



Self-Represented Litigation Network

Best Practices Checklist

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An Introduction to the Checklist

This **Best Practices Checklist** allows a court to assess the extent to which it is following the procedures and practices that national experts consider optimal in dealing with self-represented litigants. The **Best Practices Checklist** is based on the document, *"Best Practices in Court-Based Programs for Self-Represented Litigants: Concepts, Attributes and Issues for Exploration¹"* (referred to here as "*Complete Guide*") which contains a lengthy discussion of best practices that have been articulated by various workgroups within the Self-Represented Litigation Network and collected in a single best practices document. The *Complete Guide* represents a consensus of the opinions of local, state and national experts – persons who work with self-represented litigants and programs designed to serve them on a regular or full-time basis – concerning programmatic approaches that work well.

Best Practices are not necessarily appropriate for all courts; some are appropriate only in particular settings. This **Checklist** is provided so that courts can see the ideas proposed by national experts and determine which to adopt or modify. If you choose to adopt one of the ideas from the **Checklist**, we strongly suggest that you look at the *Complete Guide* for suggested program attributes. The *Complete Guide* contains a great deal more information on each suggested program.

Part I. Checklist for Self Help Offices and Services

Public Information, Training and Assistance Programs.

One. Create a Courthouse Concierge Desk

Key Ideas:

- Staff at the desk welcome and direct all customers who enter the courthouse to appropriate services.
- Staffed by volunteers and/or staff.
- Provides assistance services and basic information about the court.
- Changes the face of the court to the world.

Two. Create a Self Help Website

Key Ideas:

- Effective method to provide the informational component of access to justice.
- After initial development costs, they are cost effective with only ongoing updates and maintenance costs.
- Partners can link websites of services provided.

¹ The Complete Guide is available on-line at www.SelfHelpSupport.org.

Three: Create a Self Help Center

Key Ideas:

- Provides information about court procedures and the law either on a one-on-one basis or in workshops.
- Can be more engaged with litigants than merely providing general information on a website.
- Provides appropriate forms, helps litigants complete them, and helps litigants prepare for court appearances.
- Increases litigant satisfaction and improves court operations.
- Note: These centers do not provide legal advice.

Four: Maximize the Nearest Law Library as a Resource Center

Key Ideas:

- Can be a major source of assistance and support to litigants.
- Library staff are often expert in finding the law, and can assist litigants in using tools to find and understand the law.

Five. Create Written Multi-lingual Information

Key Ideas:

- Materials should be multilingual and include community resource listings.
- Can be distributed through a wide variety of technologies.
- Bilingual volunteers can assist with translations.

Six. Prepare Videos/PowerPoint Slides

Key Ideas:

- Video and PowerPoint training materials are low-cost programs to help litigants prepare for court.
- Can show what court is like, introduce the court players, lessen intimidation, and introduce key legal and evidentiary concepts.
- Helpful for those for whom written materials are less effective.
- PowerPoint presentations are inexpensive and easily changed.

Seven. Enact Rules in Support of Court Information Programs

Key Ideas:

- Rules can clarify the responsibilities of program staff and the scope of services provided by a self help center.

Eight. Use Library and Community Access Points

Key Ideas:

- Train staff and volunteers in these locations throughout the community on the written and website materials available to litigants.
- Trained staff help litigants with use of the computer to locate information and complete forms, provide language assistance, and help individuals to understand the court process and materials obtained.

- Provides resources to a wide variety of community access points which are supportive of individuals seeking information about court processes.

Community Outreach and Access Programs.

Nine. Provide Community-Education Workshops and Clinics

Key Ideas:

- Can be targeted clinics in which court proceedings and legal issues in a particular area of the law are explained and in which individual assistance is then provided to answer litigants' more specific questions.
- Cost effective ways of educating litigants regarding the law and court procedures, and to prepare them for the court system.
- Effective at preventative education of the community at large, so that community members are more likely to avoid legal problems or at least can enter the legal system better educated.

Ten. Create a Mobile Self Help Center

Key Ideas:

- A bus or van is outfitted with computers, self help materials, and a desk or desks for staff to use in consulting with persons seeking information and assistance.
- An effective, although expensive, way of communicating the commitment of a court to community outreach.
- Allows service to communities that are physically distant from the court.

