



Self-Represented Litigation Network

A Model for a Comprehensive Self Assessment of Court Programs to Assist Self-Represented Litigants

December 2007



Copyright 2008, National Center for State Courts

For Reprint Authorization, go to:

<http://www.srln.org/reprint>

This document was developed under a grant from the State Justice Institute (SJI-05-N-091-C06-1). Points of view and opinions stated in this document do not necessarily represent the official position or policies of the State Justice Institute. Nor do they represent those of the National Center for State Courts or any funders or participants in the Self-Represented Litigation Network.

Thanks also to the California and Maryland Administrative Offices of the Courts for their support.

I. An Introduction to the Model for a Comprehensive Self Assessment

This document is intended for courts that wish to conduct a wide-ranging, comprehensive self assessment using a variety of **Tools** to gather extensive information concerning self-represented litigants and court efforts to assist them. (A complete listing of the **Tools** available for self assessment of self-represented litigant projects is found in the **Guide to Self Assessment of Court Programs to Assist Self-Represented Litigants**, (referred to here as "**Guide**"), a separate publication of the Self-Represented Litigant Network ("SRLN")).

A comprehensive self assessment might be appropriate for a statewide planning effort, for a thorough self evaluation of a court program that has engendered controversy, to provide data to justify the funding level provided to a program or to substantiate the need for additional funding, or to validate the apparent effectiveness of a court program being considered as a model for adoption by other courts within a state.

This model contemplates a self assessment culminating in a written report containing a summary of information obtained, analysis of that information, and recommendations derived from the analysis.

A comprehensive self assessment entails significant time and resources from the entity undertaking it.

This **Model** sets forth a structure for planning, executing, and implementing the recommendations arising from a comprehensive self assessment. It contains lists of Action Items that a court can use as checklists for process steps to be completed.

II. A Plan for the Assessment Effort

1. Specifying the Assessment's Purpose

The court's decisions concerning the **Tools** to be used and the process to be followed will be based on the court's purpose and the amounts of time and resources available for the effort. The success of a comprehensive self assessment will be enhanced by the court's specificity in defining its purpose.

2. Identifying the Staff Resources Available for the Comprehensive Self Assessment

The court should identify staff with the following skill sets to be assigned to an assessment effort depending upon the **Tools** used:

- **management and organization** to plan and oversee the effort,
- **data gathering** to administer surveys and to conduct interviews,
- **data entry** to enter data into the **Access database**,
- **analysis** to collate and interpret empirical and interview data and to develop recommendations, and
- **writing** to prepare a written report.

The court must not only dedicate the staff time to the effort but establish a reasonable schedule and monitor it to ensure that the project is finished.

Action Items: Planning an assessment

- 1) Convene a team of court personnel, including at least one judge, who will oversee the assessment project. The team should include staff members with substantial day-to-day exposure to self-represented litigants. Consider including representatives of community stakeholders, such as the local bar, legal services providers, public and law libraries and a local law school(s) on the team.
- 2) Determine and articulate the purpose of your assessment.
- 3) Decide which parts of the **Comprehensive Model** and which **Tools** you will use.
- 4) Develop realistic estimates of the staff resources and time required to complete the assessment and obtain a commitment from the court's judicial and administrative leadership to devote the needed resources to the effort.

5) Identify the staff members or volunteers for the project. This staff should ideally not work for a court-run self help program. This staff is referred to in this document as the “reviewers.”

6) Set up a timetable for the project – specifying the tasks to be performed and the dates for finishing each task. Set up regular meeting dates for the oversight team, for instance every two weeks, and more frequently as required, such as a brief meeting each morning during the exit survey phase to ensure that issues relating to the survey are responded to immediately. Set a deadline for completion of the self assessment.

7) The Chief or Presiding Judge should send a notice to all court personnel explaining the self assessment project and the time period for it. The notice should direct court staff to make time for needed interviews and to cooperate fully with the assessment process. It is possible that the Chief or Presiding Judge will need to follow up during the process if people are not fully cooperating with the project.

