

Access to Justice in California's Self-Help
Centers: Updating Guidelines and Services for
the Needs of the 21st Century Self-Represented
Litigants

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Introduction

When a citizen is involved in a civil claim, they must start at their county's Superior Court. Twenty-five years ago that was usually done with the help of a lawyer, but today national studies show that more than 75 percent of civil cases have at least one self-represented litigant (SRL).¹ Since the 1990s SRLs have been on the rise and even with low monetary amounts in most civil claims, the requisite legal processes are nonetheless complicated and outcomes greatly impact people's lives. The legal system is designed for trained professionals, but when SRLs litigate civil claims it often results in confusion and frustration. Despite the many state and local efforts aimed at improving access to the courts for the self-represented Californians, they still face many barriers, not all of which are obvious to those who work in or for the courts. These barriers include the complexity of legal language, procedural rules that vary between case types, overcrowded dockets, no rights to interpreters in civil cases, and lack of understanding of how to finalize a case and enforce an order.² The California Court's and the Legislature have responded to these barriers through the institution of the Self-Help Centers (hereinafter *The Centers*).

Court based self-help services have been the most successful response to the legal needs of SRLs, including increasing access to justice and improving efficiency of the courts. These services are established by the Judicial Council of California (hereinafter *The Council*) and supported mostly by state and county budgets, grants, and donations from local and national entities, such as bar associations.³ The California Legislature, the Council, and the State Bar have all worked together through various funding mechanisms, programs, and partnerships to improve access to justice for SRLs. To understand California's approach to access to justice through court-based services, there must also be a discussion on the evolution of the Superior Courts, the Council's policies and programs, and the other stakeholders involved in the legal system.

In the late 90s, the administration of the courts evolved from a fragmented system controlled at the county level to a consolidated statewide system under the Council, with a focus on efficiency in managing filing fees, facilities and staff, and statewide access to justice.⁴ This consolidation led the way for statewide court-based self-help services. These services include the

¹ The National Center for State Courts and State Justice Institute, *The Landscape of Civil Litigation in State Courts* at 35 (2015), <https://www.ncsc.org/~media/Files/PDF/Research/CivilJusticeReport-2015.ashx>. See also Self-Represented Litigation Network, *SRLN Brief: How Many SRLs?* (2015), <https://www.srln.org/node/548/srln-brief-how-many-srls-srln-2015>. See also Legal Services Corporation *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans* 6-8 (June 2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>. Note: Family law is mostly categorized under civil law, but it is such a large segment of civil that is often identified separately.

² The Judicial Council of California, *Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers* 11-16 (2019), https://www.courts.ca.gov/documents/benchguide_self_rep_litigants.pdf.

³ American Bar Association Standing Committee on the Delivery of Legal Services, *Self-Help Center Census: A National Survey* (2014), https://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/ls_del_self_help_center_cens_us.authcheckdam.pdf. According to the American Bar Association, court-based self-help centers launched in the early 90s in Maricopa County, AZ and have multiplied across the country.

⁴ Legislative Analyst's Office, *Completing the Goals of Trial Court Realignment*, (2011), https://lao.ca.gov/reports/2011/crim/trial-court-realignment/Trial_Court_Realignment_092811.aspx. Major trial court realignment included Proposition 191 in 1991, AB 233 in 1997, Proposition 220 in 1998, SB 2140 in 2000, SB 1732 in 2002 all related to efficiency and uniformity through consolidating operations, staff, and funding at the statewide level by the Judicial Council and their Administrative Office of the Courts.

Family Law Facilitator Program, small claims advisors, various partnerships with legal services providers, and the Centers. Currently, every county has at least one center. The Centers vary in their operations, some are within the courthouse, nearby the courthouse, operated by contracting with legal service providers, staffed with multiple full-time employees, or only one part-time staff. Over the past three decades, services, staff, and programs have fluctuated greatly because the budget allocation for self-help services depends on the funding allocation for court services in the Governor's yearly budget.

Although the operations vary, all Centers must adhere to the guidelines put forth by the Council. In establishing the Centers across the state, the Rules of Court 10.960(e) required the Council to establish guidelines and procedures, and review them as needed.⁵ *The Guidelines for the Operation of Self-Help Centers in California Trial Courts* (hereinafter *The Guidelines*) was first issued by the Council in 2008, reaffirmed in 2011 without any changes, and remains unchanged as of 2020. The Guidelines cover the operations of the Centers, including facilities, staffing, training, partnerships, interaction with the patrons, services and resources are provided for the public, and more.

After nearly twenty-five years of serving the rising population of unrepresented litigants, it is necessary to assess the effectiveness of the Centers in providing access to justice and efficient court operations? After more than a decade, are the Guidelines in need of an update? This paper is intended to provide that assessment. It will do so in part, by tracing the history of self-help services and the Centers, drawing upon important recent studies, and surveying ten self-help Centers across the state.

History of Self-Help Services in California

Since the mid-1990's, self-help services have been expanding to meet the needs of SRL's.⁶ California now has numerous court-based self-help programs, including the Centers, family law facilitators, small claims advisors, and thousands of grant-funded legal services or pro bono programs. In most counties the Centers are the hub for court-based services and partner with these various providers to serve the public.

The evolution of statewide court-based self-help services was spurred not only by the increase in unrepresented litigants, but also by the consolidation of the courts, and statewide uniform filing fees.⁷ In the past 25 years, there has been a growing recognition and response to the rise of self-help services, and California has been one of the leaders in these efforts. The Access to Justice Working Group, now known as the Commission on Access to Justice (Commission), formed by the State Bar of California's Office of Legal Services, was one of the

⁵ California Rules of Court 10.960(e). Note: Rule 10.960 was amended in 2015 to change the review of the guidelines and procedures from "at least every three years" to "as needed".

⁶ APPENDIX A Timeline of Self-Help Services Responses in California.

⁷ The Judicial Council of California, *Uniform Civil Fee Structure Fact Sheet* (2008), <https://www.courts.ca.gov/documents/uniformcivilfee.pdf>. Amongst several changes to structure, the 2005 Uniform Civil Fees and Standard Fees Schedule Act established a \$4.80 per filing fee to the Equal Access Fund, which is distributed across the state to improve equal access and the fair administration of justice.

first state entities to convene on access to justice.⁸ Their 1996 report makes numerous findings and recommendations, which include that legal representation is the basis for access to justice and the vast majority of poor and moderate income Californians do not have adequate civil representation.⁹ It also declared “that it should be the state government’s legal obligation to ensure all Californians receive access to justice.”¹⁰ The State Bar, through the Commission and other efforts of its Office of Access & Inclusion, has continuously supported for SRLs. IT also promotes an inclusive environment for the public in the legal system by funding, research, and partnerships with lawyers, law schools and the Council.¹¹

In 1997, the administration of the courts began an evolution away from fragmented and county controlled, towards statewide consolidation controlled under the Council by 2001.¹² The integration of the courts and the statewide focus on consolidated court management strengthened the power of the Council. The consolidation of the court system had several goals, the most important include: efficiency in managing filing fees, court facilities and staffing, and statewide access to justice.¹³ This new power enabled the Council to develop policies and programs for statewide access to justice through court-based self-help services.

⁸ The State Bar of California, *Access to Justice* (accessed October 1, 2019), <http://www.calbar.ca.gov/Access-to-Justice>. The Bar works to improve legal services for low- and moderate-income Californians through legal aid grants and supporting projects that promote access to justice.

⁹ California State Bar of California: Office of Legal Services, Access to Justice Working Group, *And Justice For All, Fulfilling the Promise of Access to Civil Justice* (1996). The report’s “Summary of Findings, Recommendations, and Options Regarding Funding” provide a list of 12 findings and 13 recommendations to increase access to justice. These fundamentals are still present in many current reports and research on self-represented litigants, civil justice, and the difficulty of obtaining affordable legal services.

¹⁰ The State Bar of California, *California Commission on Access to Justice* accessed October 12, 2019, <https://www.calbar.ca.gov/About-Us/Who-We-Are/Committees-Commissions/California-Commission-on-Access-to-Justice>. The Commission is made up of twenty-six lawyers and judges, as well as academic, business, labor, and community leaders. “Over its 25 years while part of the State Bar, the Commission was instrumental in establishing the \$10 million Equal Access Fund for civil legal services to the indigent and worked closely with the Council to improve access to the courts. Effective October 1, 2019, the California Commission on Access to Justice separated from the State Bar and is now an independent nonprofit benefit corporation.”

