

**TRI-COUNTY SELF-REPRESENTED LITIGANT ACTION PLAN**

*Monterey*

*Santa Cruz*

*San Benito*

***Introduction***

This Self-Represented Litigant Action Plan is the product of a unique collaboration between the Superior Courts of the counties of Santa Cruz, Monterey and San Benito, California. The efforts of, a court extern and the Executive Officers and Assistant Executive Officers of the three Courts, a court law student extern, and an independent planning consulting firm were combined with dedication and perseverance in developing this plan. Planning efforts included the distribution of surveys to court staff, members of the bar, and legal service providers in all three counties as well as the design and implementation of extensive real-time observational studies of court users at high-volume self-represented litigant court locations in all three counties. Portions of the data collected as part of this planning effort are cited in the Needs Description below. The complete report on the data collected is also submitted with this Action Plan.

Based upon the needs identified in that data collection process, the planning group identified several action arenas and charted the tasks, timeline, persons responsible, and resources needed to effectively serve self-represented litigants on a collaborative regional basis. The results of these efforts have provided this collaborative with a comprehensive and precise Action Plan designed to meet the current challenges facing the courts. It is hoped that implementation of this plan will help the courts effectively adapt to the changing conditions faced by self-represented litigants as they attempt to seek resolution of their legal issues through the information and services offered by each court.

1. ***Description of Need:*** Based on the survey data and observational time study completed by the collaborating courts, the following conclusions regarding the need for enhanced services for self-represented litigant are set forth below.

***Increasing Numbers of Self-Represented Litigants.*** Court staff in Table 1 below reports a significant increase in the number of self-represented litigants seeking services from the courts over the past five years, particularly in Monterey County.

*Table 1.*

	<i>Santa Cruz</i>	<i>Monterey</i>	<i>San Benito</i>
Increased greatly	12.5%	46.7%	100%
Increased moderately	50%	40%	
Stayed about the same	37.5%	13.3%	
Decreased			

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**Need for Additional Staff Training.** Varying levels of need for staff training were reported by staff in each court as follows:

- *In Monterey County 23.5% of court staff reported not knowing what services the court currently has to help self-represented litigants.*
- *Also in Monterey County, 29.4% of responding staff expressed a desire for additional training relative to knowledge about self-help resources outside the court to which they could refer pro per customers. Eleven percent in Santa Cruz expressed a similar need for more training in this area.*
- *In all three counties a large proportion of staff described their training experience in preparation to meet the needs of self-represented litigants as “Learn as you go”. (Monterey 43.8%, Santa Cruz 33.3% and 100% in San Benito)*
- *Although 100% of staff respondents reported feeling confident that they understood how much help they could give to a self-represented customer in Santa Cruz, 38.2% of respondents in Monterey expressed the need for more training.*
- *While 31.6% of staff in Santa Cruz felt that written information was the primary form of assistance/service the court should make available to pro per customers as compared to an average of 14.6% so reporting in Monterey, 22.9% of Monterey staff felt that the primary type of service for pro per customers should be in the form of a live body staffing a self-service center or staff trained and dedicated to answering procedural question. Conversely, an average of only 7.9% staff preferred services provided through a person’s presence in Santa Cruz.*

**Case Types and Case Processing.** The Courtroom and Clerk Counter observational studies reveal the following data about the types of cases and other case processing issues related to self-represented litigants. During the period of the observational study:

### ***In the Courtrooms.***

- *The major portion of the cases heard were in the area of Dissolution of Marriage (45%), followed by General Civil with 16.8%, and evidence of an increasing trend in Probate at 15.9%.*
- *In the largest portion of cases (40.7%) one or both parties were self-represented.*
- *Problems in the courtroom revolved around two major issues: lack of understanding of court procedures 64.7%, and language problems 29.4%.*
- *77.3% of hearings took 10 minutes or less to complete with 44% of cases either continued or set for review hearing.*

