

## Chapter 8

# Programmatic Summary and Recommendations

The five model self-help centers were asked to demonstrate innovative approaches to issues that are faced by all those who provide court-based services to self-represented litigants. Those issues were:

- Providing comprehensive self-help services in small rural courts;
- Providing services to a Spanish-speaking population;
- Providing services to a population speaking a range of languages;
- Developing and implementing technology for self-represented litigants; and
- Coordinating and supporting an array of services in a large urban community.

The staff of the self-help centers, the staff of the courts, and the customers of the centers gave the evaluation team extraordinary access to the centers' development, operations, and problem solving over the two years of the project. Each program served customers in different ways, targeted different populations, and had different goals. As a result, the centers experienced different challenges and successes, and courts interested in developing their own self-help centers will need to identify the components in each model that best suit the needs of their community. However, many lessons learned from this evaluation span all the model self-help centers, and these are summarized in this chapter. These lessons should provide valuable guidance for the planning and implementation of future self-help centers around the state. The outcomes of these projects should also be considered by those drafting statewide recommendations for funding.

The projects also yielded a great deal of information on evaluation and techniques for measuring progress and outcomes in self-help centers. These are discussed in Chapter 9, along with possible directions for future research.

### Key Findings

**Self-help centers are a valuable method for providing services to people who need access to legal education and information and for improving the quality of justice for litigants.**

People who were interviewed during the evaluation, including judicial officers, court staff, members of the bar, and representatives of community agencies, overwhelmingly agreed that self-help services help self-represented litigants navigate the justice system effectively. Most judicial officers and court staff interviewed for the evaluation asserted that they can usually identify which self-represented litigants have received assistance from the self-help centers because they have a better understanding of the process, their

paperwork is more accurate, and they are better prepared for court. Judicial officers reported that when self-represented litigants are able to present their cases more effectively (in writing and verbally), the court has more complete information on which to base its decision.

**Self-help centers facilitate a litigant’s ability to participate effectively in the legal process.**

Data from a preliminary case file review suggest that receiving assistance from a self-help center not only increases initial access to the justice system, it also facilitates a litigant’s ability to participate more effectively in the court process in those matters in which they are able to represent themselves. For example, with self-help center assistance, plaintiffs in civil harassment cases were able to prepare declarations containing enough specificity to greatly reduce the need for filing supplemental declarations. In unlawful detainer cases, self-help center assistance appears to contribute to the ability of defendants to raise affirmative defenses and to encourage landlords and tenants to reach settlements in such cases. Data also suggest that when dissolution petitioners receive assistance, they are more likely to raise all relevant issues correctly in their initial pleadings, to file proper accompanying paperwork, and to accomplish service of process. Improvements such as these are likely to contribute to a higher quality of justice for self-represented litigants.

**Self-help centers improve court efficiency.**

According to people who were interviewed during site visits by the evaluation team (hereafter respondents; see Appendix B for details), when a large number of previously unassisted self-represented litigants began receiving assistance from a self-help center, the court began to process cases more efficiently. The following are examples:

- Cases that had been delayed in the court process due to a procedural problem were corrected and completed;
- Paperwork presented to filing clerks was correct the first time, eliminating repeated trips to the clerks’ window;
- Litigants appeared for hearing with papers properly served so cases could proceed the first time, and many continuances were eliminated;
- Courtroom staff was interrupted less often by litigants asking for help;
- More responsive declarations were filed, giving the judicial officer more information on which to base an order; and
- Litigants tended to understand the proceedings and ask appropriate questions so that hearings could proceed more smoothly.

According to court employees and judicial officers interviewed for the evaluation, when self-represented litigants are better prepared for court, have accurate paperwork and supporting documents, and have a better understanding of the court process, the court is

less likely to have to continue a case or to make a decision based on incomplete information. Less courtroom time was spent responding to requests for help from self-represented litigants; several judicial officers also reported that having a place to send litigants to get their questions answered helps them to maintain their appearance of neutrality on the bench.