III. The Court’s Philosophy and Goals in Dealing with Self-Represented Litigants

A court’s program for assisting self-represented litigants should be guided by clearly articulated goals, which, in turn, should be aligned with the goals of the court as a whole. The goals should be created out of a well-articulated court philosophy regarding self-represented litigants. By taking the time to articulate your philosophy and goals, you not only clarify what you are trying to do, but you may discover that members of your court have differing views that need to be discussed and resolved.

The following are commonly cited goals of programs to assist self-represented litigants:

- Increase access to justice
- Increase the likelihood of “just” outcomes involving self-represented litigants
- Increase user satisfaction with the court process and thereby improve public trust and confidence in the court
- Increase understanding of court orders

- Increase compliance with the terms of court orders
- Help users develop expectations that are reasonable in light of the law, the facts, and available remedies
- Increase the efficiency and effectiveness of the court system
- Increase education for court users

Action Items: Identifying the court's goals with respect to self-represented litigants

- 1) Ascertain whether the court has written goals for its efforts to assist self-represented litigants.
- 2) If not, obtain input (particularly from court staff working closely with self-represented litigants) and draft a goal statement to serve as the foundation for the assessment effort – articulating the objectives against which the court's efforts will be measured.
- 3) Obtain approval of the goal statement from the oversight team and the court's leadership.

IV. An Outline for the Assessment Work Product

The reviewers will benefit from early agreement concerning the contents of their report. Here is a possible organizational structure for the written report:

- A. The court's philosophy and goals regarding self-represented litigants
- B. The assessment methodology
- C. Descriptive and evaluative data
 - o The numbers of self-represented litigants using the court, by case type;
 - o Characteristics of self-represented litigants;
 - o The programs established by the court or by other entities to assist self-represented litigants;
 - o Numbers of self-represented litigants served by the court's programs and the services provided to them;
 - o Feedback from court users and stakeholders on the quality and effectiveness of the services provided and on the fairness of the court's adjudicative processes;
 - o Survey results from Exit Survey and Judge and Staff Survey;
 - o Overview of interview and focus group findings;

- Overview of findings from tour of court; and
 - Overview of findings from review of Best Practices Checklist as compared to the court functions.
- D. Program Strengths
- E. Areas Needing Improvement
- F. Recommendations, including the suggested priority to be given to various recommendations

Action Item: Creating a report outline

- 1) Create an outline for the final report.
- 2) Identify the types of information that the court will need to complete the final report as described in the outline and assure the availability of needed data gathering resources (or scale back the outline).
- 3) Obtain approval of the final report outline early in the assessment process.

V. Data Gathering

The principal work of the assessment is data gathering. Prior to beginning the data gathering, the court's team should review and implement the concepts set forth in the **Tool, A Summary of Ethical Guidelines for Conducting Interviews and Data Collection**.

1. Background Information

The following background information on self-represented litigants in the court provides a useful context for the remainder of the assessment:

- Trends concerning the appearance of self-represented litigants in the court, including by court location if the court has multiple locations;
- Existing data about case types filed or defended by self-represented litigants; and
- Characteristics of self-represented litigants.¹

¹ A number of courts gather demographic data on every person using a court's self help program. This involves significant work for litigants and for court staff. We recommend that a court regularly collect data on how many self-

The reviewers should obtain information on the court's program(s) to assist self-represented litigants:

- A description of each program's goals, history, and changes over time in its scope (e.g., case types for which assistance is offered), types of services offered, and types of clientele served;
- How the program is organized and funded (i.e., court staff, contractors, or both);
- The qualifications of program staff and volunteers (education, experience, training, length of service);
- Space, equipment, and facilities;
- Collaborations with other agencies;
- The services currently offered by the program (such as easily understandable forms and instructions, instructions via website, paper or electronic forms, access at local law and public libraries, personal assistance from court staff, attorneys who provide advice to clients in the courthouse or elsewhere, workshops, mobile service centers, unbundled legal services, multilingual forms and services, community outreach, training for other court staff); and
- Statistical data maintained by the program.

