

Superior Court of California, County of Santa Barbara



Self-Represented Litigants Committee
Santa Barbara Superior Court
ACTION PLAN
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Self-Represented Litigants Committee

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Superior Court of California, County of Santa Barbara **Self-Represented Litigants Committee**

May 29, 2002

Report to the Executive Committee

Executive Summary

Introduction

The Self Represented Litigants Committee began in February of 2001. The goal of the committee is to evaluate the services and resources available to Self Represented Litigants (SRL) and recommend an action plan for improving services to the SRLs. Chaired by Judge Thomas Anderle the committee has been meeting monthly to establish an agenda and prepare appropriate recommendations. With the assistance of AOC recommended consultant Shelley Stump the committee has implemented some improvements and now submits this “action plan” with recommendations for further improvements.

In order to gain the collective expertise of the bar and court staff, Self Represented Litigant forums were conducted in 2001. Attorneys and staff were invited to attend lunchtime meetings to share their thoughts, suggestions and recommendations for increasing services to the SRL. Those forums resulted in valuable suggestions, which helped shape the action plan and develop action arenas.

Two of those recommendations have been accomplished.

- Hand written documents are now accepted for filing in a greater number of litigation types.
- Access to interpreters for Family Law Facilitators has been improved using existing resources.

Much work remains to be done. Those efforts require commitment by the court and the allocation of resources. They are described in the following category.

Action Arenas – Abstracts

Action arenas are groupings of efforts aimed at addressing the needs of SRLs under specific topics. Some arenas warrant immediate efforts and others are planned for the future. Topics are listed by heading in order of priority established by committee members. Detailed plans are contained within the attached report.

- 1. Public Information/Education**
 - a. Collect, prepare and distribute printer informational packets, brochures and checklists at court/county offices and libraries.
 - b. Expand information on Court’s website.

- c. Establish and deliver public education programs on procedures, rules, forms, options, alternatives, responsibilities and consequences of litigation.
- d. Develop referral lists for services available within the community.
- e. Improve signage at courthouses and offices.

Timing: Immediate

Cost: To be determined (Not expected to be significant)

2. Self Represented Litigants Resource Center

Armed with two “seed” grants totaling \$28,000.00 the Court will begin to establish resource centers for SRLs to gain assistance in understanding and completing court forms. The proposal establishes one resource center north and south. Staffed with volunteer attorneys, paralegals, legal secretaries and assisted by court staff the offices will be outfitted with tables, chairs, computers, internet access, a videotape library and reference materials in Spanish and English. This proposal requires the court to complete a memorandum of understanding with Legal Aid to recruit and train volunteers to staff the centers. Additionally, a commitment of court space may be necessary.

3. Language Assistance

A significant number of litigants in the court are Spanish speaking. Services for these clients are limited. This proposal seeks to improve access to the courts for the Spanish-speaking court clients.

a. I-CAN

A kiosk-based system employing touch screen technology permits SRLs to complete forms in Spanish and English by answering a series of questions. Upon submission of the Court’s Action Plan the Court becomes eligible for grant funds totaling \$15,000.00. The Committee will submit a grant application to purchase two I-CAN units. The committee recommends the court pay the remaining programming costs of approximately \$2500.00

b. San Mateo Self Help Website

Modeling improvements to the Santa Barbara Superior Court website after the San Mateo self help website will permit those litigants with Internet access to complete forms on line. Walked through a document through a series of questions in either Spanish or English allows the litigant to complete forms following an on line interview.

Timing: Immediate Future

Cost: \$20,000.00

4. Court Rules and Procedures

This recommendation establishes a subcommittee to review court rules and procedures evaluating necessity and reducing unnecessary complexity.

Timing: 2003
Cost: Staff and Committee Time

5. Training

A common refrain at forums conducted throughout the county was the need for increased training for court staff. This proposal develops a full curriculum for court employees and established a court-training program aimed at improving staff knowledge, skills and abilities in serving SRLs.

Timing: Immediate Future
Cost: To be determined.

6. ADR

Drawing on existing services in the CADRe program this proposal expands mediation services into the family law arena. With assistance from the Santa Barbara County Bar Association, Community Mediation Program and the CADRe director early dispositions will be experienced in the family law arena.

Timing: 2003
Cost: \$50,000 per year if increased staffing is approved.
\$10,000.00 one time printing and advertising cost without increased staff.

7. Collaboration with the Bar

- a. Anticipating dramatic change in the “limited representation” arena the bar association will work with the court to appropriately introduce the “**unbundling**” of legal services.
- b. Support of Mediation Services is aimed at **increasing the number of mediators available in the North County.**
- c. Attorneys will volunteer to staff Self Represented Resource Centers.
- d. Unlicensed Practice of Law – document preparation firms create many problems for the SRL. In conjunction with the **District Attorney, the bar will work to address the unlicensed practice of law** in the community.

Timing: Upon acceptance of Bar Report

Cost: None to the Court

8. Criminal/Traffic Arena

Traffic and misdemeanor cases are experienced in high volume in Santa Barbara County. Using Internet access efficiencies may be gained by electronically submitting trails by declaration, asking for continuances, seeking extensions of fines and scheduling trials.

Timing: 2003

Cost: Court Technology Staff Time
Equipment Costs to be determined by subcommittee

These proposals are listed in detail within the full report. Ultimately the Self Represented Litigants committee can be phased out. For the remainder of the committee's term it should be limited to monitoring progress on each of the recommended courses of action. The subcommittees will meet more regularly than the general committee. The general committee will meet quarterly until January 2004 when the final proposal should have been implemented. As subcommittees complete their work, members may conclude service to the general committee or continue as necessary.

ACTION PLAN TO ASSIST SELF-REPRESENTED LITIGANTS

Description of Need:

Santa Barbara County served 5609 self-represented litigants (see table) in 2001. Those litigants struggle through the court system with limited or no assistance. Counter and courtroom staff is limited in their ability to aid these persons, many of whom are non-English speaking. Services available to these litigants in the community are taxed. Santa Barbara County Legal Aid offers assistance in Santa Barbara, Lompoc, Solvang and Santa Maria but is unable to meet the demands of all the litigants seeking aid.

Self-Represented Litigants Santa Barbara Superior Court 2000 – 2001

Litigation Type	2000	2001
Civil Complaints >\$25,000	173	130
Limited Civil Complaints < \$25,000	709	547
Civil Other: petitions for change of name, Writ of Mandate, Harassment	374	338
Civil Other Limited: Forfeiture Claims, other limited petitions	5	38
Probate: guardianship, conservatorship, trusts	60	67
Family Law: dissolution, summary dissolution, nullity, legal separation, domestic violence, establish parental relationship, adoptions, family support	1962	1896
Small Claims	2822	2693
Total	6105	5609

These litigants become a tax upon the system. Court staff is frustrated in their inability to assist these people adequately and with the limited resources agencies to refer them to. Law librarians provide some

assistance but are limited to providing legal reference service to self-represented litigants in the community. The family law facilitators in Santa Barbara County do an admirable job of serving clients with child support issues but are restricted in providing services in other areas.

Once in the system, the self-represented litigant languishes with their own cases, and create delays for others waiting behind them for services. These litigants, who struggle to understand the complexities of their cases, delay courtroom proceedings with their lack of procedural knowledge and communication skills.

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Delays are also suffered in the clerk's office as a limited number of staff try to address the needs of the self-represented litigants, and the others waiting their turn in line.

In order to appreciate the need for services in Santa Barbara County it is useful to understand the geographic, economic and demographic make up of the County. A large agricultural and tourist sector employ migrant and non-English speaking persons with limited income. If they find themselves in the court system without the means to hire an attorney the experience can be frustrating. Language barriers create an additional hurdle for the court and the litigant to overcome in seeking and providing services. Many of these litigants seek services in the family law arena.

Services in the County are spread out. Primary court locations are in the cities of Santa Barbara and Santa Maria. Other locations are in Lompoc, Solvang and juvenile facilities in Goleta and Orcutt. Remote agriculture centers in Guadalupe and Cuyama are served by the Santa Maria Court. Large population centers of Isla Vista, Goleta, Carpinteria are served by the Santa Barbara Court.

Until recently, the Lompoc Court was a limited service court accepting filings in limited jurisdiction and criminal cases only. Services are now expanding to allow filings of family law related cases as well. The limitations in staff's ability to assist the self-represented litigant in Lompoc is the same however as it is in the other locations. The family law facilitator has begun scheduling appointments in Lompoc one day per week. This has brought some relief.

Transportation confounds the efforts of the self-represented litigant from Lompoc. There is no established public transportation system between Lompoc and Santa

Maria. Without this link, many clients are unable to obtain services or assistance available only in the primary court locations.

Similar limitations are experienced in the Solvang Division of the Superior Court. This court handles only traffic, small claims and unlawful detainer cases one day per week. Solvang has also begun accepting family law related filings but suffers the same limitations in providing assistance as the Santa Maria and Lompoc Divisions. The community has a large senior citizen population who would benefit from assistance in the special needs of this aging community. Legal Aid has recognized this need and begun providing services there one day per week. This assistance is inadequate however to serve any great number.

Geography

Santa Barbara County is located along California's Central Coast. Incorporated on February 18, 1850 the County comprises an area of 3,789 square miles. With rich, fertile land Santa Barbara County is a large agricultural producer. The unique history of the City of Santa Barbara makes it a popular tourist spot. The climate in Santa Barbara combined with the coasts' only south facing beaches result in comparisons to the Mediterranean. Wine production has exploded on the central coast with newly established vineyards dotting up and down the US101. There are over 817,000 acres of Santa Barbara County in agricultural production.

The North County region borders San Luis Obispo County and the Pacific Ocean. The cities of Santa Maria, Lompoc, Guadalupe and the unincorporated areas of Orcutt, Garey and Sisquoc are within this region. (See map www.countyofsb.org/stats.asp) There is a large agricultural presence in this region. Vandenburg Air Force Base is located in the Lompoc Valley and is also evident in the economy.

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The South County region borders Ventura County to the east, and is between the Pacific Ocean and the foothills of the Transverse Coastal Range. Education, tourism and service sectors make up a large part of this regions' economy. The communities of Goleta and Carpinteria contain technological and agricultural businesses.