Gateway Services in Support of Case Starting/ Responding

Eleven. Establish an Initial Assessment Processes

Key Ideas:

- Triage may take place within the self help center, or in a separate setting that would provide referrals to a variety of resources.
- Many view the initial assessment as critical to effective delivery of services.
- Ensures that litigants are obtaining services and assistance appropriate both to the case in which they are involved, and to their individual abilities.

Twelve. Provide One-on-One Assistance

Key Ideas:

- Uses staff and pro bono attorneys to provide one-on-one assistance.
- Provides more help than group or counter-based service delivery.

Thirteen. Provide Workshops and Training.

Key Ideas:

- Uses workshops to walk litigants through form completion, and to prepare for a hearing.

- Delivery of workshops can vary widely from single presentation to multiple sessions for preparing paperwork.

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

Fourteen. Create Forms and Documents

Key Ideas:

- Creates simple, easy to use and self help friendly forms and documents.
- Facilitates entry into the dispute resolution system, provides better data to decision makers, increases speed of the overall process, and increases comprehension of the whole system.
- Improves the likelihood that a self-represented litigant will complete the process and that disputes will be decided correctly on the merits.

Fifteen. Develop Document Assembly Software

Key Ideas:

- Software takes users through branching questions to complete forms which are then printed out or filed electronically.
- Supports the completion of forms, allows entry of repetitive information once, and focuses on the information needed to complete the form.
- Educates litigants on what is relevant to their claims.

Sixteen. Implement Customer-friendly Electronic Filing

Key Ideas:

- Must be designed from the ground up for ease of use by lay litigants.
- Poorly designed system may increase rather than reduce barriers to access.

Seventeen. Create Rules in Support of Form and Process Standardization

Key Ideas:

- Standardized forms are a critical first step in opening the system to those without lawyers.
- Makes software and form design investment possible, raises the overall quality level, and facilitates training and program support.

Part III. Checklist of Practices in the Courtroom

Eighteen. Establish Self-represented Litigant-friendly Judicial Practices

Key Ideas:

- A truly self help friendly court must change not only the processes that lead up to the courtroom, but also the way courtroom proceedings are conducted.
- Key is to manage the courtroom so that neutrality is enhanced by making the systems work for all, regardless of whether they have a lawyer.

Nineteen. Make Attorneys Available to Assist and Expedite

Key Ideas:

- Attorneys can review the case files before a case is called. They can triage the case, answer procedural questions when referred by the judge, assist in completing or updating the required court forms so the case may go forward, provide referrals to services outside the courtroom, and prepare orders following a hearing when needed.

Twenty. Create Written Orders Immediately upon Decision

Key Ideas:

- Litigants leave the courthouse with an order embodying the results of the court hearing.
- Providing litigants with immediate orders makes it easier for the parties to accept finality and obtain the services they may need for the next step.

Twenty One. Use Attorneys to Provide Courtroom Settlement Assistance

Key Ideas:

- Provides litigants with the opportunity to settle their cases at their first court appearance.
- Most self-represented litigants are able to resolve their disputes with the help of a court-based self help attorney or volunteer attorney acting as a neutral third party, but rarely will do so on their own prior to the hearing.

Part IV. Checklist of Discrete Services, Pro Bono and Volunteer Programs

Twenty Two. Allow Discrete Services

Key Ideas:

- Allows attorneys to provide assistance within the attorney-client relationship for specified tasks or certain portions of the case, with the specific allocation of responsibility being decided jointly by the attorney and the client.
- Focuses legal assistance on those aspects of the matter where it provides the greatest benefit, reduces the cost to the client, and facilitates the court's work by reducing continuances and confusion caused by litigants' unfamiliarity with the court process.

Twenty Three. Encourage Pro Bono Attorney Involvement at Self Help Center

Key Ideas:

- Volunteer attorneys can work under the direction of the self help center staff.
- They can provide workshops, training videos, courthouse consultations and information in courtrooms.
- No attorney-client relationship is formed for this type of work.

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

Key Ideas:

- Provides seamless system of referrals for cases not appropriate for self-representation, using limited scope services or pro bono services.
- Allows court staff to identify those case types or clients that are not being served by legal aid programs and identify a solution.
- Attorney-client relationships are formed, so work should be outside of the self help center.