**Self-help centers help the court design systems to serve self-represented litigants more effectively.**

The programs also worked with the court to facilitate operational systems designed to serve self-represented litigants more effectively. By identifying issues that self-represented litigants face in trying to navigate the court system, the programs helped the courts develop creative ways to process these cases more efficiently, saving time and reducing frustration for both the litigants and the court staff. The following are some examples of actions taken at various centers:

- Facilitating the implementation of *pro per* calendars (exclusively for hearings involving self-represented litigants) so that in-court assistance can be provided;
- Redesigning the unlawful detainer settlement conference calendar to facilitate assistance to self-represented litigants;
- Standardizing procedures throughout multiple courthouses for processing default divorce judgments;
- Developing a small-estates affidavit procedure for self-represented litigants;
- Preparing a packet to explain service of process for self-represented litigants, which can be distributed at hearings regarding sanctions for failure to complete service in civil cases; and
- Implementing a small claims mediation program.

**Self-help centers promote public trust and confidence in the court system; litigants were highly satisfied with the services they received from the self-help centers.**

More than 80 percent of litigants surveyed at the self-help centers report that as a result of assistance from the center they:

- Understood their situations better;
- Knew more about how laws work;
- Knew what they needed to do next;
- Were less worried about their situation; and
- Were less confused about how the court works.

They also reported that center staff seemed knowledgeable, explained things clearly, and treated them with respect. As the most helpful services, they ranked having staff to help them with their forms and getting answers to their questions.

Post-hearing interviews indicated that, compared with litigants who had not been to the self-help centers, litigants who had used such services were:

- Less likely to be surprised by the outcome of the hearing;
- Less likely to feel that the judge would have ruled differently if they had a lawyer; and
- More likely to report that they were *extremely* able to communicate with the judge.

**Self-help centers meet a great need for service in their communities.**

Given the volume of services provided by the direct service programs and the high proportion of customers who did not receive assistance from other resources, it is clear that the pilot programs are meeting a huge need in their communities. More than 60 percent of the customers in each program reported that they did not seek help before coming to the self-help center, and 70 percent or more had not considered hiring a lawyer. The most common reason for representing themselves was that customers could not afford a lawyer. The vast majority of customers had monthly household incomes of \$2,000 or less.

**Self-help centers have the capacity to meet the needs of many non-English speakers.**

Data from interviews and case file review demonstrate that customers who got help in centers providing services in languages other than English were able to do at least as well as a randomly selected group of self-represented litigants who were not specifically targeted as non-English speaking.

Directions for the Future

The Judicial Council should continue to implement the statewide Action Plan for Serving Self-Represented Litigants approved by the Judicial Council in February 2004. The key component of that plan is that court-based, attorney-staffed self-help centers should be developed throughout the state. This evaluation points out major attributes that should be considered in these self-help centers.

**Videoconferencing and coordination between courts is an effective way to help address issues of limited funding.**

California has more than 25 rural counties with relatively small populations who have little access to self-help services, combined with courts lacking the resources to provide those services. The Self-Help Assistance Regional Project (SHARP) in Butte/Glenn/Tehama counties implemented a regional model of service that allowed a

single managing attorney and her small staff to provide assistance in a range of case types to thousands of self-represented litigants in four locations. SHARP used videoconferencing, workshops, and the collaboration of other court programs to make the regional model effective. Contra Costa County used a volunteer attorney to provide workshops in one location that were broadcast to other court facilities, overcoming geographic and transportation barriers. Having an attorney in one location who is able to provide workshops, supervise staff, answer questions, and support paraprofessional staff in other locations—all through videoconferencing—is a model that can be implemented throughout the state to address geographic and transportation barriers.

**Although knowledgeable and well-trained nonattorney staff can perform many self-help center functions, the day-to-day availability of a managing attorney is critical.**

The presence of highly qualified managing attorneys to direct, train, supervise, and manage nonattorney staff in a self-help center is critical. Some of the pilot programs required that their directors be licensed attorneys, whereas others did not. Programs headed by attorneys had several advantages. First, day-to-day availability of the attorneys' legal expertise was invaluable to the nonattorney staff. The level of information and education given by self-help centers distinguishes them from other areas of court operations. Staff must be able to understand the procedural complexities of a case from beginning to end. Familiarity with legal terminology and professional ethics, along with ability to find the relevant law, are required. Furthermore, attorneys are trained to spot problems such as improper *ex parte* communications, improper legal advice, or court operations that impose unequal burdens on self-represented litigants. Attorney supervision also assures that information given by the court to the public will be reliable and accurate. When the managing attorney is partnered with staff that are highly experienced in court operations, the combination of professional expertise can contribute greatly to the ability of the self-help center to serve the public as well as the court.

