie, julouie@sftc.org.

The Fresno Action Center also works in detail with other agencies to ensure compliance.

Cost Analysis.

Some management attention needed, but a long term cost saver.

C. General Resources

SRLN Best Practices Document,

[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

SRLN Leadership Package, Module 15: Access Innovations to Increase Compliance,

[http://www.selfhelpsupport.org/library/item.208595-Power Points for Module 15 Access Innovations to Increase Compliance](http://www.selfhelpsupport.org/library/item.208595-Power%20Points%20for%20Module%2015%20Access%20Innovations%20to%20Increase%20Compliance).

The Pro Per Orders Clinic of Butte County Superior Court is a collaborative program between the Butte County Superior Court and Legal Services of Northern California, (Butte Regional office). The mission of the program is to provide self-represented litigants (pro pers) with assistance in Order (after hearing) preparation to create enforceable orders, to eliminate gaps in (Restraining order) protection and to provide a layman's explanation of the orders to these litigants.

[http://www.selfhelpsupport.org/library/item.263975-Pro Per Orders Clinic of Butte County Superior Court](http://www.selfhelpsupport.org/library/item.263975-Pro%20Per%20Orders%20Clinic%20of%20Butte%20County%20Superior%20Court)

A brochure describing the "Domestic Violence Limited Scope Representation" in Santa Clara, CA is at

[http://www.selfhelpsupport.org/library/item.263976-Domestic Violence Limited Scope Representation Santa Clara CA](http://www.selfhelpsupport.org/library/item.263976-Domestic%20Violence%20Limited%20Scope%20Representation%20Santa%20Clara%20CA).

Self-Represented Litigation Network

Diagnostic and Recommendation Project



Protocol Eight: Self-Assessment Capacity

**Prepared by the Working Groups of the Self-Represented Litigation Network
General Package Editor: Richard Zorza**

Developed by the Self-Represented Litigation Network, with funding from the Maryland Administrative Office of the Courts, and the National Center for State Courts.

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SRLN Diagnostic and Recommendation Project
March 2010 Version

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Introduction to Protocol Package

This is one of twelve Diagnostic Protocols, developed by the Self-Represented Litigation Network,¹ and designed to assist courts and their partners assess the need for, and options available to advance, solutions for access to justice challenges in their courts.

In these tough economic times, courts are facing budget cuts, increased caseload, more self-represented litigants and litigant who are themselves under greater financial and psychological stress. Court leaders focusing on both administrative and policy issues recognize that courts must continue to process cases and they want to do so in ways that optimize access to justice. As with other institutions, the crisis offers opportunities as well as stress, with courts needing to focus on changes and innovations that are low cost, easy to deploy, and highly cost effective. The highest stress is occurring in those case types that already have high – and now increasing – numbers of the self-represented: landlord tenant, foreclosure, family, consumer and credit card debt, small claims.

During the last three years, the Self-Represented Litigation Network has developed a wide range of *Best Practices*, approaches, tools and materials that can assist courts in simultaneously achieving greater efficiency and effectiveness while promoting access to justice. Some of these involve small changes that can have a big impact, others involve the creation of new programs.

The Network has leveraged these materials to develop a diagnostic and problem solving methodology that can help as many as possible managerial and justice leaders in the courts on the ground choose and implement changes that are immediately practicable in these budget times. The approach will allow states to learn and deploy this methodology by using existing in-state resources, rather than requiring the courts to make significant additional investments.

This has been done by developing Diagnostic and Problem Solving Protocols that can be used in as cost effective a manner as possible to identify and facilitate potential improvements in access and efficiency. The protocols were developed by

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the Network and tested and enhanced in pilot visits in New Hampshire and Montana.

The Protocols now available for this process include:

- Suggested questions for the team to ask stakeholders to identify problem areas,
- Listings of likely problems to be identified,
- For each problem, a menu of specific low cost suggestions to help address those problems, and
- For each suggested solution, to the extent locatable, appropriate and realistic, resources, contacts, and general cost analysis

The full package of protocols, that include framing and process structuring protocols is as follows:

1. Protocol for Introducing and Focusing Diagnostic Process
2. Concierge Diagnostic Protocol
3. Self-Help Services Diagnostic Protocol
4. Clerk's Office/Forms Diagnostic Protocol
5. Caseflow Management Diagnostic Protocol
6. Hearing Diagnostic Protocol
7. Compliance Diagnostic Protocol
8. Self-Assessment Diagnostic Protocol
9. Access Partnering Diagnostic Protocol
10. Protocols for Integrating/Prioritizing Recommendations
11. Protocol for Customizing Protocols for State/Planning Use
12. General Approach Protocol

The protocols remain a collaborative work in progress, and suggestions for improvements are very welcome.

VIII. Diagnostic Protocol for Court Self-Assessment

A. Problem Identification Process

1. Questions for All on Court Self Assessment

- What processes are in place for self-assessment of the area in which you work, and for the court as a whole?

- Is there data that might be used for self-assessment?
- Who would you recommend provide input for self assessment?
- What would be your goals for a successful self assessment process?

2. Questions for Observation Process of Court Self Assessment

- Is there self-assessment in any court process that has been observed?
- Is there any court process upon which self-assessment could be built?
- What aspects of the court process would you suggest be paid particular attention to?

3. Special Questions for Court Stakeholders of Court Self Assessment

- What do you feel your work group could contribute to the court's self-assessment? (data, perspectives, options, problems)
- What are your needs in a court's self-assessment? (needs for information, assistance, support, etc.)
- When would be the best time during the calendar/fiscal year to conduct a self-assessment?
- Are there any special protocols to insure that groups are able to provide candid and frank input in a court's self-assessment?

4. Special Questions for External Stakeholders of Court Self Assessment

- How would you like to input into a court self-assessment?
- What approaches and perspectives do you think would be important?

5. Special Questions for Court Leaders

- What are the barriers to self-assessment and to action based on such a self-assessment?

- What steps might be taken prior to a self-assessment so that the results might be acted upon?

B. *Problems, Solutions and Cost Analysis*

1. There is no interest or perceived relevance in a self-assessment system in the court

This is obviously a threshold problem that indicates a great potential for long term cultural change that can bring together the different perspectives in a broad re-energizing of the court.

a. *Communicate stories of self-assessment and impact*

Description

The foundational work is to create the constituency for change by sharing the success stories, with a focus on the breadth of the range of stakeholders who can gain, and the range of impacts on effectiveness, efficiency and access.

