

HelpCenter

HAMILTON COUNTY MUNICIPAL COURT

Project Directors

David Sturkey, Robert Wall
Chief Municipal Clerk, Staff Attorney
Hamilton County Clerk of Courts
1000 Main Street, Room 375
Cincinnati, OH 45202
dsturkey@cms.hamilton-co.org
wallrj@ucmail.uc.edu
513.946.5626

Submitted By

Aftab Pureval
Hamilton County Clerk of Courts
1000 Main Street, Room 375
Cincinnati, OH 45202
apureval@cms.hamilton-co.org
513.946.5627

Program Summary

The Hamilton County Municipal Court Help Center opened in September 2017. The Help Center's mission is to increase access to justice by providing self-represented litigants with education, information and limited legal advice to help them become better equipped to understand their legal issues and navigate the court system. The Help Center was developed through a partnership between the Hamilton County Clerk of Courts, Municipal Court, the County Commission, and the University of Cincinnati College of Law. The Help Center is staffed with a full-time attorney and paralegal, and is supported by volunteer law students and volunteer attorneys in the community. (cincyhelpcenter.com)

Project Narrative

Existing Process and Specific Problems

In 2015, the Supreme Court of Ohio’s Task Force on Access to Justice released its Report and Recommendations, acknowledging that “open and accessible courts are a hallmark of a civilized society and all citizens must have access to the civil justice system.”¹ However, in the past year, 86% of civil legal problems reported by low-income people received either no or inadequate legal help.² Additionally, 71% of low-income households experienced at least one civil legal problem in the last year.³ In housing and small claims matters, two areas covered by the Hamilton County Municipal Court, at least one party lacks representation in up to 98% of cases.⁴ Each day, as the Supreme Court’s Task Force concluded, Ohio courts are filled with “individuals unable to secure legal representation in civil matters [and] are left with no choice but to navigate an unfamiliar, complex court system alone.”⁵

The gap in access to civil legal assistance exacerbates existing societal and economic problems in our community. In Cincinnati, widespread poverty and fast-growing rents have pushed a growing number of families out of their homes.⁶ In 2017, Cincinnati had the 10th highest eviction rate in the country.⁷ Our Municipal Court takes in an average of 300 new eviction filings per week. Studies have shown that experiencing an eviction has adverse long-term impacts on the mental and physical health, childhood development and the ability to secure adequate housing or credit.⁸ Similarly, with seven out of ten Americans just one paycheck away from being homeless, the inability to adequately defend oneself in a lawsuit can have ripple effects that extend to one’s family and community.⁹

Working in the Hamilton County courts, our most important priority is to help people access justice. Unfortunately, because our legal system can be confusing and overwhelming, self-represented litigants often are unaware of how to assert their rights in court. The inability to effectively navigate small claims suits, complex housing issues or other court hearings puts people’s ability to support their families, stay in their homes and secure their families’ economic future at risk.

¹ Supreme Court of Ohio, Report and Recommendations of the Supreme Court of Ohio Task Force on Access to Justice, March 2015, p. i. Available at

<http://www.supremecourt.ohio.gov/publications/accessjustice/finalreport.pdf>.

² Legal Services Corporation, The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans, June 2017, p. 6. Available at <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

³ Id.

⁴ Deborah Rhode, *Access to Justice*, 2004.

⁵ Supreme Court of Ohio, *supra* note 1, p. i.

⁶ Cincinnati Enquirer, Been evicted? You have a lot of company: Study finds Cincinnati area has high eviction rate, driven by escalating rents and poverty, October 26, 2017. Available at <https://www.cincinnati.com/story/money/2017/10/26/escalating-rents-and-widespread-poverty-pushed-cincinnati-into-top-10-metro-areas-were-residents-fac/798150001/>.

⁷ Id.

⁸ See Matthew Desmond, et al, *Eviction’s Fallout: Housing Hardship and Health*, 2015. Available at https://scholar.harvard.edu/files/mdesmond/files/desmondkimbrow.evictions.fallout.sf2015_2.pdf; Matthew Desmond, et al, *Evicting Children*, 92 Soc. Forces 303, 314 (2013); AAA Credit Guide, *How an Eviction Affects Your Credit*, October 19, 2017. Available at <https://aaacreditguide.com/eviction-credit-report/>.

⁹ American Aid Foundation, [http://www.americaaidfoundation.org/homeless comfort & care/Homeless Comfort & Care.html](http://www.americaaidfoundation.org/homeless%20comfort%20&%20care/Homeless%20Comfort%20&%20Care.html) (last visited Apr 12, 2018).

