



Customer Service/Pro Se Trends in the Courts Trends 2001

Knowledge & Information Services

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Customer-Focused Courts

Courts today are increasingly becoming more customer focused and user friendly. They are doing this in a variety of ways, which include but are not limited to, children and elder waiting rooms at the courthouse (**California**); day care assistance at the courthouse (**Colorado, Massachusetts, and North Carolina**); increased signage; name tags; expanded hours (Tampa, **Florida**); suggestion boxes (**Virginia**); user surveys (Overland Park, **Kansas** and **Virginia**); ombudsman programs (**New Jersey** and **New York**); photocopying services (Albuquerque, **New Mexico**); electronic calendar monitors (Scottsdale, **Arizona** and Prince George's County, **Maryland**); courthouse maps; dining areas or lounges; magazine racks (Kent, **Ohio**); statements of public service (Ann Arbor, **Michigan**); decorations such as children's art in the family court rooms (**California**); and re-designing court houses from the customers perspective (**Nevada**). Other examples of the courts becoming more customer-focused include a traveling night court in **Ohio** and on-site mental health screenings in Berkeley, **California**.

"In **Ohio**, one judge has started a traveling night court. For several evenings a month, he travels to different towns in the county and holds court sessions. This has been very popular among people who have a difficult time getting time off work to attend court at the regular time and place. These

evening sessions tend to be devoted to domestic relations cases and cases that do not require big trappings (like juries, witnesses, etc.). Another judge has started doing some pre-trial hearings in an online chat room.”^[1]

The Mobile Crisis Unit in Berkeley, **California** is conducting on-site mental health screenings. Their *Court Project* places mental health professions in the felony and misdemeanor arraignment courts to evaluate a defendant’s mental health status and make treatment recommendations to the judge. The evaluations are conducted in the court holding tanks and a quick determination is made of the defendant’s psychiatric problems. If there is a need for a more in-depth assessment the person is sent to Alameda County’s in-custody Criminal Justice Mental Health Unit. The defendant is then scheduled to return to court in three days with a written report from the evaluating psychiatrist. The success of the Court Project can be attributed to several factors: speedy referrals to treatment, which are critical in engaging the clients; accessibility – the Court Project’s offices are located seven blocks away from the court house; accountability to the courts through regular progress reports and daily attendance in court; and communication – the Court Project staff Berkeley Mental Health managers, the judges, pretrial services, and substance abuse treatment providers participate in regular meetings. ^[2]

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Courts Meeting the Needs of Self-Represented Litigants

In addition to the courts becoming more customer-focused, the courts have experienced an increase in the number of litigants that are representing themselves. The courts are responding in a variety of ways to meet the needs of this growing population. Current ways of addressing the needs of self-represented or pro se litigants include,

- Self-help centers;
- One-on-one assistance;
- Court-sponsored legal advice;
- Internet technologies; and
- Various collaborative approaches

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The Self-Help Center

The self-help center concept provides self-represented litigants with reference materials such as forms and detailed instructions in order to assist them with routine types of cases, such as uncontested divorce, modification of child support, guardianship, or landlord/tenant matters. Other reference materials that might also be provided include, law information, videos or instructional media, lists of attorneys or other resources in the community. The most well known example of a Self-Help Center is Maricopa County, **Arizona**’s “Self-Help Center.” Many states have modeled their self-help centers after Maricopa County’s self-help center. **California** alone has over 80 self-help centers operating in their state courts. **California** has also translated many of their forms into various languages to further assist pro se litigants. Most self-help centers are located in the courthouse but a few of communities have “mobile self-help centers” such as Ventura County (**California**) Superior Court or temporary centers that can be set up and taken down quickly, such as the 11th District Court of **New Mexico**.