The Santa Ynez Valley lies just lightly inland, at the base of the Santa Ynez Mountains. This area is notable for its vineyards, horse ranches and Bed and Breakfasts. Recreational activities are abundant as the Los Padres National Forest and Lake Cachuma are within this region. The Danish Village of Solvang is a popular tourist attraction in the valley.

Population

The 2000 Census provides demographic information on the entire county. The Santa Barbara County estimated population is 399,347. The City of Santa Barbara is the county seat and the location of the main court facilities. The following is a list of the population centers in Santa Barbara County.

Area	1990	2000	Percentage Change
Whole County of Santa Barbara	369,608	399,347	8.0
Buellton	3,506	3,828	9.2
Carpinteria	13,747	14,194	3.3
Goleta	NA	55,204	NA
Guadalupe	NA	6550	NA
Lompoc	37,649	41,103	9.2
Montecito	NA	10,000	NA
Orcutt	NA	28,830	NA
Santa Barbara City	85,571	92,325	7.9
Santa Maria	61,284	77,423	26.3
Solvang	4,741	5,332	12.5

The County's population grew by 8.0 percent since 1990. The largest growth has been experienced in Santa Maria with over 26% increase in population. Solvang, Buellton and Lompoc experienced the next largest growth in population. Growth

trends are clearly towards the more affordable North County communities. By 2020 projections for population are 521,200 residents in the county.

Race¹

Race	Number
White	290,418
Black	9,195
Native American	4784
Asian	16,344
Pacific Islander	700
Other	60,683

Economy

Agriculture and tourism dominate the Santa Barbara County economic arena. Agriculture generates an annual gross dollar value of over \$625 million. Vegetables comprise the largest segment with over \$260 million in value. Fruit and Nut crops make up over \$172 million in value. Nursery products contribute an annual value of \$134 million. Livestock and poultry contribute \$27 million annually. Field crops generate \$13 million annually. Seed Crops generate approximately \$9 million annually. The Lompoc Valley has been called the “Seed Capital of the World”. Santa Barbara is the leading county in the production of Cabbage. The Economic impact on the local economy resulting from agriculture is approximately 1.5 billion annually. Santa Barbara County is in the top 5 counties in the production of lettuce, flowers and foliage, strawberries, broccoli, avocados, celery, cauliflower, asparagus and spinach.

¹ Economic Outlook, 2001, Santa Barbara County UCSB Economic Forecast Project, Institutional Advancement, UCSB, Santa Barbara, CA 93106

The total land dedicated to agriculture in Santa Barbara County is 817,000 acres. There are 1,450 farms countywide. Of those, 755 are full time farms. The average size of a farm is 563 acres.

Agriculture employs over 20,000 workers in Santa Barbara County. This does not include agricultural related industries such as tire companies, seed companies, carton companies, banks, insurance companies, parts companies, farm equipment companies, car dealerships, etc.

Tourism accounts for 1.1 billion in total spending in Santa Barbara County. This generates 19,180 jobs, \$78 million in tax revenue, and \$364.7 million in earnings to business.²

Employment and Salaries

Employment grew an average of 3.4 percent, or 5,942 jobs in 2000. For the past 5 years Santa Barbara County employment has grown about 3 percent. Increased job diversity in Santa Barbara County makes it less susceptible to market fluctuations affecting employment. Additionally, there has been a decreased reliance on the aerospace industry as a job source in the County.³

The largest employment sectors are services and retail sales, generating over half of the Santa Barbara County jobs. Large numbers are also produced by agriculture and manufacturing. Decreasing mining numbers now make it an insignificant source of jobs.

² Economic Outlook, 2001, Santa Barbara County UCSB Economic Forecast Project, Institutional Advancement, UCSB, Santa Barbara, CA 93106

³ Ibid

Job Growth by Sector

Santa Barbara County

	Jobs in 1999	Jobs in 2000	Jobs created or lost	Percentage Change
Sector				
Agriculture	15,258	15,225	-33	-0.2
Mining	825	775	-50	-6.1
Construction	7,683	8,125	442	5.7
Durable Manufacturing	13,075	13,217	142	1.1
Non-durable Manufacturing	3,733	3,875	142	3.8
Trans., Comm. & Utilities	5,058	5,067	8	0.2
Retail Trade	33,292	34,375	1,083	3.3
Finance, Ins., & Real Estate	7,575	7,808	233	3.1
Services	49,908	52,417	2,508	5.0
Government	32,442	33,000	558	1.7
Total All Industries	174,533	180,575	5,942	3.4

SANTA BARBARA COUNTY COURTS OVERVIEW

Court Services

Court services are offered in Santa Barbara, Santa Maria, Lompoc, Solvang, and Goleta. In Santa Barbara the following services are offered to the public for Juvenile (Dependency), Civil (Personal injury/Property Damage, Family law, probate, Small claims, etc.), Criminal (Felony and misdemeanor) and Traffic Infractions. A substance abuse treatment Court was established in the 1980's for adults. A planning process is underway for Juvenile Substance Abuse Treatment Court. Special services related to child support are available to the public in Santa Barbara County through the family law facilitator and the family support commissioner.

In Goleta a newly opened juvenile delinquency facility provides services to the public. The facility is immediately adjacent to the juvenile hall. The addition of this court to the juvenile hall has provided marked cost savings for the County Probation department due to a decreased need for transportation of juveniles.

In Lompoc the following services are offered to the public; Criminal, limited civil, small claims, filing of family law documents, traffic, juvenile traffic and juvenile drug court.

In Santa Maria the following case types are processed: Juvenile (Dependency), Civil (Personal injury/Property Damage, Family law, probate, Small claims, etc.), Criminal (Felony and misdemeanor) and Traffic Infractions.

In Solvang the court handles limited civil, small claims, unlawful detainers and traffic.

Court Workload and Processes

Approximately 115,000 cases are processed annually by the Santa Barbara County Courts. The following table illustrates the Court filings and dispositions by case type.

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Statistics Classified as Superior Court – Fiscal Year 1999-2000⁴

Case Type	Filings	Dispositions
Probate/Guardianship	676	185
Family Law	1653	513
Motor Vehicle/Personal Injury	443	101
Other Personal Injury	346	95
Eminent Domain	NA	NA
Other Civil Complaint	918	303
Other Civil Petitions	3327	1310
Mental Health	129	19
Juvenile	1889	604
Criminal	1421	501
Habeas Corpus	109	67

Statistics Classified as Lower Court – Fiscal Year 1999-2000

Case Type	Filings	Dispositions
Felony	2249	1832
Group A Non Traffic	6668	6894
Group B Non Traffic	2407	2383
Group C Non Traffic	3436	2840
Group D Non Traffic	4980	4734
Non Traffic Infractions	10555	14048
Traffic Infractions	63875	72147
Civil	2980	3307
Small Claims	3024	3986

⁴ The on-going introduction of a new case management system has caused some difficulties in recording the correct disposition result. The table reflects the numbers reported but do not appear to accurately reflect the work of the court.

PROGRAM AREAS:

- Public Information – Education**
- Self Service Assistance**
- Language Assistance**
- Court Rules – Procedures**
- Training**
- ADR**
- Collaboration with Local Bar**
- Criminal/Traffic**

Public Information/Education
(Prepared by Mullin, Sorensen & Wooten)

1. *Description of Need:*

There are few services available to assist Self-Represented Litigants (SRLs) in Santa Barbara County. The Family Law Facilitators are unable to personally see as many litigants as need assistance in family law. Free legal assistance in other areas of the law is not available or available in very limited fashion through the Legal Aid Foundation and the California Rural Legal Assistance program. The areas of nonexistent or limited legal assistance include: Dissolutions, legal separation and nullity cases where there are no children or issues of spousal support; child custody and visitation actions; division of property issues in family law matters; unlawful detainer actions (particularly for defendants); traffic infractions; guardianships and other probate actions; domestic violence restraining orders (especially for responding parties); personal injury actions; name change actions and other areas of the law.

2. *Program Areas:* Public Information/Education

3. *Program Action Plans:*

a. **Program Title and Description:**

<i>Groups to be Served</i>	<i>Types of Services Offered</i>	<i>Location of Service Delivery</i>
SRLs, general public	Written materials, including checklists, protocols, form packages w/ instructions, brochures, resource lists	Various offices within the divisions of the Santa Barbara County Superior Court; branches of the County Law Library and public library; offices of various community resources

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<i>Groups to be Served</i>	<i>Types of Services Offered</i>	<i>Location of Service Delivery</i>
SRLs, general public	Website information on court's services and procedures, resources for the SRL	Santa Barbara County Superior Court's website available through private personal computer or through computer stations at the various divisions of the court
SRLs	Public education programs on court procedures, rules, forms, options, litigation responsibilities and consequences, legal and other resources	Various offices within the divisions of the Santa Barbara County Superior Court; Adult Education and community college classes
SRLs, general public	Promotion of availability of services to the public	Public speaking engagements at meetings with the local Bar and community organizations; public service announcements on radio and television; information on government access channel
SRLs, general public	Referral lists for services, e.g., consumer, housing, employment litigation alternatives	Various offices within the divisions of the Santa Barbara County Superior Court, branches of the County Law Library and public library; court web site
SRLs, general public	Improvement of signage at the various court divisions	Divisions of the Santa Barbara County Superior Court

- b. **Program Partners:** We will be working with the following groups in developing and implementing this Action Plan: (1) the docents and volunteers for the Santa Barbara County Superior Court (Anacapa, Figueroa, and Santa Maria Divisions), who will collaborate with us in distributing written materials and in guiding the public to the proper location in the courthouse for services; (2) the Legal Aid Foundation, Inc., the County Law Library, the County Bar Association and paralegal/legal secretaries associations, and the Dept. of Child Support Services, who may collaborate with us in the conducting of trainings and seminars; (3) the local Adult Education systems and local community colleges, who may collaborate in conducting classes; and (4) the Administration of the Courts (AOC) that may create and distribute training videos.

