

A CIVIL LAW SELF-HELP CENTER  
FOR THE SUTTER COUNTY SUPERIOR COURT

An Assessment of Need and Design Elements

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September 2002

## ACKNOWLEDGEMENTS

This project was undertaken because the Court Executive Officer, Len LeTellier, recognized an opportunity to obtain some funds from the California Judicial Council to study an idea that might enhance the services provided by the Superior Court of Sutter County to the citizens of that county. Without Mr. LeTellier's support and guidance, this assessment would not have been undertaken and could not have been completed.

Nancy Caporale, Human Resources Manager, was invaluable in making arrangements for the many interviews conducted for this study. Laura Estrada, Administrative Assistant to Mr. LeTellier, provided important support, especially in obtaining needed data and serving as a liaison between Mr. LeTellier and me.

Twenty individuals graciously granted me their time and the wisdom of their experience to inform me about Sutter County and its citizens and of their thoughts about the need for and elements of a self-help center for civil cases. I have tried in this report accurately to reflect their views. Any errors in that regard are mine alone. Further, if I made any arithmetic mistakes in tabulating and presenting data, those errors also are solely mine.

The opinions expressed here as the author's are solely mine and do not necessarily reflect the views of the Superior Court or any judicial officer or manager of that Court.

I appreciate this opportunity to assist the Court and hope this report is sufficient to enable the Court to decide whether to proceed with a self-help center for civil cases and, if so, how to structure the center.

***Alexander B. Aikman***

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## *I. Introduction*

This report provides an assessment of the need for and design elements of a self-help center for self-represented litigants in civil cases in Sutter County, California. It is offered to fulfill the Court's obligations under the terms of a grant to the Court by the California Judicial Council.

Since obtaining the grant in 2001, staff of the Superior Court have been fully occupied with operational matters, so the Court asked the author, a management consultant to justice agencies and former court executive officer in California, to undertake the assessment and provide this report. This report provides findings from numerous interviews, germane data from Sutter County, and studies of self-help centers in other jurisdictions, plus my recommendations.

Even a cursory review of the findings reveals there is a range of opinion regarding almost every design element of a self-help center in Sutter County, including whether such a center is needed. Therefore, the recommendations offered in Chapter IV should be reviewed carefully and discussed by the Court to assure that the final decision(s) regarding a self-help center for civil cases represents a consensus of the bench officers. It would be a disservice to both the Court and the citizens of Sutter County if a decision were to be reversed or materially changed after being made.

Before discussing whether a self-help center is desirable and, if so, how it should be configured, there should be a common understanding of what a self-help center is and does. I have not found a generally accepted definition of a self-help center. One author has identified the elements shared by most self-help centers, both those provided under courts' auspices and those provided by legal services organizations.<sup>1</sup> He identifies them as follows:

They . . . provide access to information about the law, legal rights, and the legal process in written form, on the Internet, on videotape, through seminars, and through brief in person exchanges. Court-based programs do not give legal advice, unless they are conducted by volunteer lawyers who . . . meet with persons needing their help. . . . [They] provide forms, often drafted specifically for use by persons without legal training, . . . written and automated, including forms accessible through the Internet, and assistance in completing the forms. . . . [A project] of the Legal Aid Society of Orange County California is including the ability to file documents created through its online forms process electronically with the court as soon as they are created, and from the same application. Some courts are developing processes by which a special master or court staff member "screens" paperwork to identify any problems before the case reaches a judge.<sup>2</sup>

The self-help center concept assessed in this report has the following characteristics: it provides information, assistance with understanding and completing forms, and an understanding of legal and court procedures involved in a variety of civil cases. It does not provide legal advice or assistance that might create an attorney-client relationship, even if the

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<sup>1</sup> John M. Greacen, "Self Represented Litigants and Court and Legal Services Responses to Their Needs: What we Know," a preliminary draft report (May 2002).

<sup>2</sup> *Id.* at pages 18-19.

center employs a staff attorney. Assistance would be provided in written form, through community workshops and pre-packaged videos, and one-on-one. Whether or not it would include Internet-accessible assistance is one of the elements of the assessment. The number and type of staff also are elements of the assessment.

## *II. Methodology*

Most of this assessment is based on interviews. Data available in Sutter County to aid the assessment are limited, but the monthly reports of the Family Law Facilitator covering the 15 months of February 2001 through April 2002 provided useful information to supplement the opinions offered during the interviews. A year's worth of data from the Small Claims Advisor (July 2001 through June 2002) also were made available; they provided another objective source of information to supplement the interviews. To supplement these sources, data from other jurisdictions that were available and germane also are offered. Finally, I use data from the United States Census of 2000.

So far as I could determine, there have been no surveys of the general public in Sutter County regarding legal needs or citizens' interest in a self-help center. When relevant and appropriate, I have included information from a national survey of legal service needs by the American Bar Association.

A list of those interviewed is provided in Appendix A.

I have not attributed any specific comment or opinion to an individual in order to fulfill my pledge of non-attribution. In a few instances, I indicate that "key" individuals or interviewees have a certain viewpoint. "Key" individuals in this report refers to judicial officers and/or senior managers of the Court.

Two chapters follow. In the "Findings" chapter, interviewees' opinions and their rationale, plus relevant data are presented without conclusions offered by me. In the final chapter, I offer my recommendations on each design element, including need, and supporting explanations where the rationale is not obvious from the material in the "Findings" chapter. I also offer preliminary budget figures in Chapter IV should the Court's decision be to establish the recommended self-help center pilot project.

### ***III. Findings Regarding Various Design Elements of a Self-Help Center for Civil Cases***

The various design elements of a self-help center, including the need for such a center for civil cases in Sutter County, are reviewed seriatim in this chapter. As appropriate, I provide data from studies from other jurisdictions as well as data from Sutter County that shed light on what might be expected if Sutter County were it to establish a self-help center for civil cases.

#### **A. Need For a Self-Help Center for Civil Cases**

*Most of the interviewees believe there is an unmet need for assistance, especially in landlord-tenant, conservator, guardianship, and domestic violence cases. Beyond these areas, in which they believe the need is critical and/or substantial, they believe the community would benefit from a self-help center providing assistance in a wide range of civil cases. Key interviewees are less certain of the need for and value of a self-help center for civil cases than are representatives of such a center's clientele.*

#### **Rationale**

Most interviewees base their assessment of need on two factors: their understanding of the community and their organizations' inability either to respond to requests for information and/or to provide assistance beyond their staffing capacity to handle. Based on these understandings and experiences, they perceive the unmet need as substantial and more than sufficient to warrant establishing a self-help center for civil cases. Interestingly, judges' perceptions are that the community's unmet need for assistance is narrow and not critical.

Many people view self-help centers as desirable based on their belief that many citizens cannot afford an attorney's services and thus are compelled to represent themselves if they are sued or believe they have a legal right or claim that must be pursued. For these interviewees, a self-help center would aid court staff and judges materially by assuring that forms are completed properly, parties understand what will happen in court, and parties more likely will be prepared when they appear in court.

#### **Data**

The Family Law Facilitator's statistical reporting form, prepared monthly for the Judicial Council, lists only four legal matters that are not directly within the Facilitator's jurisdiction: driver's license, physical violence/restraining order, adoption (starting in April 2002), and guardianships. From February through December 2001, 7.5% of all matters for which people came to Facilitator involved one or more of these issues. In the first four months of 2002, these four case types constituted only 3.7% of all the requests for assistance.

These data cannot be deemed to define need, however. The Family Law Facilitator has a defined purpose; one would not anticipate that those who come to Family Court Services for assistance outside of that purpose would represent the universe of need. Rather, the data suggest that even with a fairly well defined purpose and title, there are those in the community needing help who seek it from whomever might be able to

provide it, even from someone whose assistance is limited to “family law” issues. The data, therefore, could arguably support the proposition that there is a significant unmet need to which a civil law self-help center might respond.