### ***At the Clerks’ Counters.***

- *The major portion of cases filed was in the area of Dissolution of Marriage at 33% with General Civil coming in a close second with 31.5%.*
- *The majority of persons at a clerk’s counter were neither litigants at 36% nor attorneys at 19%, but were couriers or others at 45%.*
- *The most frequent transactions taking place at a clerk’s counter were the filing of documents (35%) followed by requests for information (25%).*
- *The most common forms of assistance provided were the filing of forms at 38.5%, with the dissemination of information at 22.3%, and accepting payments accounting for 10.6% of assistance provided.*
- *64.3% of transactions at the clerk’s counter took 5 minutes or less. An additional 29.7% took between 5 and 10 minutes to complete.*
- *As in the courtroom, at the clerk’s counter a major portion of the problems encountered (38.5%) were lack of understanding of court procedures and rules. Incomplete or incorrect paperwork also accounted for a large portion of problems at 29.7%. Contributing to all of the above is the 24.2% of counter problems involving language issues.*

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***Characteristics Associated with Self-Representation.*** Additional information identified about self-represented litigants as part of this planning effort include the following:

- *Sixty-seven percent of customers report not being represented with 61% citing cost as the reason.*
- *Although 60% of customers report not having sought legal assistance for their issues, 59% of those who did seek help found it.*
- *Of those who did find assistance, 36% found it with a private attorney, 22.2% were helped by a Family Law Facilitator, and 11% found assistance with a paralegal.*
- *The majority of cases bringing customers to the courthouse (61.1%) involved divorce or child custody issues.*
- *Access to the Internet was available to court users with 69.9% who have it at home (46%) or at work (37.5%) Libraries provide an additional 12.5% with net access.*
- *Eighty percent of the Tri-County respondents report being aware of the court's website. However, 85% report never having accessed the site.*
- *Assistance in a language other than English is needed by varying numbers of self-represented litigants. Although exact numbers are not available, for example in Monterey County in April 2002 14.1% of the people assisted in the Family Law Facilitator's Office required assistance in Spanish while in July 2002 42.9% required such Spanish language assistance. In Santa Cruz, of the 2,000 customers per month assisted by the Family law Facilitator 30% require assistance in Spanish and 15% are monolingual Spanish speakers. In the few days spent in the observational study, 7% required Spanish language assistance. Language assistance is a significant issue that must be addressed as part of this action plan.*
- *Twenty-three percent of customers cite having staff dedicated to answering procedural questions as the most desirable service the court could offer them.*

## ***2. Program Areas:***

- 1. EXPANDING AVAILABLE SERVICES***
- 2. ENHANCING ACCESS THROUGH TECHNOLOGY***
- 3. EDUCATION: GETTING THE WORD OUT***
- 4. INFORMATIONAL MATERIALS***
- 5. PARTNERSHIPS***

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**3. Program Action Plans:**

**Program Area: 1.0 EXPANDING AVAILABLE SERVICES**

**3.1.a. Program Description:** With an emphasis on locating a community-based organization that will host and provide self-represented litigant services, the Tri-County Collaborative will hire a Pilot Self-Help Coordinator, extend its ESL services, increase the number of locations and hours of operations for access to information and services, and initiate a Mobile Unit program for outlying areas of all three counties.

**3.1.b Program Partners:** (See Action Arena 5, Partnerships, below.)

**3.1.c Program Plan:**

<i>Task</i>	<i>Resources Required</i>	<i>Person/Org. Responsible</i>	<i>#FTE Hrs. / Time / By</i>
<b>1a. Hire Tri-County Pilot Self-Help Coordinator</b>			
1a.1 Generate Budget	\$75K	Committee	8/01/02
1a.2 Design Job Description	Contract Templates	Monterey Santa Cruz	Completed
1a.3 Draft RFP			Completed
1a.4 Start Recruitment	\$ and target sources	Santa Cruz	30 days - 8/16/02
1a.4.1 Interview for Coordinator Position		Interview Panel	By: 9/04/02
1a.4.2 Hire Coordinator			By: 10/01/02
<b>1b. Expand ESL services</b>		Coordinator	32.0 By: 10/15/02
1b.1 Assess present need for translating staff and materials & currently available materials.			
1b.2 Identify current unmet needs.		Coordinator and designated court staff	32.0 By: 10/31/02
1b.3 Explore use of Language Line in Self-Help Center.			
1b.3 Expand services in Watsonville			
1b.4 Expand self-help center for civil help			

