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

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Small Claims Triage Project

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Small Claims Triage Project

• Purpose: To develop a triage process for Small Claims to guide the prospective litigant before initiating a case.

Put into practice the Protocol Frameworks being developed by Richard Zorza and Tom Clarke
  • Litigant Choice
  • Court Track
  • Litigant Service

• Pilot Courts:
  • Imperial County
  • Los Angeles County
  • Orange County
  • Riverside County
  • San Bernardino County
  • San Diego County
  • Santa Clara County
## Self Help Triage Modules

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<th>Module Area</th>
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<td>Litigant User Model</td>
<td>To offer the litigant optional skill-based pathways to information.</td>
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<tr>
<td>Jurisdiction</td>
<td>To screen for small claims eligibility upfront.</td>
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<td>Litigant Information</td>
<td>To enable save and edit options (the litigant will create an account).</td>
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<tr>
<td>Litigant Education (Self Help videos)</td>
<td>To help the litigant get answers to questions like; Should I file?, Are there other options before I file?, Can I handle the demands of small claims court?</td>
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<td>Litigant Choice</td>
<td>To inform the litigant about and offer a choice of court, non-court, and other process track options.</td>
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<td>Other Steps</td>
<td>To screen for and instruct the litigant about any pre-filing steps Appropriate to his circumstances. Example: To screen for and provide the litigant additional processes and resources Available based on case category (cause of action).</td>
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Litigant User Model

• Purpose: To determine litigant’s level of comfort with unfamiliar information and computers.
  • “You can use this website in many ways; from do-it-yourself online forms, to self-help materials to help you learn more about small claims, to helpful representatives that can answer your questions. Select the option that is the best fit for you!”

• User Profiles:
  • Do it yourself
    • “Do it yourself, at your own pace! Get started immediately!”
  • Guided self-help
    • “Get information. View and print brochures and forms to fill out off-line. Then, submit in person or by mail.”
  • One-on-one help
    • “Would you be more comfortable getting one-on-one help in person or by phone. Get information about a Courthouse Self-Help Center or Small Claims Advisor near you.”
Jurisdiction

- Purpose: To determine small claims jurisdiction eligibility.
  - Before you proceed, make sure you’re in the right place! Use your mouse to hover over the icons below to determine your eligibility for small claims court.

Illustrative only.
Litigant Information

• Purpose: To identify person by name.
  • Welcome to the Small Claims “do it yourself” interview program. We created this decision tree to help you figure out your best option for handling your case.

• Create an account
  • Capture information that can be used later

• Build a “relationship”
  • Use Customer Relationship Management tools like MS Dynamics
    • Schedule workshops
    • Send follow-ups and reminders
    • Advise of new resources available
    • Provide a place to store work in progress
    • Follow your case
    • Etc., Etc., Etc.
Litigant Education

• Purpose: To provide a quick overview of the small claims court process.
  • How does small claims court work?
  Jane,
  Take a few minutes to watch this video series entitled “Resolving Small Claims Cases”. This introduction will give you a good understanding of small claims court processes and forms, and will help you understand the resources and options available to you! It can help you with questions like;
  • Should I file (is it worth it)?
  • Are there other resources before I file?
  • Can I handle the demands of small claims court?

• Videos:
  • Chapter 1: Introduction (1:47)
  • Chapter 2: The small claims process (3:24)
  • Chapter 3: Mediation services (7:16)
  • Chapter 4: Small Claims advisory services (1:01)
  • Chapter 5: For additional info... (0:42)
Litigant Choice

• Purpose: To determine litigant's process preference given a set of choices
  • *So, is small claims court the right place for you? Jane, What would you like to do?*

• Present options and provide information
  • *I’d like to try mediation first, to settle my case out of court if possible.*
  • *Alternatives to lawsuits. I want to learn about non-court options that I can use for handling my problem.*
  • *I want to go to court and have a judge decide my case.*
Other Steps

• Purpose: To inform litigant of first steps prior to filing a claim.
  
  • Let’s talk about your case. You may have other steps to complete before you file a claim. Answer the following questions.
    • Have you asked the Defendant(s) you are suing for the money they owe you?
    • Are you suing a local government or public agency?
    • Is this case about a disagreement with your attorney?
    • Why does the other party owe you money? Select all that apply… (Educate about alternatives with each area. Examples: Dept of Consumer Affairs, Better Business Bureau, Division of Labor Standards Enforcement, …)