

Self represented
litigants--
ENSURING
ACCESS TO
JUSTICE IN A
NEUTRAL
COURT

AB1058 Child Support
Conference

BONNIE HOUGH
JUDGE MARK JUHAS

How we started





Where we are now

WHY SELF REPRESENT?

Real or perceived
expense of
representation

Decreases in funding
for legal services/
mismatched capacity
and need

Society's trend
toward self-help
versus institutional
help

Court will do the
right thing, lawyer or
not

“My case is not that
complicated”

I am my own best
representative

Unable to afford
representation

Mistrust of the legal
system

Do-it-yourself
publications, kits
and websites

Mentimeter Poll

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How do people feel when they come to court for child support?

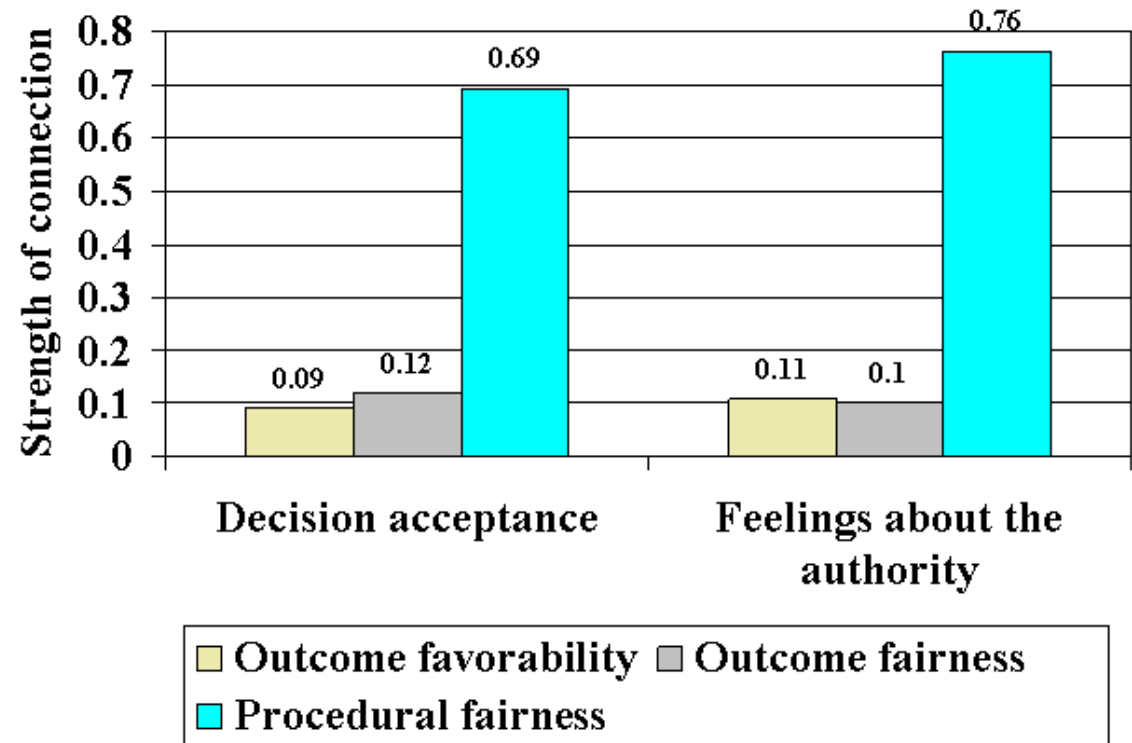
Waiting for responses ...



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Why People accept decisions





PROCEDURAL
FAIRNESS --
what matters

- ◆ Four key elements:
 - ◆ Voice
 - ◆ Neutrality
 - ◆ Respect
 - ◆ Trust

WHAT DOESN'T MATTER

Income

Education

Gender

Ethnicity

We are all the same

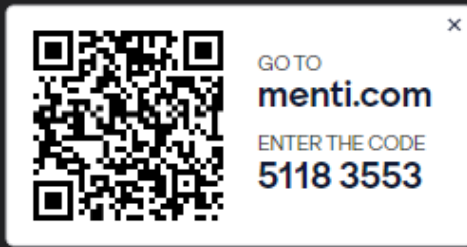


Mentimeter Poll

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What do people want from the court?

Waiting for responses ...



Equality



Equity



Justice



Overarching obligation

Dispose of
cases on the
merits

Judicial canon 3B(8)

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 to 3B(8)

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.

ALWAYS ASK

AM I TRYING TO BE
FAIR?

AM I BEING
PERCEIVED AS FAIR?

IS IT?

◆ LEGAL
ADVICE

◆ LEGAL
INFORMATION



WHAT WE CAN DO

- ◆ Explain procedures
- ◆ Provide forms/access to forms
- ◆ Liberally construe pleadings
- ◆ Ask questions
- ◆ Allow in evidence
- ◆ Provide information about next steps

WHAT WE CANNOT DO

**Allow
violation of
orders**

**Allow
unreasonable
delay**

**Allow
negative
affect on
access**

**Allow SRL to
“game”
system**

**Become SRL’s
lawyer**

“We may try to see things as objectively as possible. None the less, we can never see them with any eyes except our own.”

