



# Guidelines for the Operation of Self-Help Centers in California Trial Courts

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ISSUED BY THE ADMINISTRATIVE  
OFFICE OF THE COURTS  
FEBRUARY 29, 2008

REAFFIRMED FEBRUARY 28, 2011

## Introduction

The Judicial Council adopted rule 10.960 of the California Rules of Court, effective January 1, 2008, in order to establish the foundation for the administration of California court self-help centers. Rule 10.960 applies to all court-based self-help centers, whether the centers are managed by court employees or by entities other than the court. The rule identifies assistance to self-represented litigants as a core court function and requires that the centers be staffed with an attorney. Rule 10.960 further requires that services delivered by the center be impartial, unbiased, and available to all parties in a case. Section 10.960(e) requires the development and dissemination of guidelines and procedures for the operation of court self-help centers. These guidelines must include: location and hours of operation, scope of services, attorney qualifications, other staffing qualifications and supervision requirements, language access, contracts with entities other than the court that provide self-help services, use of technology, ethics, efficiency of operation, and security.

The Administrative Office of the Courts, in collaboration with judges, court executive officers, attorneys, and other parties with demonstrated interest in services to self-represented litigants, is charged with the development of these guidelines for dissemination to the trial courts by March 1, 2008, and thereafter to review them every three years.

## General Guidelines

- 1. These guidelines apply to all court-based self-help centers whether the services provided by the center are managed by the court or by an entity other than the court.**
- 2. It is important that the court maintain its independence and appearance of neutrality by clearly distinguishing services with which it is associated from those it is not. Thus, the guidelines apply to all self-help center services that the public will identify as court associated or connected, such as:**
  - Self-help center services offered in the courthouse or another court location;
  - Self-help centers located anywhere that are identified as “court self-help centers”;
  - and
  - Self-help centers in which the court participates collaboratively, such as by providing staff or funding.

### *Commentary*

The guidelines do not specifically apply to the routine assistance given to self-represented litigants by all court staff. Assistance by staff at filing windows and questions answered by courtroom clerks, for example, would not be governed by these guidelines but by the ethical guidelines for court employees. The guidelines do not apply to non-self-help center programs such as law libraries that are located within a courthouse. If the self-help center is located within the law library, the guidelines apply to the center, not to the law library.

## Operations and Services

### Location

- 3. As with other core court functions, the court self-help center should be located in the courthouse and seek to meet two critical objectives: (1) ease of use for the public, and (2) efficient use of staff.**

#### *Commentary*

Locating a court self-help center in the courthouse allows for the most effective collaboration between the self-help center and the court clerk for the smooth flow of paperwork. If a court has multiple self-help centers, one of them should be in the courthouse. If it is not possible for a self-help center to be located in a courthouse, the center should be located in a courthouse annex or other facilities that are adjacent to the courthouse, or ideally within walking distance from the courthouse.

- When a self-help center is located too far from the courthouse, fewer people make use of the center's services, and more litigants direct inquiries toward the clerks at the court's filing windows. A location that is close to the courthouse saves the time of judges and clerks by providing a convenient place to which litigants can be referred for immediate assistance.
- When court self-help center services are located a significant distance from the courthouse, litigants often misassemble paperwork by the time they reach the courthouse for filing or do not bring their paperwork to the courthouse to complete the intended filing. This often results in return visits to the self-help center to repeat tasks; expending resources better spent providing assistance to other patrons.
- When the self-help center staff is separated from the rest of the court staff and from the daily operations of business offices and courtrooms, it is difficult for the court to engage in best practices for caseflow management. Co-location also supports communication and effective coordination of self-help center and clerk services.
- Issues of security for self-help center staff and users are more difficult to address when the center is not located inside the courthouse. Self-help centers should be able to ensure a safe place for the public to come and receive self-help services and a safe working environment for self-help center staff.

Section 7.2 of the *California Trial Court Facilities Standards, 2006 Edition* provides guidance on facilities needs for self-help offices.

Where there are multiple courthouses, the court self-help center may choose to focus its services in one courthouse location. Satellite services may be offered at certain times at the other court locations.

- Other locations might also be served through the use of videoconferencing or other appropriate connections without establishing an actual self-help center office in each location.

- Differing levels of service among courthouses may be appropriate based on the types of cases being heard in each location or made necessary by factors such as available funding or facilities space.

Court self-help centers are encouraged to provide outreach and assistance at other types of locations as appropriate and feasible to meet the needs of the community being served, such as satellite locations in the community, at community organizations, libraries, schools, jails and prisons, and mobile self-help facilities.

**4. To avoid any appearance of impropriety, private law offices and legal services offices may not be used as sites for a court self-help center.**

*Commentary*

Legal services organizations and private attorneys are court users who bring cases regularly in front of the court as advocates. The court should not have or appear to have a special relationship with any particular attorney or legal services organization that might bring into question the neutrality of the court in cases involving those parties or their attorneys.

If a self-help center does share space with another legal services such as a legal aid program, clear signage should help the public distinguish between the court-operated services and the non-court-operated services.

**Hours of Operation**

**5. Court self-help centers should establish and maintain regular hours of operation that provide the most effective access possible for the public.**

*Commentary*

Local courts should decide which hours of service that the court self-help center will provide assistance to the public to maximize the delivery of services.

