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FACT SHEET

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Programs for Self-Represented Litigants

California's courts are seeing an ever-increasing number of litigants who go to court without legal counsel, largely because they cannot afford representation. Self-represented litigants typically are unfamiliar with court procedures and forms, as well as with their rights and obligations, which leaves them disadvantaged in court and may require the courts to expend significant resources. Accordingly, the Judicial Council has made access to the courts for self-represented litigants one of its top priorities. It has adopted a Statewide Action Plan for Serving Self-Represented Litigants and charged its Advisory Committee on Providing Access and Fairness with on-going implementation of the plan. The council is directly involved with the following programs and services.

Self-Help Centers

California Rules of Court, rule 10.960, provides that attorney-supervised, court-based self-help centers are a core function of the California courts. Self-help centers are located in or near the courthouse and are staffed by attorneys and other qualified personnel under their direction to provide information and education to self-represented litigants about the justice process and to work with the court to provide effective management of cases involving self-represented litigants. In response to rule 10.960, guidelines for the operation of court self-help centers were adopted. The guidelines address topics including attorney and other staff qualifications, scope of services, ethics, language access, and efficiency of operation. Funding is provided to every trial court to support allow self-help services throughout the state. These programs, in collaboration with the family law facilitators, now serve over 1.2 million people annually.

Family Law Facilitators

Many self-help centers are combined with the family law facilitator programs in their courts. Family Code section 10002 established an office of the family law facilitator in each of the 58 counties. The Judicial Council administers the program, providing funds to these court-based offices, which are staffed by licensed attorneys. These facilitators, working for the superior court, guide litigants

through procedures related to child support, maintenance of health insurance, and spousal support. They assist with cases involving the local child support agency, many of which are public assistance reimbursement cases. Family law facilitators can help parties with forms, court procedures, and support calculations, and they provide workshops and referrals to community agencies that assist parents and families.

Equal Access Fund

The Judicial Council is working in partnership with the State Bar's Legal Services Trust Fund Commission to establish self-help centers in California courts. To that end, each year the council and the bar distribute over \$2.5 million to legal services programs for court-based services for low-income self-represented litigants. Currently funded are 30 programs that provide assistance to litigants in cases involving domestic violence, guardianships, family law, landlords and tenants, expungement of criminal records, and general civil assistance. The nation's first appellate self-help center has also been created through this program.

Family Law Information Centers

The Judicial Council administers three pilot project centers in the Superior Courts of Fresno, Los Angeles, and Sutter Counties. The centers are supervised by attorneys and assist low-income self-represented litigants with forms, information, and resources concerning divorce, separation, parentage, child and spousal support, property division, and custody and visitation. Staff at the centers work closely with the family law facilitators in these three counties to coordinate services. An evaluation of the effectiveness of the centers demonstrated that the customers and judges were very happy with the services and that more than 45,000 litigants were assisted each year.

Model Self-Help Centers

Five model self-help centers—Spanish-speaking, multilingual, technology, urban collaboration, and regional coordination—were created to pilot new methods of providing services. An evaluation of these programs demonstrated that services can be effectively provided to litigants with limited English proficiency and that technology can greatly aid in delivering services to rural communities. The insights gained from the pilot projects have been used in the development of the guidelines for self-help centers, and the materials developed by the programs have been made available and serve as models for replication.

JusticeCorps

The JusticeCorps program began in 2004 as an innovative partnership of the Judicial Council, AmeriCorps, the Superior Court of Los Angeles County, various University

of California (UC) and California State University (CSU) campuses, and community-based legal aid services providers. The Superior Courts of Alameda, San Diego, San Francisco, San Mateo, and Santa Clara Counties have since joined the JusticeCorps. Members are recruited from UC, CSU, Stanford, and other undergraduate programs. They undergo intensive training in family law, small claims, and housing law before being placed in legal self-help centers to provide legal information to self-represented litigants under the direction of an attorney. More than 250 members are serving in the program statewide, providing critical volunteer services to the courts and the public.

