



JUDICIAL COUNCIL
OF CALIFORNIA

ADVISORY COMMITTEE ON PROVIDING
ACCESS AND FAIRNESS

www.courts.ca.gov/accessfairnesscomm.htm
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**ADVISORY COMMITTEE ON PROVIDING ACCESS AND FAIRNESS
OPEN MEETING AGENDA**

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))
THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS
THIS MEETING IS BEING RECORDED

Date: January 13, 2016
Time: 12:15-1:15 p.m.
Public Call-in Number: 1-877-820-7831 and enter Passcode: 1456449 (Listen Only)

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the October 14, 2015, Advisory Committee on Providing Access and Fairness meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to accessfairnesscomm@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Kyanna Williams. Only written comments received by 12:15 p.m. January 12, 2016 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-9)

Item 1

Update on Access, Fairness and Diversity Self-Assessment Tool

Item 2

Update on Economic Access Protocol Recommendations

Item 3

Update on Draft Traffic Recommendations

Item 4

Annual Agenda Discussion

Item 5

Improving Access and Fairness Through Technology - Discussion

Item 6

Updates from Internal Liaisons

Item 7

Approve Minutes of PAF October 14, 2015 In-Person meeting

Item 8

Discuss PAF 2016 In-Person Meeting

Item 9

Open Discussion

IV. ADJOURNMENT

Adjourn

Draft Memo to Judicial Council regarding Court processes Affecting Self-Represented Litigants

Background

On November 22, 2014, the Advisory Committee on Providing Access and Fairness (PAF) convened in San Francisco. One of the purposes of that meeting was to identify projects that address key access and fairness issues for litigants throughout the state courts. The committee prioritized a variety of issues and set up project groups to begin working on the top three prioritized items. One of those projects was to address court processes affecting self-represented litigants.

For the next year, a small group of PAF members met telephonically on a regular basis. The project group was comprised of diverse members from PAF, representing various counties (large and small) and coming from different occupations in the justice system. Initially, the group discussed various court processes that impact high numbers of self-represented litigants, including traffic, small claims, and family court matters. The group eventually decided to focus its energies on court processes related to traffic infractions. Thereafter, the project group gathered a wealth of information about current court processes throughout the state, read and considered the report entitled *Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California*, and discussed the various issues facing self-represented litigants in traffic infractions.

On November 4, 2015, PAF convened again for an in-person meeting in San Francisco. The project group submitted several different recommendations to the full advisory committee. All recommendations were thoroughly discussed by the committee. The committee now presents the following suggestions and recommendations to the Judicial Council for your review and action.

With a focus on access and fairness, the project group attempted to develop recommendations that would provide for an equitable statewide system. The committee looked at a variety of ways to better serve traffic litigants and to provide for a more uniform system throughout the various counties in California. Although this is a significant task, the committee is confident that change is possible and the beneficiaries of this change would be the millions of traffic litigants who pass through our courts each year. In addition to providing a fair and consistent traffic system throughout the state for the litigants, the courts profit as well in that it is believed revenue would be increased with a more informative and user-friendly system in place. Therefore, the committee recommends that resources and funds needed to implement the changes be seen as priority expenditures by the Judicial Council.

Recommendations

- 1. Improve consistency and uniformity throughout California's 58 counties with respect to the imposition of traffic penalties and the collection of those penalties.**

Presently traffic court penalties can vary from county to county.¹ For example, the Emergency Medical Services Penalty Assessment requires adoption by individual county Board of Supervisors; the penalty

¹ The committee acknowledges that some monetary penalties apply to infractions, misdemeanors, and felonies. The committee is not suggesting in this recommendation that any fee structure related to misdemeanors and felonies be changed. The committee also recognizes that there are misdemeanors and felonies that could be

assessment is set by the individual county's Board of Supervisors. This causes the total amount owed on the same traffic violation to differ from county to county. These variances create confusion for traffic litigants and give the perception of an unfair court system.

Most traffic litigants care only about the total amount of money they owe. There is a large population of litigants who either have received citations in two or more counties in the state, or live in one county and have received a citation in another county. For those litigants who are aware of the disparity in traffic penalties from county to county, questions certainly arise as to the reasons for such disparity. In the mind of a litigant, regardless of the technical, and likely undisclosed, justification for the variance, the system as a whole is viewed as being unfair and inconsistent.

Debt collection also varies from county to county. For example, some counties may allow community service in lieu of fines, while others may not. The project group also learned that within a county, individual courthouses and/or judicial officers may differ in their approach to community service. In addition, payment plans and options may differ from court to court and county to county.

The committee recommends that community service be provided as an option to all litigants who may be unable to pay their fines and fees. This would require the need for a consistent statewide formula to convert fines to community service hours. The committee recognizes that each county may use different agencies to manage and supervise the litigants' performance of service hours. Those outside agencies may charge a fee to the litigant for their service. It would be unrealistic to think that all counties could systematically charge the same fee to allow a litigant to perform community service in lieu of paying a traffic fine. However, it would benefit all traffic litigants if the conversion rate of a community service hour to the dollar amount that hour satisfies with respect to the traffic fine is the same throughout all counties in the state. Additionally, there should be consistency as to whether community service can be applied to only fines, or to fines, fees and civil assessments.

The committee also learned that some counties turn their traffic matters over to outside agencies who then perform the task of collecting monies owed to the court. The timing of the debt being turned over to an outside collection agency varies from court to court. In a large number of these cases, the ticket may have been adjudicated by default without the litigant ever being present. At some point in time, the litigant may attempt to be heard (or re-heard) by the court. If the matter is sent to an outside agency, the litigant is usually referred to that agency. If contacted, the agency only has the authority to collect what is owed from the litigant or establish a payment plan. The outside agency has no authority to handle the underlying traffic ticket. The agency can only refer the matter back to the court and many agencies decline to do so. When referred back to the court, the litigant faces a struggle just to get before the court to plead his or her case. The litigant is frequently left without a remedy.

To improve the consistency and uniformity in the handling of traffic matters throughout the state, the committee recommends the following action by the Judicial Council:

- Support and/or sponsor legislation establishing that all traffic infraction penalties be established at a state level; work with counties to explore standardizing statewide penalties associated with traffic infractions.

"traffic related" such as a violation for driving on a suspended license. The recommendations contained in this memorandum pertain only to matters typically heard by a traffic court.

- Support and/or sponsor legislation or create rules of court adopting a state-wide system of debt collection.
- Adopt a rule of court setting forth procedures with respect to local courts retaining jurisdiction over traffic matters and clarifying the situations in which they may use outside collection agencies.

2. Develop and maintain uniform information disseminated to traffic litigants.

The committee believes that information communicated to litigants regarding their traffic infractions is critical to a successful system of resolving cases and then collecting the monetary penalties on those cases. Although the citation is issued to the litigant with an appearance date, many traffic litigants believe that they will receive something in the mail advising them what to do about the ticket. It is unknown how many counties actually do this, but because of serious budget concerns, many courts have stopped sending courtesy notices. In addition, many courts have suspended or limited their call centers and their counter staff. As a result, litigants are confused as to how to resolve their traffic citations; are unable to talk to court personnel to get some direction; have difficulty taking time off work to appear in court; and often spend unnecessary time trying to get through to the court. All of this can lead to great frustration on the part of the litigant and complicate or delay adjudication of the matter.

The litigant who initially may have been willing to resolve the traffic citation might just choose to ignore the ticket in light of the inability to communicate with the court without physically appearing in court. Additionally, the entire justice system is perceived by thousands of litigants to be inefficient, unfair, and inaccessible. It is well known that traffic courts serve the highest population of litigants with respect to court matters. Additionally, thousands of dollars are not being collected because of litigants choosing to ignore their traffic citations. Amnesty programs mitigate the problem, but are costly to courts. By improving the communication between the court and litigant, there should be a coinciding increase in revenue.

Courtesy notices inform litigants of the charges, the amount of the fines and fees if the litigant chooses to plead guilty, the amount of the fines and fees if the litigant is eligible for traffic school, and the options the litigant has in order to resolve the traffic citation. Those options may include paying by mail, paying online, paying at the courthouse or other physical locations, or contesting the citation. If the litigant chooses to contest the citation, the courtesy notice can be a valuable tool for the court as it instructs the litigant on how to schedule a court date that may be more convenient than the date listed on the actual citation. The notice can also advise a litigant how to go about resolving unanswered questions. Many courts have very informative websites and the Judicial Council has valuable information on its website. A courtesy notice can direct a litigant to a wealth of information that would be valuable to the litigant when trying to take care of a traffic citation.²

² The committee also discussed the idea of electronic courtesy notices. It would require officers obtaining e-mail addresses in the field when they issue the citation; changes to the citation forms in all law enforcement agencies; language on the citation whereby the litigant agrees to being notified electronically; and a devised method for litigants to change their e-mail addresses or revert to a physical mailing address. Although it appears like a daunting change, the committee believes that more people will be reached through electronic means and the end result may be an increased percentage of persons settling their traffic matters, which would result in increased revenue.

