



*San Mateo County
Self-Represented
Litigants Collaborative*

Strategic Plan

March 11, 2003

TABLE OF CONTENTS

Executive Summary	1
Mission Statement.....	2
Members of the Collaborative	3
Strategic Plan	4
Attachments.....	10

EXECUTIVE SUMMARY

In May 2001, the Superior Court of California, County of San Mateo, together with numerous community groups*, founded the San Mateo County Self-Represented Litigants Collaborative. The Collaborative formulated this strategic plan to help focus its work in addressing the needs of the self-represented. The following is a brief description of the history and process of the Collaborative in formulating this plan.

The Collaborative began meeting in May 2001. It developed its Mission Statement and immediately undertook three research initiatives that were designed to improve knowledge of the nature of challenges faced by self-represented litigants in San Mateo County. The research methodology consisted of surveys, compiling an exhaustive list of existing services in the county, and analyzing numerous “best practices” in California for assisting self-represented litigants. Two surveys were conducted; one of self-represented litigants and one of court and community agency staff who assist the self-represented as a regular part of their jobs.

The research results were analyzed and used by members of the Collaborative to determine potential strategies for assisting the self-represented. These strategies became the basis for the plan, which was then completed with the various suggested action steps to be taken over the next two years.

The members of the Collaborative are committed to working together to bring effective and accessible assistance to self-represented litigants.

May 2002

* Collaborative Members listed on page three



The Collaborative will improve the ability of self-represented litigants to knowledgeably and successfully address their legal issues.

Members of the Collaborative



- Bay Area Legal Aid
- Center for Domestic Violence Prevention
 - District Attorney's Office
 - East Palo Alto Community Law Project
 - Legal Aid Society
 - Peninsula Conflict Resolution Center
 - San Mateo County Bar Association
- San Mateo County Department of Child Support Services
 - San Mateo County Law Library
 - Small Claims Advisor
- Sor Juana Inés Services for Abused Women
- Superior Court of California, County of San Mateo
 - Youth and Family Assistance

Goal Area I

SELF-HELP RESOURCES

Findings Self-represented litigants need information about legal processes, procedures, and remedies. Self-represented litigants turn to the court, legal service agencies, self-help books and other resources to address their legal issues. To that end, the quantity and quality of information and assistance available to self-represented litigants should be increased.

Goal I Provide self-help resources to enable self-represented litigants to address their legal issues

Strategic Initiative 1: Provide for individualized needs through effective delivery of services.

Suggested Actions (2002-03)

- Develop a coordinated plan to promote and expand existing self-help resource centers and to establish new self-help resource and service center opportunities. Suggestions include a mobile unit, centralized service center at or near the courthouse, county libraries, video viewing sites and multi-site collaboration with non-profit and/or government agencies within the county.

Strategic Initiative 2: Provide effective training and education in group settings.

Suggested Actions (2003-04)

- Sponsor and/or support presentations and workshops that educate self-represented litigants about various legal issues and procedures as well as providing form completion assistance.

Strategic Initiative 3: Provide comprehensive resource information, instructions and educational aids.

Suggested Actions (2003-04)

- Develop and provide topical fact sheets, instructional packets and brochures in written and/or multi-media formats and multiple languages.
- Distribute resource information through fixed or mobile sites, local court and collaborative web sites and other media sources.

Goal Area II

ACCESS TO SERVICES

Findings Many services exist to assist self-represented litigants with their legal issues. To maximize the usage of these services, it may be necessary to look to creative methods of service delivery. Additionally, once self-represented litigants have accessed services, special attention should be focused on ensuring that they understand legal processes and procedures.

Goal II Improve access to current and future services by self-represented litigants.

Strategic Initiative 1: Enhance physical, geographical and logistical access to legal services.

Suggested Actions (2002-2003):

- Install PC's and photocopiers in the courthouse for members of the public
- Develop handouts and maps to assist SRL's in navigating the courthouses and making their way to other Collaborative member agencies. Consult with the Court about opportunities for better courthouse signage.
- Implement a fax-filing system for Temporary Restraining Orders.

Strategic Initiative 2: Improve the ability of self-represented litigants to understand and utilize legal processes.

