

JUDICIAL COUNCIL OF CALIFORNIA

STRATEGIC PLAN FOR
SELF-HELP SERVICES

2019 – 2023

Executive Summary

Background

Self-Help Goals - 2019 - 2023

Goal 1: Enable Public to Complete as Much as Possible on Their Own

Goal 2: Support Courts to Effectively Serve Self-Represented Litigants

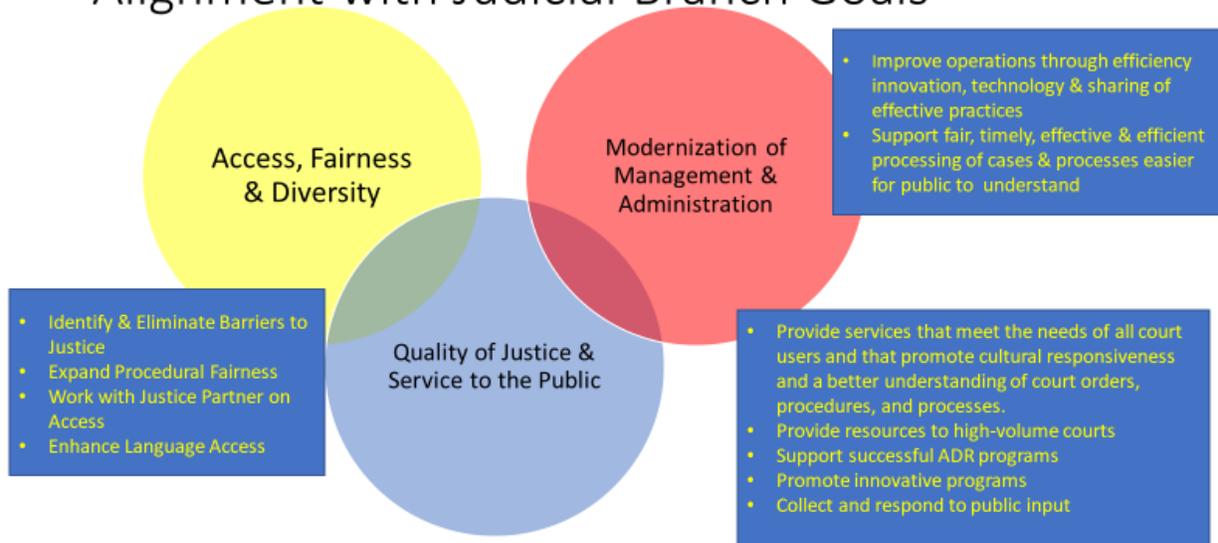
Goal 3: Build Partnerships to Expand Resources

Goal 4: Identify and Support Best Practices to Simplify Procedures and Enhance Court Effectiveness

Executive Summary

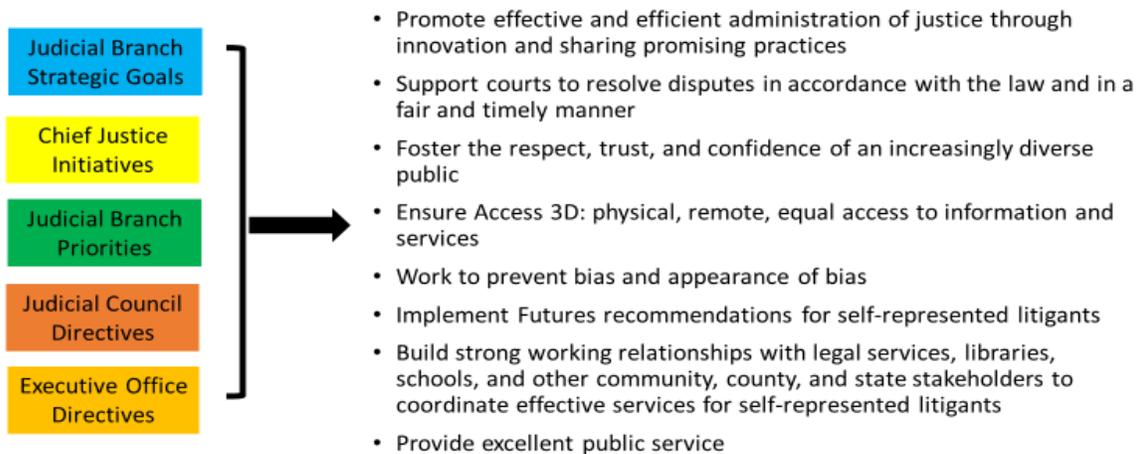
This strategic plan for self-help is designed to address the Judicial Branch’s decision to address Self-Represented Litigants – Self-Help Services as a Branch Priority for 2019 – 2023. It is fully in alignment with Judicial Branch goals.

