

Executive Summary

Courts throughout the nation have experienced a dramatic increase in the number of self-represented litigants attempting to access the legal system. In California alone, more than 4.3 million court users were self-represented in 2004. Self-represented litigants are a permanent and growing portion of the court system's user base and, as such, they present a challenge to the courts, which have traditionally been structured to resolve disputes in which parties are represented by attorneys who understand and are familiar with the law and procedural rules.

Over the past decade, California has taken a leading role in the national trend to develop self-help programs aimed at increasing meaningful access to justice. The Judicial Council's efforts and vision were formally established and defined in February 2004 through the adoption of its *Statewide Action Plan for Serving Self-Represented Litigants*,¹ a comprehensive action plan aimed at addressing the legal needs of the growing numbers of self-represented Californians, while improving court efficiency and effectiveness.

The action plan places at its core court-based, staffed self-help centers, recognizing that these centers, supervised by an attorney, are the optimum way to increase meaningful access to the courts by self-represented litigants throughout the state. Self-help centers provide court users information about the applicable laws and court processes, procedures, and operations. They have significantly enhanced access and fairness.

The plan also recognizes that partnerships among the courts, legal services programs, pro bono programs, local bar associations, public law libraries, law schools, social services agencies, and other agencies are critical to providing the comprehensive range of services required. The plan recommends that court-based self-help centers serve as focal points for collaboration between these entities.

Funding Background

The Budget Act for fiscal year 2005–2006 called on the Judicial Council to allocate up to \$5 million for self-help assistance and required that the Judicial Council report to the Legislature by July 1, 2007, on the implementation of the self-help funds program as

The distraught parents of an 11-year-old boy went to the self-help center with their child. The child's arm was purple and swollen and appeared to be broken. The parents had wrapped the arm in cardboard as a makeshift cast. The father had filed a petition to establish paternity but had taken no further steps in the case. The parents were unable to obtain medical assistance for their child because the father's medical insurance required proof of paternity in order to cover the child under the policy. The staff in the self-help center helped the parents prepare the paperwork to request an emergency order from the judge making a finding of paternity so the insurance would cover the medical treatment. The judge granted the order, and the family rushed off to the hospital. The following week, the family returned to the self-help center to express their appreciation and to show the staff that the son's arm had been properly treated.

¹ Judicial Council of Cal., Task Force on Self-Represented Litigants, *Statewide Action Plan for Serving Self-Represented Litigants* (February 2004), available at www.courtinfo.ca.gov/reference/documents/selfreplitsrept.pdf.

consistent with the council's *Statewide Action Plan for Serving Self-Represented Litigants*.²

As the first step, the Judicial Council allocated over \$2.5 million of FY 2005–2006 funds for self-help programs. The next year, in 2006–2007, the Judicial Council allocated \$8.7 million from the judicial branch budget for ongoing funding for courts to start or expand self-help centers and made expanding self-help centers one of the top three priorities for funding in the judicial branch.

Currently, these funds are allowing courts to expand their services in family law and to begin to address other critical legal needs in civil courts, such as landlord-tenant disputes, debt collection, conservatorships, restraining orders, guardianships, and simple probate issues, among others. Court programs are working with legal service providers and local bar associations to more effectively and efficiently address the legal needs of the community and designing systems whereby litigants are provided the most appropriate level of service given their particular circumstances and the legal issues involved.

“I feel that this resource has literally given me a new lease on life. I felt so uneducated and stressed out prior to [the self-help center]. I am leaving empowered in my knowledge. I am so pleased and appreciative for all that I have received. Thank you for helping me see that the legal system works.”

While this amount provides a minimum baseline so that every county, including traditionally underfunded and underserved rural counties, can provide a minimum of services, courts have identified a need for \$44 million to adequately staff self-help centers with a combination of attorney and nonattorney staff. Courts also have identified a one-time need of almost \$4 million, primarily for facilities and equipment. The Judicial Council will continue to work with the Legislature and Governor's office to find additional funding to meet this critical need.