Suggested Actions (2003-04):

- Study the possibilities for providing on-site (including courtroom) assistance and referrals
- Increase interpreter services and availability
- Provide opportunities for streamlined referrals to non-legal services such as counseling

Strategic Initiative 3: Improve access to attorney representation, alternative dispute resolution and advocacy resources.

Suggested Actions (2003-04):

- Coordinate with the San Mateo County Bar Association to enhance *pro bono* attorney programs
- Explore alternatives to traditional fee-based attorney representation
- Recruit, train and supervise law student interns and volunteers to assist self-represented litigants

Goal Area III TECHNOLOGY-BASED ASSISTANCE

Findings The public looks to innovative technology for help with their legal issues. By creating more resources on the internet, information can be available twenty-four hours a day, seven days a week. Users can access the information from home, libraries, community-service agencies or wherever internet access is available.

Goal III Use technology to educate and empower self-represented litigants and leverage legal resources.

Strategic Initiative 1: Provide litigants with web-based and other technological opportunities to conduct their legal business.

Suggested Actions (2002-03)

- Develop additional interactive web programs and enhance existing programs to educate users and to provide users with an expanded array of legal forms and instruction.
- Augment the Court website with general, substantive and procedural information, sample agreement forms and additional links to self-help resources.

Goal Area IV

COLLABORATION

Findings San Mateo County's Self-Represented Litigants Collaborative is dedicated to improving the ability of self-represented litigants to knowledgeably and successfully address their legal issues. In so doing, the organizations represented by the collaborative will work together to improve communication, expand training opportunities and support efforts to facilitate the accomplishment of the Collaborative's mission.

Goal IV Facilitate the accomplishment of the Collaborative's strategic goals.

Strategic Initiative 1: Provide training opportunities to improve service.

Suggested Actions (2002-03)

- Develop and implement a training program for staff of Collaborative member organizations about programs and services available to self-represented litigants.

Strategic Initiative 2: Improve communication and coordination between Collaborative members to improve service to the public.

Suggested Actions (2002-03)

- Publish a referral guide of legal resources and information for San Mateo County residents
- Develop and implement a communication plan about Collaborative initiatives and other activities

Strategic Initiative 3: Support collaborative efforts to bring knowledge and services to self-represented litigants.

Suggested Actions (2002-03)

- Strengthen the infrastructure of the San Mateo County Self-Represented Litigants Collaborative through the adoption of Guiding Principles and by continuing to welcome new members
- Create partnerships with related collaborative efforts such as the Landlord and Tenant Information and Referral Collaborative and the Domestic Violence – Temporary Restraining Order Committee.

Attachments

The following items of original research conducted by the Collaborative are attached.

- Results From Surveys of Self-Represented Litigants and Court & Agency Staff
- Existing Services Within San Mateo County
- Best Practices: A Review of Proven Strategies to Assist Self-Represented Litigants

Self-Represented Litigants Collaborative Survey Results

Process

The goal in surveying self-represented litigants and the staff who assist them was to evaluate the needs of self-represented litigants and determine whether the system is or is not currently meeting those needs.

Specifically, data was collected to assess:

- Resources that are currently available
- The factors that impede access to the legal system
- Additional resources/services that would be most beneficial

Surveys were posted at all locations throughout the court where pro pers are found – civil and criminal clerks’ offices, family court services, probate, family law facilitators, traffic, small claims, juvenile, jurors.

Court staff and agency staff were also surveyed to determine what needs they see during their dealings with pro pers.

Findings

A total of 162 staff members and 304 self-represented litigants responded.

Staff Surveys

The staff surveys represented a broad range of Court divisions, county departments and community-service agencies. The comments provided were especially helpful given that the respondents worked on the “front line” and dealt extensively with the public.

- A majority of the respondents (57.3%) felt that the number of self-represented litigants has increased either greatly or moderately. The Court is in the process of gathering data to determine whether there has been an increase in the number of people filing *in pro per*.
- There was little confidence in the self-represented litigant’s ability to take care of his/her issue. Less than five percent of respondents felt that self-represented litigants were able or very able to take care of their issues and slightly more than one-third of respondents felt that self-represented litigants were somewhat able to take care of their issues. *See chart 1*
- The areas of assistance that were noted as being the most frequently asked for were: requests for information regarding legal remedies (N=59); assistance with filing out forms (N=40); and logistical questions (e.g., court locations, times, etc.) (N=39).
- Respondents identified the most frustrating obstacles that self-represented litigants face both in and out of court to be:
 - Court procedures that can be confusing and complicated (N=84)
 - Completing and filling out forms (N=43)
 - Language issues including access to interpreters and resources for non-English speakers (N=34)
 - Logistical matters such as scheduling and transportation (N=23)
 - Other factors included: the intimidation-factor of the legal system, particularly in the courtroom, as well as the fact that Court employees are not permitted to give legal advice to self-represented litigants.

