

ACTION PLAN TO ASSIST SELF-REPRESENTED LITIGANTS

Superior Court of California
County of San Francisco



Updated: January 2004

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Update 2002-2004

County: San Francisco

Team Leader: Judge Donna Hitchens

1. What target group(s) will be served?

San Francisco's Action Plan will serve self-represented litigants in San Francisco accessing our courts, as well as members of our community who have not yet entered the legal system but want information and education on various legal issues and the courts. Particular emphasis is placed on disenfranchised communities that have traditionally been denied access, such as people of color, immigrants, limited or non-English speakers, low-income people, seniors, dependent adults, and lesbians, gays and transgendered people. The languages that are currently targeted are: Spanish, Chinese (Cantonese), Russian, Tagalog and Vietnamese.

2. What kinds of services will be offered?

Our services/programs aimed at providing access to self-represented litigants are encompassed within the following: self-help center; technology; signage; public education; unbundling legal services.

Overview of current services:

After receiving funding under the AOC's Model Self-Help Pilot Project, a court wide self-help center ("ACCESS") was opened at the Civic Center Courthouse. This center has also incorporated the office of the Small Claims Legal Advisor, resulting in the ability for self-represented litigants to get assistance with many civil matters in one location. Currently, ACCESS provides assistance with small claims, civil harassment restraining orders, name and gender changes, evictions, and guardianships. ACCESS has also developed instructional materials and self-help packets addressing general civil issues such as service of process, filing an answer, and judgment collection. ACCESS leads workshops both at the courthouse and at community agencies.

As part of the development of this center, strong partnership relationships have been built, and collaborative programs have been implemented. These programs currently include unlawful detainer settlement conference assistance, La Raza divorce workshops in conjunction with the Family Law Facilitator's office and the Bar Association, La Raza small claims workshops; Cameron House radio shows on legal issues; Cameron House workshops in Chinatown.

As part of the Superior Court's Long Range Strategic Plan, judicial officers have conducted public information forums at different neighborhoods to educate the public about the role of the judiciary, as well as to provide general information about legal issues.

The Family Law Facilitator's Office has been expanding its services to provide assistance with child support matters in different neighborhoods and in conjunction with the

Department of Child Support Services. It has also formed a strong collaborative with the Volunteer Legal Services Program of the SF Bar Association to assist low income San Franciscans with divorces. Further, the Facilitator's Office has a direct system of referrals to the Cooperative Restraining Order Clinic which reduces the number of phone calls, trips, and delays that often become barriers to abused people receiving protection.

Due to a high un-met demand for assistance to petitioning guardians, the Probate Department instituted a guardianship self-help program that provides volunteer paralegals to assist petitioners with the guardianship petitions involving children under 12. (Legal Services for Children, in San Francisco, assists with guardianships when the children are 12 or older.) The ACCESS Center compliments this program by assisting the petitioners with notice issues, and terminations of guardianship.

In this next phase, the proposed services that will be offered and/or are currently being researched are:

Self-Help Center:

- Development of a video library with videos on traffic court, court proceedings generally, judgment collection, and UD settlement conferences
- Development of plain English self-help packets to address other areas of civil litigation
- Development of plain English brochures on restraining orders, judgment collection, traffic, guardianship issues, and court services for elders
- Translation of all written materials to 5 target languages
- Further partnerships with community agencies to hold workshops in different neighborhoods throughout San Francisco

Technology:

- We will be contracting with EZ Legal File to add San Francisco to the list of counties in which people can use the web based program to access forms, guided instructions on completing the forms, and local information.
- Development of the court website to provide more local information, self-help resources and links to the AOC website
- LED monitors which will display case information at both main court locations
- LED monitors at the self-help center providing basic procedural and legal information to customers while the center is closed or customers wait for assistance
- Development of a video library
- Computers available to self-represented litigants at the courthouse to access EZ legal file or software such as Dissomaster and Support Tax

Signage:

- Finalize a schedule and specifications of signage for all 4 courthouse locations
- Build and install signage throughout each court location
- Translate signage containing information for the public to Spanish and Chinese

Public Education:

- Conduct judicial forums at the various neighborhoods in San Francisco to educate the public about the role of the judiciary
- Conduct informational workshops at community agencies to provide legal information
- Conduct sessions of Small Claims court at local high schools and/or other community based agencies, and investigate this possibility with Traffic court and other legal cases appropriate for this forum
- Conduct sessions with Department of Aging and Adult Services regarding court services and referral mechanisms

Unbundling Legal Services:

- The unbundled legal services sub-section of the SRL Task Force will continue to discuss limited scope representation in the family law arena, focusing on education to lawyers and the court
- Explore the possibility of expanding limited scope representation to other legal areas such as unlawful detainers and civil harassment restraining orders
- Research and work with the court's ITG department to determine technological barriers to having the limited scope representation clearly visible in the register of actions

3. What are the major languages that are spoken in your community? What resources do you have for translation, interpretation?

