

Resources on Self Represented Litigation

These materials have been prepared by the Self Represented Litigation Network, which we anticipate will be launched in the near future. They include a listing of key resources, a description of the Network, a description of conferences planned for 2006 and a listing of Effective Practices

I.	WEBSITES AND KEY MATERIALS.....	1
II.	THE NETWORK ON SELF REPRESENTED LITIGATION	2
III.	PLANNED CONFERENCES ON SELF REPRESENTED LITIGATION.....	3
IV.	EFFECTIVE PRACTICES IN SUPPORT OF SELF REPRESENTED LITIGATION.....	4

I. Websites and Key Materials

www.selfhelpsupport.org The main national source of information on self represented litigation, the site includes over 1,000 resources, and has 1400 members. Operated by NCSC on behalf of a consortium of groups, with funding from SJI.

The Future of Self Represented Litigation, Report From the March 2005 Summit, National Center for State Courts (2005). Includes effective practices, ideas for dissemination and future innovations, and several important papers on the state of knowledge and planning for the future. (Available at http://www.ncsconline.org/WC/Publications/Res_ProSe_FutSelfRepLitfinalPub.pdf).

Framing the Issues for the Summit on the Future of Self-Represented Litigation, John Greacen, (2005) included in the above Report. This paper, prepared for the Summit, includes the best summary of the current state of research knowledge on self represented litigants and their needs.

Reaching Out or Overreaching: Judicial Ethics and Self Represented Litigants, Cynthia Grey, American Judicature Society, (2005). A report and model curriculum on the role of judges. (Available at <http://ajs.org/prose/pdfs/Pro%20se%20litigants%20final.pdf>).

Meeting the Challenge of Pro Se Litigation: A Report and Guidebook for Judges and Court Managers, Jona Goldschmidt et al, American Judicature Society, (1999) Prepared for the seminal 1999 conference. (Available at www.selfhelpsupport.org). See also, *Meeting the Pro Se Challenge: an Update*, Kathleen M. Sampson, 84 *Judicature* 326 (May-June 2001) (Available at http://ajs.org/prose/pro_sampson.asp).

The Self Help Friendly Court: Designed from the Ground Up to Work for People Without Lawyers, Richard Zorza, National Center for State Courts (2002). A long term vision. (available at http://www.ncsconline.org/WC/Publications/Res_ProSe_SelfHelpFriendlyCtPub.pdf)

II. The Network on Self Represented Litigation:

The Self Represented Litigation Network is an open and growing grouping of organizations and working groups dedicated to fulfilling the promise of a justice system that works for all, including those who can not afford lawyers and are therefore forced to go to court on their own. The Network brings together courts, bar and access to justice organizations in support of innovations in services for the self represented.

Endorsers, who have been involved in the planning, already range from the Conference of State Court Administrators to the State Justice Institute, from the American Judicature Society to the Harvard Law School Bellow Sacks Project on Access to Civil Justice, and from the National Association of IOLTA programs to state court administrative offices such as those of California and Maryland.

The participants will cooperate in a wide variety of collaborative efforts and working groups. These efforts include providing information about innovations for the self represented, promoting best practices in such areas as the setting up of self help offices, the use of forms, and e-filing, discrete task representation, and judicial practices and education programs, establishing a research agenda, and working for integration with the system as a whole and for long term funding to support access to justice for the self-represented.

Initial concrete projects include the www.selfhelpsupport.org website, cooperation in the planning of a series of three regional conferences on self-represented litigation, and the distribution of a national directory of court-based programs for the self represented.

The Network welcomes additional organizational members, seeks volunteers for member and non member organizations to join its working groups and is fully open to suggestions for new projects and partnerships. Neither membership nor participation requires a contribution or fee.

The Network will operate under a Memorandum of Understanding, and is hosted by the National Center for State Courts. Funding is to be provided by the State Justice Institute, the National Center for State Courts and various state courts.

Additional information may be located at:

www.selfhelpsupport.org,

Or by contacting:

Richard Zorza, richard@zorza.net, 202-549-1128.

III. Planned Conferences on Self Represented Litigation

The following conferences on self represented litigation are planned for 2006. It should be noted that each will focus to a greater or lesser degree on states in their own region, and participation may be by invitation. Co-sponsors are anticipated and are in the process of being organized.

Registration fees will be nominal.

- **West Coast Conference.**
San Francisco, California,
March 16 and 17, 2006
Organized by the California Administrative Office of the Courts
Contact: Bonnie Hough, Bonnie.Hough@jud.ca.gov
- **East Coast Conference**
White Plains, New York
May 10, 11 and 12, 2006
Organized by the New York Office of Court Administration and other state court organizations
Contact: Barbara Mule, bmule@courts.state.ny.us
- **Midwest Conference (Invitation only to members of state teams designated by the Chief Justices in the region)**
Des Moines, Iowa
September 7-9, 2006
Organized by the American Judicature Society
Contact: Kate Sampson, ksampson@ajs.org

IV. Effective Practices in Support of Self Represented Litigation

I. Self Help Offices and Services

A. Public Information, Training and Assistance Programs

Courthouse Concierge Desk: A staffed courthouse concierge desk service provides welcoming and directing services to all who enter the courthouse. This service is frequently staffed by volunteers and can provide additional assistance services. The service fundamentally changes the face of the court to the world.