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c. **Program Plan:**

<i>Task</i>	<i>Deadline</i>	<i>Person/Org Responsible</i>
Develop and distribute written materials for the SRL, including checklists, protocols, form packages w/ instructions, brochures, resource lists	August 1, 2002	Superior Court Clerk's Office, Family Law Facilitators, Law Librarians, Small Claims Advisor, Pro Per Committee; Docents for the Superior Court
Expand website information on court's services and procedures, resources for the SRL	September 1, 2002	Webmaster in collaboration with Superior Court Clerk's Office, Family Law Facilitators, Law Librarians, Small Claims Advisor, Pro Per Committee
Develop and present public education programs on court procedures, rules, forms, options, litigation responsibilities and consequences, legal and other resources	December 1, 2002	Family Law Facilitators, Small Claims Advisor, County Bar Association, Paralegal and Legal Secretary Associations, volunteer attorneys
Develop and use promotional materials regarding the availability of services to the public, including public speaking engagements, public service announcements on radio and television, information on the government access channel and articles re: the court in the newspapers	December 1, 2002	Court administration, judicial officers of the court, Family Law Facilitators, Small Claims Advisor, County Bar Association, County of Santa Barbara
Develop and distribute referral lists for services, e.g., consumer, housing, employment litigation alternatives	July 1, 2002	Superior Court Clerk's Office, Family Law Facilitators, Small Claims Advisor, Law Librarians, Pro Per Committee
Analyze current signage problems and develop signage plan at the various court divisions	August 1, 2002	Court administration, Superior Court Clerk's Office, Family Law Facilitators, Docents of the Superior Court, court staff, County Bar Association

d. Existing Resources That Will Be Used:

<i>Resource</i>	<i>Dollar Value</i>
Staffing assistance from Docent volunteers, attorney volunteers from the County Bar Association, Legal Aid staff, Dept. of Child Support services staff, and the County Law Library	
Supplies: paper, copy machines, postage	The Court will seek funding

e. Additional Resources Needed:

The following additional resources are needed in order to effectively put this action plan into effect: Grant money for:

1. Hiring attorneys or coordinators for a self-help centers located throughout the county;
2. Paying the cost of preparing (ex. paper, copying) and distributing (ex. mileage, postage) “How to” materials;
3. Paying the cost of producing informational videos;
4. Paying the cost of providing on-line access to Judicial Council’s Self-Help and other websites for those litigants without access, including computers, technical assistance, internet service fees, software (as needed), video conferencing hardware (as needed).

f. Evaluation:

<i>Criteria for Evaluating Program Effectiveness</i>	<i>Method for Evaluation</i>	<i>Person Responsible for Evaluation</i>
Customer satisfaction	Consumer focus groups; customer satisfaction surveys on paper or by emails to the webmaster, tracking number of “hits” on website, reduction in number of general questions to and length of discussion with court staff	Court administration, Family Law Facilitators, Small Claims Advisor, Law Librarians, court staff
Success of outreach re: procedures, forms, dispute resolution options and	Number of checklists, form packets w/ instructions and	Court administration, Family Law Facilitators, Small Claims Advisor, court staff

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<i>Criteria for Evaluating Program Effectiveness</i>	<i>Method for Evaluation</i>	<i>Person Responsible for Evaluation</i>
resources	brochures distributed; number of filings by SRLs rejected by court clerks before and after creation of self-help centers; amount of time spent by court clerks with SRLs before and after creation of self-help centers or public info/education program	
Success of public education campaign re: court services	Number of public presentations made, number of public service announcements made or articles published	Court administration, Family Law Facilitators, Small Claims Advisor, court staff, volunteer attorneys
Judicial officer satisfaction	Judicial satisfaction surveys re: the result of assistance given to SRL	Court administration

4. State Support:

The State can most importantly support this action plan by supplying the necessary grant funds to cover the costs of implementation. The Judicial Council can help by expanding the self-help website to include instructions in other languages, especially Spanish. The Judicial Council can further assist by creating bilingual instructions for the most commonly used Judicial Council forms. The State can also create and make available self-help videos through public libraries and other community resource locations.

5. Unique Approaches:

Following up on ideas gathered at the Chico conference on Assisting Self-Represented Litigants, our court has been responsible for convening three-hour monthly meeting of a large group of interested stakeholders to discuss the problems facing the SRL and possible solutions. Regular participants include members of the judiciary (civil, criminal and child support divisions); court managers; Family Law Facilitators; the Law Librarian; Small Claims Advisor; the director of the Court Appointed Dispute Resolution program (CADRe); representatives from the County Bar (north and south county); representatives from the County Bar Foundation; and representatives from the Legal Aid

Foundation, the California Rural Legal Assistance program, and the Community Mediation Program.

Our court held publicized focus groups in North and South County that were open to the public. Participants were free to give their ideas regarding the nature of the problems facing the *in pro per* litigants and ways in which the court can better offer assistance. In addition, in-house focus groups were held in which staff was encouraged to give their perception of the problems and solutions. A great deal of effort has been spent in trying to think as creatively as possible in crafting solutions to the problems presented.

As the result of the comments gleaned from the focus groups and the meetings of the stakeholders, various subcommittees were formed to analyze in greater depth the nature of the problems and the possible solutions. The reports from these various subcommittees have been combined to form the court's comprehensive action plan.

Our court has also applied for grant money through the Center for Families, Children and the Courts to fund a self-help center concept based on using video conferencing w/volunteer or paid attorneys. If we receive such funding, we will be implementing a unique program that stresses collaboration between the court and the Legal Aid Foundation as well as other government entities and local non-profit organizations. The primary goal will be to assist those litigants who "fall through the cracks" under the present system—non-English speaking, having low-income, living far from the free or low-cost legal services that exist and having non-AB1058 litigation issues (non-child support, spousal support or health insurance issues).

6. ***Sustaining the Action Plan:***

Our court has already shown a strong desire to address the problems attendant to self-representation in our judicial system. We are committed to making thoughtful changes to the way we conduct business. This dedication to self-improvement begins at the top with our judiciary and Chief Executive Officer and extends through management and staff. Our local County Bar Association has designated representatives to our stakeholders meetings. The committee plans to meet periodically to review, evaluate, modify programs, and there may be continued grant applications.

7. ***Other Comments:***

Self Service Assistance

1. Program Action Plans:

a. Program Description:

Self-Service Assistance is aimed at providing legal assistance to self-represented litigants in the areas of:

- Family Law
- General and Limited Civil
- Small Claims
- Unlawful Detainer
- Guardianship
- Infractions
- Traffic Offenses
- DUI Offenses
- Domestic Violence Restraining Orders
- Civil Harassment
- Probate

Self-Service Assistance centers will be staffed with a combination of volunteer attorneys, paralegals, legal secretaries and court staff. Two primary *Self-Represented Litigant Resource Centers* will be established in Santa Maria and Santa Barbara. These *Resource Centers* will be located in or near the courthouses in both of those cities. A request for space in both Santa Maria and Santa Barbara Courthouses has been submitted and is awaiting reply. Tentative space has been identified in the Santa Barbara County Law Library Tax room in Santa Barbara. Space has also been identified in the Santa Maria Division of the County Law Library.

These resource centers will be open during peak periods of traffic to be determined during initial implementation. The Court will rely heavily upon the experience of Counties, which already established self-help centers to determine appropriate periods of operation.

A volunteer or court employee will staff these *Resource Centers* during pre-scheduled hours of operation. The centers will be equipped with a computer, internet access, typewriters, telephone, fax/photocopier, printed materials and reference materials. Some centers will also have a video cassette player and television for the viewing of educational video materials.

b. Program Partners:

The following participant groups will make the *Self Represented Litigant Centers* a reality:

- Santa Barbara County Legal Aid
- California Rural Legal Assistance

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- Northern Santa Barbara County Bar Association
- Santa Barbara County Bar Association
- Santa Barbara Bar Foundation
- Santa Barbara County Board of Supervisors, 5th Supervisorial District
- Santa Barbara County Small Claims Advisor
- Santa Barbara County Community Mediation Program

c. **Program Plan:**

<i>Priority</i>	<i>Task</i>	<i>Deadline</i>	<i>Person/Org Responsible</i>
	Apply for Self Represented Litigants, Self Service Center Grant Money	March 5, 2002	Darrel E. Parker
	Identify primary resource centers in Santa Barbara and Santa Maria	April 8, 2002	Darrel Parker/Ray MacGregor/Kirk AhTye
	Establish curriculum for each community		Steering committee
	Identify universal reference materials necessary for each center.		State/Steering Committee
	Identify unique reference materials for specific locales.		Steering Committee
	Purchase computers and furniture for all resource centers.		Parker/Sorensen/Wooten
	Complete telephone and data connections with each resource center.		Parker/Narron
	Complete MOU with Legal Aid for recruiting and training		Parker/Perry
	Develop Criminal/Traffic Curriculum		DeCaro/Belasco/Sgobba & Edwards
	Establish Curriculum Steering Committee		Judge Anderle
	Develop Civil/Limited Civil/Small Claims Curriculum		Steering Committee
	Develop Family Law Curriculum		Mullin/Beatty/Motter/Perry
	Identify educational models for delivering content		Parker/Maggie Cimino – State CJER
	Recruit Volunteers to Staff Resource and Virtual Resource Centers		Legal Aid/Perry

d. Existing Resources That Will Be Used:

Grant # 1-103 Contract with professional to recruit and train volunteers to staff resource centers.

Grant# 1-127 Secure furnishings and computers for each resource center.

e. Additional Resources Needed:

Reference materials

Resources to pay for enhancements to technology and telephony

Utility Expenditures

Advertising Money – Radio/Television/Newsprint

Graphic Artist

f. Evaluation:

- Customer satisfaction surveys
 - Delphi Analysis of Judicial Officers and staff.
 - Pace of Pro Per Litigation pre-and post Resource Center Introduction
 - User Interviews
1. Court's administration will measure the pace of litigation and numbers of self-represented litigants.
 2. Grant administrator will implement and measure the satisfaction of those persons utilizing the Resource Centers.
 3. Court Administration will interview users and judicial officers or Delphi analysis.

2. *State Support:*

The Self-Represented Litigants Resource and Virtual Resource centers will rely, in part, upon the State's self-help website. It would be useful if the site permitted litigants to complete forms on-line.

Financial support is necessary to provide minimum staffing levels of qualified legal professionals (attorneys) to provide service and oversee the volunteer staff and development of materials.

Coordination of written and Internet materials developed, and in the process of development, would be useful.

There should be some Statewide Authority for and oversight and quality assurance of legal document preparation firms, paralegals and typing services. These agencies have confounded Self Represented Litigants' efforts to obtain useful assistance.