Before the Help Center project, there were no services within the courthouse to assist self-represented litigants with even basic information about how to proceed and what options were available to them in civil cases. It was clear that the existing process and services in place were inadequate and contributing not only to unjust results, but also to a cycle of poverty and homelessness in Hamilton County. Prior to starting the Help Center, the existing process in the Municipal Court Clerk's office was to run an "Information Desk" where clerk staff would provide basic procedural information and blank forms to self-represented people. The staff, who were also assigned to other responsibilities within the clerk's office, were unable to help people correctly complete legal pleadings, provide legal advice to help clarify their next steps or provide more than basic procedural information about their cases. Additionally, no one on the clerk's staff was tasked with developing pro se model filings or informational guides to help them understand the law and court processes.

The need for a different process was plainly apparent: Under the existing process, self-represented people were unnecessarily prevented from having their cases heard on the merits and rarely understood the legal process. For example, it was not uncommon for individuals leaving eviction hearings to be unaware that the magistrate's decision had been to grant the eviction. Self-represented litigants often were unaware of how to respond to a lawsuit, leading to default judgments against them. We also found that relatively minor procedural defects in self-represented litigants cases or filings often led to unjust results in their cases.

Target Group

Our target group is self-represented litigants in Hamilton County Municipal Civil Court. In civil cases, litigants are not entitled to an attorney and many citizens are left to navigate the court system on their own. The characteristics of self-represented people in Hamilton County Municipal Court—those facing evictions, small claims disputes and creditor/debtor lawsuits—reflect our larger community, where one-in-three Cincinnatians fall below the poverty line—twice the national average.¹⁰ To ensure the greatest access to the Help Center, we chose to place no income restrictions to qualify for assistance. Nevertheless, we expected the Help Center to be utilized primarily by financially disadvantaged people.

We observed that self-represented people in civil municipal cases need accurate and understandable information on the law and court processes and legal advice on how to address their legal problems. The Help Center provides self-represented people information both with in-person meetings and written guides and model pleadings. The Help Center also provides limited legal advice sessions where an attorney can provide self-represented people with advice on their next steps.

Work Team

The Help Center was developed through a partnership between the Hamilton County Clerk of Courts, Municipal Court, the County Commission, and the University of Cincinnati College of Law. A committee was formed to work on the project's planning and design. The committee consisted of individuals from several different organizations in the Hamilton County legal community including:

- The Hamilton County Clerk of Courts
- Legal Aid Society of Greater Cincinnati
- University of Cincinnati College of Law

¹⁰ Citylink Center, Poverty in Cincinnati, available at <https://citylinkcenter.org/about-us/the-need/poverty-in-cincinnati>.

- Northern Kentucky University, Chase College of Law
- Cincinnati Bar Association
- Cincinnati Academy of Leadership for Lawyers
- The Cincinnati Bar Foundation
- Local law firms
- Volunteer Lawyers for the Poor Foundation

Alternatives and Selected Solutions

In developing the Help Center, the committee was guided by the Report and Recommendations of the Supreme Court of Ohio’s Task Force on Access to Justice, which studied the civil justice gap in Ohio and produced recommendations for reform. One primary recommendation was the creation of court-sponsored help centers.¹¹

We knew that there were many organizations that provide excellent help to people who cannot afford an attorney. But we also knew that these organizations are often overworked and understaffed and simply cannot meet the demand. For instance, the Legal Aid in Cincinnati can only accept one in five clients who come to them for help.¹² Before deciding on the Help Center, we considered a referral service that connected self-represented litigants with organizations that may be able to assist them. However, we knew that this would still leave many people without the crucial services they needed.

After agreeing that the Help Center would meet a pressing need in the Municipal Court, the committee was tasked with making important implementation decisions to ensure the Help Center’s initial and long-term success. These decisions have made the Hamilton County Municipal Court Help Center a robust model for court help centers nationwide.

The committee considered several alternatives for the location of the Help Center. Law schools, county libraries, courts, and other government buildings were all considered. Ultimately, the committee decided to build the Help Center in the Hamilton County Municipal Courthouse. The committee agreed that easy access and visibility within the court would be crucial to the Help Center’s success. As a result, the committee selected an available location directly inside the entrance to the building and directly adjacent to the Clerk’s office that accepts Municipal Civil Court filings. This location allowed for the greatest visibility and access for people arriving and leaving Municipal Court and gave clerk staff the ability to quickly and easily refer individuals to the Help Center.