¹¹ The State Bar of California, *About the Office of Access & Inclusion*, <http://www.calbar.ca.gov/Access-to-Justice/About-the-Office-of-Access-Inclusion>. The State Bar’s Office of Access & Inclusion seeks to increase access to all California residents and improving the state’s justice system through funding from the Equal Access Fund (via the Legal Services Trust Fund Commission). This funds legal aid programs, pro bono efforts, certifying lawyer referral services throughout the state, and disaster legal services coordination. *See also* The State Bar of California, *2017-2022 Strategic Plan Update 5* (2019), <http://www.calbar.ca.gov/Portals/0/documents/bog/Updated%202017-2022%20Strategic%20Plan.pdf>.

¹² Legislative Analysts’ Office, *Proposition 220 Courts: Superior and Municipal Consolidation* (1998), https://lao.ca.gov/ballot/1998/220_06_1998.htm. The civil trial court system in California, prior to 1994, maintained three different types of trial courts, municipal, justice, and superior. Currently, the state maintains 58 trial court systems, each having jurisdiction over their county only. These courts have trial jurisdiction over all criminal cases (including felonies, misdemeanors, and traffic matters) and all civil cases (including family law, probate, juvenile, and general civil matters).

¹³ Legislative Analyst’s Office, *Completing the Goals of Trial Court Realignment*, September 28, 2011, *supra*. *See also* The Judicial Council of California, California State Association of Counties, & State of California Department of Finance, *Questions and Answers Concerning Implementation of AB 233 (the Lockyer-Isenberg Trial Court Funding Act of 1997)*, December 19, 1997, <https://www.courts.ca.gov/documents/qafinal.pdf>. *See also* California Government Code Section 68085.1. (West). Structure for Deposit and Distribution of Civil Fees.

One year earlier, the California Legislature enacted the Family Law Facilitator Act (fn chapter 957, Statutes of 1996) establishing an Office of the Family Law Facilitator in each county.¹⁴ Facilitators and their staff provide help to SRLs by guiding litigants through procedures related to child support, divorce, custody, visitation, and spousal support. The Facilitator Program was the first step into statewide, court-based self-help services administered directly by court staff and various local legal entities. The Centers have followed in its footsteps through its partnerships with local legal providers. The Facilitator Program's goals, very similarly to the subsequent Centers, were to provide meaningful access to the courts, protect the court's ability to provide impartial justice and fairness, and reconnect the court with the community they served.¹⁵

Several other statewide efforts to address unrepresented litigants were created, but one of California's most important push for court-based self-help services was the State's Task Force on Self-Represented Litigants, formed in 2003. The Task Force was made up of judges, attorneys from various backgrounds (including legal services and family law), court administration, a law librarian, and liaisons from state agencies. It was charged with developing a statewide response to the needs of unrepresented parties, developing resources for SRL services, and making recommendations to the appropriate institutions about what could be considered to improve the legal system's functions for SRLs. The Task Force's 2004 *Statewide Action Plan for Serving Self-Represented Litigants* (hereinafter *The Action Plan*) used prior reports, surveys, and findings at state and local levels to show that court based self-help services were the optimum way to facilitate access to the courts.¹⁶ The data and experiences derived from early self-help pilot programs were also incorporated into that Action Plan.¹⁷

This Action Plan continues to influence discussions of access to justice and management of the Centers and is still referenced by state committees and reports on the importance of services for SRLs. The staff, funding, and extent of services vary from county to county, but there is uniformity in the Centers' mission supported through statute, rules of court, policies, training, and various other guidance from the State Legislature and Council.

Self-Help Centers

The Centers provide assistance and resources to the unrepresented through a range of staff including attorneys, paralegals, students, non-profit legal services, and various community-based organizations. The Centers' services include assistance with pleadings, forms, and drafting stipulations, and document review. Also, staff provides explanation and clarification of

¹⁴ The Judicial Council of California, *Statewide Action Plan for Serving Self-Represented Litigants* (2004), <https://www.courts.ca.gov/documents/selfreplitsrept.pdf>.

¹⁵ The Judicial Council of California, Center for Families, Child, & Courts, *California's Family Law Facilitator Program: A New Paradigm for the Courts*, (2000).

¹⁶ The Judicial Council of California, *Statewide Action Plan for Serving Self-Represented Litigants* (2004), *supra*. The Key Findings from this report are the foundation of Centers today: 1. Court-based staffed self-help centers, supervised by attorneys, are the optimum way for courts to facilitate the timely and cost-effective processing of cases involving self-represented litigants, to increase access to the courts and improve the delivery of justice to the public. 2. It is imperative for the efficient operation of today's courts that well-designed strategies to serve self-represented litigants, and to effectively manage their cases at all stages, are incorporated and budgeted as core court functions. 3. Partnerships between the courts and other governmental and community-based legal and social service organizations are critical to providing the comprehensive field of services required for success.

¹⁷ *Id.* at 57.

procedures including service requirements and obtaining, enforcing, and modifying orders. Center staff may not create documents that require strategic decision making on behalf of litigants or are designed to promote one side of a case over the other.¹⁸ Millions of SRLs in California seek assistance from legal service providers and court based programs. In 2018, the Council estimated over 2.1 million Californians sought legal assistance at the Centers and over 6 million unique users visited the California Courts Online Self-Help Center website, a stark increase from the over 1.6 million visitors to the website in 2003.¹⁹

Staff Assisted Self-Help Centers Pilot Project

The Centers are now the backbone of access to justice in California. Every county has at least one staffed center to provide court-based self-help services to the millions of unrepresented Californians. This began in 2001 when the Council, with the support of the Legislature, started a pilot project within the superior court system to fund staff assisted self-help centers.²⁰ In order to address the needs of the ever-increasing SRLs, the centers provided various forms of assistance, such as basic legal and procedural information, help with filling out forms, and referrals to other community legal services providers.

In developing and reporting on pilot program centers, the Council took great care to identify regional needs, not just because California is a large and diverse state, but also because the Superior and Municipal courts had only consolidated a few years prior and the Council only recently assumed responsibility from the individual counties for trial court facilities.²¹ The pilot began with courts around the state proposing model self-help centers and developing materials and information that could be used statewide, in the following areas:

- Comprehensive self-help services in small rural courts (Butte/Glenn/Tehama);
- Services to a Spanish-speaking population (Fresno);
- Services to a population speaking a range of languages (San Francisco);
- Use of technology to assist self-represented litigants (Contra Costa); and
- Coordination and support for an array of services in a large urban community (Los Angeles).²²

¹⁸The Judicial Council of California, *Guidelines for the Operation of Self-Help Centers in California Trial Courts* 9-10, https://www.courts.ca.gov/documents/self_help_center_guidelines.pdf.

¹⁹ The Judicial Branch of California, *California Courts Newsroom Fast Facts* (accessed October 30, 2019), <https://newsroom.courts.ca.gov/facts>.

²⁰ D. Chase and B. Hough, The Judicial Council of California, *A Report and Analysis of Action Plans Throughout California: Integrating Services for Self-Represented Litigants Into the Court System* (2003).

²¹ *Id.* See also L. Sipes, *Committed to Justice: The Rise of Judicial Administration in California* (2002).

²² The Judicial Council of California, *Report on Model Self Help Pilot Program* (2005), <https://www.courts.ca.gov/documents/Model-Self-Help-Pilot-Program-March-2005.pdf>. The programs sought to develop solutions to address four major challenges local courts said they faced in meeting the needs of self-represented litigants: Self-represented litigants need access to more legal information; many people have limited English proficiency; Geographic and transportation barriers reduce access; and Resources are limited. Over the course of two and a half years, the pilot programs at each of the five program's strategies were evaluated by collecting data from customers, interviews with court and program staff and other stakeholders, court file review, post hearing interviews, and customer satisfaction surveys.

The Council used the data and research collected from the pilot project to measure the overall effectiveness of services to increase: understanding and compliance with court orders, access to justice, access to judgements that were fair and just, user satisfaction with the court process, court efficiency and effectiveness, and education for court users so that they have reasonable expectations based in law and fact.²³

The pilot program ran from 2001-2005, but the issues the initial model centers addressed continue to be indicative of the Centers' challenges today. For example, serving Spanish and other languages of court users remains a challenge because of the cost and difficulty in hiring court interpreters or staff fluent in various languages.²⁴ Also, the technology to assist SRLs developed at the pilot's model center in Contra Costa is now used by several other Centers. This technology is a streamlined method to fill out judicial council forms and provides an alternative to form packets, which is accessible through many courts' websites. The five model centers continue to operate and share policies and programs to address those same challenges.

