

APPELLATE SELF-HELP CLINIC

Court of Appeal, Second Appellate District

Drop-In Clinic Helps Litigants Navigate the Maze of Court Procedures

For the typical unrepresented civil litigant, the appellate process can be daunting. Filing requirements are exacting. The procedure bears no resemblance to the more familiar trial court routine. The very language can baffle even the sophisticated layperson. Associate Justice Laurie Zelon, in 2005, convened a group of judges, court staff, and bar leaders to discuss what could be done to help these people, an increasingly large percentage of litigants in the 5,000 cases that the Second Appellate District of the Court of Appeal decides each year.

The chief goal was to make access to the court more readily available by demystifying the process, says Joseph A. Lane, the court's clerk and executive officer. But providing assistance to unrepresented litigants could serve the court as well. It could reduce the number of administrative delays caused by pro se error, and it could improve the quality of the record and briefing on appeal.

The result of that 2005 meeting was the first formal program in any state court to provide a drop-in clinic for appellate litigants—a place where, in the words of one user, “they treat you like a human being.”

Launched in 2007, the Appellate Self-Help Clinic is conveniently housed in the court's on-site Settlement and Mediation Center. Open three days a week, the clinic is staffed by two lawyers from Public Counsel, the public-interest law office of the Los Angeles County and Beverly Hills bar associations. In the first two years they served 398 litigants.

The self-help clinic is open to anyone, though the vast majority of users are indigent, states Lisa Jaskol, the chief clinic attorney. Litigants can make appointments, but they're also welcome to drop in anytime. Spanish-language assistance is available with advance notice.

Both attorneys are trained appellate specialists who can assist litigants in meeting the highly technical filing requirements. Typically, the lawyer will explain the difference between trial and appellate proceedings. She will also explain the appellate process and procedure, review the litigant's paperwork, and provide and help fill out Judicial Council forms.





Attorney Lisa Jaskol confers with litigants.

The clinic's attorneys do not provide representation or give legal advice. But for some indigent civil litigants, they offer to recruit pro bono legal representation, using the listserv of the Los Angeles County Bar Association's Appellate Courts Committee.

In the first two years, 101 attorneys did pro bono work for litigants through the clinic. The clinic provides valuable opportunities for junior attorneys to work under the guidance of experienced appellate practitioners.

Clinic policy is set by a committee chaired by Justice Zelon, with members drawn from the Appellate Courts Committee, representatives of Public Counsel, and prominent appellate practitioners.

Startup and upkeep costs to the court have been minimal. The court donates part-time use of a multifunction office; a computer, telephone number, and phone access for the clinic lawyers; and office supplies. A grant from the State Bar's Equal Access Fund partially covers Public Counsel's costs for the program.

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Litigants routinely report that they would have been unable to proceed with their appeals, or to defend against an opposing party's appeal, without the clinic's support.

“I feel like they are working for me,” one litigant said.

“They don't speak down to you,” said another.

“When you walk in nobody knows anything about your case, but they have open arms, they want to help you, and that really feels good,” said a third.

Court staff also are enthusiastic. As one staff member puts it, “After speaking with [the clinic attorney], litigants are more educated about the process, and they're more receptive to what we have to say.”

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TO REPLICATE THIS PROGRAM:

- *Develop a local working group of individuals from the bar and community to brainstorm a list of resources that can be tapped.*
- *Obtain funding to staff the clinic with an attorney who is not paid by or answerable to the court.*
- *Find space in or near the courthouse to make the clinic as accessible as possible to litigants.*