3. *Unique Approaches:*

The Santa Barbara County, Superior Court, Self Represented Litigants Committee endeavors to provide assistance to SRL's in person. These Resource Centers will be staffed with a volunteer to assist the SRL in obtaining printed materials, forming their questions for the attorney, and using the video equipment to view educational materials. The proposal involves the County Law Library. Drawing upon a service already provided the court seeks to avoid duplicating efforts. Many of the resources to assist these clientele are already in the Law Library. By partnering with the Court the law library bolsters its collection and enhances services to the self-represented litigant.

Additionally, the Court has partnered with Legal Aid to staff the Resource Centers. Legal Aid has a long tradition of providing these services to the community and using volunteer assistance. One of the planning grants award the court will be used to contract with Legal Aid to recruit and train volunteers to staff these resource centers.

The Self-represented litigants committee will also explore the use of a mobile vehicle to provide assistance throughout Santa Barbara County. The Santa Barbara County Bar Foundation has expressed a keen interest in working with the courts to develop this type of innovative approach to providing services.

4. *Sustaining the Action Plan:*

The plan is sustainable as a result of its sophisticated interdependence with County and Community Based Organizations. There is a strong commitment on the part of the committee members and the leadership of the court. The Court's administrative staff have committed to facilitating the introduction and long-term success of the plan. Legal Aid has agreed to contract for the provision of legal services, limiting the court's need to hire additional staff in an area the court is not well suited to supervising. This plan integrates the court and the legal community, providing stability to the legal non-profits, benefiting the self represented litigants, and offering the court staff an alternative to responding to Self Represented litigants 'unique and challenging needs.

5. *Other Comments:*

This plan avoids duplicating services in the Santa Barbara County Legal community. Enhancing those services provided by Legal Aid, CRLA, the Small Claims Advisor, The Family Law Facilitator, the Bar Associations, Community Mediation Program through a sophisticated partnering endeavor the legal community better serves the needs of Self

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Represented Litigants without entering territory for which it is ill suited. This plan is a win-win for all participants, with the ultimate victor being the Self Represented Litigant.

**Improving Accessibility to the Courts by Non-English Speaking Pro Pers
(Submitted by James Beatty)**

1. **Description of Need:** This plan addresses the needs of non-English speaking persons who wish to represent themselves or obtain information on how to file or respond to documents on file in the clerk's office. There is a substantial Hispanic non-English speaking population in Santa Barbara County. Agriculture is the principal industry in the communities of Santa Maria, Guadalupe and Lompoc. The resort city of Santa Barbara relies heavily upon non-English speaking persons in hotel and restaurant industries. There is a constant need for interpreters in both civil and criminal matters in this county, which implies a substantial involvement in the court system by persons in this category. Family law experiences a significant portion of these self-represented litigants.

2. **Program Areas:** The program areas to be included are:

- Technology,
- Preparation of new instruction aids in Spanish,
- Increased interpreter availability in the courtroom (Personnel)
- Increased bi-lingual staff in the clerk's office and phones (Personnel)

3. **Program Action Plans:**

a. **Program Description:**

Implementation of the "I Can" Kiosk presently in use in Orange County. This is a combination computer printer for use by the general public. The unit is contained in a sturdy box like container for durability and is user friendly. It can be set up in a public hallway for easy accessibility. Its purpose is to provide both English speaking and certain non English speaking persons (Spanish and Vietnamese) with a 5th grade level instructional tutorial in filing or responding to court documents already on file. This is a "talking" program, which responds to participants who touch the computer screen. Example: an individual wants to file a Domestic violence case. The computer will ask the person questions and the participant responds by touching multiple choices presented on the screen and the machine prepares the document in accordance with the answers provided. The participant is then provided with completed pleadings and instructed on how to file them with the court clerk etc. A demonstration is available on line at www.legal-aid.com At present the program covers the following pleading areas:

Domestic Violence, dissolution including OSC's, small claim

Forms (pending Parentage cases and responses, Fee waivers, Income and expense documents

Orange County reports a satisfaction rate by judges and the public of 98% Approximately 4100 persons have made use of the machine since May 20th 2001 of which 10% were non-English speaking.⁵

1. Preparation of new instruction aids in Spanish,

The court will review information and resource guides available for the public in Spanish and English. Where materials are needed the Court will develop them. The materials will then be translated into Spanish. All materials will be made available at the clerk's office and in any self-help center established by the court.

2. Increased interpreter availability in the courtroom (Personnel)

The court will work diligently to secure and maintain sufficient interpreter services to respond for language assistance in the courtroom in a reasonable period of time.

3. Increased bi-lingual staff in the clerk's office and phones (Personnel)

The Court will examine vacancies to determine the feasibility of increasing a position to bi-lingual and staffing at that level.

- b. **Program Partners:** Orange County Legal Aid Society created the software and their goal is to see the program used statewide; they are fully cooperative and will partner in implementing the program. There will be a fee for customizing the software for courts outside Orange County

⁵ Source of information: Family Law Facilitator Orange County and Bob Coen Legal Aid Society, 902 No Main Street, Santa Ana, Ca 92702

c. **Program Plan:** TBD

<i>Task</i>	<i>Deadline</i>	<i>Person/Org Responsible</i>

d. **Existing Resources That Will Be Used:**

I-CAN

The Facilitators office and the clerk’s office will benefit directly from use of the I-CAN machine by the general public and each of these offices should periodically determine that the machine is functioning properly and arrange for any needed repairs with Information Technology support staff. This should have little monetary impact. The cost of each unit is approximately \$8000 to the acquiring county per unit. Continuous collaboration with Orange County Legal services will be required but they more than willing to cooperate with other counties on this project: as forms and the laws and procedures change the units will require updating – this cost is not known at this time. There will be an initial fee of \$1500 payable to Legal Aid in Orange County to customize the software for Santa Barbara County addresses, phones etc. Use of special local forms as required. Projected post warranty costs are unknown at this time.

4. Preparation of new instruction aids in Spanish.

Court Managers and Supervisors will review materials available through counter staff and on the Internet from other courts. Materials will be modified to meet the needs of the Santa Barbara Court. Thereafter, interpreters will be employed during slow periods to translate the forms into Spanish. Brochures will be developed through administration using graphics design. Finally, materials will be reproduced through cost effective means and distributed to all court locations.

5. Increased interpreter availability in the courtroom (Personnel)

Court staff responsible for recruiting and assigning court interpreters will maintain adequate contacts with statewide interpreters to ensure that interpreters will be available within a reasonable period of time.

6. Increased bi-lingual staff in the clerk’s office and phones (Personnel)

The court will examine all front line vacancies and strive to fill any vacancies with bi-lingual employees.

e. Additional Resources Needed: I-CAN

The Court needs \$17,500 to purchase two I-CAN units and modify programming to meet local needs.

Representative(s) should visit Orange County to evaluate the claims made concerning this unit, arrange for purchase and preparation of customized software for Santa Barbara County. Location(s) need to be arranged for use of the unit(s) Total cost for these matters is not known at this time. Availability of the unit should be announced in the media at no cost.

- f. **Evaluation:** Orange County has a system in place for monitoring use and satisfaction and Santa Barbara can easily adopt these procedures.

4. *State Support:*

The state is reportedly working with Legal Services Corporation to make the customized software available to counties at no cost. This would be a valuable resource because forms are periodically changed in Sacramento requiring software updating: the county must decide whether to proceed now and assume the initial cost in hopes the state will assume these costs in the future

5. *Unique Approaches:* None

6. ***Sustaining the Action Plan:*** As indicated above the Facilitator and/or the clerks office can periodically oversee the success of the plan by evaluation of satisfaction stats and responding to any suggestions or criticisms made by users and others

7. ***Other Comments:*** This is a way for the court to make a significant start toward a "Self Help Center". This unit has proved very popular with the court AOC and the public over an extended period of time; if it is as truly efficient as claimed its use could have a significant beneficial impact on the Facilitators office Legal Aid and the clerks office by saving those offices hundreds of hours in time presently being spent in explaining how forms are to be filled out, correcting forms etc. These offices would then be freed to perform additional tasks in new areas. The public also would greatly benefit by having this resource directly available especially for individuals facing an immediate need to file documents with the court

Program Action Plans: ACTION PLAN 2

Implementation of the San Mateo County Interactive Tutorial Family Law

Website: At present this website is available only in San Mateo County. By employing a series of simple questions and written responses by the user the website creates a series of family law forms for individuals who are filing or responding to pleadings served upon them. The website is being translated for use by Spanish speaking litigants and this latter version should be available in a few weeks. The program can be customized for use by other counties and in the authors opinion should be adopted by Santa Barbara County for use by English and Spanish users as soon as possible.

At present Bonnie Hough of the Judicial Council is looking into the possibility of statewide funding for this program. In addition to the pleadings listed below, San Mateo's website provides information (but no forms program) in Small Claims Procedures.

- Dissolution, Legal Separation and Annulment
- Custody-visitation-support
- Family law OSC and Notice of Motion
- (Working on Income and Expense form-Only Short form financial forms available now)
- Parentage petition and response

Both Santa Barbara County Facilitators feel this is an excellent program

Source of Information: Jill Selvaggio Outreach Coordinator, San Mateo County 650 599 1519

- a. **Program Partners:** Santa Barbara County will cooperate with AOC and San Mateo County in this project; AOC is reportedly in the process of obtaining funding so that the Counties will incur little or no expense now or when changes are required to update forms and procedures.
- b. **Program Plan:** To be attached to a separate sheet

- c. **Existing Resources That Will Be Used:** Technical staff will be required to add the program to the existing Santa Barbara County website after it is customized for use in this county. San Mateo County and AOC are reportedly working on a plan in which the state would assume software costs but since this is still in the development stage it is not possible to state at this writing what costs, if any, Santa Barbara county will incur aside from use of its own technical staff
 - d. **Additional Resources Needed:** No additional Resources should be required because the program will be accessed by users in their own computers or computers made available to them at libraries, schools.
 - e. **Evaluation:** This is a difficult area. Perhaps a survey questionnaire could be included at the close of the program or a monitoring program installed to gather statistics on use of the program by the public. Technical staff must provide this data at a later date.
4. ***State Support:*** San Mateo County reports enthusiastic support by State AOC representatives and projected plans to cooperate with counties to make the plan available in all California Counties; again this is an important factor inasmuch as pleading forms are periodically changed in Sacramento under the auspices of the Judicial Council. This would avoid the need of local staff in updating the program each year.
5. ***Unique Approaches:*** None
6. ***Sustaining the Action Plan:*** As a new program appended to the existing County of Santa Barbara Superior Court website there should be no need to sustain this aspect of the plan other than to ensure it is periodically updated in accordance with changes in state procedures and forms.
7. ***Other Comments:*** This is an excellent program for Hispanic citizens with access to the Internet who wishes to prepare pleadings in one of the program areas. However many Hispanic residents in our county have limited educational backgrounds or have little access to the internet; installation of the ICAN program will fill their needs more readily than the San Mateo program. In addition, at this time the San Mateo program does not include Domestic Violence Pleadings.

