

Chapter 4

San Francisco County: Multilingual Model

PROGRAM SNAPSHOT MODEL TYPE: MULTILINGUAL MODEL

Hours:	Drop-in: Monday and Wednesday, 1:30 to 4 p.m.; Tuesday, Thursday and Friday, 8:30 a.m. to noon Civil harassment clinics: Monday through Friday, 1:30 to 4 p.m. Unlawful detainer settlement conferences: Wednesday and Thursday, 12:30 to 1 p.m. Unlawful detainer drop-in: Wednesday and Thursday, 1:30 to 4 p.m.
Location:	San Francisco: Civic Center Courthouse Hall of Justice (2 traffic workshops per month) La Raza (2 workshops per month) Cameron House (4 workshops per year)
Number of Customers Served:	Monthly average 778 customers for direct service Additional customers served through radio and television broadcasts and presentations at community agencies
Number of Staff:	1 full-time attorney (the director), 1 full-time clerk
Number of Volunteers:	73 (at time of second site visit): 53 law students, 18 volunteer interpreters and 2 attorneys Roughly 15 volunteers attend on a consistent basis
Case Types Served:	Civil Harassment, Guardianship, Conservatorship, Unlawful Detainer, Name Change, Step-parent Adoptions, Elder Abuse Restraining Orders, Small Estates, Traffic, Small Claims, Family Law, Other General Civil
Types of Services Rendered:	Assistance with completion of forms, procedural information, preparation of orders after hearings, explanation of orders, referrals to other providers, written materials, document review, interpretation services
Methods of Service Delivery:	Individual assistance, workshops, written materials, educational broadcasts

Background

San Francisco County is located on the north-central coast of California, on the tip of a peninsula bordered on the west by the Pacific Ocean and on the east by San Francisco Bay. It is an urban county covering about 231 square miles, with a population of 776,733. The population of San Francisco County is similar in size to the population of Fresno County, but its land area is only 1/25 that of Fresno County. San Francisco is part of a cluster of urban counties surrounding San Francisco Bay, with a combined population of more than 7 million. As of July 2001, the San Francisco Superior Court had 50 judges, 14 commissioners, and 524 employees.

San Francisco County is characterized by its wealth of community service organizations. Community-based organizations provide assistance help in housing (6), eviction defense (3), domestic violence (1), family law (2), and immigration (5); services are also available specifically for seniors (1) and children (1).²² Examples are the Volunteer Legal Services Program (VLSP) of the Bar Association of San Francisco, Asian Pacific Islander Legal Outreach, La Raza, Bay Area Legal Aid, Cooperative Restraining Order Clinic, and Cameron House. The court also has a history of close collaboration with community social service agencies such as Walden House (adolescent drug treatment), Rally (parent visitation service), Kid's Turn (postdivorce counseling), Men Overcoming Violence, and La Casa de Las Madres.

San Francisco has no ethnic majority. The largest ethnic group is white non-Hispanic (49 percent); the remainder includes Asians, 30 percent; Hispanics, 14 percent; and African Americans, 8 percent. Slightly more than 45 percent of San Francisco's citizens speak a language other than English at home. Among Asians, 35 percent do not speak English well or at all. This is also true for 25 percent of Hispanics and 16 percent of Indo-European individuals.²³

By 2020, an estimated 36 percent of San Francisco's population will be Asian, and 20 percent will be Hispanic. Surmounting language barriers is thus a critical issue for the San Francisco Court. Without professional guidance, litigants cannot participate appropriately in legal processes conducted in a language that is at best unfamiliar and at worst incomprehensible to them. When judges, clerks, and bailiffs speak of restraining orders on encumbering property, orders after hearing, abatements, proofs of service, and other such terminology, they evoke blank stares and perplexing expressions on the faces of such litigants.

Census data indicate that for both families and individuals, the percentage of San Francisco residents living below the poverty level is significantly lower than the comparable proportion in Fresno or in Butte, Glenn, and Tehama counties and in California as a whole. For example, the poverty rate in Fresno county is about twice San Francisco's rate. Nevertheless, the family law facilitator program in San Francisco reports that more than 80 percent of self-represented litigants seeking services have gross yearly incomes under \$24,000. This is substantially under the median household income for San Francisco (\$55,221) and for California as a whole (\$47,493).

About one-third of the facilitator's customers are Hispanic; 30 percent, African American; and 13 percent, Asian. In fiscal year 2003–2004, the Office of the Family Law Facilitator in San Francisco provided services to more than 5,000 litigants who had no attorneys. Although 46 percent of the family law facilitator's customers are either Asian or Hispanic, services are provided in English 78 percent of the time.

In fiscal year 2002-2003, San Francisco's new case filings were as follows:

²² Numbers in parentheses indicate the number of organizations providing that type of assistance.

²³ U.S. Bureau of the Census, Census 2000.

- Family law: 5,496
- Probate: 2,978
- Small claims: 6,221
- Limited civil: 10,782²⁴

The court has provided funding to the family law facilitator to supplement the funding under Assembly Bill 1058 for child support services. As a result, the facilitator is able to provide services in all areas of family law. Prior to the implementation of the model self-help program, the only court-based assistance to self-represented litigants in non-family law matters was provided by the small claims advisor. Without bilingual legal assistance, non-English-speaking monolingual self-represented litigants were often sent home to get a bilingual family member or friend to help them communicate with court staff. Alternatively, operations staff had to locate an interpreter to communicate with the litigants and to translate documents. The court estimates that locating interpreters, translating documents, ordering ongoing continuances, and providing services that are often misunderstood increase the demand on staff time between 20 percent and 30 percent. Interpretation services are not mandated by statute in most civil matters. The resulting frustration for both staff and litigants can be intense and lead to negative interactions.

Description of Model

Goals of Program

The San Francisco ACCESS project (Assisting Court Customers with Education and Self-Help Services) is designed to provide self-help services to litigants who speak a wide variety of languages and to develop materials and techniques to address the needs of a multilingual, multicultural population. The original goals of the project were as follows:

- Increase access to justice for non- and limited-English-speaking litigants by providing a combination of direct legal information and education at the court, and creating connections to services in the community organized through collaboration with the many existing legal and social services;
- Increase user satisfaction with the court process by increasing non- and limited-English-speaking litigants' ability to exercise a meaningful voice in their proceedings and elevate their perception of procedural justice; and
- Increase the efficiency and effectiveness of the court system by reducing the time required to handle the needs of non- and limited-English-speaking self-represented litigants.²⁵

²⁴ Judicial Branch Statistical Information System (JBSIS).

²⁵ San Francisco Superior Court Multi-Lingual Self-Help Model Project. Project proposal (2002).

Focus Areas of Law

Because the San Francisco court has funded its family law facilitator to provide services in most all family law matters, the demand on the ACCESS program for family law services has been limited to non- and limited-English-speaking self-represented litigants.

The reduced family law demand has also allowed the center to focus on other areas of civil litigation and provide assistance with civil harassment restraining orders, name changes, small claims, probate, and landlord/tenant cases. Traffic workshops are also available. The center is the only court or community resource, however, that routinely offers assistance in these case types. As a result, it has been required to handle a substantial demand for assistance from English-speaking self-represented litigants.

Project Planning and Start-up

In 2002, San Francisco's Self-Represented Litigant Task Force was established. The task force includes court clerks and bench officers, the leadership of various court divisions, the family law facilitator, a representative from the law library, private attorneys, and representatives from legal agencies, such as Bay Area Legal Aid, Cooperative Restraining Order Clinic, and the Volunteer Legal Services Program of the Bar Association.

The task force decided that the director of the ACCESS project should be a bilingual attorney. In October 2002, after a national hiring process, an attorney with the Office of the Family Law Facilitator, who also served on the task force, was hired as the center's director. The task force also determined people who speak Spanish, Cantonese, Russian, Tagalog, and Vietnamese had the largest need for self-help legal services.

The next four months were devoted to program design. To determine areas of law on which to focus, the new director spoke with bench officers, court clerks, and directors of various departments in the court, particularly those who had the highest number of self-represented litigants. Questionnaires were provided to all court employees and judicial officers asking for suggestions on matters such as what services were most needed and what service delivery methods were most effective. Also during this period, the ACCESS office was set up, informational materials were drafted and translated, a customer satisfaction survey was developed, and referral protocols were worked out with other court departments and community partners.

The court allocated space for the center on the second floor of the San Francisco Superior Court's main courthouse, and people interviewed by the evaluation team during site visits (hereafter respondents; see Appendix B) agreed that this location has been convenient for customers. However, respondents reported that some litigants are not aware of the center because of poor or limited signage within the courthouse. The court has hired a signage consultant who finalized a schedule to redesign courthouse signage; requests for construction proposals will be going out in 2005. Although respondents asserted that the San Francisco County program site is well designed, space is limited.

The ACCESS center opened for business on March 10, 2003. The first clinic was held at La Raza a week later. Over the next three months, the center partnered with the San Francisco Volunteer Legal Services Program to provide an eviction defense clinic at the court and set up a pilot program to assist with unlawful detainer settlement conferences. The first workshop for Asian litigants at Cameron House also took place during this period. In addition, law students were being supervised to assist with civil harassment, and monthly traffic workshops became available.

Throughout the first year of operation, additional services were added to the ACCESS program. Examples are educational broadcasts on Spanish radio, an all-day family law event of presentations to the Chinese community, implementation of small claims orientation workshops, launching of an e-mail service, and formalization of an internship program. By September 2003, the ACCESS center was handling all small claims, and the small claims advisor was added to the staff. The center was also able to hire a full-time clerk with the use of separate grant funds.

In the second year of operation, the ACCESS center has added a small claims mediation program to the list of its services.

Populations Served

Volume

The center serves a large volume of self-represented litigants. As shown in figure 4.1, intake forms underrepresent the number of customers served by the center. In the latest month for which data are available, the center served more than 1,000 customers.

**Figure 4.1
ACCESS Volume Data**

Month	Quarterly Report	Intake Forms	Service Tracking Forms
June 2003	N/A	87	300
July 2003	N/A	186	463
August 2003	N/A	156	611
September 2003	718	195	728
October 2003	940	324	914
November 2003	750	175	793
March 2004	1,121	363	1,023
Monthly average	882	212	690

The monthly volume at the ACCESS center has continued to grow. Between the months of April 2004 and November 2004, the monthly average was 1,066. From September 2004 on, the center saw more than 1,000 customers per month, and in November, the number exceeded 1,300 customers.