The committee also considered the level of assistance and involvement the Help Center would provide. One thing that sets the Help Center apart from other court help centers nationwide is that we employ a dedicated staff attorney who can provide limited legal advice. It was important to the committee to empower self-represented litigants with all the tools needed to effectively represent themselves. Though most court help centers nationwide provide information on court processes and assistance with basic filings, the committee determined that it was critical to the project’s success to provide some limited legal advice. The committee recognized that, though information alone was helpful, many self-represented litigants were in need of direction in determining their next steps in the court process.

¹¹ Supreme Court of Ohio, *supra* note 1, p. 28.

¹² See Legal Services Corporation, *supra* note 2.

Next, the committee determined how to provide the limited legal advice consultations at the Help Center. The committee considered relying entirely on volunteer attorneys, but determined that a full-time attorney was necessary to both manage the volunteer attorneys and act as a trainer of volunteer attorneys. The only drawback to hiring a full-time staff attorney was the additional expense. We managed to limit and mitigate those expenses as much as possible through our partners. Our partnership with the University of Cincinnati was essential in bringing a staff attorney into the Help Center. The staff attorney is employed by the University, and the County paying the staff attorney's salary through the University. This arrangement allows the staff attorney and all of the volunteers to fall under the University's malpractice insurance policy. This partnership helped make the project economically viable as well as provide legal protection to the County and its volunteers.

Project Details

The Help Center provides self-represented litigants in the Hamilton County Municipal Court with information and limited legal advice to help them better navigate the court system and advocate for themselves in court. The Help Center's services are free, open to the public and are offered on both a walk-in and by appointment basis. The Help Center is located in the front of the courthouse in a highly visible and accessible location. The main areas of assistance are:

- Evictions
- Landlord/tenant issues
- Small claims
- Creditor/debtor lawsuits

The Help Center is staffed by a full-time attorney, a full-time paralegal and volunteer students and attorneys. Having two full-time staff members as well as regular volunteers, enables the Help Center to comprehensively assist individuals Monday through Friday 8:00am to 4:00pm. The Help Center provides assistance to any individual as long as two prongs are met:

- You are representing yourself
- You need assistance in Hamilton County Municipal Civil Court

We decided not use an income level requirement for several reasons:

- Time and resources - We did not want to dedicate time and resources to verification of income level when those resources could be used to assist individuals.
- If an individual decides to represent themselves in court, regardless of income, there should be a resource that allows them to use the courts and access justice.
- We anticipated that most individuals that would use the Help Center would be financially disadvantaged, which our initial data is now confirming.

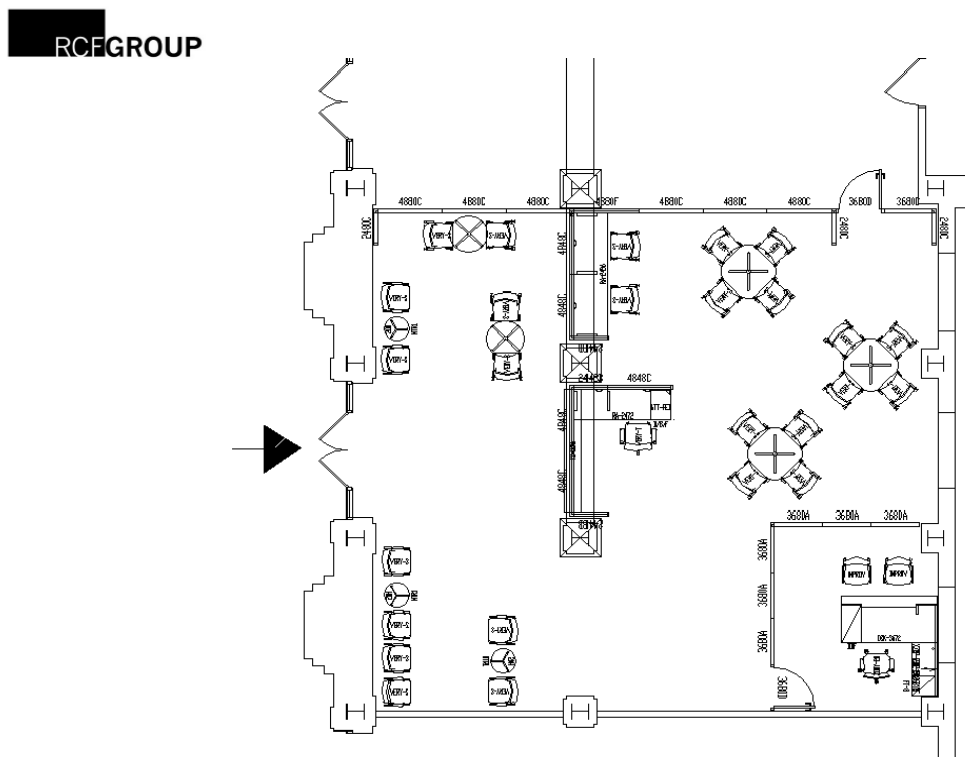
Our front desk works as a triage area, where the staff paralegal determines the level of service requested or needed. The front desk paralegal provides basic procedural information and legal forms when only quick services are needed. Otherwise, people are directed to either 1) a law student for in-depth information about a court process/procedures and assistance completing legal filings; or 2) an attorney for a limited legal advice session to help them determine next steps for their cases. All law students and volunteer attorneys are supervised by the Help Center's staff attorney.