Despite these drawbacks this program should be adopted as soon as possible if we are to respond to the needs of Hispanic citizens who do have access to the internet in our communities.

Additional Comments on possible action plans in other areas: In my research on problems facing non English Speaking litigants in accessing the Court I received several suggestions including the need for licensed interpreters in all civil matters and translation of the Domestic Violence instructional booklet. Since the booklet is prepared in Sacramento and because any plan to provide licensed interpreters for all civil actions would require significant funding by the county which is not available a this time.

Licensed interpreters were critical of the use of non-professional volunteers or friends neighbors in civil actions because of their unfamiliarity with many of the legal terms and procedures or could be biased. Furthermore critics felt that litigants might be reticent to disclose their concerns to neighbors or other family members before and during court hearings due to embarrassment.

Court rules/procedures

(Prepared by Ann Wooten and Judy Sorensen)

1. Description of Need: Local court rules need to be developed or modified to facilitate the needs of the Self-Represented Litigants (SRL'S), such as allowing for hand-printed documents.

Office procedures need modifying to allow the clerks to give assistance that might have been considered "giving legal advice" in the past. Clerks, however, will need training on what additional assistance can be given.

Program Areas: Court Rules and Procedures

2. Program Action Plans:

- a. **Program Description:** Review current local rules and procedures and recommend new or modifications to existing.
- b. **Program Partners:** Small Claims Advisor, Community Mediation, CJER, Administrative Office of the Courts,
- c. **Program Plan:**

<i>Task</i>	<i>Deadline</i>	<i>Person/Org Responsible</i>
Review current rules/procedures	July 1, 2002	Court administration, Small Claims Advisor, Family Law Facilitators, volunteer attorneys
Make recommendations for additions, deletions, modifications	September 1, 2002	Court administration, court research attorneys
Review pilot project on hand-printed forms and documents local court rule	July 1, 2002	SRL Committee
Review for recommendation new court rule governing Fee Waivers	July 1, 2002	Court administration
Broaden use of CADRe to	July 1, 2002	Family Support

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<i>Task</i>	<i>Deadline</i>	<i>Person/Org Responsible</i>
include family law cases		Commissioner, CADRe coordinator, Community Mediation
Institute procedure for review of dormant family law cases	June 1, 2002	Court administration refer to Judicial Executive Committee
Increase number of locations for filing Family Law and restraining order cases	June 1, 2002	Court administration
Institute procedure for preparation of orders after hearing	July 1, 2002	Court administration, Family Support Commissioner, Family Law Facilitators
Review for recommendation to judges establishing a separate calendar for self-represented litigants	June 1, 2002	Court administration
Train staff to provide greater assistance	September 1, 2002	CJER, Court administration, court staff, Family Law Facilitators, Small Claims Advisor, research attorneys, Administrative Office of the Courts

- d. **Existing Resources That Will Be Used:** SRL committee members, court staff, staff research attorneys, CJER, Administrative Office of the Courts

- e. **Additional Resources Needed:** Funds for printing orders after hearing (NCR or printer). Printer/copies are estimated at \$5,000; paper supplies are estimated at \$500

- f. **Evaluation:** Survey the local bar association, judicial officers, and self-represented litigants.

3. ***State Support:*** The Judicial Council can support this action plan by adding new or amending existing California Rules of Court as recommended by Santa Barbara Superior Court. The Judicial Council can further help by expanding the self-help website in the areas of court procedures in heavy self-represented litigation areas.
4. ***Unique Approaches:*** Santa Barbara Superior Court's SRL Committee and action plan subcommittee look beyond court rules and procedures utilization strictly by the legal community and expanding their approach to include litigants who are not attorneys. The establishment of a local court rule for the acceptance of certain hand-printed forms and documents helps SRL's in the preparation of court documents without having to pay for the assistance of an outside document preparer.
5. ***Sustaining the Action Plan:*** Our SRL committee and subcommittees are dedicated to improving current court rules and procedures. The committee plans to meet periodically to review, evaluate and modify the program.
6. ***Other Comments:***

Training and Education – Court Staff

1. Description of Need:

During the Santa Barbara County Superior Court planning process a series of forums were conducted. Both attorneys and staff were queried as to their assessment of service delivery models in addressing Self-Represented Litigants.

Both staff and the attorneys indicated a need for increased training for the courts' staff. AS the front line in addressing the Self-Represented Litigant, the staff are in the best position to provide assistance. Yet these same people find themselves asking many questions themselves.

The Self-Represented Litigant's Committee will assess the primary assistance arenas and develop curriculum to resolve this issue. The California Courts, Administrative Office of the Courts has already begun the process. The Director of Education, at the Center for Judicial Education and Research, in conjunction with the Center for Families, Children and the Courts, have developed distance learning programs.

The first program, Providing Assistance vs. Giving Legal Advice has already begun. Court Supervisors throughout the County attended the initial session. It was given high marks by all. Now staff will be scheduled to attend as well. The sessions are also being videotaped in Santa Barbara County, allowing those unable to attend scheduled sessions to conduct self-study at more convenient times.

2. Program Areas:

- Family Law
- General Civil
- Limited Civil
- Probate
- Adoption
- Traffic
- Customer Service
- Dealing with Difficult Clients
- Diffusing Angry Customers
- Dealing with the Mentality Ill
- Basic In Service Training –
Understanding how the Court Operates
- Appeals

3. Program Action Plans:

a. **Program Description:**

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The front counter staff of the Superior Court is in the best position to assist those representing themselves. Without sufficient training and education these staff are limited in their knowledge in providing service. This program aims at increasing the knowledge, skills and abilities of the front line staff permitting them to deal competently and efficiently with the self represented litigants.

The Court will establish a curriculum committee to develop curriculum and priorities in program development. The committee will evaluate existing training materials and programs available through the AOC, the County Employee University and those videotapes and references already owned by the Court. The curriculum committee will establish a program for including regularly scheduled training programs using tools already available.

For those topics where no programs currently exist the curriculum committee will be charged with recommending the establishment of topic committees. These committees will meet to establish the topic curriculum, identify resources, acquire necessary resources, identify trainers or training materials, establish training program and schedules and implementing the training program for that topic.

Trainers will be drawn from existing court staff and/or attorneys from the Bar Association.

b. Program Partners:

Santa Barbara County Law Library
Santa Barbara County Bar Association
Northern Santa Barbara County Bar Association
Office of the Family Law Facilitator
Small Claims Advisor
Community Mediation Program

c. Program Plan:

<i>Task</i>	<i>Deadline</i>	<i>Person/Org Responsible</i>
Establish curriculum committee	March 25, 2002	Anderle, Parker
Develop curriculum topics ⁶	April 15, 2002	Committee
Assign subcommittees	April 15, 2002	Committee
Develop individual topics	May 6, 2002	Sub committees
Implement training programs	September 9, 2002	Court and Subcommittees
Identify Court staff	June 3, 2002	Court

⁶ Attached is a proposed curriculum guideline. (Attachment 1)

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<i>Task</i>	<i>Deadline</i>	<i>Person/Org Responsible</i>
responsible for topic training and coordination		
Provide training sessions with assistance from attorneys and AOC.	September 9, 2002	Court, Subcommittees, AOC
Update training materials annual.	June 2003	Court
Institute training program as part of court's on going efforts.	September 9, 2002	Anderle, Blair, Parker, Gordon, Executive Committee

d. Existing Resources That Will Be Used:

Assistance from Committee Members
Court administrative staff will be primary labor involved.
Court technological equipment
Court photocopiers

e. Additional Resources Needed:

- Money for development of web-based training for staff and self-paced training
- Videographer
- VCR/Television
- TV Cart

f. Evaluation:

- Customer satisfaction surveys
- Employee satisfaction surveys
- Review of judicial officer feedback on preparation of Self-represented litigants in the courtroom

4. *State Support:*

AOC/CJER/CFCC training coordination

5. *Unique Approaches:*

Self-Represented Litigant's Based Training Program: This program is aimed primarily at the services to the SRLs. The training will have universal value in that all customers will benefit from a better-informed staff.

6. *Sustaining the Action Plan:*

The Court's Executive Committee will review the program and its elements and determine the efficacy of adopting an on-going training program for court staff.

7. *Other Comments:*

Materials developed through the Santa Barbara County Superior Court, Self-Represented Litigant's Committee should be coordinated with the AOC/CJER and CFCC to assure maximum use of available resources. The AOC is in a better position to lend centralized resources to a topic of global value.

ATTACHEMENT 1

Education

Clerks

- Family Law
 - Basic legal principles
 - Understanding the structure of the Court (BIST)
 - Domestic Violence Restraining Orders
 - Dissolutions
 - Guardianships
 - Adoptions
 - Understanding the Role of the Family Law Facilitator
 - What is the Office of Child Support
- Civil
 - General Civil
 - Basic Principles
 - Law Suit
 - Parties
 - Interpleaders
 - Motions
 - Writs
 - Injunctive Relief
 - Law and Motion
- Criminal
 - Basic Principles
 - Parties
 - 995
 - 1538.5
 - Preliminary Hearings
 - Proposition 115
 - Therapeutic Justice Courts
- Probate
- Guardianships
- Juvenile
 - Delinquency
 - Dependency
 - Proposition 21
- Customer Service
 - Saying No Politely
 - Giving Legal Advice vs. Offering Assistance
 - How to Handleirate Customers
 - Telephone Etiquette
 - Court Etiquette
- References:
 - Resource Lists
 - Assistance in the Community
 - The Law Library

Alternative Dispute Resolution

Description of Need

There are four (4) programs that currently offer mediation services through the court system:

- (1) The Court Assisted Dispute Resolution Program (CADRe),
- (2) The Family Law Facilitator Program,
- (3) The Community Mediation Program (CMP), and
- (4) The Family Mediation Services (FMS) Program. (For a description of each program, see Appendix)

Mediation services are available in civil and family related cases to varying degrees. The CADRe program is not currently available in family law matters. Judicial officers choosing CADRe may direct civil litigants to an educational program regarding CADRe services. Those litigants can opt into mediation through the program. Many litigants selecting this path are successful in settling their cases. The FLF program offers a limited range of mediation in family law cases. The CMP also offers limited mediation in family law cases. Finally, the FMS program is aimed at mediating child custody cases.