Demographics

Gender. About 52 percent of the ACCESS center customers are male, and 48 percent are female.

Age. ACCESS customers tend to be older than those in the other two direct services programs, particularly the Fresno County program. More than 50 percent of customers are between the ages of 30 and 50 years of age. About 29 percent were 50 or older.

Children. The ACCESS center is far less likely than other direct services programs to serve customers with children. Almost 60 percent of customers reported having no minor children. About one-third of customers had one or two children, and fewer than 10 percent had three or more children. These figures likely reflect the limited amount of family law services provided by the ACCESS center. In the other two direct services programs, family law makes up the largest area of legal services, and most customers had at least one minor child.

Ethnicity. According to intake data from customers who came to the center's drop-in services, 35 percent are white non-Hispanic, 23 percent are Hispanic or Latino, 21 percent are African American, and 19 percent are Asian/Pacific Islander. Although the percentage of Asian customers at the ACCESS center is predictably higher than in the other two direct services programs, it is lower than the percentage of Asians in the general population of San Francisco. On the other hand, the percentages of Hispanic and African American customers at the ACCESS center substantially exceed the percentage

in the general population. This is also true for customers of the San Francisco family law facilitator.

Language. Slightly more than 46 percent of ACCESS customers speak a language other than English at home. Of those who speak a foreign language at home, the largest group speaks Spanish (43 percent), followed by Cantonese (13 percent). Overall, 65 percent of foreign language-speaking ACCESS customers prefer to receive services in English rather than another language.

Although ACCESS is a multilingual self-help center, the director and members of the task force decided that the center would also serve English-speaking customers because it is logistically and ethically difficult to turn people away whose primary language is English and because equivalent services are not available elsewhere for English-speaking customers. Overall, 54 percent of customers speak English at home, and services are provided in English 80 percent of the time.²⁶

According to interviews, there has been an increase in the proportion of native English-speaking customers since the center opened, which may be linked to adding services for customers with small claims issues. According to service tracking data, 81 percent of customers seeking help with small claims issues were served in English.

Education. Two-thirds of customers have some college education, 19 percent have a bachelor's degree, and 12 percent have graduate degrees. The customers in the Butte/Glenn/Tehama counties regional project, and particularly in the Fresno County program, report lower levels of education, reflecting lower educational levels in the general populations of those counties.

Employment. More than 50 percent of ACCESS customers report being employed (43 percent full-time and 15 percent part-time.) Of those not employed, 34 percent are unemployed, 30 percent are disabled, and 15 percent are retired. (See figure 4.2 for a summary of demographic information.)

²⁶ Customers who do not write or read English or Spanish well may have chosen not to complete an intake form.

Figure 4.2
Population Served by ACCESS: Summary Statistics
Customer Intake Forms

	%	N
Gender		
Female	48%	741
Male	52%	798
(missing)		75
Total		1,614
Age		
10-19 years	2%	18
20-29 years	17%	208
30-39 years	25%	300
40-49 years	27%	325
50 or older	29%	178
(missing)		421
Total		1,614
Race/Ethnicity¹		
African American	21%	300
Asian/Pacific Islander	19%	266
Hispanic	23%	327
White non-Hispanic	35%	500
Other (including Native American)	5%	74
Speak a language other than English at home		
Yes	47%	671
No	54%	772
(missing)		171
Total		1,614
If yes, which language?		
Spanish	43%	253
Armenian	2%	11
Cantonese	13%	74
Mandarin	9%	55
Tagalog	9%	51
Russian	6%	35
Vietnamese	2%	13
Other	16%	93
(missing)		86
Total		671
Preference of Service Provision Language (for only those who speak a foreign language at home)		
English	65%	355
Spanish	14%	78
Cantonese	7%	36
Mandarin	5%	26
Tagalog	2%	13
Russian	4%	21
Vietnamese	1%	5
Other	3%	16
(missing)		121
Total		671

Figure 4.2 (continued)

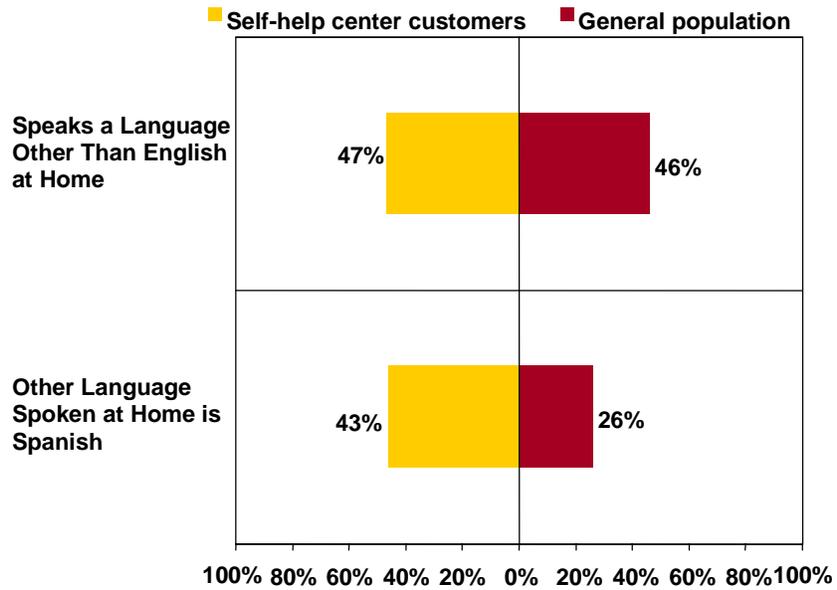
	%	N
Monthly household income		
\$500 or less	16%	171
\$501-\$1000	22%	240
\$1001-\$1500	14%	156
\$1501-\$2000	14%	150
\$2001-\$2500	9%	101
\$2501 or more	25%	266
(missing)		530
Total		1,614
Education		
8th grade or less	4%	50
9th to 11th grade	8%	90
High school diploma or GED	21%	250
Some college	30%	349
Associate or Bachelor's degree	25%	297
Graduate degree	12%	144
(missing)		434
Total		1,614
Number of children		
None	59%	734
One	19%	239
Two	13%	167
Three or more	9%	113
(missing)		361
Total		1,614

¹ Percentages sum to more than 100 because respondents could select more than one race/ethnicity

Household income. Two-thirds of ACCESS customers report monthly household incomes of less than \$2,000. A quarter of customers, however, said their monthly household income was more than \$2,500. In the other two direct services programs, the percentages of customers having incomes exceeding \$2,500 per month were 13 percent (Butte/Glenn/Tehama counties) and 4 percent (Fresno County).

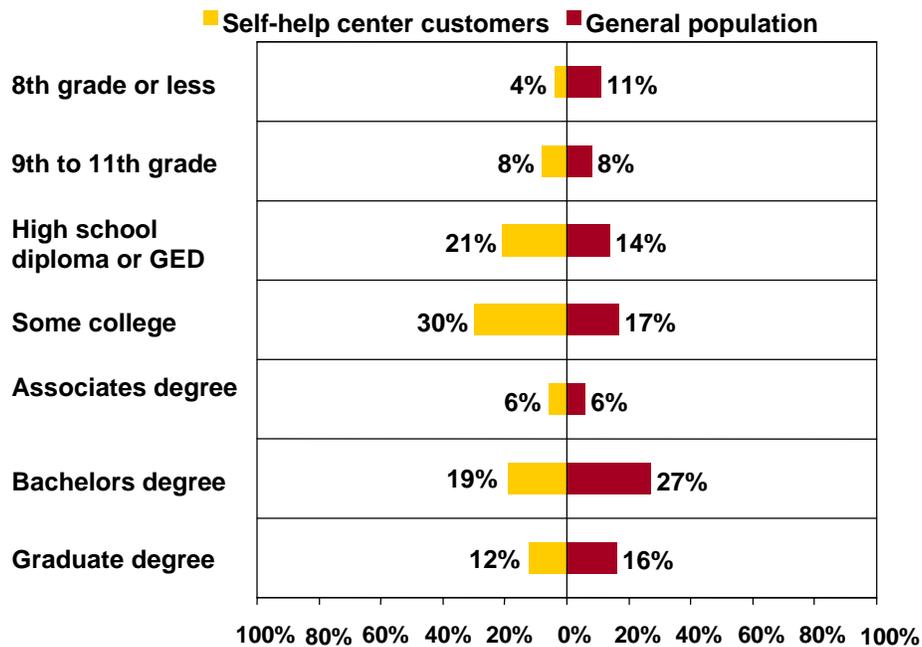
Other demographic characteristics. The percentage of ACCESS customers who speak a language other than English at home is about the same as the comparable percentage in the general population of San Francisco, but the self-help population is more likely to be Spanish speaking (see figure 4.3). Compared with the general population of San Francisco, ACCESS customers tend to have somewhat higher educational attainment at and above the high school level (see figure 4.4). ACCESS customers, however, report lower household incomes than the general population (see figure 4.5).

Figure 4.3
Comparing Center Customers With the General Population in
San Francisco County: Speaks a Language Other Than English at Home



U.S. Census Bureau; San Francisco County, CA, DP-2 Profile of Selected Social Characteristics: 2000, American FactFinder. Retrieved July 22, 2004 from the U.S. Census Bureau Web site:
<http://quickfacts.census.gov/qfd/states/06/060751k.html>

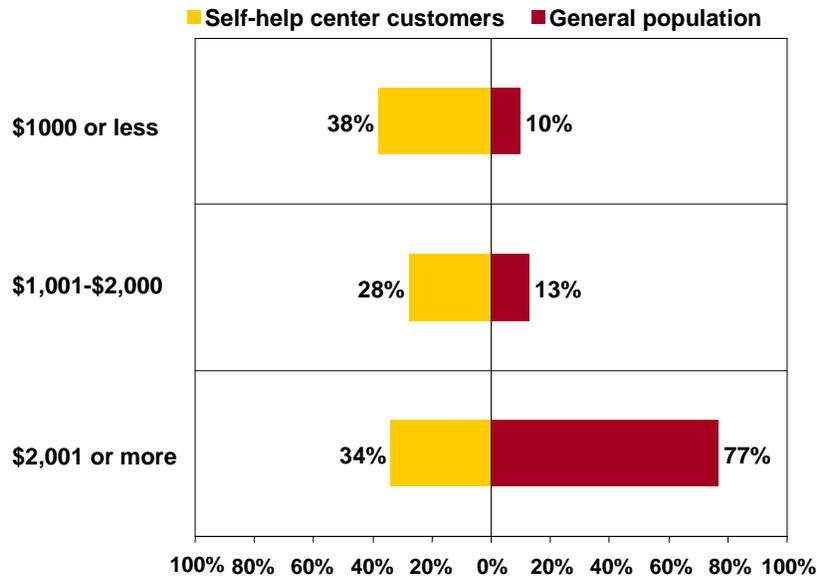
Figure 4.4
Comparing Center Customers With the General Population in
San Francisco County: Education



U.S. Census Bureau; San Francisco County, CA, DP-2 Profile of Selected Social Characteristics: 2000, American FactFinder. Retrieved July 22, 2004 from the U.S. Census Bureau Web site: <http://quickfacts.census.gov/qfd/states/06/060751k.html>

Note: Numbers have been rounded and may not sum to exactly 100 percent.