A recent survey of studies of self-help centers across the country summarizes findings about why people represent themselves.<sup>3</sup> The results both support and raise questions about the centrality of affordability as the impetus for self-representation. The results from the different jurisdictions cannot be compared directly on each element, but they offer different perspectives that suggest what Sutter County might find. The two tables below show why people in other jurisdictions choose to represent themselves and also provide data on user income.

**Table 1**  
**Why People Represent Themselves**

<b>Jurisdiction</b>	<b>Reasons for Self-Representing</b>
Maricopa County (Phoenix), AZ	<ol style="list-style-type: none"> <li>1. Matter is relatively simple (45%)</li> <li>2. Cannot afford an attorney (31%)</li> <li>3. Do not want to pay an attorney even though they can afford one (22%)</li> </ol>
Hennepin County (Minneapolis), MN	<ol style="list-style-type: none"> <li>1. Could not afford an attorney</li> <li>2. Case is relatively easy</li> <li>3. Believe case will move faster without an attorney</li> <li>4. Did not want to pay an attorney even if they could afford to</li> </ol>
5 large & small jurisdictions in national study by National Center for State Courts	<ol style="list-style-type: none"> <li>1. Could not afford an attorney</li> <li>2. Case is relatively easy</li> </ol>

**Table 2**  
**Income of Those Using Self-Help Centers**

<b>Jurisdiction</b>	<b>Self-Representeds’ Incomes</b>
Maricopa County (Phoenix), AZ	Half had annual incomes of \$30,000 or less
Florida (19 of 67 counties)	69% earn less than \$20,000 a year
Idaho	43% have an annual income of \$15,000 or less 13% have an annual income above \$40,000 a year; one in eight made over \$50,000 annually
Washington	Average median income of attorney-represented litigants (\$35,500) is almost the same as the average median income of self-represented litigants (\$34,800).

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<sup>3</sup> Greacen, *supra*, note 1.

Van Nuys, CA	All clients earned 150% of the federal poverty level or less.
Hennepin County (Minneapolis), MN	75% of the self-help center's clients earn less than 187% of the federal poverty level.
Ventura County, CA (Ventura location)*	43% of center's users in 2000 earned less than \$1,000 per month. 28% earned \$1,000 to \$1,999 per month. None earned \$4,000 per month or more.
Ventura County, CA (Oxnard location)*	Two-thirds of that location's users in 2000 earned less than \$1,000 per month. Another 26.5% earned between \$1,000 and \$1,999 per month. None earned \$4,000 per month or more.

\*The target group in Ventura is "low to moderate income" citizens.

The Family Law Facilitator reports include data on client income. The Family Law Facilitator in Sutter County manages a self-help center dealing with all family law matters, not only those involving family support matters involving government funding. Citizens resident in any county may be served in the Family Services Center, so the income data for clients of the Family Services Center is highly germane on the question of the income of those who might use a civil law self-help center. Reports covering 15 months were reviewed for this assessment. They show the following monthly income picture of clients of Family Court Services:

**Table 3**  
**Monthly Income of Sutter County's Family Court Services' Clients**  
**February 2001 – April 2002**

<u>Monthly Income</u>	<u>% of All FCS Users*</u>
0 - \$1,000	49%
\$1,001 - \$2,000	34%
\$2,001 - \$3,000	11%
\$3,001 and above	5%

\* Some people decline to provide this information and there are data entry errors, so the figures do not add to 100%.

Data for Sutter County from the 2000 United States Census shows the following income distribution for the county's residents<sup>4</sup>:

Median <sup>5</sup> family income	\$44,330 <sup>6</sup>
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<sup>4</sup> U.S. Census Bureau, 2000 Census, Table DP-3, Profile of Selected Economic Characteristics: 2000, Sutter County, California.

<sup>5</sup> Half of the incomes are above and half below the median.

<sup>6</sup> For the entire state of California, median family income is \$53,025. U.S. Census Bureau, 2000 Census, Table DP-3, Profile of Selected Economic Characteristics: 2000, State of California.

Median household income	\$38,375 <sup>7</sup>
Median earnings for males working full time and year round	\$35,723 <sup>8</sup>
Median earnings for females working full time and year round	\$25,776 <sup>9</sup>
Percent of households earning under \$15,000 a year	17.4% <sup>10</sup>
Percent of households with income of \$50,000 or more	37.6% <sup>11</sup>
Percent of families with income of \$50,000 or more	44.3% <sup>12</sup>
Individuals whose income is at or below the poverty level in 1999	15.5% <sup>13</sup>
Families whose income is at or below the poverty level in 1999	12.1% <sup>14</sup>

The *number* of people to be served is another element of need.

In FY00-01, 464 “family law” cases were filed in Sutter County and 1,573 “other civil petitions” were filed, almost all of which were cases that could be handled by the Family Law Facilitator. The total for the two case categories, almost 2,040, is very close to the 2,094 total filings that same year for small claims, limited civil, other civil complaints, and the two personal injury case categories.

The Family Law Facilitator serves about 1,560 clients a year. The Small Claims Advisor serves almost 400 clients per year. One cannot conclude, however, that the parallelism between family filings and civil filings means the civil law self-help center will serve about the same number of people as Family Court Services. All of the Judicial Council’s studies show a very high percentage of litigants in family-related cases represent themselves. In government-generated family support cases, a recent statewide review for the Council indicates that both parents self-represented in 96% of the cases.<sup>15</sup> In Alameda County, California, during the 1990s self-represented parties grew from 9% in 1990 to 85% in 1999. In 1999 in San Diego County, California, four of every 10 filings in its “domestic court” involved self-represented litigants.<sup>16</sup>

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<sup>7</sup> For the entire state of California, median household income is \$47,493. *Ibid.*

<sup>8</sup> For the entire state of California, the comparable figure is \$40,627. *Ibid.*

<sup>9</sup> For the entire state of California, the comparable figure is \$31,722. *Ibid.*

<sup>10</sup> For the entire state of California, the comparable figure is 14.0%. *Ibid.*

<sup>11</sup> For the entire state of California, the comparable figure is 47.9%. *Ibid.*

<sup>12</sup> For the entire state of California, the comparable figure is 44.3%. *Ibid.*

<sup>13</sup> For the entire state of California, the comparable figure is 14.2%. *Ibid.*

<sup>14</sup> For the entire state of California, the comparable figure is 10.6%. *Ibid.*

<sup>15</sup> David M. Betson *et al.*, *2001 Review of California’s Statewide Uniform Child Support Guidelines* (Policy Studies, Inc., San Francisco, CA, 2001), page 27 (draft report).

<sup>16</sup> The data from both Alameda and San Diego were supplied by those courts to the author for a separate study he conducted in 2001 for the Administrative Office of the Courts.

The incidence of self-representation in civil litigation is much less well documented, both in California and elsewhere. The little data that are available indicate a much lower current level of self-representation but a growth pattern suggestive of the early years of self-representation in family matters. Alameda County is one of the few California courts that has tracked the growth of self-representation in civil cases. It reports that between 1990 and fiscal year 1999-2000, the number of self-represented parties in *general* civil cases—those involving \$25,000 or more in claimed damages—increased by 26%. In the early 1990s, the number of self-represented plaintiffs in these civil cases was a little over twice the number of self-represented defendants. By the end of the nineties, self-represented plaintiffs were about six times the number of self-represented defendants. The number of instances in which both parties were self-represented barely changed.<sup>17</sup>

The incidence of self-represented parties in family cases and in civil cases is better documented in urban jurisdictions than in suburban or rural jurisdictions. Some key individuals in Sutter County doubt that Sutter County's numbers are anywhere near those of more-urban counties. There are no Sutter County data to confirm or refute that perception. It is reasonable to assume, however, that the roughly 2,100 civil filings in Sutter County probably will produce fewer self-represented clients for the civil law self-help center than the roughly 2,050 filings in the family area produce for Family Court Services. What will remain unknown unless and until Sutter County opens a civil law self-help center is what the usage level will be.