Self-Help Websites: Well designed and comprehensive self-help websites have proven themselves to be highly effective means of providing the information component of access to justice. After initial development costs, they can distribute information widely with little marginal cost other than ongoing updates and maintenance. They facilitate partnerships with appropriate access points.

Self-Help Centers: Self-help centers have proved themselves as highly effective at increasing litigant satisfaction, helping litigants prepare for court, and may improve court functioning. They consist of programs in which court staff and others provide information on a one-on-one basis or in workshops about court procedures and the law. While not providing formal advice, and while not involving the creation of attorney-client relationships, their ability to deal one-on-one with litigants goes way beyond the provision of general information.

Law Library as Resource Center: Law libraries have become major sources of assistance and support to self-represented litigants. The staff are often expert in finding the law, and can assist litigants in using tools to find and understand the law.

Multi-Lingual Written Informational Materials: A disciplined program to produce a full range of needed general descriptive information materials is a crucial component of any general access to justice program. Such information can be distributed through a wide variety of technologies, makes possible the effective use of volunteers, and helps force consistency on the court itself. They should be multi-lingual and include community resource listings.

Videos/PowerPoint Slides: Many programs find that video and PowerPoint training materials are helpful in establishing and maintaining low marginal cost court preparation programs. These materials can show what court is like, introduce the court players, lessen intimidation, and introduce key legal concepts. They are particularly appropriate for those populations for whom written materials are less effective. PowerPoint presentations are less expensive to produce and can be changed more easily than video formats.

Rules in Support of Court Information Programs: Many jurisdictions that create court-based self help programs have found that it is helpful to enact rules that clarify the precise responsibilities of the staff of these programs.

B. Community Outreach and Access Programs

Library and Community Access Points: Experience has made clear that many of the materials and programs developed in the court or legal aid context can more flexibly be accessed by many individuals in environments in which there are supportive individuals. Sometimes the issue is simply one of physical access, sometimes of help with the computer, sometimes language, sometimes understanding. A wide variety of community access points can help meet this need, and provide significant leveraging use of materials and on-line information already developed.

Workshops and Training: Group help programs, often combined with individual support, have proved a cost effective way of walking individuals through complex paper procedures, and preparing them for relatively simple court proceedings. The design of these programs varies widely, from a simple general presentation, to a multi-part series that includes line by line support for filing in forms and preparing testimony.

Mobile Self-Help Centers: A mobile self-help center has proved an effective, although expensive, way of communicating the commitment of a court to community outreach. Carrying materials and staff support to a wide variety of organizations and locations, the message of openness is clear. It allows programs to serve communities that are physically distant from the court.

C. Gateway Services in Support of Case Starting / Responding

Initial Assessment Processes: Initial assessments are increasingly coming to being seen as critical to effective delivery of services. Current models are supported by referral resources at self-help centers.

One-on-One Assistance: More experienced self-help centers are using staff and pro bono attorneys to provide more intensive one-on-one assistance. While falling within the limitations governing the particular person providing the help, they are of more assistance than group or counter-based service delivery.

II. Forms, Document Assembly and E-filing

D. Additional Gateway Services

Forms and Documents: Simple, easy to use and self-help friendly forms and documents are indispensable for an access to justice environment. Such forms and documents facilitate entry into the dispute resolution system, provide better data to decision makers, speed the overall process, and increase comprehension of the whole system.

Document Assembly Software: The core concept of document assembly is software that walks users through branching questions to complete forms which are then printed out or filed electronically. Among the advantages are the ability to provide support as people complete the forms, avoidance of repetitive information, and focus on the areas of information needed.

Customer-friendly Electronic Filing: Electronic filing, if correctly implemented, can make it easier for litigants to file pleadings and obtain access to justice. To obtain that result, the electronic filing system

Key Resources on Self Represented Litigation

must be designed from the ground up for ease of use by lay litigants. A poorly designed system may increase rather than reduce barriers to access. It is noteworthy that most of the state-level electronic filing initiatives that are succeeding are access-oriented systems.

Rules in Support of Form and Process Standardization: There is broad agreement that standardization of forms across a jurisdiction is a critical first step in opening the system to those without lawyers. Such standardization makes software and form design investment possible, raises the overall level, allows for instructional information, and facilitates training and program support.

III. Courtroom Services

E. Courtroom Practices

Attorneys available to assist / expedite: A courtroom based screening and support program, in which attorneys review the cases of each self-represented person before they appear, can help build a good collaboration between the court and the self-help or legal aid program, and facilitate the functioning of the court.