Action Items: Collecting background information.

1) Obtain background information on the court itself, on self-represented litigants in the court, and on programs assisting self-represented litigants. Information for this portion of an assessment is taken from the court's case management information system, program brochures, operational flowcharts, interviews with self help program staff, and from observation of current programs in the court and in other organizations that work collaboratively with the court to serve self-represented litigants.

represented litigants use the court's services, but only periodically gather data on their demographics – for instance annually over a two week period for a busy urban court or for a month for a rural court. After the demographics of a court's users are determined, periodic data gathering is done only to determine if there have been significant changes or to measure changes that are seasonal, such as increased numbers of landlord/tenant disputes at the close of a college term.

2. Surveys

There are two survey instruments: an **Exit Survey** of court users, and a **Judge and Staff Survey** created as part of the **Tools**. How to administer the surveys is set forth in the **Guidelines for Data Gathering**, a separate SRLN publication. Read the first part of the **Guidelines for Data Gathering** before beginning to administer surveys. Once surveys have been administered, staff must record and analyze the data. An **Access database** is provided for recording and analyzing the **Exit Survey** data. There are further instructions in the **Guidelines for Data Gathering** for your review when you begin to use the access database.

Exit Survey data is useful to determine how self-represented litigants rate the court's services and their court experience. When sufficient numbers of surveys are collected, the results reflect the views of court users in general. This information requires the most resources to collect and analyze. Experience has shown that administering surveys at the courthouse produces a far higher response rate than mailing surveys to litigants after a court appearance or posting surveys on the court website.

The **Judge and Staff Survey** obtains written responses to general questions concerning self-represented litigants, the issues they face in the court, the issues judicial officers and court personnel face in working with them, and ways in which the court could address these issues.

Action Items: Conducting Court Surveys

- 1) The **Exit Survey** will be the most resource intensive assessment activity. Court staff or volunteers will be needed to:
 - a) prepare materials for the survey process (including surveys in multiple languages where appropriate),
 - b) determine the logistics for your courthouse to ensure the best rate of response to the surveys,
 - c) give survey forms to everyone leaving the courthouse (or administer the surveys in a more focused manner),
 - d) answer questions about the survey process in general and about particular questions on the survey,
 - e) collect completed forms, and
 - f) enter the data into the **Access database**.

2) The **Judge and Staff Survey** will not require as much time and effort, although all data will need to be compiled and analyzed using an Excel or similar spreadsheet.

3. Focus Groups

Many courts have found that convening focus groups can provide a great deal of insight into how self-represented litigants experience the court and its programs to assist them. Focus groups are particularly helpful in identifying the barriers and difficulties that self-represented litigants experience and exploring with litigants who are familiar with the court's current processes possible procedural changes or services the court might implement to assist them.

The **Guidelines for the Use of Focus Group**, a separate SRLN publication, provides detailed guidance for court staff conducting such sessions.

The **Guidelines for the Use of Focus Group** is designed to equip court staff with the knowledge needed to lead these sessions without specialized training.

Action Items: Convening focus groups.

- 1) Recruit self-represented litigants to come to a focus group to discuss their experience, paying them an honorarium or some other form of incentive or recognition for their service.
- 2) Assemble a series of questions to encourage them to discuss their experience candidly.
- 3) Limit sessions to two hours or less to encourage broader participation.
- 4) Record the session.
- 5) Analyze the information recorded.

4. A Tour of Court Facilities

The **Tour Guide** (A Self-Guided Tour of Your Courthouse from the Perspective of a Self-Represented Litigant) is a separate SRLN publication. It provides guidance on how to gain information on your court from an outsider's perspective.

This is a relatively inexpensive means of gleaning useful observations about your courthouse, services provided by court staff, and courtroom procedures.

It can also be useful for court staff to visit a sister court and spend some time viewing the court system "through the eyes" of a self-represented litigant to better understand the litigants that come to your own courthouse. It may be easier for judges and administrators to perceive problems in another facility that they have come to accept in their own facility.