#### B. Clients To Be Served

*A few people would restrict use of a self-help center to indigents, but most interviewees believe a self-help center should be available to all citizens regardless of income. There is mixed opinion about whether the center should serve only residents of Sutter County or be a joint Sutter-Yuba center.*

#### Rationale regarding types of clients

There are two rationales cited for making the center available to all citizens. The first is based on a management perspective: the practical difficulty and time involved in checking people's income to screen out those whose income is above a pre-set limit. The second is a belief that a court-sponsored program should be available to all citizens, particularly since citizens in all income brackets can and do represent themselves and pose the same operational problems for court staff and in the courtroom. The factors that make a self-help center appealing to court personnel and judges are unrelated to a citizen's income; the benefits will be realized regardless of a client's income. Therefore, for almost all interviewees, there should be no means test for clients using a self-help center. For one key interviewee, however, everyone would be welcome but only those whose income fell below a certain level would receive personal attention; clients with sufficient income to hire an attorney could, according to this interviewee, have unrestricted use of the center's written materials, but if additional assistance were required, these persons would be referred to a private attorney.

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<sup>17</sup> *Ibid.*

## Data

A number of the studies summarized in the recent review of self-help center evaluations examine who uses self-help centers. They do not uniformly examine the same elements, but education, income, and literacy have been examined in one or more such studies. For example, in the Phoenix study, 90% of the self-represented litigants had at least a high school education, with an average of one-to-three years of college. They were more likely to be young and to have no children or property. In Florida, 56% of the self-represented were women and 85% of these were petitioners in family law cases. In Idaho, users of the self-help center averaged 13 years of schooling. In Maryland, on the other hand, 6% did not have a high school education while 38% had a college degree or higher. In the evaluation of the Pine Tree Legal Assistance program, 8% of those interviewed were illiterate, but 3 out of 4 of these said they were able to make effective use of the materials in the program by having a literate person assist them. The National Center for State Courts' study found that self-represented litigants primarily were age 25 to 44, had a high school degree or some college, and a majority were female in four of the five jurisdictions.

### Rationale re a Sutter-only versus a Sutter-Yuba Center:

The issue of whether the center should serve Sutter County litigants only or also serve Yuba County litigants surfaces several philosophical perspectives. Some believe the two communities are so close physically and in their citizens' need for this service that limiting service only to Sutter County is unwise, both operationally and from the perspective of making best use of available resources. These interviewees see the river as narrow and inconsequential. Others remember projects proposed in years past to be undertaken by and/or for the two counties that fell victim to "local politics" (in one county or the other), often resulting in no project at all. These people see the river as very wide and difficult to traverse. This group does not necessarily disagree about the potential value and economies of scale to both communities, but sees the time and effort needed to work out a joint center and the chances for success outweighing the potential benefits. Key individuals dominate this group. These are the individuals who would have to take the lead were a center for both counties to be developed.

## Data

Both the Family Law Facilitator and the Small Claims Advisor in Sutter County track the county of residence of their clients. Keeping in mind that these are the *Sutter County* Facilitator<sup>18</sup> and Small Claims Advisor, it is instructive to note that about three-quarters of the Facilitator's clients are residents of Sutter County, as are the clients of the Small Claims Advisor. The Small Claims Advisor's data also show if clients are from Yuba County and "All Others."<sup>19</sup> In the 12 months from July 2001 through June 2002, 12.2%

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<sup>18</sup> As noted elsewhere, a special grant for the Family Law Facilitator in Sutter County allows the Facilitator to serve residents of any county.

<sup>19</sup> The Facilitator's data form asks for the number of residents of "this county" and "all other California counties," so Yuba County residents seen by the Facilitator are not separately counted.

of those seeing the Small Claims Advisor were from Yuba County and 14.5% were from other counties. Over 90% of all clients were involved in Sutter County litigation.

These data do not resolve the issue of what is desirable or even indicate what would happen if a program for civil cases that served both Sutter and Yuba were established and marketed to citizens of both counties. They are suggestive, however, of the likely residence of clients of a civil law self-help center that was announced as serving Sutter County.

C. Type and scope of service

*Everyone agrees that a self-help center for civil cases should provide informational pamphlets and brochures and written material about how to fill in the various forms needed for different kinds of civil cases. Almost all agree that a general library of books about the law and procedures for various kinds of civil cases also should be provided. Virtually all interviewees favor translating pamphlets and instructions for completing forms into Spanish. There is mixed opinion about translating these documents into Punjabi and Hmong, but a majority believe it is not necessary to do so.*

*Most believe the center should assist only with cases that can be brought to a state court. Some interviewees support providing assistance with all civil matters, including administrative and federal court proceedings and matters that would reach a court only if there were a subsequent problem, such as drafting contracts, medical directives, and wills. All interviewees agree that any attorney working for or in the center should provide information only (what, how, and why) but not establish an attorney-client relationship that would involve answering "whether," "is X better than Y?," and "should I?" questions.*

*Many interviewees believe members of the local Bar would be willing to volunteer time to supplement the center's attorney, particularly if the commitment were for a defined and limited time weekly or monthly. Others believe local attorneys would assist only for a "consultation fee" and if there were a possibility of obtaining clients as a result. Still others doubt that local attorneys would volunteer or believe that even if local attorneys volunteered initially, after a short period of time they would lose interest and withdraw.*

**Rationale re type of assistance and types of cases**

Even those who see no or limited value in a self-help center agree that if one is established, it should provide forms, instructions on how to complete the forms, general written information about what to expect in court, and information about how to conduct one's self in court. The disagreement regarding the need for or value of books about law and legal procedures rests mostly on citizens' willingness and capacity to use these effectively without some personal assistance. There is recognition among even the doubters, however, that better-educated citizens might be able to make effective use of such books without assistance. (Note the data above regarding the education of self-representeds in other jurisdictions.)

Almost everyone interviewed supports staffing the center with one or two clerical staff, perhaps a paralegal, and an attorney. As between an attorney and a paralegal, the majority of those interviewed support having an attorney. Regarding a full-time attorney, a part-time attorney, and volunteers, a few interviewees would make that decision based on demand over time, but most favor opening the center with a full-time attorney. A few people, mostly associated with the Court, believe the Family Law Facilitator could add assistance with civil cases to her assignment within her current time commitment.<sup>20</sup>

The issue about the type of cases and legal matters for which assistance should be provided is largely philosophical, although there is a practical side to the more-limited perspective, as well. Most interviewees believe that a center sponsored by and funded through a court should limit its service to matters that can be brought to a court for resolution; that is, in legal terms, to matters that present a judicable issue within the jurisdiction of a state court. That would exclude federal court cases such as bankruptcy and administrative matters such as workers compensation claims. It also would exclude local administrative matters such as zoning and municipal provision (or the lack of provision) of services. Finally, it would exclude assistance with drafting wills and medical directives—a need often cited by senior citizens and middle-class citizens when surveys are conducted—and drafting or reviewing business or personal contracts.

The practical element of seeking to limit the matters with which assistance would be provided relates to the wide range of possible civil law issues compared to the expertise of most attorneys today. Lawyers are not yet as specialized as physicians, but the degree of specialization in law is growing, even in smaller communities. Even a center that limits its assistance to matters in or potentially in a state court's jurisdiction will be asked for assistance across a wide range of case types. If the center employs or uses a limited number of attorneys, he, she, or they will have increasing difficulty responding effectively and fully to requests for aid as the center's sphere of assistance broadens.

All surveys of legal needs and of self-help centers identify family law matters as a major need. Sutter County already provides assistance to self-represented litigants in these areas. Therefore, there does not seem to be an unmet need in this legal area.

Those who argue for a broader provision of service primarily suggest that non-court matters, particularly wills, medical directives, and the drafting and reviewing of leases, make up a significant percentage of citizens' general legal needs. Many legally-based needs involve matters that are not court cases and, hopefully, will not become court cases. If there are problems, however, a court case may result down the line.

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<sup>20</sup> I could not obtain an opinion from either the former or current Family Law Facilitator on this issue. I was unable to interview the former Facilitator before her departure and the current Facilitator has not been in the position long enough to have a firm opinion. Regarding expertise, however, there is a legitimate question whether it is reasonable to expect someone who has devoted a career to family law matters to know or be able to pick up enough general civil law to be effective, i.e., not risk incomplete and ineffective assistance.