In addition to courtesy notices, courts have the ability to educate litigants when they physically appear in court. Many traffic courts are already informing their litigants about what to expect in court, what options they will have, and where they need to go following the court hearing (e.g. back to the clerk's window.) There is great inconsistency, however, regarding the amount and quality of educational information that individual courts provide to traffic litigants. Californians benefit when all drivers, regardless of the county in which they receive a ticket, are provided with high-quality and timely information about traffic court processes.

All courts should be required to provide thorough educational resources regarding traffic court processes that can be communicated in various languages to the litigants appearing in its court. Such information can be effectively communicated in a number of ways, including a well-informed video, a live court-room orientation, or an informational sheet handed to the litigants. An informative educational piece can be very valuable to not only the litigant, but to the stream-lined process of the court as well. The informational piece should advise a litigant on what to expect in the courtroom, what their options are to resolve their citation, what options there may be for low-income litigants, and what the litigant needs to know and/or do after the actual hearing.

While it is critical that legally consistent information be provided to traffic litigants in every court, the committee is aware that some courts may lack the resources to develop the necessary materials. For this reason, the committee recommends that the Judicial Council develop and provide these educational resources to all courts. Individual courts can then adapt the materials for local use.

In order to develop and maintain uniform information disseminated to traffic litigants, the committee recommends the following:

- Adopt a court rule regarding the sending of courtesy notices in traffic matters, having the rule outline the minimum requirements for each county in sending the notices; the content of the notices; and the timeliness of the notices.
- Adopt a court rule regarding individual traffic courts' use of high quality materials prepared by the Judicial Council to educate litigants when they appear in court.
- Develop high quality informational materials to be disseminated to all counties.³

3. Provide additional education to judicial officers hearing traffic matters.

Throughout the various counties judges, commissioners, referees, and judges pro tem are hearing traffic matters. Some judicial officers are assigned to a traffic court and hear only those types, others may hear them as part of their assignment but not exclusively traffic matters, and others may hear them only on occasion. There are a variety of statutory minimum fines on certain traffic infractions and unless one handles these cases on a routine basis, it is difficult to understand all of the laws related to traffic infractions. Judicial officers who are not consistently educated in traffic matters may impose drastically different sentences from one court to the next, and from one county to the next. In order to give the

³ The committee is aware of the language access concerns the courts deal with and the committee believes that input from the Language Access Advisory Committee is crucial to the implementation of these recommendations.

appearance of a uniform state-wide system of justice, it is imperative that all bench officers handling traffic matters be provided education and training.⁴

Judicial officers have a responsibility to consider the litigant's ability to pay in vehicle code violations. Vehicle Code sections defining traffic penalties and ability to pay considerations are complex and, anecdotally, there is increasing confusion among judicial officers regarding when the exercise of discretion is allowed. For example, due to a misunderstanding of the law, some judicial officers believe that when there is a statutory minimum they have no authority to reduce traffic penalties for low-income litigants. Failure to appropriately consider a person's ability to pay can cause a minor traffic infraction to financially devastate a low-income litigant and his or her family. Such misinterpretations of the law result in harm not only to the individual litigant but also result in inconsistent application of the law from one courtroom to another. Such inconsistencies harm the public's confidence in California's traffic court system and may make the processes appear unfair.

Judicial officers should exercise their discretion and consider, in every case, one's ability to pay before imposing traffic penalties. Judicial officers should be allowed to consider the ability to pay any fees that might be required for court-ordered programs. Because of the complexity of traffic penalties and the need for consistent application of the law, the committee recommends that the Judicial Council develop educational programming that clarify these laws. Such education and training should be provided to all judicial officers that handle traffic matters. As part of this educational effort, the Judicial Council should develop a bench card that includes a chart with many of the recurring traffic violations, explains how ability to pay must be considered in cases involving vehicle code violations, and includes guidelines on awarding community services. This would be a good tool for judicial officers, especially for temporary judges who are volunteering in the courts but not necessarily handling traffic matters on a daily basis. With such statewide education and training, judicial officers in every court can have access to the same information when exercising their discretion to adjust traffic penalties according to one's ability to pay.

4. Evaluate and research the possibility of a state-wide electronic "TraffiCare" program.

As discussed above, traffic court can be confusing and daunting for members of the public. The state-wide program would be a technological system set up through a guided computer interview, live chat, e-mail with quick response times, or phone call, whereby a litigant would have a chance to learn and/or ask questions about their tickets and learn their options for resolving their matters. This service would be available during work hours as well as after hours to reduce the burden on people who work regular weekday hours. This service could be offered from a central location with a toll-free number. It would be important to make all information accessible by a mobile phone.

This is a recommended system that could enhance public awareness regarding traffic citations, provide continuous access to the courts, and potentially provide more revenue to the courts with a higher success rate in collecting fines and fees. The system would include making all payment options accessible by mobile phones and computers (e.g. PayPal, Bitcoin, Google Wallet, etc.). It is suggested that the state-wide system could also provide alternative ways for people to pay their traffic fines and fees, such as allowing payments to be made at locations like Target, Walmart, Safeway, etc. Another suggestion is that the branch allow persons the opportunity to purchase court issued gift cards that

⁴ The committee is aware that judicial officers who are assigned to a traffic court must take a three day primary assignment overview course put on by CJER.

people could buy for friends and relatives who have outstanding court-ordered debt. The TrafficCare system would be publicized through the citation itself, court's individual websites, and the Judicial Council website.

Through its research the project group learned that services similar to many of those in the proposed TrafficCare program are successfully being used statewide in other parts of the country and in several individual courts in California. The committee recognizes, however, that a statewide TrafficCare program would be a major undertaking by the judicial branch and is, at this point, only recommending that further research, investigation, and evaluation be undertaken to determine the feasibility of such a system.

DRAFT

Advisory Committee on Providing Access and Fairness (PAF)

Annual Agenda—2015

Approved by E&P: April 16, 2015

I. ADVISORY BODY INFORMATION

Chair:	Hon. Kathleen E. O’Leary and Hon. Laurie D. Zelon, Cochairs
Staff:	Ms. Kyanna Williams, Lead Counsel; Ms.Carolynn Bernabe, Senior Administrative Coordinator, Center for Families, Children & the Courts
Advisory Body’s Charge: Makes recommendations for improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties. Recommends to the Governing Committee of the Center for Judicial Education and Research, proposals for the education and training of judicial officers and court staff.	
Advisory Body’s Membership: 28 members with 3 Appellate justices; 13 Trial court judicial officers; 1 Lawyer with expertise or interest in disability issues; 2 Lawyers with expertise or interest in additional access, fairness, and diversity issues addressed by the committee; 2 Lawyers from a trial court self-help center; 1 Legal services lawyer; 1 Court executive officer or trial court manager who has experience with self-represented litigants; 1 County law librarian or other related professional; 2 Judicial administrators; and 2 Public members.	
Subgroups/Working Groups: None	
Advisory Body’s Key Objectives for 2015: 1. Complete unfinished items from the final annual agendas of the Judicial Council’s former Access and Fairness Advisory Committee and former Self Represented Litigants Taskforce. 2. Provide recommendations to the Judicial Council on programs and tools that assist the branch in improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties. 3. Provide recommendations for educational programming for judicial officers and court staff on methods of improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties. 4. Coordinate with related advisory bodies and stakeholders to fulfill council directives in the areas of access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties.	

II. ADVISORY BODY PROJECTS

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
I.	<p>Gender Fairness/Women of Color in the Courts Focus Groups: The former Access and Fairness Advisory Committee conducted focus groups to gather information on the experiences of women, including women of color, in the branch. PAF will develop policy recommendations based on the focus group findings and will disseminate the focus group information to CJER and to relevant stakeholders, including other advisory groups, with an emphasis on incorporating the data into educational programming. As part of this work, PAF will share information about the Judicial Council’s Pilot Mentoring Program for Trial Court Staff and the</p>	1	<p>Judicial Council Direction: Objectives 1, 2, 4, and 9.</p> <p>1. Identify and work to eliminate all barriers to access.</p> <p>2. Broaden and facilitate access to, understanding of, and trust and confidence in the judicial branch and court-connected programs and services for all persons and entities served by the judicial branch.</p> <p>4. Promote a state judiciary and judicial branch workforce that reflect California’s diverse population.</p> <p>9. Implement, enhance, and expand multilingual and culturally responsive programs, including educational programming, self-help centers, and interpreter services.</p>	December 2016	Information provided to Judicial Council units, advisory bodies and relevant stakeholders that will inform their policy work, including educational programming.