- The three areas that were noted as being the most frequently occurring problems faced by self-represented litigants were not understanding required procedures (N=96), needing help or instructions in Spanish (N=80), and improperly completed forms (N=61).
- Themes emerged from the open-ended question, “what is the most gratifying for you when you try to assist self-represented litigants?” Of the 112 that responded,
 - Fifty-nine (38%) noted that being able to give information, help or empower self-represented litigants was most gratifying
 - Forty-five (29%) noted that being thanked was most gratifying
 - Other comments included, being able to translate for a self-represented litigant; when parties settle their dispute; the fact that litigants have access to justice and services that can assist them; and when litigants are prepared and are knowledgeable about the court process.
- Among the more frustrating obstacles that respondents faced (both inside and outside the courtroom) when assisting self-represented litigants were:
 - When self-represented litigants lack understanding about the court process or procedures (N=27, 19%)
 - Not being able to provide legal advice or not knowing how much information that they can provide (N=23, 16%)
 - When self-represented litigants lack the proper forms or when they are improperly completed (N=18, 12%)
 - When self-represented litigants are unable to understand instructions or proceedings due to a language barrier or lack of available interpreters (N=15, 10%)
- The services that respondents felt should be offered to self-represented litigants are:
 - A listing of attorneys, their specialties and hourly rates (N=107)
 - Forms/packets with instructions (N=105)
 - Staff dedicated to answer procedural questions (N=90)
 - Informational brochures (N=90)
 - A walk-in self-service center (N=80)
 - More information on the Court’s website (N=60)

Self-Represented Litigant Surveys

The overwhelming legal issue that self-represented litigants had was traffic (N=138). Family Law matters (including restraining orders) were the second most common issue (N=64). The remaining issues were: Small Claims (N=40); Probate (N=3); Landlord/Tenant (N=3); Criminal (N=1) and a combination of the above items (meaning that the respondent had multiple legal issues) (N=21). (N.B. In some instances, traffic respondents have been removed from the initial analysis. Where appropriate, the summary of all respondents including traffic can be found in brackets.)

Respondents were in the process of gathering information (N=16), starting a case (N=36), responding to a case (N=23), filing papers (N=22), going to or preparing for court (N=10) or some combination of the above stages (on given day, respondents could be performing a number of tasks in preparation for or relating to a case) (N=53). [Most traffic respondents (N=96) were in the process of responding to a case or going to court]

- Respondents talked with a range of people and agencies to get assistance with their issue:
 - Court program (N= 38)[W/ traffic N=66]
 - Legal Service Agency (N=14) [W/ traffic N=16]
 - Internet (N=6) [W/ traffic N=10]
 - Lawyer (N=16) [W/ traffic N=20]
 - Self-help books or other written information (N=13) [W/ traffic N=20]
 - A combination of resources, people and agencies (N=28) [W/ traffic N=33]

- Other (ranging from family members to district attorneys to insurance agents) (N=18) [W/ traffic N=58]
- The amount of time spent getting information for their issue was spread fairly evenly (with 21.6% spending 0-15 minutes, 25.3% spending 15 minutes to 1 hour, 21.6% spending 1-3 hours, 25.9% spending over 3 hours, and the remaining respondents abstaining). [W/ traffic, a majority of respondents spent an hour or less (63%)].
- A majority of the respondents indicated that the assistance that they received was either helpful (9.9%) or very helpful (59.9%). [W/ traffic both categories = 58.5%] *See chart 2*
- Respondents noted that the following additional resources would have been helpful:
 - More specific information on the Internet (N=5) [W/ traffic N=32]
 - Brochures/written instructions (N=9) [W/ traffic N=15]
 - Referrals to attorneys and information about their specialties and costs (N=10) [W/ traffic N=12]
 - Personal interview with someone to learn about options (N=10) [W/ traffic N=16]
 - Translator (N=2) [W/ traffic N=3]
 - Other comments (N=3) ranged from more specific information on traffic violations to domestic violence information to including information on court-approved process servers [W/ traffic N=13].
- While 43 of the respondents (29%) indicated that they had tried some type of an Alternative Dispute Resolution (ADR) option, when asked to specify the type, the types given were not necessarily one of the Court's ADR programs. Among the options related were "I asked for a refund," "I wrote a letter to the person I am taking to court," or "sent a demand letter." [W/ traffic N=53]