## Data

The rationale for a broad-based range of services finds support in a 1994 national survey of legal needs conducted for the American Bar Association.<sup>21</sup> That survey reported results separately for low-income respondents (125% of the federal poverty level or less) and moderate-income respondents (up to \$60,000 household income per year). It found that the most-common legal needs for both groups pertain to personal finances, consumer issues, housing, and real property. For low-income respondents, the most common housing issues related to unsafe conditions, disputes about utilities, and disagreements with landlords. For moderate-income respondents, real estate transactions were the major problem. Moderate-income respondents citing community and regional issues identified environmental hazards and opposition to the location of facilities, while low-income respondents most-often cited inadequate police and other municipal services. Wills and estates, advance medical directives, and estate administration were important issues for moderate-income respondents, but not for those with low income. These different issues and concerns between the two income groups are not surprising, but worthy of note in this context are the number of issues that do not and may never involve a court case.

The Ventura County, California, Self-Help Legal Access Center collects data on the case types about which clients seek assistance. The range of cases for which assistance is available is long:

Adoption	Guardianship
Appeals/Probate	Labor/Employment Dispute
Change of Name	Neighbor Dispute
Civil Harassment	Personal Injury
Conservatorship	Real Estate
Consumer Matter	Small Claims
Contract Dispute	Traffic
Criminal	Unlawful Detainer
Family Law	Other

Among these cases, both in Ventura and in Oxnard, the five case types for which citizens most often seek assistance are:

Family Law (26% in Oxnard, 5% in Ventura)  
Unlawful Detainers (16% in Ventura, 21% in Oxnard)  
Small Claims (14% in Ventura, 9% in Oxnard)  
Guardianships (10% in Ventura, 5% in Oxnard)  
"Other" (10% in both Ventura and Oxnard)

In addition, 5% of clients in Oxnard and 7% in Ventura seek help with contract disputes and 5% and 4% of the requests for assistance in Ventura and Oxnard, respectively, are

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<sup>21</sup> Consortium on Legal Services and the Public, "Legal Needs and Civil Justice, A Survey of Americans: Major Findings from the Comprehensive Legal Needs Study," (American Bar Association, Chicago, IL, 1994).

for “consumer matters.” Seven percent of those in Ventura but only 2% of those in Oxnard seek help with “traffic.”

### **Rationale re assistance from local attorneys**

The question of assistance to the center by local attorneys, either on a volunteer basis or for a consultation fee, gets a mixed response. Most of those interviewed believe members of the local Bar will volunteer if the time being requested is limited and scheduled. And, they believe that local attorneys will continue to volunteer over the long term. They cite their positive experiences to support these views. Those who feel otherwise also cite experience. I cannot assess which group’s views are better supported and more likely to be correct. I note, however, that the judges interviewed tend to be more negative about the willingness of the Bar to provide and sustain voluntary assistance.

### **D. Location of Center**

*A majority would like the center to be as close to the courthouse as possible; for them, it can be a stand-alone operation. A few believe it can and should co-locate in the current Family Court Services space. A few suggest locating the center in or near shopping malls or other locations providing governmental services to citizens, such as health centers, social security assistance, and welfare assistance. While a limited number of people were intrigued by the idea of a mobile center, most who supported the idea of more than one location favored one or two additional fixed locations in government buildings in outlying sections of the county rather than a van or small bus.*

*Some favor building a new “community legal resources center” for “one stop shopping,” in which all agencies providing legal services to the community—e.g., Family Court Services, California Rural Legal Assistance (CRLA), the Yuba-Sutter Legal Center for Seniors, the Small Claims Advisor, the civil self-help center, and any other community resources assisting with civil legal matters—would have offices and staff. Others believe the management and logistical challenges of such a center make it unlikely even when they concede the merit of such an idea.*

### **Rationale re location of the center and a “community legal resources center”**

The rationale for having a center in or very near the courthouse is straight-forward: to put the assistance in or as close to the courthouse as possible in order to maximize the chance that it will be used and used effectively. There is a significant body of opinion that if citizens come to the courthouse, discover they need help, but have to travel far from the courthouse to obtain it, many will not use the center. Implicit in this view is the belief that those who would benefit most from a self-help center will not recognize the need or think of using the center prior to coming to the courthouse to obtain papers, file papers, or appear in court. And, even if they recognize their need for assistance prior to visiting the courthouse, those respondents believe they will not visit or use a self-help center unless it is close to the courthouse. Those who want a center to be in

or near the courthouse generally accept that the current location of the Family Court Services offices—about a mile from the courthouse—is close enough.

There are mixed opinions whether there is enough space in the current Family Court Services offices to add a civil self-help center. This question is resolved most easily by having an architect or space planner review the current space allocation in FCS offices to determine if space for the staff of a civil law center could fit. Prior to that review, the space needs of a new center would have to be determined. Those needs are determined by staff size, types of staff, and whether the Family Court Services conference/workshop room and the current library space can accommodate the addition of a civil law center.

If the current space being used by Family Court Services cannot accommodate the addition of a civil self-help center, a new location for both centers makes sense. Today, some people come to Family Court Services seeking assistance on civil matters simply because they know assistance to self-representeds is available there and they need help; the legal distinctions between family law and general civil matters that are so clear to court staff and the legally trained are lost on some citizens. Customer service is enhanced if citizens know there is one location to which they can go for assistance for all court cases. Second, both centers would offer workshops to groups of citizens and both would offer a library/reference room. Well-designed, jointly-used space would avoid needless duplication.

A committed minority of interviewees favors locating a civil law center near other government service providers or in a shopping mall, rather than in or near the courthouse. Their views are based on public transportation routes<sup>22</sup> and their opinion that those with limited income—who they feel are most likely to use the civil self-help center—already regularly seek assistance with medical, welfare, and/or social security problems. Putting a civil law self-help center near these other assistance centers would improve both access and use according to these interviewees.

Logic similar to the thinking that supports co-locating the family law and civil self-help centers also supports a “community legal resource center.” There is almost no support for a civil law center replacing or competing with the existing Small Claims Advisor, the “senior law” advisor, or the services available from CRLA. Therefore, some argue, all of these services, plus any other publicly-supported or provided services addressing legal problems, should co-locate in a single location where all would have offices. The resource center’s reception staff then would “triage” individuals and their problems and refer them to the appropriate resource/service provider. The programs also could share library space and workshop rooms, thereby achieving economies of scale for all.

The arguments against such a community legal resource center are based on administrative and perceived political concerns. The administrative issue is primarily the additional time and expense involved in planning for and creating such a community center. A stand-alone civil center or a center for both family law and civil cases

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<sup>22</sup> The 2000 U.S. Census indicates that 7.9% of Sutter’s residents do not have access to a motor vehicle. (The comparable figure for the state is 9.5%) U.S. Census Bureau, *supra* note 6, in Table DP-4.

managed solely by the Sutter County Superior Court could be designed and made operational relatively easily. If a number of additional agencies and programs are involved, both planning time and implementation challenges rise exponentially. Most of those in the Court are not willing to take on the additional time and responsibility involved in creating a community legal resource center.

The political issue has two components. The first is the political liability perceived by a few of including the CRLA. (The CRLA is said "not to be in favor" with some elements of the community.) The second component is that the logic of a single resource center for Sutter County makes the argument for a resource center for both Sutter and Yuba counties stronger. As indicated, however, there is little interest within the Court in devoting time and energy to a joint Sutter-Yuba center.

#### E. Staffing

*Almost all interviewees feel strongly that personal, one-on-one assistance should be available, preferably by a staff attorney working full time. Some believe that having an attorney available part-time is sufficient, but among these there is some uncertainty that a part-time position will be sufficient or that a good attorney could be found to work part time if it affected her or his ability to practice in the court on other cases. A few key individuals would provide only clerical and paralegal assistance in the center. Two key individuals believe assistance with civil cases could be added without difficulty to the current assignment of the Family Law Facilitator. Virtually everyone believes that at least one staff person in the center should be bi-lingual in Spanish. Although there are other relatively large groups in the county who speak other languages, the consensus is that it is not necessary for staff of the center to be able to speak those other languages.*

#### **Rationale**

The belief in the need for one-on-one assistance has two foundations. The first is experience, both by Court staff in Family Court Services and by current providers of legal assistance to Sutter County's residents. This view is shared by most of the judges, who see those who self-represent in court. The second is the generalized experience of the balance of interviewees with citizens of Sutter County. This experience includes knowledge of the education and income levels of many of Sutter's residents.