Funding has been provided to all California trial courts which is intended to cover the cost of a minimum of 12 hours per week to provide court self-help center services in at least one location, including staffing by an attorney.

In some courts the only staff will be a part-time attorney. In other courts, there will be funding sufficient for one or more full-time attorneys, as well as nonattorney support staff.

The court should publish the schedule of services provided by the self-help center and its hours of operation. This information should be clearly posted at the center, at the clerk's office, and on the court's Web site. The court also should publish this information in relevant community locations and law libraries, where self-represented litigants are likely to seek assistance.

If possible, the self-help center should be open during some evening or weekend hours so that individuals can use its services without having to take time off from work. For

example, courts that hold night court for traffic or other matters could have their self-help centers open at the same time in order to take advantage of court security already on the premises. Workshops can be offered at libraries and community agencies on weekends and evenings. Telephone help lines and e-mail assistance can be operated even when the courthouse is closed to the public.

## **Integration Within the Court**

### **6. The self-help center staff should be included in regular meetings with court administration, judicial officers, and other operational staff to discuss administrative and general issues facing self-represented litigants.**

#### *Commentary*

For example, a self-help managing attorney employed by the court should be included as part of the court's management team in order to foster communication within the court. If the self-help center is operated by an entity other than the court, regular meetings with the managing attorney should be implemented for the same purpose. Consistent meetings are central to the kind of communication that makes a court self-help center work well for both the court and self-represented litigants. It is critical that judges, courtroom clerks, filing clerks, family law research attorneys, administrators, and other court staff understand the services offered by the self-help center so that self-represented litigants can be accurately and promptly assisted. It is equally important that litigants not be sent to the self-help center with expectations of services that may not be available.

Court self-help centers may offer a variety of services to self-represented litigants throughout their cases, from before a case is filed through postjudgment activities. The center should maintain good lines of direct communication with all involved court parties so that accurate and effective information may be provided at any point in the court process. This requires good communication with judicial officers and courtroom clerks about courtroom issues, with file clerks about paperwork, with administrators about management issues, and with other staff as appropriate.

Self-help center staff hears about difficulties that self-represented litigants face in the court system and may come up with some solutions that involve other parts of the system. These solutions can often be easily incorporated with good internal communications. Similarly, other court staff can provide feedback to the self-help center on needs they see and any suggestions for improvement. Courts should have an internal communication mechanism that allows all staff to share ideas and suggestions on how to improve the processes and policies that affect self-represented litigants.

The ability to provide competent, neutral, and unbiased information to the public, and to maintain the clear appearance of neutrality for the court, is foundational for a court self-help center. Regular meetings that involve the self-help attorneys and staff, judicial officers, administrators, and others will help everyone understand how the practical application of this principle is applied in the center on a day-to-day basis, and help prevent confusion.

## Community Collaboration

- 7. In order to maximize services, court self-help centers should collaborate with existing courthouse programs.**

### *Commentary*

In many courts, a family law facilitator is part of the court self-help center. Other court-operated programs, such as a small claims advisor program, also may be part of the center. In some courts, these services may not be included in the self-help center but be operated independently. In that case, the self-help center should collaborate closely with any other court-operated program providing assistance to self-represented litigants to avoid duplicating services.

In some courthouse locations, there are programs or services for self-represented litigants that are not operated by the courts. The court self-help center should also collaborate with these programs, operated by such entities as law libraries, bar associations, legal services, local law schools, and community conflict resolution services.

Representatives of all courthouse programs should meet regularly to discuss referral protocols and potential areas of collaboration.

- 8. Self-help centers should maintain a current and complete referral list and develop referral protocols with all appropriate community-based organizations and lawyer referral services to ensure efficient and effective referral of matters where counsel is necessary.**

### *Commentary*

Many cases are not appropriate for self-representation, either because of the individual needs of the litigant or the complexity of the legal issues involved. In such cases, referrals for legal counsel and/or representation should be made because a self-help center simply cannot offer adequate service.

Regular meetings between representatives of community-based entities should be encouraged to ensure accuracy of information and encourage collaboration and coordination of services. Self-help centers should provide appropriate referrals to other services, such as lawyer referral services.

## Contracting Services

- 9. If the services provided by a court self-help center are operated by an entity other than the court, the court should execute a written agreement with that entity.**

### *Commentary*

By its terms, the agreement should allow the court the ability to monitor and ensure that the program:

- Provides high-quality services;
- Does not breach the duty of the court to maintain its independence and neutrality, including the requirement that services be available to all parties in a litigation;

- Does not compromise the court’s appearance of neutrality; and
- Is in compliance with all applicable California Rules of Court and these guidelines.

The public will perceive the court as being accountable for the operations of the court self-help center regardless of who is operating the center. Only by clear written agreement can a court attempt to ensure that the services provided by another entity are of high quality and neutral and that they employ staff who conduct themselves in a manner that is ethically and professionally appropriate.

In some cases, community programs operating within a courthouse may serve only one side of a case. For example, a community legal services agency may wish to provide services for litigants who are seeking restraining orders but not for those responding to them. Another program may wish to assist tenants but not landlords. Either situation taken alone is unacceptable for the judiciary, because of the lack of impartiality in services. However, if care is taken to provide substantially equivalent assistance to the other side of the litigation through another program in the courthouse, such services may be offered.