Examples and Resources

SRLN Leadership Package, Module 1: Challenge, Models, Self-Diagnosis and Strategies for Getting a Court Moving, provides a number of powerful examples of such changes, especially *Section III, Innovation Models*, starting at slide 22.

<http://www.selfhelpsupport.org/library/item.208583-Power Points for Module 1 Challenge Models Court SelfDiagnosis and Strategi>.

The following video segments from the *SRLN Leadership Package DVD* can be used in this presentation.

1-A *Imperial County Cross Border Program*

This program uses resources on both sides of the Mexican border to ensure access to justice for the self-represented. The video can be used with the Imperial segment of Module 1.

2-A *California Legislative Hearing*

Clips from a legislative hearing provide perspective on effective advocacy for resources.

2-A *Hennepin (Minneapolis) Self-Help Center.* It can be used with the Hennepin segment of Module 1. (Susan Ledray, Director of Self-Help Services for Hennepin takes us on a short tour of one of the centers, describing its services.)

11-A Introduction to Discrete Task Representation (Massachusetts). It can be used with the Massachusetts segment of Module 1 (Associate Justice Cynthia Cohen, of the Massachusetts Appeals Court, tells the story of how the Massachusetts Courts successfully introduced an unbundling pilot.)

Information on all video on the DVD is on SRLN Leadership Package, *Introduction to the Video Materials*. [http://www.selfhelpsupport.org/library/item.208578-Introduction to Video Materials](http://www.selfhelpsupport.org/library/item.208578-Introduction%20to%20Video%20Materials). DVD is available from NCSC.

Cost Analysis.

These materials are available for free to start this kind of discussion.

2. There is no self-assessment system in the court

This is not unusual. Clearly, however, there is need for an ongoing, multi-stakeholder self-assessment process by which a court looks at itself. There are a variety of tools available to support this process, and a variety of suggested approaches.

a. Establish self-assessment program

Description

Such a program can be started in a variety of ways. The key resources are below.

Examples and Resources

The *Protocols*, of which this document is one, are designed as to tool to support just such a process. The materials for the project can be accessed at [http://www.selfhelpsupport.org/library/folder.260175-Diagnosis and Problem Solving Project](http://www.selfhelpsupport.org/library/folder.260175-Diagnosis%20and%20Problem%20Solving%20Project).

National Center for State Courts *CourTools*. *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.) 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, 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.

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

Cost Analysis.

The above resources are designed to be used by a court without extensive external assistance. While they take some management and surveying time, these are not large.

b. Expand role of other process to include self-assessment

Description

This approach takes existing internal management and consultative processes and grafts on to them a self-assessment function.

Whether this is the right approach will depend on the force and legitimacy of existing such processes, and particularly whether the right individuals are in the mix.

Examples and Resources

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>.

Cost Analysis.

The addition of a general task is not particularly burdensome. What imposes the burden is the work of performing the self-assessment.

c. *Create self-assessment leadership*

Description

Leadership is key.

Examples and Resources

Section V, starting at side 74, of SRLN *Leadership Package, Module 1: Challenge, Models, Self-Diagnosis and Strategies for Getting a Court Moving*, provides a number of suggested leadership approaches.

<http://www.selfhelpsupport.org/library/item.208583->

[Power Points for Module 1 Challenge Models Court SelfDiagnosis and Strategi.](http://www.selfhelpsupport.org/library/item.208583-Power Points for Module 1 Challenge Models Court SelfDiagnosis and Strategi.)

See also the remainder of this Module for examples.

Cost Analysis.

This takes management time.

d. *Share models of self-assessment*

Description

Such models can create a sense of practicable possibility.

Examples and Resources

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

Cost Analysis.

The sharing process is not expensive.

3. There is a system, but it deals only with internal issue, not the accessibility of the court

This may be the most frequent situation. That a system is in place, provides an important tool and opportunity to expand self-assessment to access issues.

a. Expose leadership to broader access assessment models

Description

This process can use both narrative and the resources in these protocols.

Examples and Resources

The Report and Analysis of Action Plans Throughout California: Integrating services for self-represented litigants into the court system - June 2003, an example of leadership using court data to develop action plans for courts to serve self-represented litigants.

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

Cost Analysis.

These processes are designed to be low cost.

b. Modify existing system and protocols to include access issues

Description

If the existing self-assessment system has protocols, or routines, then they can be modified and expanded to include access issues.

Examples and Resources

See above.

Cost Analysis.

The process is not expensive, although programs selected might be.

4. The self-assessment recommendations are not implemented

This kind of problem can occur in any kind of situation.

a. *Review prior recommendations and history of attempts*

Description

Review of failure to implement will lead to a better sense of the barriers or process limitations that have caused the failure.

Examples and Resources

None identified.

Cost Analysis

Such a review is essentially a matter of management and staff time.

b. *Clarify where implementation leadership is to be*

Description

Many such efforts fail because leadership and responsibility are not clarified with sufficient clarity. This is particularly the case when the initiative involves a variety of stakeholders, none of whom has a sufficient incentive, or the political authorization to play the key leadership role. Collaboration is not a substitute for leadership, only a leveraging agent that makes it more effective.

Examples and Resources

All the Modules in the SRLN *Leadership Package* include sections on management and leadership of particular innovations. They can all be accessed at [http://www.selfhelpsupport.org/library/folder.208521-2008 Court Solutions Conference](http://www.selfhelpsupport.org/library/folder.208521-2008%20Court%20Solutions%20Conference).

Cost Analysis

This is just a management issue.

5. The self-assessment recommendations apply only within units, but do not look at the court as a whole

It was an early and important insight of those working on self-represented litigation issues that it not enough to look at the services provided to the self-represented. It is important to look at the court as a whole.

Moreover, as these protocols illustrate, problems in one area of the system can often be best solved in a very different part of the system.

a. Work with self assessment process to integrate inter-unit implications

Description

This is partly a political, and partly a data driven process.

Examples and Resources

The *Protocols*, of which this document is one, are designed as to tool to support just such a process. The materials for the project can be accessed at http://www.selfhelpsupport.org/library/folder.260175-Diagnosis_and_Problem_Solving_Project.

The Self-Represented Litigation Network set of self-assessment tools are built around this integrated view. See specifically tools in this folder, http://www.selfhelpsupport.org/library/folder.223112-Documents_Created_by_the_SRLN, and more, generally, their library folder on survey instruments at http://www.selfhelpsupport.org/library/folder.52281-Survey_Instruments.