Twenty Five. Establish a Reduced Fee Attorney Program

Key Ideas:

- Provides flexibility for both attorneys and litigants.
- Combines the benefits of pro bono and paid programs, while increasing access to justice.

Twenty Six. Establish Non-Attorney Volunteer Programs

Key Ideas:

- Under the direction of an attorney, self help centers can provide referral and make extensive use of volunteer navigator assistance, particularly when combined with technological information and tools.
- Paralegals require less supervision and training, and can provide greater levels of assistance.

Twenty Seven. Create Rules or Clarifications in Support of Discrete Services

Key Ideas:

- Enactment of rules or rules clarifications along the lines of those proposed in the ABA Ethics 2000 process can promote use of discrete services.

Part V. Checklist of Judicial Ethics and Training Ideas

Twenty Eight. Distribute Materials and Judicial Guidebooks in Support of Self-represented Litigant-friendly Judicial Practices

Key Ideas:

- Provide judges with educational materials, such as judicial guidebooks, that include analyses and scripts that help them develop personal styles that are consistent with their judicial approach, but supportive of access for those without lawyers and reflective of recent insights.

Twenty Nine. Clarify Ethical Rules in Support of Self-represented Litigant-friendly Judicial Practices:

Key Ideas:

- Provide clear authorization in rules for engaging in a non-prejudicial way with self-represented litigants to ensure that all sides are heard.
- Clarifies that ethical rules provide no bar to such engagement.
- Can be done as comments to the rules, or by other more informal state-specific mechanisms.

Thirty. Provide Curriculum and Educational Programs in Support of Self-represented Litigant-friendly Judicial Practices

Key Ideas:

- Provides education to judges.
- Can be included in all general new judge educational programs.

Part VI. Checklist of Post-Order Practices

Thirty One. Provide Compliance and Enforcement Support

Key Ideas:

- Most court programs provide more support for litigants at the beginning of the case more than at the end.
- Programs focused on support for enforcement of already issued orders will increase overall compliance with court orders and satisfaction with the court and its processes.

Part VII. Checklist of Court Management and Evaluation Practices

Thirty Two: Integrate Case Management

Key Ideas:

- Core principles of case management apply with equal force to self-represented litigant cases.
- System will run more smoothly when the court takes responsibility for maintaining cases' momentum and efficiency.

Thirty Three: Simplify Rules and Procedures

Key Ideas:

- Encourages a review of how the court handles cases of self-represented litigants and an assessment of the need for each procedural requirement.

Thirty Four. Conduct Broad Training of Courthouse Staff

Key Ideas:

- Educates all courthouse staff so that all feel responsible for the effective functioning of the system as a whole for those without lawyers.
- Self help programs should not be regarded as an "add-on", but should be considered as a core service.

Thirty Five. Develop Interpreter Programs

Key Ideas:

- Interpreter programs, while expensive, are critical to access to justice.
- The absence of such programs is particularly debilitating to those who must proceed without counsel.

Thirty Six. Conduct Litigant Satisfaction Surveys

Key Ideas:

- Re-orientes the court to needs of litigants and changes the court culture.
- The process can be as important as the data collected.

Thirty Seven. Collect Data and Evaluations

Key Ideas:

- Ongoing data collection and evaluation are critical to success.
- Courts can conduct self assessments or obtain the services of an outside consultant
- Modification of the case management system so that it provides aggregate data about self-represented litigant cases is of great value.

Thirty Eight. Act as a Convener for Innovation

Key Ideas:

- Enables the court to convene the varied players in the justice system because the court's neutrality is broadly trusted.

Part VIII. Checklist of Jurisdiction-Wide Strategic Practices

Thirty Nine. Participate in State and Local Task Forces on Self-Represented Litigants

Key Ideas:

- Encourages judicial involvement and support of task forces on self-represented litigation issues now in place in many jurisdictions that are playing a major role in spearheading innovation.

Forty. Develop a Self-Represented Litigant Strategic Plan

Key Ideas:

- Assists in maintaining focus and building consensus through a multi-component strategic plan.
- Facilitates ongoing self-evaluation.

Forty One. Study Access to Justice Needs

Key Ideas:

- Studies of the need for access to justice change the political and financial climate with respect to access to justice, since they show the breadth of

need, the wide range of constituencies that are not currently served, and the impact of those failures on the system as a whole.