Action Items: Conducting a tour of your facility

- 1) Arrange for a group of volunteer "tourists," who may or may not be court personnel. Train them in the use of the **Tour Guide Tool**.
- 2) Debrief them immediately following their tour, recording the debriefing session to ensure that no useful information is lost.
- 3) Analyze the information recorded.

5. Stakeholder Interviews

Stakeholders are persons other than those directly served by the court or by a program to assist self-represented litigants who have an interest (a "stake") in how the court performs. There are many persons in your court, and in the wider community, in addition to self-represented litigants themselves, who have an interest in how the court treats self-represented litigants. It can be very helpful to interview representative stakeholders to ensure that the court is looking at all angles of the issues facing the court. (See **Basic Interview Formats**, a separate publication of the SRLN).

Even though judges and court staff may have already completed the **Judge or Staff Survey**, the reviewers may want to interview a limited number of key judges and court staff to obtain a greater depth of understanding of their perceptions, attitudes, and recommendations.

Stakeholders include:

Court personnel

- Judges
- Program staff
- Front counter clerks
- Courtroom clerks
- Other court staff including mediators, bailiffs, interpreters and others who have regular contact with self-represented litigants

Others potential stakeholders

- Lawyers who practice regularly in the court
- Lawyers providing “unbundled” services to self-represented litigants
- The organized bar, including its pro bono program and any applicable specialty bars (such as family lawyers)
- Legal services provider(s)
- Law and public libraries
- The county administrator
- The state administrative office of the courts
- Any funding body that may have an influence upon the program, or may be a future funding resource
- Community and social service organizations
- State legislators or county commissioners

If an existing program is being reviewed, interviews should include and document:

- 1) a review of the stakeholder’s current relationship to the program;
- 2) the stakeholder’s ideas concerning the goals for the program;
- 3) the stakeholder’s view of the program’s success in meeting those goals; and
- 4) the stakeholder’s view of how to improve the program and the court-wide interactions with self-represented litigants.

If no program exists and you are looking into what type of program to establish, you should identify what each of these stakeholder groups feels is needed in a program.

A draft stakeholder interview protocol is included among the **Basic Interview Formats** published separately by the SRLN.

Action Items: Interviewing Stakeholders

- 1) Develop a written list of questions to pose to stakeholders, using the stakeholder interview protocol included in the **Basic Interview Formats** as a starting point.
- 2) Conduct the interview in person or by telephone if an in-person interview is not practical.
- 3) Record the stakeholder's views on a copy of the interview form.
- 4) Interview at least one representative of each stakeholder group. It may be possible to conduct group interviews in some situations, for instance of lawyers who regularly practice in the court.
- 5) Schedule stakeholder interviews for thirty to forty-five minutes to provide sufficient time to ensure that they feel fully consulted and to record their views.

VI. Areas of Special Concern

There are a number of areas of such over-riding importance in the provision of services to self-represented litigants that they are highlighted in this **Comprehensive Model** for special attention by the reviewers in the course of conducting a court self assessment.

1. Appropriate Staff and Contractor Roles in Providing Legal Information and Legal Advice

Self-represented litigants are frequently seeking two separate things: legal information about the court process and legal advice. It is entirely appropriate for the court to provide legal information.

However, no member of the court staff should be providing legal advice to litigants, although the court may decide to provide litigants with resource lists which show how litigants might obtain legal advice.

Action Items: Ensuring Appropriate Staff and Contractor Roles in Providing Legal Information and Legal Advice

1) Ensure that court staff – whether or not they are lawyers – are not providing legal advice. A staff person trained to understand the distinction between legal information and legal advice can observe staff-litigant interactions and record whether the staff person's responses were appropriate.

2) Investigate and ensure that persons providing legal advice under court funding or as part of a collaboration with the court are complying with governing legal ethical principles including those concerning conflicts of interest. Also investigate and ensure that the group of programs providing legal advice are structured so that advice can be provided to both plaintiffs and defendants and to both parties in a case. State bar or local bar associations ethics counsel can assist the court in assessing compliance with these requirements.