¹ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

² For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>accompanying Toolkit which was recently completed and is now on Serranus at http://www.courts.ca.gov/27486.htm.</p>		<p>Origin of Project: The project is part of the advisory committee’s ongoing consideration of issues related to gender fairness and women of color in the courts. This project was approved by the Judicial Council’s Executive and Planning Committee in February 2011.</p> <p>Resources: Judicial branch partners and perhaps CJER for space needs.</p> <p>Key Objective(s) Supported: 1, 2, 3 and 4</p>		
2.	<p>Review Court Processes Affecting Self-Represented Litigants: The Judicial Council directed PAF to consider an access and fairness review of court processes affecting self-represented litigants.</p>	1	<p>Judicial Council Direction: Strategic Goal 3: Modernization of Management and Administration; Committee charge.</p> <p>Origin of Project: Judicial Council’s Statewide Action Plan For Serving Self-Represented Litigants.</p> <p>Resources: None</p> <p>Key Objective(s) Supported: 1, 2, 3 and 4.</p>	December 2016	Policy recommendations for improving access and fairness for self-represented litigants.

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3.	<p>Economic Access: PAF will examine whether there are economic barriers to litigants' abilities to enforce legal rights and/or to comply with legal obligations and will identify promising practices. As part of this work, PAF will consider the access and fairness impacts of fines and fees on court users, including self-represented litigants. PAF will share educational information about economic barriers with CJER and relevant stakeholders, including other advisory bodies.</p>	1	<p>Judicial Council Direction: <i>Strategic:</i> Goals I, Access, Fairness, and Diversity; and Goal IV, Quality of Justice and Service to the Public.</p> <p><i>Operational:</i> Goal I, 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; Goal IV, Objective 1: Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Origin of Project: Approved in previous Annual Agendas of the former Access and Fairness Advisory Committee.</p> <p>Resources: CFCC staff; Civil and Small Claims and Traffic Advisory Committees</p> <p>Key Objective(s) Supported: 1, 2 and 4</p>	December 2016	<p>Identification of economic barriers that affect access and fairness and policy recommendations addressing all or some of the identified barriers.</p>
4.	<p>Judicial Diversity: The Judicial Council and the State Bar convened a summit on judicial diversity where participants developed</p>	1	<p>Judicial Council Direction: Directed by the Judicial Council at its October 25, 2012, business meeting.</p> <p>Origin of Project:</p>	Ongoing	<p>Identification of Judicial Diversity Summit Report recommendations that merit Council action</p>

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>recommendations to further the goal of a more diverse bench and issued a final report and recommendations. The Judicial Council reviewed those recommendations and directed the Access and Fairness Advisory Committee (now, Advisory Committee on Providing Access and Fairness) to initiate the review and approval process for those recommendations that merit council action. PAF presented its recommendations to E&P, which then directed PAF to solicit Presiding Judge and CEO input on the various recommendations in the report. PAF presented its recommendations at the January 29, 2015 TCPJAC/CEAC meeting. PAF requested comments from both committees and will consider those comments before reporting back to E&P. PAF will continue its work on the review and approval process.</p>		<p>Follow-up from the 2006 diversity summit held by the Judicial Council in collaboration with the State Bar of California.</p> <p>Resources: To Be Determined</p> <p>Key Objective(s) Supported: 1, 2, 3 and 4</p>		<p>and recommendations made for Council approval of the identified recommendations.</p>

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
5.	<p>Benchcards on LGBTQ Issues: PAF will contribute to the development of one or more benchcards to provide information to judicial officers on sexual orientation and gender identity terminology, effective communication with LGBTQ court-users, and common needs of LGBTQ litigants in different case types. PAF will also consider whether recommendations should be made for updating the existing publication “Bench Reference Guide: What Do I Need to Know about Lesbian, Gay, bisexual, Transgender, Questioning (LGBTQ) Youth in Juvenile Court?”</p>	2	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: This project grew from successful collaborations on LGBTQ education between CJER and the former Access and Fairness Advisory Committee’s Krieger Sexual Orientation Subcommittee (KSOC) and was recommended by KSOC prior to the expiration of the full committee.</p> <p>Resources: CFCC staff</p> <p>Key Objective(s) Supported: 1, 2, 3 and 4</p>	Ongoing	Identification of needed LGBTQ benchcards and policy recommendations for the content and design of the identified benchcards.
6.	<p>Consider Mental Health Issues Implementation Task Force Referrals: Review and consider recommendations referred by the Judicial Council following the task force’s final report to the council. Recommend appropriate action within PAF’s purview.</p>	2	<p>Judicial Council Direction: As referred by the council</p> <p>Origin of Project: Judicial Council</p> <p>Resources: Legal Services, CFCC, Criminal Justice Services</p> <p>Key Objective(s) Supported:</p>	Ongoing	To Be Determined

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			4		
7.	<p>Rules Modernization Project: Each advisory committee has been asked to include in their annual agenda for 2015 an item providing for the drafting of proposed amendments to the California Rules of Court related to their subject matter areas. This effort would be undertaken in coordination with CTAC, which is responsible for developing and completing the overall rules modernization project.</p>	2	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: CTAC</p> <p>Resources: CFCC staff</p> <p>Key Objective(s) Supported: 2 and 4</p>	January 1, 2017	To Be Determined
8.	<p>Subject Matter Resource: a) Serve as lead/subject matter resource for other advisory groups to avoid duplication of efforts and contribute to development of recommendations for council action. Such efforts may include providing expertise and review to working groups, advisory committees, and subcommittees as needed on access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-</p>	1	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: Respective advisory bodies</p> <p>Resources: To be determined</p> <p>Key Objective(s) Supported: 2, 3, and 4</p>	Ongoing	Coordination to avoid duplication of resources and to ensure that the Council’s goal of “improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties” is addressed across subject-matter areas.

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>represented parties.</p> <p>b) Serve as subject matter resource for other stakeholders on subjects under the committee’s charge so as to increase efficiency and avoid duplication of services within the branch.</p> <p>c) 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” as provided by CRC 10.960.</p>				
9.	<p>Educational Recommendations:</p> <p>a) Make recommendations to the CJER Governing Committee for educational programming for judicial officers and court staff on methods of improving access to the judicial system, fairness</p>	1	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: Committee Charge; prior annual agendas.</p> <p>Resources: CFCC staff</p>	Ongoing	Educational recommendations to CJER for programming that falls under the committee’s purview: “Improving access to the judicial system, fairness in the state courts, diversity in the

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	<p>in the state courts, diversity in the judicial branch, and court services for self-represented parties. Many of the educational recommendations are likely to relate to the subject-matter of items 1-6 above and item 9(b) below.</p> <p>b) Make recommendations regarding updates to the “Benchguide for Judicial Officers on Handling Cases Involving Self-Represented Litigants”.</p>		<p>Key Objective(s) Supported: 2, 3 and 4</p>		<p>judicial branch, and court services for self-represented parties.”</p>
10.	<p>Court Technology: PAF will remain available to provide information and subject-matter expertise to the Court Technology Advisory Committee as requested.</p>	2	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: Committee Charge, CTAC, and prior annual agendas.</p> <p>Resources: CFCC staff and CTAC staff</p> <p>Key Objective(s) Supported: 2, 3 and 4</p>	Ongoing	<p>Coordination to avoid duplication of resources and to improve the access and fairness of court technology.</p>
11.	<p>Encourage Pro Bono: Coordinate with the State Bar on ways the judicial branch can encourage pro bono service by</p>	2	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project:</p>	Ongoing	<p>Coordination to avoid duplication of resources and improved judicial officer</p>