A surprising large number of respondents (almost half) indicated that they would be interested in being interviewed about their experiences as a self-represented litigant.

Existing Services

REPORT OF BEST PRACTICES SUB-COMMITTEE

November 2001

The Best-Practices Sub-Committee developed a questionnaire to identify specific elements of existing programs benefiting Self-Represented Litigants. The following information was solicited:

1. How are you funded
2. How long have you been operating
3. What are the costs of operations
4. Paid Staff or Volunteers
5. Number of Staff
6. Types of Services
7. What have you tried that didn't work, why, How does the program differ from when it was started
8. How would you describe the format of your services
9. What is your organizational structure? Who are your partners/collaborators
10. Where are you located; are your services centralized or in multiple sites; How large are your sites
11. What is your relationship with the courts
12. What are your referral sources
13. Are there fees for services
14. What languages do you serve; what is the ethnic breakdown for the community and the services provided
15. How do you evaluate programs
16. What types of statistical reports do you have and will you provide samples

Once information was collected, the types of programs were then categorized as follows:

- Web Based- Interactive and Informational;
- Kiosk Based- Interactive and Informational;
- Self Service Based Programs- Video, books and pamphlets; and
- Staff Based Programs- Personal service including individual one on one, clinic or workshop, telephonic and mobile unit.

The committee researched numerous websites and existing programs to identify best practices utilized within the above categories. Many of the programs are new and relatively untested. Research and Investigation should continue as our action plans are developed. The common beneficial thread is collaboration and coordination with existing programs to avoid duplication of services and to provide a seamless continuation of services.

Web Based:

Interactive:

San Mateo County: San Mateo's ELF (Electronic Legal Forms) program presents the consumer with easy to understand questions necessary to initiate or respond to Dissolutions, Paternity or OSC's, and based upon their responses, completes the appropriate forms. ELF provides a wealth of general legal information through "pop up" help screens. The program is provided free of charge and has been evaluated by a literacy consultant to ensure ease in understanding. An unlimited number of users may access the program and print their forms simultaneously

I-CAN: Initiated in Orange County: This is both a Web-based and Kiosk-based model. It is free, easy to use, is available in multiple languages, serves as an educational legal service to create pleadings, has streaming video and modules can be modified for specific county. Current services are available for Family Law, Unlawful Detainer, and License Suspension. Current limitations are there can be only a limited number of simultaneous users, current forms may be limited by county, (initially orange county) and the system requires high speed modem or DSL to use video guide and court tour functions.

Informational:

Santa Clara County: www.scselfservice.org Comprehensive new web site that includes self-service information about court processes, what court staff can or cannot do, descriptions for primary types of cases, for instance, General Civil, Family, Juvenile, Landlord/Tenant, Small Claims and Probate. Each section has page links to related questions and/or resources. An example would be Family Law, which has page link titles for: Court Description, Divorce, Restraining Orders, Child Support, Custody & Visitation, Parenting Program & Mediation, Family Court Clinic, Services at Family Court, Process, Resources & Referrals, and Rules/Forms.

San Mateo County Court Family Law Web Site: Self Service information on a variety of family law topics including dissolution, child custody and visitation, child and spousal support. Planned revisions will include additional info and links to legal and self help sites.

Kiosk Based:

Maricopa County: The "Quick Court" program itself was a precursor model to current interactive programs and provided consumers with touch sensitive screens, which allowed them to select and complete forms. Although the program is now defunct (possibly because they began to charge for access of service) its format is based upon sound practices.

