



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Task Force on Self-Represented Litigants: Final Report on Implementation of the Judicial Council Statewide Action Plan for Serving Self-Represented Litigants	Action Required
	Effective Date
	November 1, 2014
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	September 15, 2014
Recommended by	Contact
Task Force on Self-Represented Litigants Hon. Kathleen E. O’Leary, Chair	Deborah Chase, 415-865-7598 deborah.chase@jud.ca.gov ; Bonnie Rose Hough, 415-865-7668 bonnie.hough@jud.ca.gov

Executive Summary

This is the final report of the Task Force on Self-Represented Litigants. This task force was charged by the council to implement the Statewide Action Plan for Serving Self-Represented Litigants (Action Plan) which was approved on February 27, 2004. This report identifies those recommendations in the Action Plan that have been put into place, those that remain to be done, and those that require ongoing education, technical assistance, research and evaluation. In accordance with the direction given by the Executive and Planning and Rules and Projects Committees the task force is recommending that the Advisory Committee on Providing Access and Fairness be directed by the council to be responsible for the ongoing implementation of the Action Plan and the remaining tasks of the Task Force on Self-Represented Litigants.

Recommendations

The Task Force on Self-Represented Litigants recommends that the Judicial Council receive and accept the task force’s final report, and, effective November 1, 2014:

1. Direct that the Advisory Committee for Providing Access and Fairness be responsible for the following remaining tasks:
 - a. Coordinate the statewide response to the needs of self-represented parties.
 - b. Implement the Statewide Action Plan For Serving Self-Represented Litigants where appropriate and share information about model programs.
 - c. Develop resources for services for self-represented litigants, particularly those activities in the statewide action plan that require significant funding.
 - d. Make recommendations to the Judicial Council on funding for the court self-help centers and expansion of services.
 - e. Make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for self-represented litigants.
 - f. Promote effective caseload management and other court business office operations in cases involving self-represented litigants through research, and technical assistance to the courts.
 - g. Provide education for judicial officers (including court-appointed temporary judges) and court staff in handling cases involving self-represented.

2. Direct that the Advisory Committee on Access and Fairness be responsible for the tasks assigned to the Task Force on Self-Represented Litigants by the council in response to the recommendations of the Elkins Family Law Implementation Task Force final report as follows:
 - a. Promote increasing representation in family law through collaboration with the State Bar on limited scope and pro bono resources; and provide support and expertise to the programs instituted under the Sargent Shriver Civil Counsel Act(AB590 [Feuer]: Stats, ch. 457).¹
 - b. Seek funding for the expansion of the court self-help centers, and provide education and technical assistance to the court self-help centers in legal substance and procedure, useful technology and efficient business practices, and make recommendations to the Judicial Council regarding updates to the *Guidelines for the Operation of Self-Help Centers in California Trial Courts*² as is required by CRC 10.960.³
 - c. Seek to increase the availability of interpreters in family law both in the courtroom, and in other core services such as the business office operations, self-help centers and family court services.⁴
 - d. Develop educational opportunities, information sharing, and technical assistance on the management of cases involving self-represented litigants, including the promotion of comprehensive settlement assistance for self-represented litigants in both motion and trial matters.⁵

¹ *Elkins Family Law Task Force, Final Report and Recommendations, April 2010*, Judicial Council of California, Recommendation III

² http://www.courts.ca.gov/documents/self_help_center_guidelines.pdf

³ *Elkins Report*. Recommendation III

⁴ Id

⁵ Id

- e. Continue empirical research necessary to assess demographics in the self-help centers, needs assessments, workload demands and the efficacy of court self-help strategies.⁶

Previous Council Action

On February 27, 2004, the Judicial Council adopted the recommendations set out in the *Statewide Action Plan for Serving Self-Represented Litigants*⁷. A task force was appointed and charged with implementing the recommendations contained in the Action Plan. Members of that Task Force on Self Represented Litigants have coordinated with advisory committees, courts and justice partners on statewide implementation efforts.

Implementation Efforts

A final report from the Task Force on Self-Represented Litigants is attached setting out detailed information about the implementation of the statewide Action Plan. (Attachment A, *Task Force on Self-Represented Litigants: Final Report on Implementation of the Judicial Council Statewide Action Plan for Serving Self-Represented Litigants*.) Most of the recommendations have been implemented or initiated. Most notably, there are now court self-help centers in all of California's trial courts. However, most centers require expansion in scope and services. Other recommendations require ongoing education, technical assistance, research and evaluation. The final recommendations of the task force address the ongoing efforts that are needed to achieve the goals of the statewide Action Plan.

Rationale for Recommendation

Background and Methodology - The Task Force on Self-Represented Litigants

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

1. To coordinate the statewide response to the needs of unrepresented parties;
2. To finalize development of a statewide pro per action plan and to launch implementation of that action plan, where appropriate;
3. To develop resources for pro per services, particularly those activities in the statewide pro per action plan that require significant funding; and
4. To make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for parties.

⁶ Id

⁷ <http://www.courts.ca.gov/partners/documents/selfreplitsrept.pdf>

The task force was chaired by Justice Kathleen E. O’Leary and was comprised of a diverse group of individuals from throughout the state representing the judiciary, bar, legal services, county government, court-based self-help center staff, law librarians, and the public.

The task force held its first meeting in September of 2001, and began work on creating a statewide action plan for assistance to self-represented litigants in the courts. In preparing this action plan, the task force analyzed 41 local action plans submitted by the courts. The task force also reviewed local court strategic plans that had been prepared as part of the community-focused strategic planning process initiated by the Judicial Council to improve public trust and confidence in the courts. The task force convened numerous subcommittee meetings by conference call on topics such as self-help centers, partnerships and technology. It contacted each of the Judicial Council Advisory groups to get their ideas and input for what measures the task force and the Judicial Council might undertake to serve the needs of self-represented litigants. The task force heard presentations by the Commission on Access to Justice and saw presentations of interactive systems designed to help litigants’ complete forms.

The Statewide Action Plan for Serving Self-Represented Litigants

Throughout the process of developing the action plan, the Task Force on Self-Represented Litigants consistently found a unity of interest between the courts and the public with respect to court-based assistance to self-represented litigants. What benefited one benefited the other. Thus, in order to increase access to justice for the public, and enhance the courts’ capacities for effectively handling cases involving self-represented litigants, the task force made three key findings:

1. Court-based, staffed self-help centers, supervised by attorneys, are the optimum way for courts to facilitate the timely and cost-effective processing of cases involving self-represented litigants, to increase access to the courts and improve delivery of justice to the public.
2. It is imperative for the efficient operation of today’s courts that well-designed strategies to serve self-represented litigants, and to effectively manage their cases at all stages, are incorporated and budgeted as core court functions.
3. Partnerships between the courts and other governmental and community-based legal and social service organizations are critical to providing the comprehensive field of services required for success.

The Recommendations

In February of 2004, Judicial Council approved the *Statewide Action Plan for Serving Self-Represented Litigants* (Action Plan).⁸ The plan set forth the following eight recommendations:

⁸ id

1. Self-Help Centers

In order to expedite the processing of cases involving self-represented litigants and increase access to justice for the public, court-based, staffed self-help centers should be developed throughout the state.

2. Support for Self-Help Services

A system of support should be developed at the state level to promote and assist in the creation, implementation, and operation of the self-help centers and to increase the efficient processing of cases involving self-represented litigants.

3. Allocation of Existing Resources

Presiding judges and executive officers should consider the needs of self-represented litigants in allocating existing judicial and staff resources.

4. Judicial Branch Education

In order to increase the efficiency of the court and to minimize unwarranted obstacles encountered by self-represented litigants, a judicial branch education program specifically designed to address issues involving self-represented litigants should be implemented.

5. Public and Intergovernmental Education and outreach

Judicial officers and other appropriate court staff should engage in community outreach and education programs designed to foster realistic expectations about how the courts work.

6. Facilities

Space in court facilities should be made available to promote optimal management of cases involving self-represented litigants and to allow for effective provision of self-help services to the public.

7. Fiscal Impact

In addressing the critical need of courts to effectively manage cases involving self-represented litigants and to provide maximum access to justice for the public, continued exploration and pursuit of stable funding strategies is required

8. Implementation of Statewide Action Plan

To provide for successful implementation of this statewide action plan, a smaller task force charged with the responsibility of overseeing implementation should be established.

The Task Force on Self-Represented Litigants – the Implementation Task Force

Upon approval by the Judicial Council of the Action Plan, a smaller Task Force on Self-Represented Litigants, also chaired by Justice O’Leary, was appointed to oversee implementation of the plan. For the last ten years, this task force has worked to help the courts adapt to this change in court population while working to assure that all Californians can seek justice through law.

There are now staffed, attorney supervised court self-help centers in all California trials courts, and stable funding for these centers has been established to support the court self-help centers. Integrated with the family law facilitators, these centers provide assistance in most areas of civil

litigation. Currently, over 1.2 million⁹ Californians seek assistance annually from the Family Law Facilitators and court-based Self-Help Centers. The majority of these Californians are trying to address fundamental concerns of family law, housing, and guardianship of children, interpersonal violence and consumer matters.

The Judicial Council has recognized court based self-help as a core function of court operations by adoption of rule 10.960 of the California Rules of Court. Guidelines for the operation of court self-help centers has been created that include matters related to services, staffing, operational design, and professional ethics.

The Task Force has also worked with the CJER Curriculum Committees to provide numerous trainings and materials for judges and court staff on handling cases involving self-represented litigants. In partnership with the State Bar of California, legal services, law librarians and many other justice system partners and community services agencies, a wide variety of helpful resources have been developed for the public.

As set forth in the attached report – much has been accomplished, but much more needs to be done to assist the courts and the people of the State of California.

Comments, Alternatives Considered, and Policy Implications

The Judicial Council's Executive and Planning and Rules and Projects Committees considered various alternatives as part of a comprehensive review of the governance, structure, and organization of the council's advisory groups, and the committees' recommendations were approved by the council. The task force recommendations are consistent with the council's directives with respect to integrating the Task Force on Self-Represented Litigants into the Advisory Committee for Providing Access and Fairness.

Implementation Requirements, Costs, and Operational Impacts

No new costs to the judicial branch will be incurred by adoption of these recommendations. The Advisory Committee on Providing Access and Fairness has already undertaken work on most of these remaining tasks.

Relevant Strategic Plan Goals and Operational Plan Objectives

Increasing the availability of counsel for self-represented litigants and supporting and expanding court-based assistance to self-represented litigants are consistent with Goal I (Access, Fairness, and Diversity). In particular these recommendation are consistent with Objective 2 (Identify and eliminate barriers to court access at all levels of service; ensure interactions with the court are understandable, convenient, and perceived as fair) and Objective 4 (Expand the availability of legal assistance, advice, and representation for litigants with limited financial resources.)

⁹ In calendar year 2010, requests for assistance from the family law facilitator/self-help centers was 1,230,797 - *Family Law Facilitator Electronic Database (FLFED) & quarterly reports from the Court Self-Help Centers.*

The recommendations related to empirical research and evaluation are consistent with Goal II (Independence and Accountability), in particular with objective 4 (Measure and regularly report branch performance—including branch progress toward infrastructure improvements to achieve benefits for the public.) The research recommendations are also consistent with Goal III (Modernization of Management and Administration), in particular Objective 2 (Evaluate and improve management techniques, allocation of funds, internal operations, and services; support the sharing of effective management practices branchwide.)

The recommendations related to ongoing education and technical assistance with processes and procedures in handling cases involving self-represented litigants is consistent with Goal III (Modernization of Management and Administration), in particular Objective 5 (Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.) The recommendations are also consistent with Goal IV (Quality of Justice and Service to the Public), in particular Objective 1b (Practices, procedures, and service programs to improve timeliness, quality of service, customer satisfaction, and procedural fairness in all courts—particularly high-volume Courts); Objective 1c (Improved safety, permanency, and fairness outcomes for children and families); and Objective 1f (Improved practices and procedures to ensure fair, expeditious, and accessible administration of justice for litigants in domestic violence cases.)

Attachments

Attachment A - Task Force on Self-Represented Litigants: Final Report on Implementation of the Judicial Council Statewide Action Plan for Serving Self-Represented Litigants



Task Force on Self-Represented Litigants

IMPLEMENTATION TASK FORCE:
FINAL REPORT

OCTOBER 2014



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CENTER FOR FAMILIES, CHILDREN & THE COURTS

TASK FORCE ON SELF REPRESENTED LITIGANTS

Implementation Task Force: Final Report

October 2014

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Task Force on Self-Represented Litigants: Final Report

Introduction

Civil litigation is changing in America. The majority of people coming to court in civil cases now stand before the court on their own, without an attorney by their side. For the past 10 years, the Judicial Council’s Task Force on Self-Represented Litigants has worked to help the courts adapt to this change in court population while working to assure that all Californians can seek justice through law.

The growth in the numbers of self-represented litigants (SRLs) has been well documented in numerous reports at the local, state, and national levels over the past 15 years. California has been recognized internationally as a leader in responding to this change. Currently, over 1.2 million Californians seek assistance annually from family law facilitators and court-based self-help centers.¹ The majority of these Californians are trying to address fundamental concerns of family law, housing, guardianship of children, interpersonal violence, and consumer matters.

Approximately 75 percent of those seeking help in court self-help programs report that they are employed. However, 81 percent of those employed litigants report earning under \$3,000 per month, in contrast to the average Californian, who earns approximately \$4,000 per month. Comparing those wages to the average cost of family law attorneys, for example, who reported charging an average of \$330 per hour with an initial retainer of \$5,575, the high rate of self-representation is not too surprising.²

**Family Law Facilitator &
Court Self Help Centers
provide services to over
1.2 million Californians annually**

This trend is unlikely to change: Bureau of Labor Statistics projections indicate that the largest number of job openings over the next 10 years will be in primarily low-wage occupations, such as retail salespersons, food preparation and service workers, and cashiers.³ Similarly, the increasing complexity of the law leads to increasingly high attorney fees. Thus, representation by an attorney throughout a case has become out of reach for most civil litigants.

While the lack of legal representation is clearly an enormous barrier for the public, it also creates a structural gap for the courts. Court operational systems, in accord with traditional adversarial jurisprudence, have been designed to manage a flow of cases in which the vast majority of

¹ Calendar year 2010 saw 1,230,797 requests for assistance from family law facilitators/self-help centers, according to the *Family Law Facilitator Electronic Database (FLFED)* and quarterly reports from the court self-help centers.

² Judicial Council of Cal., *Elkins Family Law Task Force: Final Report and Recommendations* (April 2010), www.courts.ca.gov/documents/elkins-finalreport.pdf.