For instance, in the domestic violence example, if the self-help center offers substantially equivalent service to those responding to a request for a restraining order as does the agency helping those asking to have the order issued, the appearance of the court’s impartiality might be protected. If representatives from legal services assist tenants on specified days of the week at the courthouse, the center may have pro bono or staff attorneys provide assistance to landlords at the courthouse as well. The services for both sides should be substantially equal. For instance, one class of litigants should not have to wait three weeks to be seen, while the opposing parties can be seen within a few days; or one group be given several hours of individual assistance with forms and instructions, while the opposing party group is provided with a packet of forms, written instructions, and very little staff attention. Each litigant should be provided with services appropriate to their situation. The court self-help center can also help provide services to those who may not meet the income eligibility requirements that limit the availability of another self-help partner program.

## **Scope of Services**

### **10. Self-help centers should provide services that are competent, neutral, and unbiased and that are designed to provide practical legal information to self-represented litigants.**

#### *Commentary*

The information provided to self-represented litigants should be accurate. This requirement necessitates legal oversight by the self-help center managing attorney. Self-help center staff should not attempt to answer questions to which they are unsure of the correct answers or about topics in which they have not had adequate training or experience.

The information provided should not only be impartial but also maintain the appearance of court neutrality. Services are standardized in that self-help center staff should give the same answer to a question regardless of who asks the question. For example, they can tell a litigant that a declaration needs to be completed, and may provide guidance on what kinds of facts a court would need in order to decide the issues. The staff may ask appropriate questions to assist in clarifying the facts, and otherwise promote a focus on facts relevant to the court. But the declaration is in the litigant's own words. Staff would give the same information to the other side of the case should that individual come to the center for assistance.

Although the services of a court self-help center are limited, services must never be withheld on the basis of bias. Court self-help centers should seek to provide meaningful access to justice to the self-represented litigants free of discrimination on the basis of factors such as gender, mental illness, age, sexual orientation, race, religion, nationality, English proficiency, physical disability, or type of party or litigant.

Neutrality can be fostered by the method of service delivery. For example, by providing information in a workshop setting, substantial information can be given about the requirements of service of process, or the definitions of types of child custody. Since the same information is given to several people at the same time, it is clearly not designed to give any one of them a particular strategic advantage in their case. Furthermore, the workshop participants are not inclined to expect that the information is confidential or that any special relationship with self-help center staff has been formed during the service delivery process. The same message of neutrality may be conveyed in individual meetings with litigants by making it clear that the information provided would be the same information provided to the other side of the case should that person seek assistance from the center, and that the communications with the self-help center staff are not legally privileged as they would be with an attorney who was actually representing them.

The court self-help center should provide practical information for the self-represented litigant. For example, if some cases are not reasonably suitable for self-representation, the most helpful information for litigants is that they should not try to represent themselves. They should be provided with a list of appropriate referrals.

**11. When a litigant cannot be effectively assisted in the court self-help center, prompt referral to appropriate legal assistance should be made whenever possible.**

*Commentary*

There are often situations in which cases or issues are simply not suitable for self-representation because of the complexity of the law or facts involved. In such circumstances, it is not reasonable or practical for any self-help center to attempt to sufficiently educate a litigant to adequately pursue his or her case without counsel because of the potential for serious problems. Here the issue is not one of neutrality but of reason and practicality. What would take a semester to teach in law school cannot be transferred through a court self-help system. Complicated discovery, characterization of mixed community assets, valuation and division of stock options, qualified domestic relations orders, medical malpractice, or product liability complaints—all are examples of cases and issues that may not be suitable for self-representation. In such cases,



inappropriate reliance on self-help center services may be potentially harmful to the litigant and to the court.

There are also situations where litigants may be unable to self-represent because of certain challenges, such as literacy issues, limited English proficiency, and other obstacles such as mental health issues or complex individual circumstances.

A standardized intake protocol can help staff perform an efficient and unbiased analysis of the needs of litigants during the initial interview and can help ensure that everyone is treated fairly. In situations where a litigant cannot be effectively assisted in the center because of the nature or complexity of the case or other issues faced by the litigant, prompt referrals should be made to appropriate legal resources wherever possible.

It is critical to the effective operation of a court self-help center that the community have lawyers, either from legal services organizations or the private bar, willing and available to provide free and low cost legal counsel and representation. Without these legal resources, all interested parties, judges, court staff, administrators, litigants, and self-help center staff may be tempted to encourage the center to try to fill this gap in the professional community. A court self-help center cannot take the place of attorneys who are able and willing to provide pro bono, low-cost, or unbundled legal counsel and representation to the public. If there is such a gap, appropriate meetings should be promptly initiated between the court and the bar to discuss how to address this missing level of legal service to the community.

**12. The self-help center may not provide assistance on any issue on which a litigant is actively represented by an attorney. The center should develop a written protocol to avoid providing service to litigants who are currently represented by an attorney on that issue.**

*Commentary*

Court self-help centers may provide information about the procedure to file for a substitution of attorney or respond to a request to be relieved as counsel.