The questions of having an attorney on the staff of the center and whether an attorney is needed full time or part time get mixed reactions, but a clear majority favor a full time staff attorney. Much of the rationale for having an attorney on staff is the issue of "legal advice." While everyone agrees the attorney should not establish or appear to establish an attorney-client relationship with clients of the center, almost everyone also agrees that the questions citizens are likely to ask will have enough of a "legal" component that it is unfair, and probably unwise, to ask court staff or even a paralegal to respond. A few interviewees believe a paralegal with experience in civil law can respond to almost all questions. Any questions to which a paralegal could not respond could be referred to volunteer attorneys in the center or simply referred to a private attorney who could be hired by the citizen. Whether the latter option would exist for enough of the center's

clientele will turn on three factors: 1) those who primarily would use the center, even if the center is available to everyone; 2) one's belief that sufficient legal-advice options exist for the very poor; and 3) one's belief that those who earn more than 125% or 150% of the federal poverty level can find enough money to hire an attorney.

There is general consensus on the issue of staff having bi-lingual capacity. Everyone agrees that at least one person in the center should be bi-lingual in Spanish.<sup>23</sup> There is divided opinion regarding whether bi-lingual staff in Punjabi is needed, although a substantial majority believes that such a staff person is not needed.<sup>24</sup> This latter belief rests on the general experience of most individuals with members of the Sikh community and interviewees' specific experience with members of the Sikh community when they come to Family Court Services and to court.

## Data

The Family Law Facilitator's data are very helpful regarding the need for bi-lingual staff. During the 15 months for which data were reviewed, 90.5% of those using Family Court Services were reported to have English as their primary language. About 6% were reported as having Spanish as their primary language.<sup>25</sup> Farsi in on the Facilitator's list; only one person out of 1,600 people was reported as having Farsi as his or her primary language. That number is not consistent with the demographics of the county, but it supports the view that a civil law self-help center would not need staff fluent in Punjabi.<sup>26</sup>

## F. User Fees

*Most interviewees would provide service without charging fees to anyone. Some interviewees favor a "sliding scale" approach, with no-fee service available to those earning up to 125% of the poverty level or, for some interviewees,*

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<sup>23</sup> Twenty-two percent of Sutter County's citizens claimed Hispanic ethnicity in the 2000 Census. (The comparable statewide number is 32%.) U.S. Census Bureau, *supra* notes 4 and 6, Table DP-1. From a management and human resources standpoint, whether there would need to be two individuals bi-lingual in Spanish will turn on decisions about co-locating the civil center with Family Court Services or having it "stand alone." If the civil law center is a stand-alone center, there is greater likelihood of at least a second, part-time bi-lingual staff person being needed to cover vacations, sick-leave days, and other excused absences of the Spanish-speaking staff member.

<sup>24</sup> Nine percent of Sutter's population are "Asian Indian," according to the 2000 Census. Statewide, 1% of all citizens are Asian Indians. U.S. Census Bureau, *supra* notes 4 and 6, Table DP-1.

<sup>25</sup> According to the 2000 Census, 70% of Sutter's residents speak only English in their homes, compared to 61% statewide. Homes in which Spanish is spoken at home contain 18% of the population over 5 years old in Sutter (20% statewide). Of these individuals, about 10% in Sutter County speak English "less than 'very well.'" (Statewide, the comparable percent is 14.) U.S. Census Bureau, *supra* notes 4 and 6, Table DP-2.

<sup>26</sup> One must recognize that if Family Court Services is known as a facility that does not provide assistance for those fluent only in Punjabi, those who speak only Punjabi and who do not know someone with sufficient English to accompany them, might choose not to come to the FCS. Correspondingly, if a civil law center were known as a place with staff fluent in Punjabi, more people fluent only in Punjabi might seek to use the center. Nonetheless, the data powerfully support those who argue that it is not necessary for the civil law center to employ staff fluent in Punjabi.

*somewhat more. Others prefer a small fixed fee for all users or for all those earning more than 125% of the federal poverty level.*

### Rationale

Perspectives about charging fees are tied closely to perspectives about who would use the center. (See above.) The division between those who want all to be served without a fee and those who favor a fee—at least for those above a certain income level—is relatively close, however. A small majority favors no fee for anyone; among those favoring a fee, most favored a graduated fee schedule based on income.

Among those favoring a fixed fee, there is no consensus as to the amount of that fee. There also was no consensus about the level of a graduated fee schedule.

To provide a basis for discussion, I asked some of those interviewed about a specific model of a graduated fee schedule. The concept underlying this model is the same as a sentencing scheme for fines in criminal cases. The normal model for criminal fines is to set a fine amount—or a fine “not to exceed” a pre-set amount—based on the crime committed. It is assumed that the fine will serve as a general deterrent. If someone convicted of that crime earns \$100,000 a year and pays the same as someone earning \$12,000 a year, that is acceptable because “generally,” the fine reflects the relative severity of the offense from society’s standpoint and most of those who would commit a crime worth \$X would be disadvantaged by that fine. Some Scandinavian countries have shifted the focus from general deterrence to specific deterrence, creating a “day fine” scheme that impacts each defendant equally. The focus shifts from the “value” of the crime to equalizing the burden of the fine on each person. In the “day fine” model, the “day value” of a crime is established in advance. The “day value” is graduated just as fines in the United States are graduated. That is, the more serious the crime, the more “days” it is worth. Then, each convicted person pays his income for X days as the fine. For example, if a breaking and entry conviction is deemed to be worth, say, three days, a convicted defendant would pay three days’ income as the fine. A person earning \$100 a day would pay a fine of \$300; a person earning \$500 a day would pay \$1,500. The relative financial impact of the fine is the same for both defendants, thus equalizing the specific deterrent effect. The richer person pays more dollars, but the *relative* fiscal impact of the fine is the same.

This scheme could be translated to a graduated fee for a civil self-help center, only using hourly income instead of daily income. One could determine in advance, based on policy and philosophy, that assistance from the center for those earning X% above the federal poverty level—or for those earning above a certain amount—would be one, two, or three hours of income. Someone earning \$10 a hour (roughly \$20,000 a year) then would pay \$10, \$20, or \$30 to use the center. Someone whose salary equates to \$50 an hour (roughly \$100,000 a year) would pay \$50, \$100, or \$150 for the same service. The fiscal impact would be the same even though the higher-earning client would pay five times as many dollars as the lower-earning client. A table showing the amount that might be paid by people with incomes between \$17,500 and \$60,000 appears on the next page.

Among those asked about this specific scheme, which was about half of those interviewed, about half thought this scheme would be a good approach to developing a graduated fee schedule. The other half felt either that the scheme was unduly complicated to administer or that if a fee were to be charged anyone, there should be only two fees, zero and a single fixed amount regardless of income.

One of the objections to any graduated fee schedule is the burden of soliciting and checking on income information and the prospect of people not telling the truth. There is a strong sense in government, especially when money is involved, that every citizen is a potential liar. To preclude even one citizen from gaining a government service without paying the appropriate amount, everyone's income must be checked. There also is a constitutional prohibition in California about government funds being spent for private benefit; many government officials believe that if anyone receives a government service without paying, or without paying the "proper" amount, this prohibition is being violated.

