

Core Materials on Self-Represented Litigation Innovation



Prepared by
The Self Represented Litigation Network

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Introduction

This list of key resources has been developed by the national Self-Represented Litigation Network as a resource for innovation.

The Self-Represented Litigation Network is an open and growing group of organizations and working groups dedicated to fulfilling the promise of a justice system that works for all, including those who cannot afford lawyers and are, therefore, forced to go to court on their own. The Network brings together courts, the bar, and access-to-justice organizations in support of innovations in services for the self-represented. The Network operates under a Memorandum of Understanding, and is hosted by the National Center for State Courts. Additional information on the Network can be found at www.srln.org.

The list of resources is not intended to be comprehensive; rather, it contains those materials that have been found most generally useful. Approximately 1,000 pieces of relevant content can be found on www.selfhelpsupport.org.

The categories generally follow the items in the *Action Agenda*, developed out of the 2005 Summit on Self-Represented Litigation, and now the charge of the Working Groups of the Self-Represented Litigation Network.

I. A Quick Introduction

The *Case for Self-Represented Innovation Introduction Sheets*. These brief introductions to five key areas are an excellent place to start. Now available in final draft on www.selfhelpsupport.org.

II. Informational Websites and Overview

www.selfhelpsupport.org The main national source of information on self-represented litigation, the site includes over 1,600 resources, and has over 2000 members. Operated by NCSC on behalf of a consortium of groups, with funding from SJI.

www.lawhelp.org. The access point for access-to-justice websites nationally.

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.

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 http://www.ncsconline.org/WC/Publications/KIS_ProSeMeetChallenge.pdf. 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.

California Statewide Action Plan for Serving Self-Represented Litigants, Judicial Council of California, (February 2004). The most comprehensive plan with a wide variety of components. The national model. Available at <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/actionplanfinal.htm>.

Trial Court Performance Standards and Measurement System, National Center for State Courts. These general standards include an area on Access to Justice. Available at http://www.ncsconline.org/D_Research/tcps/area_1.htm.

Strategic Planning Initiative, Utah Committee on Resources for Self-Represented Parties (2006). The most recent overall strategic plan with a strong statewide focus. Available at <http://www.selfhelpsupport.org/link.cfm?6677>.

Best Practices in Court-Based Programs for the Self-Represented, Self-Represented Litigation Network (2006). Includes forty-one practices with concept descriptions, suggested attributes, and issues for exploration. Available at http://www.ncsconline.org/WC/Publications/KIS_ProSeBestPracticesSRLN.pdf.

III. Research and Evaluation

Framing the Issues for the Summit on the Future of Self-Represented Litigation, John Greacen (2005) included in the above-listed 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. Available at http://www.ncsconline.org/WC/Publications/Res_ProSe_FutSelfRepLitfinalPub.pdf at page 19. See also, *Self-Represented Litigants and Court and Legal Services Responses to Their Needs: What We Know*, John Greacen (2002), available at <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/SRLwhatweknow.pdf>.

California's Model Self-Help Pilot Programs: A Report to the Legislature, California Administrative Office of the Courts (2005). This evaluation is probably the most comprehensive research report completed. It provides an important methodological model and offers a number of significant research findings and recommendations. Available at <http://www.courtinfo.ca.gov/programs/equalaccess/modelsh.htm>.

Survey Instruments, Trial Court Research and Improvement Consortium. These key tested tools can be obtained at <http://www.selfhelpsupport.org/link.cfm?6721>. The report of the testing process, which includes evaluation of self-help programs in nine jurisdictions, is at <http://www.selfhelpsupport.org/link.cfm?6720>. See also, *CourTools*, the National Center for State Courts Performance Measures, at http://www.ncsconline.org/D_Research/CourTools/tcmp_courttools.htm, particularly the first tool that deals with access and fairness.

IV. Self-Help Centers and Services

Legal Information vs. Legal Advice—Developments During the Last Five Years, John M. Greacen, 84 *Judicature* 198 (January-February 2001). The follow-up article to the defining piece that pioneered the distinction between legal information and legal advice. Available at http://www.ajs.org/prose/pro_greacen.asp. The original article is *No Legal Advice from Court Personnel: What Does That Mean?*, John M. Greacen, *Judges Journal* (Winter 1995).