³ U.S. Department of Labor, U.S. Bureau of Labor Statistics, Occupational Employment Statistics program, *Employment Projections: 2012–2022* (December 2013), Table 8; occupations with the largest projected number of job openings due to growth and replacement needs, 2012 and projected 2022.

litigants have had attorneys to represent them. . In today’s civil litigation world where the majority of litigants are not represented, the operational components required to accomplish effective court management have changed. Managing cases involving self-represented litigants is a daily business event at every level of court operations—from filing through calendaring, records management, and courtroom hearings. The pressing need for effective caseload management of cases involving self-represented litigants is intensified by periods of fiscal austerity. In order to enhance the court’s ability to efficiently handle its civil caseload, robust court-based assistance to self-represented litigants has become a critical case management component and a core function of a modern court.

Background

Growth of Self-Represented Civil Litigation

The growth in the number of self-represented litigants over the last 30 years in civil litigation has been remarkable. There is no reliable aggregate data on the actual size of the SRL population in the American courts; however, local data combined with empirical observations have been available. Family law was the first area of unlimited civil law to be seriously challenged by the growth in the numbers of SRLs, and has been a harbinger for the future.

In Arizona, for example, the rate of family law cases in which at least one party was without counsel doubled in five years, from 24 percent in 1980 to 47 percent in 1985.⁴ By 1990, this rate had grown to 88 percent.⁵ By the mid-1990s, in Washington state the rate of family law cases in which at least one party was unrepresented had reached 77 percent,⁶ in Massachusetts it was 80 percent,⁷ and in Oregon it was 89 percent.⁸ In California, during the 1980s, the percentage of family law cases in which at least one party was unrepresented grew from 30 percent to 67

SELF REPRESENTED LITIGATION IS NOT SIMPLY A CALIFORNIA ISSUE

(EXAMPLES)

- **UTAH** reports that 49% percent of petitioners and 81% of respondents in divorce cases are self-represented.
- **NEW HAMPSHIRE** reports almost 70% divorce cases of cases have one self-represented party
- **NATIONAL DATA** indicates that 60% to 90% of family law cases involve at least one self-represented litigant

⁴ Steven R. Cox and Mark Dwyer, *A Report on Self-Help Law: Its Many Perspectives* sponsored by the American Bar Association’s [ABA’s] Standing Committee on the Delivery of Legal Services but not formally endorsed by the ABA) cited in Russell Engler, “And Justice For All—Including the Unrepresented Poor: Revising the Roles of Judges, Mediators, and Clerks,” *Fordham L. Rev.* 67, no. 5 (1999).

⁵ Bruce Sales et. al., “Is Self-Representation a Reasonable Alternative to Attorney Representation in Divorce Cases?” 82 *St. Louis U. L.J.* 37, (1992): 553, 571, as cited in Russell Engler, *supra*, at note 4.

⁶ Erin M. Moore, “The Cost of Divorce: Pro Se Litigants Flood Family Law Courts,” *De Novo* (May 1995), as cited in Russell Engler, *supra*, at note 4.

⁷ Russell Engler, *supra*, at note 4, p. 2047, note 263.

⁸ Maureen McKnight, *Dealing with the Unrepresented Opponent* (1996) (unpublished manuscript, on file with author; prepared for the Oregon Family Law Conference 1996), as cited in Russell Engler, *supra*, at note 4.

percent and continued to grow throughout the 1990s.⁹ In San Diego County, for example, the number of divorce filings involving at least one SRL rose from 46 percent in 1992 to 77 percent in 2000. A review of case files involving child support issues conducted by the California Judicial Council between 1995 and 1997 showed that at least one party was unrepresented in 84 percent of the cases.¹⁰ Two years later in 1999, in a similar study of case files, the SRL rate had increased to 89 percent.¹¹ In a 2003 survey of SRL assistance plans submitted by local trial courts to the Judicial Council, estimates of the SRL rate in family law from the larger counties (with over 50 judicial positions) was 72 percent.¹² By the time of the 2003 survey, California courts were also citing high percentages of SRLs in other areas of civil litigation as well.¹³ The average estimate of the SRL rate in unlawful detainers was 34 percent. (If landlords were excluded, the rate rose to about 90 percent.) The mean in probate was 22 percent, with some courts reporting rates over 50 percent. Some courts estimated the rate of SRLs appearing in other types of civil litigation as high as 50 percent.

National judicial organizations were also addressing similar issues. For example, attendees at the 1996 National Conference on the Future of the Judiciary identified open access to the justice system as one of the top five issues facing today's courts. In 1999, the National Conference on Trust and Confidence in the California Courts ranked the cost of accessing the courts as the second most pressing issue affecting public trust and confidence in the justice system.¹⁴ In 2001, the Conference of Chief Justices and the Conference of State Court Administrators formed a joint task force on pro se litigation. In its 2002 report, this task force stressed the need for courts to design processes that work well for cases involving self-represented litigants and to take an affirmative role in responding to their needs.¹⁵

Early Court Planning

Prior to 1997, proactive work was under way locally in the California courts with respect to cases involving SRLs. Courts such as the Superior Court of Ventura County had begun to

⁹ Deborah L. Rhode, "The Delivery of Legal Services by Non-Lawyers," *Geo. J. Legal Ethics* 4, no. 209 (1990): 214-215, as cited in Russell Engler, *supra*, at note 4.

¹⁰ Judicial Council of Cal., *Review of Statewide Uniform Child Support Guideline* (1998), p. ES-5, www.courtinfo.ca.gov/programs/cfcc/pdffiles/suppguide.pdf.

¹¹ *Id.* at p. 39.

¹² Deborah J. Chase and Bonnie Rose Hough, *A Report and Analysis of Action Plans Throughout California: Integrating Services for Self-Represented Litigants into the Court System* (Judicial Council, Center for Families, Children & the Cts., June 2003) (report created for the State Justice Institute).

¹³ *Ibid.*

¹⁴ National Center for State Courts, *National Action Plan: A Guide for State and National Organizations* (2000), <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctcomm/id/20>.

¹⁵ Conference of Chief Justices and Conference of State Court Administrators, Joint Task Force on Pro Se Litigation, *Final Report of the Joint Task Force on Pro Se Litigation* (July 2002), <http://cosca.ncsc.org/~media/Microsites/Files/COSCA/Policy%20Papers/TaskForceReportJuly2002.ashx>.

experiment with implementation of court-based self-help centers.¹⁶ There were also two pilot family law facilitator programs in the Superior Courts of Santa Clara and San Mateo Counties.¹⁷

In 1996 the Legislature passed Assembly Bill 1058, which became the Family Law Facilitator Act.¹⁸ This legislation provided for court-based attorneys to provide neutral educational assistance for SRLs in child support matters. The family law facilitator programs were largely implemented by the end of 1997 and were beginning to provide a clear window into the types of court operations that would be needed to effectively manage these cases. The sheer volume of SRLs seeking assistance from the family law facilitators was stunning. Even with the limitation that cases must involve child support, these early family law facilitators were seeing approximately half a million litigants per year statewide.¹⁹

In 1999, the American Judicature Society held the National Conference on Self-Represented Litigants Appearing in Court, sponsored by the State Justice Institute. Chief Justice Ronald M. George appointed a team from California to attend the conference. The team developed a draft action plan that resulted in four regional conferences in California designed to kick off state and local planning for court-based programs to assist SRLs. Over 600 stakeholders participated in these conferences, and 55 of California's 58 local courts participated in this planning process.²⁰

The Task Force on Self-Represented Litigants

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

1. To coordinate the statewide response to the needs of unrepresented parties;
2. To finalize development of a statewide pro per action plan and to launch implementation of that action plan, where appropriate;
3. To develop resources for pro per services, particularly those activities in the statewide pro per action plan that require significant funding; and
4. To make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for parties.²¹

¹⁶ Bonnie Rose Hough, "California's Programs for Self-Represented Litigants," Appendix 2 of the *Statewide Action Plan for Serving Self-Represented Litigants* (n.d.; prepared for International Legal Aid Group).

¹⁷ The pilot projects were created by Family Code sections 20000–20043.

¹⁸ Fam. Code, § 10000 et.seq.

¹⁹ Frances L. Harrison, Deborah J. Chase & L. Thomas Surh, "California's Family Law Facilitator Program: A New Paradigm for the Courts," *Journal of the Center for Families, Children & the Courts* 2 (2000), pp. 61–97.

²⁰ Deborah J. Chase & Bonnie Rose Hough, *A Report and Analysis of Action Plans Throughout California: Integrating services for self-represented litigants into the court system* (2003; Judicial Council of Cal., made possible by a grant from the State Justice Institute).

²¹ Judicial Council of Cal., *Statewide Action Plan for Serving Self-Represented Litigants* (2004).

The task force was chaired by Justice Kathleen E. O’Leary and comprised a diverse group of individuals from throughout the state representing the judiciary, the bar, legal services, county government, court-based self-help center staff, law librarians, and the public.

Statewide Action Plan for Serving Self-Represented Litigants

The task force held its first meeting in September of 2001 and began work on creating a statewide action plan for assistance to self-represented litigants in the courts.

In preparing this action plan, the Task Force on Self-Represented Litigants analyzed 41 local action plans submitted by the courts. The task force also reviewed local court strategic plans that had been prepared as part of the community-focused strategic planning process initiated by Chief Justice George to improve public trust and confidence in the courts. The task force convened numerous subcommittee meetings by conference call on topics such as self-help centers, partnerships and technology. It contacted each of the Judicial Council advisory groups to get their ideas and input for what measures the task force and the Judicial Council might undertake to serve the needs of self-represented litigants. The task force heard presentations by the California Commission on Access to Justice and saw presentations on interactive systems designed to help litigants complete forms.

Throughout the process of developing the action plan, the task force consistently found a unity of interest between the courts and the public with respect to court-based assistance to self-represented litigants. What benefited one benefited the other. The task force believed that by directly confronting the enormity of litigation involving self-represented litigants, courts could improve the quality of their service to the public and reduce the time and cost of service delivery.

Key Findings

The task force made three key findings intended to increase access to justice for the public and enhance the courts’ capacities for effectively handling SRL cases:

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

“The self-help center is the critical connection between the self-represented public and the court. Because of the help given at the self-help center, cases are ready to go when scheduled rather than having to be continued so often. The self-help center staffs our pro per calendar to assist litigants in the courtroom. Orders are prepared. The status of the case is assessed to determine the next best step toward conclusion of the case. Often we can finish a case to judgment the same day. This saves the burden of further court hearings or trials.”

***Kim Turner, CEO
Marin Superior Court***

2. It is imperative for the efficient operation of today's courts that well-designed strategies to serve self-represented litigants and to effectively manage their cases at all stages are incorporated and budgeted as core court functions.
3. Partnerships between the courts and other governmental and community-based legal and social services organizations are critical to providing the comprehensive field of services required for success.

The Recommendations

In February of 2004, the Judicial Council approved the *Statewide Action Plan for Serving Self-Represented Litigants* (Action Plan).²²

The plan set forth the following eight recommendations:

1. Self-Help Centers

To expedite the processing of cases involving self-represented litigants and increase access to justice for the public, court-based, staffed self-help centers should be developed throughout the state.

2. Support for Self-Help Services

A system of support should be developed at the state level to promote and assist in the creation, implementation, and operation of the self-help centers and to increase the efficient processing of cases involving self-represented litigants.

3. Allocation of Existing Resources

Presiding judges and executive officers should consider the needs of self-represented litigants in allocating existing judicial and staff resources.

4. Judicial Branch Education

To increase the efficiency of the court and minimize unwarranted obstacles encountered by self-represented litigants, a judicial branch education program specifically designed to address issues involving self-represented litigants should be implemented.

5. Public and Intergovernmental Education and Outreach

Judicial officers and other appropriate court staff should engage in community outreach and education programs designed to foster realistic expectations about how the courts work.

²² *Id.*

6. Facilities

Space in court facilities should be made available to promote optimal management of cases involving self-represented litigants and to allow for effective provision of self-help services to the public.

7. Fiscal Impact

In addressing the critical need of courts to effectively manage cases involving self-represented litigants and to provide maximum access to justice for the public, continued exploration and pursuit of stable funding strategies is required.

8. Implementation of Statewide Action Plan

To provide for successful implementation of this statewide Action Plan, a smaller task force charged with the responsibility of overseeing implementation should be established.

Implementation Task Force

Upon approval by the Judicial Council of the Action Plan, a smaller Implementation Task Force on Self-Represented Litigants, also chaired by Justice O’Leary, was appointed to oversee implementation of the plan.

Recommendation I. Self-Help Centers

To expedite the processing of cases involving self-represented litigants and increase access to justice for the public, court-based, staffed self-help centers should be developed throughout the state

Background

The remarkably high volume of SRL cases, many with complex issues, was resulting in large numbers of pretrial hearings, delays, and backlogs in dispositions and increasingly high inventories for many judges. The inability of SRLs to understand and navigate the justice system unassisted was posing a number of challenges for the public and the court. For example, conflicting appearance schedules or requirements to appear too frequently were resulting in unnecessary scheduling of court time and resources, as well as problems for litigants with significant time off from work. Cases were not being coordinated and hearings and trials repeatedly continued, so that some aspects of a dispute were being adjudicated more than once, sometimes by more than one court. Inadequate paperwork from SRLs was increasing

“The self-help center is indispensable to our court – it is the busiest unit in the courthouse. The work of the self-help center has reduced our continuances by 60%. We would be a lesser court without the self-help center. It provides so much value to the court and the public.”

***Michael Tozzi
Court Executive Officer (Ret.)
Stanislaus Superior Court***

continuances (or dismissals), and cases were not reaching completion in a timely manner—if at all. Judicial officers were reporting that difficulty getting critical information was interfering with their ability to make comprehensive, fully informed decisions or compromising the safety of family members and court staff. There were often no written orders in court files, and the court was unable to track compliance with its orders. The business office staff was presented with myriad legal questions that they often could not answer. Lines at filing windows were long and business offices crowded with people asking questions and repeatedly submitting and re-submitting paperwork as they attempted to complete it accurately enough to get it filed. In the courtrooms, judges were often taking significant court time otherwise available to hear cases to educate SRLs about court procedure.

To facilitate the processing of cases involving self-represented litigants and increase access to justice for the public, court-based, staffed self-help centers were needed throughout the state.