Figure 4.5
Comparing Center Customers with the General Population in
San Francisco: Monthly Household Income in Dollars



U.S. Census Bureau; San Francisco County, CA, DP-3 Profile of Selected Economic Characteristics: 2000, American FactFinder. Retrieved July 22, 2004 from the U.S. Census Bureau Web site: <http://quickfacts.census.gov/gfd/states/06/060751k.html>

Notes: The Self-Help pilot project data and the census data do not perfectly match. The census data categories are as follows: \$833 or less; \$834 to \$2083; \$2084 and over. Numbers have been rounded and may not sum to exactly 100 percent.

Service Staffing

Paid Personnel

All paid staff are full-time court employees.

Program director. The program director is an attorney who is bilingual in Spanish. The director assists with one-on-one services, leads workshops both in the center and in community organizations, and leads outreach and collaboration efforts. The director's administrative supervisor is the assistant chief executive officer of the San Francisco Superior Court, whose office is next door to the director's. The director's salary is paid by the AOC Model Self-Help grant.

Small claims advisor. The small claims advisor is an attorney who helps customers on a one-on-one basis (for all case types), leads workshops on small claims matters, and provides assistance at community agencies. The small claims advisor has integrated small claims services with the ACCESS center and works there full-time, but the position is funded by the county's general funds.

Court clerk. The clerk assists with clerical duties and serving customers and is bilingual in Spanish. The clerk's salary is shared between the Model Self-Help AOC grant, another AOC grant and the county general fund.

Attorney supervision. Attorneys from the ACCESS center or the partnering legal services programs supervise all nonattorney staff and volunteers. Volunteers work directly with customers, often going through the forms with them one-on-one. Because the center operates in a small space, the attorneys are always easily accessible to answer volunteer questions and monitor the communication between volunteers and customers. The director or small claims attorney supervises the volunteers. The attorneys review every pleading on which volunteers assist. No one leaves the center without an attorney first looking over his or her paperwork.

Volunteers

In addition to its paid staff, ACCESS uses a large number of volunteers. Students at the University of California Hastings College of Law do internships at the center. ACCESS also has formalized internships with the paralegal studies program at San Francisco State University and the University of San Francisco. Interns get credit/units for their work with the center, so they are reliable and consistent. They are also bilingual.

Volunteers, who are supervised by staff attorneys, conduct the civil harassment clinics that provide individual assistance to litigants who are seeking civil harassment restraining orders. The volunteers also help by staffing the courtrooms to draft orders after hearing and reissuances.

Volunteers have been an important part of the outreach to non-English-speaking populations at the center, given that paid staff have only Spanish and English language capacity. At the time of the second site visit, there was one regular volunteer who speaks Cantonese and Mandarin and one who speaks Russian.

Recruitment. Most volunteers are students at the University of California Hastings College of Law. The director is also working to establish internships with two local university programs. The paralegal studies program at San Francisco State University now offers school credit for internships at the ACCESS center, yielding five interns so far.

In addition, the director has attempted to set up a relationship with the interpretation certificate program at San Francisco State University, although union issues have become a barrier. Court interpreters recently became official employees of the court, and their union opposes bringing in volunteers to do the work of paid employees. Because interpreters are not legally required in civil cases,²⁷ court interpreters are largely used in criminal trials. As a result, there is a large unmet need for interpreters in civil cases.

²⁷ See *Jara v. Municipal Court for San Antonio Judicial Dist.* (1978) 21 Cal.3d 181.

Training. According to individuals interviewed, the center has formal and informal methods of training its volunteers. The director conducts a formal training three times a year for the paralegal interns, undergraduates, law students from all schools, and community volunteers.

As part of their training, volunteers are expected to read and acknowledge reading and understanding a volunteer manual that includes do's and don'ts of working at the court. Topics covered in the manual include working as a neutral person and not giving advice or soliciting business. The manual contains a guide to the San Francisco courts and chapters on each type of case ACCESS covers. At the training sessions, which take place at the court in the evening, the manual is reviewed and role-plays are conducted. Instructional videos are shown, and volunteers practice filling out forms. A minimum commitment of four hours per week for a semester is required of students. For the first two weeks at the center, new volunteers sit with one of the attorneys as they assist customers. For the next two weeks, new volunteers observe more experienced volunteers. After the fifth or sixth week, depending on comfort level, new volunteers work in pairs to assist customers. Only experienced volunteers (those returning for a second semester or more) see customers one-on-one. Working lunches are held to go over certain areas of law such as judgment collection, the overall eviction process, and the various types of small claims cases. Volunteers who are not comfortable performing direct services but want to help at the center are assigned to prepare templates and instructions on different issues that commonly arise. Student supervisors are assigned to each shift. These supervisors are volunteers from prior years and semesters, they get a small payment from Hastings' Civil Justice Clinic. Therefore, the center can always count on at least one volunteer at each shift. The student supervisors provide good mentoring for other volunteers.

All volunteers are encouraged to attend the formal training sessions. For volunteers from the community who are unable to attend, training is more informal. They are encouraged to read the center's volunteer training manual, which is provided to all volunteers, and to ask questions of the director. As part of the informal training, volunteers are asked to review relevant court forms.

According to respondents, most volunteers learn what they need to know on the job and feel that the training efforts are sufficient. The director hopes to start more regular formal training sessions to provide volunteers an initial orientation, but there will always be a need for on-the-job training.

Analysis of Customers Served

Language of Service Provision

Although 47 percent of ACCESS's self-help customers speak a foreign language at home, 80 percent of drop-in services are provided in English, according to service tracking data (see figure 4.6). This is consistent with interviews with staff, who said that

many foreign language-speaking customers have enough English proficiency to talk through their legal issues with an English speaker. Relatively few cases are assisted in Chinese, Russian, Vietnamese, or Tagalog, perhaps due to the difficulty of recruiting and retaining volunteers who speak those languages. It is unclear to what degree the relatively low percentage of foreign language service provision is a problem; 83 percent of customers said they prefer to receive services in English.²⁸

Figure 4.6
ACCESS: Language of Service Provision
Service Tracking Forms

	%	N
English	80%	4,333
Spanish	16%	878
Chinese	2%	110
Russian	1%	60
Vietnamese	0%	8
Tagalog	0%	10
Other	0%	8
(missing)		113
Total		5,520

Administrative data do not include services provided at local community organizations because service tracking and intake forms were not collected at those locations. Therefore, service tracking data underrepresent the number of Chinese and Vietnamese customers served because the center primarily serves these target populations at the facilities of community organizations.

ACCESS staff emphasize that language preference is a complicated factor that existing demographic data do not address adequately. They have found that it is important not to assume that people who speak a language other than English at home are foreign language-speaking. Many customers, especially Asian/Chinese and Latinos, often speak another language at home because their parents are monolingual foreign-language speakers, but the customers themselves use English as a primary language. In many instances, either the customer is English speaking (and may speak something else at home) or the English-speaking relative is coming to the center on behalf of a monolingual foreign language-speaking parent. The center has also observed that the vast majority of Filipinos in San Francisco are bilingual.

Center staff have also learned that even when customers do not use English as their primary language, they frequently prefer to speak English regarding their business or other dealings outside the home. This may be because their knowledge of California law

²⁸ Intake forms are filled out in English or Spanish by individuals who visit the self-help center, which may bias the data.

or of the United States in general is in English, so they are more familiar using terminology in English. Nevertheless, a lot of materials in other languages are handed out at the center. Even when assistance is provided in English, customers with another primary language are given written materials in English and their primary language. Feedback to the center indicates that this is very helpful; customers can understand the legal paperwork they get by knowing what the terminology means in their primary language.

Case Types and Issues

Most cases brought to the center involve civil issues and unlawful detainer (see figure 4.7). According to service tracking data, slightly more than 50 percent of civil cases served by the center are in the area of small claims, and 38 percent are civil harassment restraining orders (see figure 4.8). In summer 2003, the services of the small claims advisor for San Francisco were integrated with the ACCESS center, allowing ACCESS customers to receive assistance in that area of law as well. The small claims advisor received training in the other areas of law that the ACCESS center addresses, including instruction from various court staff attorneys and clerks and videos produced by the Bar Association. In addition, the ACCESS director has become acquainted with small claims matters through discussion and instruction from the small claims advisor. This partnership allows both programs to serve more customers.

Figure 4.7
ACCESS: Case Types Served
Service Tracking Forms

	%	N
Civil	75%	3478
Unlawful detainer	16%	748
Family	5%	226
Probate	3%	123
Other	1%	45
(missing)		900
Total		5,520

Figure 4.8
ACCESS: Breakdown of Civil Cases
Service Tracking Forms

	%	N
Small claims	51%	1,788
Civil harassment	38%	1,313
Name change	8%	263
Other	3%	120
(missing)		2,036
Total		5,520

About 80 percent of ACCESS customers are petitioners, plaintiffs, or moving parties. The exception is in unlawful detainer cases; about two thirds of those customers are defendants. However, the center is seeing increasing numbers of landlords.

Figure 4.9
ACCESS: Type of Service Provided¹
Service Tracking Forms

	%	N
Procedural information	82%	4,412
Other information	74%	3,997
Assistance completing forms	45%	2,395
Referrals to other providers	14%	754
Forms with instructions	10%	522
Other educational materials	7%	397
Assistance with documents	6%	333
Explanation of court orders	5%	280
Forms only	3%	151
Translation/interpretation	1%	59
Order after hearing/judgment	0%	23
Mediation	0%	5
Filing	0%	1
Other	1%	45
Total		9,043

¹ Percentages sum to more than 100 because respondents could select more than one type of service.