Assistance may be provided on an issue on which representation is not involved, such as in a situation in which there is a contract for limited scope (unbundled) representation in a case. Assistance may be provided on those issues not included within the limited scope of representation.

**13. The self-help center should give conspicuous notice that the services are not intended to give one side of a case an advantage over the other, and that no attorney-client relationship exists between the self-help center personnel and the litigant using the center. This notice should include the warning that the absence of an attorney-client relationship means that communications between the litigant and the self-help center attorneys, staff, or volunteers are not privileged and that the self-help center staff may provide services to the other party.**

*Commentary*

It is important that all litigants be aware that there is no attorney-client relationship established with an attorney at the court self-help center. This notice might, for example, be provided on signs as well as on any intake sheet or basic handout in multiple languages.

**14. Self-help center staff and volunteers must not make any public comment about a pending or impending proceeding in the court as provided in the canons of judicial ethics.**

*Commentary*

While there is no attorney-client relationship, and hence no confidential communications between an attorney and litigant, as representatives of the court, self-help center staff and volunteers must not make any public comment about a pending or impending proceeding in the court as provided by paragraph (9) of subdivision (B) of canon 3 of the Code of Judicial Ethics. This is in accord with Family Code section 10014, which expressly applies this section of the Code of Judicial Ethics to family law facilitators. It is the intention of these guidelines that they apply to all court self-help center staff. All staff that provide services to self-help center users should be provided with a copy of that section and be required to sign an acknowledgment that he or she was aware of its provisions.

**15. The court self-help center should provide a basic group of core self-help services and make available a list of those services to the public. It should review the types of services it offers to assess effectiveness no less than once per year.**

*Commentary*

Basic core services most frequently include the following:

- Interview and assessment;
- Assistance with pleadings and fee waiver applications;
- Document review;
- Procedural information, including but not limited to explanation and clarification of court orders and the process by which to obtain, enforce, and modify orders;
- Assistance with understanding service requirements and methods;
- Preparation for hearings;
- Completion of orders after hearings and judgments; and
- Drafting stipulations.

Additional services that self-help centers should consider offering include but are not limited to:

- Mediation or other settlement assistance;
- Readiness reviews for calendar appearances;
- Case status meetings; and
- Courtroom assistance, including but not limited to answering questions from litigants, explaining procedures, conducting mediations, preparing orders after hearing, and otherwise assisting litigants without making an appearance or advocating on their behalf. Courtroom assistance should be coordinated with judges and courtroom staff.

Each court self-help center should determine which methods of providing services its staff will use to meet the needs of the litigants in the areas it serves and should annually assess the effectiveness of those methods. For example:

- Providing assistance with paperwork might take a variety of forms such as conducting workshops, offering individualized personal assistance, distributing sample completed forms with detailed instructions and informational pamphlets, document assembly, and interactive Web sites;
- Providing information might occur in person or through the use of telephone help lines, videoconferenced workshops, and e-mail and mail inquiries;
- Preparation of judgments and orders might occur in courtrooms or at the courthouse at the time that self-represented litigant calendars are held; and
- Case status review conferences or settlement discussions with self-represented litigants that might occur in courtrooms or in the offices of the self-help center at specified times.

**16. A court self-help center may not create documents for litigants that require strategic decisionmaking on behalf of litigants by self-help center staff or are designed to promote one side of a case over the other.**

*Commentary*

Because points and authorities, for example, require the court employee to assist litigants with strategic decisions, and thus compromise the court's neutrality, self-help centers may prepare only standardized, boilerplate, fillable form points and authorities that can be used by self-represented litigants. Some self-help centers provide locally developed forms for matters for which there are no Judicial Council forms. Some forms may be required by local rules or other forms be developed by self-help center attorneys for use by self-represented litigants.

**17. Self-help centers should assist litigants to the extent possible whether or not the litigants live in the county where the self-help center is located or have a case in that court.**

*Commentary*

While it is often important to review a case file of a litigant in order to provide helpful information, litigants should be provided service to the extent possible even if their case is not pending in the county or is not in the county where they present for service. Center staff may provide basic information and guidance on how to obtain necessary information about any underlying case. Forms may be prepared with a referral to the self-help center in the county of filing for any guidance with local forms and procedures.

## **Language**

**18. To the extent possible, services should be available in the primary languages of the user population. The self-help center should have a plan in place for users who may need services in a language in which staff is not fluent, including American Sign Language. Using resources available within the community as well as contract translation services**

**should be explored. Interpreters should be made available to the court self-help centers to the extent possible, and bilingual staff should be recruited whenever possible.**

*Commentary*

The self-help center should have a plan for addressing the needs of limited-English speakers, including monolingual Spanish speakers and other language speakers representing more than 20 percent of the total county population according to the U.S. Census or other reliable demographic data source.

## **Data Collection and Evaluation**

**19. To ensure efficient and effective use of resources, the self-help center should regularly evaluate the services it provides.**

*Commentary*

The self-help center should evaluate its services to ensure that they are of high quality and effectively communicate pertinent information and that users are satisfied with the assistance from and their experiences at the center. A customer satisfaction survey is an excellent way to determine usability of services and community needs.