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<p><b>1c. Extend Accessible Hours and Locations</b>                  1c.1 Identify range of possibilities related to expanded hours and locations.                  1c.1.2 Research expressed vs. actual need vs. attendance                  1c.1.3 Explore linking Self-Help Center to Family Law Facilitator and extending after hours services.                  1c.1.4 Explore creation of Civil facilitator services.</p>		Court Staff Committee Coordinator	Ongoing 11/01/02-6/30/03
1c.2 Research Clinics Options and Educational Content	Venues & Physical Plant		Ongoing 11/1/02-3/31/03
1c.3 Research Implementation Dynamics	Bargaining Unit(s) Cooperation Security		
<p><b>1d. Mobile Unit(s)</b>                  1d.1 Contact existing Mobile Courts: Ventura Fresno, Santa Clara</p>		Alex	September 2002
1d.2 Assess Demand: Scope, Depth, Venue, Time Services related to Mobile Unit usage			40.0 By: 6/30/03

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**Program Area: 2.0 Enhancing Access Through Technology**

**3.2.a. Program Description:**

In our effort to enhance access to legal information and services through technological means, the courts will develop website materials and acquire hardware and the appropriate software to promote and distribute this information

**3.2.b. Program Partners:** (See Action Arena 5, Partnerships, below.)

**3.2.c. Program Plan:**

<i>Task</i>	<i>Resources Required</i>	<i>Person/Org. Responsible</i>	<i>#FTE Hrs. / Time / By</i>
<b>2a. Develop Website Materials</b> 2a.1 Research existing available materials. 2a.2 Select website content/features 2.a.3 Launch and promote Self-Help website.		SHC Coordinator Monterey SHC Coordinator Monterey	60 days after SHC coordinator hired 60 days after assessment  6 mos after assessment completed
<b>2b. Hardware</b> 2b.1 Assess available hardware both in-hand and new purchases of computers, printers, copiers and other equipment. 2b.2 Assess need and suitability for use of I-CAN kiosks including need by geographic area and site availability.	Monterey has facility Santa Cruz: Minimum of one terminal San Benito: Minimum of one terminal	Individual courts   SHC Coordinator	60 Days after SHC Coordinator hired depending on funding
<b>2c. Software</b> Investigate availability of software for forms e.g. legal forms, Turbo Tax, other materials			60 Days after SHC Coordinator hired depending on funding

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**Program Area:**      **3.0 Education: Getting the Word Out**

**3.3.a. Program Description:** Educate the general public, with a particular focus upon potential and actual self-represented litigants, and court staff about the services, processes and procedures relating to self-represented litigant issues. The resources currently being absorbed to bridge the gap in knowledge held by court customers and staff will then be able to be redirected to meet other demands made on the already scarce court resources.

**3.3.b. Program Partners:** (See Action Arena 5, Partnerships, below.)

**3.3.c. Program Plan:**

<i>Task</i>	<i>Resources Required</i>	<i>Person/Org. Responsible</i>	<i>#FTE Hrs. / Time Span / By</i>
<b>3a. Public Relations about Self-Help Services including Web Site</b>			
3a.1 Identify present efforts		SH Coordinator	By: 12/31/02
3a.2 Identify alternatives		SH Coordinator	By: 12/31/02
3a.3 Identify conditional and continued funding sources			
3a.4 Develop and propose a comprehensive PR media plan		SH Coordinator	By: 12/31/02
<b>3b. Outreach-Clinics</b>		SH Coordinator Court Staff	40.0 Hrs. By: 10/31/02
3b.1 Assess currently available clinics			
3b.2 Assess degree of need precisely		SH Coordinator Court Staff	96.0 Hrs. By: 01/31/03
3b.3 Develop new clinics/workshops as needed		SH Coordinator	“80.0”Hrs. By: 4/30/03
3b.4 Rollout new Clinics Workshops	Get facilitator support from community orgs.	SH Coordinator	“40.0” By 5/31/03