Cost Analysis.

Cost depends upon approach. Developing the sensitivity is essentially a management process, the cost of which will depend on the local culture.

b. Make sure data is system wide not unit focused

Description

Most court data is focused on calendaring. This can provide data on overall caseflow throughout the system, but often tends to provide data only on case completion.

To the extent that the system includes data on services provided by self-help centers, clinics, etc., it will be much easier to monitor effectiveness and identify problems. While an integrated system is best, it is better to collect separate data for a unit than to ignore it completely.

Examples and Resources

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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.

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.

Cost Analysis

Comprehensive research is expensive. Initial data collection is far cheaper. See below resources.

6. There is never any money, so no action is taken

This is, at least in these times, a major problem, and innovators must be ready to find ways to get beyond this attitude. There will never be enough money, so we have to find ways to “get over it” as Chief Justice Broderick of New Hampshire says.

a. Use other state materials to identify zero cost improvements

Description

As shown in these materials, there is a broad range of success stories that can be used and shared.

Examples and Resources

An article by Frank Broccolina and Richard Zorza in the Winter 2009 *Judges Journal*, makes a number of specific low cost suggestions.

[http://www.selfhelpsupport.org/library/item.224854-Ensuring Access to Justice in Tough Economic Times](http://www.selfhelpsupport.org/library/item.224854-Ensuring%20Access%20to%20Justice%20in%20Tough%20Economic%20Times).

These and others are follow up on in the following library:

[http://www.selfhelpsupport.org/library/folder.223114-Low Cost Innovations](http://www.selfhelpsupport.org/library/folder.223114-Low%20Cost%20Innovations).

An article in *Court Trends 2009* (forthcoming) will deal with the impact of the crisis on self-represented litigant programs.

Cost Analysis.

These are all designed to be low cost.

b. Look at in place processes (like forms) for small changes

Description

Courts are updating, reprinting, and re-issuing guidelines and protocols, and conducting training and educational programs all the time. Taking a new look at these from an access point of view is the cheapest way to leverage existing expenditure flows.

Examples and Resources

See above.

Cost Analysis.

These are also very low cost.

7. There is no data for self-assessment

a. There is always some data – take another look at it

Description

The clerks' data system is there. It may be that more than one at first realizes can be pulled. Even if there is no money to reprogram reports, and intern may be able to pull up screens and move data to a spreadsheet.

Examples and Resources

The California self-help centers are probably the ones that collect the most information about their cases. The California contact is Bonnie Hough, Bonnie.Hough@jud.ca.gov.

Data collection is covered in *Pratice 38, Data Collection of SRLN Best Practices in Court-Based Programs for the Self-Represented*.

[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresented)

Cost Analysis.

Very low.

b. Look at small additions to existing data protocols

Description

Sometimes an existing field in the case management system can be reallocated to collect data previously ignored.

Sometimes a new line can be added to a form

Examples and Resources

Data collection is covered in *Pratice 38, Data Collection of SRLN Best Practices in Court-Based Programs for the Self-Represented*.

[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent.](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresented)

Cost Analysis.

Very low cost.

c. Use spreadsheets, quick forms, judges and courtroom clerks to collect quick data

Description

These all offer low cost collection of data. Often a judge or clerk can collect one or two items about each case, entering them immediately into a spreadsheet on an open laptop.

Examples and Resources

Low cost data methods were used in the assessment of the Georgia Appalachian Circuit Court Family Law Center. Contact Kayann Hayden, kayannhayden@yahoo.com.

Cost Analysis.

Very low cost.

C. General Resources

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.

The Self-Represented Litigation Network has comprehensive set of self-assessment tools including customer use satisfaction surveys and focus group tools on

[SelfHelpSupport.org](http://www.selfhelpsupport.org). See specifically tools in this folder, [http://www.selfhelpsupport.org/library/folder.223112-Documents Created by the SRLN](http://www.selfhelpsupport.org/library/folder.223112-Documents_Created_by_the_SRLN), and survey instruments at [http://www.selfhelpsupport.org/library/folder.52281-Survey Instruments](http://www.selfhelpsupport.org/library/folder.52281-Survey_Instruments).

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>.

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).

Self-Represented Litigation Network

Diagnostic and Recommendation Project



Protocol Nine: Partnering for Access

**Prepared by the Working Groups of the Self-Represented Litigation Network
General Package Editor: Richard Zorza**

Developed by the Self-Represented Litigation Network, with funding from the Maryland Administrative Office of the Courts, and the National Center for State Courts.

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Introduction to Protocol Package

This is one of twelve Diagnostic Protocols, developed by the Self-Represented Litigation Network,¹ and designed to assist courts and their partners assess the need for, and options available to advance, solutions for access to justice challenges in their courts.

In these tough economic times, courts are facing budget cuts, increased caseload, more self-represented litigants and litigant who are themselves under greater financial and psychological stress. Court leaders focusing on both administrative and policy issues recognize that courts must continue to process cases and they want to do so in ways that optimize access to justice. As with other institutions, the crisis offers opportunities as well as stress, with courts needing to focus on changes and innovations that are low cost, easy to deploy, and highly cost effective. The highest stress is occurring in those case types that already have high – and now increasing – numbers of the self-represented: landlord tenant, foreclosure, family, consumer and credit card debt, small claims.

During the last three years, the Self-Represented Litigation Network has developed a wide range of *Best Practices*, approaches, tools and materials that can assist courts in simultaneously achieving greater efficiency and effectiveness while promoting access to justice. Some of these involve small changes that can have a big impact, others involve the creation of new programs.

The Network has leveraged these materials to develop a diagnostic and problem solving methodology that can help as many as possible managerial and justice leaders in the courts on the ground choose and implement changes that are immediately practicable in these budget times. The approach will allow states to learn and deploy this methodology by using existing in-state resources, rather than requiring the courts to make significant additional investments.

This has been done by developing Diagnostic and Problem Solving Protocols that can be used in as cost effective a manner as possible to identify and facilitate potential improvements in access and efficiency. The protocols were developed by the Network and tested and enhanced in pilot visits in New Hampshire and Montana.