One-on-One Assistance

Obtaining forms and instructions from self-help centers can be a tremendous assistance to court customers but many litigants ask for additional assistance. As more courts become comfortable with providing legal information to self-represented litigants, one-on-one assistance offered by court staff or trained volunteers often supplements the self-help center. The absence of an “unauthorized practice of law” statute makes giving ‘legal advice’ to pro se litigants less controversial in **Arizona**. One-on-one assistance may include referring pro se litigants to appropriate resources, assisting them in the completion of forms, or explaining court procedures. Some courts limit this type of assistance to certain case types such as domestic violence or family law.

The 20th District Court of **Colorado** (Boulder) takes giving on-on-one advice to pro se litigants very seriously. Their most senior and experienced court clerks staff the filing windows and the public telephone lines. Since the clerk’s office was generally the first place pro se litigants went for help, they reasoned that it was more efficient and customer-friendly to provide litigants with access to court personnel who were the most knowledgeable about the court’s policies and procedures.

Even though most self-help centers and one-on-one assistance programs take place on-site at the courthouse, a number of libraries also offer assistance to pro se litigants. A few examples include:

- The Washoe County Law Library in Reno, Nevada offers a free weekly "Lawyer in the Library" program where participants can talk with a volunteer lawyer one-on-one about their legal problems.
- The State Law Library of Montana has partnered with Montana Legal Services to offer a special pro se assistance program. They have volunteer attorneys and paralegals helping pro se's.
- The King County, Washington Bar Association Community Legal Services Programs and the Family Law Section provides "How to Complete your Divorce" classes in the law library once a month. One to two attorneys are present to assist and answer questions.
- The Legal Aide Society of Orange County, California has developed "I-Can!" - a computerized self-help program set up in two local public libraries.
- The public library in New Castle, Pennsylvania holds custody, divorce, and support clinics twice each month.
- The San Diego, **California** public library offers a legal research classes for pro se patrons explaining how to use the law library.

Court-Sponsored Legal Advice

California took the one-on-one assistance model a step further with the statutory creation of a “family law facilitator” position in all of the state superior courts. In 1996, the California legislature passed the Family Law Facilitator Act in an attempt to alleviate California’s growing pro se problem. “The California family law facilitator program departs from the traditional legal services assistance models to create a new paradigm that is showing great promise. The program offers large numbers of self-represented litigants quality (albeit limited) legal assistance in family law matters. The success of this program demonstrates the need to “think outside the box” to find better solutions in this arena. Critical to the success of the program are its legislative underpinnings.”^[3]

The Family Law Facilitator programs differ a great deal from traditional legal services programs in that:

- The Office of the Family Law Facilitator is an arm of the superior court^[4]; facilitators are neutral and impartial persons assisting the court in its duty to provide due process of law and equal access to the court for all members of the community.
- It provides services to both parties, or if there is a joinder, all parties to an action.^[5]
- The family law facilitator does not represent any party.^[6]
- The act provides that “no attorney-client relationship is created between a party and the family law facilitator as a result of any information or services provided to the party by the family law facilitator.”^[7]
- The emphasis of the family law facilitator programs is on providing legal information and education, not legal advice and strategy, to litigants.^[8]
- Facilitator services are available to all self-represented litigants; the act does not require an income qualification test.^[9]

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Internet Technologies

As the courts put more and more information up on their web sites, they are increasingly tailoring assistance to pro se litigants through Internet technologies. Examples of this include, but are not limited to, litigants being able to download forms and instructions, computer programs to help litigants fill in forms; access to court records on-line; links to on-line resources including lawyer referral services; computer programs to help clerks prepare orders so that litigants can get them before they leave the courthouse; e-filing systems that are designed for pro se litigants; and videos to orient pro se litigants to the court process or how to complete commonly used forms. The most comprehensive website to assist pro se litigants was recently unveiled by the **California** Administrative Office of the Courts at: <http://www.courtinfo.ca.gov/selfhelp/>. Other examples of how internet technologies are being used to assist pro se litigants includes, the **Delaware** Family Court has its child support software online so that litigants can calculate the amount of child support that will be ordered. The **Utah** Administrative Office of the Courts has developed an interactive Web application that uses information provided by self-represented litigants to prepare pleadings in uncontested divorce and landlord/tenant cases. See: <http://168.177.211.91/html/ListOfApplications.html>