**Volunteers can be used effectively to provide assistance; however, they should not be relied on to perform core daily operations of a self-help center.**

The pilot projects developed extremely promising models for recruiting and training. Volunteers performed a variety of tasks, including providing assistance in languages other than English and helping with workshops. Programs also found, however, that extensive reliance on volunteer help to perform core center functions can make consistent quality and availability of service extremely difficult. Furthermore, volunteer turnover is often high, resulting in an increased and recurring need for training.

**Workshops are a valuable part of self-help center assistance.**

The pilot projects found that workshops allowed a large number of litigants to be served at one time. Videoconferencing workshops provided effective delivery of legal and procedural information over physical distances. All of the direct service programs experienced a steady monthly growth in customers, and all of the programs explored

ways of providing workshops. Workshops make efficient use of attorney time and allow the centers to manage increasing demand. Workshops can effectively include preparation for hearings and settlement conferences.

**Self-help centers should be designed to provide services to litigants at all stages of case processing.**

Data from case file reviews indicate that self-represented litigants need assistance beyond the point of entry into the legal system. Particularly in family law cases, assistance is required to ensure that, once started, cases are actually completed, court orders written, and judgments entered. The multipart workshops designed by the pilot programs to help litigants complete their family law cases are a valuable model.

**Self-help centers should be located at the courthouse.**

Providing services at the courthouse is more efficient for both self-represented litigants and court staff. Although a variety of services can be provided at outlying locations, separating self-help centers from the core of court operations limits the day-to-day contact between center staff and other court staff. Court staff members are often not fully aware of the program and may not make referrals as easily. Having to make a second trip to the center is a burden on customers who have gone to the courthouse for help—or who have to go back and forth from the courthouse to the center if problems arise. Although outposts are helpful for access to services, the main center should be at the courthouse.

**The materials developed by the programs were helpful not only to provide instruction in English and other languages but also to help the court serve self-represented litigants more effectively; they should be disseminated statewide.**

Each of the programs developed helpful instructions, translations, Web site content, and materials to help the court meet the needs of self-represented litigants. These are posted at [www.courtinfo.ca.gov/programs/equalaccess/evaluation/5pilots](http://www.courtinfo.ca.gov/programs/equalaccess/evaluation/5pilots). The materials cover a broad range of topics and include:

- Step-by-step instructional sheets;
- Scripts for handling telephone calls regarding different legal issues;
- Guidance in five languages on how to be an effective witness; and
- Referral slips that judges can use to inform self-help staff of the assistance that a litigant needs.

**In urban areas with a range of services, a coordinating function such as the Self-Help Management Project can reduce duplication of services and provide materials, curricula, and volunteer resources to all services in the area.**

In Los Angeles, where coordination of existing providers was an issue, the Self-Help Management Project coordinated key functions of these services and provided resources to them. The management project helped the court plan new self-help services, served as a clearinghouse for materials, developed standardized workshop curricula, found new

funding, and identified sources of volunteers and interns. The management project helped improve communication among agencies and the court so that problems could be identified and solved, new methods of service provision could be developed, and self-represented litigants got better services.

**Telephone assistance should be offered to help address geographic and transportation barriers and enhance self-help center efficiency and effectiveness.**

Some pilot projects were able to provide some assistance over the telephone. This included identification of issues, determination of whether or not the center could provide the help needed, case status information from the court's registry of actions, and substantial procedural information and education on a variety of legal topics. Telephone contact facilitates assistance to individuals who cannot get to the self-help center during business hours due to work, lack of child care, or disability.

**Triage of cases is a critical function in the operation of self-help centers.**

When customers first enter the self-help center, assessment of their legal needs (triage) is critical to the operation of the program. Initial determinations must be made about what cases the center can and cannot handle, and appropriate referrals should be made for legal representation. The pilot programs developed methods to help assess what type of services a litigant needs, including identifying the legal issue and its complexity, the status of the case, and the litigants' ability to understand the proceedings. To do triage, staff need a thorough knowledge of relevant court procedures, as well as possible referrals and resources for self-represented litigants.