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The Protocols now available for this process include:

- Suggested questions for the team to ask stakeholders to identify problem areas,
- Listings of likely problems to be identified,
- For each problem, a menu of specific low cost suggestions to help address those problems, and
- For each suggested solution, to the extent locatable, appropriate and realistic, resources, contacts, and general cost analysis

The full package of protocols, that include framing and process structuring protocols is as follows:

1. Protocol for Introducing and Focusing Diagnostic Process
2. Concierge Diagnostic Protocol
3. Self-Help Services Diagnostic Protocol
4. Clerk's Office/Forms Diagnostic Protocol
5. Caseflow Management Diagnostic Protocol
6. Hearing Diagnostic Protocol
7. Compliance Diagnostic Protocol
8. Self-Assessment Diagnostic Protocol
9. Access Partnering Diagnostic Protocol
10. Protocols for Integrating/Prioritizing Recommendations
11. Protocol for Customizing Protocols for State/Planning Use
12. General Approach Protocol

The protocols remain a collaborative work in progress, and suggestions for improvements are very welcome.

IX. Diagnostic Protocol for Access Partnering/Collaborations

A. Problem Identification Process

1. Questions for All on Access Partnering

- What are the current partnering/collaboration efforts in which you participate?

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- What issues are you experiencing with partnering/collaborating between the court and outside groups for access to justice?
- What partnering/collaboration opportunities do you feel are available but not being accessed?
- Are there problems in sustaining your partnerships?
- Do you have an established process to evaluate/implement programs from other communities?
- How do you communicate with other stakeholders?
- How do you find additional stakeholders?

2. Questions for Observation On The Process of Accessing Partnering/Collaboration Process

- Does the court seem to be open to partnering with outside groups? If not, what are the obstacles?
- Does the court have in place protocols for establishing, governing, and maintaining such partnerships/collaboration? If not, what are the obstacles?

3. Special Questions for Court/Court Leaders Stakeholders of Access Partnering/Collaborations

- What is the partnership with the bar for access?
- What is the relationship with legal aid?
- What is the relationship with community groups?
- What is the relationship with the publically accessible law libraries?
- What partnering relationships have you considered establishing or expanding?
- What are the barriers to establishing or expanding such relationships?
- What challenges or issues occur in these relationships?

4. Special Questions for External Stakeholders of Access Partnering/Collaborators

- What is the your partnership with the court for access partnering/collaboration?
- What partnering relationships have you considered establishing or expanding?
- What additional opportunities might be available?
- What are the barriers to establishing or expanding such relationships?
- What challenges or issues occur in the relationship, if established?
- Does the court recognize your needs? If not, why not?
- Do you feel you recognize the court's needs? If not, why not?

B. *Problems, Perceptions, Solutions and Cost Analysis*

1. Bar perception on access services taking away clients

This is a problem that goes away in the light of day. The practical reality is that these are very different populations.

a. *Gather statistics on income level of self-help service recipients*

Description

Such statistics can be gathered at self-help programs, if in place, or in the courthouse.

Examples and resources

The Self-Represented Litigation Network has comprehensive set of self-assessment tools including customer use satisfaction surveys and focus group tools on [SelfHelpSupport.org](http://www.selfhelpsupport.org). See specifically tools in this folder, [http://www.selfhelpsupport.org/library/folder.223112-Documents Created by the SRLN](http://www.selfhelpsupport.org/library/folder.223112-Documents%20Created%20by%20the%20SRLN), and survey instruments at [http://www.selfhelpsupport.org/library/folder.52281-Survey Instruments](http://www.selfhelpsupport.org/library/folder.52281-Survey%20Instruments).

There is extensive such income data in *Model Self-Help Pilot Programs - A Report to the Legislature*, March 2005. The data is part of comprehensive evaluation of 5 self-help pilot programs in California which can be found at:

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

Cost Analysis.

Such surveys take staff time, but surveys can be given out by the staff who are already dealing with the litigants at the clerk desk, or the self-help center welcoming area.

b. Use national collections of income data from other courts/states

Description

Such data is much cheaper to use, and can be quite persuasive, depending on openness.

Examples and resources

California data is listed above.

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.

<http://www.ncsconline.org/WC/Publications/Memos/ProSeStatsMemo.htm>.

Cost Analysis.

Use of these out of state statistics is very low cost, but does not have the same impact.

c. Promote unbundling as win-win for bar and court

Description

Promotion of unbundling can persuade the bar that innovation in support of self-represented litigants is in their economic interests.

Examples and resources

The SRLN *Leadership Package, Module 11, Discrete Task Representation*, is a comprehensive set of materials designed to support the deployment of this innovation. <http://www.selfhelpsupport.org/library/item.208597->

[Power Points for Module 11 Discrete Representation](#). There is a heavy focus on the role of the court.

Cost Analysis.

While ultimately this innovation brings resources to the court, its deployment does take significant management resources at a high level. Judicial leadership is important.

d. Discuss impact on self-represented delays upon represented cases

Description

The attitude of the bar may be changed by a discussion of the impact of self-represented cases upon the overall functioning of the court, and thus upon the attorneys and their clients.

Examples and resources

This is discussed in slide 5 of SRLN *Leadership Package, Module 1: Challenge, Models, Court Self-Diagnosis and Strategies for Getting a Court Moving*.

[http://www.selfhelpsupport.org/library/item.208583-](http://www.selfhelpsupport.org/library/item.208583-Power_Points_for_Module_1_Challenge_Models_Court_SelfDiagnosis_and_Strategi)

[Power_Points_for_Module_1_Challenge_Models_Court_SelfDiagnosis_and_Strategi](http://www.selfhelpsupport.org/library/item.208583-Power_Points_for_Module_1_Challenge_Models_Court_SelfDiagnosis_and_Strategi)

Cost Analysis.

The discussion is not expensive, provided there are environments.

2. The Court sees legal aid participation as non-neutral

Given that legal aid programs have traditionally tended to represent one “side” such as tenants or alleged domestic violence victims, there is an anxiety in some court systems that too close collaboration would be inconsistent with court neutrality.

However, the legal aid programs mission and charter is to support access for all low income people, and thus the solution is to make sure that the partnerships are structured in access rather than issue-advocacy terms.

a. Share/develop protocols for participation

Description

This approach is to make sure that collaborative programs include MOUs or protocols that reflect the court’s neutral values, rather than any advocacy position.

Examples and resources

The California Courts make grants that support court-legal aid partnerships. These have access requirements. Contact Bonnie Hough, Bonnie.Hough@jud.ca.gov.