Starting a Technology Supported Self Help Center, Wayne Moore, Bonnie Hough, Richard Zorza, Sherna Deamer, Allison McDermott, and Gigi Amateau, Self-Represented Litigation Network. Available online at <http://www.selfhelpsupport.org/link.cfm?6678>.

Best Practices for Programs to Assist Self-Represented Litigants in Family Law Matters, Maryland's Judicial Conference, Committee on Family Law (January 2005). These state general standards will be of use nationally. Available at http://www.courts.state.md.us/family/bestpractices_selfrep.pdf.

Court Staff Guidelines. Including guidelines from California (*How May I Help You*), Florida (Supreme Court Rule), Iowa, Michigan, Missouri, New Jersey, New Mexico, New York, North Dakota, Utah, and Wisconsin. Many available on: www.selfhelpsupport.org at <http://www.selfhelpsupport.org/link.cfm?6724>.

Directory of Court-Based Self Help Programs, Self-Represented Litigation Network. Over 130 programs listed. A valuable resource for networking. Accessible through <http://www.ncsconline.org/WC/Publications/ProSe/contents.htm>

V. Forms, Document Assembly, and Electronic Filing

The Role of Technology in the Access Solution, Katherine Alteneder, Michael Genz, Michael Hertz, Bonnie Hough, Harry Jacobs, and Glenn Rawdon (2005). This paper, prepared for the March 2005 Summit, includes the best general analysis of this field. Available at http://www.ncsconline.org/WC/Publications/Res_ProSe_FutSelfRepLitfinalPub.pdf at pages 81-96.

VI. Discrete Service Representation

A Roadmap for Implementing a Successful Unbundling Program, Sue Talia (2005). The national expert lays out the steps. Available at <http://www.selfhelpsupport.org/link.cfm?6725>.

Expanding Your Practice by Offering Limited Scope Legal Services, Robert Hawley, Bonnie Hough, Sue Talia, and Hon. Laurie D. Zelon (2004). This free online Practising Law Institute Training is a must see for anyone considering moving into providing services through unbundling. CLE credit is available for California. Available at http://www.pli.edu/product/webprogram_detail.asp?ptid=505&stid=32&id=EN00000000022411.

VII. Judicial Training, Educational Materials, and Networking

Judicial Techniques for Cases Involving Self-Represented Litigants, Rebecca A. Albrecht, John M. Greacen, Bonnie Rose Hough, and Richard Zorza, *Judges Journal* (Winter 2003), available at <http://www.zorza.net/JudicialTech.JJWi03.pdf>.

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. Includes hypotheticals for training and discussion. Available at <http://ajs.org/prose/pdfs/Pro%20se%20litigants%20final.pdf>.

The Disconnect Between the Requirements of Judicial Neutrality and Those of the Appearance of Neutrality when Parties Appear Pro Se: Causes, Solutions, Recommendations, and Implications, Richard Zorza, 17 *Georgetown Journal of Legal Ethics* 423 (2004). This is the paper that proposed the concept of “transparent engaged neutrality,” as the way for judges to manage cases involving self-represented litigants. Available online at http://www.findarticles.com/p/articles/mi_qa3975/is_200404/ai_n9401537.

Judicial Management of Cases Involving Self-Represented Litigants, National Center for State Courts, Best Practices Institute (2002). A summary of the key tactics judges should use. Available at http://www.ncsconline.org/Projects_Initiatives/BPI/ProSeCases.htm.