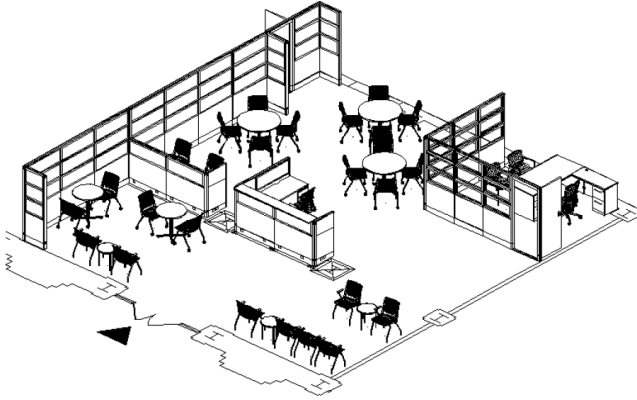
From the initial planning and design meetings to the opening, it took roughly 9 months to launch the Help Center. Before the launch, the committee focused on developing several areas:

- Choosing a location and then renovating the physical space inside the courthouse
- Developing written materials and resources
- Hiring a staff attorney
- Developing a limited representation waiver for individuals receiving legal advice
- Recruiting and training volunteers
- Developing performance measures and data collection

The largest expense during the implementation was the cost to renovate the space inside the courthouse. The Help Center is a stand-alone office space. The renovation of The Help Center space included:

- A private office for the staff attorney
- A walk up counter staffed by our paralegal
- A waiting area with tables, chairs and a t.v. monitor for information display
- Public computer workspaces
- Tables and workspace for consultations
- Computers and laptops for staff and volunteers
- Office equipment and supplies





The one time total cost for the renovation was \$35,000. The rest of the areas of pre-launch development were produced by the committee or the staff attorney.

The largest yearly operating expense is the staff attorney's salary. With salary and benefits the cost is \$85,000 annually. Office supplies and other costs are less than \$10,000 annually, leaving total annual operating costs at less than \$100,000. The paralegal's salary was cost-neutral to the County. Reduced traffic and better prepared litigants allowed the Clerk's office to transition one staff member into the paralegal role.

Transfer or Replication Characteristics

At the Help Center's opening ceremony, when asked about other model centers, Ohio Supreme Court Chief Justice Maureen O'Connor responded, "I think this is the model."¹³ She continued, "We're going to see cities, counties across Ohio and I think even across the country looking at what is being done here in Cincinnati and realize that this is the gold standard."¹⁴ Help Center could be replicated in all 88 counties in Ohio and most jurisdictions nationwide. The Supreme Court of Ohio not only allows, but encourages unbundled legal services like the ones provided in The Help Center.¹⁵ Replication may be more difficult in jurisdictions outside Ohio that do not allow for similar legal services. Additionally, the Help Center is working to produce informational guides, model filings, intake forms and outcome tracking processes that could be easily utilized in other jurisdictions in Ohio with minimal adaptation.

Evaluation

The Help Center has already had an enormous impact. In the first six months, the Help Center has assisted over 5,000 people. The Help Center recently compiled a six-month report that tracks performance measures, case types, demographics and other useful data. Magistrates and judges now rely on the Help Center to send self-represented litigants that need assistance. Although the Help Center is only six months old, our data is beginning to indicate that case outcomes in Municipal Court are more favorable for self-represented litigants than before its existence. Additionally, as part of our six-month review, we have developed a long-term evaluation process that will provide even more robust outcome tracking moving forward.