Cost Analysis.

There is a management cost associated with setting up these requirements, but they make possible money saving partnerships.

b. *Share other examples of participation*

Description

The most effective way to overcome this anxiety is to show the range of such collaborations that exist.

Examples and resources

The California Courts make grants that support court-legal aid partnerships. These have access requirements. Contact Bonnie Hough, Bonnie.Hough@jud.ca.gov.

Maryland has extensive collaborative programs. Contact Pamela Ortiz, pamela.ortiz@mdcourts.gov.

Cost Analysis.

Inexpensive to gather and distribute information.

c. *Identify neutral service role and relationship (contracts, co-location, etc.)*

Description

Implementation through a specific service role in which the courts neutrality is maintained helps solve this problem.

Examples and resources

Maryland courts contract with legal aid programs to provide self-help services. Some programs do income screening. Contact Pamela Ortiz, pamela.ortiz@mdcourts.gov.

Cost Analysis.

Costs depend upon program. Administratively cheap for court system.

3. Volunteer programs seem to take more energy than they add

This is the number one objection to volunteer programs. It is indeed true that unless carefully managed, this can be the case.

a. Require organizations providing volunteers to assist with supervision

Description

Recruitment, training, scheduling can all be delegated to partnering organization. However it is important to be careful that overall management remain within the court.

Examples and resources

The Hennepin MN Self-Help program uses pro bono attorneys to provide legal advice in an unbundled context. The recruitment and scheduling is handled by the bar. Contact Susan Ledray, usan.ledray@courts.state.mn.us.

Cost Analysis.

This should reduce money required to manage the program.

b. Develop detailed supervision plans

Description

Much of the worry about un-anticipated cost is that of supervision. Integrating supervision planning with overall management makes the difference.

Examples and resources

The Los Angeles Justice Corps program has a very carefully planned training and supervision program. Contact Kathleen Dixon, KDixon@LASuperiorCourt.org.

Cost Analysis.

Good planned supervision does take resources.

c. Identify staff who want to supervise and have good skills

Description

Volunteer supervision skills require a combination of substantive knowledge, sensitivity, and human encouragement abilities.

Examples and resources

Hennepin has a supervisor-attorney, and one or two additional attorneys at each Center. Much of the supervisor of volunteers is assigned to the non-supervisor. This affords the staff attorney an opportunity to gain supervisory experience. Volunteer supervision requires many of the same skills needed to be successful in a SHC – ability to multi-task and keep track of many people/issues at once; patience, clarity, ability to teach and reinforce and correct behavior on-the-spot diplomatically, be welcoming but firm in expectations. Contact Susan Ledray, Susan.Ledray@courts.state.mn.us.

SRLN Leadership Package Module 2: Establishing and Operating a Court-Based Self-Help Center, deals with needed staff skills in this area.

<http://www.selfhelpsupport.org/library/item.208584->

[Power Points for Module 2 Establishing and Operating a CourtBased SelfHelp](#)

Cost Analysis.

Those who want to do this work will be more cost effective in the way that they do it.

d. Identify a pool of volunteers available

Description

Community organizations often have pools of volunteers with particular skills and interests. It may be easier to recruit from such a pool, and there may be internal synergies and interpersonal relationships that will lead to greater participation.

Examples and resources

AARP has a very fine volunteer recruitment system. Contact local AARP program.

www.aarp.org

Cost Analysis.

Such a partnering is a particularly cost-effective way of finding volunteers.

4. Anxiety that partnership discussions lead to words not actions

It is true that some partnerships lead only to meetings with general statements of intent, rather than concrete programs.

a. *Identify leadership responsibilities between organizations*

Description

The most effective solution is clarifying leadership responsibilities.

Examples and resources

All the Modules in the SRLN *Leadership Package* include sections on management and leadership of particular innovations. They can all be accessed at [http://www.selfhelpsupport.org/library/folder.208521-2008 Court Solutions Conference](http://www.selfhelpsupport.org/library/folder.208521-2008%20Court%20Solutions%20Conference).

Cost Analysis.

This reduces the costs of the process.

b. *Schedule regular communications between leaders in each partner organization.*

Description

A simple step. Often the problem is that agreements and commitments fall off the agendas of individual organizations.

Examples and resources

All the Modules in the SRLN *Leadership Package* include sections on management and leadership of particular innovations. They can all be accessed at [http://www.selfhelpsupport.org/library/folder.208521-2008 Court Solutions Conference](http://www.selfhelpsupport.org/library/folder.208521-2008%20Court%20Solutions%20Conference).

Cost Analysis.

Very low cost.

c. *Make sure each partner gets credit and reinforcement, and that the program meets each partners institutional needs – which may vary greatly by program type*

Description

All too often, organizations think with their own perspectives. Recognition of differing needs is particularly important when the organizations have radically different cultures. Court cultures are unique.

Examples and resources

All the Modules in the SRLN *Leadership Package* include sections on management and leadership of particular innovations. They can all be accessed at [http://www.selfhelpsupport.org/library/folder.208521-2008 Court Solutions Conference](http://www.selfhelpsupport.org/library/folder.208521-2008%20Court%20Solutions%20Conference).

Cost Analysis.

Doing this can take substantial resources.

5. Legal aid may not be able to or be unwilling to provide services to all sides

This issue highlights the differences between organizational cultures, and indeed, organizational goals.

a. Show other experience with all-sides assistance

Description

The history has been that when legal aid programs stretch they find that there are low income, and sympathetic litigants in need of help on all sides of cases – including, for example, low income landlords, such as those who have rented out a room to an abusive family member.

Examples and resources

The California Courts make grants that support court-legal aid partnerships. These have access-to-all requirements. Contact Bonnie Hough, Bonnie.Hough@jud.ca.gov.

Cost Analysis.

Not much cost associated with this.

b. Focus on substantive areas in which all sides are low income

Description

In some areas, such as family, both sides are low income (or no income).

Thus it is easy for programs that use court criteria to work institutionally for legal aid programs.

Examples and resources

The California Partnerships grants tend to fit into this paradigm. Contact Bonnie Hough, Bonnie.Hough@jud.ca.gov.

Cost Analysis.

Not something that increases costs.

c. *Rely on information versus advocacy distinction*

Description

This distinction, developed initially in the court staff context, provides significant insulation in legal aid partnering. In other words, the legal aid program can provide information for all sides, even if its advocacy role is limited to one “side.”

