

Expanding Differentiated
Case Management: Triaging
Services for Self-
Represented Litigants

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Outline

- The Problem
- Types of Triage
- Triage Examples
- Southern California Project
- Workshop Example – Small Claims
- Questions and Discussion
- Resources and Plugging In

The Problem

The three types of protocol

- Litigant Choice Protocol
- Court Track Protocol
- Litigant Service Protocol

Factors for Consideration

- Case type
- Case facts/complexity
- Oppositional situation
- Litigant capacity
- Services/tracks available

Protocol Relationships

- The problem
- Order of protocols depends on issue
- Dynamic Processes

Inadequate Resources in the Real World

- Adjustable protocols concept
- Need to track/report
- Changes in one sub-system can save resources in other sub-systems

Sample protocol logic

Family -- Litigant

- Step One: What the Litigant Wants
 - Decision planner
 - Relationship to Outcome Statistics
- Step Two: Litigant is Asked Reasons/Justifications for Any Non-Standard Choices.
- Step Three: Additional Data is sought
- Step Four: Prediction
- Step Five: Litigant Decision

Sample protocol logic Court Track – Family

- Formalization Track
- Detail Finalization Track
- Decision Making Track
- Intensive Attention Track

Court Track Algorithms - Family

- Identify Decision ready and Almost Ready from litigant positions
- Identify Intensive Attention Track from positions and backgrounds (files)

Sample protocol logic

Family - Litigant Services

- Formalization and Finalization get self-help services only – except maybe atty on other side
- Decision Track gets unbundled interview and presumptive ongoing unbundled assistance, especially for complex discovery
- Decision Track with low capacity gets atty
- Intensive Track presumptively gets counsel
- Diagnostic interview needed for the triage

Sources and types of Data

- Algorithmic Process
- Review of Papers
- Human Interview

Data available and collection

- Court files
- Interviews
- Other agency computer systems

Southern California Project

Workshop Example – Small Claims -- Litigant

- What choices does the litigant face?
- What does the litigant need to know to decide what to do?
- Where might that information come from?
- How should it be presented to the litigant?

Workshop Example – Small Claims -- Court

- What services might be helpful?
- How might they be structured into tracks?
- What information would the court need to decide what track to put cases in?
- What rules might be applied?
- Where might the needed information come from?
- How might track assignments change, and based on what information?

Workshop Example – Small Claims – Litigant Services

- What modes of help might be available?
- What factors would an organization consider in deciding how to handle the case?
- Where might the information come from?
- How might decisions change?