To avoid the costs of checking income, the pragmatists among those interviewed who felt that a fee for service was appropriate preferred a fixed sum over a "sliding scale." There also was a sense that if a citizen were asked to pay, say, \$100 for service at the self-help center, this person would expect a higher level of service rather than recognizing and accepting that he or she was paying a sum equivalent in its burden to someone who paid \$20. Some key individuals felt that an "hourly income" fee schedule would be too complicated to explain and thus would cause difficulty for center staff. Finally, a few interviewees felt that if someone could pay, say, \$100 to use the center, this person should be hiring an attorney rather than using the center. (There was a strong sense among most of those interviewed that the center should not compete with—or be seen by the local Bar to be competing with—the private Bar.) Interviewees did not know about the evaluation studies of other self-help centers that show that some people choose to represent themselves because they do not want to pay an attorney any amount, even when they can afford to do so (see page 5, above). It is unclear whether this information would change anyone's mind, however.

To a degree, the uncertainty about charging a fee for the center's service reflects the multiple goals of self-help centers: some goals focus on benefits for citizens while others focus on benefits for the court. The two sets of goals are not necessarily compatible thus causing a tension on issues such as charging for the service and appearing to compete with the private Bar.

**Table 4**  
**Illustration of an Hourly-Income-Based**  
**Graduated Fee Schedule**

Annual Income*	Fee based on income for work of: **		
	1 hour	2 hours	3 hours
\$15,000*	\$7.21	\$14.42	\$21.63
\$17,500	\$8.41	\$16.83	\$25.24
\$20,000	\$9.62	\$19.23	\$28.85
\$22,500	\$10.82	\$21.63	\$32.45

\$25,000	\$12.02	\$24.04	\$36.06
\$27,500	\$13.22	\$26.44	\$39.66
\$30,000	\$14.42	\$28.85	\$43.27
\$32,500	\$15.63	\$31.25	\$46.88
\$35,000	\$16.83	\$33.65	\$50.48
\$37,500	\$18.03	\$36.06	\$54.09
\$40,000	\$19.23	\$38.46	\$57.69
\$42,500	\$20.43	\$40.87	\$61.30
\$45,000	\$21.63	\$43.27	\$64.90
\$47,500	\$22.84	\$45.67	\$68.51
\$50,000	\$24.04	\$48.08	\$72.12
\$52,500	\$25.24	\$50.48	\$75.72
\$55,000	\$26.44	\$52.88	\$79.33
\$57,500	\$27.64	\$55.29	\$82.93
\$60,000	\$28.85	\$57.69	\$86.54

\* The state's minimum wage paid for full time work results in an annual income of less than \$15,000 a year. Those earning \$15,000 or less a year should pay nothing to use the center.

\* The hourly income in this table is calculated using 2,080 working hours per year.

#### *IV. Recommendations*

Because of the division of opinion on almost every issue, it is clear that the Court might reach conclusions different than mine. The most important recommendation in this report, therefore, is that the final decision(s) represent a decision behind which the Court can stand and work to make successful.

##### Recommendations

1. Establish a three-year pilot project of a civil law self-help center.
2. The center should serve those who are parties in a court case or who are about to file, or are considering whether to pursue, a case in court.
3. Consequently, the center should assist only with cases and legal matters that are within the jurisdiction of the superior court.
4. The center should serve only the Sutter County Superior Court during the pilot period. The Court should establish a liaison with Yuba County regarding any civil law self-help center Yuba County has and/or may create and exchange evaluation data so each can benefit from the other's experience. The issue of a joint self-help center can be addressed again at the end of the pilot period.
5. The civil law self-help center should co-locate with Family Court Services under a new name identifying the broader purpose of the combined operation. If the civil law center can be accommodated within the space currently allocated to Family Court Services' offices, that would be best. If not, the two units should seek new office space near the current location of Family Court Services.
6. The center's staff should consist of two clerical support positions and a full-time attorney. Before committing to an attorney on the staff of the center, however, the Court should seek a formal arrangement with the Bar Association for it to provide a panel of 20 or more volunteer attorneys who would staff the center for at least 10 hours per week or, preferably, 20 hours a week (four hours per shift, five days a week). The Bar should screen and select panel members, schedule appearances, and serve as the liaison for the Court regarding any issues or problems associated with operation of the panel. If such an arrangement can be made to the parties' mutual satisfaction, then the self-help center will not need to hire an attorney but, instead, can hire a paralegal full time.
7. At least one staff member in attendance at the center, hopefully the law-trained staff member, should be bi-lingual in Spanish.
8. The center should provide a wide range of written materials about how the Court operates, what is expected of litigants regarding paperwork and in the

courtroom, the normal steps in processing each case type, and, as appropriate, a forms packet with instructions. Written materials should be in English and Spanish. If the Sikh community can provide volunteers who can translate these materials into Punjabi, that should be accomplished, as well. The Hmong community in Yuba County also should be consulted about translating some or all of the documents into Hmong. (Of course, to the extent that the Judicial Council or another trial court already has translated documents, these should be used.) Written materials that are specific to Sutter County should be developed prior to opening the doors of the center.

9. A library of books and pamphlets that can supplement the written materials suggested in paragraph 8 should be assembled. It should include a fairly complete set of Nolo Press<sup>®</sup> books, Witkin's procedure and law books, at least one legal encyclopedia, and Black's Legal Dictionary.
10. The Court's web site should have a portal to both the Family Law and the civil law self-help centers. Links to the Judicial Council's self-help web pages should be provided. The Court's web site should provide, at minimum, downloadable versions of the forms identified in paragraph 8, the court's fee schedule for civil and family law cases, and maps to the center and to the courthouse. There also should be a "comments" or "feedback" section so citizens can identify and the Court can consider additional features that would help the self-represented.
11. The center should not charge any client earning \$20,000 a year or less or \$10 an hour or less. Those earning more than these amounts should pay a flat fee of \$25 to help cover the cost of operating the center. The fees paid should be used solely for the center, to enhance the web page, to expand the written materials available, and to assist the center to advise the community of its services. Clients should be asked their hourly or annual income as part of the intake process; their response should be accepted without question.<sup>27</sup>
12. Workshops akin to those conducted by Family Court Services should be conducted by staff of the center and/or by the attorney volunteers. They should focus on procedural issues and forms completion—including drafting civil complaints—rather than substantive law. To the maximum extent possible, they should be scheduled at times convenient to the center's clientele.
13. Appropriate and useful videotape presentations should be available for viewing in the library or a small "video learning" room. If the tapes and TV are in the library, a viewer should have to use headphones so that use of the tapes will not preclude others from using the library.

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<sup>27</sup> The number (and percent) of those who will lie about their income will be small enough that the few dollars lost will be substantially less than the cost of confirming the incomes of everyone.

14. An evaluation plan should be developed as the center is being planned. The evaluation should start the day the center opens and continue through the end of the three-year pilot period. The cost of the evaluation should be built into the budget of the center. Evaluation results after the end of the first year and annually thereafter should be reviewed and inform any changes needed in the center's operation and should be the basis for determining whether or not to continue the center at the end of the pilot period. The evaluation should extend beyond demographic data to issues of effectiveness from the client's perspective and impact on Court staff and how matters are handled in court. Outcome measures also should be included.
15. The Court should seek grant funds from the Judicial Council to fund the pilot effort. Should it be unsuccessful or should the council not provide sufficient funds, the Court should try to identify a local or regional foundation that might be interested in this project. Depending on the final components of the center and the annual budget, as a "fall back," the Court should examine its budget to determine if funds for the center can be provided through the annual budget.

### Discussion

The rationale and bases for most of these recommendations are apparent from the discussion in Chapter III. A few would benefit from additional elucidation, which is offered below.

### **Pilot Project**

There is considerable local and state-level support for civil self-help centers. There also are a growing number of highly regarded self-help centers attached to courts in other California counties and other states. Yet, there is considerable skepticism in the Court regarding the need for and value of such a center. A pilot project would require the commitment of planning and on-going resources, but it would allow the Court to respond to considerable public support for the concept without an indefinite commitment. A pilot project also would allow the center to test community need without an indefinite commitment. The evaluation data will support or question the center's value and identify any needed changes that can be made in the second or third years or at the end of the pilot period, as appropriate. Three years are recommended to make it worth an attorney's while to commit to the center—if an attorney position is created for the center—thus improving the Court's chances of finding an effective and skilled practitioner willing to join the center.

