

**Description of California Courts' Programs for  
Self-Represented Litigants**  
**Prepared for meeting of the International Legal Aid Group, Harvard  
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California's courts are facing an ever increasing number of litigants who go to court without legal counsel largely because they cannot afford representation. The courts are responding with a variety of innovative strategies that may be incorporated into an overall strategy of increasing access to justice. This paper attempts to describe the strategies and the context in which they operate.

California has a total of 58 counties and a population of 33.9 million.<sup>1</sup> The counties vary greatly in size and population demographics. The smallest is Alpine County, with a population of 1,208, and the largest is Los Angeles County, with a population of 9.5 million, approximately one-third of the state's entire population.<sup>2</sup> In one county it takes eight hours to drive from one courthouse to another. There are mountainous counties where litigants can't get from one end of the county to the other during the winter because the roads are impassable in the snow. There are counties with no private attorneys, let alone legal services programs, and counties with a wide variety of resources that with coordination could be much more effective.

The California court system is the largest in the nation, with more than 2,000 judicial officers and 18,000 court employees. It also has one of the least complicated structures. There are three levels of courts in California: trial, appellate, and Supreme. There is one trial court in each county and as many as 1 to 55 court locations per county, six regional appellate court districts, and one Supreme Court comprised of seven justices.<sup>3</sup> In 1997, funding responsibility for the trial courts transferred from the counties to the state. In 1998, the trial courts, formerly divided into superior and municipal courts, unified into a one-tier trial court system. Trial court employees changed from being county employees to court employees in 2001. In 2002, the state began to assume responsibility from the counties for trial court facilities.<sup>4</sup> These efforts are intended to build a strong, accessible, statewide system of justice with consistent and adequate funding.<sup>5</sup>

The decision-making body for the California state court system is the Judicial Council. The council is the constitutionally created 27-member policymaking body of the California courts. The council is chaired by the Chief Justice and consists of 14 judges appointed by the Chief Justice, 4 attorney members appointed by the State Bar Board of Governors, 1 member from each house of the Legislature, and 6 advisory members, who include representatives of the California

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<sup>1</sup> U.S. Bureau of the Census, *United States Census 2000*, Table DP-1 Profile of General Demographic Characteristics: 2000, Summary File 1 (SF1), <http://factfinder.census.gov> (as of Mar. 10, 2003).

<sup>2</sup> *Id.*

<sup>3</sup> See <http://www.courtinfo.ca.gov/reference/documents/cajudsys.pdf> for additional information.

<sup>4</sup> For a history of judicial administration in California, see L. Sipes, *Committed to Justice: The Rise of Judicial Administration in California* (San Francisco: Administrative Office of the Courts, 2002); excerpts at <http://www.courtinfo.ca.gov/reference/commjust.htm>.

<sup>5</sup> See <http://www.courtinfo.ca.gov/reference/documents/profilejc.pdf>.

Judges Association and court executives (administrators). The council performs most of its work through internal and advisory committees and task forces.

The Administrative Office of the Courts is the staff agency of the Judicial Council. It has slightly over 500 employees. Among its divisions is the 55-member Center for Families, Children & the Courts (CFCC), whose mission is to improve the quality of justice and services to meet the diverse needs of children, youth, families, and self-represented litigants in the California courts.<sup>6</sup> Staff for CFCC's Equal Access Unit work to assist the courts in responding to the needs of self-represented litigants.

The reason for this focus is that there appear to be a growing number of litigants representing themselves in family courts, which leads to a variety of challenges. Courts report that many of these litigants require additional time at the clerk's office and in the courtroom because they do not understand the procedures or the limitations of the court. There also appear to be a growing number of cases that involve multiple filings in different types of proceedings. For example, new cases involving the same family may be filed in family law, domestic violence (both civil and criminal), child support, and guardianship proceedings—leading to differing results, including potential judicial determinations of different fathers. Some types of proceedings in California, such as traffic and small claims, have traditionally been composed primarily of self-represented litigants and have developed mechanisms to provide for informal procedures that diminish the need for legal assistance. The recent growth of self-represented litigants in family law is encouraging a rethinking of how self-represented litigants are served by courts throughout the system.

Nolo Press reports that when *How to Do Your Own Divorce in California* was published in 1971, only 1 percent of litigants proceeded without attorneys.<sup>7</sup> While there is no statewide data on the number of pro se litigants, it is clear that this number has dramatically expanded. In San Diego, for example, the number of divorce filings involving at least one pro se litigant rose from 46 percent in 1992 to 77 percent in 2000.<sup>8</sup> A review of case files involving child support issues conducted by the Administrative Office of the Courts between 1995 and 1997 showed that both parties were self-represented in child support matters 63 percent of the time, and that one party was self-represented in an additional 21 percent of cases. In only 16 percent of the cases were both parties represented by counsel.<sup>9</sup> In a similar study of case files from 1999, both parties were self-represented in 75 percent of the cases, and one parent was self-represented in an additional 14 percent. In only 11 percent of the cases were both parties represented by counsel.<sup>10</sup>

In a recent survey of pro se assistance plans submitted to the Administrative Office of the Courts by 45 of California's counties, estimates of the pro se rate in family law overall averaged 67

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<sup>6</sup> Administrative Office of the Courts, "Fact Sheet: Center for Families, Children & the Courts"(Jan. 2003), available at <http://www.courtinfo.ca.gov/reference/documents/cfcc.pdf>.

<sup>7</sup>E. Sherman, *How to Do Your Own Divorce in California* (Berkeley: Nolo Press, 2001) p. 11.

<sup>8</sup> D. J. Chase and B. R. Hough, "Family Law Information Centers: Benefits to Courts and Litigants" (forthcoming) 5 *Journal of the Center for Families, Children & the Courts*.

<sup>9</sup> Judicial Council of California, executive summary of *Review of Statewide Uniform Child Support Guideline, 1998*, at p. ES-5, available at <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/suppguide.pdf>.

<sup>10</sup> Judicial Council of California, *Review of Statewide Uniform Child Support Guideline, 2001*, at p. 39, available at <http://www.courtinfo.ca.gov/programs/cfcc/1058files2001/CH3.PDF>.

percent. In the larger counties, that average was 72 percent.<sup>11</sup> In domestic violence restraining order cases, litigants are reported to be pro se over 90 percent of the time. One reason for this large number of self-represented litigants relates to the cost of attorney fees, which are not publicized generally, but in one list of attorneys willing to provide unbundled legal services in one suburban community, appear to range between \$175 and \$225 per hour.<sup>12</sup> The median household income in California was \$47,493 per year in 1999.<sup>13</sup> Given that many persons in the midst of a divorce or separation are already facing financial challenges in setting up two separate households and otherwise dealing with financial issues, these hourly rates often seem prohibitive.

California's Chief Justice, Ronald M. George, has made access to justice a key goal and has been extremely supportive of efforts to improve services for self-represented litigants.<sup>14</sup> He regularly focuses a significant part of his State of the Judiciary address to a joint session of the Legislature on access to justice and services for self-represented litigants.<sup>15</sup> He regularly attends events such as the opening of the Spanish Self-Help Education and Resource Center in Fresno.<sup>16</sup> As chair-elect of the Conference of Chief Justices, he has also encouraged the leadership of chief justices in other states in increasing services to self-represented litigants.<sup>17</sup>

It is clear that the Chief Justice's leadership and support has made a huge difference in encouraging courts to expand services and make this issue a priority. In the strategic planning efforts of the Judicial Council, access to justice is the first of six goals. In its three-year operational plan, the council chose four specific objectives for increasing services to self-represented litigants. These included developing a self-help Web site, increasing the number of self-help centers in the state's courts, developing a statewide action plan for serving self-represented litigant, and having each trial court develop an action plan for serving self-represented litigants.<sup>18</sup>

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<sup>11</sup> *A Report and Analysis of Action Plans Throughout California: Integrating Services for Self-Represented Litigants Into the Court System*, Center for Families, Children and the Courts, (June 2003) <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/articles.htm#self>.

<sup>12</sup> Superior Court of California, County of Placer, "Attorneys Available for Consultations With 'Pro Per' Family Law Litigants" (2003)

<sup>13</sup> U.S. Bureau of the Census, *United States Census 2000*, DP-1 Population and Housing Characteristics, Summary File 1 (SF1), [http://factfinder.census.gov/bf/?lang=en\\_vt\\_name=DEC\\_2000\\_SF3\\_U\\_DP3\\_geo\\_id=04000US06.html](http://factfinder.census.gov/bf/?lang=en_vt_name=DEC_2000_SF3_U_DP3_geo_id=04000US06.html).

<sup>14</sup> See D. Whelan, "Big State, Big Crisis, Big Leadership: With California's Poverty Population Swelling, Chief Justice George Sets Bold Course" (Spring 2003) 2(1) *Equal Justice Magazine*, [http://www.ejm.lsc.gov/EJMIssue4/judicialprofile/judicial\\_profile.htm](http://www.ejm.lsc.gov/EJMIssue4/judicialprofile/judicial_profile.htm).

<sup>15</sup> See, for example, R. M. George, State of the Judiciary address to a Joint Session of the California Legislature, Sacramento, Mar. 25, 2003, <http://www.courtinfo.ca.gov/reference/soj032503.htm>.