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>attorneys. With CFCC staff assistance, the “Judicial Officer Pro Bono Toolkit” was updated in celebration of the 2014 National Pro Bono Month and presented by PAF cochair Hon. Kathleen E. O’Leary as part of her October 28, 2014 presentation to the Judicial Council on the final report of the Taskforce for Self-Represented Litigants. http://www.courts.ca.gov/partners/56.htm and http://www.courts.ca.gov/documents/jc-20141028-itemP.pdf. PAF will continue to educate judicial officers about the toolkit and make appropriate recommendations for updates to Judicial Council pro bono resolutions.</p>		<p>Committee Charge</p> <p>Resources: CFCC staff</p> <p>Key Objective(s) Supported: 2, 3 and 4</p>		<p>education about pro bono encouragement tools.</p>
12.	<p>Self-Represented Litigants in Family Law Conference: Cosponsor conference with the Legal Aid Association of California (LAAC) for court administrators, self-help center attorneys, family law facilitators, legal aid attorneys,</p>	2	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: Committee Charge; prior annual agendas. The Judicial Council cosponsored with LAAC on the March 2013, March 2014 and</p>	Ongoing	<p>Statewide conference providing affordable and timely education to relevant stakeholders while facilitating information sharing, interagency collaborations, and</p>

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	and appropriate court staff on issues related to self-represented litigants in family law and domestic violence and to encourage sharing of resources and best practices.		<p>January, 2015 Family Law/ Self-Help Conferences.</p> <p>Resources: CFCC staff; LAAC staff</p> <p>Key Objective(s) Supported: 2, 3 and 4</p>		efficient use of resources throughout the branch.
13.	<p>Language Access and Interpreters in the Courts: PAF cochair Hon. Laurie D. Zelon is a member of the Judicial Council's Language Access Plan Implementation Task Force (ITF) which advises the council on implementation of the recommendations issued by the Joint Working Group for California's Language Access Plan (2013–2015). PAF will remain available to provide information and subject-matter expertise to ITF as requested.</p>	2	<p>Judicial Council Direction: Committee Charge</p> <p>Origin of Project: Committee Charge; ITF</p> <p>Resources: CFCC staff; ITF staff</p> <p>Key Objective(s) Supported: 2, 3 and 4</p>	Ongoing	Coordination to avoid duplication of resources and to improve language access in the courts.

III. STATUS OF 2013-2014 PROJECTS:

Note: The Advisory Committee on Providing Access and Fairness formed on August 1, 2014 as the result of a merger between the former Access and Fairness Advisory Committee and the former Task Force on Self-Represented Litigants. The final annual agendas for those former entities were approved in 2013 and are attached.

#	Project	Completion Date/Status
1	Gender Fairness/Women of Color in the Courts Focus Group Project: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i>	See Advisory Body Project #1.
2	Pilot Mentoring Program for Trial Court Staff: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i> In collaboration with CJER and the CJER Governing Committee, the committee will oversee a pilot mentoring program for court staff in the Superior Courts of Alameda, Contra Costa, San Francisco, and Solano to determine the feasibility of instituting a statewide voluntary mentoring program for the courts.	Following completion of the pilot program, the Judicial Council approved production of the toolkit “A Model Mentoring Program for Court Staff in California's Superior Courts,” which is now available on Serranus at: http://www.courts.ca.gov/27486.htm . PAF presented the toolkit at the January 30, 2015, Court Executives Advisory Committee meeting. PAF will continue to share information about the mentorship program and toolkit as part of the Gender Fairness/Women of Color in the Courts Focus Group Project. PAF’s work on this item is otherwise completed. See Advisory Body Project #1.
3	Judicial Diversity: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i>	See Advisory Body Project #4.
4	Language Access and Interpreters in the Courts: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i> <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i>	See Advisory Body Project #13.
5	Revise Q & A Informational Brochures on Rule 1.100 Project: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i> The Committee will provide input on existing court user and court personnel informational AOC publications to conform to recent changes in the law and to clarify issues relating to appellate review.	PAF provided recommendations for specific updates to a Q&A for the general public titled “Disability Accommodations in California Courts” and a Benchguide titled “Providing Disability Accommodations While Court is In Session”. The recommendations have been provided to CJER for consideration and PAF’s work on this task is now completed.
6	Economic Access Project: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i>	See Advisory Body Project #3.

7	<p>Increase Diversity of Court-Appointed Counsel Project: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i> The Committee will provide input on an AOC-produced court-appointed counsel outreach brochure as a tool for the courts to encourage diverse attorneys to seek court-appointed counsel positions.</p>	PAF’s work on this item is completed. PAF provided its recommendations for updating the publication. CFCC staff are in the process of having it re-published.
8	<p>Educational Recommendations: <i>(Former Access and Fairness Advisory Committee Annual Agenda)</i> <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i></p>	See Advisory Body Project #9.
9	<p>Cosponsor Statewide Conference on Self-Represented Litigants in Family Law: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i></p>	See Advisory Body Project #12.
10	<p>“Effective Practices for Court Self-Help Centers” Brochure: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i> Develop and disseminate a catalogue of effective practices for court self-help centers to provide services to self-represented litigants throughout the case process. This would include assistance from case initiation through disposition and post-disposition. Also included will be effective practices for the assessment of case needs, referrals to community based legal resources, and collaborative programs between courts and community based legal resources.</p>	PAF’s work on this item is completed. The document, “Effective Practices for Court Self-Help Centers” was published September 30, 2014 and is available for use by centers to determine what practices they might consider in their operations. The publication is also available on Serranus.
11	<p>Technical Assistance Projects: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i></p>	See Advisory Body Project #8(c).
12	<p>Report on Progress of Self-Represented Litigant Services: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i> Draft report to the Judicial Council on the progress of assistance to self-represented litigants in the courts over the last ten years.</p>	PAF’s work on this item is completed. Information regarding the progress of assistance to self-represented litigants in the courts over the last ten years was included in the final report on the Taskforce for Self-Represented Litigants. http://www.courts.ca.gov/documents/jc-20141028-itemP.pdf .
13	<p>Encourage Pro Bono: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i></p>	See Advisory Body Project #11.
14	<p>CRC 10.960 Recommendations: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i></p>	See Advisory Body Project #8(c).
15	<p>Sargent Shriver Civil Counsel Act: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i> Coordinate in implementation of the Sargent Shriver Civil Counsel Act (AB 590, Feuer). Provide expertise regarding self-help services as part of continuum</p>	PAF’s work on this item is completed. PAF cochair Hon. Laurie D. Zelon is also Vice-Chair of the Judicial Council’s Shriver Civil Counsel Act Implementation Committee.

	for services.	
16	Court Technology: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i>	See Advisory Body Project #10.
17	Reviewing Court Processes that Affect Those Without Attorneys <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i>	See Advisory Body Project #2.
18	Taskforce Status: <i>(Former Self-Represented Litigants Task Force Annual Agenda)</i> Make recommendation to the Judicial Council that the Task Force on Self-Represented Litigants become a Judicial Council Advisory Committee.	PAF's work on this item is completed. The Judicial Council directed that the Advisory Committee on Providing Access and Fairness and the Taskforce on Self-Represented Litigants merge to form the current Advisory Committee on Providing Access and Fairness (PAF). PAF formed on August 01, 2014.

IV. SUBGROUPS/WORKING GROUPS - DETAIL

<p>Subgroups/Working Groups: <i>[For each group listed in Section I, including any proposed “new” subgroups/working groups, provide the below information. For working groups that include members who are not on this advisory body, provide information about the additional members (e.g., from which other advisory bodies), and include the number of representatives from this advisory body as well as additional members on the working group.]</i></p> <p><i>Subgroup or working group name:</i> None</p> <p><i>Purpose of subgroup or working group:</i> N/A</p> <p><i>Number of advisory body members on the subgroup or working group:</i> N/A</p> <p><i>Number and description of additional members (not on this advisory body):</i> N/A</p> <p><i>Date formed:</i> N/A</p> <p><i>Number of meetings or how often the subgroup or working group meets:</i> N/A</p> <p><i>Ongoing or date work is expected to be completed:</i> N/A</p>

Information Technology Advisory Committee (ITAC) Draft 2016 Annual Agenda Item Re. SRL E-Services