Allocation of the Initial \$2.5 Million (FY 2005-2006)

The initial funding of \$2.5 million that was given to the courts in fiscal year 2005-2006 was distributed as follows:

- \$1.25 million was allocated on a formula basis to 51 superior courts³ to establish or enhance self-help assistance. Courts were required to match 10 percent of the grant with existing resources and were informed that increased funding for fiscal year 2006–2007 was anticipated.

² Stats 2005, ch. 38, page 32, provision 7 of item 0250-101-0932.

³ Fifty-one out of the 58 superior courts applied for funding. All of the courts that did not apply were small (5 with two judges, 1 with six judges, and 1 with seven judges). Thus, their allocation for funding was low, and they reported that it would be difficult for them to expand their services given the funding available. When additional funding became available for self-help programs in 2006–2007, each of those courts applied for that funding.

- \$342,755 was allocated for self-help centers through Regional Opportunity Grants, with funds available for a variety of special needs such as evaluation costs, translation, and staffing costs for self-help centers.
- \$335,000 was allocated to support planning and implementation of action plans and for regional coordination of self-help programs.
- \$250,000 was allocated for one-time costs associated with providing self-help services, including equipment, publications, videos, software, furniture for self-help centers, and signage.
- \$215,000 was allocated to two pilot programs, in Solano and Santa Clara Counties, to assist self-represented litigants to obtain orders after hearings in domestic violence cases.
- \$125,000 was allocated for the JusticeCorps program, which provides trained college students to volunteer at self-help centers in Los Angeles County and the San Francisco Bay Area.
- \$104,519 was allocated to expand EZLegalFile to allow litigants to complete divorce documents and to support smaller courts in providing this service.

To complement and support the efficient use of funds, the Judicial Council organized a Statewide Conference on Self-Represented Litigants, bringing together self-help center staff, judges, court administrators, legal services attorneys, law librarians, and other community partners to share resources and best practices and to develop a plan for effectively expanding self-help services given these new funds. Other projects included the simplification of translations and forms, the development of software programs to help self-represented litigants, and the completion of a benchguide for judicial officers on handling cases involving self-represented litigants.

Impact of the Initial \$2.5 Million (FY 2005-2006)

As part of the application process in April 2006, courts were asked to participate in a baseline survey that asked them about their ability to provide assistance to self-represented litigants. Courts subsequently submitted a six-month report on the use of the funds. Upon notification of availability of additional 2006–2007 funds, the courts were asked to submit plans for how they intended to use the additional \$8.7 million in ongoing funds.

The improvements at the six-month period were substantial.

- At the time of the baseline survey, 37 courts responded that they had court-based self-help centers open to the public. The small and rural courts were most in need of self-help centers. Six months later, 11 more courts had opened court-based self-help centers. Most of these were in the small to midsize or rural courts that had been underserved in the past, in northern and central California.
- All of the newly opened self-help centers were staffed by attorneys. Forty five courts report that their self-help center is staffed by an attorney.
- Fourteen courts are using these funds to offer family law services beyond Title IV-D child support services for the first time. Forty-five courts report providing

some type of assistance in family law, primarily by extension of the program of the family law facilitator, who is required to be an experienced family law attorney.⁴

- Eight courts began providing, for the first time, guardianship services to self-represented litigants, bringing the total in the state to 31. And another 8 courts have been able to add assistance with conservatorships, bringing the total to 16.
- Seven new courts began providing civil domestic violence services for the first time. These seven new courts increase the total number of courts providing civil domestic violence services to 35. Thirteen new courts have similarly been able to add civil harassment services to their self-help centers.
- Twenty-six courts report providing services in landlord-tenant cases. Eight of them began offering these services for the first time.

Courts report using a variety of service delivery methods in their self-help centers. A large percentage of them (33 courts) provide bilingual staff to assist litigants, primarily in Spanish but including other languages, such as American Sign Language, Arabic, Cantonese, Farsi, French, German, Gujarati, Italian, Japanese, Korean, Laotian, Mandarin, Portuguese, Russian, Tagalog and Vietnamese,

“Es el lugar perfecto para recibir ayuda. Gracias.”
 (“It’s the perfect place to get help. Thank you.”)