<sup>16</sup> See, for example, R. M. George, Remarks at the Opening of the Superior Court of Fresno County's Spanish-Language Self-Help Education and Information Center (Oct. 10, 2002), <http://www.courtinfo.ca.gov/reference/speech101002.htm>.

<sup>17</sup> See Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA), Resolution 31: In Support of a Leadership Role for CCJ and COSCA in the Development, Implementation and Coordination of Assistance Programs for Self-Represented Litigants (Aug. 2, 2002), [http://www.ncsconline.org/WC/Publications/Res\\_ProSe\\_CCJCOSCAResolution31Pub.pdf](http://www.ncsconline.org/WC/Publications/Res_ProSe_CCJCOSCAResolution31Pub.pdf). See also Conference of Chief Justices and Conference of State Court Administrators, *Final Report of the Joint Task Force on Pro Se Litigation* (July 29, 2002), [http://www.ncsconline.org/WC/Publications/Res\\_ProSe\\_FinalReportProSeTaskForcePub.pdf](http://www.ncsconline.org/WC/Publications/Res_ProSe_FinalReportProSeTaskForcePub.pdf).

<sup>18</sup> Judicial Council of California, *Operational Plan: Leading Justice Into the Future, Fiscal Years 2000-2001 through 2002-2003*, pp. 2-3, <http://www.courtinfo.ca.gov/reference/documents/opplan2k.pdf>.

These planning efforts are designed to focus attention on the issue of access to justice and to encourage community partnerships to build upon a framework of services in place in California. They also are designed to encourage a reexamination of existing resources to consider how to enhance their usefulness for self-represented litigants.

This paper attempts to describe the current structure in place, and identify some future directions suggested by these planning efforts.

## Family Law Facilitators

Effective January 1, 1997, California Family Code section 10002 established an Office of the Family Law Facilitator in each of the state's 58 counties. The Judicial Council administers the program, providing over \$11 million per year to court-based offices that are staffed by licensed attorneys. These facilitators, working for the superior court, guide litigants through procedures related to child support, maintenance of health insurance, and spousal support. They assist with cases involving the local child support agency, many of which are public assistance reimbursement cases. In addition, many courts have enlisted volunteer attorneys or provide additional funding that enables facilitators to assist self-represented litigants in other family law areas, including divorce, custody, and visitation.<sup>19</sup>

By statute, family law facilitators provide services to both parties, do not represent either party, and do not form an attorney-client relationship.<sup>20</sup> This allows the court to provide assistance to litigants without compromising the court's neutrality. It also limits the level of assistance that can be provided. Guidelines for the operation of family law information centers and family law facilitators offices have been developed to assist court-based attorneys in this new ethical paradigm that has been followed by the majority of self-help programs operated in the courts.<sup>21</sup>

Facilitator services are available to all self-represented litigants; the act does not require an income-qualification test.<sup>22</sup> However, data from 2000 indicates that "82% of facilitator customers have a gross monthly income of under \$2,000. Over 67% of facilitator customers have gross monthly incomes of under \$1,500. Over 45% of facilitator customers have gross monthly incomes of under \$1,000, and approximately one-fifth report gross monthly income of \$500 or less."<sup>23</sup> In 2002, facilitators provided assistance to over 450,000 litigants.<sup>24</sup>

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<sup>19</sup> F. L. Harrison, D. J. Chase, and L. T. Surh, "California's Family Law Facilitator Program: A New Paradigm for the Courts" (2000) 2 *Journal of the Center for Families, Children & the Courts* 61-98, <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/061harrison.pdf>.

<sup>20</sup> Cal. Fam. Code, § 10004, available at <http://www.leginfo.ca.gov/calaw.html>

<sup>21</sup> See Cal. Rules of Court, appen., div. 5 (Guidelines for the operation of family law information centers and family law facilitators offices), available at <http://www.courtinfo.ca.gov/rules/appendix/appdiv5.pdf>.

<sup>22</sup> Cal. Fam. Code, § 10003, available at <http://www.leginfo.ca.gov/calaw.html>. +

<sup>23</sup> Harrison, Chase, and Surh, p. 76, available at <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/061harrison.pdf>.

<sup>24</sup> *A Report and Analysis of Action Plans Throughout California: Integrating Services for Self-Represented Litigants into the Court System*, Center for Families, Children and the Courts, (June 2003) <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/articles.htm#self>.

Family law facilitators provide a range of services based upon the needs in their community and their assessment of what would be most effective.<sup>25</sup> In a survey taken in 1999, all offered assistance with forms and instructions, and nearly all provided informational brochures and videos and had staff to answer procedural questions. Two-thirds offered domestic violence assistance and nearly one-half provided litigants with access to copiers, fax machines, and other resources. “More than half of the facilitators reported that they provided mediation services, in which they meet with both parents and help work out child support issues. Other services reported included interpreters and rural outreach. Many facilitators make presentations to schools, homeless shelters, domestic violence organizations, radio talk shows, public access television, and jails on child support and the services provided by their offices. Facilitators’ methods of providing services range from use of paralegal assistance (34 counties), to use of a legal clinic model (26 counties), to operation of self-help centers (24 counties).”<sup>26</sup> Since the time of that study, it appears that a growing number of facilitators are providing assistance in court to help answer questions, mediate cases, and provide assistance to the court with coordination, case review, calendar call, and referrals.<sup>27</sup>

The Administrative Office of the Courts offers training twice a year for facilitators in both substantive law as well as practical strategies for serving self-represented litigants. Facilitators are mandated to attend at least one of these training sessions,<sup>28</sup> and as a result of this regular contact and active e-mail discussions, they have developed a strong network.

Since family law facilitators are available in every court, they have formed the backbone of self-help activities throughout the state. By statute, they must be attorneys with family law litigation or mediation experience.<sup>29</sup> They are chosen by the judges in their county, and in a survey taken in 1999, facilitators on average had 12 years of law practice experience. Fourteen of the facilitators (23 percent) have served as judges or commissioners pro tem.<sup>30</sup> Most came from private practice and have good connections with their local bar. As experienced attorneys with the respect of both the bench and the bar, they have been able to alleviate many of the private bar’s concerns about the program and to encourage changes in local rules and procedures to be more accommodating for self-represented litigants.

Surveyed customers of the family law facilitators were pleased with the services they had received and reported 99 percent of the time that they would return to the facilitator if they needed help in the future and that they would refer a friend or family member to the facilitator. When asked about the quality of service they had received from the facilitator, 96 percent

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<sup>25</sup> J. Byron, “Pro Pers Find Help In Family Matters,” *Court News* (July–August 1998) p. 1, <http://www.courtinfo.ca.gov/courtnews/07980898.pdf>.

<sup>26</sup> Judicial Council of California/Administrative Office of the Courts, *California’s Child Support Commissioner System: An Evaluation of the First Two Years of the Program* (May 2000) page 43, <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/cscr2000.pdf>.

<sup>27</sup> See S. Alexander and T. Suhr, “Effective Use of Facilitators in the Courtroom” (Aug. 2002) 3(2) *CFCC Update* 10–11, <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/newsAug02.pdf>.

<sup>28</sup> Cal. Rules of Court, rule 5.35 (Minimum standards for the Office of the Family Law Facilitator), <http://www.courtinfo.ca.gov/rules/titlefive/1180-1280.15-16.htm#TopOfPage>.

<sup>29</sup> Cal. Fam. Code, § 10002, available at <http://www.leginfo.ca.gov/calaw.html>

<sup>30</sup> Judicial Council of California/Administrative Office of the Courts, *California’s Child Support Commissioner System: An Evaluation of the First Two Years of the Program* (May 2000) p. 34, <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/cscr2000.pdf>.

reported that the service was excellent or good.<sup>31</sup> Following are examples of comments from facilitator customers:

*“The way the program is presently operated is excellent. There are not many people like you who are willing to help people with our problems the way your program does.”*  
[These comments came from an illiterate man who dictated his responses.]

*“While the whole issue of child support has been one of the worst experiences of my life, this office has provided me with invaluable assistance.”*

*“Really helped us come to an agreement that both of us were happy with.”*

*“Best service I’ve ever experienced with the judicial system.”*

*“I didn’t know where to go for help and I couldn’t afford an attorney or paralegal, and your office provided me with excellent service. . . .”*

*“She [the paralegal] is a light in a very dark tunnel.”<sup>32</sup>*

The facilitators have also been much appreciated by the courts. As one judicial officer reported in a focus group:

*“Since the facilitator has been in effect ... you don’t have these long, long lines at the clerk’s office. You don’t have these incredible calendars that go on well into the noon hour because the judges are trying to explain to the pro pers. I think where you can see the cost-effectiveness most is in the courthouse, in the clerk’s office, in the judge’s courtroom. It’s cutting down time tremendously.”<sup>33</sup>*

These efficiencies have also been helpful in encouraging bar support for the facilitator program. The support of the bench for the program, combined with the recognition that the litigants generally do not have the resources to hire private counsel and the willingness of facilitators to refer to the private bar when appropriate, seems to have greatly diminished initial concerns about the program.

## **Family Law Information Centers**

Effective January 1, 1998, California Family Code section 15000 established a Family Law Information Center pilot project in order to help “low-income litigants better understand their obligations, rights, and remedies and to provide procedural information to enable them to better

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<sup>31</sup> Satisfaction surveys from April through June 1999 from the Los Angeles County Office of the Family Law Facilitator.