Expanding Court-Based Self-Help Services

The Council continued reporting to the Legislature regarding the growing impact of the unrepresented on access to the courts and court operations, and in FY 2005-2006 the Legislature directed the Council to allocate up to \$5 million for self-help services to establish the court based self-help centers. This was recommended by the Action Plan from the Task Force. In the following fiscal year, the Council authorized another \$8.7 million in ongoing funds for self-help assistance across the state and 51 out of 58 counties requested and received both one-time grants and ongoing funding based on population size and programming. This included various services, partnerships, training, equipment, materials, and technology targeting SRLs. As Centers became a priority, but were not yet widespread, many services were provided through family law facilitator programs and other entities partnering with the court. In 2007, the Council reported to the Legislature on the success of the funding for self-help services and the Centers, and by 2008 the Rules of Court 10.960 formally established Centers in every county.²⁵

The Centers are a huge accomplishment in California's commitment to access to justice, and their establishment and evolving success has been intrinsically connected to the Family Law Facilitator Program. In fact, the 2004 Action Plan recommended that self-help centers and family law facilitators integrate to provide comprehensive services, maximize resources, and promote uniformity.²⁶ The Legislature created a unique carve out in the law to establish Facilitator Programs and allow the attorneys staffing them to help the unrepresented without crossing

²³ *Id.* See Also Judicial Council of California, *Task Force on Self-Represented Litigants: Final Report on Implementation of the Judicial Council Statewide Action Plan for Serving Self-Represented Litigants* (2014), https://www.courts.ca.gov/partners/documents/EA-SRLTaskForce_FinalReport.pdf.

²⁴ *Beyond the Bench, Overview of Laws Regarding Language Access and Provision of Court Interpreters* (n.d) https://www.courts.ca.gov/documents/BTB_23_3P_2.pdf.

²⁵ The Judicial Council of California, *California Courts Self-Help Centers: Report to the California Legislature* 9, 11, 12 (2007), https://www.courts.ca.gov/documents/rpt_leg_self_help.pdf

²⁶ The Judicial Council of California, *Statewide Action Plan for Serving Self-Represented Litigants* 35 (2004), *supra*. Recommendation I.F. Administration of Self-Help Centers Should be Integrated to the Greatest Extent Possible.

ethical rules.²⁷ Those same policies extend to the Centers services and staff. Both programs are created by statewide policies and are administered at a local level through licensed attorneys called facilitators or supervising attorneys, who are court employees, and work closely with their local court administration. Statute designates that facilitators provide services to both parties, do not represent either party, and do not form an attorney-client relationship or obtain related privileges. This allows the court to aid litigants without compromising the court's neutrality. Currently, many Centers and Facilitator Programs share a space within the court and the public generally cannot distinguish their services.

Funding for Self-Help Services

Funding for the Centers, and budget for the entire judicial branch, has greatly fluctuated due to economic conditions and the “boom and bust” nature of the California Budget. In 2006 the Council determined it would take over \$44 million per year to fund Centers that fully meet the needs of the courts and the public, a figure that has not been updated and has never been achieved.²⁸ Due to fiscal issues, Centers have been consolidated with the family law facilitators in most court houses. Help is provided primarily in family law issues, restraining orders, and sometimes guardianship or conservatorships, small claims, unlawful detainers, and other civil matters.²⁹ This addresses the needs of many, especially families, but there are gaps in service for many civil legal needs such as healthcare, finances, employment, wills and estates, immigration, and more.

It can be difficult to discern actual figures allocated for self-help centers and services because of the many budget categories under “services for self-represented litigants” but in FY 2018-19 those services increased by \$19.1 million, a vast increase from the few years prior.³⁰ In times of economic crisis self-help services are often cut and local courts attempt to fill gaps in service by partnering with legal non-profits, law libraries, and volunteer lawyers. In FY 2017-18 and continuing through the budget for 19-20, the Council distributed \$5 million to all 58 trial courts Centers. This \$5-million-dollar figure is supplemented by various funding mechanisms and allocations that fluctuate but have been generally been increasing. In FY 2018-19, the Equal Access Fund distributed over \$23 million in grants directly to legal service providers and over \$2 million in partnership grants for Centers who create programs with those providers.³¹

²⁷ See Cal. Rules of Court Appendix C, p. 4 https://www.courts.ca.gov/documents/appendix_c.pdf. Allowing courts to promulgate guidelines for services to fit the needs of center and facilitator staff attorneys but must be fully consistent with the Rules of Professional Conduct. This carve out and focus on ethics is applicable to center staff through the several guidelines within the official *Guidelines for the Operation of Self-Help Centers in California Trial Courts*.

²⁸ The Judicial Council of California, *Task Force on Self-Represented Litigants: Final Report* 9 (2014), *supra*.

²⁹ Commission on the Future of California's Court System, *Report to the Chief Justice* 47-4 (2017), <https://www.courts.ca.gov/documents/futures-commission-final-report.pdf>.

³⁰ 2018-19 California State Budget, *Judicial Branch 5* (2018), <http://www.ebudget.ca.gov/2018-19/pdf/Enacted/GovernorsBudget/0010/0250.pdf>.

³¹ State Bar Legal Services Trust Fund Commission, *Equal Access Fund: Distribution of Funds for Partnership Grants and IOLTA-Formula Grants* (2018), <https://jcc.legistar.com/View.ashx?M=F&ID=6613654&GUID=2C031893-3ABC-43BD-9327-605030F67601>. The grants are for “legal services projects” which have a primary purpose to provide legal services in civil matters to indigent clients without charge and “support centers” which are usually through the court and provide training, assistance, and support to legal services projects for self-represented litigants on a statewide basis.

In 2019, the Council allocated tens of millions of dollars to self-help services through the Centers and legal services partners.³² For example, the FY 2019-20 Budget allocated \$19.1 million to self-help in general.³³ This recent self-help funding has allowed for 27 Centers to expand hours, open new locations, and reopen locations. With the available funding 46 Centers planned to increase staff. The services, allocated funds, court staff integration, and local collaboration for court-based self-help services originate from county need and vary widely from jurisdiction to jurisdiction. Fluctuation in funding and diversity of need in counties make each center unique, but the Centers are now the crown jewel of the state's decades long focus on access to justice for SRLs.

The Guidelines for the Operation of Self-Help Centers in California Trial Courts

County court operations and services vary greatly but all Centers must adhere to the Guidelines. There are forty-four guidelines that establish the location and hours of operation, scope of services, attorney qualifications, support staff qualifications, and supervision requirements. The Guidelines also cover language access, contracting with outside entities, use of technology, ethics, efficiency of operation, and security. In establishing the Centers across all 58 counties, the Rules of Court 10.960(e) also charged the Council's Advisory Committee on Providing Access and Fairness with maintaining guidelines and procedures and reviewing them as needed.³⁴

The Guidelines also direct courts, through the Centers, to implement programs, policies, and procedures designed to assist the unrepresented and effectively manage cases involving them at all stages.³⁵ This includes inception through order and judgement, carried out through a case management system and court staff follow up. The Guidelines require that these functions be incorporated and budgeted as core functions of each court. Incorporating the Centers into the core functions, through design and funding, is very important to the integration of self-help services with the court. Allowing center staff the time to follow up with SRLs also ensures needs are addressed from inception to final judgement and enforcement. Communication between center staff and other court staff is important for visibility and awareness of services. If all court staff is aware of what is offered for SRLs, they can help address their needs by directing them to the center or partnership program.

³² Id at Attachment A, Row 6. See also The Judicial Council of California, *Trial Court Allocations from the State Trial Court Improvement and Modernization Fund (IMF) for 2019–20* at 2 (2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7510955&GUID=84899E4B-7F2B-480C-A4E1-BC771C1F42EB>. It can be difficult to determine exactly how much is spent on SRLs because services, programming, and staffing for assistance is funded and provided through several entities within the court and partnered with the court.

³³ The Judicial Council of California, *Report of State Trial Court Improvement and Modernization Fund Expenditures for 2017-18* (2018), <https://www.courts.ca.gov/documents/lr-2018-state-tc-imf-modernization-fund-17-18-gov-77209i.pdf>. See also Trial Court Budget Advisory Committee, *Judicial Branch Budget: 2018 Budget Outcomes 1, 3, 5* (2019). Also, \$70 million was allocated for discretionary uses that help overall staffing, management, service hours, and technology, which tangentially affects the self-help centers.