Types of Services

Most of the services provided at the San Francisco self-help center are to inform customers of court procedures (82 percent), provide general legal information (74 percent), and help with completing forms (45 percent). Other types of services, such as assisting with forms and their instructions, explaining court orders, translating/interpreting, and mediation, are also provided (see figure 4.9).

Description of Service Delivery

ACCESS primarily serves customers in a one-on-one setting and in workshops. Attendance at workshops may be underestimated in the service tracking data because forms may not have been completed consistently at workshops. The Internet and written materials are other ways center staff and volunteers work with customers (see figure 4.10).²⁹ Services provided at community organizations are not captured in these figures.

Figure 4.10
ACCESS: Contact Type
Service Tracking Forms

	%	N
Individual, face-to face	97%	5,318
Workshop/clinic	9%	495
Internet	1%	30
Written correspondence (letters, e-mail)	0%	9
Telephone	0%	6
Other	0%	7
Other computer application/ software	0%	1
Total		5,866

¹ Percentages sum to more than 100 because respondents could select more than one contact type.

One-on-One Assistance

Most ACCESS customers are served through one-on-one contact, according to service tracking data. Staff and volunteers meet individually with customers to help them complete paperwork and to answer questions about legal matters. Customers who speak a foreign language write their declarations in their native languages, and the volunteer or staff member who speaks that language translates the declaration into English. If no volunteer is available who speaks the language of the customer, center staff attempt to find another court employee who speaks that language or, as a last resort, ask the person to return when a volunteer is available. The proposal for this project laid out plans to use court staff with proficiency in the various target languages to assist customers with

²⁹ Service tracking data may not adequately capture the extent to which written materials are distributed, however, because customers may pick up materials without a staff person noting that on a service tracking form.

limited or no English-language ability. According to the center's quarterly report, five court personnel are available to provide services in Cantonese. However, according to respondents, this arrangement does not consistently provide a source of interpreters for the center because of the heavy workload of court personnel. This has also been affected by the current budget crisis, which has reduced the number of court staff overall.

Workshops

Workshops are the second most common method of delivering services to the public. According to administrative data, the center held 19 workshops in March 2004: 4 on judgment collections, 5 on small claims, 2 at La Raza, and 8 on settlement conferences. All but those held at La Raza were conducted in English. Subsequently, workshops in Chinese have been held at Cameron House. The topics covered at these workshops ranged from family law (discussed in 2 of the 19 workshops), small claims (discussed in 7), unlawful detainer (discussed in 8), and judgment collections (discussed in 4). Workshops were led by center staff (11), a center volunteer (2), or a staff person from the Eviction Defense Collaborative (6). Most of the workshops lasted 90 minutes, and audiences tended to be small.³⁰ The largest workshops drew groups of seven customers. The workshops helped with form preparation (9) and provided referrals (3). Most workshops were in a lecture or question-and-answer format. Workshop descriptions are set out below.

Prepare for your settlement conference (UD). This workshop addresses the unlawful detainer settlement process. It lasts about 90 minutes with the first hour as a class and the remaining half hour intended to answer individual questions for those litigants with settlement conferences on that particular day. Litigants learn about the workshop through flyers that the court sends out along with notice of the settlement conference date. The workshop is offered twice per week, on Wednesdays and Thursdays, right before the *pro per* settlement conferences. The court rearranged its calendar to consolidate all *pro per* cases on those two days to allow for the workshop to take place right before the settlement conference. Instruction is primarily verbal; however, litigants also receive a comprehensive package with information on the settlement process, describing options, explaining what to do with jury instructions, and reinforcing the need to go to trial if no settlement is reached. Stipulation for judgment forms and jury instructions are discussed. This is a stand-alone workshop. Follow-up assistance is provided if litigants do not settle their cases and must proceed to trial. The Eviction Defense Collaborative makes an appointment at its office to prepare litigants for trial. In addition, ACCESS assists with enforcement of the stipulations, completion of paperwork to obtain judgment if stipulation is broken, and stays of eviction. A landlord attorney is on call for those two days in the rare instances of *pro per* landlords.

³⁰ Workshop tracking data do not cover the traffic workshops at the Hall of Justice, which have much larger attendance.

Introduction to family law. This workshop, led by the ACCESS director, is offered at La Raza every other Tuesday in Spanish. It consists of one hour of class plus a half hour of individual consultations. Instruction is verbal and written materials from the Office of the Family Law Facilitator are distributed. This is a stand-alone workshop, with no follow-up assistance by ACCESS. The customers assisted are then offered further assistance by the Office of the Family Law Facilitator. At the time of the second site visit, this workshop had been conducted at Cameron House at least six times, four times in Cantonese and two in Vietnamese.

Orientation to small claims. This workshop takes place every Thursday and lasts 90 minutes. Led by the small claims advisor, the program consists of an overview of the small claims process, including ascertaining jurisdiction and venue, naming the defendant, filing, preparing for court, and attending the court hearing. Usually, the plaintiff's claim is completed in the workshop unless participants have already completed it. Instruction is verbal, with written materials distributed. In addition, a short video provided by Legal Aid of Orange County is shown. The ACCESS director has also offered this workshop in Chinese at Cameron House on two occasions, with the assistance of an interpreter on the Cameron House staff.

How to collect your judgment. This workshop led by the small claims advisor takes place every Thursday and lasts 90 minutes. Small claims workshops are also offered at La Raza. An overview of the enforcement process is provided, with detailed discussions of methods of collecting judgments such as bank levies, liens, wage garnishments, till taps, and keepers. Discussion also extends to filing orders of examination, questioning parties, issuing subpoenas, and renewing judgments. Instruction is verbal, and a packet of information and forms covering most enforcement options are distributed.

How to fight your traffic ticket. This workshop takes place once per month from 5:30 to 8 p.m. (or 8:30 p.m. if volume is high). It is taught by a pro bono attorney expert in the area of traffic law, assisted by the Traffic Division chief, and it takes place at the Hall of Justice, where the Traffic Division is located. The workshop goes through the traffic citation process from the moment a driver is cited through arraignment and trial. Participants have 30 to 45 minutes to ask questions. Attendance has been averaging about 60. ACCESS is considering adding another workshop and limiting assistance to 30 to 40 people to allow for a shorter workshop.

Educational Outreach

The ACCESS director makes a monthly appearance on a Chinese radio program to answer legal questions. Questions and answers are translated into Chinese as the interview proceeds. Every two months, the Chinese radio program is followed by a workshop in Chinese or Vietnamese. Using Cameron House as the intermediary has allowed the program to provide education on many different legal issues. Although these numbers are not captured in terms of people coming into the ACCESS center, contacts in the community report that the value of this education is significant.

Appearances are also made on Spanish radio and television. Educational materials have been distributed to community-based service providers to help them inform their clients. The center is told that these materials are widely used and viewed as very helpful and informative, given the misconceptions and myths existent in the different immigrant communities about the legal system.

Written Materials

The ACCESS center provides written materials in all of its five target languages. Printed materials include:

- A guide to the San Francisco Superior Court (where to get court forms and file papers, general information about the departments that handle various case types, and court-based self-help services);
- Information on self-representation (services provided at the self-help center, tips for self-represented litigants, and tips on how to find a lawyer);
- Tips on how to use an interpreter in court; and
- Information regarding particular case types with which the center provides assistance (including information for both landlords and tenants).

Most instructions on how to fill out court forms have not been translated, however. In addition, the center provides written materials on areas of law that it does not help customers with individually or in workshops.

The center pays an outside provider to translate its materials into plain English or accessible text³¹ and into four of the five non-English languages the program serves. Program staff can translate materials into Spanish but must use a translator for the other languages. Center staff must be sure that a document is accurate and complete before sending it to the translator because no one is able to make changes to the documents once they have been translated. Although other court employees are proficient in some of these languages, most are not experienced enough to translate materials, especially those with legal terminology. These translations have been costly: According to interviews, an average trifold brochure costs between \$2,200 and \$3,100 to translate.

In addition, the center has developed tools for use by court staff to facilitate referrals and inform court staff about available services. One is a referral slip designed to be completed by judges and commissioners when a self-represented litigant has appeared in their court and does not have correct paperwork or needs additional information. The form allows judges or commissioners to fill out the name and case number, checking problems the case has (see Appendix H). Staff at the ACCESS center have found that customers have a hard time remembering or understanding judges' instructions about what paperwork is

³¹ Accessible or plain English text refers to text that is easy to understand and read for individuals with average levels of literacy. For more information, please refer to the Transcend Web site: <http://www.transcend.net/at/index.html>

necessary to successfully complete their case. Because customers take the form directly to the ACCESS center, they no longer have to remember complicated instructions or legal jargon.

The center developed a similar tool for court clerks. This referral card provides information on the location of court-based self-help service providers, such as the Office of the Family Law Facilitator and the self-help center, and it delineates the services they provide. Finally, the center distributes laminated cards to clerks that outline the services provided by the court-based self-help services and by outside legal service agencies. According to respondents, clerks use these materials to refer customers to the center.

Internet/E-mail Services

The center has a Web site that provides information about its hours and the areas of law that it serves. A volunteer is in the process of developing the site to provide more comprehensive information on the center's services, translated into the five target languages. Currently, the Web site does not identify the languages in which the center provides help, and it is entirely in English. The center also set up an e-mail account to which customers can send questions, although the address is only publicized within the center itself, on its Web site, and through affiliated community agencies. The center director responds to e-mail inquiries in either English or Spanish. According to interviews, although there have been few e-mail inquiries until recently, these seem to be increasing and are now coming in at a rate of about 70 per month. The center director believes that e-mail is an efficient way to respond to easy questions and allows litigants to avoid repeated trips to the courthouse.

Interpreters

When called by a judge or court clerk, and when not assisting customers, the director, clerk, or an interpreter volunteer will appear in court to provide Spanish and Cantonese interpretation services for self-represented litigants in civil matters. Center staff act as court interpreters to assist litigants in civil harassment or small claims cases. The director and clerk spend about 10 percent of their time providing these services. Many respondents described this as a particularly helpful service the center staff can provide and noted a great need for interpreting services. Even with center staff's assistance, there remains a large unmet need for interpreters in civil cases.