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<b>3c. Training of Court Staff</b> 3c.1 Collect current available information and assess training needs 3c.1 Train staff on available SRL resources.	Existing resources	SH Coordinator	10/15 ongoing thereafter
		Self-Help Center Global Training (each court responsible for training new hires thereafter)	90 Days after SHC hired

<b>Program Area:</b>	<b>4.0 Informational Materials</b>
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**3.4.a. Program Description:** To provide wide access to needed court information, the collaborating courts will develop forms and instructions packets, brochures, flowcharts, and other informational materials in English and Spanish using existing materials where possible and developing consistency in practice across court jurisdictions.

**3.4.b. Program Partners:** (See Action Arena 5, Partnerships, below.)

**3.4.c. Program Plan:**

<i>Task</i>	<i>Resources Required</i>	<i>Person/Org. Responsible</i>	<i>#FTE Hrs. / Time Span / By</i>
4.1 Create work groups responsible for development of materials		SH Coordinator	30 Days after SHC hired
4.2 Document existing materials		Work Groups	60 Days after SHC hired
4.3 Identify content of other needed materials, develop and print		SH Coordinator and Work Groups	120 Days after SHC hired
4.4. Rollout use of new informational materials		SH Coordinator	180 Days after SHC hired

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**Program Area:**      *5.0 Partnerships*

**3.5.a. Program Description:** A key characteristic of the Tri-County Collaboration’s approach to providing services to self-represented litigants is finding and using community based services and volunteers to augment court provided services. To bring such community resources to bear on this project requires the building and maintaining of effective relationships with such organizations and individuals. This element of the plan focuses on building those community partnerships.

**3.5.b. Program Partners:** Potential program partners include:

- County Bar Associations
- Regional Office of the Administrative Office of the Courts
- Volunteer Attorneys
- Other Community Volunteers
- DCSS
- Family Law Facilitators
- Law Libraries
- Law Schools
- Law School Intern Programs

**3.5.c. Program Plan:**

<i>Task</i>	<i>Resources Required</i>	<i>Person/Org. Responsible</i>	<i>#FTE Hrs. / Time Span / By</i>
5.a. Explore existing and potential sources of volunteer services		SH Coordinator	First 6 months after hire
5b. Initiate contact potential program partners identified above		SH Coordinator	
5c. Complete education and information exchange with bar associations and law schools		SH Coordinator	
5c. Establish list of attorney volunteers.		SH Coordinator	
5d. Design volunteer program		SH Coordinator	
5e. Implement program 5e.1 Recruit 5e.3 Deliver		SH Coordinator	By: 12/03

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<i>Timeline</i>	<i>Expanding Available Services</i>	<i>Enhancing Access through Technology</i>	<i>Education: Getting the Word Out</i>	<i>Informational Materials</i>	<i>Partnerships</i>
<b>2002</b>					
Aug	<b>1a. Hire Tri-County Pilot Self-Help Coordinator</b> 1a.1 Generate Budget 1a.2 Design Job Description 1a.3 Draft RFP 1a.4 Start Recruitment				
Sep	1a.4.1 Interview for Coordinator Position <b>1d. Mobile Unit(s)</b> 1d.1 Contact existing Mobile Courts: Ventura Fresno, Santa Clara				
Oct	1.a.4.2 Hire Coordinator  <b>1b. Expand ESL services</b> 1b.1 Assess present need for translating staff and materials & currently available materials. 1b.2 Identify current unmet needs.		<b>3c. Training of Court Staff</b> 3c.1 Collect current available information and assess training needs		

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<i>Timeline</i>	<i>Expanding Available Services</i>	<i>Enhancing Access through Technology</i>	<i>Education: Getting the Word Out</i>	<i>Informational Materials</i>	<i>Partnerships</i>
<b>2002</b>					
Nov	<b>1c. Extend Accessible Hours and Locations</b> 1c.1 Identify range of possibilities related to expanded hours and locations.		<b>3b. Outreach-Clinics</b> 3b.1 Assess currently available clinics	4.1 Create work groups responsible for development of materials	
Dec		<b>2a. Develop Website Materials</b> 2a.1 Research existing available materials.	<b>3a. Public Relations about Self-Help Services including Web Site</b> 3a.1 Identify present efforts 3a.2 Identify alternatives 3a.3 Identify conditional and continued funding sources 3a.4 Develop and propose a comprehensive PR media plan		