The Santa Barbara Superior Court CADRe program has proven successful in the general civil litigation arena. A significant workload in the family law arena could benefit from the services of an expanded CADRe program.

1. Program Areas:

Alternative Dispute Resolution in Family Law Cases

2. Program Action Plans:

a. Program Description:

Allow judicial officers to refer parties to voluntary participation in mediation for family law cases. Referral would be through the existing CADRe program. The CADRe director could then distribute an appropriate brochure describing the paperwork process for CADRe as he/she does in other cases. The CADRe director would then refer interested parties to one of the several following sources for Alternative Dispute Resolution:

- A. CADRe Family Law panel. This would be a private panel of neutrals who have qualified to be on the panel and who charge for their services (CADRe has not yet established what the guidelines should be for**

qualifications for that private panel.) It is recommended that they have the following qualifications:

- a. Be an attorney with minimum of five years of family law experience, plus a minimum of 35 hours of mediation training, at least half of which is divorce mediation training;
- b. Have a minimum of five post training family law mediations or family law co-mediations; and
- c. Agree to provide one complete medication annually for a pro bono or modest means/limited income case.
- d. Have two satisfactory participant reference evaluations on file with the CADRe office.

B. Community Mediation Program. The Community Mediation Program would be available to assist parties in family law matters who cannot afford to pay for Alternative Dispute Resolution services.

- C. The North and South County Bar Association's family law pro bono mediation panel. Bruce Glesby (in the south) and Denise Motter (in the north) are setting up a panel of attorneys involved in family law with at least five years of experience who would donate their services to do at least one mediation per year for those persons who could not qualify for pro bono services listed above. It is anticipated that this would not require any one such panel member to provide serviced in more than one case per year. In addition, their pro bono services would be limited to 3-4 hours per case.
- D. The Family Law Facilitator for mediation support issues only. There is also concern on the part of the family law facilitator, they see may people each year who want to help on one particular issue and the case ahs not yet been filed or is not yet ready for a case management conference. The family law facilitator recommends there be some procedure enabling him/her to get the matter before the court so the court could refer the parties to CADRe.

This system contemplates that judges would only refer cases that were to be set for trial. The recommendation is that judges have the ability to refer specific issues in rare cases where the judge determines that specific issue would in effect resolve the entire case. For example, in may pro per cases, resolution of the support issue may dispose of the entire case.

There are two concerns about the practical working of the system described above. Someone needs to make sure the parties have filed sufficient paperwork to enable a mediation to do his/her job. In addition, someone has to decide whether or not the parties should be entitled to pro bono services. The recommendation is that the judges make

these determinations. At the case management conference, the judge could order that the parties file and serve income and expense declarations with pay stubs, tax returns, and a preliminary disclosure of assets and/or a Schedule of Assets and Debts. If the parties have not filed them by the case management conference, the judge could order them to file them immediately and come back for another case management conference so the court can make sure that all the information was available. From that information, the court could also determine whether or not the parties would be entitled to pro bono mediation services.

In order for the program to work effectively, the mediators and other ADR representative should be ordered to provide the CADRe director with the result and/or status of the mediation so that the CADRe director can provide the judge with the appropriate information for him/her to follow up at the follow up case management conference.

The ADR committee should finalize the draft of the new family law ADR brochure so that it can be provided to litigants by the CADRe director and also be available at the Clerk's Office and other appropriate places, such as the Family Law Facilitator's office, so that litigants have as much information as possible about alternative dispute resolution.

Pro Bono Panel – Proposal from the Santa Barbara County Bar Association

As an adjunct to the service currently provided by CADRe, the Bar Association is evaluating the feasibility of creating a panel of experienced private family law attorneys who would provide pro tem settlement service to SRL in need of pro bono services. CADRe would administer the program, which would involve directing appropriate parties to a panel member who would then work with them for a period of three, or four hours to help them resolve complex property division and/or support issues. This family law panel would serve as a "back up" resource, which would be utilized only when Community Mediation program services would not be appropriate and the CADRe administrator was unable to make a pro bono referral to a CADRe panel member listed as having family law expertise.

In order to increase the likelihood that these self-represented parties reach a settlement, they would be required to bring Income and Expense declarations, Schedules of Assets and Debts, tax returns and other supporting documents with them to the mediation.

The non-CADRe family law panel would consist of a voluntary list of all members of the Santa Barbara County Bar Association with five or more years of experience handling family law cases and who have sufficient familiarity and expertise in property division and support matters.

If the settlement session required more than three or four hours and/or the parties want the mediator to assist them in drafting an agreement, then the panel member would be

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free to work out an arrangement for payment directly from the parties for the additional services.

At this time it is estimated that each lawyer on the list would not be used more than two times in any given year. Based upon informal conversations with family law practitioners, it should be fairly easy to solicit the participation of most of the family law practitioners who have the requisite experience.

b. Program Partners:

CADRe Director
ADR Committee
Bar Association Family Mediation Panel
Community Mediation Program
Family Law Facilitators
Family Mediation Services

c. Program Plan:

Submit Recommendation for CADRe in Family Law Proposal to ADR Committee and Executive Committee for approval	September 2002	Judge Anderle
Submit proposal to Countywide Judges' Meeting	October 2002	Judge Anderle
Finalize brochure	November 2002	CADRe Director
Establish panel of attorneys	December 2002	Bar Association
Establish Training program and requirements	January 2003	ADR Committee
Conduct Training	February 2003	CADRe Director and ADR Committee
Formally institute program	March 2003	CADRe Director and ADR Committee
Evaluate program effectiveness	June 2003	CADRe Director
Report to Countywide Judges' Meeting	July 2003	CADRe Director

d. Existing Resources That Will Be Used:

CADRe Director
ADR Committee

e. Additional Resources Needed:

The CADRe Director would benefit from clerical assistance in scheduling and evaluating compliance with document completion.

f. Evaluation:

Statistical analysis of program effectiveness i.e., percentage of successful mediations.
Customer satisfaction.

3. *State Support:*

4. *Unique Approaches:*

ADR in family law matters and the court's early involvement in resolving family related cases.

5. *Sustaining the Action Plan:*

Once implemented, the Court should seek additional resources to increase staffing in the CADRe office.

6. *Other Comments:*

Role of Attorneys

(Prepared by Mullen, Motter and Anticouni)

A. Unbundling Legal Services

1. *Description of Need:*

Limited scope representation (unbundled legal services) is a relationship between an attorney and a person seeking legal services in which it is agreed that the scope of the legal services will be limited to the defined tasks that a person asks the attorney to perform. As the Courts are faced with an increasing number of self-represented litigants (SRL), unbundled legal services can reduce the number of errors in documents, limit time due to procedural difficulties and mistakes by SRL, and decrease court congestion and demands on court personnel. SRL's will benefit from complete and accurate documents; preparation of their cases based on a better understanding of the law and court procedures, and obtain assistance in preparing, understanding and enforcing court orders. Attorneys have been reluctant to offer services on a limited basis because of concerns over increased liability, concern that the court may make them appear in matters outside the agreed representation, fear that the client might change the pleadings prior to filing with the court or worry that the client's actions in court may reflect on the attorney. The State Bar established a task force to consider the issue of unbundled legal services and the Board of Governors adopted its report in October 2001⁷. The Judicial Council is presently circulating draft rules and forms, which would disclose the attorney's participation in a case, specify the scope of representation and give the court notice of the attorney's withdrawal on the conclusion of the limited representation.

2. *Program Partners:*

Santa Barbara County Bar Association, North Santa Barbara County Bar Association, Family Law Facilitator's Office, Civil Division of Courts and Self-Represented Litigants Committee.

3. *Program Areas:*

Assuming that the Court Rules and Judicial Council forms are adopted, the Bar Associations and the Court will need to establish a committee to review the applicability of unbundled legal services in Santa Barbara County, educate and list attorneys willing to provide such services and educate the public and potential SRL's on the availability and applicability limited scope representation.

⁷ Go on line to see report at www.calbar.ca.gov/calbar/pdfs/unbundlingreport01.pdf

4. ***Deadline:***

Six months after adoption of Court Rules and Judicial Council forms.

5. ***Resources Needed:***

Committee volunteers, list of available attorneys, public education program materials.

B. Support of Mediation Services

1. ***Description of Need:***

Despite the efforts of the Santa Barbara ADR committee, there appears to be a lack of qualified mediators in the North County. Part of the problem is that there doesn't seem to be any immediately foreseeable cash flow in mediation at this time and those attorneys who offer mediation find it to be a small portion of the practice.

2. ***Program Partners:***

CADRe, ADR Committee, Santa Barbara County Bar Association and North Santa Barbara County Bar Association.

3. ***Program Areas:***

Support existing efforts of CADRe and ADR committee to educate attorneys on the availability and funding of mediation and other ADR for big cases, small claims, divorces, harassment, etc. Provide funding for mediation training of attorneys in exchange for a certain amount of low cost/pro bono mediations and/or sliding scale for CADRe fees.

4. ***Deadline:***

December 31, 2002 to organize and begin education of attorneys. June 30, 2003 to apply for funding grants to make mediation training accessible to interested attorneys.

5. ***Resources:***

Volunteers to write articles for Bar magazines and speak to Association members, Mediation training tuition

C. Attorney Support of Self-Represented Litigant Center

1. ***Description of Need:***

To be effective, the *Self-Represented Resource Centers* discussed above will need the goodwill and support of the legal committee. Attorneys will need to be educated that the

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centers will not be a threat to their economic livelihood and will enhance the administration of justice in Santa Barbara County. It is anticipated that the Centers will rely on volunteer attorneys in addition to paid staff, volunteer legal assistants, legal secretaries and court staff.