³⁴ California Rules of Court 10.960(e), The committee makes recommendations for improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties. Note: Rule 10.960 was amended in 2015 to change the review of the Guidelines and procedures from “at least every three years” to “as needed”. See also Rules of Court 10.34 Duties and responsibilities of advisory committees.

³⁵ California Rules of Court 10.960(b)

The Guidelines have not been updated since they were initially issued in 2008 and there are programs, policies, and services that would benefit from a review and update. The guidelines are maintained in collaboration with judges, court executive officers, attorneys, and other stakeholders. Rule 10.960 states the purpose and core function of the self-help center services is to facilitate timely and cost-effective processing of cases involving SRLs. An update to modernize these guidelines would facilitate both those purposes. The Councils overall efforts to address access to justice have been ongoing, but there needs to be a focus on the center guidelines to determine how best to address the reality current need of the many unrepresented litigants struggling to access the courts. The Centers provide services in every county, but the operations and needs have outgrown several guidelines and an update to the 2008 Guidelines is needed.

Implications of Recent Studies

There have been several recent statewide efforts to evaluate court-based self-help services and inform an update to the programs and services addressing access to justice. These include The Commission on the Future of the California Courts (herein after *The Futures Commission*) and the California Justice Gap Study.

The Future Commission was established in 2014 to take an in-depth look at how the trial courts operate and find ways to modernize, improve and streamline court operations for the 21st century.³⁶ The Futures Commission recommended several procedural and operational improvements in civil matters, including an “increase and improvement for self-represented litigants”. They proposed establishing a “Center for Self-Help Resources” to increase the scope of services offered by established programs, such as the Centers. Their recommendations can be incorporated into a guideline update since the recommended activities of the “resource centers” overlap and expand on many of the functions, programs, and partnerships at the existing Centers.

The California Justice Gap Study is the first comprehensive study on the gap between Californians civil legal needs and the resources available to meet those needs. Roughly 4,000 Californians from all income levels were surveyed. The study found the most common types of civil legal issues experienced include:

- Health (insurance benefits, assistance, etc.)
- Finance
- Employment
- Rental Housing
- Wills and Estates
- Family

³⁶ Commission on the Future of California’s Court System, *Report to the Chief Justice* (2017), *supra*. See also Chief Justice of California Tani G. Cantil-Sakuaye, *Addressing the recommendations of the Commission on the Future of California’s Court System* at 2. The Chief Justice formally addressed the recommendations and directed the Council’s Advisory Committee on Providing Access and Fairness to develop a proposal for consideration of the structure, content, and resource requirements for an education program to assist SRLs with common civil claims. See also Advisory Committee on Providing Access and Fairness, *Open Meeting Agenda 2* (March 15, 2018), <https://www.courts.ca.gov/documents/paf-20180315-materials.pdf>. The Advisory Committee put that proposal on its March 2018 agenda and the working timeline is to be completed by December 2019. Several of the resource center activities line up with the Centers’ Guidelines and could be incorporated into an update of the Guidelines.

- Income Maintenance (includes earned income tax credit trouble, issues with public benefits, etc.)
- Immigration
- Education³⁷

The study also found that Californians received no or inadequate legal help for 85 percent of their problems.³⁸ Legal aid organizations, court based services, and other community providers such as social service agencies do provide assistance, but many Californians do not qualify for legal aid based on their income but still cannot afford an attorney.³⁹ Help is often unavailable for the many civil legal problems people face and the study also showed that most people have a lack of knowledge of the civil system, so they are unable to recognize a legal issue and therefore won't search out resources. This lack of services, lack of funds for representation, and lack of knowledge all contribute to the gap between the need and the help.

The following findings of the Self-Help Center Survey will show that the *Guidelines for the Operation of Self-Help Centers* have been elemental to establishing Centers, but that there are practices and services which no longer meet the needs of SRLs and require the guidelines to be updated. The strengths and weaknesses identified by the survey coupled with the recent state reports and studies above, can inform an update to these decade old guidelines.⁴⁰

Survey of Self-Help Centers

In order to identify strengths and weaknesses in the application of the guidelines and suggest updates, ten Centers across the state were surveyed. Selection of the Centers was based on the population size and geographic location of each county.⁴¹ Counties selected include:⁴²

- Alameda (Hayward)
- Inyo (Bishop)
- Kern (Bakersfield)
- Los Angeles (Pomona)
- Mendocino (Ukiah)
- Modoc (Alturas)
- Riverside (Riverside)
- Sacramento (Sacramento)
- Santa Cruz (Santa Cruz)
- Sutter (Yuba City)

³⁷ The State Bar of California, *Technical Report on the 2019 California Justice Gap Study* 3, 5, 10 (2019), *supra*. See also The State Bar of California Board of Trustees Meeting, Agenda Item 703 Justice Gap Study Update, September 19, 2019, <http://bog.calbar.org/Agenda.aspx?id=15334&tid=0&show=100022853&s=true#10030606>.

³⁸ The State Bar of California, *2019 California Justice Gap Study Executive Report* 8-10 (2019), <http://www.calbar.ca.gov/Portals/0/documents/accessJustice/Justice-Gap-Study-Executive-Summary.pdf>.

³⁹ *Id.* At 15-16.

⁴⁰ APPENDIX D Results of Self-Help Center Survey.

⁴¹ APPENDIX B Map of Ten Self-Help Centers Surveyed.

⁴² Cities are designated as some counties have several centers.

The survey was developed by the author, with the help of several Center employees. The questions focused on basic services and SRL needs that employees and service providers often witness at the Centers and in related services like joint programs and law libraries. The scope of the survey was kept intentionally narrow and focused on the thirteen guidelines categorized by the topics of: accessibility, communicating services, community collaborations, and language.⁴³ Specifically, how Centers are applying the guidelines to make SRLs aware of services and to provide those services when, where, and how they are needed. Even with statewide guidelines, each center varies greatly from county to county, partly by design and partly because of the difficulty of uniformity in such a large state. Flexibility and awareness of the diversity of population and regional needs has been important to the success of the Centers. Success is also achieved through guidelines for Centers to provide services for the most common civil legal issues, through accessible means, using technology, and communicating their services to those in need.

Accessibility

Accessibility is addressed in several of the centers' guidelines. Accessibility includes physical and digital access for users.

Physical access

First, the Centers should be located in the courthouse, or at least be within walking distance.⁴⁴ Nine out of ten Centers surveyed followed this guideline. This ensures SRLs are aware of the help offered and improves their filings from initiation to obtaining an order. When a center is within a court house, an SRL is assisted with assembling paperwork and then goes directly to the clerk's window to file, all within the same building. When there are multiple courthouses and Centers, the center's services should match up with the division or services offered at that courthouse (i.e. the center will be in court that operates the civil division). This was true at all surveyed Centers. The survey also showed the size of the center can vary greatly since most smaller courthouses struggle to find space, whereas newer courthouses have successfully integrated them with the clerk window or have a large space for them where they are able to share space with Family Law Facilitators, small claims advisors, offer mediation services, and hold workshops.

Location is important for integration of center staff and services with the court since co-locations supports communication and coordination and ideally incorporates center services with court functions and improves the processing of cases. In Mendocino County, the law library and the center are in the same hallway in the courthouse, but staff report the communication is sparse and the services are mostly separate. This shows that co-location is an important step, but integration of staff across department requires more than just location. Communication and relationships are essential to fully integrate services and provide effective court based programming, or else proximity may not matter. In Modoc, there are some print resources and a computer located in the Centers space within the courthouse, but the staff attorney helps the SRLs at her office, located within a five-minute walk from the courthouse. This unique set up

⁴³ APPENDIX C Self-Help Center Survey.

⁴⁴ The Judicial Council of California, *Guidelines for the Operation of Self-Help Centers in California Trial Courts* Guideline 3 at p. 2-3, *supra*.

works for this small country and the very small Center where the one staff member provides services. Overall, most of the Centers surveyed followed the location guidelines, and if they do not it was because of other arrangements that fit the circumstances.

Accessibility is also addressed through the guidelines for hours and delivery of services. Each courthouse should be open a minimum of twelve hours per week and it should also have some evening or weekend hours, even if by phone or email.⁴⁵ All of the Centers surveyed met the minimum twelve hours, but none of the Centers had weekend or evening hours for in-person or phone help. Access is important because a majority of SRLs cannot visit the courthouse during standard business hours. Even if they are free during business hours, it can still be difficult to get to the courthouse, especially in geographically large or remote counties.