2. Availability of Appropriate Referrals for Legal Assistance

An assessment should review the resources available to self-represented litigants who need greater assistance than can be provided by the self help center. This can include full representation in cases, appearance on behalf of a litigant for a single matter, advice on the strategy to pursue in representing themselves, drafting of legal papers, or performance of particularly daunting tasks (such as drafting a Qualified Domestic Relations Order directing a retirement plan to provide a former spouse a share of retirement benefits when they vest).

By definition, these are services that court staff cannot provide. However, the court has a strong interest in ensuring that self-represented litigants needing legal advice on their case can obtain it on an affordable basis.

Action Items: Ensuring the Availability of Affordable Legal Representation

- 1) Through interviews with legal services providers and local or state lawyer pro bono programs, identify the resources that exist to provide legal representation to self-represented litigants, particularly in contested cases.
- 2) Identify case types or times at which no resources are made available to self-represented litigants and the effects of this lack of resource.
- 3) Explore with stakeholders alternatives that might fill the gaps in existing legal services for self-represented litigants, including limited scope representation for discrete legal tasks (“unbundled” legal services).

3. Adequate Court Case Management Processes for Cases Involving Self-Represented Litigants

Many courts expect self-represented litigants to perform as an attorney would in complying with court procedures and rules that require a litigant to take the initiative to move their cases to conclusion.

Examples are:

- service of process on all defendants or respondents;
- moving for entry of default and submitting a proposed default judgment, consistent with the contents of the complaint or petition;
- filing a motion or certificate of readiness in order to obtain a hearing or trial.

However, experience has shown that many self-represented litigants do not know how to take the required initiative and expect the court to notify them of further steps that may be necessary. This is particularly true of litigants who have participated in proceedings which the court actively manages by setting and notifying the parties of upcoming hearings such as traffic tickets, evictions, criminal and juvenile delinquency cases, and juvenile dependency matters. The result is that courts dismiss many of these cases for lack of prosecution, creating

frustration as well as significant legal problems for the litigants who were waiting for the court to take the next step.

To avoid these results, courts should modify their case management procedures. In particular, reviewers should determine whether the court provides:

- proactive caseflow management of self-represented litigant cases to identify cases that are not proceeding satisfactorily and to proactively schedule hearings or otherwise provide necessary information and assistance for the purpose of moving them along;
- screening of self-represented litigant case files sufficiently in advance of court hearings to identify flaws in filings and notifying self-represented litigants in time for them to be corrected for the hearing; and
- assistance in preparing judgments and orders; it is unreasonable to expect unrepresented persons to be able to prepare acceptable documents for the judge's signature without assistance.

The reviewers should also observe whether the court's case management staff and self-represented litigant program staff are combined or interact effectively. The reviewers should also determine the extent to which the staff of the clerk's office and those persons staffing public counters are trained and integrated into the court's efforts to assist self-represented litigants.

NOTE: Clerk's office staff often expect programs assisting self-represented litigants to relieve them of all obligations to interact with such persons. This is not an appropriate or realistic expectation.

Action Items: Identifying how self-represented litigant cases are managed by court staff

- 1) Observe court procedures and interview court staff to learn with specificity the court's procedures for dealing with self-represented litigants. Identify the extent to which the court has modified its traditional case management practices to address the lack of knowledge of self-represented litigants regarding how to navigate the system.

2) Identify the extent to which the staff of the clerk's office and those persons staffing public counters are trained and integrated into the court's efforts to assist self-represented litigants.

4. Assisting Self-Represented Litigants with Hearings and Trials

Courts often limit their support to the provision of forms and information. Self-represented litigants also require information to assist them in preparing for court hearings, particularly if those hearings will be contested. In order to obtain necessary information for an informed ruling, judges will often need to ask questions of the litigants.