2. Program Partners:

Self-Represented Resource Center, Santa Barbara County Bar Association and North Santa Barbara County Bar Association

3. Program Areas:

Utilize existing Bench Bar Committee or form new committee to educate attorneys on need for, purpose of and function of the Centers and address attorneys concerns regarding liability, conflicts and loss of business. Work with the Centers to develop and present public education programs on court procedures, rules, forms, options, litigation responsibilities and consequences, legal and other resources.

4. Deadline:

December 1, 2002 to educate members of the Bar and assist Centers to develop programs.

5. Resources:

Volunteers to work on committee and assist Centers to develop programs

D. Unlicensed Practice of Law

1. Description of Need:

As the Court are experiencing a dramatic increase in self-represented litigants, judicial officers and court staff are spending more time dealing with the effects of the unlicensed practice of law by independent paralegals and legal document providers on the legal system. The problems for the Courts range from the failure to file the proper documents and to follow court rules, to the creation of unenforceable orders and actions initiated, but never completed. Attorneys experience the need to remedy such problems as the failure to deed 100% of the property intended, omission of remainder clause in living trust, and clients denied bankruptcy relief because of errors in documents. Clients are being lead to believe that complex legal matters are simple and are incurring unnecessary expenses in correcting errors or, at it worst, losing their legal rights and remedies.

2. Program Partners:

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Judicial Officers (including Federal Bankruptcy Court), Bar Associations and District Attorney.

3. Program Areas:

The Court and Bar Associations will need to survey and evaluate the general nature of problems experienced, which result from UPL. A committee should be formed to discuss the matter with the District Attorney and determine what evidence would be required to allow the DA to prosecute a violation. The committee would then assemble information from the public court files and seek cooperation of clients injured by the UPL and submit it to the DA.

4. Deadline:

December 31, 2002, to gather initial information and confer with DA. June 30, 2003, to submit evidence required by DA.

5. Resources:

Committee volunteers.

Criminal/Traffic

1. Description of Need: Defendants in misdemeanor and infraction criminal and traffic offenses are often confused about their options and how to conduct themselves in court. Additionally, they may be unsure about how to address the court, dress for court, answer questions, arrange for a continuance, payment options, etc.

Santa Barbara County experienced 89,028 misdemeanor and infraction criminal and traffic filings in fiscal year 01-02. Many of today's citizen's are computer literate. Communication and exchange of information between many of these people could occur electronically benefiting both the litigant and the court. The court has not taken full advantage of all that the Internet has to offer in accommodating and communicating with defendants.

Traffic offenders submitting a trial by declaration in traffic offenses would benefit from the use of e-mail to submit their declarations. Responses could also be completed electronically. Establishing a mechanism to accept their bail electronically would complete the process.

Additionally, some continuances may be facilitated by electronic communication over the Internet. Developing a link between the court and police department calendars may permit defendants to schedule appearances on dates which work for all participants.

Besides the electronic access and coordination of calendars, this class of defendant would benefit from education about the process and likely outcomes of the charges facing defendants. This type of information can be distributed electronically, but will also be a part of self-represented litigant resource centers. When the court is successful in opening self-help centers around the county, criminal and traffic offenses will be a component of the education provided through these centers.

2. Program Areas:

Improved access to criminal and traffic court through technological advancements.

3. Program Action Plans:

a. Program Description:

- Allow payment of traffic fines via Internet.
- Permit posting of bail and submission of trials by declaration over the internet.
- Answer basic questions of procedure and what to expect in court using the Court's web site.

b. Program Partners:

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Credit card merchant accounts.
Center for Judicial Education and Research
Other state websites.

c. **Program Plan:**

<i>Task</i>	<i>Deadline</i>	<i>Person/Org Responsible</i>
Discuss operational feasibility with staff.	May 30, 2002	
Discuss technical issues with Information Technology Support staff.	June 21, 2002	
Identify additional equipment, wiring required for implementation.	July 1, 2002	
Identify cost of implementation	August 1, 2002	
Submit budget proposal	August 30, 2002	
Seek alternative funding sources.	September 30, 2002 On going	

d. **Existing Resources That Will Be Used:**

Web master
Court Staff from criminal/traffic courts.

e. **Additional Resources Needed:**

Technological grant to explore possibility of accepting payments over the Internet.

f. **Evaluation:**

- Customer satisfaction
- Courtroom improvements via interviews with judicial officers.
- Comparison of pre and post implementation impact on Failures to Appear and Pay.

4. ***State Support:***

Funding for technological requirements.

5. *Unique Approaches:*

The “Court Coordinated Calendaring” function is unique and innovative. Using the police departments’ calendar and the court’s calendar, defendants can schedule themselves for appearances on dates and times, which work for all participants.

Accepting bail on line and permitting the submission of trials by declaration via e-mail expands access to those using electronic communication mechanisms.

6. *Sustaining the Action Plan:*

Once implemented the plan involves little effort other than maintenance and review of customer satisfaction and rates of failure to pay and failure to appear.

Regular meetings with police department staff should reveal any glitches occurring intra-agency.

7. *Other Comments:*

Experience and Role of Consultant in Assisting Santa Barbara County's Self-Represented Litigant Committee

As a court-planning consultant, Shelley M. Stump has provided the following services to support the work of the Santa Barbara County Self-Represented Litigant Committee:

- Attended Self-Represented Litigant Committee meeting on November 27, 2001, to learn what information the Committee had developed to date regarding the project and to introduce the recommended process for fulfilling the State Action Planning process.
- Prepared and presented a PowerPoint Presentation and facilitated discussions to get Bar input at two Bar Forums on November 28 and 29, 2001, in North and South County, respectively.
- Synthesized existing Committee materials and notes from Bar Forums into recommended Action Arenas list for Committee consideration.
- Attended Committee meeting on February 25, 2002, to facilitate discussion for final selection of Action Arenas, and to begin the Action Planning process. Consultant delineated the format for the Action Plan for each Action Arena, i.e., tasks, timelines, persons responsible, and resources needed, and identified Committee members who volunteered to work as subgroups to complete the Action Plans for each Action Arena.
- In conjunction with the State's project coordinator, Consultant developed an Action Plan template and instructions that was distributed to courts statewide for their use in preparing their Action Plans.

Anticipated Final Product

- Based on information provided by the Committee, Consultant will prepare a draft Action Plan for review by the Committee and the Court before final submission to the State.

Ultimate Accomplishments

- Once the Action Plan is developed and submitted to the State, it is anticipated that the State will use all of the plans submitted by all counties in the State to develop resource requests in future years.
- The Court will be positioned to begin implementation of those portions of its Action Plan that do not require additional resources from the State.

MOU # 01-127

MEMORANDUM OF UNDERSTANDING

COMMUNITY-FOCUSED COURT INITIATIVES GRANT

PURPOSE.

This Memorandum of Understanding (“MOU”) is between the Judicial Council of California Administrative Office of the Courts (“AOC”) and the Superior Court of California, County of Santa Barbara (“Court”) for the allocation of FY 2001–2002 Community-Focused Court Initiatives grant moneys to the Court from the Judicial Administration Efficiency and Modernization Fund (“Fund”). Based upon this Memorandum of Understanding, the Judicial Council of California Administrative Office of the Courts shall allocate to the Superior Court of California, County of Santa Barbara, the amount set forth in the AWARD AMOUNT section below, for those uses provided in the USE OF FUNDS section below.

1. PARTIES.

The parties involved in this Memorandum of Understanding are the Judicial Council of California Administrative Office of the Courts, represented by Grant Walker, Business Services Manager, and the Superior Court of California, County of Santa Barbara, represented by Hon. Rodney S. Melville, Presiding Judge, or Mr. Gary Blair, Court Executive Officer.

2. AWARD AMOUNT.

The amount awarded to the Court under this Memorandum of Understanding is \$13,200.00. A check for the total amount of the grant award will be delivered to the Court following receipt by the AOC project manager of the signed Memorandum of Understanding. This award is a one-time grant from the Fund to the Court by the AOC. It constitutes the entire award made available to the Court under this MOU. The award shall not become part of the Court’s baseline budget, and does not obligate the AOC to provide any further funding for the project.

3. BACKGROUND.

Following the Statewide Community-Focused Court Planning Conference May 13-15, 1998, on August 10, 1998, the Judicial Council established the Community-Focused Court Planning Implementation Committee (“Committee”) to promote, coordinate, and

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facilitate the institutionalization of community-focused court planning in California. Under the direction of the Judicial Council, the Committee is charged to develop and oversee guidelines for the administration of grant funds to the trial courts for furthering the community-focused court strategic planning process. In years prior to FY 2001-2002, grant funds have been awarded to the trial courts from the Trial Court Improvement Fund to enhance community input into the preparation of community-focused court strategic plans and court operational plans. For FY 2001-02, the Committee determined that grant funds under this program would be used to further community-focused court outreach and education efforts--an important component of the strategic planning process. It was also determined that the allocation of \$280,000 from the Trial Court Improvement Fund for this program would be supplemented with an allocation of \$342,500 from the Judicial Administration Efficiency and Modernization Fund, bringing the total FY 2001-2002 funding level for the Community-Focused Court Initiatives Grant Program to \$622,500.

This year's Community-Focused Court Initiatives Grant Guidelines (Attachment 1), attached hereto and incorporated herewith, were developed by the AOC, under the direction of the Committee, and provided to the courts as a part of this year's competitive grant solicitation process. The Court named in this agreement was one of the courts whose proposal received favorable review by the Committee, and was subsequently approved for this award of funds by the Judicial Council.

4. USE OF FUNDS.

The AOC's willingness to allocate such funds to the Court is predicated upon this Memorandum of Understanding based upon the Court's approved Application for Funding, and any cost overruns will be assumed by the Court. All funds related to this agreement are strictly limited to the following uses:

Funding approved to purchase two computers, \$2400; 4 tables, \$1200; 16 task chairs, \$4800; Reference materials, \$4800 for self-help centers in Santa Barbara and Santa Maria.

All funds must be earmarked by the Court for these uses, except as provided in the AMENDMENTS AND REVIEW section, below. The Court acknowledges that if the funds are not used for this purpose (except as provided for under the AMENDMENTS AND REVIEW section, below), the AOC shall have the right to withhold allocations from future grants overseen by the AOC and groups operating under its auspices.