The self-help center should report data on a quarterly basis that includes the types of cases self-represented litigants bring to the center, types of services provided, the number of persons served, and demographic information about those persons. The self-help center should also collect information about staff and volunteer activities and the time devoted to those activities. In order to facilitate evaluation of the centers and protect the privacy of individual respondents, individual responses collected as part of an evaluation of a self-help center should be used only internally. Public reports should use only aggregate data and evaluation results.

## STAFFING

**20. Staff must be present when the court self-help center is open to the public.**

*Commentary*

Customers at court self-help centers rely on the assistance of staff to accomplish necessary tasks. The use of written materials, computer programs, or other nonstaffed strategies does not provide litigants with a useful and effective court self-help center. Without qualified staff available to answer questions and help with paperwork, litigants rarely use any available pamphlets or computers.

When the self-help center is closed, educational literature and referral information may be provided to the public.

**21. A self-help attorney must oversee the legal work of nonattorney staff who provide direct legal information.**

*Commentary*

Attorney oversight of nonattorney work is critical to ensure that the legal information given to the public is accurate and up to date and that the conduct of all staff meets relevant codes of professional conduct.

Attorney oversight also is essential to the process of developing effective case assessment protocols and spotting legal issues that require assistance beyond the scope of that available at the self-help center. This is critical for the protection of the public and the court. Cases that should be referred for attorney representation should not be overlooked because of the inability of staff to spot important legal issues. While nonattorney staff members may have a great deal of knowledge and skill, it is usually acquired through on-the-job experience that is limited to situations that they have personally encountered in their work. Nonattorney staff members may gain practical experience at spotting issues, but training as an attorney is generally necessary to recognize all of the legal issues involved in a particular matter. The combination of experienced attorneys working together with experienced nonattorney staff is clearly the best approach to providing appropriate high quality services.

## **22. Continuity of staffing should be an important goal.**

### *Commentary*

Given the significant level of training and expertise required to provide high-quality services in a court-based self-help center, retaining staff is critical to the effectiveness of the programs. Managing attorneys and staff need to work in self-help centers long enough for the centers to benefit from the experience gained by these individuals. Frequent rotation does not promote this goal.

## **Oversight of Nonattorney Staff**

### **23. The managing attorney should be responsible for the oversight of all the legal assistance and education provided to the public.**

#### *Commentary*

The managing attorney may delegate specific oversight responsibilities to other qualified staff attorneys. In some courts, where the managing attorney is the only attorney on staff at the center, oversight responsibility can be delegated during times of absence, on a temporary basis, to a qualified volunteer attorney from the community or a self-help attorney from another court. For example, when a managing attorney who is the only self-help center attorney is on vacation, at a conference, or is otherwise unavailable, arrangements should be made for a local attorney to be available to the self-help center's nonattorney staff for questions and advice. Alternatively, a family law facilitator or self-help attorney from a neighboring court may be willing to perform this function for the nonattorney staff during the managing attorney's absence. It is important that a sole self-help center managing attorney have a coverage plan for times he or she is unavailable to nonattorney staff.

The goal of this guideline is to ensure that an attorney is available in a timely manner to nonattorney staff who provide legal information and education services to the public in a self-help center. This attorney need not be the managing attorney, nor does this mean that

the attorney must be physically present at all times nonattorney staff are providing assistance. Certainly there will be normal breaks in the daily routine. Time for lunch, meetings, or travel time between locations may make the attorney unavailable to the nonattorney staff for limited periods of time, particularly if the self-help center has only one attorney. Though access to an attorney by cell phone or pager is helpful, an attorney should be regularly assigned to be on duty at one or another of a court's self-help center locations during the times nonattorney staff is providing services.

An attorney at one self-help center location may serve as the attorney resource available to nonattorney staff working at another self-help center site. Communication can occur by videoconference, telephone, or any other means that provide for timely consultation. Deployment of experienced nonattorney staff to multiple court locations to provide direct services to the public is an excellent way to leverage personnel as long as they are properly qualified and can communicate with at least one attorney working concurrently at one of the court's other self-help center locations who is available for timely consultation.

Oversight over legal content, quality, workload, and professional conduct may not be delegated to nonattorneys.

- Attorneys should be allotted sufficient time to direct the legal functions and train nonattorney staff members to ensure high levels of competence and professionalism; and
- All self-help center staff members, including attorneys and court volunteers, should be provided training on how to best provide service to the diverse individuals who seek assistance from the center.

Oversight of nonlegal personnel matters may be, but need not be, the responsibility of the managing, or other staff attorneys.

### **Self-Help Center Managing Attorney**

#### **24. The managing attorney should be working on self-help center business during the times it provides services to the public.**

##### *Commentary*

A self-help center managing attorney needs intimate knowledge and experience with the daily operations of the self-help center. A managing attorney who meets the qualifications for the position but does not have firsthand knowledge of the types of services provided and the legal needs of the community served by the court serves is far from optimal. For example, making a research attorney or other court staff attorney the manager of the self-help center yet not requiring that he or she work there regularly is not an effective plan for providing high-quality, efficient services.

The managing attorney does not need to provide direct services to the public at all times the self-help center is open, but that person's time should be dedicated to self-help center duties, such as administrative tasks.