Self-represented litigant-friendly judicial practices: There is increasing understanding that a truly self help friendly court must change not only the processes that lead up to the courtroom, but also the way the courtroom itself is conducted. Judicial officers and those that work with them are beginning to think of ways to manage the courtroom so that neutrality is enhanced by making the systems work for all, regardless of whether they have a lawyer.

Immediate written order upon decision: There is emerging agreement that for those without lawyers, it is better if, whenever possible, there is an immediate decision, in writing at the end of the hearing. This makes it easier for the parties to accept finality, and obtain the services they may need for the next step.

IV. Discrete Services, Pro Bono and Volunteer Programs

F. Attorney, Paralegal and Volunteer Involvement Programs

Unbundled Services: The core concept of unbundled services is that attorneys provide assistance within the attorney-client relationship for only certain portions of the case, portions chosen jointly by the attorney and the client. This reduces the cost to the client, and provides additional business to the attorney, while facilitating the court's work, compared to what would happen if the attorney were providing no assistance.

Pro Bono Attorney Involvement: Pro bono attorney assistance can provide critical components in a self help program. Pro bono attorneys can provide "attorney of the day" type services. They can also be available to take over the complex cases not appropriate for self help services, and beyond the financial or other capacity of the legal aid program. They can provide workshops and information in courtrooms.

Reduced Fee Attorney Programs: Reduced fee attorney programs provide flexibility for both attorneys and programs, potentially combining the benefits of pro bono and paid programs.

Paralegal and Volunteer Programs: Such programs reduce the costs of access to justice, while providing a range of services not otherwise available through the current delivery system. Under the direction of an

Key Resources on Self Represented Litigation

attorney, centers can provide referral and make extensive use of volunteer navigator assistance, particularly when combined with technological information and tools.

Rules in Support of Unbundling: Often innovation in unbundling is held back because of fears that it violates ethical rules. These fears focus on the legality of the practice itself, on conflict of interest requirements, and on the risk of being pulled into court to complete a case. While these fears are largely unfounded, innovators have found that enactment of rules clarifications along the lines of those proposed in the ABA Ethics 2000 process can make a huge difference.

V. Judicial Ethics and Education

G. Judicial Support Approaches

Materials in Support Self-represented litigant-friendly judicial practices: Judges need materials and scripts that will help them develop personal styles that are consistent with their judicial approach, but supportive of access for those without lawyers.

Ethical Rules in Support Self-represented litigant-friendly judicial practices: Judges similarly need clear authorization in governing ethical rules that they can engage in a non-prejudicial way with self represented litigants in order to ensure that all sides are heard.

Curriculum and Trainings in Support Self-represented litigant-friendly judicial practices: Judges similarly need clear curriculum and trainings in support of this approach.

VI. Other Areas

G. Post-Order Practices

Enforcement Support: Many programs agree that they have been better at giving people information at the beginning of the case than they have been at helping them at the end. They are beginning to explore the creation of programs focused on support for enforcement of already issued orders. This will increase overall compliance and satisfaction with the court.

H. Court Management and Evaluation Practices

Review of Rule and Procedure Simplification: Rule and procedure simplification ultimately benefits the court, the self-represented litigant, and counsel and his or her client. While such simplification depends ultimately upon broader rule making bodies, each court can review how it handles cases and assess the need for each practice from the ground up.

Broad Training of Courthouse Staff: Self help programs should not be regarded as an “add-on”, but should be considered as a core service. Training should be provided to all courthouse staff so that all feel responsible for the effective functioning of the system for those without lawyers.

Key Resources on Self Represented Litigation

Development of Interpreter Programs: Interpreter programs, while expensive, are critical to access to justice. The absence of such programs, while harmful to all, is particularly debilitating to those who must proceed without counsel.

Litigant Satisfaction Surveys: Litigant satisfaction surveys are a major tool to re-orient the court around the needs of litigants, since they help change the court culture. The process is usually as important as the data.

Data Collection and Evaluation: Leading self-help friendly courts find that ongoing data collection and evaluation are critical to success. Ideally such a program is supported by a researcher, but even modification of the case management system so that it provides aggregate data about self represented litigant cases is of great value.

Court as Convener for Innovation: Courts are coming to realize their unique power to act as convenors. Their legitimacy is without peer in the community, and their neutrality broadly trusted

I. Jurisdiction-Wide Strategic Practices

State and Local Task Forces on Self-Represented Litigants: Such task forces are in place in many jurisdictions, and are playing a major role in spearheading innovation. High judicial involvement or support is critical.

Self-Represented Litigant Strategic Plan: Such task forces find that a multi-component strategic plan assists in maintaining focus and building consensus. Such a plan also facilitates ongoing self-evaluation.

Access to Justice Needs Studies: Such studies have helped change the political and financial climate, since they show the breadth of need, and the breadth of the constituencies served by change.

Access to Justice Impact Statement Requirement for Changes: An access to justice impact statement is the requirement that any procedural or other change within the authority of a particular decisions maker must be assessed for its impact on access to justice, including on self-represented litigants.

Key Resources on Self Represented Litigation