Alignment with Judicial Branch Goals



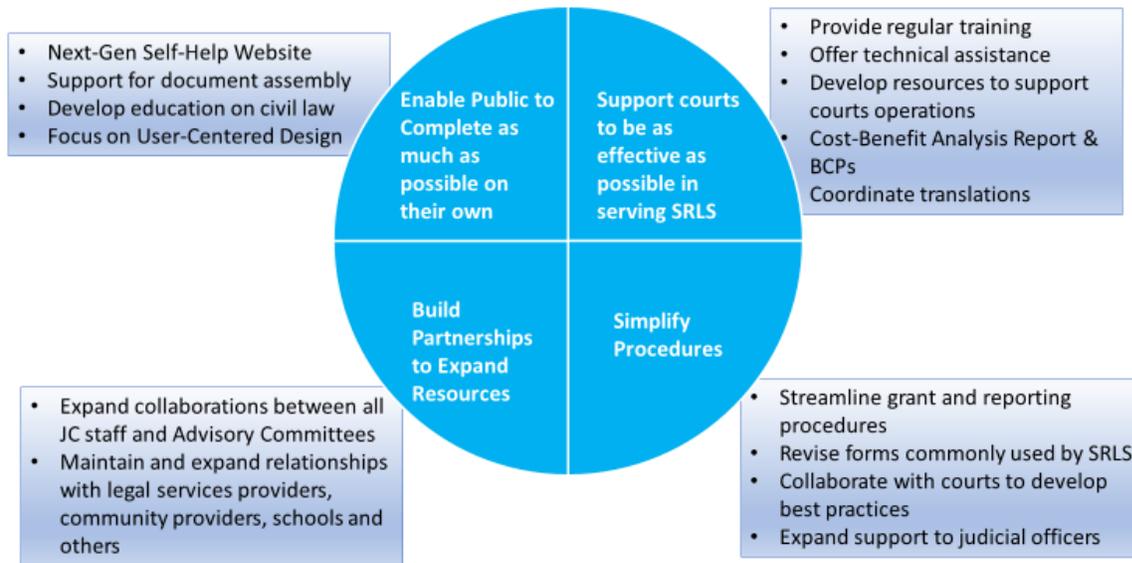
The strategic plan addresses the following principles:

Guiding Principles for Self Help Programs



The overarching goals include:

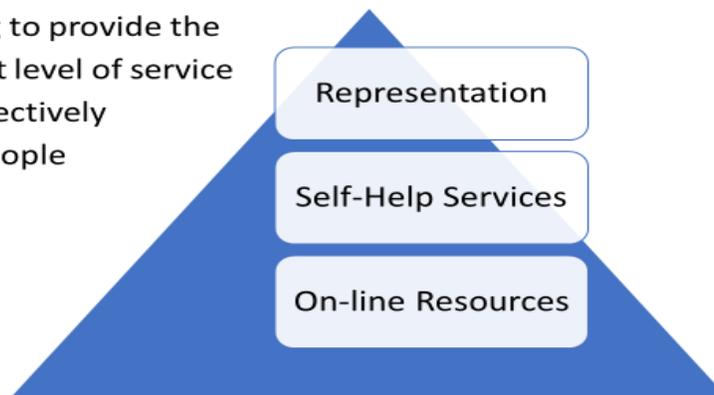
SHORE (Self-Help Outreach, Resources and Education) Goals



The plan is designed to provide the most cost-effective ways of addressing the legal needs of the public.

Levels of Service

Focus is on trying to provide the the most efficient level of service as possible to effectively assist as many people as possible.



These tasks will be carried out by the SHORE team, comprised of a small dedicated staff group supported by colleagues throughout the agency on specific projects:



Two new staff are being brought on to support these efforts. Their initial tasks are set forth below to show how these additional staff will help us accomplish these goals.