**25. The managing attorney must be an active member of the State Bar of California and should, immediately prior to working at the self-help center, have a minimum of five of the last seven years working as a family law facilitator or in another self-help center, or practicing law in an area of law relevant to the services of the center, such as family, probate, landlord/tenant, or consumer litigation.**

*Commentary*

The practical information required to effectively run a court self-help center necessitates experience in the legal fields in which the self-help center provides services. Equivalent experience and training may be substituted in appropriate situations. For example, an attorney with only three years of practice who has worked as a staff attorney in the self-help center for the last year may be deemed by the court to have sufficient experience, even though they have only a total of four years of practice experience. When this occurs, the court should maintain records consisting of the resume of the attorney, an explanation regarding the need for the exception, and the equivalent experience and training of the attorney deemed acceptable for the position.

**26. The managing attorney's duties should include all of the following:**

- Directing the legal functions of the self-help center;
- Attending management meetings within the court as required;
- Attending and conducting trainings;
- Oversight and training of volunteers;
- Serving as liaison with other divisions within the court;
- Working with judicial officers on effective caseload management and on other matters as directed;
- Overseeing and evaluating self-help center staff and volunteers;
- Developing materials for the public;
- Designing programs for the public;
- Providing direct services to the public;
- Working with other community legal services providers and local bars to coordinate services and establish collaborations; and
- Conducting community outreach and education programs.

*Commentary*

The administrative functions of the self-help center may be, but need not be, the responsibility of the managing attorney. The legal work of the self help center, such as the content of the information and education provided to the public, and the manner in which the information is delivered, must be directed by the managing attorney. Nonlegal administrative matters such as fiscal management and forecasting, data analysis, budget preparation, facilities planning, or report preparation, as well as nonlegal personnel matters, may be assigned to other court staff.

**27. Managing attorneys should be allowed sufficient time to perform their administrative duties, attend meetings, and attend educational trainings and conferences necessary to meet continuing education requirements and to maintain high professional standards for the self-help center.**

*Commentary*

All staff should be allowed time to complete administrative duties in addition to providing direct assistance to litigants. It is critical that they receive appropriate MCLE training to insure that they are current on the law. It is similarly important that they participate in trainings and conferences devoted to the provision of services for self-represented litigants.

## **Self-Help Center Staff Attorneys**

**28. A self-help center staff attorney must be an active member of the State Bar of California and should, immediately prior to working at the self-help center, have a minimum of two of the last three years working as a family law facilitator or in another self-help center, or practicing law in an area of law relevant to the services of the center, such as family, probate, landlord/tenant, or consumer litigation.**

*Commentary*

The practical information that is required to effectively work as an attorney in a self-help center requires experience in the legal fields in which the self-help center provides services. Equivalent experience and training may be substituted in appropriate situations. For example, a new admittee to the State Bar who had interned for two years in a self-help center may be deemed by the court to have sufficient experience. Input from the self-help center managing attorney may assist the court in determining equivalent training and experience requirements. When this occurs, the court should maintain records consisting of the resume of the attorney, an explanation regarding the need for the exception, and the equivalent experience and training of that attorney that was deemed acceptable for the position.

**29. The staff attorney's duties should include all of the following:**

- Providing direct services to the public;
- Providing oversight to nonattorney self-help center staff members as delegated by the managing attorney;
- Research and updating legal materials for the public;
- Attending and conducting trainings;
- Oversight and training of volunteers, and
- Performing other tasks as assigned by the managing attorney.

**30. Staff attorneys should be allowed sufficient time to attend educational trainings and conferences necessary to meet continuing education requirements and maintain high professional standards for the self-help center.**

*Commentary*

All staff should be allowed time to complete administrative duties in addition to providing direct assistance to litigants. It is critical that appropriate MCLE training is provided in order to ensure that they are current on the law. It is similarly important that



they participate in trainings and conferences devoted to the provision of services for self-represented litigants.

### **Nonattorney Self-Help Center Legal Support Staff**

#### **31. Nonattorney self-help center staff who provide direct information and education self-help services to the public should meet at least one of the following criteria:**

- A juris doctorate, but not an active member of the California State Bar;
- A certificate from a paralegal program certified by the American Bar Association (ABA);
- A bachelor's degree and either one year of experience working with a licensed attorney or providing self-help services under the supervision of an attorney;
- A high school diploma or general equivalency diploma and either two years of experience working with a licensed attorney or two years of providing self-help services under the supervision of an attorney; or
- A high school diploma or general equivalency diploma and three years of working for a California court; plus a minimum of 20 hours of additional training in the areas of substantive and procedural law where assistance is provided by the self-help center, as well as legal and judicial ethics. The managing attorney should determine the manner of the training.

Courts may substitute equivalent experience and training in appropriate situations. Input from the self-help center managing attorney may assist the court in determining equivalent training and experience requirements. When this occurs, the court should maintain records consisting of the resume of the applicant, an explanation regarding the need for the exception, and the equivalent experience and training of the applicant deemed acceptable for the position.

#### **32. Self-help center legal support staff duties should include:**

- Providing direct services to the public;
- Maintaining and updating materials;
- Attending trainings; and
- Performing other tasks as assigned by self-help center attorneys.