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
5.	<p>SRL E-Services</p> <p>Develop Requirements and a Request for Proposal (RFP) for Establishing Online Branchwide Self-Represented Litigants (SRL) E-Services</p> <p><i>Major Tasks:</i></p> <p>(a) Develop requirements for branchwide SRL e-capabilities to facilitate interactive FAQ, triage functionality, and document assembly to guide SRLs through the process, and interoperability with the branchwide e-filing solution. The portal will be complementary to existing local court services.</p> <p>(b) Determine implementation options for a branch-branded SRL E-Services website that takes optimal advantage of existing branch, local court, and vendor resources. In scope for 2016 is development of an RFP; out of scope is the actual implementation.</p>	2	<p>Judicial Council Direction:</p> <p>Tactical Plan for Technology Goal 1: Promote the Digital Court: Implement Portal for Self-Represented Litigants (SRL)</p> <p>Origin of Project:</p> <p>Tactical Plan; next phase of project following feasibility and desirability assessment from Annual Agenda 2015.</p> <p>Resources:</p> <p><i>ITAC:</i> Workstream</p> <p><i>Judicial Council Staffing:</i> Information Technology, Center for Families, Children and the Courts (CFCC)</p> <p><i>Collaborations:</i> Alternative Dispute Resolution (ADR) Subcommittee of the Civil and Small Claims Advisory Committee (C&SCAC) standing subcommittee; Advisory Committee Providing Access & Fairness; CEAC, TCPJAC, and their Joint Technology Subcommittee; CITMF, the Southern Regional SRL Network, and the California Tyler Users Group (CATUG)</p> <p>Key Objective Supported: Goal 1</p>	December 2016 (12 months)	<p>SRL Portal Requirements Document</p> <p>Request for Proposal (RFP)</p>

The Critical Role of the State Judiciary in Increasing Access for Self-Represented Litigants: *Self-Help Access 360°*

The explosion of online applications for a variety of business transactions means that more and more, Americans are living their lives online. We are able to shop, manage our household finances and conduct many official transactions online. With internet technology accessible through a variety of portable devices, we are not only able to conduct business from home; we are also able to do so while in the car, at our child's band concert and while getting coffee at the local Starbucks. The paperless transaction is more common every day and there are electronic solutions to virtually every possible paper transaction—from storing information on the cloud to scanning coupons on a shopper's phone to electronic airline tickets.

By contrast, the legal world remains paper-bound in many respects. The United States Supreme Court's 2014 year-end report on the activities of the federal courts included commentary from Chief Justice John Roberts on the Court's philosophy of technology. Roberts makes plain the business case for the federal judiciary's use of technology, starting with a clear statement on the intended beneficiary of technological innovations:

Article III of the Constitution specifies the distinctive role of the federal courts, which sets the judiciary apart from other private and public institutions. Article III invests the federal courts with a strictly limited power, and responsibility, to decide prescribed categories of “cases” and “controversies.” Under our constitutional scheme, the courts are neutral arbiters of concrete disputes that rely on parties with genuine grievances to initiate the process and frame the issues for decision. The courts' passive and circumscribed role directly affects how courts deploy information technology. *The courts understandably focus on those innovations that, first and foremost, advance their primary goal of fairly and efficiently adjudicating cases through the application of law.*¹

This narrowly-focused vision is intentional, and the report argues that “the federal courts, including the Supreme Court, must often introduce new technologies at a more measured pace than other institutions...”² Roberts cites the government procurement process, concern for security and confidentiality, and the implementation challenges of decentralized federal courts as reasons for the “more measured pace” of technological advancement, but also explains that the “judiciary has a special duty to ensure, as a fundamental matter of equal access to justice, that its case filing process is readily accessible to the entire population” and he notes that “procedural fairness begins in the clerk's office.”³

¹ “2014 Year-End Report on the Federal Judiciary,” December 31, 2014, <http://www.supremecourt.gov/publicinfo/year-end/2014year-endreport.pdf>, at 4 (emphasis added).

² *Id.* at 8.

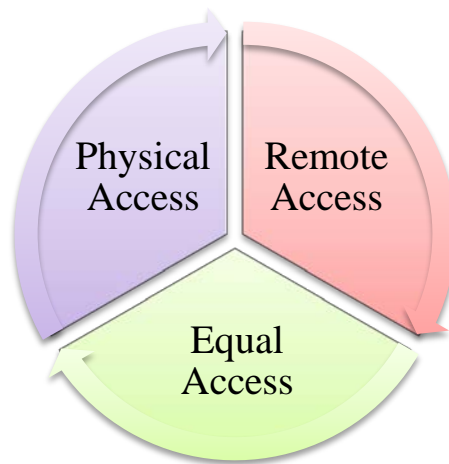
³ *Id.* at 9.

The primary technological manifestation of this narrowly prescribed role for the federal courts is their case management and electronic case filing system or CM/ECF, which the report states has “revolutionized case docketing and administration.”⁴ The Chief Justice indicates that the federal courts’ CM/ECF system “is vitally important to the cause of justice because it can make the courts more accessible, and more affordable, to a diverse body of litigants...”⁵

The Supreme Court’s report highlights the inherent tension between technology and tradition, and is careful to frame technology not as an end unto itself, but as a tool for increasing access and facilitating the work of the courts. It is a tool that must be employed wisely, even if that means being behind the curve in terms of technological advancements in the courts. Roberts has plainly stated the role and objectives of the federal courts and how they must employ a deliberative process to harness technology to meet those goals, instead of chasing “beneficial innovations that are nonetheless bound for obsolescence from the moment they launch.”⁶

Access to Justice in California

In addition to work being done in the federal courts, there is increasing interest in leveraging technology to achieve access goals in state courts nationwide. California’s Chief Justice, Tani Cantil-Sakauye, has proposed a concept called *Access 3D* in which she highlights three key aspects of access to justice: 1) physical access; 2) remote access; and 3) equal access. Through this proposal, the Chief Justice established a framework for prioritizing future investments and reinvestments in our courts and evaluating and pursuing those initiatives that will provide the greatest benefits to California courts and court-users.



The first of these three dimensions of access is *physical access*, the importance of having courthouses that are open for business, where litigants can get their legal business done.

⁴ *Id.* at 5.

⁵ *Id.* at 5.

⁶ *Id.* at 3.

Improving access to a physical courthouse requires funding to modernize brick and mortar facilities, as well as investments in personnel and in-person processes.

The second dimension is that of *remote access*, or the goal of getting litigants out of a physical line at the courthouse and allowing them to transact their business online. Remote access includes services such as interactive document assembly, electronic communications with the court and remote appearances. Ultimately, the promotion of remote access is meant to both facilitate access in general and to free up resources for those cases that require a personal appearance or the need to “stand in line” in a physical location.

The third aspect of the Chief Justice’s proposal is that of *equal access*, or the ability of a variety of populations who experience a barrier of some kind, including the disabled, those with limited English proficiency and those who cannot afford an attorney, to have access to the justice system in equal measure with those who do not experience these barriers. Equal access is a foundational element of improving both physical and remote access to the courts.

In each of these three interlocking elements of access, technology has an important role to play. Technology solutions are applied to building projects, the modernization of facilities, and the modernization of court processes in order to allocate our human resources more efficiently. Remote access is generally achieved through internet functionality and can include a range of applications and programs, from access to case information to setting up a remote appearance via videoconference. Finally, technology is critical to equal access and levels the playing field by providing solutions to disability barriers, translation and interpretation for those with limited English proficiency and information for those who are representing themselves.

Self-Help Resources and Initiatives in California

Using both technological interventions and human resources, California has already made great strides in connecting self-represented litigants with the information they need to engage with the courts and assert and protect their interests. The Judicial Council’s statewide Self-Help website contains a wealth of information on legal processes, including divorce, small claims cases and eviction and other housing disputes. Many family law forms and information sheets are available in Spanish and domestic violence forms are available in Spanish and in Chinese, Korean and Vietnamese. Each of the county superior courts has a Family Law Facilitator who provides support and information on child support and other family law matters. Most of the superior courts also have a self-help center that provides assistance in a wide range of civil matters.

Self-help centers have served as incubators of innovation in outreach and service to self-represented litigants—they have developed workshops to help lead litigants through the necessary paperwork to file for divorce, to request a domestic violence restraining orders and to petition the court for a guardianship or conservatorship. Self-help centers have also forged community connections with local law libraries and developed programs that use volunteer

attorneys and law students to provide low-cost services to a broader spectrum of court users. In collaboration with the Judicial Council, several self-help centers and local courts have developed interactive document assembly programs that help their own employees get forms filled out properly in workshops or individual consultations for a variety of processes and can be made available to the general public for remote, individual use. Other self-help centers have developed step-by-step form instructions, which can be written instructions to accompany the form, or in some cases audio files that provide oral instructions for each section of a form. These types of solutions seem to be among the most desired based on a recent California Courts Website Survey, which found that the top three answers to the question “I would like to see this kind of feature on this website:” were:

1. Step-by-Step for Forms
2. Mobile Optimized
3. Video Tutorials⁷

The Judicial Council currently provides links to many of these local court resources on its Equal Access webpages, but is looking at a re-design of the self-help website that would leverage these solutions for the greater public in order to meet the needs expressed through the website survey.