The project is evaluated through the use of intake tracking forms, end-of-service surveys and the review of case outcomes. We have used our performance measures to gauge our effectiveness, direct resources to areas of the most need and identify areas where self-represented people need additional support. The Help Center's operational results over its first six months of operation—September 26, 2017 to March 31, 2018—are included below. We tracked the following:

- Litigants' use of the Help Center
 - Number of visits
 - Number of visits by assistance level
 - Number of visits by case type
 - Number of visits by primary assistance given by the Help Center
- Demographics of litigants receiving limited legal advice at the Help Center
 - Age
 - Gender
 - Race/ethnicity
 - Income
- Case outcomes
 - Creditor/debtor

¹³ Cincinnati Business Courier, County, Clerk of Courts, UC Law School Launch Legal Help Center, September 25, 2017. Available at <https://www.bizjournals.com/cincinnati/news/2017/09/25/county-clerk-of-courts-uc-law-school-launch-legal.html>.

¹⁴ 9-WCPO Cincinnati, Hamilton County Offers Help so People can Represent Themselves in Court, September 25, 2017. Available at <https://www.wcpo.com/news/local-news/hamilton-county/hamilton-county-offers-help-so-people-can-represent-themselves-in-court>.

¹⁵ Ohio Rule of Professional Conduct 6.5, Nonprofit and Court-Annexed Limited Legal Services Programs.

- Evictions
- Small claims
- Visitor satisfaction

Litigants' use of the Help Center

Number of Visits

Total visits: 5,088

Daily average: 39

Assistance Level

Limited legal advice: 417

Information: 4,671

Case Type

Small Claims: 1,719

Rent Escrow: 86

Eviction- Landlord: 789

Eviction- Tenant: 809

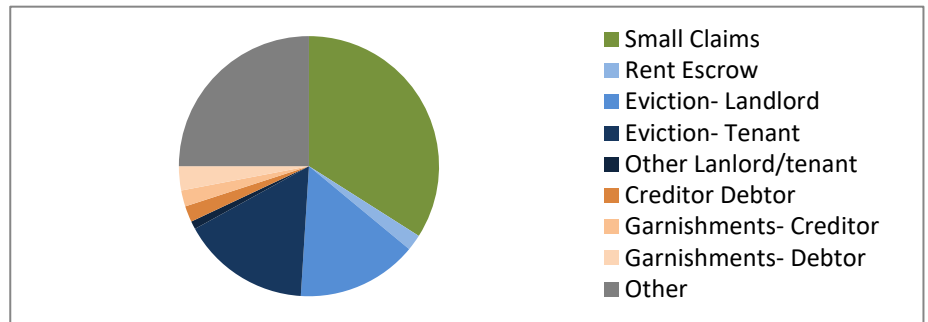
Other Landlord Tenant: 47

Creditor/debtor: 100

Garnishments- Creditor: 112

Garnishments- Debtor: 160

Other (Driver's license issues, referrals to other services, courthouse directions): 1,266