Those using self-help services need to have access through flexible hours and methods. There were several Centers that had email and phone services that could be used anytime, and staff would respond within a posted amount of days. The Santa Cruz Self-Help Center in Watsonville clearly posted their phone and email services and response times. Whereas Alameda Self-Help Center has phone services, but messages can only be left during service hours and will be responded to within five days. The survey showed off hours and services are difficult at all the Centers. The guidelines address this difficulty, acknowledging that courthouses are largely not open on weekends or evenings, but they suggest providing evening and weekend services by using space at libraries or community agencies.⁴⁶ The guidelines also direct telephone and email assistance to be offered even when the courthouse is closed. Overall, the availability of services during non-business hours need to be improved.

Updating the Guidelines: Accessing services is most difficult for lower income Californians. It can be difficult for them to take off work, find transportation to the courthouse or to contact Centers during normal business hours. The *California Justice Gap Study* reported low-income Californians have an average of four civil legal issues in the household per year, but 70 percent of them did not seek or receive help.⁴⁷ The study also found that lower income respondents mostly sought help from legal aid organizations and 16 percent used the Centers. The services provided by the center are useless if most are not aware of what the Centers offer. The physical access guidelines can also be helped through digital means. Increasing accessibility through websites, email, and phone services is one way to increase awareness and usage of the Centers.⁴⁸ Many people need the Centers and improving accessibility through “off hours” and distance services can increase access to the services.

Digital or Distance Access

⁴⁵ Guideline 5 at p. 3.

⁴⁶ Guideline 5 at p. 4.

⁴⁷ Moran, Lyle, *California Report Identifies Large ‘Justice Gap’* (September 26, 2019), *supra*.

⁴⁸ *Id.*, 13-14. 39 percent of respondents used legal aid. It is unclear if the survey clearly separated legal aid and self-help centers. Many legal aid programs and services are promoted at the court or are in partnership with the court.

The Guidelines require Centers to “have a plan” to provide distance services when people cannot visit the Center.⁴⁹ This includes access to web-based resources accessible at any time. This also includes phone or email services, so that people can still interact with Center staff. The results showed most services are offered in person and distance services are inconsistent. Seven Centers had phone or email services, but out of those only four had accessibility at any time via voicemail or email.

With the modernization of services and a push for digital government services, emails should be the baseline of distance service used by all Centers. Other distance services include: Law Help Interactive (LHI)-a form filling website where users create profiles to save and print all the forms needed for their issue, Odyssey Guide and File-a web based program that allows for litigants to open cases and e-file documents, California Online Self-Help Law Center which compiles required forms and documents for popular issues, and PDF form packets compiled by the local court for popular topics.⁵⁰ Half of the Centers utilized these options, Los Angeles, Riverside, Kern, Santa Cruz, and Sacramento used at least one of the options above. Digital distance services are not necessarily a cure all, but remote distance services through technology is an important part of providing services for those who cannot make it to the courthouse for help.⁵¹

Arguments can be made for both online and offline help. Legal help is often confusing and the services the Centers provide are arguably best delivered in person. Smaller counties, such as Sutter, Modoc, and Inyo have phone or email options, but mostly provide face-to-face services. But distance services are an efficient method of servicing highly populated and geographically large or remote counties. On the other hand, more and more people are preferring to interact online. This is where the need for flexibility is the most noticeable. Centers should have a choice in how they deliver services and tailor to their population’s needs, but there should be statewide baseline and consistency in providing services that are accessible at anytime from anywhere.

Updating the Guidelines: Developing technology and improving digital services is large part of modernizing the Centers. Especially in geographically challenged areas where legal services can be administered remotely. The Futures Commission recommended “developing an online small claims advising program, supplemented with online and telephone support, for courts unable to support in-person small claims assistance”. This would be beneficial to smaller Centers who must contract out for services, only have very limited hours, and do not have significant distance services. This would also benefit highly populated counties that assist many SRLs and have long wait times in the Centers.

The Futures Commission unsurprisingly recommended using technology to improve access to justice now and into the future by “maintaining, updating, and expanding the online

⁴⁹ Guideline 41 at p. 19-20.

⁵⁰ Odyssey eFileCA <http://www.odysseyefileca.com/>, as of November 2019 twenty courts offered this service. California Online Self-Help Law Center <http://cc-courthelp.org/> was developed by Contra Costa Superior Court and is used by a handful of centers for guardianship, family law, eviction, domestic violence, small claims, and traffic.

⁵¹ The Judicial Council of California, *The Critical Role of the State Judiciary in Increasing Access for Self-Represented Litigants: Self-Help Access 360?* (2015), <https://www.courts.ca.gov/documents/ctac-20150710-report-addendum.pdf>.

self-help center to provide 24/7 assistance to SRLs”. The California Courts Online Self-Help Center is a wealth of information for numerous topics from locating Centers, preparing for court, finding legal resources, filing a complaint against a judge, locating court’s local rules, and Council forms. A 2014 Council survey found that most respondents wanted a mobile optimized courts website with step-by-step forms instructions and video tutorials.⁵² More and more departments have focused on access through digital means, yet funding for the online center has remained at \$100,000 for statewide support.⁵³ All of the Centers provide a link to the Online Self-Help Center, but it can be confusing and provide outdated information. A focus on digital services and information, whether it is a consolidated effort through the statewide online center or detailed guidelines for individual center website and digital information—there must be a push for distance services through online portals. This would require dedicated funding through the state budget process to ensure these services are provided uniformly throughout the state.

Communicating Services

The Guidelines provide a baseline of how services are developed and communicated to visitors. Providing meaningful access to justice through impartial and accurate services is the elemental to how staff implements the Guidelines. Guideline 3 states, Centers should provide services that are competent, neutral, and unbiased to provide practical legal information.⁵⁴ The survey sought to find out how the neutrality is communicated to the public. Intake forms are a popular method of neutrally assessing a SRLs issue. Having a staff available to greet and ask questions is helpful, but once it is established their need is generally one that the center assists with (making sure they aren’t looking for another department or have a legal issue that is helped somewhere else, i.e. criminal), an intake form is a neutral instrument to obtain information from them. The intake form also allows for adherence to Guidelines 12 and 13. These guidelines require visitors to the center to be on notice that represented parties cannot be helped, that the services are for both parties, and that no attorney-client relationship is created (so communication with staff is not privileged).⁵⁵ Every center surveyed made this disclaimer clear within the center, on the website, or on intake forms.

Workshops are also a method of delivering service in a neutral way. They enforce the lack of confidentiality and that no attorney-client relationship is formed. Everyone attending the workshop gets the same information and help and there is no expectation of confidentiality in a group of people getting the same service. About half of the Centers surveyed held workshops. Overall, the neutrality of the Centers is clearly communicated and delivered in recommended methods.

⁵² The Judicial Council of California, *2014 California Courts Website Survey Results* (2014), https://www.courts.ca.gov/partners/documents/2014_Courts_Survey_Results.pdf.

⁵³ The Judicial Council of California, *Judicial Branch Budget: Quarterly Report on the Court Innovations Grant Program, Fiscal Year 2018–19, Quarter 3* at p. 3 (June 28, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7535145&GUID=753EBDB0-6470-4836-AC89-940EABDC5203>. Recently, the California Appellate Courts Self-Help Resource Center went online to provide helpful tools for self-represented litigants and attorneys less familiar with the appeal process. It also uses a chatbot to answer questions

⁵⁴ Guideline 10 at p. 6.

⁵⁵ Guidelines 12 and 13 at p. 8.

The Guidelines also state that Centers should provide basic, core self-help services and make available a list of those services to the public.⁵⁶ The survey focused on the hours and schedule of services posted on the website, because the majority of people looking for legal help would start on the court's website. All the Centers post a basic description of the services offered and what help can and cannot be given. It is beneficial to have relevant information about what services are offered, what to bring, and a schedule of services. This saves time for both litigants and court staff. A handful of Centers displayed thorough, very specific information. For example, Alameda and Santa Cruz Counties provided flyers with extensive information about location, language services, what to expect, disclaimers, rules, and additional community resources. These center's information stands out from most Centers because of the detail and specifics. Despite their vast difference in population sizes, Kern County and Sutter County both displayed extensive information about their workshop schedules in divorce, small claims, and consumer issues, providing help with document review, procedure, assistance with pleadings and service requirements, and more. The results showed that the Centers are following the Guidelines and displaying the appropriate basic core services and that they are being displayed to the public, regardless of size or location of the center.