### **Need**

It is not possible to provide an estimate of what kind of people will use a civil self-help center or in what numbers. What we know with some certainty, however, are the following:

- Agencies serving citizens with civil legal problems, including staff at Family Court Services, believe there is a significant unmet need that would benefit from having a civil self-help center.
- Almost one-third of Sutter County's residents earn less than \$25,000 a year and thus are unlikely to be able to afford to pay a private attorney's fees.

- The legal services available to those whose incomes are 125% or less of the federal poverty level are unable to meet the demand for services. Twelve percent of Sutter County's families and 15.5% of its individuals in 1999 had income at or below 125% of the poverty level.
- The little data that exist regarding the incidence of self-representation in civil cases, albeit from an urban California court, indicate a significant increase in self-representation in general civil cases since 1990. While the numbers and percentages may not be as high in Sutter County, there is no reason to assume Sutter County has escaped or will escape this trend.
- From the court's perspective, the increase in self-represented plaintiffs in Alameda County, both in absolute terms and relative to the number of self-represented defendants, suggests a need for caution regarding "justice" and "access" issues that are or soon will be present in Sutter County.

Caution about starting unneeded programs is wise government. Prudence in addressing a small problem before it becomes a larger, less-manageable problem also is wise government. On balance, in the branch of government directly charged to assure "justice" and access, prudence seems like a wiser choice than rejection.

### **Scope of Services**

The Small Claims Advisor, the Legal Center for Seniors, and CRLA already provide citizens assistance with some of the case types that could be handled in a civil law self-help center. So far as appears, each is doing a good job. No one offered a rationale for the Court to compete with these services. The Small Claims Advisor is funded through the Court; that service could and should be folded into a civil law self-help center, but the other two services stand alone and should not be undermined by the Court's center.

While this "no competition" policy supports the value of a single "community legal resource center," such a "one stop" facility garners little support among key individuals and probably is not feasible, at least at this time. Therefore, although there are some inherent inefficiencies and difficulties involved for citizens, the Court's self-help center should refer appropriate matters to the Legal Center for Seniors and to CRLA as readily as it would refer a paying client to a private attorney.

### **Co-location with Family Court Services**

One could argue that Family Court Services and a civil law self-help center are sufficiently distinct that they could and should operate in different locations. The potential for confusion of and incorrect choices by citizens should they be separated, however, is great. Co-location is good public service. Co-location also is prudent management, as some staff and rent savings are possible with co-location.

I have not studied Family Court Services' floor plan. There are a few possible challenges, however, were a civil law self-help center to be moved into Family Court Services' present space. Both services will need a library. Planners must be sure the current library space is sufficient to accommodate the additional needs created by a civil law self-help center, including additional users. Both centers will offer workshops. Family Court Services has a "conference room" currently used for its workshops. Is that single room sufficient, both in terms of size and accommodating the scheduling of workshops for both centers? If the Court and Bar Association

can arrange for staffing of the center by volunteer attorneys, the volunteers and the paralegal will need offices, as they all should offer clients privacy to discuss their legal matter even if there is no attorney-client communication. In case volunteers' time overlaps or there are enough volunteers to have two attorneys present at one time, it would be prudent to plan on two offices for the volunteer attorneys. The space planners will have to assure that sufficient space can be allocated.

Space is cheaper than people. Well-designed space can make an office attractive to potential clients, user-friendly for those who enter, and enhance the flow of people and work. For a court, security concerns also are critical, particularly for Family Court Services. The current space of Family Court Services certainly is adequate, but adding a civil law center creates an opportunity to find larger space and rethink the best way to move people and work through the facility and to assure security. In the process, interior designers can rethink how to enhance the environment to make it easier for a first-time user to find what he or she wants and then to obtain the information desired.<sup>28</sup>

If a civil law center can be accommodated in the current Family Court Services space, that is preferred for several obvious reasons, not the least of which is financial. If a sufficient grant can be obtained from the Judicial Council, however, it might be beneficial to seize the opportunity created by establishment of a new service to seek larger, better-designed space for both centers.

#### **Staff for the center**

There is some doubt whether a satisfactory arrangement between the Court and the Bar Association can be achieved. Therefore, it is probable that the center will need to hire an attorney full time. A grant application should be developed with the expectation of having a full-time staff attorney. Should an arrangement with the Bar turn out to be achievable, the budget can be revised accordingly.

Family Court Services has three support staff and one Facilitator. If the civil self-help center has a comparable number of clients (see page 6, above), sufficient support staff will be needed. If the two centers co-locate, two staff positions for the civil law center should be sufficient. If they do not co-locate, the civil center should start with at least two support people and possibly three. The Court's managers are better able to gauge these numbers, however, based on their experience with Family Court Services.

#### **A web site for the center**

Most of those interviewed believe that only a small percent of those who are most likely to use a civil law self-help center have and use access to the Internet. If so, that would suggest the cost of developing a web site for the center could and should be avoided. The countervailing argument has three components. First, computers are not yet as ubiquitous as telephones and automobiles in households, but over 60% of households now have at least one computer and 38 million workers nationally have access to computers at work. In addition, public libraries are trying harder to provide electronic access to the Internet for those who cannot afford a computer at home. Second, computers and/or devices providing Internet access will increase their penetration of households over time. The absence of web access will put the Court at a

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<sup>28</sup> Two-thirds of the clients of the Sutter County Small Claims Advisor are first-time users.

disadvantage in serving clients and may merely postpone something that will be needed, possibly in only a year or two. Finally, whatever the demographics in Sutter County, some Sutter residents and some of those in other counties who may have or are contemplating a lawsuit in Sutter will have Internet access. These individuals should not be denied access to web-based information because Sutter currently might not have the same level of demand as, for example, Santa Clara County.

### Service Fee

There is considerable logic to and support for no fees being charged to use the self-help center. A decision to provide these services without charging any fee would be reasonable and cause no political or practical difficulties so far as the interviews revealed.

I recommend a fee for those earning more than \$20,000 a year or \$10 an hour for three reasons. A number of those interviewed pointed out that people approach a service more seriously, and are likely to follow through more consistently, if a fee is involved. I concur. Regrettably, it seems to be true that many citizens believe that a free service either is a service lacking in quality or is not be taken as seriously as something for which they must pay.

Second, it is likely that however the center is funded, all the funds needed will not be provided. A \$25 fee is unlikely to make up for a significant shortfall in funding, but it could help the center cover a small shortfall. If all requested funds are provided, a small fee would enhance the center's ability to reach out to the community and to improve the services available at the center.

Third, members of the Bar will not see a fee of \$25 as so high that it suggests that someone is using the center rather than hiring an attorney. Especially since the center will be a pilot project and the Bar's assistance will be sought, there is no need to add a component that will raise fear and concern among Bar members.

The fee should be dedicated to the center and not added back into the Court's general fund budget.

There is insufficient support for a "sliding scale" fee to attempt it at this time. It has considerable appeal to me, however. It retains all the advantages of a fixed fee, but imposes the same relative burden on every user. A fixed fee of \$25 has a different impact on someone earning \$25,000 a year than on someone earning \$50,000 a year.<sup>29</sup> A sliding scale may cause the latter individual to think twice about whether a self-help center or an attorney is a better economic decision. At the same time, for those who wish to represent themselves because they do not want to hire an attorney at any price, it at least raises the cost of litigation a little more than a single, low, fixed fee.

The figures in Table 4, above, could be rounded up or down to the nearest dollar with no adverse affect. It would simplify the schedule yet retain the principle. While the concept allows for infinite variation, gradations of \$2,500 or \$5,000 also would simplify the schedule without harming the principle.

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<sup>29</sup> The equivalency is 2+ hours of work versus about 1 hour of work. It also is germane that 44% of the families in Sutter County earn \$50,000 or more.

At the policy level, the debate is the same as a graduated income tax versus a single-rate tax. My policy preference is for a graduated tax, but, as indicated, there does not seem to be sufficient support for the concept to make it part of the plan at this point.