Implementation

- Currently court-based assistance to SRLs is available throughout the California state trial court system. These court self-help centers address family law, unlawful detainer, probate guardianships and conservatorships, property issues such as foreclosures, small claims matters, domestic violence and other restraining order issues, and myriad other civil matters, including consumer debt defense and collection, and— even expungements. Since 2007, the Judicial Council has provided ongoing dedicated funding to operate court self-help centers statewide and local courts have made significant funding contributions from their own budgets.
- These court self-help centers have built on leadership from the following:
 - Small Claims Advisors. Created in 1978, advisors, who are not always attorneys, provide free assistance in small claims matters, including “[i]ndividual personal advisory services, in person or by telephone, and by any other means reasonably calculated to provide timely and appropriate assistance” regarding preparation of small claims court filings; procedures, including procedures related to the conduct of the hearing; and information on the collection of small claims court judgments.²³
 - Family Law Facilitators. Family law facilitators have been available in California trial courts since 1997. These experienced attorneys developed creative ways to provide substantial neutral information to SRLs with child support matters, and many courts supplemented the title IV-D funds to allow services in all family law cases.
 - Equal Access Fund Partnership Grants. Since 1999, the Legislature has provided funding to the Judicial Council designated for nonprofit legal aid providers to operate self-help centers in collaboration with local courts. These partnerships are designed to help local

²³ Code Civ. Proc., § 116.940.

courts respond to the growing numbers of self-represented litigants in a variety of civil litigation case types.

- Family Law Information Centers. Established in 1999, the Family Law Information Centers provided funding to expand the facilitator program to allow court-based assistance covering all issues related to family law cases for three pilot programs.
- Model Self-Help Pilot Projects. Beginning in 2002, model self-help centers have been in five superior courts—in San Francisco, Fresno, Butte, Los Angeles, and Contra Costa Counties—each focusing on a specific issue. San Francisco focused on providing multilingual services, Fresno on Spanish assistance. Los Angeles and Butte both focused on collaborative work—Los Angeles on urban collaboration among many service providers and Butte on regional collaboration among rural courts. Contra Costa focused on technology.
- Early Local Court Self-Help Centers. Following are examples of early local court self-help centers:
 - Santa Clara and San Mateo pilot facilitator programs
 - Santa Clara Self-Service Center
 - Ventura Self-Help Center
 - Nevada County Public Law Center

Current Status

The foundation for this recommendation has been laid by the implementation and operation of programs such as those set out above. Those programs are ongoing. However, the courts estimated in a 2007 survey conducted by the Judicial Council that to fully meet the needs of the court and the public, an ongoing statewide operating budget of \$44,404,373 for the court self-help center would be necessary. Current funding has reached approximately one quarter of this goal, at \$11,200,000.²⁴

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

Background:

The task force understands that in modern courts, self-help services must be identified as a core court function in the trial court budget process. Assistance for self-represented litigants and the efficient processing of cases involving self-represented litigants should be identified as core court operational processes that directly affect the court's ability to achieve its mission, and appropriate funding should be provided. Budget request forms developed by the Judicial Council should reflect that these services are integral to the function of the court.

²⁴ The list of centers and the services they provide is posted on the home page of the California Courts Online Self-Help Center: www.courts.ca.gov/selfhelp.

Implementation:

- Effective January 1, 2008, the Judicial Council adopted California Rules of Court, rule 10.960, identifying court-based assistance to SRLs as a core court function.
- Under rule 10.960, each court must include in its annual budget funding necessary for operation of its self-help center.
- The Resource Assessment Study, which forms the foundation for the Workload Allocation Funding Model, captures the full range of services provided by self-help centers to estimate staffing needs.

Current Status:

This recommendation has been largely completed, but additional funding is needed.

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

Background:

The accuracy and completeness of the information provided to the public by the court was an issue raised with the task force. There was concern that some locations were simply putting out brochures and identifying them as self-help or that staff being assigned to the self-help centers might not be trained or qualified to answer the types of questions posed by SRLs, and that those services would be helpful for neither the court nor the public. The level of information and education provided by self-help center staff distinguishes that role from the role normally played by a court clerk or other court staff.

The practical information necessary to run a successful court self-help center requires knowledge and experience in the areas of law covered. Self-help center staff must be able to understand the procedural complexities of a case from beginning to end.

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

SRL Litigant

“[Staff] was very helpful, knowledgeable, in giving options and information about avenues a father can take. Excellent – I left with ‘hope’ at having a father’s chance in being as much as part of my children’s lives.”

The task force also heard concerns about ethical issues, primarily maintaining the court’s neutrality and appearance of neutrality. This concern frequently arose in the context of various collaborations between the court and legal services when the legal service agency would serve only one side of a case, such as in domestic violence or unlawful detainer. There was a

need to develop standards for providing legal education to the public from a neutral position.

Other concerns arose about the use of volunteers in the self-help centers. These concerns often centered on the critical need for competence of everyone who volunteered and the issue of attorneys generating private clients from the self-help center users.

The task force wanted to build on the expectation of well-trained staff as stated in the Family Law Facilitator Act, which requires the facilitator to be an active member of the California State Bar with litigation or mediation experience in family law.²⁵ As required by the statute,²⁶ the Judicial Council in 2000 adopted additional rules regarding facilitators, which included a requirement that facilitators have at least five years of experience as a practicing attorney, including substantial family law practice counting litigation and/or mediation.²⁷

“The help given to the self-represented litigants with the paperwork they submit allows me to understand the positions of the parties as set out in pleadings that I can actually read. The documents are filled out, financial information is available to me, litigants know what I need to know to make a decision and the hearings are much more efficient. Also, the self-help center prepares orders after hearings so that I have a complete file – I can now count on the file to reflect what has actually happened previously in the case. This is critical when I am being asked to enforce or modify a previous order.”

*Hon. Lorna Alksne
San Diego Superior Court*

Implementation:

- In 2008, the Judicial Council adopted California Rules of Court, rule 10.960. This rule provides that all court self-help centers must be staffed and attorney supervised.
- The yearly contracts between the courts and the Judicial Council contain a requirement that the courts submit a budget that allocates at least 80 percent of funding to pay for staffing costs.
- The *Guidelines for the Operation of Self-Help Centers in California Trial Courts* (SHC Guidelines), issued by the Administrative Office of the Courts (renamed Judicial Council) in 2008 and reaffirmed in 2011, set out court self-help center staffing criteria that includes the following:

²⁵ Fam. Code, § 10002.

²⁶ Fam. Code, § 10010.

²⁷ Cal. Rules of Court, rule 1208, renumbered as rule 5.430.

- Staff must be present when the court self-help center is open to the public (Guideline 20).
- A self-help attorney must oversee the legal work of nonattorney staff who provide direct legal information (Guideline 21).
- The managing attorney should be working on self-help center business during the times the center provides services to the public (Guideline 24).
- The managing attorney must be an active member of the State Bar and have experience in the areas of law covered by the self-help center for a minimum of five of the last seven years in practice (Guideline 25).
- Training and experience criteria are set out for other self-help center staff (Guidelines 28, 31, 34).

- The SHC Guidelines also set out ethical standards that build on Appendix C to the California Rules of Court.²⁸ (Guidelines 43–44).

“The Self Help Center in our courthouse is really a cornerstone for those of us in family law who are struggling not just to make do with less, but actually trying to do more and do it better, with less.....As a result of excellent calendar and file preparation before settlement conferences) and in-court SHC staff participation, we are able to hear as many SRL settlement conference—with an increase settlement rates, improvement trial preparation for those cases that are to be litigated, and preparation judgment documents for completed cases—in one department than we were previously able to do in three.”

*Hon. Kimberly Neistrom-Geist
Fresno Superior Court*

Current Status:

This recommendation has been largely completed. Attorney-supervised, staffed self-help centers are standard operating practices in California trial courts. They have proven remarkably successful. Additional funding is required.

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

Background

Concerns were raised regarding the accuracy and completeness of legal documents prepared by self-represented litigants. Frequently, problems were discovered when the litigants reached the courtroom only to find that the case could not move forward. Initial diagnostic

²⁸ Appendix C is entitled “Guidelines for the Operation of Family Law Information Centers and Family Law Facilitator Offices.”

assessment of the actual legal needs of the self-help center user is important to avoid these problems. This assessment requires the ability to review a case file, spot relevant issues, and identify options.

It was also clear that there were cases where it simply was inappropriate for a litigant to try to represent him or herself and that it was most helpful to let the litigant know of the complexity of the case and make appropriate referrals to the bar and legal services that could provide representation.

Implementation:

- The commentary to SHC Guideline 15 identifies interview and assessment (triage) as a core service of a self-help center. Most self-help centers have a triage process in place.
- Three courts (Orange, Placer, and Sacramento) are using an electronic sorting system in the clerk's office to sort waiting court users by case type, eliminating the need for them to stand in line.
- SHC Guideline 8 requires a self-help center to “maintain a current and complete referral list and develop referral protocols with all appropriate community-based organizations and lawyer referral services to ensure efficient and effective referral of matters where counsel is necessary.”
- SHC Guideline 11 states that “[w]hen a litigant cannot be effectively assisted in the court self-help center, prompt referral to appropriate legal assistance should be made whenever possible.”
- SHC Guideline 12 prohibits self-help centers from providing assistance “on any issue on which a litigant is actively represented by an attorney. The center should develop a written protocol to avoid providing service to litigants who are currently represented by an attorney on that issue.”
- Conferences and training sessions are jointly sponsored by the Judicial Council, State Bar, and Legal Aid Association of California (LAAC) to allow for cross-training and development of referral protocols.
- The Judicial Council administers the Sargent Shriver Civil Representation Pilot Project to provide representation in case types where one side is traditionally represented and the other side is not. These partnerships between the courts and legal services are evaluating the impact of providing counsel not only for the litigants, but also for the court and society at large.

Current Status:

This recommendation is ongoing as the needs of the public, available resources, and the law change. Self-help centers are always reviewing and restructuring their legal assessment procedures.

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

Background:

The task force recognized that many of the litigants seeking services from the court need a wide variety of services. Strong collaborative efforts between court self-help centers and other governmental or community-based agencies are critical in helping members of the public address their legal needs comprehensively. Support for staffing, facilities, and other needs can also be obtained through partnership agreements with nonprofit programs, local bars, law schools, law libraries, and others.

Implementation:

- Ongoing Equal Access Fund Partnership Grant programs are collaborations between the court and legal services for services to self-represented litigants. Projects have been developed throughout the state serving a wide variety of needs.
- Starting in 2004 in the Superior Court of Los Angeles, the JusticeCorps program was created to bring together colleges and universities and the court to place students in court self-help centers to assist litigants. As a part of AmeriCorps, the JusticeCorps students gain valuable education about the justice system while providing the court and the public with assistance in the self-help centers. The program has expanded from Los Angeles to the Superior Courts of Alameda, Contra Costa, San Diego, San Francisco, San Mateo, and Santa Clara Counties. JusticeCorps works in collaboration with the University of California, California State Universities, private colleges, and community service providers.
- Following are examples of legal aid agencies working with court self-help centers:
 - Alameda County Bar Volunteer Legal Services
 - Asian Pacific Islander Legal Outreach
 - Bay Area Legal Aid
 - Bet Tzedek Legal Services
 - California Rural Legal Assistance, Inc.
 - Central California Legal Services
 - Community Legal Services in East Palo Alto
 - Contra Costa Senior Legal Services
 - East Bay Community Law Center
 - Elder Law & Advocacy

- Family Violence Law Center
 - Greater Bakersfield Legal Assistance, Inc.
 - Inland Counties Legal Services
 - Inland Empire Latino Lawyers Association, Inc.
 - Justice & Diversity Center
 - Law Foundation of Silicon Valley
 - Legal Aid Foundation of Los Angeles
 - Legal Aid Foundation of Santa Barbara County
 - Legal Aid of Marin
 - Legal Aid of Napa Valley
 - Legal Aid of Sonoma County
 - Legal Aid Society of Orange County
 - Legal Aid Society of San Diego
 - Legal Assistance for Seniors
 - Legal Services of Northern California
 - Los Angeles Center for Law and Justice
 - Los Angeles County Bar Association projects
 - Neighborhood Legal Services of Los Angeles County
 - Pro Bono Project of Silicon Valley
 - Public Counsel
 - Public Law Center
 - San Diego Volunteer Lawyer Program
 - Watsonville Law Center
- Following are examples of colleges and universities working with court self-help centers:
 - Cal State Western Law School
 - California State University
 - Chapman University School of Law
 - Golden Gate University School of Law
 - Santa Clara, School of Law School of Law
 - Sonoma State University
 - Thomas Jefferson School of Law
 - University of California, Berkeley, School of Law
 - University of California, Hastings College of the Law
 - University of California, Irvine, School of Law
 - University of California, Los Angeles, School of Law
 - University of San Francisco Law School
 - University of the Pacific, McGeorge School of Law
 - Whittier Law School
- Following are examples of other collaborative partners that have worked with court self-help centers:
 - Better Business Bureau

- YMCA/YWCA
 - Supervised visitation services
 - Domestic violence services
 - Community agencies such as La Raza Centro Legal
 - Law libraries
- Many collaborative programs were recognized with Kleps Awards for their creativity and cost-effectiveness:
 - The SHARP model self-help program is a regional collaboration between Butte, Lake, and Tehama courts.²⁹
 - The Superior Court of Calaveras County developed its self-help center by building close community partnerships.³⁰
 - The Los Angeles model self-help program is an urban collaboration that includes the court and several legal services providers. It also initiated the JusticeCorps project.³¹
 - The San Francisco ACCESS Center works in collaboration with local legal services to provide multilingual services to SRLs.³²
 - The Nevada County self-help center involves close collaboration between the court and the law library.³³
 - The Superior Courts of Monterey, San Benito, Santa Clara, and Santa Cruz Counties partnered with law libraries to provide services.³⁴
 - The Superior Court of Siskiyou County developed highly graphic and culturally sensitive self-help instructional guides in close collaboration with its tribal community.³⁵
 - The Superior Court of Yolo County developed a guardianship project to assist self-represented litigants and connect them with resources.³⁶

²⁹ [SHARP Center](#), Superior Courts of Butte, Glenn, and Tehama Counties (2004–2005).

³⁰ [Community Legal Assistance Center](#), Superior Court of Calaveras County (2004–2005).

³¹ [JusticeCorps](#), Superior Court of Los Angeles County (2006–2007).

³² [ACCESS Center](#), Superior Court of San Francisco County (2004–2005).

³³ Nevada County Public Law Center; Kleps Award: http://wpc.1a57.edgecastcdn.net/001A57/cfcc/kleps/13_hi.mp4.

³⁴ [Regional Court and Library Partnership](#), Superior Courts of Monterey, San Benito, Santa Clara, and Santa Cruz Counties (2006–2007).

³⁵ Siskiyou County, Visual Guide to the Court: www.courts.ca.gov/2268.htm.

³⁶ Yolo County, Guardianship Facilitation and Outreach: www.courts.ca.gov/2251.htm.