The scope of services for Centers are specific and often limited. SRLs legal needs are often beyond what staff can help with. When there is no help offered on a certain issue or it is too complex, staff must be trained on when and how to provide outside information. Guideline 11 states that prompt referral to appropriate legal assistance should be made whenever possible.⁵⁷ A prompt referral to an appropriate community organization or lawyer referral service is important for staff and SRLs so that time is used efficiently and because some issues are out of the scope of the center. Instead of just saying "sorry, we can't help you" a staff should direct them to organizations or resources that may be able to help. Providing a prompt referral depends mostly on training, but it also depends on what outside sources are available to refer litigants to. This is largely dependent on the location of a center and whether there even are legal service providers available. Referrals mostly consist of a flyer or brochure that lists state agencies, legal and general community organizations, law libraries, and online resources. Every center provided a referral document that had helpful information about legal service providers within their community and available online.

Updating the Guidelines: The staff are providing services in a neutral manner, communicating the core services, and making referrals to legal service providers across the ten Centers. The survey showed that these guidelines do not require an update.

Community Collaboration

Community collaboration is also elemental to the services provided at and in partnership with Centers. The Guidelines state Centers should collaborate with other courthouse programs, maintain a list of community-based organizations and referral services, and contract with entities that provide high-quality services.⁵⁸ The survey showed Centers partner with lawyers and local bar associations, non-profit legal service providers, law libraries, and related local government entities such as child support services. These partnerships allow for the Centers to expand their

⁵⁶ Guideline 15 at p. 9.

⁵⁷ Guideline 11 at p. 7.

⁵⁸ Guidelines 7-9 at p. 5-6.

services in the most common civil legal issues, but still many areas of civil law go unassisted. Family law, small claims, and landlord/tenant issues dominate the services at most Centers, which falls short of the findings of the Justice Gap Study. Many of the local legal organizations supplement the center's services by staffing the center, running workshops, or providing services in areas where the population cannot get to the center. The referral list, discussed prior, is usually made up of these organizations. Collaboration to spread services is important in geographically large counties, counties with remotely located cities, or other geographic challenges. In some counties there are close and beneficial relationships with other entities, such as law libraries, but in other counties partnerships are sparse or nonexistent. For example, Mendocino does work with LSNC but not the law library. Inyo County reports they have partnerships, but no information was provided. Also, Sacramento County does not have any type of partnerships, or at least they are not communicated to the public.⁵⁹ Kern, Alameda, and Los Angeles Counties all had extensive partnerships to provide services such as one-on-one assistance and clinics on various issues, such as consumer debt, eviction defense, low income landlord, bankruptcy, and family law. These partnerships are important to the Centers in providing assistance for the many topics SRLs need assistance with. Overall, community collaborations are present, but not widespread.

Updating the Guidelines: Legal needs are complex and the potential for frustration is high, so although accessibility is very important, pervasive collaborative programming allows for more services and effective assistance. The Futures Commission declared partnerships between the courts and other governmental and community-based legal and social service organizations are critical to provide more comprehensive services.⁶⁰ Many Centers have strong partnerships with legal service entities, law libraries, health and human services, and child support services in their counties but these connections can be stronger. The ever-popular small claims, family law, and landlord/tenant issues are the majority of services areas, but health, consumer and financial issues, estate planning, immigration, and education are mostly non-existent. These civil issue areas are important to SRLs and the services should reflect that.

Expanding services in response to the need must be incorporated into the community collaboration guidelines. This can be done by specifically identifying the civil issue areas within the majority of similarly situated counties, sharing successful programming, and developing statewide programs that can be duplicated by court staff or outside entities. Partnering with legal aid groups, law libraries, government agencies, and any entity that can help spread services in large and small counties needs to be pushed. Providing services in areas of the state where there are not many legal organizations or resources to develop those services can be a challenge. Which is why an update to the Guidelines can include using technology to connect to services within the county or developing a statewide program which can be utilized by counties that have information deserts. In some areas it may not be enough for the Council to provide programming that can be duplicated, it may need to create the programming and implement it for the center. The Centers respond to the most common needs, but they are no longer only small claims, family law, and housing. A comprehensive approach to access to justice requires an update in response to the evolving need by pushing for more local partnerships and statewide programming.

⁵⁹ Sacramento has a unique set up, they have a strong Family Law Facilitator and partner with the Sacramento County Public Law Library with the surveyed location is less than a year old and is planning on creating partnerships in the near future.

⁶⁰ Commission on the Future of California's Court System, *Report to the Chief Justice* 3 (2017), *supra*.

Language

To the extent possible, the Guidelines require services to be available in the primary languages of the user population and there should be a plan in place for users who need assistance in a language in which staff is not fluent.⁶¹ It is optimal to have center staff who are fluent in the language of SRLs in their service area, but that is often hard to come by.⁶² Only four of the Centers surveyed had staff fluent in another language, mostly Spanish. The others used LanguageLine interpreter services via the phone, a court interpreter when available, or did not have any method. They survey showed court interpreters are difficult to come by even when they are required for hearings, so the Centers struggle to find an interpreter who is not busy. Several Centers reported that most people bring a friend who speaks English to help them during their visit.

Updating the Guidelines: California is a diverse state and as a result the government services in languages other than English are difficult statewide, but the Guidelines need to be updated to reflect the reality and provide specific guidance on how staff can meet language needs. The Guidelines say, “there should be a plan”, but the Council should provide more assistance with the plan. There are solutions that some Centers use, but they are not widespread. Currently, the courts have a Language Access Plan Implementation Task Force and the 2018 Budget Act included \$2.35 million in ongoing funding for courts for language access signage and technology.⁶³ By 2020, the courts should provide language access services at all points of contact in the courts and are to provide public notice of available languages. The Guidelines should incorporate the specific recommendations of the language access plan. These include multilingual signage, translating materials and handouts, and having “I speak” cards available to handout to the public so that staff will know what language they must seek assistance from LanguageLine.⁶⁴ Continued investment and a targeted plan by the Council is needed to ensure assistance is available in the needed languages.

Equipment

The Guidelines state that staff should have easy access to copy and fax machines, but the survey found access to copy machines for the public was largely unavailable.⁶⁵ Initially, this questions was not on the survey, but in visiting the Centers it became apparent that Centers provided copies or access to copiers inconsistently. Copies of filings, evidence, and other important documents are required, sometimes under a time restraint, and access to a copy machine was sporadic at most centers. All the Centers surveyed make copies for SRLs on matters they are being assisted with. Some will copy just about anything the public brings in but do not advertise it. Others charged for copies either on a copier within the Center or a public copier that serves the public in the court house. Some court houses do not have public copiers at

⁶¹ Guideline 18 at p.10-11.

⁶² Beyond the Bench, *Overview of Laws Regarding Language Access and Provision of Court Interpreters* (2015) https://www.courts.ca.gov/documents/BTB_23_3P_2.pdf.

⁶³ The Judicial Council of California Advisory Committee on Providing Access and Fairness, *Annual Agenda 2019* (2019), <https://www.courts.ca.gov/documents/paf-annual.pdf>.

⁶⁴ The Judicial Council of California, *Strategic Plan for Language Access in the California Courts* 13, 45, 37 (2015), https://www.courts.ca.gov/documents/CLASP_report_060514.pdf.

⁶⁵ Guideline 40 at p.19.

all.⁶⁶ This is inconsistent and can be frustrating for SRLs who are not using the self-help center at the moment but need a copy for a legal matter. In the survey, staff reported this may be an issue because it usually required the center to contract out with a third party to lease and maintain a copier, but it is a small price to pay for something that is so important to public at the courthouse.

Updating the Guidelines: Currently, the Guidelines do not address access to copiers at all, even though copying documents is a necessity for everyone who uses the court house. The Guidelines should be updated to require Centers to either provide a copier or post their copy policy on the courts website and within the center. Making copies is a necessity in a courthouse and it should be consistently provided. Providing equipment for SRLs should be a priority.