In addition to working on the development of these interactive tools for form completion, the branch is also looking at the possibility of mobile-optimized content, particularly for the static information currently available on the Self-Help Center website. The state-of-the-art in this realm appears to be “responsive optimization” which adjusts the display of content for the whole range of mobile devices that could be used to access it—everything from the smallest SmartPhone screen, to a portable tablet with a screen size closer to that of a small laptop computer.

There is growing statewide collaboration on document assembly programs in the local courts, with the current program of choice being HotDocs, a document assembly solution hosted by Law Help Interactive, and provided to the branch and by extension to the courts, at a very low cost. A 2012 article on technology and access issues authored by several members of the access community nationwide, noted the importance of collaboration among courts and self-help entities under an “ecosystem” model, in which standardized modules are developed to help litigants complete discrete tasks (i.e., filing for a divorce, petitioning for a limited conservatorship). The ecosystem approach means that “Not only can application modules based on open technical standards be easily integrated, they can also be reused readily in different jurisdictions at low cost...thus, the ability to significantly leverage ever-scarcer resources to rapidly scale useful solutions...”⁸ Because the work of the branch on document assembly is based on this ecosystem concept, the standards developed should be easily adapted to a variety of

⁷ California Courts Website Survey Results 2014, at 16.

⁸ Cabral, et al., “Using Technology to Enhance Access to Justice,” *Harvard Journal of Law & Technology*, Volume 26, Number 1 Fall 2012, at 284.

solutions for self-represented litigants, depending on the solutions and programs sought by the individual courts.

A Vision for Technology in the California Judiciary

Heeding the call to take a measured approach to the use of technology in our court system, California also has moved slowly and deliberately with regard to employing new technology to improve access to justice. The importance of electronic case management to the functioning of the courts cannot be understated. However, the superior courts and the Legislature have made clear that electronic case management systems and the implementation of electronic filing are important goals, which must be pursued at the individual court level or in self-selected consortia. This is an area in which the state must provide overarching guidance, but defer to the operations of individual courts. By contrast, the issue of access—physical, remote and for all Californians, particularly those who are self-represented—is primed for additional investments and particularly those that leverage technological solutions.

In August 2014, the Judicial Council’s Technology Planning Task Force issued a vision for the use of technology by the branch, based on a 2012 Technology Summit and ongoing strategic planning around technology in the courts.

Technology Vision: *“Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.”⁹*

Building on this vision and existing principles for the use of technology, the Task Force proposed a set of Technology Principles that are designed to guide the work of the branch in seeking out, funding and implementing technology initiatives.

Technology Principles:

1. Ensure Access and Fairness. Use technologies that allow all court users to have impartial and effective access to justice.
2. Include Self-Represented Litigants. Provide services to those representing themselves, as well as those represented by attorneys.
3. Preserve Traditional Access. Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
4. Design for Ease of Use. Build services that are user-friendly, and use technology that is widely available.
5. Provide Education and Support. Develop and provide training and support for all technology solutions, particularly those intended for use by the public.

⁹ Technology Governance, Strategy, and Funding Proposal Executive Summary, Technology Planning Task Force, August 21, 2014 at 3.

6. Secure Private Information. Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. Provide Reliable Information. Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. Protect from Technology Failure. Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. Improve Court Operations. Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. Plan Ahead. Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
11. Improve Branchwide Compatibility through Technology Standards. Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.
12. Consider Branchwide Collaboration and Economies of Scale. Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. Foster Local Decision-Making. Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. Encourage Local Innovation. When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.¹⁰

E-filing in the Superior Courts

California has made great strides toward universal electronic filing of superior court cases with the passage of bills allowing for e-filing in particular contexts, and the resulting updates and modernization of the California Rules of Court, which also contain protocols for electronic signatures and electronic notice. Some courts are moving quickly to offer e-filing capabilities through consortia formed with the purpose of implementing new case management systems.

A fully functioning e-filing system (as opposed to “e-delivery,” which allows for documents to be delivered to a court email address or other electronic drop box, but does not integrate those documents into the court’s case management system) requires both an electronic filing service provider (EFSP) to receive the filing, and a electronic filing manager (EFM), to serve as a “translator” of the information received on the forms from the EFSPs and deliver that information into an individual court’s case management system.

In California, local courts that are pursuing e-filing are working with their case management system vendors to determine a certification process for e-filing service providers (EFSPs) and an

¹⁰ *Id.* at 3-4.

appropriate number of EFSPs for certification. They will also be contracting with a vendor for the development of an EFM to communicate with their case management systems, in order to deliver the benefits of truly paperless filing.

Early experiences with e-filing, both in California and in other states, suggest that many private vendor EFSPs are not focused on serving the market segment of self-represented litigants, many of whom are indigent and qualify for fee waivers. The access community believes that the exclusion of self-represented litigants from electronic filing “has the potential to enlarge the access to justice gap in the long run.”¹¹ Electronic filing is an area in which a slight tip of the balance means that the technology tool is no longer used to achieve greater access; rather, it becomes a barrier. The California judicial branch has the opportunity to “place a finger on the scale” in favor of low-income and self-represented litigants by developing the capacity to serve as the EFSP and EFM for all self-represented litigants in the state.

In other states, the judicial branch serves as either a sole EFSP or sole EFM for all forms of electronic filing (or manages contracts with outside vendors for these services) on behalf of all courts throughout the state. In California, the Judicial Council can ensure that electronic filing is available to all court users by serving as a one-stop EFSP and EFM for self-represented litigants. This function is the culmination of the work currently being undertaken to apply user-centered design concepts to the information currently available on the statewide self-help website and is the final link in providing full and equal access to the courts for self-represented litigants.

Court Technology Advisory Committee Project

With the branch’s vision and guiding principles as the basis for making new investments in technology, the Judicial Council, under the auspices of the Court Technology Advisory Committee, has engaged in a process of research and evaluation of the services currently being offered statewide to increase access to justice and how the branch and courts can leverage technology to expand and improve upon these services, provide them at a lower cost and more efficiently, and reach more Californians who need help with a legal problem.

This research and reflection involved assessing our existing resources (current self-help web content, court technological capabilities and in-house technological expertise, among others) as well as reviewing feedback from the courts and the public on their expectations for technology in the legal realm. In addition, we studied a variety of technology deployments in other states and heard from vendors and programs nation- and worldwide on current offerings and capabilities for courts, legal aid agencies and self-help centers.

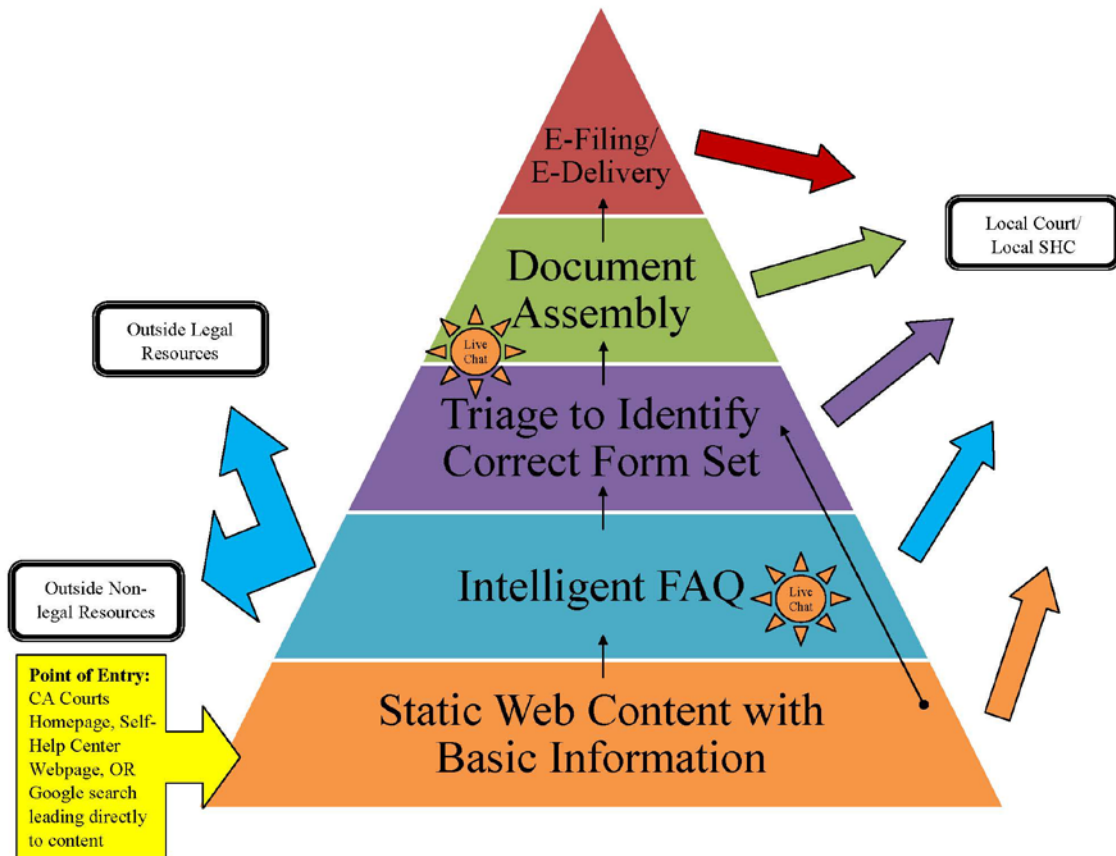
¹¹ Cabral, et al., “Using Technology to Enhance Access to Justice,” *Harvard Journal of Law & Technology*, Volume 26, Number 1 Fall 2012, at 253.