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Collaborative Approaches to Assist Pro Se Litigants

The most recent trend in pro se assistance programs is the development of collaborative programs by state and local courts, Legal Services/Aid agencies, local bar associations, and community organizations. Pooling resources and distributing costs associated with pro se assistance programs allows more communities to address the needs of self-represented litigants. **Maryland** and **Massachusetts** are examples where this model is used. In 1995, the University of Maryland and the University of Baltimore Schools of Law, with financial support from the Maryland Court of Appeals, inaugurated an innovative project to provide law student assistance to *pro se* litigants in four Maryland jurisdictions: Baltimore City, and Baltimore, Montgomery, and Anne Arundel

Counties.

The Legal Services Corporation is currently providing strong incentives for collaborative approaches to assist pro se litigants. They offer a [Technical Innovations Grant](#) program to assist state and local legal services organizations in project planning and activities for pro se assistance programs.

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Resources

A host of useful information on [pro se litigation](#) can be found in the [Court Information Database](#) at the National Center for State Courts. Information provided includes: a [resource guide](#), links to [state information](#), programs, initiatives, [research](#), etc.

Jona Goldschmidt, et al. **Meeting the Challenge of Pro Se Litigation: A Report and Guidebook for Judges and Court Managers** (Chicago, IL: [American Judicature Society](#), 1998).

Frances L. Harrison, Deborah J. Chase, and L. Thomas Surb. "[California's Family Law Facilitator Program: A New Paradigm for the Courts](#)." Journal of the Center for Families, Children & the Courts, vol. 2, 2000.

Garcia, Patricia A. **Litigants Without Lawyers—Courts and Lawyers Meeting the Challenges of Self-Representation** (Chicago, IL: American Bar Association, June 2002).

Patricia A. Garcia, [User-Friendly Court: Customer Service in the Courthouse](#) (Chicago, IL: American Bar Association, Office of Justice Initiative, 1999).

["Some Model Technology Self-Help Systems,"](#) and ["Designing A Self-Help Centered Court-DRAFT FOR COMMENT."](#) Zorza Associates.

["ABA Justice Initiatives 2000."](#) Includes information on user-friendly courts and self-help for pro se litigants.

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Court Pro Se Links

[California Courts Self-Help Center](#). (CA)

[Maricopa County Self-Service Center](#). (AZ)

[Courthouse Self-Help Center](#). 9th Judicial District (FL)

[Court Assistances Offices Project](#). (ID)

[Family Court Self-Help](#). Waukesha County (WI)

Contact the Knowledge & Information Service Office with inquiries regarding
Pro Se Litigation
or to obtain copies of any resources listed under this topic.
knowledge@ncsc.dni.us
1-800-616-6164

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Points of view expressed herein are those of the authors
and do not necessarily represent the official position or policies
of the State Justice Institute.



[1] E-mail response from a court2court posting from Ulf Nilsson, Ohio Judicial Conference, August 15, 2001. For more information on this traveling night court, please contact Judge Richard E. Parrott, Union County Common Pleas Court, 937-645-3015.

[2] Susan Bookman, "Mental Health Services in the Courts: 25 Years of Experience in Berkeley, California," *The Pretrial Reporter*, June 7, 2001.

[3] Frances L. Harrison, Deborah J. Chase, and L. Thomas Surh, "California's Family Law Facilitator Program—A New Paradigm for the Courts," *Journal of the Center for Families, Children and the Courts*, vol. 2, 2000, at 61.

[4] California Family Code Section 10002.

[5] *Id.* Section 10004-10005.

[6] *Id.* Section 10013.

[7] *Id.*

[8] *Id.* Section 10004.

[9] *Id.* Section 10003.