- The Court of Appeal, Second Appellate District, developed the first appellate self-help program in the country in collaboration with legal aid and pro bono attorneys.³⁷
 - The Superior Court of Ventura County’s self-help center worked with local Spanish language radio stations to provide a Spanish language legal “Tip of the Day.”³⁸
 - The Imperial Court partnered with the Mexican Consulate, Mexican law students, and the court in Calexico, Mexico, to provide expanded self-help services.³⁹
- SHC Guideline 7 states that “[i]n order to maximize services, court self-help centers should collaborate with existing courthouse programs.” Referral and coordination plan templates were developed for trainings for self-help center staff to assist in developing these collaborations.⁴⁰
 - SHC Guideline 36 states that if a self-help center uses volunteers, “protocols should be developed to provide for their screening and training. Self-help center staff attorneys must provide oversight of volunteers, and their work should routinely be evaluated by the managing attorney.”
 - Self-help programs often develop partnerships with community mediation services. For example, the Superior Court of Sonoma County partners with a community mediation provider to attend family court and help SRLs reach agreement on the division of small items of personal property.
 - The San Francisco ACCESS Center self-help center collaborates with a number of community cultural groups to provide assistance in several different languages.
 - Pilot projects were developed in Monterey, Sacramento, San Francisco and Stanislaus Counties to provide mediation services and information for litigants with civil cases who had limited English proficiency. Informational videos were developed that explained the process. These videos have been posted on the California Courts website.⁴¹ Specialized training was offered for mediators on handling cases with self-represented litigants and partnerships developed by the courts with local mediation services.

³⁷ Appellate Self-Help Clinic: www.courts.ca.gov/2293.htm.

³⁸ Superior Court of Ventura County, [Tip of the Day](#) (2003).

³⁹ Superior Court of Imperial County, [Binational Justice Project](#) (2008–2009).

⁴⁰ [Developing and Maintaining Court/Community Partnerships to Better Serve the Pro Se Litigant](#).

⁴¹ [Resolving Your Case: www.courts.ca.gov/20614.htm](#).

- Training was offered on how to use volunteers in court programs, and worksheets were developed on how best to use volunteers.⁴²
 - In many counties—including Marin, Sacramento, San Diego, and Sonoma Counties—attorneys volunteer to assist litigants to settle their cases at the time of hearings or at the family law case management calendars.
 - Many courts have partnered with local law schools to provide internship opportunities in self-help centers.

“I have presided in family law both before our court had any assistance to self-represented litigants, and after we implemented our family law self-help center. The difference was like night and day. Most of our litigants cannot afford attorneys – so they had no help with filling out paperwork and understanding what the court process would be like. In about 90% of cases we did not have orders after hearing in the court file – I would have to rely on short minute orders to tell me what had gone on before. The self-help staff now prepares the orders after hearing and we have them in almost all cases.”

*Hon. Frances Kearny
Placer Superior Court*

Current Status:

This recommendation is ongoing. The relationships built in these efforts have proven to be helpful to the court and the community.

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

Background:

Just as SRLs need assistance to initiate cases and motions, they need assistance to finish them. The management of complex civil cases has historically been the job of attorneys. Without attorneys, this task falls on the court. Leaving it to the SRL to complete without assistance is not workable for anyone. SRLs do not know how to manage caseload. In family law, significant numbers of SRL cases can linger for years without final judgment because the parties do not understand that they have more court tasks to perform subsequent to filing. Litigants who have default or uncontested matters simply do not know how to move forward to judgment. Some remarry, for example, in the mistaken belief that their case has been finalized by the court.

⁴² *Using Volunteers: Worksheet for Developing Plan*, found at www.courts.ca.gov/partners/documents/volws.pdf.

Similarly, many litigants do not understand what the orders in their case mean—or how to enforce or comply with them. Without this information, SRLs can become frustrated with the process or unintentionally violate orders.

Implementation:

- Many local courts implemented family law caseflow management procedures using the attorneys and staff of their self-help centers. For example, in San Diego County, attorneys from the family law facilitator’s office see all SRLs scheduled for status conferences and help them to complete whatever task will move their cases to the next best step possible in the process. In Orange County, the attorneys from the family law facilitator’s office conduct procedural assistance calendars that provide service that mirrors the San Diego status conferences. Development of these local programs continues throughout the state.

“The assistance that the self-represented litigants receive in our self-help center greatly reduces our workload in the courtroom and also in our business office. In the courtroom, our continuances have been reduced because litigants far more frequently have correct and complete paperwork the first time. And because of the help they get at the self-help center, the default and uncontested judgments submitted by the self-represented litigants is far more frequently correct the first time it is submitted. This spares the court staff from having to return the paperwork and then review it again and again as it is re-filed – until it is finally correct.”

***Hon. Louise Fightmaster
Sonoma Superior Court***

- The SRL Task Force worked in collaboration with the Elkins Family Law Task Force and the Elkins Family Law Implementation Task Force on issues related to SRL cases. As a result of the Elkins recommendations, the following occurred:
 - In August 2010, shortly after the appointment of the Elkins Family Law Implementation Task Force, the Legislature passed Assembly Bill 939 (Committee on Judiciary; Stats. 2010, ch. 352), which modified Family Code sections 2450–2451 to eliminate the requirement of a stipulation by the parties to allow the courts to provide case management services. As a result of this legislation, family law judges now have the same authority as other civil judges to organize the progress of family law cases as they proceed through the court process and to help the families reach a timely resolution.
 - The legislation also required the Judicial Council to adopt a rule of court implementing family law caseflow management, now called family-centered case resolution, by January 1, 2012. In response, the Judicial Council adopted

rule 5.83 of the California Rules of Court, which provides the framework within which courts can design their own procedures to actively manage their family law caseloads.

- Most of California’s trial courts are providing substantial help to SRLs to complete their cases, mainly through integration and expansion of the self-help center into the family law caseflow management procedures that are being implemented under rule 5.83. For example, self-help centers in Contra Costa, Fresno, Orange, San Diego, Santa Clara, and Sonoma take an active role in caseflow management.
- Most self-help centers assist in preparing written orders after hearings and may provide service directly in the courtrooms to answer questions, conduct settlement discussions, and help the litigants narrow issues for hearing
- Greater Bakersfield Legal Assistance, Inc., prepares orders after hearing at the Superior Court of Kern County as part of an Equal Access Fund Partnership Grant. It has developed a video demonstrating the importance of having written orders after hearing and instructions on how to prepare them.
- Courts have also explored providing assistance to help SRLs understand the orders made in other types of cases. An example of one Kleps Award–winning program to help litigants understand how to comply with traffic orders was developed by the Superior Court of Fresno County and is called ACTION (After Criminal Traffic Infraction One-Stop Network) Center.⁴³
- California Rules of Court, rule 5.125, was adopted to provide a consistent approach and deadlines for preparing orders after hearing in family law cases.

“I had not taken care of my divorce for 3 years because of financial and lack of knowledge in procedures. [Staff] guided me through kindly and intelligently. Extremely helpful. Without it I would have probably just taken the paperwork home and put it aside 3 more years.”

SRL Litigant

Current Status:

Practices and procedures to provide assistance over the life of the case are currently being developed throughout the state in family law. However, case management of other civil cases needs to be assessed and assistance provided in understanding, complying with, and enforcing orders and judgments once issued.

⁴³ ACTION Center: www.courts.ca.gov/2269.htm.

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

Background:

Self-help centers are funded through a variety of sources. Without administrative creativity, this form of funding can result in “siloeing” of programs, which can result in ineffective services for the public and the courts. For example, family law facilitators are funded through federal title IV-D child support enforcement dollars, which are matched by state funds. This reimbursement is limited to matters involving child support, spousal support enforcement, and health insurance. It does not cover assistance with custody, visitation, divorce, or the myriad other family law matters that are inherent to the child support issue. This piecemeal funding creates a fiscal isolation of child support in a way that is inconsistent with the more holistic statutory structure of family law and the resulting needs of the court and the public.

Law librarians and small claims advisors receive filing fees, which are diminishing as a result of fewer filings. Legal services agencies providing assistance in the courts have other funding requirements, such as the need to serve only low-income persons or only U.S. citizens. To address these basic functional problems, the SRL Task Force recommended and many courts have adopted the recommendation that they combine funding sources and provide a “one-stop self-help center,” pooling all resources and ensuring cross-training of staff so that litigants can be assisted most effectively.

Implementation:

- Additional funding for court self-help centers in 2007 allowed meaningful expansion of the family law facilitators beyond title IV-D reimbursable tasks and enabled creation of the current statewide system of self-help centers in the trial courts.
- Small claims advisors and law libraries are integrated into many self-help centers.
- Legal aid agencies running self-help services work in collaboration with court self-help centers and have developed methods for addressing funding limitations to allow services for a much wider range of litigants than if the services were not offered in partnerships.

Current Status:

Administrative integration of court-based self-help has been largely accomplished due to the increased funding statewide.

Recommendation II: Support for Self-Help Services

A system of support should be developed at the state level to promote and assist in the creation, implementation, and operation of the self-help centers and to increase the efficient processing of cases involving self-represented litigants.

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

Background:

The SRL task force understood that sharing resources between self-help centers was the most effective way to spread best practices and the wide variety of resources that are continually being developed at the state and local levels. A website allows for quick updating and easy reference for materials, including instructional guides, brochures, translations, information packets, sample grant applications, partnership agreements, volunteer training materials, and a wide variety of administrative materials. These materials can be easily replicated or modified for use in other parts of the state.

Implementation:

An extensive set of resources has been developed on the California Courts website in a section titled Equal Access, found at www.courts.ca.gov/programs-equalaccess.htm. This site provides materials in the following areas:

- Background
- Program Management
- Service Delivery Models
- Self-Help Staff Resources
- Technological Resources
- Conferences & Trainings
- Research & Evaluation
- Pro Bono
- Instructional Materials
- Ethical Issues
- Language Materials & Resources
- Newsletters

Current Status:

Maintenance of this library so that it contains accurate and current materials is ongoing. Courts are asked annually to provide updates of materials and information from workshops, and website searches are regularly included in updates.

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

Background:

The task force was concerned that courts be supported in their ongoing work to plan for and implement self-help services.

Implementation:

- The Judicial Council staff conducts an annual training conference for attorneys and staff of the court self-help centers. In addition to updates on substantive law, the conferences offer a variety of workshops on new ways to provide assistance.
- The Judicial Council also cosponsors a conference on family law each year with the Legal Aid Association of California. Focused on providing assistance to low-income litigants, the conference allows for highly relevant substantive law education as well as sharing of best practices and development of relationships between court-based self-help programs and legal aid organizations.
- Judicial Council staff attorneys have conducted numerous site visits to local courts to help address issues related to cases involving self-represented litigants.
- The Judicial Council has held statewide workshops on caseflow management in family law cases, and Judicial Council staff attorneys have conducted numerous site visits related to this issue.
- When funding first became available for self-help centers in each court in 2007, regional collaborations were also funded to allow local programs to share resources and referral protocols and to provide technical assistance to each other on addressing the needs in their communities. Although funding to support these efforts was eliminated in the budget crisis, regional groups are reemerging to share best practices and come up with creative ways to build technological solutions.
- The task force has prepared a document called *Effective Practices for Court Self-Help Centers*, which is available for use by centers to determine what practices they might consider in their operations.
- The Judicial Council became a founding member of the National Self-Represented Litigation Network. As part of that network, court staff had access to national resources and research on the most effective ways of serving self-represented litigants.

Current Status:

Technical assistance to the courts in implementing and adapting their self-help centers to address new issues and handle funding challenges is ongoing. Special emphasis has been

placed on helping the programs implement family law case management and develop supporting technology.

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

Background:

The task force believes that self-help center attorneys need access to legal support from attorneys with particular knowledge and experience in the wide array of issues handled in the centers. The most efficient way to provide this support appears to be in a centralized manner that could maximize the availability of these attorneys to as many courts as possible.

Implementation:

- Task force staff conducted a survey of telephone hotlines nationally; however, these were all services that dealt directly with the public. Given the volume of demand on the California self-help centers, the costs of providing direct service in this manner were prohibitive at the time of the study.
- Models of providing telephone assistance for Spanish language assistance and small claims services in rural counties was also explored but also deferred given the funding crisis facing the courts.
- Judicial Council staff attorneys have worked to provide technical assistance and legal guidance to the self-help centers whenever possible. A listserv has also been developed for self-help center staff to allow for posting of questions and sharing of resources. This listserv is well used and appears to be a useful resource for the programs.

Current Status:

This recommendation remains to be fully implemented.

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

Background:

To address the issue of language access in the self-help centers, many local courts were translating a variety of materials. To avoid other courts' having to translate the same documents, the task force determined that the council should collect those resources and make them available for sharing.

Implementation:

- The Equal Access section of the Judicial Council’s website contains a section with translations and self-help resources in a variety of languages.⁴⁴
- Most Judicial Council forms and instructional materials that would commonly be used by self-represented litigants are available in Spanish. All domestic violence forms and instructional materials are available in Vietnamese, Chinese, and Korean in addition to English and Spanish. Translations are made based on priorities established by a working group of court staff providing self-help and language access services.
- The Judicial Council’s Online Self-Help Center has been completely translated into Spanish, housing over 4,000 pages of Spanish-language instructional material. The website is arranged so that if a person can find the information on the English page, he or she can click a flag on the page to see the same text in Spanish. This arrangement allows court staff to easily direct Spanish speakers to helpful content.
- Two of the model self-help programs are designed to address language access in the self-help centers. One (in Fresno) created a Spanish-speaking center, and the other (in San Francisco) created a multilingual center. The translations developed by the programs as well as information on the development and evaluation of those centers have been provided online and in training sessions.⁴⁵

Current Status:

Addressing matters of language access and the translation of materials is an ongoing issue.

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

Background:

The task force was impressed with the development and use of the California Courts Online Self-Help Center and believed it should be expanded to the greatest extent possible.⁴⁶

Implementation:

- Since its implementation in 2002, the self-help website has grown from 400 pages to over 4,000 pages of content. The website contains basic legal and procedural information on a wide variety of topics including:
 - Abuse & Harassment
 - Appeals

⁴⁴ See the section entitled LEP [limited-English-proficiency] Resources, at www.courts.ca.gov/partners/53.htm.

⁴⁵ To read the evaluation of these programs and see resources that they developed, see www.courts.ca.gov/partners/211.htm.

⁴⁶ The website is found at www.courts.ca.gov/selfhelp.htm.