Examples and resources

SRLN Leadership Package, Module 5: Staff Ethics, covers this field in detail.

<http://www.selfhelpsupport.org/library/item.208596-Power Points for Module 5 Staff Ethics>.

The California Judicial Council’s *May I Help You, Legal Advice Versus Legal Information*, is a critical training document,

<http://www.selfhelpsupport.org/library/item.263744-May I Help You Legal Advice vs Legal Information>.

Cost Analysis.

This is a low cost way of clarifying the issues.

6. Perceived problem that Legal Aid requires upon income and eligibility checking

This can become a major barrier to collaboration in services, since the court may well feel that services have to be provided to all, regardless of these factors.

a. *Rely on LSC “matters” category to allow services without checking*

Description

The LSC “matters” category of services does not require this checking, since it is not considered a legal service falling within the statutory requirements.

Matters cannot involve representation or advice, only information.

Examples and resources

These distinctions are explained in documents available from LSC. Contact Glenn Rawdon, grawdon@lsc.gov.

Cost Analysis.

This saves money because no time is spent in eligibility checking. It does, of course, potentially limit the range of services that can be provided.

b. Point to waste of resources from checking

Description

As is often argued by legal aid programs, checking wastes lots of time and money that could otherwise be spent on service delivery.

Examples and resources

The California Courts make grants that support court-legal aid partnerships. These have access-to-all requirements. Contact Bonnie Hough, Bonnie.Hough@jud.ca.gov.

Cost Analysis.

Saves money.

c. Rely on or seek state adoption of ABA Rule 6.5 as to conflicts when there is advocacy relationship

Description

Conflict checking is not required under ABA Model Rule 6.5 when brief service or advice is provided by a court or non-profit provider. The rule, drafted under the ABA Ethics 2000 process, is slowly being adapted by the states.

Examples and resources

ABA *Model Rules of Professional Conduct*, Rule 1.2(c), available at http://www.abanet.org/cpr/mrpc/rule_1_2.html. ABA *Model Rules of Professional Conduct*, Rule 6.5 (2000), available at http://www.abanet.org/cpr/mrpc/rule_6_5.html (liberalizing conflict checking rules in certain such non-profit contexts).

Cost Analysis.

Not a cost item, although adoption takes management time.

7. Need for ideas for how partnership might work

There are, as it obvious from this document, a wide range of innovation ideas, many of which can use partners.

a. SRLN Best Practices for models

Description

This resource has 42 Best Practices, with many examples.

Examples and resources

SRLN Best Practices Document,
[http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

Many ideas are also listed in the PowerPoints of the *SRLN Court Leadership Package* at [http://www.selfhelpsupport.org/library/folder.208521-2008 Court Solutions Conference](http://www.selfhelpsupport.org/library/folder.208521-2008%20Court%20Solutions%20Conference), and the Program Profiles associated with them at <http://www.selfhelpsupport.org/library/folder.208599-Profiles>.

Cost Analysis.

These materials are free, so using them is low cost.

b. Areas of need demonstrated by this Diagnostic Process

Description

It may well be wise to focus on the areas of need identified by the diagnostic process.

Examples and resources

Protocol One: Choice of Focus Protocol, locatable at
[http://www.selfhelpsupport.org/library/folder.260175-Diagnosis and Problem Solving Project](http://www.selfhelpsupport.org/library/folder.260175-Diagnosis%20and%20Problem%20Solving%20Project).

Cost Analysis.

This process has been designed to be highly cost effective. Obviously, it takes staff and management time at varied levels.

8. Individual stakeholders may feel others do not recognize their institutional needs

This is an ongoing barrier in many potentially collaborative environments.

Overcoming this is basically a matter of attitude and effort.

a. Look to successful models

Description

Some locations have been particularly effective in needed recognition efforts.

Examples and resources

The California partnership model has been particularly carefully designed to reflect the varied institutional needs of legal aid and court partners. Contact Bonnie Hough, Bonnie.Hough@jud.ca.gov.

Cost Analysis.

Where recognition requires restructuring of programs, this can take resources. Where it takes financial resources to pay for costs of participation, this can also add to costs.

b. Discussion of needs for recognition of institutional needs

Description

It is highly recommended that there be explicit discussion of these needs.

Examples and resources

The California partnership model has been particularly carefully designed to reflect the varied institutional needs of legal aid and court partners. Contact Bonnie Hough, Bonnie.Hough@jud.ca.gov.

Cost Analysis.

This can take some management time. How much depends on the strength of the existing relationships.

9. Lack of protocols for managing participation process

General protocols for participation are critical in providing a structure and clear sets of expectations for all the parties.

a. Develop protocol based on models

Description

A protocol may be based on the models in these materials.

Examples and resources

Appropriate guidelines for such partnering are in the California Courts *Self-Help Cetner Guidelines*.

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

Cost Analysis.

Such guidelines do take management and consultative time, but they save costs and aggravation later.

b. Identify institutional needs for elements of protocol

Description

A process of candid discussion of what is required will lead to the development of guidelines and protocols that reflect broad principles and local needs.

Examples and resources

Appropriate guidelines for such partnering are in the California Courts *Self-Help Cetner Guidelines*.

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

Cost Analysis.

Such a process also takes resources, but is necessary for the long term.

C. General Resources

All the Modules in the SRLN *Leadership Package* include sections on management and leadership of particular innovations. They can all be accessed at [http://www.selfhelpsupport.org/library/folder.208521-2008 Court Solutions Conference](http://www.selfhelpsupport.org/library/folder.208521-2008%20Court%20Solutions%20Conference)

The selfhelpsupport online library, *Program Development and Administration*, has many related resources. [http://www.selfhelpsupport.org/library/folder.39780-Program Development Administration](http://www.selfhelpsupport.org/library/folder.39780-Program%20Development%20Administration).

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Protocol Ten: Prioritizing Between Solutions

**Prepared by the Working Groups of the Self-Represented Litigation Network
General Package Editor: Richard Zorza**

Developed by the Self-Represented Litigation Network, with funding from the Maryland Administrative Office of the Courts, and the National Center for State Courts.

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Introduction to Protocol Package

This is one of twelve Diagnostic Protocols, developed by the Self-Represented Litigation Network,¹ and designed to assist courts and their partners assess the need for, and options available to advance, solutions for access to justice challenges in their courts.

