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UNLAWFUL DETAINER ASSISTANCE PROGRAM

Continuum of UD Legal Services:
Hotline
Legal Clinics in Courthouses
I-CAN! Computer Kiosk
with Unique Vide Conferencing Link Providing Live Assistance by Hotline
Representation at Trial by Volunteer or Staff Attorney.

presentation by

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Problem: About 1,000 Unlawful Detainer Complaints are filed against tenants every month in San Diego County. The overwhelming majority of these tenants are indigent and unfamiliar with the law. Due to the current housing market with very limited low income housing available, many tenants have defenses to an eviction or may simply need time to relocate. Given the time constraints, it was hard to provide effective assistance to a large number of tenants. It was difficult for a hotline operator to assist a tenant to complete an answer and fee waiver over the phone. Housing staff attorneys needed to prioritize their time to provide legal representation to tenants with the strongest defenses. Consequently, many tenants fell through the cracks.

Innovation: The Legal Aid Society of San Diego, Inc., Pro /Bono Program (LASSD's Private Attorney Involvement component) developed the Unlawful Detainer Assistance Program to provide a continuum of UD services to the maximum number of tenants.

First, as notified on the UD summons, tenants have always called the LASSD Consumer Response Team (hotline) ("CRT") for legal assistance, where, after being screened for eligibility, they receive basic legal advice about the UD process. The innovation is that, in addition to giving legal advice, the CRT now refers the tenant to the I-CAN! computer kiosk and the Pro Bono Program UD clinic, both located in the courthouse for assistance to complete a UD answer and fee waiver. The UD Court Clerks also refer tenants to the I-CAN! and the UD Clinic.

I-CAN! is a kiosk and web-based legal services system designed to provide convenient and effective access to vital legal services, developed by the Legal Aid Society of Orange County. I-CAN! creates professional looking, ready-to-file UD Answers and Fee Waivers, along with instructions for service and filing. I-CAN! asks tenants a series of questions in English, Spanish or Vietnamese at a 5th grade reading level. The software can be expanded to include any

language. The tenant answers using a touch screen with easy to follow menus. I-CAN! requires the user to input very little information themselves, due to language difficulties. Tenants respond by selecting from a menu of possible answers.

The unique feature of the UDAP program in San Diego is that the I-CAN! has a videoconferencing link to the CRT via the push of a button so that the tenant can receive live, immediate assistance to answer questions. This has given tenants confidence to use I-CAN! successfully. Also, those who do not speak English can receive assistance from bilingual CRT operators, to input any necessary information in English.

In addition to the I-CAN!, the Pro Bono Program also holds a UD clinic in the courthouse for limited hours. Staffed by Pro Bono Program staff and volunteers, we advise tenants about the UD process and assist them to complete court forms. LASSD's Housing Team attorneys are available to the Pro Bono Program by telephone, as needed. In addition, we give tenants advice on budgeting, cleaning up their credit, etc. and provide them with a workbook – "Money Options" – donated to LASSD through its partnership with Visa that teaches tenants how to manage finances and improve their credit.

The Pro Bono Program and the CRT refer appropriate tenants to the LASSD Housing Team or to a volunteer attorney for legal representation. The Pro Bono Program recruits, trains and mentors the volunteers with assistance from the Housing Team attorneys. We have formed partnerships with the Latino, Pan-Asian and African American minority bar associations in San Diego County. These organizations have committed to provide volunteers for Pro Bono Program services, which enables us to provide culturally sensitive assistance to clinic participants in their own language.

Result: The UDAP, utilizing the CRT, Pro Bono Program, onsite UD Clinic, I-CAN! computer kiosk, volunteer attorneys and the Housing Team utilizes efficiently LASSD's resources and provides access to a greater number of tenants in need on a timely basis. In the first year of operation, we have installed an I-CAN! computer kiosk in one San Diego Courthouse, available whenever the courthouse is open and the videoconferencing link with the CRT is open from 9-4:30 daily. We also run a UD Clinic for limited hours in two courthouses. We hope to identify funding to install additional I-CAN! computer kiosks and open further clinics in the remaining courthouses in San Diego County.

The Court is an enthusiastic partner of the UDAP and has provided facilities and some funding. The Court particularly liked the videoconferencing link to the CRT via I-CAN! which provides continuous live assistance to users. The Court has found that the UDAP facilitates the operation of the Court when tenants present complete and legible documents for filing. The landlords' bar has also been very supportive. They appreciate that they now receive legible answers with the defenses articulated. Also, they benefit when they deal with tenants familiar with UD law.

We have recruited a large number of volunteers to the UD Clinics, in particular, young attorneys who are looking for client contact and trial experience. Further, our partnerships with local law schools and paralegal colleges attract law students and trainee paralegals who assist in completing the forms and help tenants use I-CAN!

Replication: This program can be replicated without significant investment by other programs. Many other programs have implemented parts of this innovation, but have not integrated all of the components to provide this comprehensive service to clients.

You can view the I-CAN! program on the internet at www.legal-aid.com. The internet documents are currently customized for Orange County, California. There are also legal forms for other areas of law available on this website.

Our partnership with Legal Aid Society of Orange County, the developer of the I-CAN! is critical to the program. LASOC has worked with us to smooth out technical difficulties, particularly with the I-CAN! printer and in integrating our computer system with the videoconferencing link between the I-CAN! and the CRT.

We had to meet the Court's need that all indigent litigants in UD actions receive some level of assistance in the UD Clinic. Further, the Court also wanted to ensure that the landlord's bar was amenable to the creation of this program in the courthouse. We resolved this by meeting with the landlord's bar, requesting their input and inviting them to provide informational material to indigent landlords, i.e. roommate situations. Also, we use non-LSC funding in one courthouse to provide facilitator-like services to assist all indigent litigants to complete UD forms.

Please contact Clare Maudsley, Pro Bono Program Manager, ClareM@LASSD.org, and Rebecca Sigrist, Pro Staff Attorney, RebeccaS@LASSD.org, if you have any questions or would like additional information.

Materials Available: Information on I-CAN! prepared by LASOC. Sample of Answer and Fee Waiver generated by I-CAN!. Copies of the training material and UD Clinic forms can be made available on a discretionary basis.