<sup>32</sup> Judicial Council of California/Administrative Office of the Courts, *California’s Child Support Commissioner System: An Evaluation of the First Two Years of the Program* (May 2000), p. 58, <http://www.courtinfo.ca.gov/programs/cfcc/pdf/cscr2000.pdf>.

<sup>33</sup> *Id.* at p. 62.

understand and maneuver through the family court system.”<sup>34</sup> The Judicial Council administers three pilot project centers in the Superior Courts of Los Angeles, Sutter, and Fresno Counties. The centers are supervised by attorneys and assist low-income self-represented litigants with forms, information, and resources concerning divorce, separation, parentage, child and spousal support, property division, and custody and visitation. Specific services that are offered by the Family Law Information Centers include:

- Information on the various types and nature of family law proceedings, including restraining orders, dissolution, legal separation, paternity, child support, spousal support, disposition of property, child custody, and child visitation;
- Information about methods available to seek such relief from the court;
- Guidance about required pleadings, instruction on how to complete them, and information explaining the importance of the information contained in these pleadings;
- Assistance in the preparation of orders after hearing;
- Information about the enforcement of orders;
- Referrals to community resources such as low-cost legal assistance, counseling, domestic violence shelters, parent education, mental health services, and job placement programs; and
- Interpreter services to the extent that these are available.

Family Code section 15010(k) sets out the standards for evaluating these pilot projects. The legislation states that the programs will be deemed successful if:

- They assist at least 100 low-income families per year;
- A majority of customers evaluate the Family Law Information Center favorably; and
- A majority of judges surveyed in the pilot project court believe that the Family Law Information Center helps expedite cases involving pro se litigants.

An evaluation of the project was completed in March 2003.<sup>35</sup> It demonstrated that these programs were a resounding success. The three pilot Family Law Information Centers

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<sup>34</sup> Cal. Fam. Code, §15000, <http://www.leginfo.ca.gov/calaw.html>

<sup>35</sup> Judicial Council of California/Administrative Office of the Courts, *A Report to the California Legislature: Family Law Information Centers: An Evaluation of Three Pilot Programs* (Mar. 1, 2003), <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm>.

provided services to more than 45,000 individuals each year, using \$300,000 in grant funding and \$120,000 in trial court funding annually.

Customers were overwhelmingly pleased with the services they received at the Family Law Information Centers. Many wrote narratives expressing enormous admiration for the staff and gratitude for the assistance they received. A survey of 1,364 customers from the period October 21, 2002, to December 31, 2002, had the following results:

- 95 percent felt they had been treated with courtesy and respect;
- 93 percent felt the service was helpful;
- 90 percent got help with forms;
- 87 percent felt they better understood their case;
- 82 percent felt better prepared to go to court;
- 83 percent believed they have a better understanding of the court;
- 78 percent reported receiving prompt service; and
- 92 percent would use the center again.

Typical comments of customers included the following:

*“The Family Law Center has helped me every step of the way. I don’t know where I’d be without it. The people are very helpful. I’m a single mom w/ low income and without this Center I would not [have] been able to accomplish everything.”*

*“Very helpful and informative. I think more fathers would respond to court orders with the help they can receive. [Service was] very directional and friendly, went through step-by-step process very quickly and with patience even though she had people waiting.”*

*“I am grateful that someone is able to help me understand the court process.”*

Twenty-four judicial officers in the pilot counties were interviewed to document their evaluation of the pilot Family Law Information Centers. These judicial officers also expressed a high degree of satisfaction with the service that the pilots provided to both the public and the court, as follows:

- 88 percent reported that the center helped expedite cases involving pro se litigants;
- 88 percent reported that the center saved courtroom time;
- 88 percent reported that the centers helped litigants provide correct paperwork to the court;
- 75 percent believed that the center helped the litigants come to court better prepared; and
- 67 percent believed that the center helped people understand how the law and court procedures were being applied in their cases.

Typical comments from judicial officers included the following:



*“I often cannot even figure out what a case is about when the paperwork is prepared by a pro per without the help of the Family Law Information Center.”*

*“They ask fewer questions, are more informed, and they are better able to stay on point.”*

*“They are taking a day off work and we want to minimize that. They have families, sometimes two, to support so we want them to keep their jobs.”*

*“They get a fair hearing, they feel confident that they are being heard and getting a fair shake.”<sup>36</sup>*

The majority of the judicial officers interviewed believe that the Family Law Information Centers (FLICs) save valuable time in the courtroom and expedite pro se cases as a whole. Many also expressed the opinion that FLICs are an integral part of managing family law cases because pro se litigants are often the parties in the majority of their calendars. Based upon this evaluation demonstrating that both the needs of the public and those of the court are well served by the centers, the Judicial Council has directed staff to develop a budget request for statewide funding of Family Law Information Centers.

## **Five Model Self-Help Centers**

The 2001 State Budget Act provided funding totaling \$832,000 to begin five pilot self-help centers that would provide various forms of assistance, such as basic legal and procedural information, help with filling out forms, and referrals to other community resources, to self-represented litigants. This project is aimed at determining the effectiveness of court-based self-help programs and providing information to the Legislature on future funding needs. The Judicial Council selected one of each of the five following models for funding beginning May 2002. These five programs will provide models for replication in other counties in addition to translated materials and technological solutions. A significant research component has been built into the models to try to evaluate the effectiveness of the centers in meeting key objectives.

### ***Regional Model: Superior Court of California, County of Butte***

**Goals of the model:** This is a regional program that is intended to serve at least two smaller counties. This model will explore how counties that may not be able to afford a full-time attorney at a self-help center can share resources effectively with other counties. What agreements are necessary? What special challenges exist, and what can be done to overcome them?

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<sup>36</sup> Judicial Council of California/Administrative Office of the Courts, executive summary of *A Report to the California Legislature: Family Law Information Centers: An Evaluation of Three Pilot Programs* (Mar. 1, 2003), <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm>

**Butte County’s program:** The Superior Court of Butte County is partnering with the courts in Glenn and Tehama Counties to provide assistance to self-represented litigants in the areas of small claims, unlawful detainer, eviction, fair housing, employment, Supplemental Security Income (SSI), enforcement of judgments, guardianships, name changes, family law issues not addressed by the family law facilitator, bankruptcy, criminal appeals, *Marsden* public defender substitutions, probate, general civil procedures, tax law, tenant housing, and senior law issues. An attorney coordinator will conduct workshops and clinics through the use of real-time videoconferencing, enabling self-represented litigants in these three counties to receive assistance simultaneously.

***Urban Collaboration Model: Superior Court of California, County of Los Angeles***

**Goals of the model:** This is a program intended to coordinate self-help centers in a large jurisdiction. In some jurisdictions a number of self-help centers operate in or near the court, often with limited communication or sharing of resources. This is likely to lead to duplication of efforts and confusion for litigants. The urban collaboration model seeks to coordinate resources and provide a more seamless service delivery system for litigants.

**Los Angeles County’s program:** The Superior Court of Los Angeles County’s program creates a centralized Self-Help Management Center that will develop partnerships with the court, the local bar, local schools, and local social service organizations; coordinate self-help activities on a countywide basis; and standardize self-help intake procedures and protocols throughout the county. Services rendered by the center include the provision of informational materials about the court and its proceedings and procedures; instructions on how to complete forms; and the provision of reference materials about legal service providers, social service agencies, and government agencies, as well as other educational material. Clients can attend workshops or receive one-on-one assistance.

***Technology Model: Superior Court of California, County of Contra Costa***

**Goals of the model:** This is a program intended to emphasize the use of technology in providing services. As the number of self-represented litigants increases, technological solutions are being explored for completion of forms, provision of information, meeting with litigants at a distance, and other needed services. This model will utilize and evaluate the effectiveness of at least two methods of technology to provide services.

**Contra Costa County’s program:** The Superior Court of Contra Costa County will deliver expert information and assistance via a combination of the Internet, computer applications, and real-time videoconference workshops to create a Virtual Self-Help Law Center for self-represented litigants with dissolution, child custody and visitation, domestic violence, civil, and guardianship cases. Virtual Self-Help Law Center resources will help parties navigate the court process; complete, file, and serve court forms; be prepared to handle their court hearings; understand and comply with court orders; and conduct certain mediations at a distance.

***Spanish-Speaking Model: Superior Court of California, County of Fresno***

**Goals of the model:** The large number of Spanish-speaking litigants in California presents special challenges for self-help programs. This model will seek to provide cost-effective and efficient services for a primarily Spanish-speaking population while exploring techniques for educating litigants about the legal issues and procedures in their cases.

**Fresno County's program:** The Spanish Self-Help Education and Information Center developed by the Superior Court of Fresno County will serve self-represented litigants in the areas of guardianship, unlawful detainer, civil harassment, and family law. The center will provide daily access to Spanish-language self-help instructions, establish a volunteer interpreter bureau, provide a Spanish-speaking court examiner to review court documents, and sponsor clinics with rotating "how-to" lectures for the areas of law specified above.

***Multilingual Model: Superior Court of California, County of San Francisco***

**Goals of the model:** California has a diverse population, with a large group of immigrants and litigants who speak many different languages and have significantly different experiences. This model will seek to provide self-help services to litigants who speak a wide variety of languages and to develop materials and techniques to address the needs of a multilingual, multicultural population.