In these tough economic times, courts are facing budget cuts, increased caseload, more self-represented litigants and litigant who are themselves under greater financial and psychological stress. Court leaders focusing on both administrative and policy issues recognize that courts must continue to process cases and they want to do so in ways that optimize access to justice. As with other institutions, the crisis offers opportunities as well as stress, with courts needing to focus on changes and innovations that are low cost, easy to deploy, and highly cost effective. The highest stress is occurring in those case types that already have high – and now increasing – numbers of the self-represented: landlord tenant, foreclosure, family, consumer and credit card debt, small claims.

During the last three years, the Self-Represented Litigation Network has developed a wide range of *Best Practices*, approaches, tools and materials that can assist courts in simultaneously achieving greater efficiency and effectiveness while promoting access to justice. Some of these involve small changes that can have a big impact, others involve the creation of new programs.

The Network has leveraged these materials to develop a diagnostic and problem solving methodology that can help as many as possible managerial and justice leaders in the courts on the ground choose and implement changes that are immediately practicable in these budget times. The approach will allow states to learn and deploy this methodology by using existing in-state resources, rather than requiring the courts to make significant additional investments.

This has been done by developing Diagnostic and Problem Solving Protocols that can be used in as cost effective a manner as possible to identify and facilitate potential improvements in access and efficiency. The protocols were developed by

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the Network and tested and enhanced in pilot visits in New Hampshire and Montana.

The Protocols now available for this process include:

- Suggested questions for the team to ask stakeholders to identify problem areas,
- Listings of likely problems to be identified,
- For each problem, a menu of specific low cost suggestions to help address those problems, and
- For each suggested solution, to the extent locatable, appropriate and realistic, resources, contacts, and general cost analysis

The full package of protocols, that include framing and process structuring protocols is as follows:

1. Protocol for Introducing and Focusing Diagnostic Process
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3. Self-Help Services Diagnostic Protocol
4. Clerk's Office/Forms Diagnostic Protocol
5. Caseflow Management Diagnostic Protocol
6. Hearing Diagnostic Protocol
7. Compliance Diagnostic Protocol
8. Self-Assessment Diagnostic Protocol
9. Access Partnering Diagnostic Protocol
10. Protocols for Integrating/Prioritizing Recommendations
11. Protocol for Customizing Protocols for State/Planning Use
12. General Approach Protocol

The protocols remain a collaborative work in progress, and suggestions for improvements are very welcome.

X. Diagnostic Protocol for Integrating and Prioritizing Recommendations

A. Solution Identification Process

After using the protocols, a court will have a list of possibilities for action identified.

In order to prioritize them, we recommend creating a grid of all solutions determined worthy of serious consideration as follows:

Area	Problem	Solution	Stakeholders Helped	Impact level 1-5	Cost Level 0-5	Stakeholders Needed	Stakeholder Enthusiasm 1-5	Priority Level 1-5
Clerk	Line	Greeter	Clerk Litigant	2	1	Clerk only	4	2

The first row is completed merely for purposes of illustration. The above table makes it possible to bring together analysis of impact, cost, and stakeholder enthusiasm, which are the most critical variables.

A single sheet version is attached for possible planning use. This version has no sample data included.

Hint: you can paste the table into a spreadsheet for easier manipulation (although it dedicates two rows for each box.)

B. Solution Prioritization Process

Once the table has been completed, it can be sorted by priority level, and then reviewed for distribution of burdens and benefits.

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Prioritizing Tool Sheet

Area	Problem	Solution	Stake- holders Helped	Impact level 1-5	Cost Level 0-5	Stake- holders Needed	Stake- holder Enthusiasm 1-5	Prio- rity Level 1-5

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Protocol Eleven: State Customization Process

**Prepared by the Working Groups of the Self-Represented Litigation Network
General Package Editor: Richard Zorza**

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Introduction to Protocol Package

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the Network and tested and enhanced in pilot visits in New Hampshire and Montana.

The Protocols now available for this process include:

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- Listings of likely problems to be identified,
- For each problem, a menu of specific low cost suggestions to help address those problems, and
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12. General Approach Protocol

The protocols remain a collaborative work in progress, and suggestions for improvements are very welcome.

XII. State Customization Protocol

A. Customization Process

Here are suggestions for the steps that might be taken to customize the national diagnostic protocol for usage in one state.

1. Removal of Areas, Problems or Solutions

As a first step, go through those Protocols which you plan to use, and remove any areas, problems, or solutions that you do not think appropriate for use or suggestion in your state.

Such removal might be for practical, political, or financial reasons. For example, a particular solution might have been tried and failed, or it might require stakeholders who are currently far from persuaded of the need to participate.

2. Review of language for state usage

Frequently states use their own language to describe court activities. Some states “adjourn” cases, while others “continue” them, for example.

We recommend going through those Protocols which you plan to use to make them compliant with your state’s usage. Those with deep experience of certain terms may find the use of equivalent language from other states a real barrier.

3. Addition or highlighting of state solutions

There may be solutions, or examples of solutions developed in your state not yet suggested in the protocols. As a general matter, users of the Protocols will be more open to solutions that have already been piloted in their own state.

Add them – and tell us about them. Please share by mailing to the general editor of the package, Richard Zorza, richard@zorza.net. A submission form is attached to this Protocol.

4. Review of questions to reflect state conditions

It may be that the diagnostic questions make assumptions that are not accurate in your states, or that they fail to get at factors that are important in your state.

In which case, modify or add to the diagnostic questions.

5. Review of examples and cost analysis to employ local resources and experiences

Finally, it might be useful to review the examples and cost analysis of solutions and to modify them for local conditions.

There may be low cost local resources available which would reduce the cost of an innovation. Or there might be in-state examples of solutions that would have more resonance with your colleagues.

B. Resources for Customization

There are many valuable ideas in *SRLN Best Practices in Court-Based Programs for the Self-Represented*. [http://www.selfhelpsupport.org/library/item.223550-2008 edition of Best Practices in CourtBased Programs for the SelfRepresent](http://www.selfhelpsupport.org/library/item.223550-2008%20edition%20of%20Best%20Practices%20in%20CourtBased%20Programs%20for%20the%20SelfRepresent).

All the Modules in the *SRLN Leadership Package* are useful. They can all be accessed at [http://www.selfhelpsupport.org/library/folder.208521-2008 Court Solutions Conference](http://www.selfhelpsupport.org/library/folder.208521-2008%20Court%20Solutions%20Conference).