- Criminal Law
- Divorce or Separation
- Eviction & Housing
- Families & Children
- Name Change
- Problems With Money
- Seniors & Conservatorship
- Small Claims
- Traffic
- Wills & Estates

Since its implementation in 2002, the self-help website has grown from 400 pages to over 4,000 pages of content in English and Spanish

- The entire website has been translated into Spanish. Some resources are available in additional languages.
- More than 4 million people use the website each year.
- Videos have been included on the website on a variety of topics, including basic law and procedures relating to unlawful detainers, civil harassment, small claims, child custody, guardianship, juvenile dependency, juvenile delinquency, domestic violence, and appeals.
- The website contains thousands of links to free, reputable legal information available online. For example, litigants seeking legal aid assistance are referred to Law Help California, which maintains an updated list of free legal aid. Many legal topic areas are made more robust with appropriate links to resources.
- An interactive map has been developed that allows litigants to find the self-help center closest to them and determine location, hours of operation, and other key facts as well as a link to that local court's self-help resources.
- Interactive forms have been developed to allow litigants to write demand letters required before filing small claims actions and letters to attorneys. They also contain and other resources to assist litigants in completing necessary documents and potentially avoiding litigation.

Current Status:

Updating and expanding the website is an ongoing project.

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

Background:

The Judicial Council has worked to develop standardized forms that are more easily understood by litigants and people charged with enforcing the forms, such as police. The task force applauded those efforts and encouraged continued work to simplify forms. It

encouraged translation of those forms and the use of computer technology so forms to be completed online. It encouraged advisory committees to follow the Access Policy for Low- and Moderate-Income Persons, adopted by the Judicial Council on December 18, 2001, and to consider the impact of any proposed rules, forms, or procedures on low-income litigants, being especially mindful of the impact on self-represented litigants.⁴⁷

Implementation:

- All domestic violence, civil harassment, and elder abuse forms are in the plain language format, as are small claims, fee waiver, and adoption forms.
- In 2004 the Judicial Council forms on the website became fillable online, and in 2011 they became savable. Since 2012, new and amended forms include “smart form” features that assist self-represented litigants.
- The Judicial Council developed the new *Request for Order* (form FL-300). This form combines the former *Order to Show Cause* (form FL-300) and *Notice of Motion* (form FL-301) and the *Application for Order* (form FL-310) used in family law proceedings. This modification allows for the use of one consistent form and procedure for motion practice in family law.

The Judicial Council has created forms assistance programs with HotDocs for use in self-help centers and legal aid offices. The sets of forms complete all required forms for a case using a “TurboTax”-like approach in which people answer questions, and those answers are used to fill out the forms. Scores of programs have been developed for divorce, domestic violence, family law motions, guardianship, and conservatorship. These programs are now being adapted to allow their use by litigants completing the forms on their own.

- Effective 2013, the Judicial Council approved simplification of declaration of disclosure forms and revised the *Property Declaration* (form FL-160) to enable it to be used to comply with disclosure requirements as well as to describe and propose a division of property.
- All Judicial Council forms commonly used in family law and domestic violence proceedings have been translated into Spanish to assist litigants in understanding what written information to provide to the court and what the court has ordered. Domestic violence forms and instructions have also been translated into Chinese, Korean, and Vietnamese.

⁴⁷ [Judicial Council’s Access Policy for Low- and Moderate-Income Persons in California.](#)

- Forms were developed to help low-income litigants who are unable to locate the opposing party in a family law matter to effectuate service by posting rather than publication.⁴⁸
- Appellate forms and instructions were developed to assist self-represented litigants with limited civil appeals.
- The Judicial Council has also adopted rules recognizing that many self-represented litigants have limited access to typewriters and computers. Rule 2.135 provides that courts may not reject a Judicial Council or local form for filing solely because it is handwritten or hand printed, or because that writing is in a color other than black or blue.

Current Status:

This recommendation is ongoing.

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

Background:

The self-help centers need to be equipped with technology that will serve the public, facilitate self-help services, and increase staff efficiency. Technology can assist the growing number of self-represented litigants who are able to access assistance through web-based services, allowing self-help staff to focus efforts on those who need additional assistance. Self-help centers have used technology to expand services through videoconferencing, preparation of documents, use of remote interpreters, and connection to services.

Implementation:

- The California Courts Online Self-Help Center has continued development, expanding from an initial 400 pages to now over 4,000 pages of content to which local courts can easily link.
- In 2002, a Model Self-Help Pilot Program was funded in the Superior Court of Contra Costa County designed to focus on self-help technology. That program has built an interactive self-help website that complements the statewide website. It has developed videos, to which the statewide website links, with step-by-step explanations of how to complete forms.⁴⁹

⁴⁸ *Application for Order for Publication or Posting* (form FL-980), *Order for Publication or Posting* (FL-982), and *Proof of Service by Posting* (FL-985).

⁴⁹ See, for example, the video instructions found for family law forms on this page: www.courts.ca.gov/1230.htm.

- In 2003, the Superior Court of Orange County worked in collaboration with the Legal Aid Society of Orange County on the I-CAN! document assembly program and won a Kleps Award.⁵⁰ A number of courts found this program, which was designed for persons with limited computer skills, to be helpful.
- The Superior Court of San Mateo County developed the EZLegalFile document assembly program and won a Kleps Award.⁵¹ This program was used extensively by courts until the financial crisis struck.
- The SHARP self-help center, a Model Self-Help Pilot Project that provided service to multiple courts (in Butte, Glenn, and Tehama Counties), used videoconferencing to conduct workshops and supervise nonattorney staff.⁵² This project won a Kleps Award. The program made a number of presentations on its use of videoconferencing so that other courts could consider how to use it in their own courts.
- Interactive programs have been added to the website to assist in writing demand letters, to provide referral information, and to calculate amounts due under various statutes.
- The Superior Court of Monterey County received a Kleps Award for its Self-Help Online Workshop Registration program for its self-help center.⁵³ Information about that program was disseminated, and other courts including the Superior Court of San Diego County now provide for online registration.⁵⁴
- The Judicial Council developed the Domestic Violence Assistance Self-Help (DASH) program, which allows attorney supervision of requests for and responses to restraining orders, drafted in the community at multiple locations such as domestic violence shelters. Use of the DASH program allows attorneys to supervise nonattorneys to assist litigants at multiple locations electronically and significantly leverages attorney time. Similar programs have been developed for conservatorships, guardianships, and family law matters. These programs are made available at no charge to the litigants or the courts.

Current Status:

This recommendation is ongoing.

⁵⁰ [I-CAN! \(Interactive Community Assistance Network\)](#), Superior Court of Orange County (2003).

⁵¹ [EZLegalFile](#), Superior Court of San Mateo County (2003).

⁵² [SHARP Center](#), Superior Courts of Butte, Glenn, and Tehama Counties (2004–2005).

⁵³ [Self-Help Online Workshop Registration](#), Superior Court of Monterey County (2008–2009).

⁵⁴ Online Workshop Reservation System, <https://iflow.sdcourt.ca.gov/>.

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

Background:

Although many litigants can be effectively served with legal and procedural information at self-help centers, others will need legal advice and limited or full-scope attorney representation. Since courts must maintain neutrality, it is critical that they partner with bar associations, legal aid organizations, and other agencies to ensure that a full continuum of legal assistance is available so that all litigants receive the services they need to effectively present and resolve their cases.

Implementation:

- The Judicial Council continues to administer Equal Access Fund grants, which are allocated through the State Bar's Legal Services Trust Fund Commission to legal services agencies. Ten percent of the funds are used for self-help programs in partnership with local courts. These funds were increased in 2005 when the Uniform Civil Fees and Standard Fee Schedule Act added a distribution of \$4.80 per filing fee to the Equal Access Fund. This fee has increased funding for legal services by over \$5 million per year since 2007.
- The State Bar and the Judicial Council have offered numerous workshops on limited-scope representation, also known as *unbundling*. The bar has worked with the Practising Law Institute to provide a three-hour online course at no charge to attorneys to encourage provision of limited-scope services, which are particularly helpful for clients with moderate incomes.
- Judicial education in family law includes information on limited-scope representation and the benefits to the court of having attorneys for a portion of the case. It is included in classes such as "Family Law Calendar Management."
- The Pro Bono Toolkit was developed by the task force in coordination with the California Commission on Access to Justice to provide guidance about ways judges can join with the Chief Justice to encourage pro bono service among attorneys consistent with the Code of Judicial Ethics.⁵⁵
- The Legislature has recognized the limitations of self-representation in some cases. The Sargent Shriver Civil Counsel Act (Assem. Bill 590 [Feuer]; Stats. 2009, ch. 457) provides funding for pilot projects that provide representation to low-income parties on critical legal issues affecting basic human needs. The legislation allows legal services organizations to expand representation in housing, child custody, domestic violence, guardianship, conservatorship, and elder abuse. Nine pilot programs have been

⁵⁵ The *Pro Bono Toolkit* is found at www.courts.ca.gov/partners/56.htm.

established with this funding to provide services for low-income litigants in cases where the one side is represented and the other is not. An evaluation of the program considering the impact of representation on the parties, the court, and the community at large is under way and will be completed in 2016.⁵⁶

- In family law cases, the party with more resources can be ordered to pay the attorney fees for the other party. In response to the Elkins report, which indicated that this procedure could be simplified, the Legislature passed AB 939, which amended various sections of the Family Code to provide that the court must consider attorney fee awards when requested. The Judicial Council then adopted rule 5.427, effective January 1, 2012, setting out the process for obtaining an attorney's fee order. Judicial Council forms *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) and *Attorney's Fees and Costs Order Attachment* (form FL- 346) were adopted for use in requesting attorney's fees and drafting the court order for attorney's fees.
- The Judicial Council adopted forms and procedures for limited-scope representation in civil cases in addition to family cases.
- In 2012, the State Bar amended its rules regarding its Pro Bono Practice Program to allow attorneys who do not work for compensation, but who volunteer at court-based self-help centers, to receive the benefits of the program, including waiver of bar dues.
- Coordination is under way with State Bar staff to identify ways to improve mentoring opportunities for family law attorneys. The Family Law Executive Committee of the State Bar has developed training on fundamentals in family law and has more advanced trainings planned for 2014, which they are also making available by video to encourage more attorneys to pursue family law as a career.

Current Status:

This recommendation is ongoing.

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

Background:

Ongoing cooperation with the State Bar will help support and promote the efforts of the courts to develop, implement, operate, and maintain court-based assistance to self-represented litigants. The courts should continue with their collaborative work with local bars. The court and the bar should work together to honor those who are working to assist self-represented litigants.

⁵⁶ For information about the Shriver project, see www.courts.ca.gov/15583.htm.

Implementation:

- Staff from the State Bar, Judicial Council, and Legal Aid Association of California meet regularly to work on collaborations to increase services for self-represented litigants. The organizations regularly coordinate on training events to provide in-person and online training for self-help staff.
- The LAAC and the California Commission on Access to Justice give awards annually to self-help center and other court staff for their work in increasing access to justice.
- The California Commission on Access to Justice, in collaboration with the Judicial Council and the California Judges Association, gives the Benjamin Aranda III Access to Justice Award each year to a judicial officer who is selected on the basis of his or her work on access to justice matters.

Current Status:

More work is needed to recognize those whose work is dedicated to access to justice issues.

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

Background:

The task force believes that the principles of collaborative justice work well for many cases in which SRLs are involved. Drug court models have provided data demonstrating their efficacy to facilitate meaningful change in individuals who might otherwise repeatedly reoffend. Issues of addiction, abusive behavior, and mental health are not uncommon in family and juvenile law cases and are highly challenging for the court when there are no attorneys to manage their clients.

Implementation:

- Many of California's trial courts have implemented family drug courts, domestic violence courts, juvenile drug courts, and mental health courts.
- Staff provides technical assistance to courts on issues relating to self-represented litigants. A broad range of technical assistance and support is provided by staff to the Judicial Council's Collaborative Justice Courts Advisory Committee.

Current Status:

The work of the Judicial Council's Collaborative Justice Courts Advisory Committee is ongoing.

Recommendation III: Allocation of Existing Resources

Presiding judges and executive officers should consider the needs of self-represented litigants in allocating existing judicial and staff resources.

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

Background:

The areas of civil litigation that involve high percentages of self-represented litigants have historically been underserved areas of court operations. The resources provided have not been proportionate to the volume of cases and proceedings. In reviewing the practices of courts throughout

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

“We expanded our self-help centers as part of our budget reduction plan because the assistance they provide to litigants reduces the work of the court. Better prepared litigants and more complete papers minimize the workload for the courtroom as well as the clerk’s office. Better prepared litigants and more complete paperwork mean fewer continuances and shorter hearings. More accurate and complete paperwork also reduces clerk’s office staff needed to review paperwork for errors, review resubmitted papers, and to reschedule hearings continued because of incomplete paperwork.”

**Alan Carlson,
Court Executive Officer
Orange Superior Court**

Implementation:

- Rule 10.960 requires courts to include in their annual budgets funding necessary for the operations of their self-help centers.

- Standard 5.30 of the California Standards of Judicial Administration directs the supervising family law judge, in consultation with the presiding judge, to work to ensure that the family court has adequate resources.
- Recommendations from the Elkins Family Law Task Force include making more court resources available to family law calendars and ensuring that judicial officers assigned to family law have the knowledge and experience to handle the numbers of SRL cases found there.
- The California Judicial Workload Assessment (which measures staff workload) has been updated, with an eye to more accurately measuring the full range of tasks involved in case processing, including time spent by self-help staff.
- The *Guidelines for the Operations of Self-Help Centers in California Trial Courts* includes in its list of services designed to support judges by providing readiness reviews, conducting case flow management and status conferences, and being present in the courtroom for calendars with large numbers of self-represented litigants to help them reach agreements, narrow issues, answer questions, and write up orders after hearing. (Guideline 15.)
- Local court self-help center staff are currently actively involved in developing their courts' caseload management practices and procedures for family law under rule 5.83. Caseload management allows more matters to be resolved and can circumvent the necessity of multiple hearings.

Courts save \$4.35 for every \$1 spent on workshops for self-represented litigants.

(The Benefits and Costs of Programs to Assist Self-Represented Litigants, J. Greacen, May 2009)

One-on-one self-help assistance saves one hearing per case.

(The Benefits and Costs of Programs to Assist Self-Represented Litigants, J. Greacen, May 2009)

- In collaboration with the Judicial Council's Access and Fairness Advisory Committee (now the Advisory Committee on Providing Access and Fairness), the SRL task force provided substantial input to the Trial Court Presiding Judges Advisory Committee on the updating of the publication *Making Judicial Assignments*. The committee incorporated most of the suggestions, many of which spoke specifically to handling matters involving self-represented litigants.