**San Francisco County's program:** The Superior Court of San Francisco County's program establishes a Multilingual Court Access Service Project that will assist self-represented litigants in family law, dependency mediation, probate, small claims, civil harassment, child support, and other general civil cases. The center will create formal partnerships with community-based organizations that provide services to ethnic populations and those that address legal issues for self-represented litigants. A bilingual attorney will work with clients to ensure adequate services for them within the court and will provide referrals to appropriate community and legal agencies. Additional services include the translation of court materials, the development of a multilingual computerized self-help directory, and recruitment and coordination of multilingual interpreters.

***Research component of the Model Self-Help Centers***

The primary goal of the model self-help center research is to measure the overall effectiveness of the centers in several arenas. The centers may address several or all of the following outcomes:

- *Increased understanding of, and compliance with, the terms of court orders*  
Self-represented litigants, lacking an attorney to explain the system to them, often misunderstand orders made by the court. Self-help centers are expected to better educate self-represented litigants about the legal system and its procedures so they will be more likely to understand the court orders and the consequences of noncompliance. They will also be more likely to feel the court has been fair in its decision, leading them to take more responsibility in following its orders.

- *Increased access to justice*  
Much of the target population is unable to access the court system due to geographic/ transportation and language barriers, financial constraints, and a lack of knowledge and resources. As a result, many people who want to bring their cases to court simply cannot, and others may not even be aware that they have legal recourse. The self-help centers seek to bridge these gaps so that self-represented litigants will be better able to navigate and make proper use of the court system.
- *Increased likelihood of “just” outcomes in cases involving self-represented litigants*  
Many self-represented litigants come to court ill prepared and do not know how to properly present their cases. As a result, the court may lack information or have inaccurate information upon which to base its rulings. In turn, litigants may not get the outcome they were seeking and end up feeling that the system is unfair. Self-help centers will educate users so that they can present their best case and feel that their voice has been heard.
- *Increased user satisfaction with the court process*  
When self-represented litigants have improved access to the assistance they need, learn how to navigate the court system, and are better prepared to present their cases, the system can respond more appropriately to their needs and they will be more satisfied with their experiences.
- *Increased efficiency and effectiveness of the court system*  
Self-represented litigants often come to court with forms that are improperly filled out or with the wrong forms altogether. They are uninformed about court procedures and have to ask court clerks for assistance that should have been solicited prior to the court appearance. These types of issues slow down court proceedings and may even cause a matter to be continued. Self-help centers will provide assistance in filling out forms and educate self-represented litigants on procedures so they will be better prepared to handle matters so that their cases will move more smoothly through the system.
- *Increased education for court users so that their expectations are reasonable in light of the law and facts*  
Self-help centers will educate clients on the court system, legal terms, procedures, and their rights and responsibilities. When the mystery is removed from the process, self-represented litigants will have a more realistic view of the merits of their cases and potential recourse.

Secondary goals of the research include developing a profile of center users and determining which services and delivery methods are most helpful/effective.

Though the research is largely intended to measure the impact of the centers, the fact that these are innovative pilot programs requires that some process evaluation elements be incorporated into the research. This primarily involves documenting the development of the centers and tracking changes that might affect outcomes over time; describing program operations,

including how the centers are set up and how services are delivered; and assessing the outreach efforts and visibility of the centers. Additionally, a key objective of the project is to provide models for replication across the state, so the documentation should be sufficiently detailed to serve as a “blueprint” for replication of the programs in other counties.<sup>37</sup>

## Other Court-Based Self-Help Centers

A growing number of courts have established self-help centers in addition to those provided by statute. These centers generally provide assistance with general civil matters as well as family law. While some partnerships were started between courts and local legal services agencies to provide services in courthouses in the 1980s,<sup>38</sup> the movement to develop these court-based programs began in the 1990s,<sup>39</sup> and in 1997, the first center that did not involve staffing by a legal services agency was created in Ventura County. None of these programs charge fees for service and all are open to all members of the public regardless of income, immigration status, or other common factors that can restrict services elsewhere. Restrictions relate to how much assistance can be provided and the types of law that can be covered.

### *Ventura County Self Help Legal Access Center*

The Ventura program<sup>40</sup> has branches at the two main courthouses in the county as well as a branch in a predominantly Latino neighborhood and another that provides services via a mobile center in a converted 35-foot recreational vehicle. The center provides information on a variety of legal issues including:

- Adoption
- Conservatorship
- Guardianship
- Name change
- Small claims
- Unlawful detainer
- Civil harassment
- Appeals

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<sup>37</sup> For a request for proposals (RFP) describing this research project and the objectives to be measured, see [http://www.courtinfo.ca.gov/reference/rfp/selfhelp\\_pilot.htm](http://www.courtinfo.ca.gov/reference/rfp/selfhelp_pilot.htm).

<sup>38</sup> For examples of some of these early partnership projects with legal services agencies, see F. L. Harrison, D. J. Chase, and L. T. Surh, “California’s Family Law Facilitator Program: A New Paradigm for the Courts (2000) 2 *Journal of the Center for Families, Children & the Courts* 76, <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/061harrison.pdf>; see also Cal. Fam. Code, §§ 20010—20026, available at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=59348015726+0+0+0&WAIAction=retrieve>, and §§ 20030—20043, available at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=59361416970+0+0+0&WAIAction=retrieve>, for two very interesting models for legislative creation of pilot programs. These programs helped provide the framework for the family law facilitator program and have merged into that program in the pilot counties.

<sup>39</sup> *Litigants Without Lawyers Find Assistance at Courts*, Janet Byron, Court News, March-April 1998, Judicial Council, <http://www.courtinfo.ca.gov/courtnews/03980498.pdf>

<sup>40</sup> See The Superior Court of Ventura County’s self-help Web site at <http://courts.countyofventura.org/venturaMasterFrames5.htm>.

- Civil
- Jury service
- Traffic
- Juvenile
- Probate/estate planning
- Enforcement of criminal restitution orders
- Modification of probation
- Petitions for changes of plea or dismissals

The family law facilitator is available in the same location and provides a broad range of family law assistance, including completing forms for litigants. Information is available in the form of books, videos, sample forms with instructions, brochures, and legal sites on the Internet. Trained staff is available to provide informational assistance to people needing help understanding the materials or completing court forms. Information is also provided on alternatives to civil litigation.

As the court with the first major civil self-help center in the state, Ventura developed a number of packets and sample forms that are available on its Web site. These materials have been adapted by other counties. It was also the first center to have a mobile center.

### ***Nevada County Public Law Center***

Another of these self-help centers is the Nevada County Public Law Center, which was established in March 2001. The center is part of a creative public outreach project undertaken by the court to improve access to justice for all members of the community. It provides information to people who are not represented by attorneys and who have any number of general and substantive legal issues, in the same areas as those addressed by the Ventura program.

Information is available in the form of books, videos, packets, brochures, computer forms, and online research sites and links. Free clinics and classes are held to explain court procedure, as well as substantive areas of law commonly encountered by people representing themselves ("pro se litigants"). Alternative dispute resolution (ADR) is offered as an alternative to litigation. A small claims advisor is available to answer questions about small claims actions. In addition, free tours of the courthouse are offered to those who may have a court matter now or in the future, to insure that they will feel comfortable about their knowledge of the type and location of relevant court services available to them. The Public Law Center is located in the court's law library. Videoconferencing equipment is used to broadcast workshops offered by local attorneys to other courthouses in this mountainous community.<sup>41</sup>

### ***Santa Clara Self Service Center***

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<sup>41</sup> See the Superior Court of Nevada County's self-help Web site at [http://court.co.nevada.ca.us/services/self\\_help/sh\\_services.htm](http://court.co.nevada.ca.us/services/self_help/sh_services.htm).

Santa Clara County, the home of the City of San Jose and the Silicon Valley, started a Self-Service Center in 2002. The office is intended to provide the public with a guide to navigate the court system in Santa Clara County. At the Self-Service Center, members of the public have access to three computer workstations, which can be used to access legal Web sites and other law-related resources. An attorney and other staff members at the center are available to help the public. Forms can also be filled out online and then printed. In addition, pamphlets and books are available on topics ranging from divorce to tenants' rights to guidelines for nonparental relatives raising children.

A Self-Service CourtMobile travels throughout Santa Clara County bringing free legal resources and assistance to libraries and community centers within the county. The CourtMobile provides:

- Forms and form packets;
- Computers with Internet access to the court's self-service Web site;
- A VCR for watching videotapes with legal information;
- Help filling out legal forms;
- Help learning about court rules and processes; and
- Referrals to other legal resources.

Information about the program is available at the court's very comprehensive self-help Web site.<sup>42</sup>

### ***Emerging Self-Help Programs***

A number of smaller counties, including Lassen, Mariposa, Lake, and Inyo, have created self-help centers with implementation funds from planning efforts. Many of these programs are built upon the existing family law facilitator program. New programs are being created in Calveras, Alameda, and Marin Counties, as well as a tri-county effort involving Santa Cruz, San Benito, and Monterey Counties.

Each of these programs emphasizes partnerships with other community organizations, including legal services programs. They are under the direction of an attorney and also use court staff to provide support and information. This expansion of services is particularly striking in a time of significant cutbacks in court budgets.

Additionally, the Los Angeles County Board of Supervisors has funded the creation of four new self-help centers in the last two years. Following the Ventura model, these centers provide both family law and limited civil assistance, primarily in landlord/tenant and small claims matters. They are operated by legal services organizations in collaboration with and located at the court.