### Evaluation

A strong evaluation component should be part of the project. A good evaluation has a number of positive consequences. It can show participants that all the hard work is paying off. It can provide early warning signs of problems or unintended consequences so that adjustments can be made and more-negative results avoided. It can demonstrate to the public, to policy makers, and to funding authorities that the program is beneficial and deserves to be continued. It can point the way to adjustments in the program that will enhance its effectiveness and/or bring it closer to achieving the goals sought at the beginning. And it can save the Court from continuing to waste funds on an ineffective, unneeded, or harmful program if that is what the evaluation shows.

If a court is willing to test ideas with an understanding that new programs may not always be successful but always will provide valuable lessons for future improvements, it must support a strong evaluation component in every new project. Evaluation of a civil law self-help center is even more critical in Sutter County because of the doubts of several key individuals about the need, the value, or both of such a center.

A thoughtful researcher and former state court and trial court administrator in another state recommends the following questions be part of an evaluation of self-help centers.<sup>30</sup>

- *Access to the service:* did clients learn of the service and were they able to access it?
- *Use of the service:* did clients actually use it?
- *Client satisfaction:* how did those who used the service rate it?
- *Client education:* did the client understand the information or advice provided?
- *Client expectations:* did the client change his or her expectations about the likely outcome of the matter as a result of the service?
- *Court satisfaction:* how was the service rated by judges, court staff, and other entities whose work was affected by the service?
- *Client actions:* did the client do anything as a result of the service?
- *Client outcomes:* did the action taken by the client produce any change in the client's situation?
- *Client outcomes:* was the change in the client's situation a positive one from the client's perspective?
- *Client outcomes:* was the change in the client's situation sufficient to achieve the client's goal or goals in the matter?
- *Client outcomes:* was the outcome for the client "just" from the standpoint of knowledgeable legal observers?
- *Client outcomes:* what was the impact of the outcome on the client's life?
- *Other outcomes:* what was the impact of the service or outcome on other agencies or entities?

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<sup>30</sup> Greacen, *supra* note 1, at pages 20-21.

- *Cost effectiveness:* is the self-help program cost-effective, both in terms of other such programs and compared to other forms of assisting poor litigants?

I suggest three additional questions for consideration:

- Are the matters handled by self-represented litigants resolved in less time, in more time, or about the same amount of time as attorney-represented cases?
- Are the outcomes for self-represented parties who use the center more positive than the outcomes for self-represented parties who do not use the center?
- Are clients' perspectives about the Court more positive as a result of using the center?

### Funding

The budget suggested below exceeds \$185,000. The operating budget of a court the size of the Sutter County Superior Court cannot readily "free up" that level of funding for a new program. Over time, however, it could seek budget increases to cover the full-time positions.

If funding from the Judicial Council is not available, the self-help-center concept has inherent appeal to foundations and others interested in supporting improvements in the justice system. It may be productive to identify and seek funding from such funding alternative funding sources.

### Budget Projections

Two sets of budget figures are presented below. The first is a suggested first-year budget for the recommended self-help center. The second is a listing of the components of a self-help center that might be needed if the Court makes choices different from the ones recommended above.

#### A budget for the recommended center

If local budget experience suggests different numbers than those offered below, of course they should be used instead.

**Table 5**  
**Estimated first-year budget for recommended Self-Help Center**

<u>Budget Category</u>	<u>Per-Item Cost</u>	<u>Annual Cost</u>
Receptionist/Clerk	2 @ \$36,000/yr. plus fringe benefits	\$88,500
Staff Attorney	\$67,000/yr. plus fringe benefits	\$84,000
Part-time receptionist/clerk	40 days/yr. X 8 hrs/day X \$15/hr	\$4,800
Telephone	\$100/mo.	\$1,200
Supplies	\$100/mo.	\$1,200
Photocopying: Equipment and copies	\$200/mo.	\$2,400
Library materials and video tapes	--	\$2,000

Miscellaneous	\$100/mo.	\$1,200
<b><i>TOTAL</i></b>		<b><i>\$185,300.00</i></b>

In addition, certain start-up, capital costs will be incurred in the first year:

3 computers, monitors, and printers	\$3,000
1 Executive desk, chair, credenza, and 2 side chairs	\$1,200
2 secretary's desks and chairs	\$1,200
2 filing cabinets (@ \$350 each)	\$ 700
Television and VCR	\$ 500
Wiring installation for computers and telephones	<u>\$ 500</u>
<b>TOTAL</b>	<b>\$7,100</b>

The evaluation probably can be budgeted for a single, total cost. An estimate of \$40,000 for the three-year effort seems fair.

About 65% of the Family Law Facilitator's annual total of 1,600 clients earn \$18,000 a year or less. An additional 12% earn between \$18,000 and \$24,000 a year. If a \$25 fee were charged all those earning \$20,000 or more a year, we could estimate about 30% would pay fees. If the civil law center served 75% as many people as Family Court Services (1,200 people a year), a fixed fee of \$25 would generate roughly \$9,000 per year.<sup>31</sup> It is possible that the grant funding authority would require that fee income be used to reduce the grant funds needed. If not, however, these funds could be budgeted for marketing and to pay for translation services and/or telephone interpreter services for languages other than Spanish.

**Cost of other items that might be selected and/or needed for a self-help center**

Final decisions regarding the self-help center may result in budget items that are additional or alternative to those provided above. My estimate for those items follows.

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<sup>31</sup> The revenue that might be generated by a graduated fee schedule is difficult to estimate because there are several variables upon which the Court first has to agree. If we assume for the purposes of one illustration, however, the following, an average fee and total fee revenue can be estimated. Assume that 30% of clients would pay a fee, that the fee increases with each \$2,500 increase in annual income, that the fees indicated in Table 4 are rounded up to the nearest dollar, that services at the center will be deemed worth two hours of income, and that the average fee paid is equivalent to the fee charged to someone with the county's average for the median income of men and women (\$30,750). Then, the average fee paid would be \$29 and total revenue would be about \$10,400. Obviously, there are two uncontrollable elements in this estimate. One is the average income of users. The assumptions for graduated fees produce only slightly more total income than the estimate for a fixed fee. If the actual average income of fee-paying clients were higher, however, total income for the graduated fee would increase. Also, if there were more total clients than estimated, revenue with either fee approach would go up.

**Table 6**

**Other Items Possibly Needed for Self-Help Center**

<u>Budget Category</u>	<u>Per-Item Cost</u>	<u>Budget Total</u>
<u>If new office space is needed</u>		
Rent	2,000 sq. ft. @ \$1.45/sq. ft/mo. X 12 months	\$52,2000
Reception/ waiting area furniture	--	\$1,000
Paralegal	\$36,000/yr. plus fringe benefits	\$42,500
Third full time clerk	\$36,000/yr. plus fringe benefits	\$44,400
Conference and training costs	\$600/training session X 3/yr.	\$1,800

**APPENDIX A**

**LIST OF PEOPLE INTERVIEWED**

## LIST OF PEOPLE INTERVIEWED

<u>Person Interviewed</u>	<u>Representing</u>
Sarah Baggett	Prestige Assisted Living
Marty Coburn	Prestige Assisted Living
Hon. Robert Damron	Superior Court
Patrick Estes	Family Court Services, Superior Court
Hon. Timothy Evans	Superior Court
Sarah Heckman	District Attorney & Family Court Services, Superior Court
Tina Ines	District Attorney
Charlene Johns	Prestige Assisted Living
Marcia Kouse-Taylor	Casa de Esperanza
Len LeTellier	Superior Court
Marlene McCrary	Prestige Assisted Living
Debbie Meeker	Sierra Vista
Hon. Perry Parker	Superior Court
Lee Phiscou	California Rural Legal Assistance
Martha Reaksecker	Family Court Services, Superior Court
Diane Rosenberg	Family Court Services, Superior Court
Susan Townsend	Yuba-Sutter Legal Center for Seniors & Small Claims Advisor
Nikki Tuttle	Family Court Services, Superior Court
Commissioner Dennis Umanzio	Superior Court
Laurie Zenger	Family Court Services, Superior Court