Conclusion

California has been a leader in access to justice and the Centers have successfully assisted millions of litigants since their inception. California's court system has echoed the best practices and efficiencies supported in national reports by Legal Services Corporation, the Conference of State Court Administrators, the Conference of Chief Justices, the State Justice Institute, the National Center for State Courts, and the American Bar Association. Today, every county has at least one center which provides services that have increased the courts management, protection, and support of litigants' rights from case filing to disposition. This survey touched the surface of the application of the Guidelines and results show the courts commitment to SRLs, but also the need for an update. The Centers are able to help litigants understand their legal rights and options, initiate cases, follow procedure, and improve the time and cost of resolving cases for both the courts and SRLs.⁶⁷ Yet they also fall short in providing accessibility through distance services and technology, consistent community partnerships, language services, and copy equipment.

The Legislature, the Council, and the many stakeholders have pushed for the modernization of the civil justice system in order to make courts user-friendly to the majority of users, not just legal professionals.⁶⁸ The courts centralization of management and providing services and programs through the Centers has markedly improved access to justice for SRLs in the past twenty five years. The prioritization and goals of access to justice can be seen in the many state entities, task forces, studies, funding, and policies that have forged the success of the Centers. With an update to the Guidelines, those goals can continue to respond to modern need of SRLs. An increase in technology application for distance services would allow for people to use the Centers when, where and how they are needed. A stronger guideline for community collaborations or centralized programing from the Council can help respond to the civil legal needs, especially for Centers that struggle to find partnerships. Language services remain a

⁶⁶ 6 out of 10 centers surveyed do not have public copiers.

⁶⁷ The National Center for State Courts Civil Justice Improvements Committee, *Call to Action: Achieving Civil Justice for All* (2016), <http://www.sji.gov/wp/wp-content/uploads/CJI-Full-Report.pdf>. See also National Center for State Courts, *Transforming our Civil Justice System for the 21st Century: A Roadmap for Implementation* (2016), <https://www.ncsc.org/~media/Microsites/Files/Civil-Justice/CJI%20Implementation%20Roadmap.ashx>.

⁶⁸ Conference of Chief Justices Civil Justice Improvements Committee, *Call to Action: Achieving Civil Justice for All Recommendations to the Conference of Chief Justices* (2016), <https://www.ncsc.org/~media/microsites/files/civil-justice/ncsc-cji-report-web.ashx>. American Bar Association, *A Report on the Future of Legal Services in the United States*, 34 (2016), https://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport_FNL_WEB.pdf.

challenge within the courts, but providing statewide services and a specific plan to the Centers can help remedy the inconsistencies and lack of assistance in other languages. There also needs to be available equipment and clear policies for copying services. For over a decade, the Council's *Guidelines for the Operation of Self-Help Centers in California Trial Courts* has provided the instructions for the staffing, operating, and services at the Centers. Now is the time to update those those instructions with data from the Futures Commission, the State Bar, and the survey findings here. The Guidelines have provided a baseline of services and have allowed for flexibility in response to population needs, yet they have also allowed for gaps in services that affect accessibility, community collaborations, language, and equipment. The legal needs of Californians are changing and with the consideration of this paper continued funding and support from the many stakeholders, and an update to the Guidelines, California can continue to provide access to justice through the court's self-help centers.

APPENDIX A: A History of Self-Help Services in California

- 1996: State Bar of California established California Commission on Access to Justice
 - October 2019 Commission separated from State Bar to become an independent nonprofit corporation.
- 1996: California Legislature passed the Family Law Facilitator Act mandating the establishment of an Office of the Family Law Facilitator in every Superior Court, a new statewide family law facilitator program began July 1, 1997.
 - 1994: Development began with two statutory pilot projects in Santa Clara and San Mateo Counties.
- 1999: California Rule of Court establishing the Advisory Committee on Providing Access and Fairness (CA Rules of Court 10.55).
- 1999-2001: California funds three Family Law Information Centers to address a broad array of family law matters involving low-income self-represented litigants.⁶⁹
- 2001: Task Force on Self-Represented Litigants appointed by the Chief Justice and charged with developing a statewide action plan to assist self-represented litigants.
- 2001: Five Model Self-Help Center Pilot Programs established in Butte/Glenn/Tehama (merged to address rural counties), Fresno, San Francisco, Los Angeles, and Contra Costa Counties.
- 2003: Judicial Council Administrative Office of the Courts, Center for Families, Children & the Courts releases *A Report and Analysis of Action Plans Throughout California: Integrating services for self-represented litigants into the court system*.
- 2004: *Statewide Action Plan for Serving Self-Represented Litigants* submitted by the Task Force on Self-Represented Litigants
 - Budget Act for 2005-2006 called on Judicial Council to allocate up to \$5 million for self-help assistance consistent with the Council's action plan. 2005-2006 \$2.5 million was allocated, 2006-2007 \$8.7 allocated for ongoing funding to start or expand court self-help centers.⁷⁰
- 2007: Judicial Council, Administrative Office of the Courts submits *Report to the Legislature: California Courts Self-Help Centers*.
- 2008: California Rules of Court establishing court self-help centers to assist self-represented litigants and effectively manage cases involving them. Adopted the *Guidelines for the Operation of Self-Help Centers in California Trial Courts*.
 - Advisory Committee on Providing Access and Fairness must recommend to the Judicial Council updates to the Guidelines for the Operation of Self-Help Centers in California Trial Courts every three years.

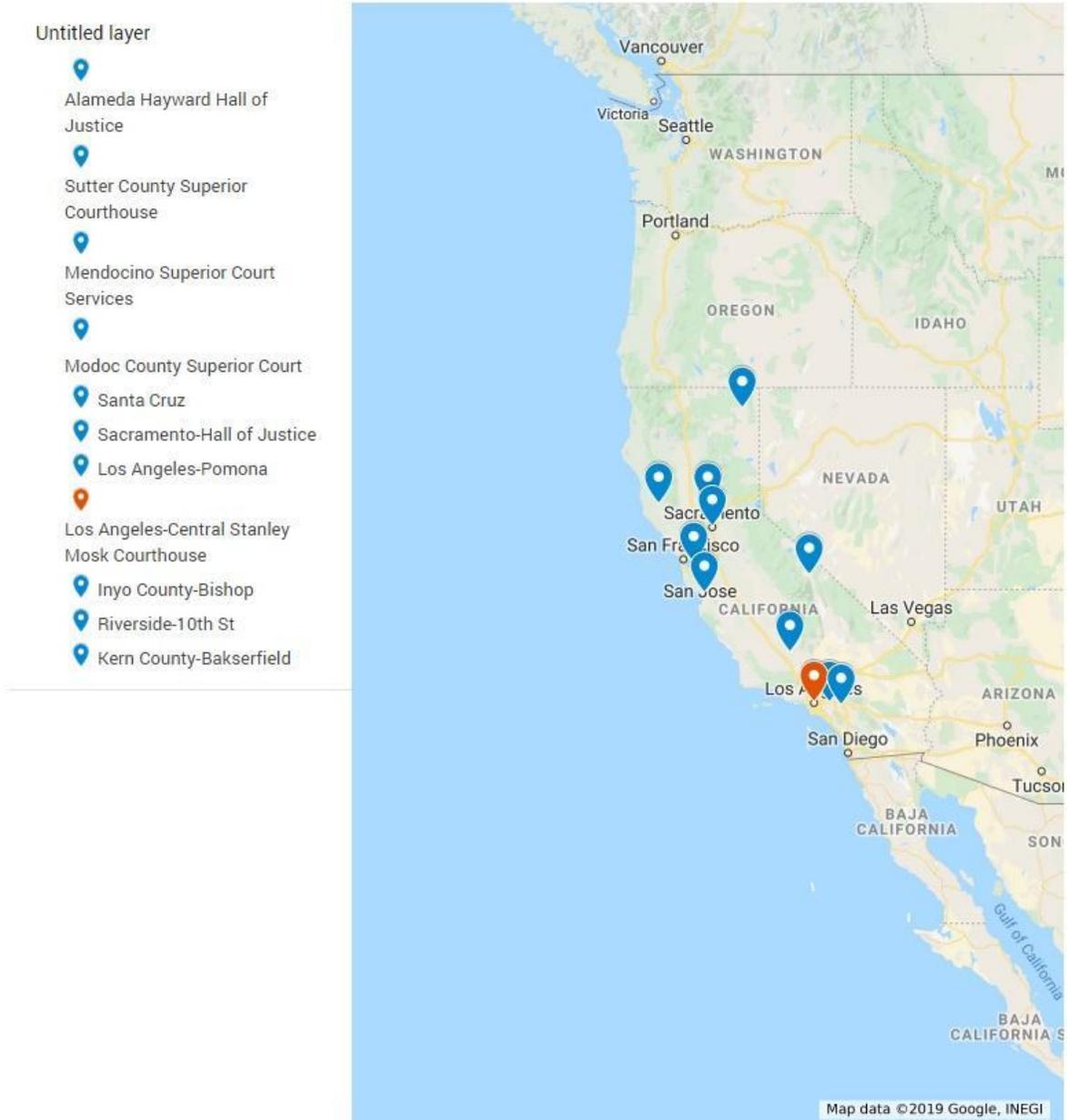
⁶⁹ The Judicial Council of California, *A Report to the Legislature: Family Law Information Centers: An Evaluation of Three Pilot Programs*, 2003, <https://www.courts.ca.gov/documents/FLIC-full.pdf>.