I-CAN: Initiated in Orange County: This is both a Web-based and Kiosk-based model. It is free, easy to use, is available in multiple languages, serves as an educational legal

service to create pleadings, has streaming video and modules can be modified for specific county. Current services are available for Family Law, Unlawful Detainer, and License Suspension. Current limitations are there can be only a limited number of simultaneous users and current forms may be limited by county, (initially orange county).

Self Service Based Programs:

Sacramento County: Large self-service family law center approximately 8000 sq. feet with open area/reception, conference rooms, and clinic space. Other programs (small claims, unlawful detainer, and traffic operate out of individual offices adjacent to the clerk's office at a branch courthouse. Programs include self-service information as well as staff based programs. A court program collaborating with other agencies, i.e., Bar, Legal Aid, VLSP and Fair Housing. Brochures, extensive written handouts, information and extensive referral database.

Maricopa County: One of the first self help programs in the country. The self service center is a library styled facility with over 12,000 square feet with easy to use color coded shelving with information, handouts and forms. It is staffed with non-attorney customer service advisors. Currently limited to Family Law and Probate

Santa Cruz County- This new program links the card catalogue of the main libraries with the County Law Library. It provides Self Represented Litigants with user friendly path finders for initial informational research.

Staff Based Programs:

Alameda and Sonoma Counties: Offer collaborative partnerships between the court and Legal Aid: The programs offer clinics and individual services in family law and probate (Alameda) and in family law, housing, elder care, probate, and personal injury (Sonoma). Alameda has legal staff and law school interns providing intake and assessment telephone services 4 times per week to answer questions on the phone, schedule individual appointments or enroll parties into appropriate clinics. They also have courtroom assistance programs where attorneys can provide legal assistance and non legal resource persons can assist with related issues for counseling, substance abuse, etc. Sonoma county offers shared space and staff resulting in consolidation of family law resources and the ability to address non-family law issues in one location. They have a library with self help materials, videos, how-to instructional packets, computer stations and one-on-one assistance.

I-CAN: 2 way video conferencing with hot line from some Kiosk sites

Sacramento- Large self-service family law center approximately 8000 sq. feet with open area/reception, conference rooms, clinic space. Other programs (small claims, unlawful detainer, and traffic operate out of individual offices adjacent to clerks office at a branch court house. Programs include self-service information as well as staff based programs.

A court program collaborating with other agencies, i.e., Bar, Legal Aid, VLSP and Fair Housing. Brochures, extensive written handouts, information and extensive referral data base. Staff provide forms assistance, mediations and one-on-one advice; clinics and workshops are conducted onsite and off-site clinics at outside agency (court provides bailiff and clerk staff; VLSP Attorney and Fair Housing agency staff).

Los Angeles County- Van Nuys- Neighborhood Legal Services are funded by the county of Los Angeles and are located in the Courthouse. They provide a broad array of services by Attorneys, students and volunteers for Family Law, Housing, Small Claims and Civil. (no services for immigration or bankruptcy). Services are one-on-one and workshops. Partnership with the court, who provides a family law facilitator to conduct one of the workshops. High cost of staff may be limiting, and there is currently no computer usage available for litigants.

Mobile Units- Ventura, Fresno and Santa Clara- Mobile units provide a wide array of services to outlying populations. Fresno's 32' van has two consultation rooms and is staffed with Attorneys from the facilitator's office as well as CCLS (Central California Legal Services). It can provide Family Law facilitator services and other services of CCLS, i.e., Domestic Violence, Land Lord Tenant or Family Law.

San Francisco- "FLASH"- (The Family Law Assisted Self-Help Center)- This is a new program of the Volunteer Legal Services Program of San Francisco in collaboration with the court's Family Law Facilitator's Office. It was started in July 2001 and has 1 staff attorney plus volunteer attorneys and paralegals. They have a window in the clerks office where an attorney screens non-represented family law litigants for income eligibility. If they are over, the party is referred to the Volunteer Legal Services Program. If they qualify, they are enrolled in the program and attend a work-shop to receive general education, forms and assistance in completing the forms necessary to file or respond to a dissolution. There are follow-up workshops as well as individual appointments available for parties to complete their dissolution paperwork, including an MSA. Parties are also cross-referred to other social services, the Domestic Violence Consortium and/or CROC (cooperative restraining order clinic) if appropriate. The workshops are conducted in English and Spanish. A program library is available at the courthouse for parties to view videos, written materials & books, or to obtain pro-per packets.