Of the 42 courts that provided information on the number of users assisted by their self-help centers, 22 showed an increase over what had been reported on their baseline reports. Overall, these 42 courts would be expected to serve over 350,000 people per year. In fact, 10 of the self-help centers serve over 1,000 persons per month. An additional 5 courts reported serving between 500 and 1,000 persons per month.

Impact of the \$8.7 Million (FY 2005-2006)

The growth that courts expect from the new funding of \$8.7 million, which provides a baseline of \$34,000 for each court with the remainder to be distributed according to population, is similarly impressive:

- All 58 courts now report plans to offer self-help services to self-represented litigants with at least one attorney at each court.
- All 58 courts plan to provide services to self-represented litigants in family law—beyond the child support services funded by title IV-D.
- Approximately 80 percent of the courts will offer services in guardianship and domestic violence cases.
- Approximately 66 percent of the courts plan to offer services in landlord-tenant, civil harassment, and adoption cases.
- Fifty-five percent of the court self-help centers plan to offer assistance in conservatorship cases and in pro per courtrooms.

⁴ See Fam. Code, § 10002, and Cal. Rules of Court, rule 5.35, for minimum standards for the office of the family law facilitator.

- Over 40 percent of the courts plan to offer help with general civil matters and to also offer settlement assistance to their customers.
- One third of the courts will provide assistance with consumer matters beyond small claims.
- Approximately 33 percent of the courts plan to offer assistance with traffic matters.

Substantial strides have been made toward the goal set out in the *Statewide Action Plan for Serving Self-Represented Litigants* that each court have an attorney-supervised, court-based, self-help center that provides a full range of services to self-represented litigants. In order to maintain this increasingly critical service, ongoing funding is vital.

Court-Community Partnerships and Collaborations

Collaborations among courts and legal services agencies, local bar associations, and pro bono programs are essential to ensuring a full continuum of services where litigants receive the legal services that they need. “Self-help centers are a key component of the continuum of legal services . . . partnering and collaborating with other service providers in their community to ensure that individuals in need are directed to the service that can best provide the assistance they require.”⁵ The success of the partnerships funded by the Equal Access Fund has been a very important achievement that laid the foundation for new ways of working toward improving access to the legal system by low- and moderate-income populations.⁶

With the 2005–2006 funding for self-help programs and the development of self-represented litigant action plans throughout the state, the majority of California

“It [the self-help center] helped me avoid filing unnecessary paperwork. She [the center attorney] was very helpful. In my short visit she helped me take a load off my mind. Thank you.”

courts have engaged in a process of partnering and collaborating with other government agencies, community legal services providers, and local bar associations to address the growing legal needs of their communities. Successful partnerships abound throughout the state, demonstrating the leadership and commitment of the judiciary, Legislature, and legal service providers toward continuing to address the justice gap in our state.

The types and extent of the collaborative efforts vary greatly from court to court, often directly related to the existence and reach of local services such as bar associations, pro bono programs, and legal services agencies. Large urban areas engage in the most extensive partnerships, primarily because of their larger number of resources and a more established network of legal services providers.

Smaller courts, however, have also seen an important shift toward greater collaboration, in spite of their particular challenges given the fewer number of legal services providers

⁵ The California Commission on Access to Justice, *Action Plan for Justice* (April 2007), p. 65.

⁶Ten percent of the more than \$15 million provided by the Equal Access Funds to legal services agencies is allocated to provide self-help services in local courts.

and, with rural courts in particular, geographical isolation and higher levels of poverty. These self-help funds have allowed many of the smaller courts to develop self-help services previously unavailable, thus providing the infrastructure to begin to reach out to community partners. Many smaller courts report being in the first phase of community engagement, and most have identified all stakeholders and crafted strategies for involving them in the collaborative process. In rural, isolated, or smaller counties, the opportunities for courts for collaboration are much more challenging, particularly in the many counties that have few or no other legal services providers.