**The ability to provide self-help services to Spanish-speaking litigants is critical.**

Intake data show that Spanish is the language most commonly spoken by litigants who do not speak English. This was true in all programs, including San Francisco County's multilingual project. The census, interpreter needs surveys, family court services, court-based custody mediation data, and other data sources provide similar evidence. For example, in fiscal year 2002–2003, 84 percent of interpreting expenditures went to Spanish language interpretation.

**Bilingual/bicultural staff are required to provide efficient services in counties where a significant proportion of the population speak a language other than English.**

The self-help centers found that the use of volunteers to interpret for paid staff was not an effective substitute for bilingual center staff. Non-English-speaking litigants come from cultures with different legal systems. They require staff not only to translate words, but also to help them understand the basic concepts and differences from their system. Staff must be sensitive to differences in interpersonal dynamics and orientations to authority based on a customer's native culture, and they need to interact with customers accordingly. Recruiting bilingual and bicultural staff should be a priority to provide efficient service and build trust in the community.

**Interpreters are needed in family law and other civil hearings.**

Both centers whose services focused on non-English speakers found that besides providing interpreters at the centers, they needed to send interpreters into the courtroom for people whose cases required hearings. Each of the language programs developed a system to provide volunteer interpreter services for those cases in which court-supplied interpreters are not mandated. (Funding is currently not available for interpreters in family law and other civil hearings.) Judicial officers and court staff explained that when self-represented litigants were accompanied by interpreters, fewer cases were continued or cases heard and decided with questionable information provided by informal interpreters.

**Limiting self-help center services to non-English-speaking litigants is not practical when comparable English-language services are not available.**

Both language access projects found that providing services only to non-English-speaking litigants when no comparable services were available for English speakers resulted in a high demand for services provided in English. The programs found that it was not feasible to deny services to English-speaking litigants. In addition, a notably large number of those who spoke a language other than English at home nevertheless wanted to receive services in English.

**Given limited funding, providing self-help assistance in a variety of languages remains significantly challenging and requires strong volunteer support.**

Although it is preferable to have bilingual and bicultural staff, providing services in a variety of languages potentially means that one or more staff members must be proficient in each of the target languages, a goal that would be difficult or prohibitively expensive to achieve. Relying on other court staff with language skills, although helpful at times, proved difficult given the significant cutbacks in court staffing during the study period. Volunteers were used effectively at San Francisco's multilingual center, allowing it to provide one-on-one or workshop services to non-English-proficient customers in languages other than Spanish. Having volunteers available by telephone helps to alleviate the problem of litigants coming to the self-help center at times when no services are available in their language.

**Coordination with existing community programs is one way to serve multilingual populations.**

Another effective way to serve communities that speak a variety of languages is to develop relationships with community resources that serve those populations to help with outreach, establish trust, and provide translation of information. Providing workshops at those agencies and being available for referral support for their staff are efficient ways to reach out to broader communities.

**Court-based self-help programs should be integrated as much as possible to increase efficiency and quality of service.**

Collaborating with existing resources is critical to creating a successful program. Given the limited resources provided, the opportunity to work with the small claims advisor, family law facilitator, public law libraries, legal services self-help providers, and clerk staff were critical for effective functioning of the programs. Sharing of expertise, space, volunteers, and professional and support staff can increase efficiency and the ability of programs to serve more litigants.

**Web sites with self-help information are effective in responding to geographic and transportation problems.**

Providing information using self-help Web sites is another strategy to address geographic and transportation difficulties. Using the Web overcomes problems associated with the schedules of both litigants and self-help services (for example, courthouses are open during the hours when most people are at work). Web sites can also help people who are exploring their options, are finding information for family and friends, or may not want or need to take a trip to the courthouse at that stage in their case.

**In-person support appears to be needed to assist people who are not traditional computer users.**

Self-help Web site content currently appears to be used by people who are regular users of the Internet. Reports from interviews and usage testing, however, indicate the potential usefulness of providing Web-based assistance in a courthouse setting—where litigants may not fit the typical Web site user profile—in coordination with in-person staff assistance. Programs should also consider strategies for expanding the access to Web site content by people who are not typical Internet users, for example, by partnering with community agencies that serve these populations and integrating content into services provided at physical locations. Contra Costa County is in the process of implementing these strategies now, and the results should be shared with other programs.