Chronological Description of Service Flow

Referrals to the Center

Currently, most customers hear about the self-help center either through a court clerk or through a friend or family member (see figure 4.11). Clerks refer customers to a range of legal resources in San Francisco. ACCESS has been instrumental in educating clerks about available resources in the community. Clerks commonly distribute a list of community legal resources to customers at the clerk's window, including where to go for attorney assistance. If the legal issue is something the ACCESS center handles, however,

clerks are likely to refer customers there first, according to interviews. This indicates that the referral slips and outreach the director has done with court staff is working; however, according to some site visit interviews, clerks do not consistently provide accurate information about the ACCESS center’s hours of operation or its ability to serve customers in languages other than English and Spanish. Center staff members conduct regular training for clerk supervisors, but the information does not get to the clerk staff consistently. Furthermore, the frequent rotation of clerk staff makes it hard for the center to keep up with training.

ACCESS customers who have monthly household incomes of more than \$2,000 are more likely to hear about the center from court clerks. The likelihood of hearing about the center from a community agency declines as income increases. If income is more than \$2,500 per month, information about the ACCESS center is less likely to come from family and friends. This is also true for those reporting higher educational levels. Income exceeding \$2,500 per month also increases the likelihood of hearing about the center through the Internet.

Figure 4.11
How Customers Heard About ACCESS¹
Customer Intake Forms

Source	%	N
Clerk’s office	36%	369
Friend or family	18%	182
Community service agency	8%	82
Legal Aid, Legal Services	7%	72
Attorney	5%	56
Web site	5%	50
Other	5%	47
Bar association	4%	46
Pamphlets, written materials, posters	4%	38
Police	3%	33
Judge, commissioner	3%	30
Other court personnel	3%	27
Family court services	3%	26
Walk-in	2%	24
Newspaper, TV, radio advertisement	2%	16
Family law facilitator	1%	9
DA, local child support agency	1%	9
Total		1,116

¹ Percentages sum to more than 100 because respondents could select more than one source.

About 62 percent of ACCESS customers report that they did not seek help from another source prior to coming to the center. Within that group, 46 percent report that they cannot afford an attorney. This proportion is noticeably lower than programs report in both Fresno County and Butte/Glenn/Tehama counties. This difference may be partially related to the fact that the cases handled in San Francisco are somewhat less complicated (i.e. name change). Another 48 percent of ACCESS customers don't know if they need an attorney or choose to self-represent.

Intake Procedures

Customers who drop by the ACCESS center sign in at the front desk. Staff and volunteers meet individually with customers on a first-come, first-served basis. Respondents said that at times, there are long lines of waiting customers. Center workers report that no more than five people are usually waiting in line at one time and that wait times are usually not longer than half an hour. The staff begin triage so that those who are waiting can get started on some paperwork or reading. Triage of cases is a critical function of the program.

An attorney or clerk usually staffs the reception desk. If a volunteer is staffing the reception desk, it is only until an attorney or clerk can return. Once reception concludes that the customer can be assisted by ACCESS, a volunteer gives the customer an intake form to complete, takes the customer to the table, and begins assistance. Usually, the forms are highlighted, and customers fill in personal information (such as name, address) and, depending on level of comfort, may complete a declaration with the volunteer on hand. If a customer is not comfortable writing or has limited English, the volunteer takes a more active role. This varies a lot depending on type of case and comfort level of the customer. Some customers can go forward if they get the right paperwork with sections that need particular attention highlighted and can ask questions as they complete the forms. Others need a little more assistance.

During intake, customers are asked to sign the disclosure statement informing them that the center does not provide legal advice and that the center and its attorneys are not representing them. Next, customers are asked what help they need and whether or not they currently have counsel.

If customers are self-represented, case assessment continues. For example, if customers request assistance with a restraining order, questions about their relationship to the perpetrator are asked. Customers involved in a domestic violence relationship are referred to the facilitator. If customers appear to be older than 50, they are asked about age to ascertain whether an elder abuse restraining order and referral to Legal Assistance to the Elderly is appropriate. Volunteers also assist customers responding to a restraining order.

For customers with an eviction issue, the first step is to ascertain whether they are the tenant or landlord. For tenants, staff reviews the summons to ascertain when it was served. If fewer than five days have passed, customers are referred to the Eviction Defense Collaborative. Volunteers assist customers who arrive on the fifth day. When

the situation is unclear, staff check the register of actions to make sure no default has been filed. Depending on the Eviction Defense Collaborative's telephone advice, customers are either referred to that program or helped at the ACCESS center. If a default has been entered, information and assistance are provided about motions to vacate. Similarly, information and assistance can be provided about stays. The Eviction Defense Collaborative can help with rental assistance and relocation, so a referral to them, if there is time, is usually preferable. These cases often include related social services issues, so ACCESS refers customers to the appropriate community agency.

For customers who are landlords, all commercial evictions are referred to the private bar. If a commercial eviction is not involved, staff inquire about notice to the tenant. If no notice has been given, information and education about notice requirements are provided. If the customer indicates that notice has been given, ACCESS reviews the notice with the litigant and, when appropriate, assists with the unlawful detainer paperwork. All landlords are provided with an article discussing liability for wrongful eviction.

The first step in triage of a small claims case is to determine if it is a new case. If so, staff ascertain who is the defendant, where the defendant is located, what happened, and where it happened. Education is provided about issues of venue and about claim splitting, and appropriate referrals are made to the bar for litigants who wish to proceed with cases exceeding the jurisdictional limits of the small claims court. Customers who want to continue in small claims court are referred to the center's workshop on small claims orientation. For customers who have already filed a small claims court case, center staff provide a document review service and answer questions. For customers who want to enforce judgments, the triage person ascertains how much is known about the defendant's assets. If the defendant's bank is known, for example, immediate assistance can be provided. Often, however, a wide range of enforcement mechanisms must be reviewed. In those cases, customers are referred to the judgment collection workshop. A substantial number of small claims customers are courtroom referrals. The triage person takes the referral from the commissioner, figures out what customer needs, and provides appropriate assistance.

When customers ask for help with a name change, their county of residence must first be ascertained. Customers who live in San Francisco are assisted with forms; others are referred to the proper location. Customers seeking gender change are asked if they have the required affidavit from a physician. If not, they are provided with a template to take to their doctor. In the rare cases when gender change issues are complicated, referrals are often made to the Transgender Law Center.

Critical to triage is determining what cases the center can and cannot handle. For example, customers who are suing or being sued in civil court are referred to the bar. ACCESS provides plaintiffs who need to serve a defendant with an informational packet on service of process. Staff can check to see if defendant customers have been defaulted by checking the register of actions. If no default has been entered and there is sufficient time to respond, customers are referred to the bar for legal advice about filing an answer.

If time is insufficient for referral, ACCESS staff provide information about the possible types of responses and inform customers that they will need to make this complicated decision themselves. Customers who choose to file an answer receive help with the basics of general denials or answers. Customers are then referred to the Volunteer Legal Services Program, for help from an attorney with a possible amended answer. If a default has been entered against the customer, information about the consequences is provided as well as education about various options.

Referrals From the Center

About 16 percent of ACCESS customers are referred to other service providers, most commonly to a lawyer referral service, legal aid office, or to the Office of the Family Law Facilitator. Referrals to community service providers are less common.

Figure 4.12
ACCESS Referrals Made to Legal and Community Service Providers¹
Service Tracking Forms

	%	N
<i>Legal Service Providers</i>		
Legal services	46%	395
Lawyer referral service	24%	206
Family law facilitator	23%	195
Small claims advisor	4%	38
Local child support agency	0%	2
Public defender	0%	1
Other legal service ²	6%	50
Total		887
<i>Community Service Providers</i>		
Domestic violence shelter/advocate	9%	5
Housing service	9%	5
Mediation service	9%	5
Government service (e.g. FCS, CPS)	7%	4
Counseling service	2%	1
Other community service ²	66%	36
Total		56

¹ Percentages sum to more than 100 because respondents could select more than one provider.

² Examples of other legal service providers include the probate clinic, the employment law center, and the rent board. Examples of other community service providers include adult protective services, the health department, the public library, and medical clinics.

Almost all family law cases are referred to the family law facilitator (91 percent), and unlawful detainer cases are usually referred to legal services (87 percent). Other civil and probate cases are most often sent to lawyer referral office, private attorneys, or legal services. Examples of other legal service providers include the probate clinic, the employment law center, and the rent board. Examples of other community service providers include adult protective services, the health department, the public library, and medical clinics. (See figure 4.12 for an overview.)

Returning for Service

Most ACCESS customers do not return to the center for additional help, according to service tracking data.³² Among the 23 percent who return, the most common reason is to get clarification on the next step in their legal process, as shown in figure 4.13. Because ACCESS does not assist with many of the particularly complicated case types that involve many steps in the court process (e.g., family law), it is not surprising that customers do not return to the center after their initial visit.

Figure 4.13
ACCESS: Reason for Customers' Return Visits¹

	%	N
Next step in the process	53 %	581
Has additional questions	33%	358
Needs help with forms	9%	102
Document review	7%	79
Needs access to an interpreter to help translate in court	2%	24
Needs help understanding a court order	2%	19
Responding to new papers	1%	7
Court appearance preparation workshop	1%	5
Filing	0%	1
Other	5%	50
Total		1,226

¹ Percentages sum to more than 100 because respondents could select more than one reason.
Note: About 23 percent of visits were from customers who returned for assistance.

Budget and Expenditures

During the first year of operation, the ACCESS program spent 58 percent of its budget on operating expenses and 42 percent on personnel. Most operating expenses were divided evenly between equipment/furniture expenses and translation of materials.

³² These numbers may be low because service tracking forms were not filled out for people returning to pick up their temporary order or order to show cause.

During the second year of operation, 75 percent of the ACCESS budget was for staffing and 25 percent for operating expenses. Of the operating expenses, 71 percent was for costs of translation and interpretation services.

In the third grant year, nearly all (more than 99 percent) of program expenditures were for staffing. This seems to indicate that program is becoming increasingly institutionalized into the operational structure of the court.

Collaboration and Outreach

Collaboration efforts were a major part of the plans for this center, and they have been a major focus of its ongoing operations. The center has established relationships both inside and outside the court, and respondents reported that these have led to fruitful collaborations and efficient work patterns.

Collaboration Within the Court

Collaboration between the ACCESS center and other court divisions has made the schedule more convenient for self-represented litigants. When the center opened, the director developed an assessment of each civil department to determine current needs. She also met with all the court clerks hoping to learn from them and other court staff where the ACCESS center could be helpful. The director was familiar with these individuals because she had been an attorney with the Office of the Family Law Facilitator prior to becoming director of the center.