Spanish and Cantonese are the main languages, after English, spoken in San Francisco. We are also targeting Russian, Tagalog and Vietnamese speakers since those are the primary languages of an increasing number of San Franciscans.

Resources for translation and interpretation:

- The ACCESS Center has 2 full time staff fluent in Spanish, and volunteers whose primary language is Russian or Cantonese
- The Family Law Self-Help Center has two attorneys fluent in Spanish, one fluent in Cantonese, and a full-time clerk fluent in Spanish
- The Unified Family Court was the recipient of a domestic violence interpreter grant that provides for interpreters in matters where domestic violence is or has been an issue. This includes interpretation for any court service such as courtroom appearances, mediation, and self-help services
- The court has a list of bilingual court staff that are available on an as-needed emergency basis for interpretation and translation in the target languages
- Funds from the Model Self-Help Pilot Project are used for translation of written informational and educational materials
- The Probate department has a Spanish speaking guardianship investigator as well as employees who speak Cantonese, Tagalog, and Finnish.
- Sign language interpreters are provided when requested via the court's ADA guidelines.

- For the visually impaired, signage throughout the courthouse includes Braille and “Talking Signs”, which are assistive hearing devices available to court customers

4. Where will you provide services?

a) At the courthouse

b) In the community – at what locations?

(a) We are currently providing most self-help services at the Civic Center Courthouse. The traffic workshop is provided at the Hall of Justice courthouse.

(b) We are currently providing services at La Raza Community Resource Center, Donaldina-Cameron House, Department of Child Support Services main location in downtown San Francisco.

Our plans to provide services in other community agencies include:

- Family law assistance at the Department of Child Support Services satellite locations in the Mission and Bayview-Hunter’s Point
- ACCESS services at Bayview Library, Bayview-Hunter’s Point Foundation, and Good Samaritan
- Explore provision of services at senior agencies, neighborhood libraries, head start programs, schools, and community agencies

5. What resources are available at the state level that you can use/adapt?

Current funding sources:

- AB 1058 funding for Family Law Facilitator
- AOC Model Self-Help Pilot Project funding for ACCESS
- AOC Innovation Grant for Signage program consultant
- AOC SRL Plan for EZ Legal File
- SF County funding for Family Law Self-Help Center
- Trial Court funding for Small Claims Legal Advisor
- State Bar funding for Probate guardianship manuals

We are also using the resources provided by the AOC as they continue to develop the self-help website in English and Spanish, as well as resources provided by the different programs funded by the AOC. For example, the various self-help center projects as well as family law facilitator program and family law information center program have resulted in a number of brochures, self-help packets and information, and instructional materials which have proven to be very useful when developing our own for San Francisco.

6. What programs are in place that can be built on?

- Office of the Family Law Facilitator
- Family Law Self-Help Center
- ACCESS
- Small Claims Legal Advisor
- Probate Guardianship Self-Help Project
- Community-Focused presentations

7. What materials do you have that could be adapted for statewide use?

The majority of the materials developed by the Family Law Self-Help Center and the ACCESS Center can be adopted for statewide use. Currently, since the ACCESS program is a pilot project funded by the AOC, all of its materials are systematically shared with the AOC for statewide use. The Probate department has developed a guardianship manual that is being shared with the AOC also for statewide use. In addition, the court has developed an ADA brochure. All of these materials are being drafted in a manner that allows for easy adaptation by other counties.

**8. A. Which key decision makers do you need to approve your proposed program(s)?
B. How will you convince them?**

Our key decision makers have been involved in this action plan since inception. Presiding Judge Donna Hitchens was the original team leader, and has continued to support and advance the action plan in new directions, as well as ensured the support of the Superior Court's judicial officers. CEO Gordon Park-Li and Court Administrator Elena Simonian have also strengthened the San Francisco Team and committed staffing and other resources to implementing the action plan. Community agencies, legal and social services providers, have also been key partners and their leaders have been involved in the decision making of the Task Force.

9. Assuming you will expand your county team to further plan and implement your program(s), who else will be included in the implementation team? Please list names and titles of potential implementation team members below.