Many courts have found innovative ways to maximize resources and collaborate with existing providers. Here are some examples of the variety of partnership efforts that California courts have embarked on with these self-help funds:

- **Superior Court of Alameda County** self-help staff work closely with the Volunteer Legal Services Corporation of the Alameda County Bar Association and community legal services programs to provide assistance at several clinics held at the self-help centers in the county, including providing assistance with guardianship, family law, unlawful detainer, expungement, and consumer debt.
- **Superior Courts of Butte, Tehama, and Glenn Counties** expanded their Self-Help Assistance Regional Project (SHARP), and the program exchanges information with Legal Services of Northern California (LSNC) and coordinates workshops to offer as many legal assistance opportunities in the community as possible.
- **Superior Courts of Calaveras, Placer, and El Dorado Counties** coordinated the use of their planning grant funds to contract with Legal Services of Northern California, the primary provider of legal services for rural and small counties in Northern California, allowing LSNC to hire an additional attorney to provide self-help services at the different court locations. By partnering, Calaveras County, which has no local bar association, no lawyer referral service, and no pro bono programs and not enough resources of its own to staff a self-help center, has been able to provide self-help services to its residents.
- **Superior Court of Fresno County** instituted a mobile access program and a new countywide telephone hotline to increase access to the court for Fresno County residents, while closely working with its community legal services programs, the local bar association, and other government agencies such as the Public Defender's Office and the Department of Child Support Services.
- **Superior Court of Imperial County** formed ongoing collaborations with California Rural Legal Assistance, the local bar association, the Center for Family Solutions, and Elder Law and Advocacy to provide services in a highly rural community with a significant low-income population and a very high number of Latino residents. It also developed an innovative internship program for Mexican law school students who provide assistance at the court's self-help center.
- **Superior Court of Lassen County**, facing limited resources due to its remote location and size, as well as the lack of a county bar association or pro bono programs, contracted with Legal Services of Northern California in Redding to provide self-represented litigants with legal assistance in the areas of small

claims, landlord-tenant, civil harassment, guardianships, and civil complaints and answers.

- **Superior Court of Los Angeles County** built on the strong base of community legal services agencies providing assistance at courthouses throughout the county to host the first Conference of Community Partners in November 2006, to initiate in-depth discussions about standards for self-help and related issues among the leadership of all the community agencies that provide services in the courthouses, court self-help attorneys and administrators, and bench officers serving on community services committees.
- **Superior Court of Riverside County** has created collaborations with the local bar association and its pro bono program, the Public Service Law Corporation, to provide assistance at the courthouse and coordinate referrals and has partnered with Inland County Legal Services to offer assistance with family law, landlord-tenant, and civil cases in several of the nine court locations.
- **Superior Court of San Diego County** has contracted with several community legal services providers, such as Legal Aid Society of San Diego County, the San Diego Volunteer Lawyer Program, and the Center for Community Solutions, among others.
- **Superior Court of San Francisco County** partners with several community agencies in order to meet its mandate to provide multilingual self-help services to the diverse population of the city and county, including the Volunteer Legal Services Program of the Bar Association of San Francisco, the Eviction Defense Collaborative, and two community social service providers, La Raza Community Resource Center and Donaldina Cameron House, which primarily serve the Latino and Chinese communities respectively.
- **Superior Court of Santa Clara County** has taken its partnerships on the road with a CourtMobile that travels to remote parts of the county to deliver legal services. The court's self-help CourtMobile targets agencies that will assist them by providing interpreters in order to enable the CourtMobile to assist non- or limited-English-speaking customers. Active collaborations with the Pro Bono Project have resulted in evening small claims assistance and a project to provide attorneys for both petitioner and respondent for domestic violence restraining order hearings.
- **Superior Courts of Sierra and Nevada Counties**, both rural courts, collaborate with as many service providers as possible to begin to serve families and children in need. The courts' self-help staff have been very active in reviving the Lawyer Referral Service (LRS), a program of Nevada County Legal Assistance, resulting in the LRS once again becoming certified by the State Bar and officially reopening.
- **Superior Court of Sonoma County** has approached the collaborative process from different angles to address access for self-represented litigants throughout the county, partnering with the Superior Court of Napa County to improve services to their self-represented litigant populations and establishing a countywide committee on self-represented litigants with its community partners to promote communication and collaboration among service providers and the