The center also has a strong relationship with the Office of the Family Law Facilitator, and the two offices work together to provide language services to customers (e.g., the ACCESS center will send its Russian-speaking volunteer to the Office of the Family Law Facilitator if assistance is needed to communicate with a Russian-speaking customer). ACCESS has enhanced existing services at the Office of the Family Law Facilitator by providing limited assistance in family law on Fridays when the Office of the Family Law Facilitator is not open and by providing family law assistance outside the court at community-based organizations.

The court's probate division was experiencing a significant demand for help from self-represented litigants with small estate issues. In response, ACCESS developed a small-estates affidavit procedure for self-represented litigants. Similarly, in response to a request from pretrial services in the civil division, ACCESS developed a service of process packet to distribute at hearings involving orders to show cause, which described sanctions on self-represented plaintiffs for failure to serve the defendant.

Collaboration between the ACCESS center, courtroom clerks, commissioners, and the pro tem coordinator was critical as the court redesigned the unlawful detainer settlement conference calendar to facilitate assistance to self-represented litigants.

Collaboration and Public Relations Outside the Court

The ACCESS center has established many useful relationships in the community. The director had contacts with community-based organizations as a result of her previous position in the Office of the Family Law Facilitator, she used these contacts during planning for the center. After taking the job with the center, she wrote letters to most of the legal and social services providers in San Francisco, then followed up with phone calls and set up meetings.

The center has also set up a system of referrals with legal services to facilitate efficient service to the public. For example, ACCESS helps customers prepare and file a request for an elder abuse restraining order, then sends them to Legal Assistance to the Elderly for follow-up.

A similar arrangement exists with the Volunteer Legal Services Program (VLSP). ACCESS helps litigants in collection defense to prepare and file answers, then refers the customers to VLSP for additional assistance. The center also works with the VLSP's Eviction Defense Collaborative to bring workshops into the center for litigants involved in unlawful detainer cases. The Eviction Defense Collaborative is a partnership of major tenants' rights groups in San Francisco and the main community resource for people facing evictions. E-mail and telephone communications systems have been established with legal services for quick answers to referral questions among the programs.

To reach non-English-speaking communities, the center has established ties with two social services centers in San Francisco: one that reaches out to the Hispanic population and one that serves the Chinese and Vietnamese communities. The director has regular contact with these two organizations and is able to reach a large number of their constituencies through the services she provides. For example, the director conducts monthly 30-minute radio interviews on a local Chinese cable radio station; these interviews are translated into Cantonese by a representative from Cameron House, a faith-based community organization serving Asian and Asian-American San Francisco residents. The director is interviewed on the air on a particular topic (the first on-air interview covered the services provided by the self-help center and how to get legal name changes). The radio show reaches an estimated 2,000 listeners.

The director also holds a Spanish-language workshop every other Tuesday at La Raza, a community organization focused on the Hispanic population. Through these forums, she is able to assist the Spanish-speaking population of San Francisco with various legal issues. The director also regularly appears on a variety of Spanish-language radio shows. The center is working toward collaborative relationships with a variety of other community organizations, either to set up additional community-based workshops about legal issues (e.g., the Chinese Community Development Center and the local YMCA) or to recruit volunteers (e.g., the San Francisco Bar Association). According to interviews, community partners are enthusiastic about the ACCESS program, and the communities served by these organizations are grateful for the help ACCESS provides and have had few or no complaints.

The center has engaged in several outreach actions during the past year, including direct contact with certain communities through its ties to the community-based organizations mentioned above, through its Web site, and through interviews on local TV and radio. Respondents acknowledged the center has not yet found an effective way to advertise its services to San Francisco's Russian or Filipino communities, and there is no concerted outreach to the county at large. Respondents expressed concern that an overall outreach effort would bring in more customers than the staff could handle. With even these few outreach efforts, the staff is often overburdened with the current customer demand.

Impact on Litigants

The impact of the ACCESS program was described in interviews with court personnel and other stakeholders as well as by the self-represented litigants themselves.

Views of Court Personnel and Other Stakeholders

Respondents were overwhelmingly positive about the impact of the self-help center on the court. One respondent we spoke with talked about the "huge intangible" service provided by the center: Self-represented litigants who are better informed are more at ease when appearing at court. Uninformed self-represented litigants often have to repeat steps in the process because of errors. Because they do not fully understand what has happened, they may become belligerent and hostile. By educating litigants about the basic processes of the court, the center helps courtrooms to run more efficiently and pleasantly.

According to interviews with court staff, litigants come to court better prepared and organized as a result of the self-help center. Respondents said it is often obvious to bench officers when a self-represented litigant has been to the ACCESS center, based on the completeness of the forms they offer and the level of organization. Respondents reported that ACCESS services help members of the Chinese- and Spanish-speaking communities.

Views of Customers

Customer satisfaction surveys and reports from self-help center staff indicate that ACCESS is meeting an important need in the community and that customers provide positive feedback on their experiences at the center.

Vignette: Civil Harassment and Eviction Assistance and Community Agency Referral for a Spanish-Speaking Customer

Guadalupe is a hotel cleaner who speaks only Spanish and reads only a little in any language. She is raising two children alone without help. To pay her rent, she sublets one of the rooms in her small apartment. For the past two months, the tenant has refused to pay any rent and has been increasingly violent and abusive. Guadalupe was concerned for the safety of her children. Because she is a master tenant, she does not qualify to receive legal assistance from the tenant advocacy groups in her eviction case against the subtenant. She was concerned that on being served with a three-day Notice for Nonpayment of rent, her tenant would get more violent. ACCESS was able to help her complete a three-day notice and the initial petition for a civil harassment restraining order, which was granted. Within a month, Guadalupe was able to have her tenant evicted. In addition, through the collaboration with La Raza, ACCESS helped her get rental assistance money to pay overdue rent. Following an ACCESS referral, Guadalupe is currently in the process of working with the family law facilitator to obtain child support. Guadalupe told ACCESS that without its help, she would have lost her housing, and she and her children would have been homeless.

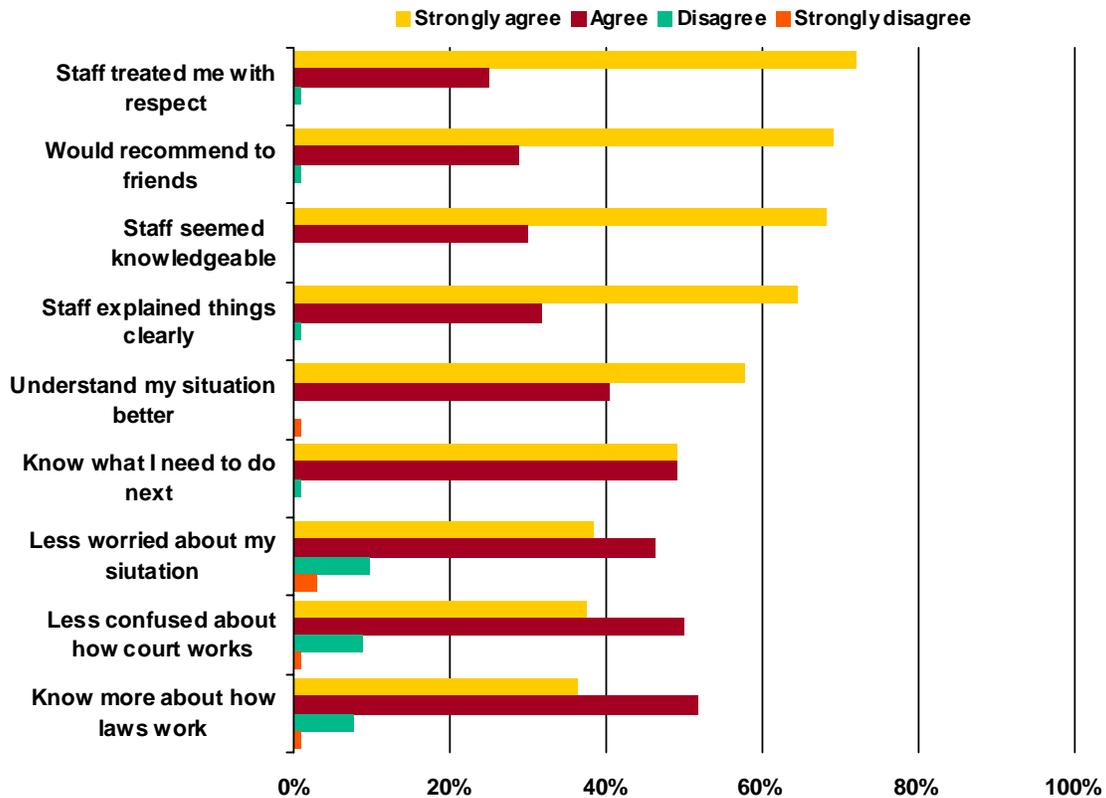
Customer satisfaction surveys were distributed to drop-in and workshop customers during a two-week period in May 2004. Surveys were received from an estimated 29 percent of those visiting the ACCESS center during this period. Although the response rate is too low to draw many conclusions about customer satisfaction, ACCESS customers consistently gave relatively high ratings to the services they received (see figure 4.14), although satisfaction levels were lower than those reported by the programs in Fresno and Butte/Glenn/Tehama counties.

Two characteristics of the San Francisco program may contribute to this result. First, the San Francisco program handles primarily non-family law civil cases. Other studies have reported lower satisfaction levels for these types of cases.³³ Second, the ACCESS customers have higher education levels than customers of the other two programs. Satisfaction surveys involving family court services have shown that higher education is related to lower satisfaction among mediation litigants.³⁴

³³ A. Bailey and R. Zorza (Trial Court Research and Improvement Consortium), *Report on the Self Help Centers of the Fourth Judicial District Court of the State of Minnesota* (2004).

³⁴ D. Piazza (AOC, Center for Families, Children, and the Courts), *Client Feedback in California Court-Based Child Custody Mediation* (2004).