- *Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers*, was created which includes guidance for bench officers on calendar management and ways to obtain assistance in the courtroom.

- Many self-help centers provide assistance to write orders and judgments, allowing cases to be completed. Many provide assistance directly at the time of hearings.
- The Judicial Council’s Center for Judiciary Education and Research (CJER) presented a *PJ/CEO Roundtable* broadcast entitled “Self-Represented Litigants in the California Courts” describing the need for highly skilled judges in cases with SRLs.

Current Status:

There has been substantial work on this recommendation; however, much more needs to be done, particularly with respect to assessment of volume and workload requirements for cases involving self-represented litigants.

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

Background:

The planning processes that the trial courts implemented have been enormously successful in helping to develop and implement court self-help centers. The task force found that the collaborative relationships built as part of those planning efforts enabled the most efficient use of court resources.

Implementation:

- SRL Guideline 8 advises that the self-help center staff should have regular meetings with representatives of community-based services. Worksheets were developed to assist the programs in identifying stakeholders and agenda items for planning discussions.⁵⁷
- The Judicial Council offers an annual conference, in partnership with LAAC and the State Bar of California, that allows those providing assistance to self-represented litigants to meet and share ideas. Workshops are designed to be of relevance to partners such as law librarians, interpreters, mediators, and small claims advisors, as well as to self-help and legal aid attorneys and staff.
- The Judicial Council was able to provide \$300,000 a year to support local court planning and collaboration efforts until the financial crisis hit. The collaborations forged among the courts and community justice partners during the early planning stages have continued in many cases.

⁵⁷ [Developing and Maintaining Court/Community Partnerships to Better Serve the Pro Se Litigant](#) and [Developing Relationships with Legal Services and Lawyer Referral Programs](#).

Current Status:

Significant progress has been made on this recommendation. More opportunities for court and community service providers to meet face-to-face and discuss their work must be created. The planning process for self-help has been enormously successful in the development of the court self-help centers and in the creation of more progressive caseload management processes and procedures. More planning is necessary to address topics such as court-based settlement assistance.

Recommendation IV: Judicial Branch Education

To increase the efficiency of the court and minimize unwarranted obstacles encountered by self-represented litigants, a judicial branch education program specifically designed to address issues involving self-represented litigants should be implemented.

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

Background:

Conventional judicial branch education has been premised on the assumption that the typical person interacting with the courts is an attorney or other person with at least minimal training in the law (such as attorney services, paralegals, or legal secretaries). California courts are now serving an increasing number of self-represented litigants who have not had formal legal training or education, many of whom also have very limited English proficiency. Those charged with the responsibility of providing court services to this expanding group of litigants need special education and training to ensure fair and efficient delivery of services.

Education should be developed to provide judicial officers, temporary judges, and court staff with the skills necessary to ensure that the needs of self-represented litigants are accommodated effectively within the bounds of impartiality.

Implementation:

Judicial Education

- A training curriculum was developed in conjunction with the national Self-Represented Litigation Network. The curriculum was piloted at the National Judicial Conference on Leadership, Education and Courtroom Best Practices in Self Represented Litigation, held at Harvard University and attended by a number of Judicial Council committee members and staff.
- This curriculum has been adapted for use in California and a teaching guide developed entitled *Handling Cases Involving Self-Represented Litigants: Change, Challenge, and Opportunity*, which includes a PowerPoint presentation and videos.

- Guidance on handling cases involving self-represented litigants has been included in a wide range of educational forums for judges, including being integrated into most case types in which self-represented litigants appear. Additionally, many stand-alone classes have been offered, including:
 - “Ethics and Self-Represented Litigants in Domestic Violence cases”—a one-and-a-half-day interactive workshop that is offered every year
 - “Handling Cases involving Self-Represented Litigants for Assigned Judges”
 - “Handling Complex Property Issues with Self-Represented Litigants”
- The Judicial Council adopted rules regarding use of temporary (pro tem) judges, which include required training on handling cases with self-represented litigants.⁵⁸ A training curriculum was developed to comply with this requirement.
- Workshops on handling cases involving self-represented litigants are now offered at every Judicial College.
- Information and role-plays to help judges handle cases with self-represented litigants are included in all New Judge Orientation courses.
- Programs have been presented at CJER’s Appellate Institute to familiarize appellate courts with the education being provided to trial court judges on their ethical duties relating to self-represented litigants and to point out issues on appeal.
- *Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers* was prepared with guidance from over 70 judicial officers throughout the state as well as national experts.⁵⁹ It covers topics including ethics, solutions for evidentiary challenges, caseload management, courtroom and hearing management, settling cases, communication tools, avoiding unintended bias, and judicial leadership in access to justice. It includes sample scripts and checklists developed by judicial officers. The benchguide received the Howell Heflin award from the State Justice Institute and has been adapted for national use.
- CJER developed the following online courses:
 - *Dealing with Self-Represented Litigants in Domestic Violence Family Law Cases*
 - *Communicating With Self-Represented Litigants*
 - *Self-Represented Litigants 2: Special Challenges*

⁵⁸ Cal. Rules of Court, rule 2.813(a)(3).

⁵⁹ See www.courts.ca.gov/documents/benchguide_self_rep_litigants.pdf.

○ *The Practical Judge: Communications with Self-Represented Litigants*

- Standalone workshops on handling cases with self-represented litigants have been developed and offered in a wide variety of forums by Judicial Council committee members and staff at venues including national conferences of the American Judges Association and the Association of Family and Conciliation Courts.
- Articles to provide continuing education were written by Judicial Council task force members and staff and appeared in publications such as the American Bar Association's *Judges' Journal*, *California Law Journal*, *Family Court Review*, *Family Law Quarterly*, *Contemporary Issues in Law*, and *Court Review*, as well as in many State Bar publications.
- Video resources were developed for use in educational sessions for judges. Judicial Council committee members and staff participated in a research project of the national Self-Represented Litigation Network in which court hearings involving two self-represented litigants were videotaped in four jurisdictions throughout the United States. Each of the litigants and the judge were interviewed separately after the hearing. They were each shown a videotape of the other taken during the hearing and asked questions to determine the effectiveness of communication between the judge and litigants. The videotaped interviews were analyzed and then edited for judicial education. This project, one of the first of its kind, demonstrated that there can be a high level of understanding and suggested a number of best practices for judges to employ in their courtrooms to enhance communications.⁶⁰
- Three regional workshops on caseload management in family law with judges and court staff from 37 courts included information on special issues of handling cases involving self-represented litigants and provided participants with the ability to develop a local action plan to help these cases reach conclusion.
- The Judicial Council prepared a manual for courts, *Developing Effective Practices in Family Caseload Management*, which includes a special focus on cases involving self-represented litigants.

Self-Help Center Staff Training

The Judicial Council has sponsored or cosponsored a conference focusing on education for self-help center staff each year.⁶¹ For example, in 2014 more than 30 workshops were offered on cutting-edge issues in law as well as new delivery systems, including use of mobile

⁶⁰ Greacen Associates, LLC, on behalf of the Self-Represented Litigation Network, [*Effectiveness of Courtroom Communication in Hearings Involving Two Self-Represented Litigants: An exploratory study*](#) (April 2008).

⁶¹ Materials from the conferences are posted online at www.courts.ca.gov/partners/50.htm.

devices. Materials from the conferences are posted online and are also integrated into the Equal Access website.

The Judicial Council sponsors the AB 1058 conference every year for family law facilitators. The conference provides extensive education on child support and other legal topics, as well as workshops on ethics and promising practices.

The Judicial Council partners with the Legal Aid Association of California to provide self-help center attorneys and staff with free webinars on a variety of legal topics. A monthly alert listing free training opportunities is provided to self-help center staff.

Current Status:

Judicial branch education on matters involving self-represented litigants and their cases is ongoing.

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

Background:

Court clerks are now encouraged to answer questions for the public and not just give a blanket response of being unable to give legal advice. Particular attention should be given to continuing and expanding the training and education of court clerks. The information provided to the public should be reliable and of high quality. If clerks are assigned to support self-help center attorneys, additional education is required to ensure the competence of the services provided.

Implementation:

- The Judicial Council created a guide entitled *May I Help You? Legal Advice v. Legal Information: A Resource Guide for Court Clerks*.⁶²
- Three broadcasts were prepared by CJER entitled “May I Help You: Legal Advice v. Legal Information” and are shown regularly to court clerks (May I Help You I, II, and III). The focus is on helping SRLs and finding good resources for assistance.
- The Judicial Council adopted *Court Clerks Office: Signage* (form MC-800), which lists the type of information a clerk can and cannot provide.⁶³

⁶² See www.courts.ca.gov/mayihelpyou.pdf.

⁶³ See www.courts.ca.gov/documents/mc800.pdf.

- SHC Guidelines 33 and 34 address the need for the nonattorney staff in the self-help centers to train in customer service and self-help center operations and procedures, as well as continuing education in the law.
- The Court Clerk Training Institute has included workshops on self-represented litigants as well as substantive procedural legal issues.
- Information on providing assistance to self-represented litigants has been integrated into a wide variety of courses for clerks, in person, online, and by broadcast.
- CJER has provided many online, in person, and broadcast classes on the law; new forms and procedures; and training modules in a wide variety of procedures, including family law and domestic violence. Following significant changes to forms and procedures, CJER will generally present a broadcast for clerks on those changes, in addition to updating existing materials.
- Brochures and posters providing information on the California Courts Online Self-Help Center have been provided to all courts, and clerks are encouraged to review the website and use those materials to provide referrals to court customers if they do not know the answer to the questions or do not have sufficient time to answer those questions.

Current Status:

This recommendation is ongoing.

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

Background:

Judges are often concerned about the nature and extent of information they may impart to SRLs without compromising their neutrality, or appearance of neutrality. Judges need additional guidance to decide what measures can be taken to protect constitutional safeguards for all litigants without compromising judicial impartiality.

Implementation:

- The California Code of Judicial Ethics was modified to address the issue of handling cases with self-represented litigants. Canon 3B(8) provides that “[a] judge shall dispose of all judicial matters fairly, promptly and efficiently. A judge shall manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law.” Commentary now notes: “The obligation of a judge to dispose of matters promptly and efficiently must not take precedence over the judge’s obligation to dispose of the matters fairly and with patience. For example,

when a litigant is self-represented, a judge has the discretion to take reasonable steps, appropriate under the circumstances and consistent with the law and the canons, to enable the litigant to be heard...”

- In *Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers*, chapters 2–4 address issues of judicial ethics when dealing with SRLs. Chapter 3 sets out California law applicable to a judge’s ethical duties in dealing with self-represented litigants.
- CJER has included issues relating to self-represented litigants in its annual qualifying ethics courses.
- CJER has also developed online ethics courses, “Communicating with Self-Represented Litigants” and “Self-Represented Litigants: Special Challenges.”
- CJER has offered a number of workshops for judicial officers on the ethics of handling cases involving self-represented litigants.
- The Commission on Judicial Performance has issued a number of opinions relating to judges’ handling of cases involving self-represented litigants. These opinions provide additional guidance for judicial officers.
- The American Bar Association *Model Code of Judicial Conduct* has added comment #4 to rule 2.2, Impartiality and Fairness, requiring a judge to uphold and apply the law and perform all duties of judicial office fairly and impartially. Comment #4 states: “It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.”

Current Status:

This recommendation is ongoing.

Recommendation V: Public and Intergovernmental Education and Outreach
Judicial officers and other appropriate court staff should engage in community outreach and education programs designed to foster realistic expectations about how the courts work.

A. The Judicial Council should continue to develop informational materials and explore models to explain the judicial system to the public.

Background:

All too often the public forms its impressions and acquires its knowledge of the legal system based solely on how it is portrayed in the popular media. These depictions are often unrealistic and misleading and make it difficult for self-represented litigants to accurately

anticipate and appropriately prepare for their day in court. To counter these distortions, judicial officers should be encouraged to engage in community outreach and education. Existing communication modes should be employed to better inform Californians about their courts. Development of educational materials describing court processes should be expanded. A law-related educational website should be developed for elementary school, middle school, and high school students. Programs such as Spanish-language radio programs should be encouraged to expand outreach to traditionally underserved communities.

Implementation:

- The redesign of the California Courts Online Self-Help Center has incorporated additional content regarding a wide variety of proceedings where litigants may represent themselves. More than 4,000 pages of information are available in English and Spanish on the website. Educational videos on a variety of topics including how to prepare for court have been uploaded to the California Courts YouTube channel. This site receives over 4 million visits annually. Posters and brochures are provided to the courts to alert court users to the availability of this resource. Buttons with links are also provided to the courts to make it easy for them to connect directly to the website.
- Websites were developed for parents, teenagers, and children in families going through separation and divorce. These websites include a three-hour online parenting class which utilizes videos and online quizzes and other interactive tools to provide critical information to parents. These websites are found at www.familieschange.ca.gov and www.changeville.ca.gov. Posters and brochures have been provided to the courts to allow them to make easy referrals to those resources.
- The Judicial Council adopted a number of information forms for the public. *Information Sheet for Request for Order* (form FL-300-INFO) sets out instructions on how to make a request for an order. Forms FL-313-INFO and FL-314-INFO provide information about child custody mediation and recommending counseling. Further, *Attorney for Child in a Family Law Case—Information Sheet* (form FL-321-INFO) provides information to the parties about minor’s counsel.
- The Judicial Council has created a number of videos to help litigants understand court processes. These videos include orientations to juvenile dependency and juvenile delinquency courts. Videos have been developed regarding resolving unlawful detainer cases, civil harassment cases, and small claims cases, which provide information on both substantive law and mediation options. These videos are available in English, Spanish, and Russian. Counsel staff has also adapted videos produced by local courts for statewide web usage. Topics include guardianship, appeals, family law, evidence, and court appearances.
- In 2012 the Judicial Council adopted rule 5.83(g), which requires that courts provide information about the court process, as well as other orientation information, to litigants

at the time of the initiation of their case. *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO) was adopted to allow the courts to easily comply with that requirement.

- A 30-minute orientation video entitled *Orientation to Family Court Mediation and Child Custody Recommending Counseling* has been created to educate litigants about the child custody mediation and court process. This video has been captioned in English, Spanish, Chinese, Korean, and Vietnamese; distributed to all courts; and posted online to allow parents to access this information in a timely manner and be prepared for their mediation meeting at family court services.

Current Status:

This recommendation is ongoing.

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

Background:

The task force recommended that materials be developed to more fully inform local and state legislators of the issues raised by self-represented litigants and to advise district and local staff as to how they might best direct constituents to the services available to them.