Our charge was to identify a project or series of projects that combine access goals with technological innovations and a strategy for implementation for the judicial branch to act upon during the 2015-16 fiscal year.

This proposal sets forth a vision for the functioning of the statewide self-help website that comports with the branch’s Technology Vision and Principles, the Chief Justice’s *Access 3D* initiative and the need for a one-stop resource for self-represented litigants. Because the state courts website receives millions of visits and pageviews each year and is a known resource for self-represented litigants, we recommend expanding our use of technology to leverage and build upon this resource as a low-cost measure that has the potential for far-reaching positive effects.


Self-Help Access 360°

The current Judicial Council Self-Help Website offers information on a wide range of legal processes and is a valuable resource for those representing themselves in court or needing to access the courts because of a legal problem. The *Self-Help Access 360°* project builds upon this existing content and creates a multi-tiered approach to providing information and support to anyone seeking help on the website.



The first level of support provided (in orange) is immediately available at the various points of entry to the website, including via Google search, and provides links directly to the pertinent content. It will be important to ensure the timeliness of legal information currently on the website and some measure of reorganization to ensure that search terms lead to the most appropriate content. Currently, much of the content available on the website includes a recommendation to seek the advice of an attorney depending on specific variables. ***We propose continuing this approach of identifying “red flags” for the need to consult an attorney or seek out other resources and working on ways to reconfigure existing content to make it easier to locate and understand.***



 At various levels of the SRL support pyramid, there are “exit points” at which a user might receive a recommendation that their needs may be better met through an outside resource, including legal, non-legal and local court resources. One example of this situation is if an SRL from Los Angeles County were to seek information on the statewide self-help website regarding how to handle a traffic citation in Los Angeles. Because Los Angeles already offers audio help in English and Spanish on its local website, someone seeking help on the statewide website should be immediately pointed back to their county website. ***It will be critical to collaborate with local courts to ensure that these exit points are appropriately placed, particularly when local courts have services or functions that the state cannot deliver or cannot deliver with the same specificity as the current local court solution.***

The second level of support (in blue) is available when a person has not found the answers to their questions or necessary instructions in the static web content. An “intelligent FAQ” is a technological innovation that allows a company or agency to build a body of answers and information over time, based on specific questions asked by the public. The program uses internal logic to point users to existing content based on key words in their questions. If the user continues to require information or has not found what he or she is looking for, the program prompts a moderator or moderators, who are subject matter experts, to receive questions, sort and send them out as needed, or answer them directly and use the question and answer to continue to build the information available on the website for future users. The information can also be presented and managed in Spanish, which would allow us to use our existing content in Spanish and build upon these FAQs as well. The Orange County Superior Court provides this type of program on their website for a limited number of subject areas. ***We propose learning from Orange’s experience, determining a single subject area with which to begin, and seeking out a program that can be managed through the statewide California Courts website to begin offering this functionality.***





While the objective of the services offered at each level is to answer as many questions and provide the maximum amount of information possible, sometimes there is no substitute for a personal conversation and Live Chat technology can be used to provide that personal service remotely for those website users who need additional help. It may be possible to collaborate with the legal aid community and other partners to provide Live Chat with volunteer attorneys or law students, or to build upon the existing “Ask a Law Librarian” function. ***Due to cost considerations, we propose rolling out these features in stages, with the exploration of Live Chat being the final step, in order to ensure maximum use of static content and the buildable FAQ prior to determining what should be invested in the Live Chat capability.***

The third level of support (in purple) assumes that website users have determined that they need a form or set of forms in order to conduct some business with the court. The website would provide some very basic “triage” questions in order to guide the user to the correct form set for completion. ***We propose starting with a single subject area and developing a set of high-level questions to guide a website user to the proper forms.***



The fourth level of support (in green) involves providing document assembly programs online for the general public. Currently, there are only a handful of these programs available in a limited number of case types directly from the courts. There are a number of private services available and others in development through a large consortium of courts who are using the same case management system. ***We propose continuing to develop document assembly modules on a statewide level and collaborating with other efforts to ensure consistency of content and quality in those programs available to self-represented litigants.***



The apex of the pyramid, and final level of support provided to self-represented litigants (in red), is the ability to either electronically deliver or electronically file documents with the local courts from the state self-help website. In examining the various e-filing models being implemented in California and across the country, it is clear that an important service that the branch can provide self-represented litigants is a single location on the web for filing forms. ***We recommend offering an e-filing portal (EFSP) on the self-help website with initial capability to effectuate e-delivery and eventually developing a statewide EFM for self-represented litigants that will allow for integration into the case management systems of each of the 58 superior courts for direct e-filing.***

How Does Self-Help Access 360° Fulfill the Technology Vision and Principles of the Branch?

This initiative will require internal collaboration and the best and highest use of our existing resources and capabilities as a branch. It will require working with the local courts in order to ensure consistency of the information provided to the public and that we are meeting the needs of the local courts while increasing access for the general population of court users. The project will consider the need for security and confidentiality in the use of technology and will work towards branchwide consistency and compatibility. The project will respect the need to preserve and continue to enhance traditional avenues of access as well as respecting the autonomy of local courts, while encouraging collaboration in order to achieve economies of scale in the deployment of technological solutions. Finally, the development of a single e-filing service portal, together with a single, statewide e-filing manager that is designed to work with all case management systems in the state, fulfills a need for access to e-filing and e-delivery of the state's self-represented litigants. This will be a service to both the courts and those court users who are indigent or who otherwise would be challenged in accessing the courts without an attorney.

How Does Self-Help Access 360° Fulfill the Vision of Access 3D?

The *Self-Help Access 360°* initiative addresses all three of the elements described in *Access 3D*. First and foremost, there is a focus on equal access and creating avenues to information and assistance on the website. The program would build upon existing remote access capabilities within the branch and expand and improve the user interface. The improvements made to website functionality should result in higher-quality filings, fewer questions to staff and less need to stand in line to conduct court business. Finally, the consolidation of the e-filing service provider and e-filing manager into a single statewide function provides an important service to both the courts and the citizens of California who need to access them.

Summary of Recommendations and Next Steps

The *Self-Help Access 360°* support pyramid builds on an existing resource—our California Courts Self-Help Center website and its content—and adds technological innovations such as interactive FAQ, document assembly and electronic filing capabilities in a way that serves both our superior court customer base and the need of the public for greater and improved access to the courts. While the work on the website and with document assembly programs is ongoing, CTAC may want to consider establishing an SRL Portal Workstream, which would work in collaboration with the existing E-filing Workstream and have a more narrow focus on ensuring e-delivery and e-filing capabilities for self-represented litigants statewide. The goal of the SRL Portal Workstream would be the following:

- Develop requirements for establishing a statewide SRL portal that is e-delivery/e-filing-ready based upon collaborative work with the E-Filing Workstream. In addition to e-delivery/e-filing capability, other key functionality of the portal will include document assembly, interactive FAQ and a triage function with questions that will help guide self-

represented litigants through the process. The portal will prioritize directing litigants to their courts for services that exist locally.



JUDICIAL COUNCIL OF CALIFORNIA

ADVISORY COMMITTEE ON PROVIDING
ACCESS AND FAIRNESS

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ADVISORY COMMITTEE ON PROVIDING ACCESS AND FAIRNESS

MINUTES OF OPEN MEETING

October 14, 2015

10:00 a.m. to 4:00 p.m.