### **Equal Access Fund**

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<sup>42</sup> See the Superior Court of Santa Clara County's self-help Web site at <http://www.scselselfservice.org/default.htm>.

The Equal Access Fund was created by the Budget Act of 1999 and has been continued in the Budget Acts of 2000, 2001, and 2002. Each of these budgets allocated \$10 million to the Judicial Council to be distributed in grants to legal services providers through the Legal Services Trust Fund Commission of the State Bar (the commission). The budget control language provides for the following two kinds of grants:

- Ninety percent of the funds remaining after administrative costs are to be distributed to legal services programs according to a formula set forth in California’s Interest on Lawyer Trust Accounts (“IOLTA”) statute.
- Ten percent of the funds remaining after administrative costs are set aside for Partnership Grants to legal services programs for “joint projects of courts and legal services programs to make legal assistance available to pro per litigants.”

101 organizations receive support from the Equal Access Fund according to the IOLTA formula.<sup>43</sup>

The Budget Act contains the following four essential elements for partnership grants:

- Recipients must be organizations that are eligible for a Legal Services Trust Fund Program grant.
- The funds must be granted for joint projects of legal services programs and courts.
- The services must be for indigent persons as defined in the Trust Fund Program statute.
- The services must be for self-represented litigants.

The partnership grants span a wide range of substantive, procedural, technical, and programmatic solutions. Eighteen programs have been started in courts throughout the state to assist litigants in cases involving domestic violence, guardianships, family law, landlords and tenants, and general civil assistance. All are required to include the following:

- A letter of support from the applicable court’s presiding judge and the legal services provider’s director.
- Agreements between the legal services programs and the courts. As part of the grant process we require recipients to develop a written agreement with the cooperating court indicating how the joint project, the court, and

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<sup>43</sup> For a list of the organizations funded in 2001–2002, see [http://www.courtinfo.ca.gov/reference/rfp/documents/eaf\\_grant\\_recip.pdf](http://www.courtinfo.ca.gov/reference/rfp/documents/eaf_grant_recip.pdf).



any existing self-help center, including the family law facilitator as appropriate, will work together.

- Projects must identify plans to provide for lawyers to assist and to provide direct supervision of paralegals and other support staff.
- Projects must establish protocols for use in the event of a conflict of interest, including: what, if any, resources would be available to individuals who cannot be served because of such conflicts; what would be the relationship between the provider and the pro per litigant; and other similar issues.
- Projects must anticipate and meet the needs of litigants who are not within the legal services provider's service area or are ineligible for their services. While this can be a challenge for organizations with limited funding, a number of applicants have developed collaborations with other legal services providers that will facilitate a broad availability of services. These solutions are being studied by the commission for possible applicability to other programs.
- Grant recipients are encouraged to find ways to address the needs of unrepresented litigants who do not meet the financial eligibility requirements (e.g., providing general information in the form of local information sheets, videos, workshops, etc.). Programs that have achieved success in this field are being closely evaluated so that ideas may be gleaned which might be effective for other programs that have yet to establish an effective referrals protocol.
- Projects must clearly state a policy regarding administration of financial eligibility standards, and must establish protocols to observe that policy.

The Legislature has required that the Judicial Council report on the efficiency and effectiveness of the Equal Access Fund in March 2005. The council has hired a researcher to coordinate this evaluation, which will include mandatory reporting as well as a toolkit of optional evaluation tools.<sup>44</sup>

## **Small Claims Advisors**

The oldest of California's self-help programs is the Small Claims Advisors Program. This service, created in 1978, provides free assistance to litigants in small claims proceedings. California's small claims court was created in 1921 to provide a fair, fast, and inexpensive procedure for parties to resolve disputes that have a relatively small monetary value. Since 1990, the jurisdictional limit has been \$5,000. The main features of small claims court include the following:

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<sup>44</sup> For a request for proposals (RFP) describing the Equal Access evaluation project, see [http://www.courtinfo.ca.gov/reference/rfp/cfcc\\_eval.htm](http://www.courtinfo.ca.gov/reference/rfp/cfcc_eval.htm).

- Parties represent themselves; attorneys generally are not allowed at trial.
- There is no right to a jury trial.
- The plaintiff has no right to appeal an adverse decision, but the defendant may appeal. Appeals consist of a trial de novo in superior court.
- Third party assignees are not allowed; only the parties directly involved in the dispute may participate in small claims court.
- No unlawful detainer actions (evictions) may be filed.<sup>45</sup>

There is currently discussion of raising the small claims limits, in large part “because of the inability of parties to find attorneys who will handle cases between \$5,000 to \$10,000 for a fee that does not eat up all the potential award. It is often even difficult to find attorneys who will take those cases at all.”<sup>46</sup>

By statute, counties must provide some level of assistance to small claims litigants, however services may (and do) vary in each county in accordance with local needs and conditions. In each county where more than 1,000 small claims actions are filed each year, the following services must be offered:

- Individual personal advisory services, in person or by telephone, and by any other means reasonably calculated to provide timely and appropriate assistance.
- Recorded telephone messages may be used to supplement the individual personal advisory services, but shall not be the sole means of providing advice available in the county.

Adjacent counties may provide advisory services jointly. For counties with fewer than 1,000 filings, recorded telephone messages providing general information relating to small claims actions filed in the county must be available during regular business hours and informational booklets must be made available to litigants.<sup>47</sup>

The statute provides that small claims “[a]dvisors may be volunteers, and shall be members of the State Bar, law students, paralegals, or persons experienced in resolving minor disputes, and shall be familiar with small claims court rules and procedures. Advisors may not appear in court as an advocate for any party.”<sup>48</sup>

A recent report commissioned by the Judicial Council indicates that there are significant problems with this approach, as shown in the following quotes therefrom:

In Fresno there is a small claims advisory center, using law students. The office is not in the courthouse, but rather in another downtown building. Neither of the two law students whom we interviewed had ever seen a small claims trial,

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<sup>45</sup> Administrative Office of the Courts, *Report of the California Three Track Civil Litigation Study* (prepared by Policy Studies, Inc., July 31, 2002) p. 2.

<sup>46</sup> *Id.* at p. 33.

<sup>47</sup> Cal. Code Civ. Proc., § 116.940, available at: <http://www.leginfo.ca.gov/calaw.html>.

<sup>48</sup> *Ibid.*

although observing trials has now been added to the required training of the advisors. One advisor told us that the law students were not permitted to give legal advice, but merely advice on the process.

In San Diego there is a small claims advisor's office attached to the court, run by a full-time attorney, with non-attorney volunteers working under him. The volunteers are able to help people with process questions. The supervising attorney is able to assist the volunteers with legal questions.

In San Francisco, there is a full-time small claims advisor in the court and an advisor available full-time by telephone, paid by the court. Both are attorneys. The advisor located in the court sees about 30 litigants per day. Her office is behind the clerk's counter, and there is a sign-up sheet in the clerk's area. She can advise on filing, on what will be needed at trial. Under California law the small claims advisors are immune from suit for malpractice.<sup>49</sup>

As a result of this report, standards for small claims advisors and judicial officers are being reviewed as part of the discussion of raising the jurisdictional limits.

## Forms

California has nearly 600 forms that must be accepted by all courts throughout the state. (See <http://www.courtinfo.ca.gov/forms> for a complete list of these forms.) Forms adopted for mandatory use must be used in the types of actions to which they pertain; forms approved for optional use must be accepted by the courts although litigants may choose, instead, to craft their own pleadings. Many types of cases are completed solely by the use of mandatory forms. These case types include family law, domestic violence, guardianship, probate, juvenile dependency, and landlord/tenant matters. California also has forms for discovery, including form interrogatories and requests for information.

Mandatory forms were initially developed in 1971 upon the passage of the Family Law Act which instituted no-fault divorce. They were designed to assist attorneys and judges fully plead and decide the elements of cases given this major change in the law. The number and variety of forms has increased dramatically since that time. As a result of these standardized forms, instructional materials, document assembly packages, and other methods of assisting litigants can be completed economically. These self-help instructional materials first appeared in 1971, starting with the Nolo Press book *How to Do Your Own Divorce in California*. This book, which provides the basics of California family law and explains how to complete the related mandatory forms, has sold over 800,000 copies and has sparked a large number of other books and now an extensive Web site (<http://www.nolo.com>).

The Judicial Council has also developed a variety of instructional materials to assist litigants in understanding the law and court procedures and in completing these forms: Instructional

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<sup>49</sup> Administrative Office of the Courts, *Report of the California Three Track Civil Litigation Study* (prepared by Policy Studies, Inc., July 31, 2002) pp. 34–35.

materials range from a 25-page guide on summary dissolution that contains sample forms and a sample agreement (<http://www.courtinfo.ca.gov/forms/documents/fl810.pdf>) to domestic violence forms and instructions (<http://www.courtinfo.ca.gov/selfhelp/dv/dvforms.htm#get>).

Since these forms were designed with attorneys and judges in mind, they are not always easy for self-represented litigants to read and understand. While the Legislature has specifically directed the Judicial Council to develop certain procedures and forms with self-represented litigants in mind (such as the simplified financial statement<sup>50</sup> and simplified modification of order for child, spousal, or family support<sup>51</sup>), the same basic format has been used for the last 30 years. In January 2003, the Judicial Council approved its first major change to that format with the adoption of new plain-language domestic violence and adoption forms. These forms, which include graphics and larger type, were designed to be much simpler to read and understand by non-attorneys. The council undertook user testing of these forms with litigants, court staff, and law enforcement. For a sample proof of personal service see <http://www.courtinfo.ca.gov/forms/fillable/dv200.pdf>. For a sample temporary restraining order see <http://www.courtinfo.ca.gov/forms/fillable/dv110.pdf>. Other forms are being revised in areas of the law such as landlord/tenant, small claims, and child support, where many litigants are representing themselves.