Primary Assistance Given

Forms & filings: 50%

Directions: 16%

Court record look up: 9%

Court processes/procedures: 14%

Service issues: 6%

Hearing preparation: 3%

Other: 2%

Demographics of Litigants Receiving Limited Legal Advice at the Help Center

Age

20s: 17%

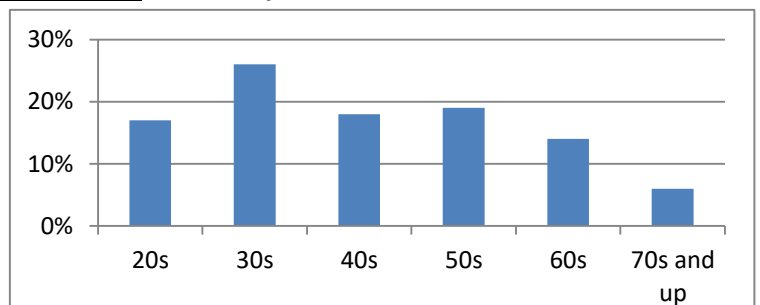
30s: 26%

40s: 18%

50s: 19%

60s: 14%

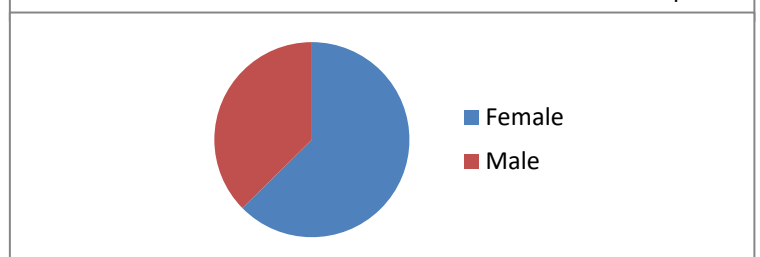
70s and up: 6%



Gender

Female: 63%

Male: 37%

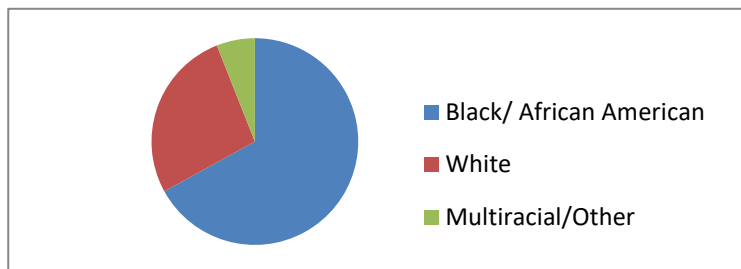


Race/Ethnicity

Black/ African American: 67%

White: 30%

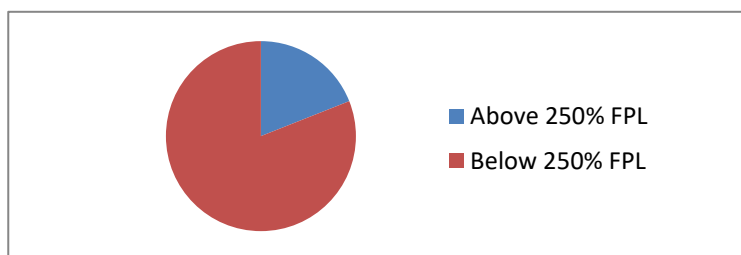
Multiracial/other: 3%



Income

Above 250% FPL: 19%

Below 250% FPL: 81%



Case Outcomes

In our first six months, we have been able to collect some limited case outcome data. This preliminary data is limited by the length of the cases themselves, where many of the cases have not yet reached their final disposition, and by the limited number of cases in each case type. Nevertheless, the early snapshot is promising and suggests a dramatic effect on case outcomes where the Help Center provided assistance to self-represented litigants. The case outcomes are reported in three areas:

- Filing answers (responsive pleadings) in creditor/debtor lawsuits
- Preparing for small claims hearings
- Filing answers and counterclaims in eviction cases

Additionally, as part of our six-month review the Help Center has developed an outcome tracking process that will capture case outcomes in the following six additional areas:

- Small claims complaints and amended complaints
- Eviction 1st Cause hearings (actions for restitution of the premises)
- Motions to remove eviction case information from the internet
- Motions for relief from judgment
- Rent Escrow
- Garnishments

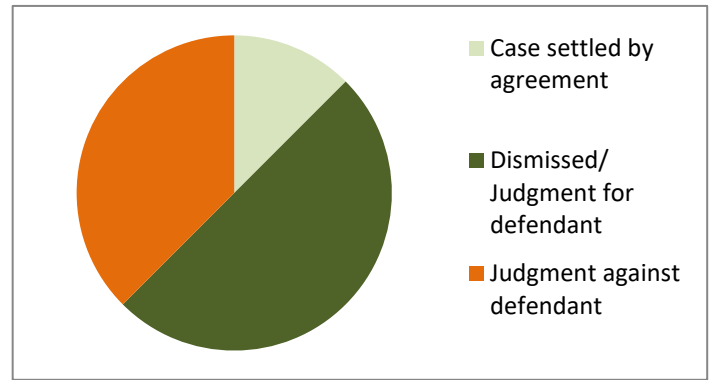
Creditor Debtor Answers¹⁶

In cases where the Help Center assisted a self-represented litigant file an answer after being sued for a debt, we found a high rate of dismissals and judgments in the defendant's favor as compared to the control group. However, some caution is warranted with this early outcome since more than half the cases have not yet reached their final disposition. Regardless, these outcomes show that the Help Center has helped self-represented litigants avoid early default judgments by filing answers.

¹⁶ The Help Center assisted 29 people in filing answers in creditor/debtor lawsuit. Of those cases, 11 had met their final dispositions. The comparison group is taken from 30 randomly selected small claims cases where one party was pro se and not assisted by the Help Center.