Online Forms and Document Assembly Programs

California has standardized statewide forms for nearly all matters involving self-represented litigants. All Judicial Council forms can be completed online and saved as PDFs. Staff to the Judicial Council have developed document assembly programs that ask litigants questions and fill in the appropriate forms with their answers. Thus, many litigants are able to complete the forms necessary for a divorce, small claims action, domestic violence restraining order, guardianship, conservatorship, name change, or similar actions in the privacy of their home, in a library, or in a domestic violence shelter or community agency. They can then be filed with the court.

Website

The Judicial Council provides a comprehensive Online Self-Help Center for court users who do not have attorneys and for others wishing to become better informed about the law and court procedures. The entire site has been translated into Spanish and provides over 4,000 pages of information in each language on family law, landlord/tenant, small claims, guardianships, conservatorships, domestic violence, elder abuse, and a host of other topics. Instructional guides are provided for forms that litigants must file in court. These forms can be filled out online at no cost and printed and filed with the court.

Links to a wide variety of resources—including legal aid agencies, self-help centers, and community resources such as domestic violence programs—are provided. The website is designed to help its users navigate the court system and acquire realistic expectations about the legal system. Over 4 million visitors use the site each year, at www.courts.ca.gov/selfhelp.htm and www.sucorte.ca.gov.

The Judicial Council also maintains a website entitled *Families Change*, www.familieschange.ca.gov, which provides extensive information for children, teens, and parents in an interactive and age-appropriate manner on family law issues.

An online parenting education class is included on the site and provides three hours of free online video-based classes to help parents help their children during divorce or separation. There is also a class on *Finances after Separation* to help explain child and spousal support and division of property issues.

Videos

The Judicial Council offers many videos to explain basic legal issues and court processes. These videos are now included on the self-help website as well. A new video, *Orientation to Family Court Services*, provides critical information to self-represented parents on court procedures, mediation, child custody evaluation, child custody recommending counseling, effective presentation of child-related information to the courts, parenting plans, and supervised visitation. It contains interviews with parents and children who have participated in mediation and shares their perspectives. The Judicial Council also has developed videos on topics including small claims, landlord/tenant, juvenile dependency, juvenile delinquency, civil harassment, and alternative dispute resolution. These videos are available in English and Spanish.

Resource Sharing

To assist the courts and legal services agencies in providing the most effective assistance possible, the Judicial Council has developed a website that shares resources—including sample instructional materials, translations, program designs, and best practices—among programs. This Equal Access web page, which is available at www.courts.ca.gov/programs-equalaccess.htm, allows regular updating and sharing of helpful information.

The Judicial Council also offers an annual conference on self help and family law in conjunction with the Legal Aid Association of California. This conference includes substantive information and updates, as well as new program designs and best practices. These live trainings—combined with webinars, active listserves, and links to free-online training—help the courts to provide high-quality legal assistance in their self-help centers.

Education and Training

Enabling court staff to effectively assist self-represented litigants is a key part of the Judicial Council's mission to make the courts more accessible.

- The Judicial Council has sponsored numerous conferences on self-represented litigants to allow court staff, judges, and community providers to learn about

developments in the law as well as new ideas for serving self-represented litigants. These conferences also allow time for courts to plan their next steps in implementing promising practices.

- The Judicial Council's Center for Judiciary Education and Research holds many classes and seminars addressing issues that concern self-represented litigants, including satellite broadcast sessions for court clerks on the difference between legal information and legal advice and for presiding judges and court executive officers on ways courts can best handle cases with self-represented litigants.
- The Judicial Council, with the support of the State Justice Institute, published *Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers*, which provides information to judges on ethics, courtroom and case management, communication skills, evidence, and other key topics. The State Justice Institute awarded the Judicial Council the Howell Heflin Award in 2008 for the guide as the grant project with the greatest potential to significantly improve the administration of justice in state courts nationwide. The benchguide has now been adapted for national use.

National Self-Represented Litigation Network

California is a founding member of the National Self-Represented Litigation Network. The network has developed self-evaluation tools for courts and self-help centers to assess how effectively they are meeting the needs of self-represented litigants, research on communication between judicial officers and self-represented litigants, and best practices in self-help centers. By exchanging information and working together with programs throughout the country, courts are able to use scarce resources to identify the most effective ways for the courts to serve those persons who do not have the resources to hire attorneys.