All Judicial Council forms are now fillable online using Adobe® Acrobat®. Additionally, the California Courts Web site links to programs that help litigants complete forms using a simple question and answer format. These programs include the Superior Court of Sacramento County's e-filing program for small claims litigants (see <http://www.apps-saccourt.com/scc/>); EZLegalFile by the Superior Court of San Mateo County that allows for basic filings in family law, small claims, guardianships, and landlord/tenant matters (see <http://www.ezlegalfile.com/elf-welcome/index.jsp>); and I-CAN! by Orange County Legal Aid that offers a question and answer format as well as video (see [http://www.legal-aid.com/I-CAN/ican\\_demo.html](http://www.legal-aid.com/I-CAN/ican_demo.html)). I-CAN! has been evaluated by researchers from the University of California at Irvine and found to be very easy for litigants—even those who did not read English—to use.<sup>52</sup> The Administrative Office of the Courts has provided funding for each of these programs and works with them to increase their effectiveness and availability for statewide use.

## Language Access

Two hundred and twenty-four languages are spoken in California's courts.<sup>53</sup> Of the 32 percent of Californians who speak a language other than English, nearly 1 in 10 speak no English. Twenty-six percent of Californians are foreign born; 33 percent of those are from Asia and 56 percent are from Latin America.<sup>54</sup> From 1990 to 1998, 1.8 million people legally immigrated to California from other countries. Estimates of undocumented aliens (principally from Latin American

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<sup>50</sup> Cal. Fam. Code, § 4068(b), available at <http://www.leginfo.ca.gov/calaw.html>

<sup>51</sup> *Id.*, § 3680, available at <http://leginfo.ca.gov/calaw.html>

<sup>52</sup> J. W. Meeker and R. Utman, *An Evaluation of the Legal Aid Society of Orange County's Interactive Community Assistance Network (I-CAN!) Project* (May 2002), [http://www.legal-aid.com/I-CAN/ican\\_download.html](http://www.legal-aid.com/I-CAN/ican_download.html).

<sup>53</sup> Administrative Office of the Courts, "Fact Sheet: Court Interpreters" (Jan. 2003), available at <http://www.courtinfo.ca.gov/reference/documents/ctinterp.pdf>.

<sup>54</sup> U.S. Bureau of the Census, *United States Census 2000*, as reported in *Policy Paper: Language Barriers to Justice in California* (in draft by the Commission on Access to Justice).

countries) who come to California directly or through other states are as high as 225,000 per year.

When litigants with limited or no English proficiency try to access the court system without counsel, they face significant barriers. However, the statutory right to counsel exists only for criminal and domestic violence cases due to the implications for loss of liberty. The Administrative Office of the Courts has been working to seek funding to increase the availability of interpreters and has been actively involved in other efforts (e.g., recruitment) to increase the number of qualified interpreters.<sup>55</sup>

State funds are also provided to the courts to pay for interpreter services for low-income persons in cases involving domestic violence. This funding is based upon an evaluation of a pilot project where such funds were provided that found that interpreter services proved extremely useful in custody and visitation matters.<sup>56</sup>

Based upon the need for interpreters in other languages, all domestic violence forms and instructional materials developed by the Judicial Council are now available in English, Spanish, Vietnamese, Chinese, and Korean. Posters and postcards alerting litigants to this information have been developed and circulated to the courts and to legal services and social services agencies.

A number of courts have translated materials into different languages to reflect the needs in their community. These materials are now being gathered together on the California Courts Online Self-Help Center that is described below.

## Web Site

On July 1, 2001, the Judicial Council launched an updated version of its comprehensive Online Self-Help Center (found at [www.courtinfo.ca.gov/selfhelp/](http://www.courtinfo.ca.gov/selfhelp/)).

for court users who do not have attorneys and others who wish to be better informed about the law and court procedures. This Web site provides more than 1,000 pages of information on legal issues that come before state courts with step-by-step instructions for many common proceedings. It also has over 2,400 links to other resources that provide additional legal information, including resources for areas of law such as bankruptcy and federal claims that are not within the jurisdiction of state courts. Most Californians (76 percent) use a computer at home, work, or school, and 65 percent say they use the Internet.<sup>57</sup>

The site is heavily used, as described in the chart below:

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<sup>55</sup> For a description of the efforts, including collaboration on training programs, see the page of the California Courts Web site devoted to court interpreters: <http://www.courtinfo.ca.gov/programs/courtinterpreters/>.

<sup>56</sup> Judicial Council of California/Administrative Office of the Courts, *Family Law Interpreter Pilot Program, Report to the Legislature* (2001), <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/FLIPP.PDF>.

<sup>57</sup> Administrative Office of the Courts, "Fact Sheet: Online Self-Help Center Q&A," [www.courtinfo.ca.gov/selfhelp/](http://www.courtinfo.ca.gov/selfhelp/) (Jan. 2003), available at <http://www.courtinfo.ca.gov/reference/documents/selfhelpqqa.pdf>.

Month/Year	Hits	Views	User Sessions	Avg. Time (in minutes)
May 2002	1,362,567	358,306	99,328	7:01
June 2002	1,396,176	360,541	99,811	7:05
July 2002	1,520,421	390,560	99,913	11:13
August 2002	1,643,113	440,772	113,244	12:39
September 2002	1,529,423	399,666	105,829	13:27
October 2002	1,725,080	437,879	116,243	11:40
November 2002	1,493,321	377,393	102,394	11:07
December 2002	1,482,476	368,539	100,085	11:00
January 2003	2,134,175	620,728	128,051	13:04
February 2003	2,005,531	702,366	108,967	13:57
March 2003	2,064,202	577,798	124,231	12:47
April 2003	2,184,476	560,840	129,504	12:42

The entire site was rewritten and redesigned to make it easier for non-attorneys to read and understand. A number of features were added, including easy access to a service offered by law librarians to assist with basic legal research online at no charge. The entire Web site is being translated into Spanish, and the Spanish version of the site will be launched in July 2003.

A new link will be added at that time for materials available in foreign languages other than Spanish to help both litigants and those assisting them find translated materials easily. AOC staff is now working on templates to assist self-represented litigants in drafting legally enforceable agreements and logical declarations in common case types.

Many local courts have also developed helpful resources for litigants representing themselves. Examples include Santa Clara: <http://www.scservice.org/default.htm>; Ventura: <http://courts.countyofventura.org/venturaMasterFrames5.htm>; Los Angeles: <http://www.lasuperiorcourt.org/familylaw/> and <http://www.lasuperiorcourt.org/probate/index.asp?selfhelp=1>; Sacramento: <http://www.saccourt.com/index/family.asp>, <http://www.saccourt.com/index/ud.asp>, and <http://www.saccourt.com/index/smallclaims.asp>; Stanislaus: <http://www.stanct.org/courts/familylaw/index.html>; and Shasta: <http://www.shastacourts.com/familylaw.shtml>.

## Videos

The Administrative Office of the Courts (AOC) offers several videos to help the estimated 94,500 self-represented litigants involved in custody mediation each year learn more about family court procedures. The award-winning *Focus on the Child* orients self-represented parents to court procedures, mediation, child custody evaluation, effective presentation of child-related information to the courts, parenting plans, and supervised visitation. The AOC also has developed videos on how to request a domestic violence restraining order and how to respond to a request for a domestic violence restraining order. These videos are available in English, Spanish, Vietnamese, Chinese, and Korean. Additional videos describe how to prepare court forms for an uncontested divorce and how to prepare for a family law hearing. These videos are available in English and Spanish.

Videos developed by local courts have also been adapted for use statewide and are made available by the AOC. These include videos with step-by-step instructions for completing forms in paternity and divorce cases, an overview of guardianship procedures, a guide to court proceedings in landlord/tenant cases, and an orientation to small claims court<sup>58</sup>.

## Additional Informational Publications for Self-Represented Litigants

The AOC develops and distributes a wide variety of materials for self-represented litigants. These include:

- *Summary Dissolution Information*: Provides detailed instructions on how to complete forms for a summary dissolution and how to write a marital settlement agreement.<sup>59</sup>
- *How to Adopt a Child in California*: A handout on how to prepare adoption forms.<sup>60</sup>
- *Emancipation Pamphlet*: A guide for minors on the process for emancipation.<sup>61</sup>
- *What's Happening In Court? An Activity Book for Children Who Are Going to Court in California*.<sup>62</sup>
- *Guardianship Pamphlet*: A guide for adults considering becoming a guardian of a minor.<sup>63</sup>
- *Juvenile Court Information for Parents*: A guide for parents of minors charged with crimes.<sup>64</sup>
- *Dependency Court: How It Works*: A guide for parents whose children in dependency care.<sup>65</sup>

## Community-Focused Planning Efforts

The Judicial Council established the Task Force on Self-Represented Litigants in 2001 to coordinate the statewide response to the needs of litigants who are representing themselves. The task force has been developing a statewide action plan on serving self-represented litigants. This work builds on an intensive community-focused planning process of the trial courts.