Implementation:

- The Judicial Council has prepared the following reports to the Legislature on services provided by self-help centers and the benefits demonstrated to the public by those centers:
 - [*Family Law Information Centers: A Report of Three Pilot Programs*](#)⁶⁴
 - [*Equal Access Fund: A Report to the California Legislature, March 2005*](#)⁶⁵
 - [*Model Self-Help Pilot Program: A Report to the Legislature, March 2005*](#)⁶⁶
- Legislative staff participated in the Elkins Family Law Task Force and the Elkins Family Law Implementation Task Force as well as the Sargent Shriver Civil Counsel Act Implementation Committee.
- Many local courts have developed informational packages to share with their elected representatives. Self-help centers are generally part of a legislative tour of any court facility because of the interest of the legislator's constituents in these services.

⁶⁴ See www.courts.ca.gov/documents/Family-Law-Information-Centers-March-2003.pdf.

⁶⁵ See www.courts.ca.gov/documents/Equal-Access-Fund-March-2005.pdf.

⁶⁶ See www.courts.ca.gov/documents/Self-Help_full.pdf.

- The Legislative Analyst’s Office (LAO) was hosted at informational meetings at six courts during the summer of 2014. The goal of the meetings was to explore the depth and variety of court-based services available to self-represented litigants. LAO staff visited the Superior Courts of Butte, Contra Costa, Los Angeles, Orange, Placer, and Santa Clara Counties. They had an opportunity to observe services being provided and to ask questions of service providers and litigants about the nature of the help they offer and the needs of the public. Judicial Council staff provided a variety of court-based materials for LAO to use to prepare a report for legislators to better understand the needs of self-represented litigants and the capacity and lengths to which the courts provide services to support them.

Current Status:

This recommendation is ongoing.

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

Background:

The California justice structure represents a continuum of effort, beginning many times with an officer on the street and ending at some point in the court system. The need for cooperative and collaborative efforts to ensure efficient and consistent administration of justice, both in practice and in perception, must be instilled. A law enforcement agency can be asked to enforce orders for which the individual seeking assistance has no written document, or arguing parties may present an officer with orders that appear to conflict. Information should be made available about enforcement of orders for self-represented litigants and the ways in which these orders can be modified through the court process. Courts should be encouraged to solicit ongoing input from law enforcement staff about problems they are experiencing enforcing court orders in the field.

Additionally, local bar associations, law libraries, and other appropriate governmental and community groups should be consulted regularly to share information on the needs of self-represented litigants and the services available to them. All participants in the justice community have valuable information that should be shared to the greatest extent possible.

Implementation:

- The California Courts Protective Order Registry (CCPOR) is providing statewide access to protective orders made in California. Hence, a judge in one court can see if any other restraining orders are in effect elsewhere that might conflict with the matter before the court. Police officers are able to see the image of the complete order so that all the information is available to them; it is not limited to the California Restraining and

Protective Order System (CARPOS) data. Most of the trial courts in California have forged agreements with their local law enforcement agencies to enter data from restraining orders into CARPOS. Once an order is entered by the court, it is given to law enforcement, which enters the data into CARPOS.

- In progress is the FACCTS/CCPOR Interface Project. The Family Court Case Tracking System (FACCTS) is an application that produces a restraining order after a hearing on Judicial Council forms and a minute order—in real time. The program makes a PDF of the Judicial Council form to be printed for the litigants. The image of the order is automatically posted to CCPOR, and information from the order populates the CCPOR database for delivery to CARPOS. This process significantly decreases the workload necessitated by repeated input of the same data into different systems. Both the court and law enforcement benefit by this work reduction.
- Many family law facilitators and self-help attorneys have gone to jails and prisons to provide assistance to inmates on matters of child support obligations, custody, and/or visitation. For example, the Superior Court of Marin County regularly sends a family law facilitator to San Quentin State Prison to provide assistance. Other courts have partnered with the public defender's office to get information to defendants about child support modification due to incarceration. Family law facilitators and self-help centers respond to inquiries made by mail or e-mail from inmates.
- Local family law facilitators work collaboratively with local offices of the Department of Child Support Services (DCSS) on joint projects such as the San Francisco EPIC project that reached out to obligors in an effort to reduce the number of default judgments.
- Judicial Council attorneys, child support commissioners, family law facilitators, and DCSS attorneys participate in a stakeholders team that meets regularly to identify and solve problems with the AB 1058 child support system.
- In some courts, DCSS attorneys or family law facilitators are present at juvenile dependency proceedings so that the issue of child support can be addressed without multiple court appearances.
- Some courts have partnered with their local 211 lines, which provide information to the public about available nonprofit community services. The Superior Court of Sacramento County locates a staff person from the 211 line at the self-help center. Los Angeles has converted public telephone booths near the self-help center at one courthouse to call directly to 211.
- Courts work collaboratively with the Department of Social Services (DSS) on cases in family court involving allegations of child abuse. The Superior Court of Orange County has staff from DSS housed on site at the court.

- The Superior Court of Imperial County developed the Binational Justice Project, which partnered the family law facilitator with the Mexican court to address common issues with regard to family law cases. This project won a Kleps Award.⁶⁷

Current Status:

These and other projects involved with the exchange of data between the court and other government or community groups are ongoing.

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

Background:

Local courts have done tremendous work in reaching out to stakeholders in their communities to provide information on services available in their local courts. Statewide coordination is also important to allow for sharing of common resources and building of statewide support for the courts and services for self-represented litigants. Coordination efforts among the Judicial Council, State Bar of California, LAAC, California Commission on Access to Justice, Council of California County Law Librarians, and other organizations (including those representing law schools, public libraries, social services agencies, and diverse community groups) are critical to distributing information about statewide efforts and to supporting the work of local courts.

Implementation:

- Annual Family Law Conference cosponsored by the Judicial Council and LAAC
- Self-Represented Litigants Conference cosponsored by LAAC and the State Bar of California designed for training and education of attorneys—both court attorneys and legal aid attorneys—on substantive law and ethical issues
- Participation of judicial branch appointees to the State Bar’s Legal Services Trust Fund Commission, which administers the Equal Access Fund from the Judicial Council to legal services
- Statewide support for JusticeCorps, which brings together local courts and universities using AmeriCorps funding to enable college students to provide 300 hours of volunteer service in court-based self-help programs under the direction of attorneys

⁶⁷ [Binational Justice Project](#), Superior Court of Imperial County (2008–2009).

Current Status:

These projects are ongoing, with new programs developing over time.

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

Background:

The task force is mindful of the need for judicial officers and courts to uphold the integrity and independence of the judiciary but believes that local courts can work closely with appropriate partners without creating any appearance of partiality. Law librarians are an apt example of an appropriate court partner. Given the limited resources dedicated to SRL assistance, it seems important to avoid duplication of service to the greatest extent possible.

Implementation:

- The Superior Court of Alameda County participates in a Community Projects Committee conducted by the Alameda County Bar Association. In addition to court self-help attorneys, the committee includes attorneys from the various East Bay legal services such as the East Bay Community Law Center, Bay Area Legal Aid, the Volunteer Legal Services Program, Legal Assistance for Seniors, and the Family Violence Law Center. These groups attempt to support each other and avoid competing for funding as much as possible.
- The Superior Court of Los Angeles County has structured its urban collaborative model for self-help based on collaboration with existing services. The court self-help center partners with the Los Angeles Law Library and the Department of Consumer Affairs, as well as many legal services agencies, including Neighborhood Legal Services of Los Angeles County, Legal Aid Foundation of Los Angeles, Bet Tzedek Legal Services, the Los Angeles Center for Law and Justice, Public Counsel, and Community Legal Services of Los Angeles.
- In many courts, the local small claims advisor service has become a part of the self-help center. Statewide self-help conferences are designed to include at least one full day of education specifically for small claims advisors.
- Many courts partner with local law libraries to provide services for self-represented litigants. For example, the self-help centers in El Dorado, Kern, Nevada, and Placer Counties are located in law libraries. Other law libraries, such as in Contra Costa and Los Angeles, offer many workshops designed for self-represented litigants.

Current Status:

This recommendation is ongoing.

Recommendation VI: Facilities

Space in court facilities should be made available to promote optimal management of cases involving self-represented litigants and to allow for effective provision of self-help services to the public.

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

Background:

Evaluations demonstrated that self-help centers are much more effective when located in a courthouse rather than in a separate location. Fewer people tend to use an off-site center, judges cannot make effective referrals from courtrooms, and litigants tend to misassemble paperwork, which leads to repeat tasks. Participation of self-help center staff in caseload management is reduced by lack of physical availability, and security at the self-help center can become a serious issue.

Most courthouses were designed before the advent of self-help services, and adequate space for services has been a challenge. Self-help centers are most effective when they are located near clerks' offices to minimize misplaced papers before filing. Self-represented litigants need space to sit and work on their paperwork. Space should be available to conduct mediations with self-represented litigants. To maximize staff resources, space to conduct workshops should be provided. Copiers, computers, and other technological resources should be available in the self-help centers for self-represented litigants to use.

Further, SRLs also simply need to know how to physically navigate the courthouse so they can easily find a particular courtroom, the self-help center, or other court services they may require. Courts should periodically assess how easy it is for court users to get around a courthouse.

Implementation:

- *Tour Guide* was developed in conjunction with the Self-Represented Litigation Network as a checklist to enable court staff to tour their courthouse from the perspective of a self-represented litigant.⁶⁸
- SHC Guidelines state that “[a]s with other core court functions, the court self-help center should be located in the courthouse and seek to meet two critical objectives: (1) ease of use for the public, and (2) efficient use of staff.” (Guideline 3.)

⁶⁸ [Tour Guide](#) explains how to observe the courthouse and court processes from the point of view of a self-represented litigant.

- Task force members and staff met with the Judicial Council’s Real Estate and Facilities Management staff to set out facilities needs for the self-help centers in new courthouse construction or remodeling of existing structures. Many of their suggestions were included in section 7.2 of *California Trial Court Facilities Standards*, 2010 edition. Over the past 10 years, courthouse facilities for self-help centers have improved significantly, with most self-help centers having room to meet individually with litigants or to conduct workshops of between 10 and 20 persons.

Current Status:

This recommendation will be ongoing as courthouse upgrades and construction move forward.

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

Background:

The public is often required to wait for significant periods of time for their turn to talk to a court clerk or to enter the self-help center. Litigants standing in long lines for long periods of time are often tired, uncomfortable, and frustrated before they even talk to court staff. The pressure on court staff of facing long lines of tired, unhappy people can evoke anxiety, guilt, and frustration and if prolonged can lead to a lack of empathy toward the public. To make matters even more challenging, if the people in line are self-represented litigants, chances are good that they will not have accurate and complete paperwork and will be required to go fix it—then get back in line. If the press of business makes overcrowding in the clerk’s office unavoidable, then attention needs to be paid to how the situation can be made most comfortable for the public and for court staff. Waiting areas for clerks’ offices can help reduce tension for everyone. A waiting room could contain informational materials, charts, flowcharts, and other things that might help individuals learn more about the process before they actually get to the clerk’s window. Space to work on documents should be available, as well as places to sit down and wait.

Implementation:

- The Superior Courts of Orange and Placer Counties use automated triage systems that allow the public who are waiting to sit down while they wait and come to the window only when their case is called by the clerk. The cases are sorted into broad categories by case type and type of assistance needed, such as forms, copies from court files, or assistance from the self-help center.
- Several courts, such as the Superior Courts of Monterey and San Diego Counties, have implemented an online appointment system that allows self-represented litigants to schedule themselves into workshops on a variety of subjects.

- Other courts have staffed telephone help lines. For example, the Superior Court of Alameda County provides dedicated telephone assistance hours four afternoons per week. Two self-help center paralegals staff these two lines. Use of the telephone system has helped cut down foot traffic at the courthouse. The SHARP self-help program in Butte and Tehama Counties handles over 1,000 calls per month, cutting down on the need for litigants to come in person to the centers, which have limited space.
- The Superior Court of Sacramento County provides a great deal of assistance by e-mail. This service also cuts down on the foot traffic at the courthouse and allows litigants to get assistance without losing time at work.

Current Status:

This is an area that is undergoing significant change as a result of layoffs of court staff. Technological solutions can be helpful to reduce the negative impacts of increased wait times.

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

Background:

Frequently calendars with a high percentage of self-represented litigants are fairly large. This can be particularly true in family law. It is important for the safety of all concerned that a safe and sufficient space is provided for litigants to wait for their cases to be called. Problems arise if courtrooms have insufficient space or the space is overcrowded and the litigants are forced to wait in hallways without the support of courtroom staff. This scenario is particularly dangerous when there have been domestic violence incidents in the case.

The task force was concerned to hear reports of litigants stuffed into small courtrooms requiring many of them to stand while they wait for their hearing to be called. This sort of overcrowding can create situations in which parties who are already anxious about their hearings get increasingly upset before their case is called. It can also lead to higher levels of animus toward the other party or attorney, or the court

Space should also be made available at or near courtrooms for litigants to meet with service providers such as mediators, volunteer attorneys, interpreters, or social services providers. Of concern to the task force were reports of staff needing to conduct confidential mediations with parties in hallways or stairwells.

Implementation:

- Architects from the Judicial Council's Real Estate and Facilities Management participated in a number of meetings with representatives of the task force to discuss these issues. Recommendations regarding the need for space for settlement and services

are included in chapter 7 of the *California Trial Court Facilities Standards* as amended in March 2010.⁶⁹

- Courts have improvised in various ways to address these problems. For example, courts are using witness rooms or jury rooms to conduct mediations and other settlement discussions.

Current Status:

There has been significant effort to improve facilities to better serve self-represented litigants, but more work is needed on this recommendation.

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

Background:

Litigants are often forced to bring children with them to the courthouse. Lack of funds or available child care is a common problem. Litigants are unable to supervise young children and also pay attention to instructions given to them by court staff. Without appropriate accommodations, children run unsupervised in the halls of the courthouse while litigants are trying to work on paperwork. Most self-help centers do not allow children in workshops in order to prevent disruptions for workshop attendees.

The problem is also found in courtrooms at the time of hearings. Children are not allowed in the courtrooms in many family law departments. For parents to effectively participate in their hearing and take care of their children at the same time is nearly impossible. Again, this creates frustration for litigants and increases the burden on court staff.

Implementation:

- Many courts now have children’s waiting rooms. Examples include the Superior Courts of Alameda, Fresno, Los Angeles, Orange, San Diego, San Francisco, San Mateo, Santa Barbara, Santa Clara, Sonoma, and Ventura Counties.
- California Standards of Judicial Administration, standard 10.24, requires that new courthouse construction include a children’s waiting room.
- The Judicial Council has approved a new protocol for distributing funds for children’s waiting rooms
- [*California Trial Court Facilities Standards*](#) includes recommendations regarding children’s waiting rooms.⁷⁰

⁶⁹ Judicial Council of Cal., Off. of Ct. Constr. and Mgmt., [*California Trial Court Facilities Standards*](#) (adopted in 2006, amended in March 2010), best practices that are applied to the design and construction of basic components of trial court buildings.