Figure 4.14
Overall Satisfaction
ACCESS Customer Survey

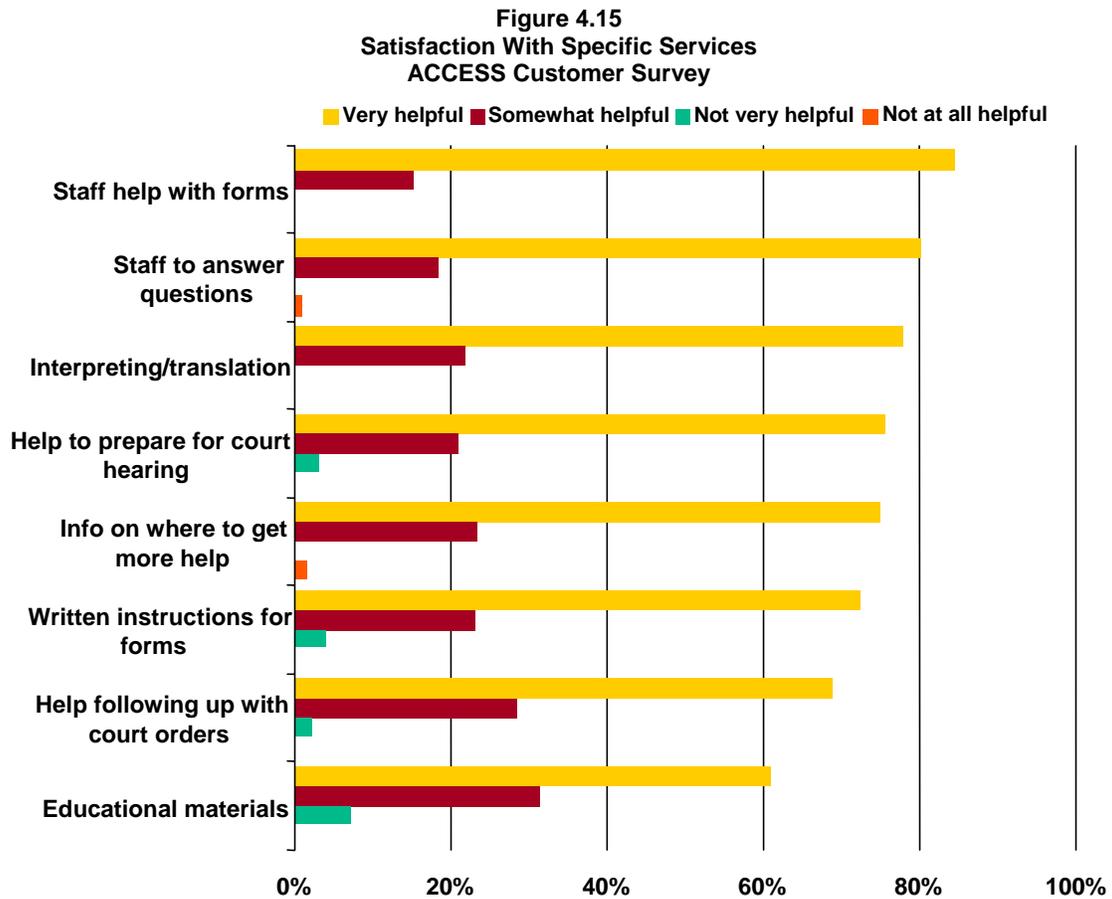


Overall, ACCESS customers provided very positive ratings on the general satisfaction questions, with at least 80 percent either strongly agreeing or agreeing with each of the statements. However, less than half of customers strongly agreed that they knew more about how the laws work in their situation (37 percent), that they were less confused about how the court works (38 percent), that they were less worried about their situation (39 percent), and that they knew what they needed to do next (49 percent). ACCESS customers were most likely to provide very favorable ratings on the knowledge of the staff and their interactions with staff, as well as on whether they would recommend the center to friends.

“Es muy importante que esten abiertos estos centros para que le ayuden a la comunidad latina es muy importante. Para la gente que busca asesoria estamos muy contentos con el servicio que los brindan.
Translation: It is very important that these centers are open in order to help the Latino community. It is very important for those people who are looking for help. We are happy with the service that is offered.
ACCESS customer

All services were viewed by the vast majority of customers (90 percent or more) to be very helpful or somewhat helpful (see figure 4.15). Staff assistance with forms was rated as the most helpful service, followed closely by answers to questions and interpretation or translation assistance. Educational materials and help following up with court orders were viewed as somewhat less helpful than the other services.

This is a fantastic service. Surprisingly easy considering the usual confusion non-lawyers experience with the court system.
ACCESS customer



Vignette: Name Change Assistance for a Chinese Customer

Yao needed to travel back to China because her mother was very sick and probably going to die. Her son had never been to China and had never met his grandmother. Yao tried to get a passport for her son, but his birth certificate contained two errors, one involving Yao's name and another involving her son's name. The passport office required an amended birth certificate or a court order. The Office of Vital Records will not amend a birth certificate without a court order changing name, even though Yao and her son were not technically changing their name, just correcting it on the birth record. Even if a request to amend the birth certificate is acceptable, the process can take up to 9 months. Yao came to ACCESS, desperate to get help in time to fly back home. An ACCESS volunteer who was fluent in Cantonese assisted Yao to complete name change forms and to obtain a court date. ACCESS also assisted Yao to do a search for her son's father, who had been out of contact for years. Yao was then able to obtain an order dispensing with notice to the father. At the court hearing a month later, the ACCESS volunteer interpreted for Yao. Another volunteer helped Yao to prepare the decrees changing name. Yao was able to obtain a passport for her son, and they both flew to China to visit Yao's mother for the last time.

Vignette: Guardianship Assistance for Spanish-Speaking Grandparent Caregivers

Abelardo and Maria are the grandparents of Estefani. Their son, Mario, had been incarcerated for domestic violence against Estefani's mother. Estefani and her mother had been living with Abelardo and Maria, who often took care of Estefani. After Mario was incarcerated, Estefani's mother moved out to live with a new boyfriend, who turned out to be violently abusive. Because of the danger in her new situation, Estefani's mother left the child with her grandparents. Abelardo and Maria needed to enroll Estefani in school, put her on their health care plan, and take her to the doctor. Child Protective Services said they should pursue a guardianship to avoid having the child placed into the foster care system. ACCESS helped Abelardo and Maria to complete a caregiver's affidavit to address the immediate needs and subsequently assisted them with a petition for guardianship. Abelardo and Maria were eventually able to obtain a guardianship over Estefani, who is now living safely and happily with them and visiting her mother in a safe environment.

Impact on Court Process

The impact of the ACCESS program on the court's ability to effectively handle cases involving self-represented litigants was expressed in interviews with court personnel and other stakeholders.

The merger of the ACCESS center with the small claims advisor has been successful in leveraging court resources to increase capacity. Because the small claims advisor shares

space and office hours with the ACCESS center, both programs have been able to expand their scope of services, serve a wider audience, and reduce staff stress. The small claims advisor's program is now able to serve a wider range of customers because of the additional staff in the ACCESS center. The center is also now able to stay open when one of the attorneys needs to take a day off.

The court has rearranged calendars to schedule unlawful detainer settlement conferences that involve self-represented litigants on Wednesdays and Thursdays. The self-help center, in partnership with the Eviction Defense Collaborative and the Bar Association of San Francisco's Volunteer Legal Services Program, conducts workshops on Wednesdays and Thursdays at the ACCESS center immediately before settlement conference hearings are scheduled. By providing assistance to self-represented litigants before their hearings and settlement conferences, the self-help center educates these litigants about court proceedings and assists them in navigating the process. Clustering the pro per cases in this manner, combined with the available educational services, has expedited the process sufficiently to reduce the need to recruit pro tem judges to hear the cases and has saved costs in terms of courtroom and bailiff staffing.

Referrals by bench officers serve to cut down the amount of judicial time previously needed to answer questions. Clerks report that time is saved by having a place to send people to get questions answered or to get additional help with forms. Courtroom efficiency is enhanced by the availability of Spanish interpreters for small claims, civil harassment, and name change cases. Interpreters in the courtroom reduce the number of continuances. Orders after hearing are prepared and entered into the court files.

Referral slips created by the ACCESS center have been an effective way of communicating with court personnel about the kinds of services the center provides, and they serve as a constant reminder of available services. The center provides assistance to other court divisions, which further expands the resources available for self-represented litigants.

Court File Review

The positive impact of the ACCESS program is also shown in the results of a review of case files that compared civil harassment cases filed before and after the opening of the center. AOC staff abstracted and analyzed civil harassment files in San Francisco County. The purpose of the file review was to identify the impact of the self-help center on the cases of clients, as quantified through the broad case indicators, and more generally to identify the problems self-represented litigants face in the course of their civil harassment cases.

About 100 civil harassment cases filed prior to the opening of the self-help center in which at least one party was self-represented were compared with about 100 civil harassment cases filed after the opening of the self-help center in which at least one party had been to the ACCESS center. The cases were filed between April and May 2002 and

between April and December 2003. See Appendix B for a fuller description of the case file review methodology.

Some caveats to the findings presented below should be noted. Although the ACCESS center was not in operation in 2002, some assistance was available to litigants involved in civil harassment cases: the restraining order clinic staffed by students from Hastings Law School. Therefore, differences between 2002 and 2003 might not be as large as they would have been if no civil harassment assistance was available. In addition, there was a change in the commissioner who hears civil harassment cases between the two time periods, and the new commissioner is viewed as being somewhat more strict than the previous one.

Background of cases. The relationships of the parties involved in civil harassment cases were very similar in 2002 and 2003. The 2003 sample had slightly fewer neighbors involved in civil harassment cases (21 percent, compared to 26 percent in 2002), which may be due to the center's referring neighbor disputes to community boards. The 2003 sample was somewhat more likely to have cases involving landlords and tenants (8 percent compared with 4 percent in 2002). Program staff mentioned that they often explain the option of filing a civil harassment petition to master tenants who need to do a nuisance eviction (because a valid meritorious restraining order may strengthen the nuisance case), which may result in a greater number of landlord/tenant cases in civil harassment.

In both years, the vast majority of petitioners received a fee waiver, but they were more likely to receive a fee waiver in 2003 (93 percent, compared to 87 percent in 2002).

In 2003, the file was more likely to indicate that the petitioner needed language assistance (8 percent compared with 2 percent in 2002). (Most spoke Spanish.) This may be because ACCESS is bringing in a more diverse population of litigants, but this finding should be interpreted with caution due to the inconsistent availability of information related to language needs in the court files.

Paperwork, temporary orders, and service. Litigants in the two samples were equally likely to have add-ons to their declarations, but the 2003 group was significantly less likely to file a supplemental declaration (9 percent compared with 23 percent in 2002). Supplemental declarations are primarily used when the original declarations are insufficient for some reason, so this may represent an important improvement.