Supervising Attorney

Legal and programmatic oversight of Cost Benefit Analysis and report to the Legislature	November 30, 2020
Oversight of development of new Civil Law sections of Self-Help website and updates on all sections of Self-Help Website	December 31, 2019 and on-going
Project Management of expanded Digital Services content on self-help website	March 30, 2019 and on-going
Oversight of grant funding and monitoring for self-help	December 31, 2018 and on-going
Provide direct technical assistance to courts regarding program management, legal issues	December 31, 2018 and on-going

Senior Analyst

Cost Benefit Analysis	November 30, 2020
BCP for Self Help Funding	January 30, 2020
On-line collection of resources	December 31, 2019 and on-going
Develop on-line resource bank of training materials for self-help programs	June 30, 2019 and on-going
Provision of technical support to courts on financial, training, reporting issues	February 28, 2019 and on-going
Quarterly preparation and review of reports from courts	December 31, 2018 and on-going
Monthly review of Phoenix reports on self help spending, identification of spending trends	November 30, 2018 and on-going

By working in close collaboration with the courts, justice partners and staff throughout the Judicial Council, we are poised to make great strides in providing effective access to the court system for all Californians in the next five years.

Background

Growth of Self-Represented Civil Litigation

The increase in numbers of self-represented litigants (SRLs) in civil cases has been one of the key areas of court transformation in the last 40 years. Family law was the first area of unlimited civil to be seriously affected by the increased numbers of people coming to court without a lawyer, and it has been a harbinger for the future. In California, during the 1980s, the percent of family law cases in which at least one party was unrepresented grew from 30 percent to 67 percent, and has continued to grow so that as many as 90 percent of cases involve at least one self-represented party. This trend has continued into all areas of civil law and throughout the nation. Figures from a 2013 National Center for State Courts study show that there were SRLs in over 76 percent of civil cases nationally.

Statewide Action Plan on Serving Self-Represented Litigants

The Judicial Council's work has been directed for many years by the *Statewide Action Plan for Serving Self-Represented Litigants* adopted by the Judicial Council in February 2004. That plan made the following findings and set forth 8 recommendations:

Key Findings

1. Court-based, staffed self-help centers, supervised by attorneys, are the optimum way for courts to facilitate the timely and cost-effective processing of cases involving self-represented litigants, to increase access to the courts and improve delivery of justice to the public.
2. It is imperative for the efficient operation of today's courts that well-designed strategies to serve self-represented litigants, and to effectively manage their cases at all stages, are incorporated and budgeted as core court functions.
3. Partnerships between the courts and other governmental and community-based legal and social service organizations are critical to providing the comprehensive field of services required for success.

The Recommendations

1. Self-Help Centers

In order to expedite the processing of cases involving self-represented litigants and increase access to justice for the public, court-based, staffed self-help centers should be developed throughout the state.

2. Support for Self-Help Services

A system of support should be developed at the state level to promote and assist in the creation, implementation, and operation of the self-help centers and to increase the efficient processing of cases involving self-represented litigants.

3. Allocation of Existing Resources

Presiding judges and executive officers should consider the needs of self-represented litigants in allocating existing judicial and staff resources.

4. Judicial Branch Education

In order to increase the efficiency of the court and to minimize unwarranted obstacles encountered by self-represented litigants, a judicial branch education program specifically designed to address issues involving self-represented litigants should be implemented.

5. Public and Intergovernmental Education and Outreach

Judicial officers and other appropriate court staff should engage in community outreach and education programs designed to foster realistic expectations about how the courts work.

6. Facilities

Space in court facilities should be made available to promote optimal management of cases involving self-represented litigants and to allow for effective provision of self-help services to the public.

7. Fiscal Impact

In addressing the critical need of courts to effectively manage cases involving self-represented litigants and to provide maximum access to justice for the public, continued exploration and pursuit of stable funding strategies is required.

8. Implementation of Statewide Action Plan

To provide for successful implementation of this statewide action plan, a smaller task force charged with the responsibility of overseeing implementation should be established.

Implementation of the Action Plan

From 2004-2014, the implementation of the Action Plan was overseen by a Task Force on Self-Represented Litigants, chaired by Justice Kathleen O’Leary. That Task Force made tremendous strides toward implementing all recommendations in the Action Plan. The Task Force was ended in 2014 and its responsibilities were transferred to the Judicial Council’s on-going Committee on Providing Access and Fairness. The concluding report of the Task Force setting out the work accomplished over 10 years is found here:

http://www.courts.ca.gov/partners/documents/EA-SRLTaskForce_FinalReport.pdf

Futures Commission

On April 26, 2017, the Commission on the Future of the California Courts made its report to the Chief Justice and made many recommendations. Those recommendations included establishing a Center for Self-Help Resources. That Center would be responsible for:

1. Coordinating and convening self-help providers throughout the state, and facilitating relationships with local courts.
2. Connecting with established community organizations that currently provide services to SRLs and others.
3. Developing and publishing best practices and guidelines for providing SRL assistance in all civil cases.
4. Providing substantive and technical assistance to courts implementing programs and technology for self-help tools.
5. Providing on-going expertise to support court self-help centers.
6. Maintaining, updating and expanding the California Courts Online Self-Help Center to provide 24/7 assistance to self-represented litigants.
7. Developing and maintaining interactive self-help programs, including an early education program in civil cases.
8. Developing support for e-filing for self-represented litigants.
9. Developing an on-line small claims advising programs for courts unable to support in-person small claims assistance, integrating website e-filing, online chat, and telephone support.
10. Developing training programs and materials for non-lawyer facilitators to help self-represented litigants in self-help centers and community agencies.

11. Creating a virtual clearinghouse of self-help resources covering all applicable case-types; and
12. Providing language access information and assistance for self-help providers.

On May 17, 2017, the Chief Justice directed staff of the Center for Families, Children & the Courts to address these recommendations. She also directed the Committee on Providing Access and Fairness to develop resources to help self-represented litigants address civil cases. Staff developed work plans setting goals to move the projects forward and the Executive Office reviewed, approved, and monitors progress toward those initial goals.

In support of the recommendations of the Future’s Commission, the Budget Act of 2018 included an additional \$19.1 million in funding for self-help centers. It required a cost-benefit analysis to be completed by November 30, 2020 to determine the most effective ways of providing services and identify costs and benefits to the courts of self-help services. The Budget Act further contained \$5.1 million in one-time and \$709,000 in on-going funding for a web portal for self-represented litigants to expand the ability of self-represented litigants to conduct their court business on-line.

Strategic Plan

This strategic plan is intended to set forth the initial course of those efforts for the next five years. It builds on the Action Plan, Futures Recommendations and other work done to date and sets forth recommendations for the Judicial Council which has identified that “Self-Represented Litigants – Self Help Services” as one of five branch priorities for 2019 – 2023.

This plan is designed to work in tandem with the Strategic Plan for Technology for the Judicial Branch for 2019 – 2022. That plan includes basic technology principles for access which recognize the need to address self-represented litigants and specifically state that the Branch should:

- Provide accessible and easy-to-use systems for all persons seeking services from the courts
- Ensure access and fairness. Use technologies that allow all court users to have impartial and effective access to justice
- Include self-represented litigants. Provide services to those representing themselves as well as those represented by attorneys
- Preserve traditional access. Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
- Design for ease of use. Build services that are user-friendly and use technology that is widely available

GOAL 1 Enable Public to Complete as Much as Possible on Their Own

Statement of Goal:

The judicial branch will increase access to the courts, administer justice in a timely and efficient manner, and optimize case processing by supporting people coming to court and those persons who assist them to handle as much of their court business on their own as possible.

Business Driver/Need:

More than 4.3 million Californians come to court each year to handle their court business without a lawyer. The judicial branch must employ innovative solutions to better serve the public by helping them to understand the legal issues and processes in their case and to prepare as many required court documents on their own as possible.

There are a wide variety of strategies to address this need. These include providing information on-line and in print format; videos and other strategies for visual and audio learners. Document preparation is greatly assisted by the development of document assembly programs which ask questions in a guided interview format that then complete required forms, letters, agreements and other documents to be used in a lawsuit.

We further need to help the public learn skills to handle their case effectively. Starting with writing a demand letter to avoid litigation, to preparing for depositions, mediation, settlement conferences and trials, many litigants need assistance with presentation and negotiation skills.

Objectives:

- Objective 1.1 - Work in collaboration with the IS team to develop the NextGen Self-Help website to expand services and capacity beyond the 4 million people who currently access the self-help website each year. This will include providing content, subject matter expertise and legal guidance as well as coordinating with self-help center staff for content development and testing.
- Objective 1.2 - Continue to build and expand on-line document assembly programs to allow litigants to prepare their own pleadings, letters, agreements and other documents. Expand LiveChat and other on-line services to assist litigants with preparing forms and getting information needed. Provide best practices guidance for courts implementing e-filing for self-represented litigants.
- Objective 1.3 - Develop early educational materials for people in the civil law Expand education to allow self-represented litigants to be able to prepare for mediation, hearings and trials. Develop resources to conduct and respond to pre-trial

discovery effectively and other practical guidance for litigants in civil cases. Provide models to help litigants settle their cases.