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<i>Timeline</i>	<i>Expanding Available Services</i>	<i>Enhancing Access through Technology</i>	<i>Education: Getting the Word Out</i>	<i>Informational Materials</i>	<i>Partnerships</i>
<b>2003</b>					
Jan		<p><b>2b. Hardware</b>                      2b.1 Assess available hardware both in-hand and new purchases of computers, printers, copiers and other equipment.                      2b.2 Assess need and suitability for use of I-CAN kiosks including need by geographic area and site availability.</p> <p><b>2c. Software</b>                      Investigate availability of software for forms e.g. legal forms, Turbo Tax, other materials</p>	3b.2 Assess degree of need precisely	4.2 Document existing materials	
Feb	1c.1.2 Research expressed vs. actual need vs. attendance	2a.2 Select website content/features	3c.1 Train staff on available SRL resources.		
Mar				4.3 Identify content of other needed materials, develop and print	
Apr	1c.1.3 Explore linking Self-Help Center to Family Law Facilitator and extending after hours services.				

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<i>Timeline</i>	<i>Expanding Available Services</i>	<i>Enhancing Access through Technology</i>	<i>Education: Getting the Word Out</i>	<i>Informational Materials</i>	<i>Partnerships</i>
<b>2003 (cont'd)</b>					
May	1c.2 Research Clinics Options and Educational Content		3b.3 Develop new clinics/workshops as needed	4.4. Rollout use of new informational materials	5.a. Explore existing and potential sources of volunteer services
Jun	1c.1.4 Explore creation of Civil facilitator services. 1d.2 Assess Demand: Scope, Depth, Venue, Time, and Services related to Mobile Unit usage	2.a.3 Launch and promote Self-Help website.	3b.4 Rollout new Clinics Workshops		5b. Initiate contact potential program partners identified above
July					
Aug					5c. Complete education and information exchange with bar associations and law schools
Sep					
Oct					5c. Establish list of attorney volunteers.
Nov					5d. Design volunteer program
Dec					5e. Implement program 5e.1 Recruit 5e.3 Deliver

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<i>Timeline</i>	<i>Expanding Available Services</i>	<i>Enhancing Access through Technology</i>	<i>Education: Getting the Word Out</i>	<i>Informational Materials</i>	<i>Partnerships</i>
<b>To Be Determined</b>					
	1.b.3 Explore use of Language Line in Self-Help Center.				
	1b.3 Expand services in Watsonville				
	1b.4 Expand self-help center for civil help				
	1c.3 Research Implementation Dynamics				

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**3.d. Existing Resources That Will Be Used:** The existing resources available in the three collaborating courts that can be dedicated to this project include:

- Grant funded Self-Help Center position
- Monterey: Facilities and space for Self Help Center
- Monterey: Potential partnership with Language School
- San Benito: Facilities and space for Self Help Center(s)
- San Benito: Contract Interpreter
- Santa Cruz: Interpreter Coordinator (policy resource)
- Judicial Council forms
- Individual court websites, brochures and forms
- The AOC website
- Forms and packets
- Individual court websites
- All other court websites
- Monterey information booth
- Law student intern
- Family Law Facilitator workshops Monterey
- Monterey: Computer Hardware
- San Benito: Computer Hardware
- Santa Cruz: ?