#### **33. Self-help center legal support staff should be allowed sufficient time to attend requisite continuing education and training classes and conferences.**

##### *Commentary*

All staff should be allowed time to complete administrative duties in addition to direct assistance to litigants. It is critical that appropriate MCLE training is provided in order to ensure that staff remains current on the law. This should include at least six hours of education per year in an area of law where assistance is offered by the self-help center. It is similarly important that they participate in trainings and conferences devoted to the provision of services for self-represented litigants.

## Other Self-Help Center Staff

### **34. Other self-help center staff should support the functions of the attorney and legal support staff of the self-help centers. These additional staff may include clerical support, interpreters, technical assistants, and others.**

#### *Commentary*

In order to maximize the time of professional staff, it is very helpful to have clerical and other support staff, as well as interpreters when bilingual employees are not available. These staff members should receive training in customer service and self-help center operations and procedures. When possible, staff members should be encouraged to meet with other service providers and attend conferences to learn from colleagues. All staff members should be allowed time to complete administrative duties in addition to providing direct assistance to litigants.

### **35. Clerical staff duties should include but not be limited to:**

- Maintaining supplies and equipment;
- Answering phones, making appointments, and directing calls;
- Compiling statistical data based on intake and evaluation forms;
- Providing the public with general information about the court;
- Providing case status information; and
- Helping the public with computer usage and distributing educational materials.

## Volunteers

### **36. If self-help centers choose to use volunteers, protocols should be developed to provide for their screening and training. Self-help center staff attorneys must provide oversight of volunteers, and their work should routinely be evaluated by the managing attorney.**

#### *Commentary*

It is critical that all work in the self-help center be of high quality and that the neutrality of the court be preserved. All assistance, whether provided by staff or volunteers, should be overseen and reviewed regularly by the managing attorney.

Volunteers should not provide direct services to the public unless they have been screened and trained according to the protocol established for volunteers working in the self-help center.

Volunteers at the self-help center should be clearly identified so that the public can distinguish between self-help center staff members and volunteers.

If student interns or fellows receive stipends or work-study funds, they should still be considered as volunteers for the purpose of these guidelines.

Training should include information on providing neutral information in a court setting, appropriate referrals, and scope of service.

Volunteers must not take any individuals they have assisted at the court self-help center as clients in any private practice or other business enterprise such as legal document assistance offices.

The ethical rules set out in these guidelines should be reviewed and discussed with volunteers. Courts should also receive a signed acknowledgement of the ethical rules from the volunteer.

## Equipment and Technology

### Research Materials

#### **37. Self-help center staff should be provided with access to legal research materials such as relevant current California codes and subject matter practice manuals.**

##### *Commentary*

It is essential that the information provided in self-help centers be up to date and accurate. Given the complexity of matters that can come before the court, it is often important to look up an infrequently used code section or refer to a practice guide.

### Computer Technology for Staff Use

#### **38. Self-help center staff should have access to adequate basic computer workstations, with printers and office software that includes access to the court's public online records and any other appropriate access to court records that can help them perform their duties competently and efficiently.**

##### *Commentary*

Staff access to the case information is extremely important for providing accurate procedural information to a litigant. For example, knowing what forms have been filed is essential to determining what additional forms are needed.

Training should be provided to the self-help center staff members regarding software programs commonly used at the center.

Staff also should have access to the following:

- Computers with CD-ROM/DVD-ROM or similar technology for displaying video content;
- DCSS guideline child support calculator;
- Internet access to pertinent government and legal Web sites;
- Access to court e-mail that allows contact with other court staff;
- Appropriate access to the local Intranet and any other internal programs necessary for self-help center staff duties;
- Software, including access to legal research resources such as Westlaw; and
- Local IT support for the self-help center.

## Computer Technology for Public Use

- 39. If public terminals are provided at the self-help center that offer self-help assistance software programs, knowledgeable staff or volunteers should be available to assist litigants.**

### *Commentary*

The public is not usually able to use self-help computer assistance effectively without help from staff who can answer questions about the use of the technology and address legal questions. In many cases, legal software does not address the issues facing the litigants or the litigants do not recognize their situation in the descriptions given by the software. Staff assistance is critical because litigants can make serious procedural errors that will result in frustration for them and for the court.

It is also helpful to have the following available with public access computers: printers, Internet access, bookmarks to useful Web sites, and access to a public interface of the Registry of Actions.

Computers with CD-ROM/DVD-ROM or similar technology for displaying video content can be useful for programs with video instruction.

Computers or kiosks that only provide information such as the Registry of Actions, directions to locations of services within the courthouse, or other general information about the court need not have staff available at all times for use by the public. This guideline is meant to apply to computers or kiosks that offer electronic self-help assistance to the public that is intended to provide them with legal self-help services, such as document assembly programs, video instruction, or other types of self-help electronic assistance.

## Self-Help Center Equipment

- 40. Self-help center staff members should have easy access to copy and fax machines and have long-distance telephone access.**

### *Commentary*

In order to make most efficient use of their time, self-help center staff members need easy access to copy machines. They need fax machines in order to send and receive documents from other jurisdictions. They also need access to long-distance telephone service to allow competent triage of jurisdiction and venue issues and to make appropriate referrals for services outside the center.

## Distance Services

- 41. Self-help centers should have a plan to provide services to persons who have barriers that may prevent them from coming to the self-help center.**

### *Commentary*

The plan should include access to Web-based self-help resources that could be available for use by the public. This sort of assistance can be made available at any time that is convenient to the user; however, the plan should integrate these electronic services with telephone, fax, e-mail, and other modes of communication with self-help center staff so that questions can be answered in a timely manner when they arise.