5. RIGHT TO AUDIT.

The Court shall maintain all financial records, supporting documents, and all other records relating to performance under this agreement for a period in accordance with State law, a minimum retention period being no less than three years. The retention period shall start from the date of the signed Memorandum of Understanding. The Court

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shall permit the authorized representative of the AOC or its designee to inspect or audit at any reasonable time any records relating to this MOU.

6. REPORTING REQUIREMENTS.

The Court will submit to the AOC project manager a completed Progress Report in writing by September 30, 2002. The required contents of this report are contained in the Grant Guidelines (Attachment 1) under the section Grant Reporting Guidelines.

7. AMENDMENTS AND REVIEW.

Significant or material changes or amendments to any component of this agreement, including the Court's approved USE OF FUNDS provided above, can be made only with prior written approval from the AOC project manager. Requests for changes or amendments must be submitted in writing and must be accompanied by a narrative description of the proposed change and the reasons for the change. After the project manager reviews the request, a written decision shall be provided to the Court. Any amendment to this MOU shall be signed by the appropriate representatives of the parties and thereupon incorporated into the MOU by this reference.

8. PROJECT COMPLETION AND RETURN OF FUNDS.

The Court agrees to complete the project by September 30, 2002 at the latest. The Court agrees that any part of the grant award remaining unexpended beyond the project's completion shall revert to the Fund. The Court agrees to return the unexpended portion of the award to the AOC within 30 days after project completion.

9. EFFECTIVE DATE AND TERMINATION.

This Memorandum of Understanding constitutes the entire agreement between the AOC and the Court. The terms of this agreement shall become effective upon the signature of all approving officials of the respective parties entering into this agreement. This agreement shall remain in effect until terminated by (1) mutual written agreement, (2) at least thirty (30) days advance written notice by any party, or (3) completion of this agreement.

10. OTHER PROVISIONS.

Nothing herein intentionally conflicts with current directives or the applicable laws governing any of the parties signing this MOU. If the terms of this MOU are inconsistent with existing directives or with the applicable laws governing any of the parties, then those parts of this MOU not affected by any inconsistency shall remain in full force and effect.

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Should disagreement arise about the interpretation of the provisions of this MOU, or amendments or revisions thereto, that cannot be resolved at the operating level, the area(s) of disagreement shall be reduced to writing by each party and presented to the other parties for consideration at least ten (10) working days prior to forwarding the areas of disagreement to respective higher officials for appropriate resolution.

11. PARTIES' REPRESENTATIVES.

Any notices between the parties shall be set forth in writing between the representatives listed below and sent by mail, facsimile, or electronic mail.

The Project Manager representing the AOC is:

Jack Urquhart
Sr. Administrative Coordinator
Administrative Office of the Courts
455 Golden Gate Ave.
San Francisco, CA 94102
(415) 865-7654 (phone)
(415) 865-4332 (fax)
jack.urquhart@jud.ca.gov

The Project Manager representing the Court is:

Name:

Title:

Street:

City and Zip:

Telephone:

Fax:

E-mail:

12. SIGNATURE AUTHORITY.

This Memorandum of Understanding shall be signed by the Presiding Judge or Court Executive Officer on behalf of the **Superior Court of California, County of Santa Barbara**, and by the Business Services Manager on behalf of the Judicial Council of California Administrative Office of the Courts. The parties signing this Memorandum of Understanding certify they have the proper authorization to do so.

13. SIGNATURES.

Administrative Office of the Courts:

SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA BARBARA

Date Submitted May 31, 2002 Darrel E. Parker (805) 346-7594

Grant Walker
Business Services Manager

Date: _____

Superior Court of California, County of Santa Barbara:

- _____
 Court Executive Officer
 Presiding Judge

Date: _____

*[Please complete the Court Project Manager information
required in Section 12.]*

MOU # 01-103

MEMORANDUM OF UNDERSTANDING
TRIAL COURT INNOVATION GRANT

PURPOSE.

This Memorandum of Understanding (“MOU”) is between the Judicial Council of California Administrative Office of the Courts (“AOC”) and the Superior Court of California, County of Santa Barbara for the allocation of FY 2001–2002 Trial Court Innovation Grant moneys to the Court from the Judicial Administration Efficiency and Modernization Fund (“Fund”). Based upon this Memorandum of Understanding, the Judicial Council of California Administrative Office of the Courts shall allocate to the Superior Court of California, County of Santa Barbara, as set forth in the AWARD AMOUNT section below, for services based upon the Court’s Application for Funding (Attachment 1), attached hereto and incorporated herewith.

PARTIES.

The parties involved in this Memorandum of Understanding are the Judicial Council of California Administrative Office of the Courts, represented by Grant Walker, Business Services Manager, and the Superior Court of California, County of Santa Barbara, represented by, Hon. Rodney S. Melville, Presiding Judge, or Mr. Gary Blair, Court Executive Officer.

AWARD AMOUNT.

The amount awarded to the Court under this Memorandum of Understanding is \$20,600.00. A check for the total amount of the grant award will be delivered to the Court following receipt by the AOC project manager of the signed Memorandum of Understanding. This award is a one-time grant from the Fund to the Court by the AOC. It constitutes the entire award made available to the Court under this MOU. The award shall not become part of the Court’s baseline budget, and does not obligate the AOC to provide any further funding for the project.

BACKGROUND.

The Judicial Administration Efficiency and Modernization Fund was enacted by the State Legislature in 1997 (California Government Code, Section 77213) “to promote improved

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access, efficiency, and effectiveness in trial courts”. The Judicial Council has approved a number of programs that provide allocations from the Fund to trial court projects that are consistent with the goals of the Fund. The Trial Court Innovation Grant Program is one of those programs. For FY 2001-02, \$1,257,500 has been allocated from the Fund to award grants under the Trial Court Innovation Grant Program.

This year’s Grant Guidelines (Attachment 2), attached hereto and incorporated herewith, were developed by the AOC and provided to the courts as a part of the grant solicitation process. They allow awards to be made on a noncompetitive basis to all courts submitting eligible proposals, which the Court named as party to this MOU has done. The Court must use the funds to implement a project or projects related to the Court’s local strategic or operational plan.

USE OF FUNDS.

The AOC’s willingness to allocate such funds to the Court is predicated upon this Memorandum of Understanding based upon the Court’s Application for Funding, and any cost overruns will be assumed by the Court. All funds related to this agreement are strictly limited to the uses as stated in the Application for Funding, and must be earmarked by the Court for these uses, except as provided in the AMENDMENTS AND REVIEW section, below. The Court acknowledges that if the funds are not used for this purpose (except as provided for under the AMENDMENTS AND REVIEW section, below), the AOC shall have the right to withhold allocations from future grants overseen by the AOC and groups operating under its auspices.

RIGHT TO AUDIT.

The Court shall maintain all financial records, supporting documents, and all other records relating to performance under this agreement for a period in accordance with State law, a minimum retention period being no less than three years. The retention period shall start from the date of the signed Memorandum of Understanding. The Court shall permit the authorized representative of the AOC or its designee to inspect or audit at any reasonable time any records relating to this MOU.

REPORTING REQUIREMENTS.

The Court will submit to the AOC project manager a completed Project Report in writing within 30 days after the project is completed. The purpose of this report is to inform the AOC of the results of the funded project and how the funds were spent.

AMENDMENTS AND REVIEW.

Significant or material changes or amendments to any component of the Court’s approved FY 2001–2002 Trial Court Innovation Grant Application for Funding, including the Project Budget, can be made only with prior written approval from the

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AOC project manager. Requests for changes or amendments must be submitted in writing and must be accompanied by a narrative description of the proposed change and the reasons for the change. After the project manager reviews the request, a written decision shall be provided to the Court. Any amendment to this MOU shall be signed by the appropriate representatives of the parties and thereupon incorporated into the MOU by this reference.

PROJECT COMPLETION AND RETURN OF FUNDS.

The Court agrees to complete the project by March 30, 2003 at the latest. The Court agrees that any part of the grant award remaining unexpended beyond the project's completion shall revert to the Fund. The Court agrees to return the unexpended portion of the award to the AOC within 30 days after project completion.

EFFECTIVE DATE AND TERMINATION.

This Memorandum of Understanding constitutes the entire agreement between the AOC and the Court. The terms of this agreement shall become effective upon the signature of all approving officials of the respective parties entering into this agreement. This agreement shall remain in effect until terminated by (1) mutual written agreement, (2) at least thirty (30) days advance written notice by any party, or (3) completion of this agreement.

OTHER PROVISIONS.

Nothing herein intentionally conflicts with current directives or the applicable laws governing any of the parties signing this MOU. If the terms of this MOU are inconsistent with existing directives or with the applicable laws governing any of the parties, then those parts of this MOU not affected by any inconsistency shall remain in full force and effect.

Should disagreement arise about the interpretation of the provisions of this MOU, or amendments or revisions thereto, that cannot be resolved at the operating level, the area(s) of disagreement shall be reduced to writing by each party and presented to the other parties for consideration at least ten (10) working days prior to forwarding the areas of disagreement to respective higher officials for appropriate resolution.

PARTIES' REPRESENTATIVES.

Any notices between the parties shall be set forth in writing between the representatives listed below and sent by mail, facsimile, or electronic mail.

The Project Manager representing the AOC is:

Lucy Smallsreed

SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA BARBARA

Date Submitted May 31, 2002 Darrel E. Parker (805) 346-7594

**Grants Program Administrator
Administrative Office of the Courts
455 Golden Gate Ave.
San Francisco, CA 94102
(415) 865-7705 (phone)
(415) 865-4332 (fax)
lucy.smallsreed@jud.ca.gov**

The Project Manager representing the Court is:

Name:
Title:
Street:
City and Zip:
Telephone:
Fax:
E-mail:

SIGNATURE AUTHORITY.

This Memorandum of Understanding shall be signed by the Presiding Judge or Court Executive Officer on behalf of the **Superior Court of California, County of Santa Barbara**, and by the Business Services Manager on behalf of the Judicial Council of California Administrative Office of the Courts. The parties signing this Memorandum of Understanding certify they have the proper authorization to do so.

SIGNATURES.

Administrative Office of the Courts:

Grant Walker
Business Services Manager

Date: _____

Superior Court of California, County of Santa Barbara:

 Court Executive Officer
 Presiding Judge

Date: _____

**[Please complete the Court Project Manager information
required in Section 12.]**