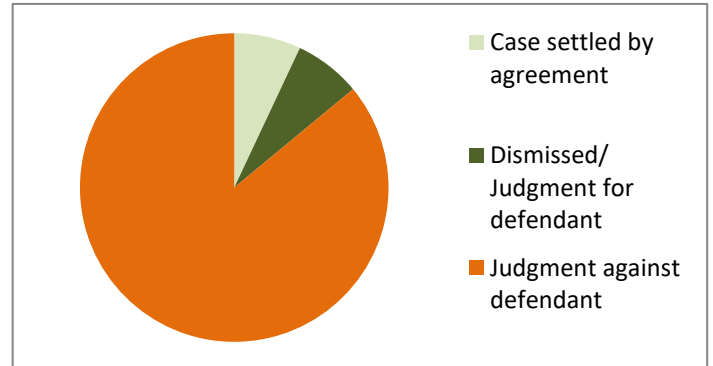
Help Center Cases

Case settled by agreement: 13%
Dismissed/ Judgment for defendant: 50%
Judgment against defendant: 37%



Control Group

Case settled by agreement: 7%
Dismissed/ Judgment for defendant: 7%
Judgment against defendant: 86%

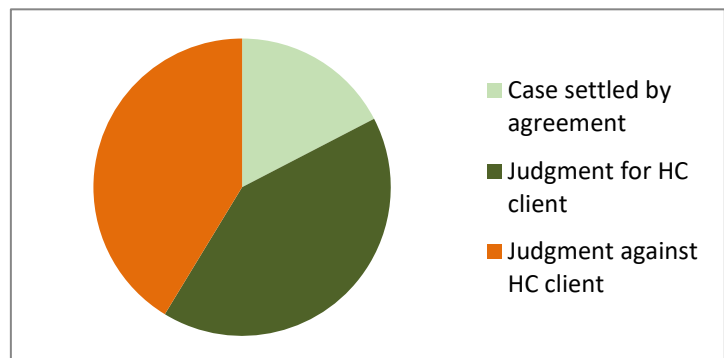


Small Claims Hearing Preparation¹⁷

In cases where the Help Center assisted self-represented litigants in preparing their cases in small claims court, we found significantly better outcomes as compared to the control group. Not only did we find an increased number of judgments in favor of the HC-assisted litigant, we found higher rates of cases being settled. This is likely a result of Help Center attorneys suggesting mediation and settlement as ways to resolve the legal matter.

Help Center Cases

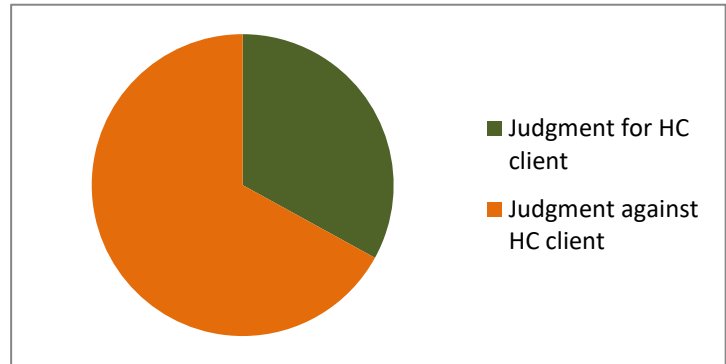
Case settled by agreement: 18%
Judgment for HC client: 41%
Judgment against HC client: 41%



¹⁷ The Help Center assisted 50 people prepare their evidence for small claims trials. Of those cases, 46 had met their final dispositions. The comparison group is taken from 30 randomly selected small claims cases where one party was pro se and not assisted by the Help Center.

Control group

Case settled by agreement: 0%
Judgment for HC client: 33%
Judgment against HC client: 67%

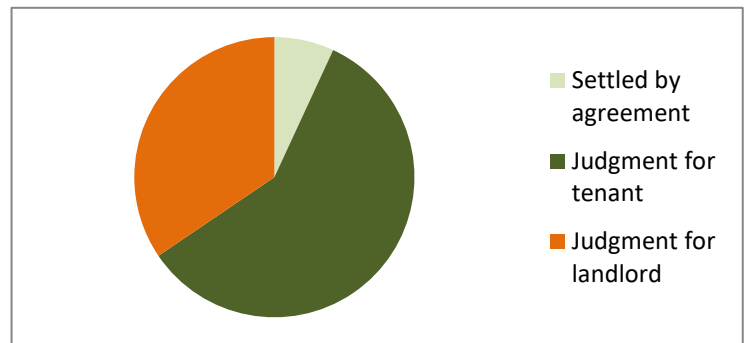


Eviction 2nd Cause Answers¹⁸

In cases where the Help Center assisted self-represented litigants in filing answers in evictions cases, we found a significantly higher rate of dismissals and judgments for the tenant as compared with the control group.