Objective 1.4 – Expand efforts to include User-Centered Design in development of forms, instructional materials and on-line content. Strive towards making information clear and understandable.

Benefits and Outcomes

- Provide 24/7 access to court information and services to the self-represented litigants and their helpers to help them understand their case and legal processes and fully as possible.
- Improve and expand on-line resources to address all court matters that commonly impact self-represented litigants using a user-centered design focus to ensure that they effectively meet the needs of court users.
- Achieve cost savings, operational efficiencies, and enhanced case processing with tools designed to meet the needs of self-represented litigants, leveraging branchwide economies of scale.

Measures of Success

- Decrease the average time to process a case brought by a self-represented litigant by case type.
- Increased usage of self-help website and other digital court services
- Increased usage of document assembly programs and e-filing

Goal 2: Support Courts to Effectively Serve Self-Represented Litigants

Statement of Goal:

The judicial branch will provide support to the courts to provide effective services to self-represented litigants. These services will enable the courts to provide services to an increasing number of self-represented litigants, ensure that decisions are made based on the law and facts, rather than affected by procedural problems, and optimize case processing by ensuring that forms are completed properly, that litigants understand the issues in their case and that they understand the steps they need to take to complete their court business.

Business Driver/Need:

Court self-help centers provide more than 1.2 million incidents of service each year serving a wide range of self-represented litigants who come seek assistance to handle their court business without a lawyer. Courts have developed a wide range of services to address this huge demand

including workshops, on-line services, settlement assistance and efficient ways of providing one-on-one assistance. The judicial branch must evaluate and disseminate information about these innovative solutions to provide the most effective services possible.

Sharing information between courts enables continued improvement in services. Providing opportunities for sharing of information and adapting great solutions developed by local courts for statewide use is a key service that can be offered by the Judicial Council. Education and training can also be coordinated on a state level.

Objectives:

Objective 2.1 Provide regular training for self-help center staff through conferences, regional meetings, coordination with other conferences and providers, on-line education and other methods to ensure that self-help and other court staff have up-to-date legal information and ideas about best practices. Develop core set of resources for new staff and volunteers.

Objective 2.2 Provide technical support to courts on issues relating to self-help center management and operations. Establish and maintain opportunities for self-help centers to share information, learn about and implement best practices through mentorship programs, listservs, conference calls, conferences and other mechanisms. Visit self-help centers in each court to build relationships and better understand their challenges and resources.

Objective 2.3 Support or develop tools to assist courts in managing cases with self-represented litigants including text messaging, case management system improvements, document preparation tools including those for orders after hearing. Identify best practices for sharing with similarly situated courts.

Objective 2.4 Conduct cost-benefit study of self-help programs to evaluate different practices to assess their effectiveness. Prepare report to the legislature identifying those savings and identifying any need for additional funding. Develop BCPs and grant proposals as appropriate to expand resources for self-help services.

Objective 2.5 Coordinate translations of documents commonly used by self-represented litigants for statewide use. Oversee translation of self-help website and other materials. Develop on-line workshops in multiple languages. Provide education on serving litigants with limited English capacity. Assist courts in collaborating in the use of language resources.

Benefits and Outcomes

- Minimize time that courts need to spend developing and updating materials.
- Increase efficiency for self-help centers and other services for self-represented litigants.

- Ensure provision of accurate and high-quality legal services to all persons seeking assistance from self-help centers.
- Achieve cost savings, operational efficiencies, and enhanced case processing with tools designed to meet the needs of self-represented litigants, leveraging branchwide economies of scale.

Measures of Success

- Ability to serve more self-represented litigants in self-help centers
- Increase in percentage of cases brought by self-represented litigants to be completed
- Increased use of innovative strategies to serve self-represented litigants
- Increased number of litigants served in languages other than English

Goal 3: Build Partnerships to Expand Resources

Statement of Goal:

The judicial branch will cultivate and expand partnerships with legal services agencies, justice partners, community agencies, libraries, universities, and others engaged in providing a variety of forms of assistance to self-represented litigants to provide more comprehensive services to meet the full legal needs of self-represented litigants. Judicial Council staff will work closely with one another and with Judicial Council Advisory Committees to coordinate efforts and ensure substantial progress on addressing the needs of self-represented litigants.