VIII. Courtroom Services

The Courtroom Environment for the Self-Represented, Susan Ledray and Deborah Chase (2005). This paper from the 2005 Summit reviews the state of innovations in the courtroom and recommends a number of new ideas for testing. http://www.ncsconline.org/WC/Publications/Res_ProSe_FutSelfRepLitfinalPub.pdf, at page 45

Community Courts and Family Law, Deborah J. Chase, Sue Alexander, and Barbara Miller, 2 *Journal of the Center for Families, Children and the Courts* at page 37 (2000). The authors propose a community court model for family law and give examples. Pages 48-49 set out an example of courtroom services to self-represented litigants in a domestic violence court. Available at <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/037alexander.pdf>

Effective Use of Facilitators in the Courtroom, Sue Alexander and L. Thomas Surh, *CFCC Update*, California Administrative Office of the Courts (August 2002), at page 9. This article describes how judges can make effective use of court-based self-help attorneys and qualified, supervised staff to provide courtroom services to pro se litigants. Available at <http://www.courtinfo.ca.gov/programs/equalaccess/documents/newsaug02.pdf>

IX. Problem Assessment/Triage

Helping People Before the Court: Effective Triage, Tina Rasnow (2005). This paper, an appendix to the Report of the 2005 Summit, makes the case for triage as critical to effective assistance. Available at http://www.ncsconline.org/WC/Publications/Res_ProSe_FutSelfRepLitfinalPub.pdf, Appendix 3-C.

X. Compliance and Enforcement

Compliance with Judgments and Orders, Richard Zorza (2005). This paper from the 2005 Summit offers a number of ideas as to how courts might enhance compliance with their orders. Available at http://www.ncsconline.org/WC/Publications/Res_ProSe_FutSelfRepLitfinalPub.pdf, at page 59.

XI. Overall System

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 for a court that really works for those without lawyers. Available at http://www.ncsconline.org/WC/Publications/Res_ProSe_SelfHelpFriendlyCtPub.pdf

Civil Legal Assistance for All Americans, Bellow-Sacks Access to Civil Legal Services Project, Jeanne Charn and Richard Zorza, Harvard Law School (2005). This report lays out a broad vision of overall system change, integrating enhanced services for the self-represented with system simplification, a complex mixed-model delivery system, and integrated intake and triage. Available at www.bellowsacks.org.

Final Report of the Joint Task Force on Pro Se Litigation, Conference of Chief Justices and Conference of State Court Administrators (2002). This report, endorsed by a supportive resolution of COSCA and CCJ, sums up the need and implications for courts. Available at <http://cosca.ncsc.dni.us/WhitePapers/TaskForceReportJuly2002.pdf>.

XII. Funding

Funding Sources for Pro Se Programs, American Judicature Society. A list of possible sources. Available at http://www.ajs.org/prose/pro_funding.asp.

How to Secure Funding for [California] Court-Based Self-Help Projects. California Administrative Office of the Courts (2001). This is old and was written for California, but the approach is valuable, because it suggests ways to raise money for projects in other states and

serves as a model for how a state might set up its funding mechanisms. Available at <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/SH-tab11.pdf>.

Utah Strategic Plan for the Self-Represented. Listed above on page 2, this document illustrates a valuable approach to developing and legitimizing funding through a comprehensive survey and planning process. Available at <http://www.selfhelpsupport.org/link.cfm?6677>.

XIII. Technology

The Role of Technology in the Access Solution, Katherine Alteneder, Michael Genz, Michael Hertz, Bonnie Hough, Harry Jacobs, and Glenn Rawdon (2005). This paper, also listed above on page 3, was prepared for the March 2005 Summit, and is the most comprehensive analysis of the status and potential of technology to play a role in solving the access-to-justice problem. Available at http://www.ncsconline.org/WC/Publications/Res_ProSe_FutSelfRepLitfinalPub.pdf at page 81.

Washington State Access to Justice Technology Principles, Washington State Supreme Court (2004). These principles, adopted by the Washington Supreme Court in 2004, are the only legally authoritative general statement of the role of technology in promoting access to justice. Available at http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=am&set=ATJ&ruleid=amatj01order. (Order) and http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=am&set=ATJ&ruleid=amatj02principles (Principles). Materials in support can be found in the papers of the 2004 Symposium, *Technology, Values, and the Justice System*, available at: <http://www.law.washington.edu/WLR/symposium.html>.

Meeting the Needs of Self-Represented Litigants: A Consumer-Based Approach, Chicago Kent College of Law (2003). This is the study that led to the development of the A2J document assembly front end. Available at <http://a2j.kentlaw.edu/a2j/>.