In the spring of 2001, the council sponsored four regional conferences to allow courts to discuss different models for providing self-help services and determine how to best meet the needs of

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<sup>58</sup> For a list of videos see <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/catalog.htm>

<sup>59</sup> Judicial Council form FL-810 (also available in Spanish as FL-811), <http://www.courtinfo.ca.gov/forms/documents/fl810.pdf>.

<sup>60</sup> Judicial Council form ADOPT-050, <http://www.courtinfo.ca.gov/forms/documents/adopt050.pdf>.

<sup>61</sup> Judicial Council form MC-301, <http://www.courtinfo.ca.gov/forms/documents/mc301.pdf>.

<sup>62</sup> For PDF and interactive versions in English and Spanish, see <http://www.courtinfo.ca.gov/programs/children.htm>.

<sup>63</sup> Judicial Council form JV-350 (also available in Spanish as JV-355), <http://www.courtinfo.ca.gov/forms/documents/jv350.pdf>.

<sup>64</sup> Judicial Council form JV-060, <http://www.courtinfo.ca.gov/forms/documents/jv060.pdf>.

<sup>65</sup> Judicial Council form JV-055, <http://www.courtinfo.ca.gov/forms/documents/jv055.pdf>.

self-represented litigants in their communities. Over 600 persons attended these conferences, representing 57 out of California's 58 counties.

Welcomes were extended by Chief Justice Ronald M. George and a representative from the State Bar Board of Governors. In each region, a judicial leader gave a keynote speech describing regional characteristics and issues. A plenary session on evaluation was held. Other plenary sessions concerned technology and cultural diversity. A resource center was set up at each conference to showcase innovations and distribute materials.

Thirty workshops were held at each conference. Topics included the following:

- Unbundling legal services;
- The changing role of court clerks and law librarians;
- Judicial communication and ethics;
- Making the courthouse more accessible for self-represented litigants;
- Funding for self-help programs;
- Alternative dispute resolution programs;
- Providing services to non-English-speaking litigants;
- Court partnerships with the bar and legal services agencies; and
- Technological resources to help self-represented persons.

Binders with materials for each of the sessions, as well as leading articles on the topic, were prepared for all participants and continue to be ordered by local planning groups.<sup>66</sup>

Three breakout sessions were held for counties to consider specific questions in developing an initial action plan. Facilitators were available for each of the groups. A county action plan packet was developed to help the participants identify the following:

- Resources currently available;
- Challenges facing self-represented litigants;
- Services needed in the community;
- Potential partners for providing services;
- What they were trying to achieve and the strategies they might use to evaluate that; and
- What objectives they wanted to focus on first and how to accomplish those objectives.

Breakout sessions were also held for professional groups such as facilitators, judges, court administrators, private attorneys, small claims advisors, and others to encourage regional networking and discussion.

In the course of the conferences, most courts developed initial action plans. The level of detail in the plans varied significantly among the counties. To encourage the further development of those plans and to encourage courts to obtain community input on them, the Judicial Council made \$300,000 of Trial Court Improvement Fund moneys available in fiscal year 2000–2001 to

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<sup>66</sup> Binder contents are available at <http://www.courtinfo.ca.gov/programs/cfcc/resources/selfhelp/list.htm>.



assist courts in developing their action plans. Forty courts applied for and were granted these planning funds. An additional \$300,000 was offered in 2001–2002 and again in 2002–2003 to assist courts that had not yet received planning funds and to provide funding for courts that had created plans to begin implementation. To date, 44 plans have been received, 7 are still being developed, and 7 smaller courts have not developed plans. Each of the completed plans is posted on a password-protected Web site that is available to court employees throughout the state.

For the courts that developed plans, additional funds were provided for implementation. Projects include those establishing self-help centers in collaboration with local libraries, developing additional information on local Web sites, using computer programs to assist litigants in completing court forms, and reaching out to the community to provide training for volunteers from different ethnic backgrounds on how to assist self-represented litigants.<sup>67</sup>

The Judicial Council’s Center for Families, Children & the Courts (CFCC) is currently developing a series of statewide Web-based discussions for those persons involved in the local courts planning committees. These discussions will focus on topics of interest, such as free and low-cost legal assistance, limited-scope legal representation (unbundling), technology, and self-help centers. By sharing the most recent information and resources, we hope to promote effective practices and minimize duplication of efforts as well as to maintain momentum for these new programs during lean budget years.

## **Education and Training**

The Administrative Office of the Courts (AOC) sponsors a number of trainings for judges, court staff, attorneys, advocates, law enforcement and others who work with self-represented litigants. One AOC project that was specifically aimed at self-represented litigants themselves targeted foster parents. It produced an educational booklet, entitled “Caregivers and the Courts: a Primer on Juvenile Dependency Proceedings for California Foster Parents and Relative Caregivers,”<sup>68</sup> in English and Spanish versions to assist caregivers who wish to participate in juvenile court hearings. The booklet gives information about the dependency court process, the law relating to caregiver participation in court hearings, information the court may consider helpful, how to decide whether written reports or court attendance is more effective, tips for caregivers who are called to testify in court, de facto parent status, and local court culture.

Additionally, training was provided to foster parents and relative-caregivers groups on participation in the dependency court process. The training focused on general legal concepts and the practical aspects of caregiver participation in court. Research was conducted on the impact of that training on caregiver participation in juvenile court hearings and outcomes for children in care. The study also began to explore in a qualitative way what factors determine how information from caregivers is or could be used in decision making, and what effects

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<sup>67</sup> A short description of each of the implementation projects is available at <http://www.courtinfo.ca.gov/programs/cfcc/resources/grants/selfgrants.htm>.

<sup>68</sup> Judicial Council of California, “Caregivers and the Courts: A Primer on Juvenile Dependency Proceedings for California Foster Parents and Relative Caregivers, Judicial Council of California,” English version available at <http://www.courtinfo.ca.gov/programs/cfcc/pdf/caregive.pdf>.

caregiver participation might have on the well-being of children in care. The report indicated that the training was very useful for the caregivers and that they were more likely to participate in hearings as a result. Since they often brought critical information about the children to the court's attention, the benefits of the training seemed significant.<sup>69</sup>

## Court Clerk Training

In 2001, the Judicial Council adopted a standard form to be posted in court clerks' offices in lieu of other signage regarding legal advice to clarify what assistance court clerks can and cannot provide to self-represented litigants.<sup>70</sup> This form was based upon the analysis by John Greacen in his seminal article "No Legal Advice from Court Personnel! What Does that Mean?"<sup>71</sup> The following basic principles of this approach are that:

1. Court staff have an obligation to explain court processes and procedures to litigants, the media, and other interested citizens.  
...
2. Court staff have an obligation to inform litigants, and potential litigants, how to bring their problems before the court for resolution.  
...
3. Court staff cannot advise litigants whether to bring their problems before the court, or what remedies to seek.  
...
4. Court staff must always remember the absolute duty of impartiality. They must never give advice or information for the purpose of giving one party an advantage over another. They must never give advice or information to one party that they would not give to an opponent.  
...
5. Court staff should be mindful of the basic principle that counsel may not communicate with the judge *ex parte*. Court staff should not let themselves be used to circumvent that principle, or fail to respect it, in acting on matters delegated to them for decision.<sup>72</sup>

A broadcast training has been developed by the Administrative Office of the Courts to help clerks determine the difference between legal information and legal advice and encourage them to be more helpful to the public. The training is one and a half hours long and includes an introduction by the Chief Justice, presentation by John Greacen on his analysis, and a live discussion by court clerks, a judge, and an attorney regarding taped vignettes featuring court clerks providing legal information.

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<sup>69</sup> See Administrative Office of the Courts and National Center for Youth Law, *Caregivers in the Courts: Improving Court Decisions Involving Children in Foster Care* (2002), <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/CaregiverES.pdf>.

<sup>70</sup> Judicial Council form MC-800, *Court Clerks Office Signage*, <http://www.courtinfo.ca.gov/forms/documents/mc800.pdf>.

<sup>71</sup> J. Greacen, "No Legal Advice from Court Personnel! What Does that Mean?" (American Bar Association, 1995) *The Judges' Journal*, at <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/SH-tab3.pdf>.

<sup>72</sup> *Id.* at pp. 7–8.

All California courts now have equipment to receive satellite broadcasts. This enables court staff to receive training and updates without having to travel from their courts. This training was the first offered to court clerks, and feedback forms indicated that over 1,000 people watched the supervisor broadcast and 1,500 watched the line clerk broadcast the first weeks it was offered. It's been offered nine times in the last two years.

## Judicial Training

California's Administrative Office of the Courts has a nationally respected training arm with a long history of providing judicial training. They have offered a number of classes about effectively serving self-represented litigants.

AOC staff are currently working to expand the body of research and training resources available for judicial officers regarding self-represented litigants.<sup>73</sup> One article contributing to that effort is "Judicial Techniques for Cases Involving Self-Represented Litigants,"<sup>74</sup> appearing in the winter 2003 issue of *The Judges Journal*. Other research is being conducted into the procedural justice literature and how it might be used by judicial officers in managing their courts. Another piece is being developed to help judges consider how best to use family law facilitators and other court-based attorneys to assist them in managing a calendar effectively and maintaining a neutral courtroom.

A focus group of judges who are particularly effective with self-represented litigants is being planned to identify techniques and understandings that can be shared. A courtroom observation tool is being developed to identify what types of techniques seem particularly effective from the perspective of the litigants themselves.