The 2003 sample was somewhat less likely to have a temporary order issued (75 percent compared to 80 percent in 2002). Program staff explain that this decrease may be due to the change in commissioners: The commissioner in 2003 was less likely to issue temporary orders. However, those who did not have a temporary order issued in 2003 were more likely than those in the 2002 sample to have an order to show cause issued and therefore more likely to reach the hearing stage (12 percent of cases in 2003 had an order to show cause issued compared with 3 percent of cases in 2002). Program staff also explain that there could have been more cases with no temporary order and no order to

show cause issued in 2002 (17 percent compared to 23 percent in 2003) because litigants were not returning to pick up their orders to show cause, so the orders were never filed. This may be an indication that ACCESS customers return to pick up their orders to show cause on a more consistent basis.

Among litigants who received a temporary order, the 2003 sample was more likely to have a stay-away order granted (80 percent compared with 71 percent in 2002). Program staff explain that a common mistake they see is for petitioners to check the personal conduct box only, forgetting or not knowing that they should complete the stay-away section as well. It may be that more stay-away orders are being granted because, due to the help of the ACCESS center, they are more often being requested. In addition, the prior commissioner was said to be less likely to issue stay-away orders in cases involving roommates or neighbors.

Petitioners were equally likely to successfully serve the responding party with the order to show cause or temporary order in 2002 and 2003. However, it took longer for the 2003 sample to effect service (22 days compared with 11 days in 2002). This may be due to the fact that ACCESS refers most of its customers to the sheriff for service, which often takes longer but is a reliable way of effecting service.

Hearings, permanent orders, and final status of case. Of those cases that proceeded to the hearing stage, 2003 cases were less likely to have only one hearing (59 percent compared with 69 percent in 2002) and, on average, had a slightly higher number of total hearings for the case (1.7 compared with 1.5 in 2002). Correspondingly, the 2003 sample also had a higher number of continuances per case (0.40, compared to 0.22 in 2002). Most continuances were due to a lack of proof of service, although notably some were at the request of the court or due to changing circumstances in the case. In spite of the differences in number of hearings, petitioners in the 2003 sample were more likely to appear at their hearings (58 percent compared with 50 percent in 2002).

In cases where an order to show cause or temporary order was issued, the 2002 and 2003 samples were equally likely to have a permanent order issued. Looking at the final status of all cases, the 2003 sample showed slightly more dismissals or denials of permanent order (22 percent compared with 16 percent in 2002), but this may be a result of more cases getting to the hearing stage in the first place. Cases in the two samples were about equally likely to be dropped (mostly for failure to appear) or result in a permanent order.

Key Findings and Lessons Learned

Accomplishment of Goals

Multilingual services remain challenging. In response to the request from the AOC for a program targeting non-English-speaking multilingual populations, the ACCESS center set out to address this population of San Francisco, specifically targeting self-represented litigants who speak Spanish, Cantonese, Tagalog, Russian, and Vietnamese. The

challenge of providing a service in a variety of languages is perhaps the most difficult to reasonably resolve, at least within existing resources. Nevertheless, the ACCESS program has gained access to two of its target populations (Spanish and Cantonese) through its collaborations with community-based organizations. These collaborations have allowed the staff to reach a broader scope of customers than it could on a one-on-one basis. Moreover, center staff have the capacity to assist Spanish-speaking customers on a daily basis.

Providing services in the other target languages, however, has been more difficult. The center relies on volunteers or borrowed time from other court staff to provide services in any languages other than Spanish. It has not found an effective method to reach out to the two other target populations. According to service tracking data, less than 5 percent of the center's drop-in services are provided in a language other than English or Spanish.

The experience of the ACCESS center highlights some of the challenges of the multilingual model. Providing self-help services in a variety of languages requires either a large or skilled staff or a coordination of an array of differing self-help resources. To implement a traditional self-help center, one or multiple staff members would have to be proficient in all of the target languages, which would be difficult or prohibitively expensive to achieve. Relying on other court staff with language skills, although helpful at times, may not be a feasible long-term strategy given the heavy workload of many court employees. Almost by definition, then, the center must rely on volunteers for any one-on-one or workshop services provided to non-English-proficient customers at the center. This reliance on volunteers puts consistent provision of services at risk and necessitates building relationships with organizations that can provide volunteers. An internship program with the local interpreter school, such as that established in Fresno County is ideal for this sort of model. However, as the San Francisco self-help center found, such relationships may be difficult to build because of outside political factors (in this case, the existence of a strong employee union has so far prevented the establishment of this sort of program).

Rather than focus on individual services, a multilingual model could also be organized more in the mold of the Los Angeles program, coordinating the efforts of any existing legal and community organizations with the goal of expanding self-help legal services to a multicultural community. This requires the existence of such organizations, which may be lacking in many communities. Overall, it is difficult to design a self-help center with the capacity to serve multiple language populations equally well.

Limiting services to non-English-speaking litigants is not practical. The issue of primary language assessment is complex and not always addressed well by existing demographic data. For example, many litigants who report speaking another language at home prefer to receive self-help services in English.

The ACCESS center found that targeting non- and limited-English-speaking litigants is also problematic when there are no comparable services for English-speaking litigants. It

is not a workable strategy for the court to provide help to some litigants and not to others on the basis of language.

Service Issues

Director's experience promoted development of comprehensive legal information and education services. Implementation and operation of self-help centers are enhanced by having a licensed attorney serve as director and supervisor of nonattorney staff and volunteers. An attorney with substantial experience in a field related to the needs of self-represented litigants has been very beneficial to ACCESS.

The San Francisco Self-Represented Litigant Task Force, which defined the qualifications and experience requirements for the program's director, decided that the director should be a licensed attorney. The attorney who was selected had professional experience in domestic violence legal services and with the San Francisco family law facilitator. Her professional qualifications and experience were invaluable in helping her to develop and operate a court-based legal information and education program. She was able to ascertain the needs of both public and court. She also gained the respect of judges, court staff, and attorneys in the legal community in ways that benefited the ACCESS program. The center works successfully with large numbers of appropriately supervised law student volunteers and in collaboration with community-based legal services organizations.

Collaboration and integration of court resources creates efficiencies. One major lesson that emerges from the experience of the ACCESS center is that collaborating with existing resources is critical to creating a successful program. The center has made great strides in serving a large number of customers with a small number of staff by leveraging court-based resources (e.g., the small claims advisor). The Self-Represented Litigant Task Force has helped the center to coordinate efforts with other court-based programs, and respondents recommended that other self-help centers seek the involvement of such an advisory council throughout the life of the program.

Collaboration with community resources increases the diversity of populations served. The ACCESS center has been successful in establishing relationships with certain community organizations (e.g., La Raza, the Cameron House, and the Eviction Defense Collaborative), which has increased the population the center is able to serve. The success of the multilingual model may depend on the ability of the self-help center to create these kinds of ties to leverage resources, build trust, and help with outreach efforts. Given the difficulty the ACCESS center has encountered in consistently providing language-appropriate services to some of its target populations (e.g., Tagalog, Vietnamese, and Russian), it should continue its efforts to build bridges with community organizations. Perhaps setting up a separate advisory council of individuals from these populations, or adding them to the existing task force, would increase the center's contacts among these communities, increase trust in the center, and generate more customers and volunteers.

Scheduling of multilingual services is a serious challenge. From the customer's perspective, the major limitation of the ACCESS center may be its confusing schedule. Originally, the center was open every day of the week but for different hours each day. According to interviews, court staff are confused about the times of the week when the center is open, and several respondents said that clerks refer customers to the center at all times of the day, not knowing it may be closed. Recently, the center has established regular hours.

The more challenging issues relate to providing services in a variety of languages. Because the availability of language volunteers changes so often, it is impossible for ACCESS to publish any schedule designating when speakers of various languages will be available. The director believes that a constantly changing schedule would create more confusion than no published schedule. Instead, when customers arrive for whom no language service is immediately available, they are given literature they can read in their primary language, and staff schedule an appointment for their return. A short interview is conducted with the interpretation help of court personnel to determine what their case involves and why they need to return. The scheduling control helps center staff. Having volunteers available by telephone helps alleviate the problem of litigants coming to the self-help center at times when no services are available in their language.

Referral tools facilitate customers' flow through the system. ACCESS created very practical and useful referral slips used by bench officers and clerks. Respondents unanimously found these slips helpful to direct customers to the right place. The slips used by bench officers spell out problems or issues with a self-represented customers' case, allowing self-help center staff to assist customers efficiently without even if the customers are unable to remember unfamiliar and complicated legal jargon.

Workshops to prepare for unlawful detainer settlement conferences and other courtroom services enhance courtroom efficiency. Preparations for settlement conferences have reduced the extent to which the court must schedule *pro per* cases. By clustering these cases on specific days and providing presettlement conference education, the resolution process is expedited. Furthermore, mediation services in small claims matters tend to further reduce the load on the *pro per* courtrooms. Preparation of orders after hearings completes court files. Self-help services such as these provided throughout the entire court process can help expedite cases and produce time savings for judicial and other court staff.

Triage of cases is a critical function of self-help service. When customers first enter the self-help center, assessment of their legal needs (triage) is critical to the operation of the program. Initial determination must be made about what cases the center can and cannot handle and appropriate referrals made for legal representation. The specific services that the center will provide depends largely on a variety of factors that are particular to different case types and issues. Because part of the role of a self-help center is to help litigants sort through the plethora of information available, individual case status must be ascertained so that the procedural information and education provided by the program is

relevant to the customer. Case complexity depends not only on the legal issues involved, but also on the ability of the litigants to benefit from certain types of assistance. For example, ACCESS staff emphasize that language preference is a complicated factor. Issues of literacy and ability to understand instructions are also matters that must be assessed initially.

The self-help center contributes to the overall functioning of the court with respect to the management of cases involving self-represented litigants. The presence of the ACCESS center has had an effect on the way in which the court handles a variety of matters involving self-represented litigants. The following are examples of contributions to the court system as a whole:

- Time savings for bench officers as the result of referrals to the ACCESS center for answers to procedural questions;
- Time savings for clerks as the result of referrals to the center for assistance with forms and procedural information;
- Contribution to the redesign of the unlawful detainer settlement conference calendar to facilitate assistance to self-represented litigants;
- Development of a small-estates affidavit procedure for self-represented litigants in response to a request from the probate division; and
- Development of a service-of-process packet to hand out at order-to-show-cause hearings for service failure sanctions in response to a request from civil pretrial services.