The implementation team is currently comprised of 6 judicial officers, the Civil, Criminal and Unified Family Court Administrators, the Family Law Facilitators, Probate Department Director and Senior Staff Attorney, Small Claims Legal Advisors, ACCESS Center staff, the Cooperative Restraining Order Clinic, Volunteer Legal Services Program and Eviction Defense Collaborative both of which operate partnership programs with the court's self-help centers, private attorneys practicing in San Francisco, Law Library representative, and Bay Area Legal Aid representatives.

We plan to expand the county team to include law school clinics (with whom we're currently partnering to provide services), youth members, legislative representatives, high schools, colleges and universities, and community social service providers.

10. Resource Issues

- A. Is there a way to re-engineer existing court programs to limit the need for new funds? Note below some ideas for doing this.**
- B. What will it cost to establish your program(s)? How will it be funded?**
- C. How will you promote the program to funding sources?**
 - i. At the state level?**
 - ii. At the local level?**
 - iii. Others? (E.g., grant-making groups, private/public foundations community funders such as)**

- D. What will be the required level of staffing, and what skills and training will staff require?**
- E. What kinds of technology will you utilize (e.g., personal computers, Internet, interactive voice-telephone response systems, informational videos that explain court procedures, etc.)?**
- F. What amount of space will be needed? Will the program be housed in the courthouse or elsewhere? If in the courthouse, how will you ensure it is easily accessible?**
- (a) Yes. An example of this re-engineering was just accomplished by incorporating the Small Claims Legal Advisor into the ACCESS Center. This has allowed us to add another attorney to the ACCESS Center, provide services for Small Claims litigants in languages in addition to English, expand outreach, and add workshops both onsite at the court and at community agencies. Other ideas being worked on include: joint outreach by Family Law Facilitator and ACCESS (already in existence but needing to be expanded); video taping of workshops with availability of the tapes at all courthouse locations and community agencies; interdepartmental cooperation to limit number of court appearances and number of actions a customer must file.
- (b) The programs being suggested are already established and are funded by the AOC, Foundation of the State Bar, and local county funding. Additional sources of funding (e.g. private foundations) are being investigated to ensure continued funding for existing programs and development of new programs.
- (c) The programs are being promoted to funding sources by emphasizing the need for equal access to our justice system, and by demonstrating how the current barriers (language, cultural, socio-economic, educational, etc) keep many of our San Francisco residents away from the courthouse. Court-based programs have found that many San Francisco residents do not make it to the courthouse and are unaware that free assistance is available in many legal areas and in various languages. We are showing funders that access goes beyond the courthouse doors into the community, and we need partnerships and collaborative efforts with community service providers to ensure public education and information about our legal system and our legal rights and responsibilities.
- (d) Currently we have 4 full time lawyers and one full time clerk at the Family Law Self-Help Center, plus an additional lawyer from the Volunteer Legal Services Program under a partnership grant. We have 2 Small Claims Legal Advisors, a full-time attorney directing the ACCESS program, and a full time clerk at ACCESS. We also have staff in the Probate Department devoted to providing assistance with guardianship issues. All these staff members require and have training in customer service, language and cultural differences, diversity, and substantive training in the areas in which they assist people. Further staffing is needed at these programs, mostly bilingual clerks, in order to serve the increasing numbers of self-represented litigants coming to our court.
- (e) Computers with web access, voice-telephone response systems, informational videos, Language Line phone interpretation, EZ Legal File.

- (f) The current space exclusively devoted to self-represented litigants includes the ACCESS Center, the Family Law Self-Help Center triage office, the Family Law Facilitators' offices, and conference rooms at 400 McAllister, as well as space in the onsite Law Library. More space is needed, but no more space is currently available at the Civic Center Courthouse. The courthouse is ADA accessible. However, services at the courthouse are only available during normal business hours. Therefore, more workshops are being planned at community agencies, which allow the flexibility for evening and/or weekend hours.

11. With whom can or should you develop partnerships?

We have developed partnerships with the Bar Association, legal services providers, law library, and community social services providers. We are currently actively working on developing working relationships with Legal Assistance to the Elderly and the Department of Aging and Adult Services. We should continue to develop these collaborations and formalize partnership programs that allow us to maximize resources and increase the number of people served.

12. What role will each partner play?

The San Francisco Bar Association and its Volunteer Legal Services Program have played an instrumental role in implementing services for self-represented litigants. They have shared their legal knowledge and expertise in many areas, facilitated the development of partnerships with community agencies, provided information and referral, provided training for court staff, and assisted court-based programs in the recruitment of volunteers.