Approaches available to courts to address these needs include:

- brochures explaining courtroom procedures and etiquette;
- modifying court forms to include the information needed by the judge to make a decision in the matter, not just enough to meet technical pleading requirements;
- video tapes describing and explaining court hearings and trials;
- suggestions that self-represented litigants attend hearings and trials prior to the date of their hearing or trial to become familiar with how they are conducted;
- suggestions that self-represented litigants attend classes or workshops presented by the court or by other agencies, such as legal services organizations or law libraries;
- providing assistance at the time of a court hearing, such as self help program staff or volunteer attorneys to explain procedures, help litigants with settlement, and prepare orders following a hearing;
- materials to assist litigants in preparing for contested trials (the materials on the Alaska Family Law Self Help Website are exemplary); and
- education for judges to provide them with ethical guidance and practical guidelines for obtaining from self-represented litigants the information they need for a fair resolution of the matter in the courtroom. The Self-Represented Litigation Network has prepared a model curriculum and supporting materials for these sorts of educational programs.

Action Items: Identifying how judicial officers and court staff deal with self-represented litigants in contested matters.

- 1) Discuss their courtroom experience with self-represented litigants during focus groups.
- 2) By interviewing judicial officers and court staff and observing courtroom proceedings, identify the ways in which the court assists self-represented litigants to prepare for, and participate in, hearings and trials.
- 3) Identify gaps in the information and services provided litigants for hearings and trials.
- 4) Review the Self-Represented Litigation Network Model Curriculum for suggested practices for use in the courtroom and suggested ways of educating judicial officers in their use.

5. Assisting Self-Represented Litigants with Post Judgment Matters

Self-represented litigants are often baffled by the legal processes needed to collect a judgment or enforce the terms of a decree. Reviewers should determine the strengths and weaknesses of court programs addressing post judgment matters.

Effective approaches include:

- collection in the courtroom of information that will assist in enforcement;
- providing opportunities for both parties to have input into the terms of the order to improve the chances for compliance;
- issuing clear orders and judgments;
- explaining the terms of judgments and decrees to the litigants upon the completion of a court hearing or trial;
- instructions and forms for post judgment matters;
- availability of one-on-one assistance concerning post judgment proceedings; and

- scheduling of post judgment status conferences when a judge can anticipate problems with compliance with a judgment or decree.

Action Items: Identifying how well the court provides assistance on post judgment matters.

- 1) Discuss compliance with court orders during self-represented litigant focus groups.
- 2) By observing court proceedings and interviewing judicial officers and court staff, identify the ways in which the court currently assists self-represented litigants on post judgment matters.
- 3) Identify gaps in the information and services provided litigants for post judgment matters.

VII. Data Analysis and Development of Recommendations

There is no single formula or process for analyzing all of the data collected in the course of parts V and VI of this Model. Analyses of exit survey results, once entered into the **Access database**, can be created automatically. Similar analyses of the judge and staff surveys can be produced from a spreadsheet. Highlights from the interviews can be collected into a text document and categorized into common themes.

The critical inquiry is the extent to which the court is achieving its own established goals for dealing with self-represented litigants. All of the information gathered – from the litigants themselves, from judges and court staff, from stakeholders, and from the reviewers' observations – should be assessed from the perspective of the court's goals. If the court has not articulated goals, the reviewers can look to the frequently cited goals set forth in part III of this **Comprehensive Model**. The reviewers can also compare the court's performance with the benchmark data from other courts compiled by the Trial Court Research and Improvement Consortium.

The following list of questions may prove useful in conducting the analysis:

- How effective are the court's current programs and procedures in meeting the needs of self-represented litigants?
- How well are the court's current programs and procedures integrated throughout the courthouse as a whole?
- How well are the court's current programs and procedures coordinated with services provided by other stakeholders in the community?
- Are there user needs that current court and community programs are not meeting, and how might they be met?
- What additional services should the court and other community stakeholders consider providing?
- What mechanisms, such as the web, telephone, videoconferencing, providing access in the courthouse to automated forms completion programs, face to face meetings with staff, and referral out to other entities for legal advice or more extensive assistance, should the court and community stakeholders consider for delivering existing or new services?