⁷⁰ The Judicial Council of California, *Statewide Action Plan for Serving Self-Represented Litigants* (2004), *supra*.

- 2011: *Guidelines for the Operation of Self-Help Centers in California Trial Courts* reaffirmed.
- 2014: *Task Force on Self-Represented Litigants Final Report* on the 2004 statewide action plan, recommended ongoing implementation and remaining tasks be directed by the newly established Advisory Committee on Providing Access and Fairness.
- 2014: Chief Justice Tani G. Cantil-Sakauye established the Commission on the Future of California's Court System.
 - 2017: The Commission released a *Report to the Chief Justice* with 13 recommendations to focus on increasing access for court users.
- 2015: Joint Working Group for California's Legal Access Plan releases Strategic Plan (Language Access Plan) to be implemented by 2020.
- 2019: The California State Bar conducts the *California Justice Gap Study* to gather data on the legal services needs of all Californians.

APPENDIX B: Map of Ten Self-Help Centers Surveyed

Self-Help Centers



APPENDIX C: Self-Help Center Survey

Self-Help Center Survey

Developed from Guidelines for the Operation of Self-Help Centers in California Trial Courts
https://www.courts.ca.gov/documents/self_help_center_guidelines.pdf

1. Location

2. Is the SHC located in the court house?

Check all that apply.

Yes

No

3. Are there multiple locations?

Check all that apply.

Yes

No

4. Weekend or "off" hours available?

Check all that apply.

Yes

No

Other: _____

5. Are distance services offered?

Check all that apply.

Email

Phone

None

Other: _____

6. Upon entering court house or building are you able to determine where the center is? Please explain below:

7. Are the following posted on the self-help center website?

Check all that apply.

- Hours of Operation
- Schedule of Services
- None
- Other: _____

8. Are there any services offered in English

Check all that apply.

- Staff
- Interpreter
- Language line
- Other: _____

9. Are there computers available to the public?

Check all that apply.

- Yes
- No

10. Is there a copier available to the public?

Check all that apply.

- Yes
- No
- Other: _____

11. How does staff process patrons as they enter?

Check all that apply.

- Sign-in sheet
- Intake Form
- Kiosk
- Line up
- Other: _____

12. Is there a notice that communication between patrons and staff is not privileged and no attorney-client relationship is established when speaking with staff?

Mark only one oval.

- Yes
- No
- Other: _____

13. Is there a referral list for community based organizations or lawyer referral list provided to public?

Check all that apply.

- Yes
- No
- Other: _____

14. Are there any services or programs provided in partnership with other entities?

Check all that apply.

- Yes
- No
- Other: _____

15. If yes, explain or attach document:

16. Any other comments?

APPENDIX D: Results of Self-Help Center Survey⁷¹

Location	Is the SHC located in the court house?	Are there multiple locations?	Are weekend or "off" hours available?
Sacramento	No	Yes	No
Alameda	Yes	Yes	No
Sutter	Yes	No	No
Mendocino	Yes	Yes	No
Santa Cruz	Yes	No	No
Inyo	Yes	Yes	No
Modoc-Alturas	Yes	Yes	Yes
Los Angeles-Pomona	Yes	Yes	No
Riverside	No	Yes	Yes, Evening workshops offered 3-4 Times a month for divorce.
Kern-Bakersfield	Yes	No	No

⁷¹ Link to Google Form Survey: <https://forms.gle/NsLnXpKnkfjTeNyj6>. Link to Google Spreadsheet: <https://bit.ly/2LDJNPQ>.

Location	Are distance services offered?	Upon entering court house or building are you able to determine where the center is?	Are the following posted on the self-help center website?
Sacramento	None	Signage posted	Hours of Operation, Schedule of Services
Alameda	Phone, Messages can only be left during phone hours, returned within 5 business days.	Signage and staff assistance at the information desk.	Hours of Operation, Schedule of Services
Sutter	Phone	Staff assistance	Hours of Operation, Schedule of Services, FAQs on the website describe services.
Mendocino	Email	Signs	Hours of Operation, Schedule of Services
Santa Cruz	Email, Phone, Phone messages will be returned within 72 hours, email within a week.	Signage posted	Hours of Operation, Schedule of Services, Workshops for record clearance monthly, small claims every other month, probate by appointment.
Inyo	Email, Phone, Could not find email posted anywhere. http://www.legalselfhelpcenter.com/ provides some further information but the website is not easy to navigate.	Staff directed	Hours of Operation, Schedule of Services, via http://www.legalselfhelpcenter.com/
Modoc-Alturas	Email, Phone	Posted in the center.	Hours of Operation, Schedule of Services
Los Angeles-Pomona	None	Posted signage.	Hours of Operation
Riverside	None	Staff assistance	Hours of Operation, Schedule of Services, https://www.riverside.courts.ca.gov/selfhelp/selfhelpcenters.shtml
Kern-Bakersfield	Email, Phone, Small claims by phone.	Signs	Hours of Operation, Schedule of Services

Location	Are there any services offered in English?	Are there computers available to the public?	Is there a copier available to the public?
Sacramento	Language line	Yes	Yes
Alameda	Staff	No	No
Sutter	No	No	No
Mendocino	Interpreter, Language line	Yes	No
Santa Cruz	Staff	Yes	No, Staff will copy at their discretion/after review
Inyo	None	Yes	Yes
Modoc-Alturas	None	Yes	Yes
Los Angeles-Pomona	Staff	No	No
Riverside	Language line	Yes	No
Kern-Bakersfield	Staff	Yes	Yes

Location	How do staff process patrons as they enter?	Is there a notice that communication between patrons and staff is not privileged and no attorney-client relationship is established when speaking with staff?	Is there a referral list for community based organizations or lawyer referral list provided to public?
Sacramento	Sign-in sheet	Yes	Yes
Alameda	Sign-in sheet, Line up	Yes	Yes
Sutter	Line up	Yes	Yes
Mendocino	Line up, Staff triage	Yes	Yes
Santa Cruz	Intake Form, Staff greets people and hands them intake.	Yes	Yes
Inyo	Intake Form, Kiosk	Yes	Yes, organizations and referral list
Modoc-Alturas	Drop in, email or call attorney to schedule an appointment.	Yes	Yes
Los Angeles-Pomona	Sign-in sheet	Yes	Yes
Riverside	Sign-in sheet	Yes	Yes
Kern-Bakersfield	Sign-in sheet, Line up	Yes	Yes

Location	Are there any services or programs provided in partnership with other entities?	Any other comments?
Sacramento	Yes, Law Help Interactive has various "form packets" to do online.	
Alameda	Yes, East Bay Community Law Center and Legal Access Alameda provide various clinics.	
Sutter	No	Sutter is very focused on workshops and clinics but will help people who absolutely cannot attend those set times.
Mendocino	Yes, LSNC and attorney list	
Santa Cruz	No, There has been in the past, but not currently.	For complex questions, referred to SC Law Library, lawyer referral service, or Sacramento County Public Law Library's website. There are small claims, record clearance, probate, and divorce workshops throughout the County.
Inyo	Yes	Areas of assistance, disclaimer, and schedule of Family Law Facilitator available at http://www.legalselfhelpcenter.com/ .
Modoc-Alturas	Yes, SHARP provides workshops at the court house.	Modoc is unique in that the one staff, an attorney, provides services out of her office which is a less than 5 minute walk away. Appointments can be made at off-hours.
Los Angeles-Pomona	Unknown	Staff did not assist in completing the survey as none responded via email and were too busy to answer questions in-person. Two in-person visits gathered most of the information.
Riverside	Yes, Expungment	
Kern-Bakersfield	Yes, Greater Bakersfield Legal Assistance, Kern Co Bar.	