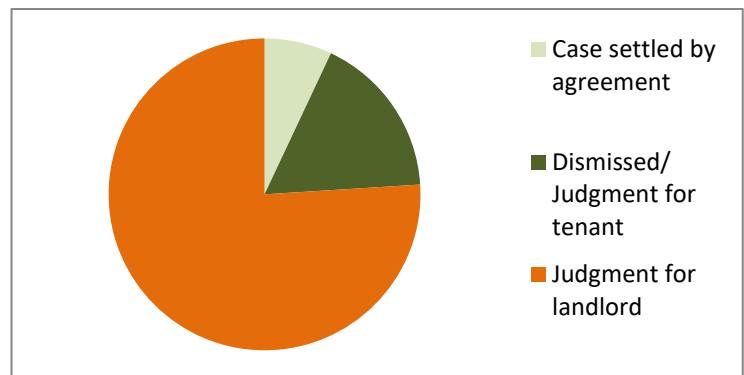
Help Center Cases

Settled by agreement: 7%
Dismissed/ Judgment for tenant: 59%
Judgment for landlord: 34%



Control group

Case settled by agreement: 7%
Dismissed/ Judgment for tenant: 17%
Judgment for landlord: 76%



¹⁸ The Help Center assisted 44 people file answers in eviction cases. Of those cases, 29 had met their final dispositions. The comparison group is taken from 30 randomly selected small claims cases where one party was pro se and not assisted by the Help Center.

Visitor Satisfaction¹⁹

The Help Center collected the following data related to visitor satisfaction on end-of-service surveys:

- 97% reported that they were helped
- 100% reported that they better understood their case/legal issue
- 97% reported they better understand what to do next
- 97% reported that they better understand court processes and procedures
- 95% reported that they feel better prepared for their case/legal issue

Additional Process Analysis

The Help Center Client Success Stories²⁰



Asia Jones paid her rent. This is all she wanted to explain to the court after her landlord filed in the Hamilton County Municipal Court to evict her for nonpayment of rent. She could prove that she mailed her rent on time and that the landlord was not legally justified in evicting her. Ms. Jones receives public housing assistance and an eviction would mean losing her voucher and potentially becoming homeless. On the day of her court hearing, however, she was late, caught in an exceedingly long security line at the courthouse. When she arrived at the court room, she was told that her case had been called and she had already been evicted in her absence. The Help Center explained Asia's legal options, assisted her in filing for a new eviction trial and advised her on how to best present her case at her new hearing. At her new court date, Asia successfully presented her defense, and the court ruled in her favor. With the Help Center's assistance, she is able to stay in her apartment, keep her housing assistance and avoid the long-term stigma of an eviction.

When Donald Martin received court papers in the mail that informed him he was being sued for an old debt, he was confused. The plaintiff in the case was a company whose name he did recognize or remember doing business with in the past. Mr. Martin is low-income and could not afford to pay the debt or have his wages garnished especially by a creditor he did not know. When Mr. Martin came into the Help Center, he met with an attorney who reviewed the case for possible defenses. Though the plaintiff claimed to have purchased the debt from a credit card company with which they claimed Mr. Martin previously had an overdue account, the plaintiff had not provided any proof that it had in fact purchased the debt or that Mr. Martin owed them anything. The Help Center assisted Mr. Martin in preparing a motion to require the plaintiff to show proof or for the court to dismiss the case. Once the debt collection company received Mr. Martin's motion, it dismissed its case against him, presumably

¹⁹ Results are taken from 50 end-of-service surveys.

²⁰ Names have been changed to protect privacy.

because it could not prove it owned the debt. With the assistance of the Help Center, Mr. Martin was able to exercise his legal rights to defend himself and avoid a judgment that would have added an additional financial burden on him.

When Marquita Smith first rented her apartment, it appeared to be a good fit for her husband, young daughter and herself. The location was convenient, and the first floor and finished basement would be enough space for her family. However, the trouble began just a few months after they moved in. After a heavy rain, their finished basement flooded. The flood wasn't bad, but her landlord took no steps to prevent future flooding. Just a couple months later, the basement flooded again, only this time much worse. With close to a foot of water in her basement, Marquita's furniture was destroyed and the basement was rendered uninhabitable. Still, with the carpet torn out and the drywall cut down to the studs, the landlord took no action to restore the basement to habitable condition. Though Marquita began paying her rent to the court in escrow to put pressure on her landlord to fix the damage, still her landlord took no action. The Help Center assisted Marquita in organizing her evidence, planning how she would present it in court and suggested legal arguments to make in her hearing. In fact, Marquita's most successful argument—that she was entitled to be compensated not just for lost property but also for the lost use of the basement—was suggested by a Help Center attorney. At her hearing, the magistrate commended Marquita on her organization and presentation of her case and compensated her for the loss of the use of the basement.