### **Ongoing Technology Development**

#### **42. Self-help centers should participate in ongoing evaluation and updating of software and provide updated information about the self-help center and local court procedures for the local court and California Courts Web site.**

##### *Commentary*

In order to ensure that new software programs or Web site additions designed by local courts or the AOC to help self-represented litigants are accurate and appropriate for the needs of the court, self-help center attorneys and staff should participate in review of those programs and provide assistance with recommendations and suggestions for any needed changes.

### **Ethics**

#### **43. All attorney and nonattorney staff members and volunteers working within a court-based self-help center must be aware of and comply with ethical guidelines. The self-help center management should provide regular training on ethical guidelines.**

##### *Commentary*

Court self-help center staff should attend all mandated ethical trainings for court staff provided in their courts. In addition, the self-help center managing attorney should ensure that additional training is provided that addresses functional issues that may arise, such as questions about how these ethical rules relate to the State Bar Rules of Professional Conduct.

### **Ethical Guidelines for Court Self-Help Centers**

#### **44. The following guidelines must be adopted within each center and made known to all staff and volunteers.**

- (A) **Independence and integrity.** All attorneys and staff members who work in a court-based self-help center must at all times uphold the independence and integrity of the center or office.
- (B) **Role as representative of the court.** All attorneys and staff members who work in a court-based self-help center must recognize that they are, and will be perceived by the public as, representatives of the court and, as such, must at all times avoid engaging in conduct that creates an appearance of impropriety. Even when a self-help center is operated by an entity other than the court and has clearly identified itself as separate from the court, the association with the court will be apparent to the public. As such,

- (C) **Impartiality and diligence.** All attorneys and staff members who work in a court-based self-help center must perform their duties impartially and diligently. Impartiality means delivering services in a neutral manner. Diligence requires that the attorney provide the litigants with pertinent information to allow them to bring their matter before the court. This may include appropriate referrals to other resources as well as direct information and assistance at the center or office. The attorney must require similar conduct of all personnel.
- (D) **Respect and patience.** All attorneys and staff working in a court-based self-help center must be aware of the social and economic differences that exist among litigants and treat users of the center with patience and respect. The attorney must require similar conduct of all personnel. However, if a litigant becomes unruly, disruptive, violent, or harasses center staff, the attorney may ask the litigant to leave the center or office.
- (E) **Bias and prejudice.** All attorneys and staff working in a court-based self-help center must assist litigants who seek assistance without exhibiting bias or prejudice based on race, sex, religion, national origin, disability, age, sexual orientation, or other similar factors, and must require unbiased conduct of all personnel.
- (F) **Competent legal information.** All attorneys and staff working in a court-based self-help center must provide the litigants who seek assistance with procedural and legal information and education so that the litigants will have increased access to the court. Court-based self-help centers are not intended to replace private counsel.
- (G) **Full notification of limits of service.** All attorneys and staff working in a court-based self-help center must ensure that conspicuous notice is given that no attorney-client relationship exists between the center or office, or its staff, and the user of the self-help center. The notice must include the admonition that the absence of an attorney-client relationship means that communications between the user of the self-help center and the self-help center are not privileged and that the services may be provided to the other party.
- (H) **Public comment.** All attorneys and staff working in a court-based self-help center must not make any public comment about the litigants or about any pending or impending matter in the court as provided by paragraph (9) of subdivision (B) of Canon 3 of the Code of Judicial Ethics. All persons employed in a court-based self-help center must be provided with a copy of paragraph (9) of subdivision (B) of Canon 3 of the Code of Judicial Ethics, and be required to sign an acknowledgement that they have read and are aware of its provisions.
- (I) **Gifts or payments.** All attorneys and staff working in a court-based self-help center must not accept anything of value in the form of gifts, favors, bequests, or loans from

the litigants whom they assist, since this may give the appearance of impropriety or partiality.

- (J) **Communications with bench officers.** All attorneys and staff members working in a court-based self-help center must avoid all ex parte communications with a bench officer unless working specifically as a research attorney or in a capacity permitted under Family Code section 10005. In addition, attorneys and staff members must not offer an opinion to a bench officer on how the bench officer should rule on a pending case. Communications about purely procedural matters or the functioning of the court are allowed and encouraged.
  
- (K) **Communications with represented litigants.** Attorneys and staff working in a court-based self-help center must not provide assistance on any issue on which an attorney actively represents a litigant. This does not prohibit assistance on how to file a substitution of attorney, or respond to a request to be relieved as counsel.
  
- (L) **Volunteering in a self-help center.** Attorneys volunteering at a court-based self-help center or family law facilitator office must comply with the following rules:
  1. Volunteer attorneys must comply with the ethical guidelines set out for attorneys and staff working in court-based self-help centers or family law facilitator offices.
  2. Volunteer attorneys must not distribute business cards or otherwise solicit or accept clients from their work at the self-help centers or family law facilitator offices.
  3. Volunteer attorneys must not refer litigants to any particular attorney for representation. All referrals for representation or other services must be to an office or entity approved within the referral protocol established by the center.