**3.e. Additional Resources Needed:** Additional resources needed to effectively support this program include:

- Tri-County outreach coordinator
- Three attorney positions over a ten year period for direct service delivery
- 2-3 legal document clerks to provide support for Self Help Center(s)
- Expansion of Family Law Facilitator offices, functions, hours of service
- 1 – 2 ADA accessible Mobile units with equipment and staff
- Santa Cruz: Space and facilities in Watsonville
- Funding for Language Line, Contract Interpreters/Translation services
- Funding for printing
- Information about all ADA oriented guidelines
- Tri-County web site and funding for website development
- Funding for software and audio/visual materials
- Appropriate security for expanded hours of operation
- Funding to purchase and maintain I-CAN Kiosks

**Note:** Courts will consider redirecting baseline funds where possible, such as pooling vacant clerical positions to convert to Pilot Self-Help Coordinator position and enhancing Small Claims Advisor funds. Courts will also pursue opportunities from outside funding sources such as DCSS and grant funding for attorney positions.

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**3.f. *Evaluation Methodologies:*** Ways in which the Tri-County SRL Collaborative will evaluate program effectiveness may include:

- Numbers of people using web site(s)
- Changes in numbers of people at clerks' counters
- Sources of forms SRL's use
- Tracking of impact on caseload from assistance provided at Self Help Centers and via mobile units
- Assessment of protocols for accepting filings
- Bench survey
- Court staff survey
- Count of brochures distributed both English and Spanish
- Standardized customer feedback surveys: needs met vs. unmet, language needs, court helpfulness, website hits, etc.
- Family Law Facilitator input
- The impact of this plan's educational component will be evaluated after one year with the focus to be determined by relevant conditions at that time. It is anticipated at this time that some of the factors to be assessed will be:
  - Number of attendees at educational events
  - Increase /decrease in filings and/or continuances
  - Perception of judges' ease or difficulty in courtroom proceedings
  - Increase or decrease in apparent level of understanding by SRL's of procedures and information
  - Level of confidence expressed by clerks
  - Tracking the number of all three court's website hits
  - Clerk counter tracking of increase or decrease in traffic relevant to website available information and processes redundant to Clerk's counter functions

4. ***State Support:*** Ways in which the Judicial Council and the AOC can support local SRL efforts include:

- Additional funding for needed resources.
- Translation services for website and other written materials.
- IT support for linking local web sites and providing technical support for local web sites.
- Standardized interactive technology so that individual courts are not "reinventing the wheel" with their efforts.
- State level outreach to State Bar and other service providers to support efforts for "unbundling" of legal services and augmenting pro bono contributions by the Bar.
- Create AOC support unit that can refine role and duties of Community Outreach Coordinators by providing (1) model classification/job description, (2) CJER training program, (3) education of court staff, (4)

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support regarding ADA/outreach issues, and (5) regional community outreach staff who can act as liaisons with local coordinators.

- Building a web of supportive community relationships. State Partnerships with State and national organizations to facilitate support in local orgs for partnerships with local courts. For example, State develops formal agreements with organizations such as universities, service providers, charities, in which those groups agree to encourage their local chapters to assist local courts.
- Standardized furnishings, technology, equipment etc. for Self Help Centers.
- Satellite broadcasting with Self Help programming broadcast to Self Help sites.
- Create a *model* tri-court program, in partnership with the local courts in the tri-county area for purposes of design, evaluation in terms of benefits and limitations, and ease of replication to other locations.

5. ***Unique Approaches:*** The unique approaches used in the development of this Action Plan include:

- Collaboration among three courts/counties modeling a regional approach to addressing needs of self-represented litigants
- Multi-County Self-Help Coordinator
- New model Self-Help Center regional approach to be a testing ground for additional innovative approaches
- Promoting common procedures and practices to ensure access across among all three counties

6. ***Sustaining the Action Plan:*** Key factors in ensuring ongoing implementation of this action plan include:

- Sustained baseline budgetary support of the SH Coordinator position
- Ongoing education for both court staff and the pro per customers seeking the services of our respective courts
- Development of community outreach programs and leadership initiatives at the local and state level addressing self-represented litigant issues and dynamics

**SUPERIOR COURTS OF CALIFORNIA**

**COUNTIES OF**  
**MONTEREY, SAN BENITO, AND SANTA CRUZ**



**TRI-COUNTY**  
**SELF-REPRESENTED LITIGANT ACTION PLAN**

**SUBMITTED**  
**SEPTEMBER 30, 2002**

**Prepared with the Assistance of**  
**Coyote Moon Consulting**