The reviewers should then develop recommendations based on the data analysis. Recommendations derive from two sources – 1) gaps identified between the court's goals and its performance and 2) potential improvements noted by the reviewers during their observations, focus groups, courthouse tours, judge and staff surveys and interviews, and other stakeholder interviews. The **Best Practices Checklist** is a good source of ideas for bridging the gap between the court's goals and its performance.

In developing recommendations, the reviewers should keep in mind the resources available to the court and to partner agencies in the community providing services to self-represented litigants – from existing staff or from supplemental funding sources – that could be made available for existing or enhanced programs. Recommendations should address the greatest needs identified both for the litigants and for the court and should be tailored to the resources available or

accessible, keeping in mind that court leaders also have the ability to reallocate current resources.

Recommendations need not, at this stage of the assessment process, contain detailed estimates of the resources required for implementation. Because of the extensive time that may be required for such detailed implementation planning, that analysis should be postponed until recommendations are tentatively approved by the court's leadership.

As the assessment proceeds, the reviewers may identify data elements that would be very useful, but which are not readily available. A list of those needed data elements could be part of the self assessment report and recommendations could be crafted to collect this information in the future.

The reviewers should stay in regular contact with the oversight committee, sharing with the committee their analyses and insights and discussing their preliminary ideas concerning recommendations. The oversight committee should become familiar with the **Best Practices Checklist** and obtain further information on specific best practices of particular interest to the court.

The assessment report should not only include a series of recommendations; it should also identify the priority that it suggests the court assign to those recommendations. For instance, some issues – particularly those related to the court's obligations as set forth in statutes and court rules – may require immediate attention regardless of the availability of funding. Others may merely be desirable improvements that should be made contingent of the availability of additional funding.

Action Items: Analyzing the Data Gathered and Making Recommendations

- 1) Determine, from all the data gathered, how well the court is accomplishing its established goals in dealing with self-represented litigants.

2) Identify changes to the court's programs and procedures, using the **Best Practices Checklist** and creative ideas resulting from the data gathering, that would reduce any identified gaps between goals and performance.

3) List other possible program improvements that have come to the reviewers' attention in the course of the self assessment process, including improved routine data gathering processes.

VIII. Review of Recommendations and Implementation

When it receives the written report from the reviewers, the oversight committee should discuss the proposed recommendations, approving, rejecting, or modifying each recommendation. Because the reviewers have been working closely with the oversight committee, this process should not require significant additional time.

The oversight committee should then submit its recommendations to the court's leadership. The court's leadership may choose to circulate the report to the full court and stakeholders for comments before taking action on it. The leadership should then approve or disapprove each recommendation, based on the advocacy of the oversight committee, any comments from other court personnel and stakeholders and its own judgments. It will then refer the approved recommendations to the court's administrative staff for detailed implementation planning, including estimation of resources and timeframes required to put each recommendation into place.

Final approval of recommendations should await the preparation of detailed implementation plans.

This two-staged approval process allows the leadership to consider recommendations first on their abstract merit and again based on their practical feasibility. Of course, court leadership may disapprove a recommendation at the first stage of the approval process on the basis of a consensus that it is impractical or infeasible, without a detailed staff implementation analysis. Conversely, court leadership may direct that staff take immediate action to correct some problems, skipping entirely the feasibility analysis for issues requiring urgent attention.

Action Items: Acting on the report's recommendations

- 1) The oversight committee should take formal action on the reviewers' recommendations, as set forth in their written report.
- 2) Court leadership may choose to circulate the report widely within the court and among the other stakeholders for comment.
- 3) Based on the input received, the leadership should act on the recommendations, including direction to staff to take immediate action on matters considered urgent.
- 4) Administrative staff should develop detailed implementation plans for approved recommendations.
- 5) Court leadership should give final approval of recommendations based on the implementation plans.
- 6) The Chief or Presiding Judge should thank the reviewers and all court personnel for the time and effort spent in the study and reiterating the court's commitment to providing high quality services to self-represented litigants.