



The Case for . . .

Courtroom Support Process Programs for Self-Represented Litigation Cases:

Enhancing Access, Quality, and Efficiency in the Courtroom

DRAFT—DO NOT DUPLICATE

What Is a Courtroom Process Program for Self-Represented Litigation?

A courtroom process program is designed to enhance courtroom procedures for the self-represented by providing additional support processes within the courtroom for litigants and judges. It should be distinguished from – although may well occur together with and be integrated into – changes in the way the judge engages litigants during the course of the case, and programs designed to help litigants prepare their cases in advance of their courtroom appearance.

Why Start a Courtroom Process Program?

Courtroom processes are still primarily designed for the era in which every litigant had, or at least was presumed to have, an attorney. It is assumed, for example, that the lawyer has prepared the papers, analyzed the case, and is available to prepare a draft order and judgment for judicial signature and entry. The very different reality of litigants without lawyers puts a huge strain on the judge and courtroom personnel because these functions are as a practical matter no longer

performed, and efficiency and the quality of justice suffer.

What Might a Courtroom Process Program Include?

Among the innovations that have been found to improve courtroom processes for self-represented litigants have been:

- Courtroom screening programs in which legal aid programs provide brief assistance in some cases, and referrals in others;
- Attorneys in the courtroom to whom the judge can make referrals for assistance when needed;
- Computer software that helps the judge and clerk prepare immediate written orders to be handed to the litigants, increasing certainty and finality;
- Courtroom procedures by which litigants provide information which will assist in subsequent enforcement with any orders that are issued; and
- Additional interpreter programs to assist self-represented litigants for whom English is not a comfortable language in formal or conflict situations.

Benefits for Judges, Clerks, and Courtroom Personnel

- Smoother case flow
- Less areas of tension
- Higher work satisfaction
- Fewer cases returning to court for additional processing

Benefits for Litigants

- Easier courtroom appearances
- More immediate knowledge of the end result
- Easier to comply to obtain compliance with the court's order

What Are the Keys to Starting a Courtroom Support Process Program?

An effective courtroom support process program requires:

- Analysis of the “blocks” and areas of confusion in the courtroom process;
- Close cooperation with legal aid and the pro bono bar and other sources of additional courtroom services;

<p style="text-align: center;">Overall Benefits</p> <ul style="list-style-type: none">• Improved access to justice• Higher quality justice• Improved public trust and confidence in the courts

- Close cooperation between judges, clerks, and court administration in defining needed services and establishing roles and division of labor; and
- Rules or guidelines governing the roles that court support staff and lawyers in the courtroom can and cannot play in assisting self-represented litigants.

Where Is Additional Information Available?

Information and assistance are available from a variety of sources, including

- **selfhelpsupport.org**. (Available at www.selfhelpsupport.org.) This online community for *pro se* practitioners includes a Resource Library with materials on courtroom support programs.
- ***The Self Help Friendly Court: Designed from the Ground up to Work for People without Lawyers***. (Available at http://www.ncsconline.org/WC/Publications/Res_ProSe_SelfHelpFriendlyCtPub.pdf.) A long term vision.