Since California has a single-tier trial court system, many judges are transferred to assignments in which they have had no practical experience or legal training. This poses great challenges in a courtroom where neither litigant knows the law either and there are no attorneys to rely on for a clear written or verbal presentation of the facts and law. Training both on the substantive law and on practical skills in managing a courtroom of nonlawyers is critically needed..

## Limited Scope Representation (Unbundling)

Limited scope representation is a relationship between an attorney and a person seeking legal services in which it is agreed that the scope of the legal services will be limited to specific tasks that the person asks the attorney to perform. This is also called "unbundling" and "discrete task representation."

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<sup>73</sup> See, for example, Web materials on how judges can communicate effectively with self-represented litigants, <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/SH-tab4.pdf>.

<sup>74</sup> R. A. Albrecht, J. M. Greacen, B. R. Hough, and R. Zorza, "Judicial Techniques for Cases Involving Self-Represented Litigants"(American Bar Association, winter 2003) 42(1) *The Judges' Journal* 16–48, <http://www.zorza.net/JudicialTech.JJWi03.pdf>.

At the request of the president of the State Bar of California, the Commission on Access to Justice established a Limited Representation Committee. The committee was composed of representatives from the private bar and the judiciary, legal ethics specialists, and legal services representatives. Their work was informed by legal research and discussion as well as by a series of focus groups that included private attorneys, judicial officers, legal services representatives, insurance company representatives, lawyer referral service representatives, litigants, family law facilitators, and legal ethics specialists. Focus groups and individual interviews were also conducted with current and potential users of limited scope services.

In October 2001 the committee issued a *Report on Limited Scope Legal Assistance With Initial Recommendations*.<sup>75</sup> The Board of Governors of the State Bar of California approved those initial recommendations on July 28, 2001. Some of the recommendations, categorized by the committee as “court-related,” called for the committee to work with the Judicial Council to adopt rules and forms.

Limited scope representation helps self-represented litigants

- Prepare their documents legibly, completely, and accurately;
- Prepare their cases based on a better understanding of the law and court procedures than they would have if left on their own;
- Obtain representation for portions of their cases, such as court hearings, even if they cannot afford full representation; and
- Obtain assistance in preparing, understanding, and enforcing court orders.

This assistance can reduce the number of errors in documents; limit the time wasted by the court, litigants, and opposing attorneys because of the procedural difficulties and mistakes of self-represented litigants; and decrease docket congestion and demands on court personnel. In focus groups on this topic, judges indicated a strong interest in having self-represented litigants obtain as much information and assistance from attorneys as possible. They pointed to the California courts’ positive experience with self-help programs such as the family law facilitator program, which educates litigants and assists them with paperwork. These programs, however, cannot meet the needs of all self-represented litigants and, because of existing regulations, must limit the services they can offer.

As called for in the Limited Representation Committee’s report, the Judicial Council recently adopted forms and rules designed to help facilitate attorneys’ provision of this assistance, including the following:

- A rule of court that allows attorneys to help litigants prepare pleadings without disclosing that they assisted the litigants (unless they appear as attorneys of record or seek the award of attorney fees based on such work);<sup>76</sup>
- A form to be filed with the court clarifying the scope of representation when the

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<sup>75</sup> Limited Representation Committee of the California Commission on Access to Justice, *Report on Limited Scope Legal Assistance With Initial Recommendations* (Oct. 2001), [http://www.calbar.ca.gov/calbar/pdfs/reports/2001\\_Unbundling-Report.pdf](http://www.calbar.ca.gov/calbar/pdfs/reports/2001_Unbundling-Report.pdf).

<sup>76</sup> Cal. Rules of Court, rule 5.170 (effective July 1, 2003).

- attorney and client have contracted for limited scope legal assistance;<sup>77</sup> and
- A simplified procedure for withdrawal from cases when an attorney is providing limited scope assistance.<sup>78</sup>

Some courts in other jurisdictions have expressed concern that providing anonymous assistance to a self-represented litigant defrauds the court by implying that the litigant has had no attorney assistance. The concern is that this might lead to special treatment for the litigant or allow the attorney to evade the court's authority. However, California's family law courts have allowed ghostwriting for many years. Family law facilitators, domestic violence advocates, family law clinics, law school clinics, and other programs and private attorneys serving low-income persons often draft pleadings on behalf of litigants.

Judicial officers in the focus groups reported that it is generally possible to determine from the appearance of a pleading whether an attorney was involved in drafting it. They also reported that the benefits of having documents prepared by an attorney are substantial.

In focus groups, private attorneys who draft pleadings on behalf of their clients revealed that they would be much less willing to provide this service if they had to put their names on the pleadings. Their reasons included the following:

- Fear of increased liability;
- Worry that a judicial officer might make them appear in court despite a contractual arrangement with the client limiting the scope of representation;
- Belief that they are helping the client tell his or her story, and that the client has a right to say things that attorneys would not include if they were directing the case;
- Concern that the client might change the pleading between leaving the attorney's office and filing the pleading in court;
- Apprehension that their reputation might be damaged by a client's inartful or inappropriate arguing of a motion;
- Concern that they would be violating the client's right to a confidential relationship with his or her attorney; and
- Worry that they may not be able to verify the accuracy of all the statements in the pleading, given the short time available with the client.<sup>79</sup>

The Judicial Council approved the logic that the filing of ghostwritten documents does not deprive the court of the ability to hold a party responsible for filing frivolous, misleading, or deceptive pleadings. A self-represented litigant makes representations to the court by filing a pleading or other document about the accuracy and appropriateness of those pleadings. (Code Civ. Proc., § 128.7(b).)<sup>80</sup> In the event that a court finds that section 128.7(b) of the Code of

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<sup>77</sup> Judicial Council form FL-950 (effective July 1, 2003).

<sup>78</sup> Cal. Rules of Court, rule 5.171 and Judicial Council forms FL-955, FL-956, and FL-958 (all effective July 1, 2003).

<sup>79</sup> From Judicial Council of California, Invitation to Comment W03-06, *Family Law: Limited Scope Representation*, (Winter 2003), at <http://www.courtinfo.ca.gov/invitationstocomment/documents/w03-06.pdf>.

<sup>80</sup> Cal. Code Civ. Proc., § 128.7, available at <http://www.leginfo.ca.gov/calaw.html>.

Civil Procedure has been violated, the court may sanction the self-represented litigant. The court could also ask the litigant who assisted in preparation of the pleading and lodge a complaint with the State Bar about the attorney's participation in the preparation of a frivolous or misleading document, whether or not his or her name is on the pleading. (See Los Angeles County Bar Association, Formal Opinion No. 502, Nov. 4, 1999.)<sup>81</sup>

Under new rule 5.170, an attorney providing limited scope representation must disclose his or her involvement if the litigant is requesting attorney fees to pay for those services, so that the court and opposing counsel can determine the appropriate fees. Awarding attorney fees when a litigant receives assistance with paperwork or preparations for a hearing may also help encourage attorneys to provide this service. Family Code section 2032 states that the court "shall take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party's case adequately."<sup>82</sup> The only counsel many litigants can afford, even with attorney fees awards, is counsel willing to provide limited scope legal services. If a litigant were able to present a case "adequately" through coaching or assistance with preparation of a pleading, an award of fees might also be appropriate.

The Administrative Office of the Courts is also working with the Limited Representation Committee to develop training curricula for judicial officers on California's new rules and forms. It has developed an educational piece entitled "Twenty Things that Judicial Officers Can Do to Encourage Attorneys to Provided Limited Scope Representation (or how to get attorneys to draft more intelligible declarations and enforceable orders for self represented litigants)"<sup>83</sup>

## Conclusion

As described above, California's courts have developed a large number of programs to increase access to justice for self-represented litigants. Many of these have developed creative solutions to long-standing problems regarding the propriety of the court's providing assistance to litigants, others are building upon technology to provide information, while still others explore fundamental assumptions about courtroom management. All are directed at the very basic concern raised by California's Chief Justice Ronald M. George in his State of the Judiciary address in 2001: "If the motto 'and justice for all' becomes 'and justice for those who can afford it,' we threaten the very underpinnings of our social contract."<sup>84</sup>

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<sup>81</sup> *Lawyers' Duties When Preparing Pleadings or Negotiating Settlement for In Pro Per Litigant*, Los Angeles County Bar Association Professional Responsibility and Ethics Committee, Formal Opinion No. 502 (Nov. 4, 1999), <http://www.lacba.org/showpage.cfm?pageid=431>.

<sup>82</sup> Cal. Fam. Code, § 2032, available at <http://www.leginfo.ca.gov/calaw.html>.

<sup>83</sup> Administrative Office of the Courts, "Twenty Things That Judicial Officers Can Do to Encourage Attorneys to Provided Limited Scope Representation" (or how to get attorneys to draft more intelligible declarations and enforceable orders for self represented litigants), Administrative Office of the Courts, (April 2002), [http://www.unbundledlaw.org/States/twenty\\_things\\_that\\_judicial\\_offi.htm](http://www.unbundledlaw.org/States/twenty_things_that_judicial_offi.htm).

<sup>84</sup> R. M. George, State of the Judiciary address to a Joint Session of the California Legislature, Sacramento, Mar, 20, 2001, <http://www.courtinfo.ca.gov/reference/soj0301.htm>.