Business Driver/Need:

With a growing number of persons needing legal assistance, it is imperative that courts work collaboratively with others to share the responsibility for meeting those needs. Courts can develop effective referral strategies so that litigants coming to self-help centers who need full representation, or social services to address their problems can get an effective referral. Similarly, it is critical that those partner agencies can make appropriate referrals to self-help centers, minimizing frustration and wasted effort. Many universities and law schools are engaged in efforts to improve services for self-represented litigants. By engaging in partnerships, we can share resources and expand services.

Objectives:

Objective 3.1 Expand and enhance relationships to build the SHORE team throughout the Judicial Council staff and advisory committee members to ensure a strong focus on the needs of self-represented litigants and to avoid duplication of effort.

Objective 3.2 Maintain and expand strong relationships with non-profit legal services agencies to develop streamlined referral protocols for persons needing services; increase number of legal services programs providing assistance with self-represented litigants in or near the courthouse; share educational resources designed for clients to ensure that services provided are as coordinated as possible.

Objective 3.3 Expand relationships with community helpers such as child support agencies, law libraries, public libraries, domestic violence programs, housing organizations, and others to alert them to existing resources, identify resources that can be shared and build referral relationships.

Objective 3.4 Expand relationships with universities, law schools and organizations such as the Stanford d Lab, law schools, paralegal schools, and others to expand resources. Develop resources for user-testing and development of new technological solutions. Explore opportunities to expand outreach to rural communities through technology.

Benefits and Outcomes

- Expand resources available for self-represented litigants.
- Streamlined procedures for referrals to and from court-operated self-help programs.
- Enhanced ability to provide statewide services through collaboration at the Judicial Council and with other statewide organizations.

Measures of Success

- Increased number of self-represented litigants assisted
- Increased number of partners working to provide assistance
- Increased number of educational resources available for self-represented litigants
- Increased number of volunteers in court-self-help programs

Goal 4: Identify and Support Best Practices to Simplify Procedures and Enhance Court Effectiveness

Statement of Goal:

The Judicial Council will strive to simplify legal and programmatic procedures. By simplifying legal forms and processes, we make it easier for self-represented litigants to complete more tasks on their own. It will encourage judicial officers and court staff to examine processes that have developed over time and review whether any of them can be eliminated or streamlined. It will seek to identify what data and procedural steps are essential and which are not. It will model our commitment to simplification by identifying ways to simplify grant administration.

Business Driver/Need:

Simplifying legal processes is probably the hardest goal to meet—but it also has the most opportunity to provide the most benefit to the courts and the public. By simplifying legal forms and processes, we make it easier for self-represented litigants to complete more tasks on their own. We free up time in self-help centers, clerks' offices and on the bench. Simplification makes document assembly easier. It makes it easier to explain the process on the website and in trainings. While the primary focus is on self-represented litigants, we anticipate that the changes made will assist attorneys and represented litigants as well by making the process more efficient, requiring less time.

By taking a phased approach, we can focus on specific types of proceedings that have been identified as being particularly challenging and that affect many self-represented litigants. We plan to build on what we have learned about simplification as we take each step.

We also recognize that we can model the work by simplifying procedures at the Judicial Council for self-help grants and reporting. We will adopt underlying principles for simplification to guide our efforts that can be shared throughout the Judicial Branch.

Objectives:

Objective 4.1 Review application and reporting requirements for all self-help grants to streamline operations as much as possible while maintaining appropriate oversight. Utilize new STARS data collection system to collect similar information from all self-help programs throughout the state to allow comparability and opportunities to identify differences between programs.

Objective 4.2 Revise guardianship, domestic violence, fee waiver and other commonly used forms by self-represented litigants to make them easier to understand and use. Review entire process for obtaining orders and identify ways to streamline process requiring rule or legislative changes.

Objective 4.3 Identify issues that take a significant amount of time for self-help centers and for courts in working with self-represented litigants and work with the courts to identify ways to streamline those practices. Potential issues include responding to mail from inmates, handling defaults, issues with lack of proof of service and others.

Objective 4.4 Expand resources for judicial officers including updating the Benchguide on Handling Cases with Self-Represented Litigants to share techniques on handling cases effectively and efficiently, working with CJER on updating and expanding educational offerings and providing resources to judicial officers providing education in local courts.

Benefits and Outcomes

- Save time for courts and the public by streamlining procedures.
- Enable more self-represented litigants to be served by time saved.
- Increase job satisfaction for judicial officers and court staff with tools to help them in cases with self-represented litigants.

Measures of Success

- Increased number of self-represented litigants assisted
- Less time spent per court case or operation that has been streamlined
- Less time spent by court staff in reporting on services offered