Judicial Council of California

Advisory Body Members Present: Hon. Kathleen O’Leary, Co-chair, Hon. Laurie Zelon, Co-chair, Hon. Sue Alexander, Ms. Cherri Allison, Hon. Craig Arthur, Hon. Diana Becton, Ms. Deni Butler, Ms. Nancy Eberhardt, Hon. Ana España, Ms. Ana Maria Garcia, Ms. Tammy Grimm, Hon. Maria Hernandez, Hon. Teri Jackson, Hon. Victoria Kolakowski, Hon. Lia Martin, Hon. William Murray, Jr., Ms. Julie Paik, Ms. Carol Ross-Burnett, Ms. Melanie Snider, Hon. Bobbi Tillmon, Ms. Kimberly Tucker, Hon. Juan Ulloa, Hon. Vanessa Vallarta, Hon. Erica Yew, and Ms. Rheeah Yoo

Advisory Body Members Absent: Hon. Ginger E. Garrett, Hon. Mark Juhas, Ms. Leigh Parsons, Mr. Bruce Soublet

Others Present: Ms.Carolynn Bernabe, Mr. Rod Cathcart, Ms. Bonnie Hough, Ms. Linda McCulloh, Hon. James Mize, Ms. Jennifer Walter, Ms. Julia Weber, and Ms. Kyanna Williams

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:05 a.m. and took roll call.

Approval of Minutes

No meeting minutes to approve.

DISCUSSION AND ACTION ITEMS (ITEMS 1–9)

Item 1

Member Introductions

Item 2

Public Comment

Two members of the public provided comment about challenges litigants face in foreclosure lawsuits.

Item 3

Overview of Annual Agenda

Item 4

Discussion and Possible Action on Draft Project Proposals:

- **Draft Access, Fairness and Diversity Self-Assessment Tool for Courts**
Project Group: Gender Fairness/ Women of Color Focus Group Data
(See pg. 24, <http://www.courts.ca.gov/documents/paf-20151014-materials.pdf>).

Judge Diana Becton and Ms. Kyanna Williams presented the “Access, Fairness and Diversity Self-Assessment Toolkit”, which was developed by Judicial Council staff with input and feedback from PAF members. The toolkit was inspired by access, fairness and diversity concerns that judicial officers, court personnel, and members of the bar raised during a series of focus groups conducted by PAF. PAF’s working group on Gender Fairness/ Women of Color Focus Groups compiled and reviewed the focus group comments and determined that more education was needed, at all levels of the courts, to address the concerns raised in the focus groups.

The toolkit helps courts: 1) voluntarily look at how they are working to achieve access, fairness and diversity in their court; 2) get ideas about other aspects of access, fairness, and diversity they may want to improve on; and 3) obtain links to existing educational and training resources that may help the courts achieve their goals of improving access, fairness and diversity. The tool is intended to be a living document which will change over time as newer educational resources become available. The tool can be shared with courts throughout the state, used as a handout in educational programming, and placed on Judicial Resources Network. The committee discussed the tool and members suggested minor changes, including the addition of a few educational links.

Action: Subject to the recommended changes being incorporated, the committee voted to support efforts to both inform courts about the tool and encourage courts to consider using it. The Cochairs will work with staff to make final determinations on strategies for PAF to help share and promote the tool.

- **Draft Implementation Recommendations for the Judicial Council Economic Access Protocol**
Project Group: Economic Access
(See pg. 39, <http://www.courts.ca.gov/documents/paf-20151014-materials.pdf>).

Justice Laurie Zelon presented recommendations for fully implementing the Judicial Council’s 2001 Economic Access Protocol. The protocol seeks to identify and address existing barriers to the courts for low and moderate-income people. The protocol also seeks to prevent actions, rules, standards, and forms adopted by the council from creating additional barriers to the courts for low and moderate-income people. Justice Zelon explained that while positive steps have been taken since 2001 to implement the policy, additional steps have been identified that will assist in fully implementing the policy. The committee discussed the draft recommendations. Members had no suggested changes.

Action: The committee voted to approve the recommendations. The Cochairs will work with staff to determine next steps.

- **Draft Recommendations to the Judicial Council Re. Improving Access and Fairness in Traffic Court Processes**
Project Group: Court Processes Affecting Self-Represented Litigants
(See pg. 44, <http://www.courts.ca.gov/documents/paf-20151014-materials.pdf>).

Judge Craig Arthur presented draft recommendations for improving access and fairness in traffic court processes. In the committee discussion members suggested ways to clarify some recommendations and ways to combine recommendations that touched on interrelated traffic issues.

Action: The committee approved the draft recommendations in concept. The Cochairs will work with Judge Arthur to incorporate the suggested changes. The Cochairs will make determinations as to next steps for moving forward with the recommendations.

Item 5

Judicial Diversity Summit Recommendations

- Judge Diana Becton, Judge Bobbi Tillmon, Judge Erica Yew, and Justice William Murray each made presentations related to diversity pipeline programs that they are involved with, either at the state-wide or local court level.

Item 6

Discussion of Committee Work Moving Forward

- PAF Cochairs, Justice Kathleen O’Leary and Justice Laurie Zelon, discussed the goal of increasing member engagement in the full scope of the committee’s work. The Cochairs explained that moving forward, the committee should focus on discussing projects and policy proposals as a full committee rather than as separate project groups. The Cochairs will occasionally ask one or more committee members to volunteer for very short-term work on small portions of committee projects (ex. research, writing, information-gathering).

Item 7

Working Lunch

- PAF members separated into groups to discuss thoughts about the full committee’s feedback on the morning’s project proposals and to brainstorm ideas for future projects/ policy recommendations the committee may want to consider.

Item 8

Discussion

- Report Back from Project Groups:
 - **Project Group: Gender Fairness/ Women of Color Focus Group Data**
 - **Ideas for Potential Future Projects/ Policy Recommendations:**
 - Conduct follow-up on the Model Mentorship Program for Trial Court Staff. Check in with the 4 initial courts that participated in the program to see what the status is of the program.
 - Revisit the 2011 Pathways to Achieving Judicial Diversity in California Courts book to determine whether new information should be added and whether it can be made more comprehensive.
 - **Project Group: Economic Access**
 - **Ideas for Potential Future Projects/ Policy Recommendations:**

- Explore how technology can help address issues of access in areas like forms preparation; video appearances; online mediation; and online courses for staff/volunteers.
- Explore with CJER whether there are ways to increase education for judicial officers on fee waivers and making determinations about the litigant's ability to pay.
- **Project Group: Court Processes Affecting Self-Represented Litigants**
 - **Ideas for Potential Future Projects/ Policy Recommendations:**
 - Explore creating an avatar for use on the statewide court website, to guide court-users through common courts processes that have heavy self-represented litigant calendars.
 - Recommend developing more mediation programs.
 - Explore ways to lower the reading level on the statewide court website down to a 6th grade level.
- **Reports from Internal Liaisons**
 - The committee heard reports from:
 - Language Access Plan Implementation Taskforce – Justice Zelon
 - Commission on the Future of California's Court System – Justice O'Leary
 - Family and Juvenile Law Advisory Committee – Ms. Julia Weber
 - Shriver Civil Council Act Implementation Committee – Ms. Bonnie Hough
 - Tribal Court - State Court Forum – Ms. Jennifer Walter and Judge Juan Ulloa
- **Access and Fairness in our Work**
 - Committee members had a general discussion about challenges and problems related to access and fairness that they see in their everyday work.
- **Conference of Chief Justices: Resolution on Meaningful Access for All**
 - Committee members had a general discussion about how concepts raised in the resolution might relate to PAF's work.
- **Incorporating Today's Access and Fairness Ideas Into PAF's Work**
 - Committee members had a general discussion about the committee's current annual agenda and how the Resolution on Meaningful Access for All, as well as other access, fairness and diversity concerns relate to the annual agenda.

Item 9

Educational Presentation and Discussion

- **CJER Educational Resources on Access, Ethics, and Fairness**
 - Mr. Rod Cathcart gave a presentation about how to effectively search for educational resources on Access, Ethics and Fairness through the password protected website CJER Online.
- **Governor's Traffic Amnesty Program Guidelines**
 - Mr. Bob Fleshman gave a presentation on California's Traffic Amnesty Program, which launched in all courts on October 01, 2015.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:50 p.m.

Pending approval by the advisory body on January 13, 2016.

DRAFT