Current Status:

This recommendation is well under way and ongoing.

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

Background:

The task force was concerned about members of the public, particularly self-represented litigants, wandering around the courthouse frustrated because they could not figure out where in the building to go for which purpose. It found that information stations situated near entrances have proven to be very helpful to litigants in navigating their way around the court. The task force recommended that bilingual staff should be available whenever possible—an ideal use of volunteers from the community who have no legal training. Litigants can be directed to their desired locations and to self-help centers and other resources. General questions about how to use the facility and the location of services can be addressed, and information about assistance for litigants with special physical and language needs can be available. Kiosks with general information about the court can be most useful when staff is unavailable.

Implementation:

- Most courts have put on their local websites general information about how the courthouse is organized physically and where to go for what services.
- Many courts have also established either information booths or information kiosks at the entry to the courthouse. For example, the Superior Court of Los Angeles County has a kiosk people can use to find out where they should be going. Other courts—such as the Superior Courts of Alameda, Sacramento, and Tulare Counties—have information booths.

Current Status:

Significant progress has been made on this recommendation, but additional work is required. It is ongoing.

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

Background:

Concerns of the task force about the public's ability to navigate the courthouse are mirrored in this recommendation. Signs, maps, and floor plan charts have all proved useful to the public for providing information about how to use the courthouse and should be translated

⁷⁰ Judicial Council of Cal., Off. of Ct. Constr. and Mgmt., *supra*.

into several languages. Universal signage should be developed to help litigants find common services, such as a self-help center.

Implementation:

- Local courts have developed maps and signage based on the physical designs of their courthouses. Judicial Council staff has provided to courts samples of posters, templates, and other materials to assist them in developing local resources.

Current Status:

There is improvement locally on this issue, but more work needs to be done to develop universal signage.

Recommendation VII: Fiscal Impact

In addressing the critical need of courts to effectively manage cases involving self-represented litigants and to provide maximum access to justice for the public, continued exploration and pursuit of stable funding strategies is required.

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

Background:

At the time the *Statewide Action Plan for Serving Self-Represented Litigants* was drafted, the only stable statewide funding for court-based self-help was the AB 1058 funding for the family law facilitator. That funding was limited to child support–related issues only. Although many courts were contributing funding from their local trial court budgets, the task force clearly saw that additional stable statewide funding was also necessary. Until adequate and stable funding is included in the judicial branch’s appropriation, self-represented litigants throughout the state will have no assurance of equal access to justice. Regrettably, access to justice presently often depends on the resourceful and vigilant efforts of local courts and communities to secure funding to support services for these litigants.

Implementation:

- The Budget Act for fiscal year 2005–2006 called on the Judicial Council to allocate up to \$5 million for self-help services and required a report on the implementation of the programs in 2006–2007. A report to the Legislature, *California Courts Self-Help Centers*, was made in June of 2007.
- The Judicial Council allocated \$2.5 million in the first year (2005–2006)
- In 2006–2007 a survey of courts was conducted by the Judicial Council to assess the funding needs for fully staffed, civil self-help centers in the courts. The consolidated total yearly budget was \$47,992,268.

- In 2006–2007, expanding the self-help centers was one of three top priorities in the judicial branch budget. Some \$3.7 million was allocated from the Trial Court Trust Fund and \$5 million from the Trial Court Improvement Fund, totaling \$8.7 million for the statewide expansion of the court self-help centers.
- Currently, in addition to the AB 1058 funding for the family law facilitator, statewide funding for self-help centers in the courts is \$11,200,000 yearly.
- Family Law Facilitator funds were increased to \$15,040,301.
- Local courts also continue to fund self-help services from their local budgets.

Current Status:

The fiscal crisis in the court has caused local courts to pull back some of the self-help center funding they had been contributing. The self-help centers are overcrowded with no way to grow. So, this recommendation is ongoing and needs more work.

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

Background:

The task force has always been mindful of the fiscal circumstances in California and recognized the need for a thoughtful and cost-effective plan for continued and future funding. The task force worked to put forward measures that will save money as a result of consolidation, standardization, and other efficiencies.

Understanding that demonstrated need is a basic component of any successful funding request, the task force has tried to identify sources from which compelling data might be collected. Existing operational data should be used whenever possible, and any additional data requirement should be coordinated in a manner likely to cause the least burden on the local courts. Additional data regarding the need for services could be obtained from social services and community agencies and representatives.

Implementation:

- A survey of trial courts was conducted in 2007 to collect their assessment of the funding needed for full-service civil self-help centers. This information was crucial in the Judicial Council’s determination to allocate an additional \$11.2 million in funding for self-help centers.
- The Family Law Resource Guidelines, Guide 4, sets out effective practices identified by subject-matter experts from the courts on the topic of assistance to self-represented

litigants. It then reports on the research done to assess the resource implications of those practices.

- The SHC Guidelines (Guideline 19) require routine evaluation of services to the public and recommend a minimum of quarterly reports on self-help center operations. Court self-help centers have been providing reports to the Judicial Council since the funding began in 2007. These reports are used to provide data to the Judicial Council and Legislature regarding services provided as well as unmet needs.
- Family law facilitators and self-help programs that are part of the facilitator's office are also required to place operational data into the Family Law Facilitator Electronic Database. This data is used to indicate the need for the service with the Department of Child Support Services and has been used to increase the funding for the family law facilitator program.
- Efficacy data has been collected and reported in the evaluations of the Family Law Information Centers, Equal Access Fund Partnership Grant programs, and Model Self-Help Pilot Programs. That data was instrumental in determinations to continue funding those programs in times of severe fiscal challenges.
- Costs and benefits to the courts and litigants of providing self-help services were studied in six courts in the San Joaquin Valley.⁷¹ Information on the results was widely disseminated, and the data collection tools and protocols were shared with all the courts.
- The Sargent Shriver Civil Counsel Pilot Program is conducting a legislatively mandated research project that will include analysis of the benefits and costs of providing representation and expanded court services for those persons who remain self-represented. It will review unmet needs and the impact of provision of legal services on other social services and governmental agencies. This evaluation will be provided to the Legislature in January 2015.
- A set of "dashboard measures" of fundamental family law statistics has been defined to help courts establish baseline measurements that can then be used to identify caseflow areas meriting further attention. Once implemented, these measurements inform and guide the courts in monitoring, evaluating, and improving their performance in the specific measured areas or outcomes, as well as in assessing the effects of various caseflow adjustments. The measures are currently being pilot tested using case management system data from several courts throughout the state.

⁷¹ Judicial Council of Cal., Center for Families, Children & Cts., [*The Benefits and Costs of Programs to Assist Self-Represented Litigants: Results from Limited Data Gathering Conducted by Six Trial Courts in California's San Joaquin Valley*](#) (May 2009; prepared by John Greacen, Greacen Associates, LLC).

Current Status:

Much work has been done on this recommendation, but more is required

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

Background:

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

Implementation:

- Uniform demographic categories used in FLFED and SHC Guideline 19 reports provide statewide data on the users of self-help centers.
- Volume and other basic accounting data are largely measured in the same manner in FLFED and the SHC quarterly reports.
- Efficacy data has been reported in the evaluations of the Equal Access Fund Partnership Grants and the Model Self-Help Pilot Programs, including customer satisfaction data.
- Efficacy data was also provided in the evaluation of the Family Law Information Centers, including data on customer satisfaction and judicial satisfaction.
- The “dashboard measures” for family law, from the final report of the Elkins Family Law Task Force, attempt to set uniform basic guidelines for family court operational data for management reports.
- A toolkit for assessing the effectiveness of self-help services has been developed to allow local courts to evaluate their own programs. Workshops have been conducted to explain how to use these tools, for courts wishing to implement them.⁷²

⁷² These evaluation tools are on the California Courts Equal Access web page in the section on research and evaluation, www.courts.ca.gov/partners/143.htm.

- The National Center for State Courts has developed a recommendation for a way to count and report the representation status of a litigant in a case. This information has been distributed nationally to encourage consistent information.⁷³

Current Status:

Although some work has been done, much more is required. For example, the Judicial Branch Statistical Information System (JBSIS) is unable to assess the number of civil litigants who file cases without attorneys. Further, the ability to assess the quality and impact of service has been highly challenging because of the complexity of many SRL cases.

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

Background:

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

Implementation:

- The *Guidelines for the Operation of Self-Help Centers in California Trial Courts* (2008 and reaffirmed in 2011) set out the minimum basic standards for court self-help centers. This document has gone through two review periods to date.

Current Status:

While regular review of the standards is helpful to ensure that they reflect newest advances in services, this recommendation is completed.

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

Background:

The task force recognized that self-help services are often a great help to constituents of local government officials. This partnership between local governments and the courts can be very helpful for the public.

⁷³ See www.courtstatistics.org/Other-Pages/SRL_Main.aspx.

Implementation:

- The court self-help centers of the Superior Court of Los Angeles County have forged partnerships with a number of other groups. For example, several of the court self-help centers are funded by the Department of Consumer Affairs and operated by Neighborhood Legal Services, the Legal Aid Foundation of Los Angeles and the Legal Aid Society of Orange County, which provides services in southern Los Angeles.
- The Superior Courts of Placer and Santa Clara Counties were able to secure grants from Proposition 10 funding for work on cases involving young children.

Current Status

This recommendation is ongoing.

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

Background:

The task force thought that whenever possible, courts should look at the possibility of coordinating existing self-help assistance to save costs and provide more cohesive services for litigants. Courts should also work closely with programs funded through the California Dispute Resolution Programs Act and the Small Claims Act and seek to ensure collaboration whenever possible.

Implementation:

- Many courts have worked closely with their law libraries to locate self-help services in those libraries. Examples include Alameda, Butte, Contra Costa, El Dorado, Kern, Los Angeles, Orange, Nevada, Sacramento, and San Bernardino Counties. Law libraries provide space and resources to assist litigants with a quiet place to work and computer and law book access, which is particularly helpful for more complicated cases. Many hold workshops for the public.
- The SHARP self-help center in the Superior Court of Butte County also serves the Superior Courts of Lake and Tehama Counties.
- The role of small claims advisor has largely been integrated with the court self-help centers, allowing for more seamless services for litigants.
- Many self-help programs offer mediation services, and all refer to local dispute resolution programs that assist litigants with resolving their cases outside of court.
- Law librarians, small claims advisors, and mediators have been active participants in conferences on serving self-represented litigants, and each of those conferences has

offered specific workshops sharing best practices, as well as roundtables for discussion and collaboration.

Current Status:

This recommendation is ongoing.

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

Background:

The task force was impressed by the efforts of local courts to expand resources for self-help and thought that it was a good use of Judicial Council resources to continue to provide assistance to local courts on how to obtain grant funding, offer centralized purchasing options to enhance buying power, and otherwise support local courts in obtaining resources for self-help efforts. It suggested that generic materials should be developed for the courts to use in seeking grants from appropriate outside sources.

Implementation:

- The Judicial Council staff assists courts with JusticeCorps grants that allow students to provide 300 hours each of legal assistance in self-help centers under the direction of attorneys.
- Alerts are provided to courts when funding becomes available from outside entities, such as the Equal Access Fund Partnership Grants, Legal Services Corporation Technology Initiative Grants, the California Bar Foundation, and the State Justice Institute for initiatives in support of self-help centers.
- A number of workshops have been offered at statewide conferences on how to obtain grants to assist in expanding services, and generic materials are provided to the courts as part of those workshops.
- A master agreement has been negotiated for use by the Judicial Council and the courts to obtain translation services for all commonly used languages in California as well as “plain language” English.
- A master agreement has been negotiated for use by the Judicial Council and the courts for telephonic interpreter services that can be used at a court clerk’s office or self-help center. This service can be particularly helpful for languages that are not commonly spoken.
- The Judicial Council has an agreement for the use of a national server for document assembly programs—one that can be used by all California courts.

Current Status:

This recommendation is ongoing.

Recommendation VIII: Implementation of Statewide Action Plan

To provide for successful implementation of this statewide Action Plan, a smaller task force charged with responsibility for overseeing implementation should be established.

Background:

The Judicial Council often appoints an implementation task force to oversee the implementation of recommendations in action plans or policy reports.

Implementation:

Upon adoption of the Action Plan by the Judicial Council in 2004, the Implementation Task Force on Self-Represented Litigants was appointed.

Current Status:

This recommendation has been completed.

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

Background:

The goal of providing significantly expanded self-help services throughout the entire court requires input from and collaboration with a wide variety of subject-matter experts.

Implementation:

- The SRL Implementation Task Force reached out to a wide variety of experts. It met with judicial educators, facilities specialists, technologists, linguists, and representatives from community organizations, bar associations, law libraries, and a variety of other organizations. The task force chair and staff made presentations to all Judicial Council standing committees and asked for their feedback and guidance in implementation. Many committees embarked on significant efforts, including development of information and forms designed for self-represented litigants to address the recommendations in the Action Plan.

Current Status:

This recommendation has been completed.

B. The number of members on the SRL Implementation Task Force should be limited, but members should be charged with the responsibility to seek input from nonmembers with unique knowledge and practical experience.

Background:

Since the effective implementation of the Action Plan required varied and extensive subject-matter expertise, knowledge, and understanding of practical concerns, it was believed that an implementation committee with the requisite experience would be so large as to be unworkable. Instead the members were charged with regularly reaching out to colleagues and potential partners for suggestions.

Implementation:

- The SRL Implementation Task Force has either had members or consulted with such individuals as judicial officers who have knowledge and experience in cases involving self-represented litigants, the family law facilitators, self-help center attorneys or staff members, law librarians, Judicial Council advisory committees, legal services organizations, the California Commission on Access to Justice, and state and local bar association committees and sections.

Current Status:

This recommendation has been completed.

Conclusion

The expansion and increased sophistication of services provided by the courts to enable self-represented litigants to have their matters adjudicated has been remarkable in the past 15 years. California's courts are internationally recognized for their efforts to ensure that all litigants have access to justice in an efficient and effective manner and should be commended. The Action Plan has been a guidepost for all of these efforts, laying out the vision of the Judicial Council for a comprehensive and thoughtful approach to the changing population of those people coming to California's courts.

The new Advisory Committee on Providing Access and Fairness should continue the work of implementing the *Statewide Action Plan for Serving Self-Represented Litigants* and embark on an effort to consider what next steps should be taken to address the needs of the courts and the public we serve.