Our partnerships with community-based social service providers have allowed us to reach out to populations who have not traditionally utilized court services. They have given us the ability to provide services in different neighborhoods and run clinics after-hours for people unable to come to court during business hours. Very importantly, our partners have lent their resources to help us provide language and culturally competent services to members of our community. Given these immeasurable benefits, we are continuing to explore partnerships with social service providers in San Francisco.

Similarly, legal service providers play an essential role. They provide us with their expertise in the legal areas they serve, they are a constant source of referrals, and they are able to provide more specialized services to court customers for whom court-based self-help services may not suffice. Our existing partnerships allow us to more holistically assist our customers, and provide an added level of assistance which court-based services are unable to offer.

13. What regional partnerships might be possible?

Due to the compact geographical space of the Bay Area, the 9 counties that comprise it are logical partners. Many legal service providers serve more than one county (for e.g. Bay Area Legal Aid, La Raza Centro Legal) and partnerships with those agencies naturally result in a regional partnership.

14. What counties might be appropriate to partner with?

Other Bay Area counties, such as Alameda, San Mateo, Contra Costa, Santa Clara and Marin offer the most possibilities. Currently, we have the greatest overlap with Alameda and San Mateo counties, and often see court customers with matters in these various counties.

15. Who will advocate your program to the following constituencies?

- A. The courts (judges and court personnel)**
- B. The bar**
- C. The public**
- D. The legislature and Board of Supervisors**
- E. Others (specify)**
- F. Media**

Our Presiding Judge and Court administrators have advocated for our various self-represented litigant programs to the judicial officers, the bar, the legislature, and the media. In addition, the ACCESS center staff has used media to advocate for the court's self-help programs to the public.

B. Post-Implementation Issues

16. What criteria will you use to evaluate the program's effectiveness?

Access to the courts is difficult to measure and is often highly subjective. Among the criteria to determine the effectiveness of self-help centers are: a reduction in number of matters taken off calendar due to lack of, or defective, service; a reduction in the number of continuances due to procedural errors; better preparation for court appearances; fewer returns to court to correct paperwork; fewer rejected default requests; fewer continuances due to lack of interpreter; fewer returns to seek self-help services due to lack of interpreter; higher number of satisfied small claims judgments; fewer Orders to Show Cause issued by the court to plaintiffs for failure to serve or seek default; fewer defaults taken because of defendants failing to answer due to procedural errors. Also useful is data regarding the number of people served by the self-help centers, the numbers served in their primary language, and the number of individuals on court calendars that have received assistance from a court-based program. To evaluate whether these goals were reached some of the information can be collected from a review of court files, register of actions, court minutes and statistics collected by the self-help centers. Additional information can be obtained from courtroom clerks, default clerks, filing clerks and judicial officers; in these cases, however, the data involved is not usually maintained by court staff, so specific tools and time periods would have to be specified to ensure the information is recorded.

Many of the measures of the programs' effectiveness, however, are subjective: customer's perception of his/her preparedness at court; customer's understanding of the process; customer's perception of fairness of outcome; customer's perception of treatment by court personnel and judicial officers; judicial officers' perception of customer preparedness; courtroom efficiency; clerk's perception of customer preparedness and adequacy of filed documents. The evaluation design would therefore have to include qualitative data that can be obtained from interviews and surveys of court customers, court staff and judicial officers, courtroom observations, and focus groups.

17. Who will conduct the evaluation?

The Model-Self Help Pilot Project has a comprehensive evaluation component overseen by the AOC. Given that many of the services in existence or planned for implementation originate out of this project, the evaluation conducted by the AOC will provide information on the effectiveness of many of the services included in our action plan. In fact, the evaluation team has already conducted the first round of data collection, including courtroom observation, customer and court staff interviews and surveys, and self-help center statistics. The Family Law Facilitator program also has detailed data collection mechanisms, and oversight by the AOC.

To the extent future funding can be secured, evaluation will be part of any submitted proposal, allowing for independent evaluators/consultants to study the effectiveness of the programs.

18. Since true institutional change transcends personalities and outlives its initial creators, what steps will you take to ensure that your program will be self-sustaining, and not dependent on a strong sponsor or other individual for its continuance?

The programs and changes that have been taking place at the San Francisco Superior Court since development of our Self-Represented Litigant Action Plan already transcend personalities. The changes have been institutionalized to a degree that regular court operations have been permanently affected. The partnerships have been clearly designed with turnover in mind, creating systemic changes that have become part of procedure manuals and standard operations. This will continue to be the goal as new partnerships are created.