There are a plethora of examples at www.selfhelpsupport.org website

C. *Reporting Form*

*Use This Form To Add
Problem, Solution, or Example
to Diagnostic and Problem Solving Protocols*

Name of Submitter: _____

E-mail of Submitter:_____

Position of Submitter:_____

Organization of Submitter:_____

A. To submit a new example of existing (or new) solution:

- 1. Protocol to which example applies**

- 2. Number and name of problem to which applies:**

- 3. Name of new example:**

- 4. Description of new example.**

- 5. E-mail contact if different from submitter:**

B. To submit a new problem:

- 1. Protocol to which problem applies**

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2. Name of new problem:

3. Description of new problem.

5. E-mail contact if different from submitter:

C. To submit a new solution:

1. Protocol to which solution applies

2. Number and name of problem to which applies:

3. Name of new solution

4. Description of new solution.

(Use "A" above to report examples of this "new" solution)

5. E-mail contact if different from submitter:

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Protocol Twelve: General Problem Solving Protocol

**Prepared by the Working Groups of the Self-Represented Litigation Network
General Package Editor: Richard Zorza**

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Introduction to Protocol Package

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12. General Approach Protocol

The protocols remain a collaborative work in progress, and suggestions for improvements are very welcome.

XII. General Problem Solving Protocol

This document is a general protocol designed to assist in creating a range of solutions for *any* access to justice and efficiency problem in the courthouse, including specifically those that are not covered by the existing protocols.

It walks the user through a number of questions and suggestions designed to help create a range of possible solutions. The choice of the most appropriate will depend on specific costing and practicability analysis.

Part A, below is a series of discussion questions designed to flesh out the scope and implications of the problem.

Part B includes four separate sets (1-4) of questions that suggest, at a general level, possible solution approaches that are focused on supporting the litigants role. Part C focuses on changes in court workflow. Part D looks at the staff role, Part E at court imposed procedural rules, Part F at legislatively imposed rules, and part G at substantive law.

Obviously the potential relevance of any of these approaches will vary greatly depending on the particular problem.

A. Scope and implications of problem

The first step is to focus on the general scope and implications of the problem.

- How is it experienced by various types of court staff and by the judges
- How is it experienced by the self-represented, by attorney-represented litigants, and by the bar?
- What are the implications for governmental and non-governmental stakeholders and partners?
- What might be causes of the problem?
- Have any solutions been tried and with what result?
- What are the constraints upon solutions?

B. Litigant role and solutions

1. Litigant Information solutions

- Would this problem be solved or partly solved if litigants were given more information?
- When and how should this information be given? (handouts, video, individual contact. At filing, by mail, website, courtroom lecture?)
- How should it be structured? (FAQ, description, etc.)

- What are the limitations upon this approach? (e.g. hard to understand, hard to act on, analysis help as well as information needed.)
- How might those limitations be overcome? (e.g. volunteers, multi-lingual materials, multi-media, community outreach, staff training.)

2. Litigant Preparation solutions

- Would it help if litigants were given more preparation assistance for dealing with this issue or step?
- How might this kind of preparation assistance be given? (classes, interactive clinics, software). Note that preparation assistance goes beyond simple general information to assistance in the preparation process itself.
- What resources might be available?
- What problems might occur and how might they be overcome?

3. Litigant Facilitation/Support solutions

- Might litigants be given support in managing this step in the process? (lay advocates, volunteers, peer to peer support, unbundled assistance, etc.)
- What resources might be available?
- What problems might occur and how might they be overcome?

4. Technology

- Can litigants get all the information they need to deal with this issue remotely?
- Can they provide all appropriate information dealing with this issue to the court remotely?
- Might technology tools help to focus the choices available to litigants?
- Are there barriers to the use of the technology that might be solved by changes in the technology or deployment of additional human assistance?

C. Workflow role and solutions

1. Division of labor

- Is the court staff division of labor in the process the most efficient possible?
- Why are the responsibilities grouped as they are? Does this reflect skills and needs, as well as the steps discussed?

2. Facilitating forms etc.

- Would forms or other data focusing changes speed the process?

3. Unnecessary information gathered

- Is all the information that is being gathered really needed (as opposed to wanted by someone at some point in the past)?
- Review each piece of data as to why it is collected, when and how.

4. Unnecessary steps or fragmentation of steps

- Is every step in the process necessary or could it be eliminated or combined with other steps?

5. Optimum order of steps

- Is the ordering of the steps as efficient as it might be?
- Does each one need those prior to it occur as it currently does?

6. Technology

- Could staff and judges get additional information, which they need?
- Is there full use of automation of processes?
- Is technology being used to identify the blocks and problems, and to trigger solutions?

D. Staff role and solutions

1. More engaged staff

- Would it help if the staff were more engaged in assisting litigant with the process?
- Is there need to clarify rules, and/or provide training on how to be appropriately engaged with the process?

2. Better prepared for efficiency

- Could staff be better prepared to be efficient in the handling of this issue?
- Might additional tools, etc assist in this process?

3. Protocols for uncertain situations

- Would it be helpful to have protocols for uncertain situations?
- How should such protocols be developed?

4. Correct level of skill for task

- Would it help to change the level of skill of the people assigned to the task, either by training or reassignment?

E. Court Imposed Procedural rules role and solutions

1. Unnecessary information gathered

- Is unnecessary information being gathered in the process under court rules?

2. Unnecessary steps or fragmentation of steps

- Are there unnecessary steps in the process?
- Are the steps unnecessarily fragmented?

- Might steps be combined?

3. Unnecessary approvals

- Could the number of required approvals be reduced?

4. Unnecessary players

- Are there unnecessary players involved in the processes?

F. Legislatively Imposed Procedural rules role and Solutions

1. Unnecessary information gathered

- Does the statute require unnecessary information to be gathered?

2. Unnecessary steps or fragmentation of steps

- Does the statute mandate unnecessary steps?
- Might there be ways of combining these steps informally?
- Might legislative changes be possible?

3. Unnecessary approvals

- Could an effective case be made for removal of unnecessary approvals?
- Could an agency be persuaded to enter blanket approvals?

4. Unnecessary players

- Does the statutory process require unnecessary players (such as notice)?

G. Substantive Law Rule role and solutions

1. Substantive complexity

- Is there needless substantive complexity that might be removed?

2. Substantive ambiguity

- Does the substantive structure introduce needless ambiguity?