



CALIFORNIA ASSEMBLY JUDICIARY AND BUDGET SUB 5 JOINT
COMMITTEE HEARING
IMPROVING ACCESS TO JUSTICE FOR UNREPRESENTED LITIGANTS

Purpose:

- (1) Discuss innovations and best practices used by the ACCESS Center, and
- (2) Highlight existing gaps in legal services for self-represented litigants (SRLs)

(1) **Innovations and Best Practices in Self-help in San Francisco Superior Court**

Background: ACCESS Center is a legal self-help center at the San Francisco Superior Court. The Center opened its doors on March 6, 2003 as California's first multilingual self-help center through the Judicial Council's Model Pilot Self-Help Grant.

During its inaugural year, the Center assisted approximately **30** self-represented litigants a day during three weekly walk-in sessions. Today, the ACCESS Center is open Monday thru Friday and is now comprised of the Office of the Family Law Facilitator, Family Law Examiner, and Small Claims Advisory Assistance, assisting approximately **130** self-represented litigants a day during walk-in clinics.

Mission Statement: Our mission is to provide multilingual and culturally appropriate legal information and assistance to court users navigating the court system as self-represented litigants. Meaningful services include:

- Providing litigants with substantive and procedural information in multiple languages
- Explaining available legal options in plain language
- Facilitating the completion of legal forms, including no fee photocopies
- Preparing legal paperwork for "file readiness" and packaging ready for service of process
- Providing simplified next steps instructions and flowcharts
- Assisting with referrals to legal services agencies and community-based organizations

(a) The ACCESS Center offers a broad range of services including:

- Dissolution of Marriage/Domestic Partnerships
- Parentage Actions; Confirming Parentage Step-Parent Adoptions
- Child Custody and Visitation
- Child and Spousal Support
- Property Division
- Restraining Orders: Domestic Violence, Elder Abuse, Civil Harassment, Workplace Violence
- Name and Gender Changes

- Small Claims Assistance
- Unlawful Detainers (residential)
- Guardianship of the Person
- Conservatorship of the Person

(b) To address the “*Self-Help is not a One Size Fits All*,” the ACCESS Center offers different service delivery models Monday through Friday to increase efficiencies and to best meet the needs of the self-represented litigant.

ACCESS Center Hours of Operation:

Walk-in clinics – Same day assistance: Monday, Tuesday, and Thursday

- o Morning walk-in session: 8:30 a.m. to 11:00 a.m.
- o Morning Brief Information and Referral Only: 11:00 a.m. to 12:00 p.m.
- o Afternoon check-in/pre-triage: 1:00 p.m. to 1:30 p.m.
- o Afternoon walk in sessions: 1:30 p.m. to 3:00 p.m.
- o Afternoon Brief Information and Referral Only: 3:00 p.m. to 4:00 p.m.
- o Average wait time: 45 mins

Wednesday Walk-in Assistance: Small Claims Only

- o Morning walk-in session: 9:00 a.m. to 11:30 a.m.
- o Afternoon walk in sessions: 1:45 p.m. to 4:00 p.m.
- o Average wait time: 20 mins

Workshops - Wednesdays and Fridays ACCESS staff and volunteers conduct workshops for Beginning Dissolutions, Financials Disclosures, Concluding Family Law Judgments, and Child Custody/Visitation Orders. Workshops can accommodate up to 15 participants, depending on the subject matter. Workshops appointments are generally scheduled within 2 weeks of the self-represented litigant’s visit to the Center.

Specially-set appointments - Wednesday and Friday schedule also includes One-on-One Appointments for customers whose cases have complex issues and/or where the customer requires additional assistance due to limited English proficient (LEP) and/or literacy issues. Appointments triaged during walk-in sessions with “homework” for SRL. Appointments and mediations are scheduled 2-3 weeks out.

Friday Legal information and assistance via U.S. Mail Correspondence with limited telephone assistance for self-represented litigants incarcerated or residing in remote locations or out of state.

Courtroom Assistance Family Centered Case Resolution Calendar 18 month review assisting SRLs to bring case to disposition; SRL Calendar partnered with the BASF Family Law Section volunteering as settlement officers for cases on the trial track where both sides unrepresented; Title IV-D Child Support Courtroom – Providing information during the DCSS Meet and Confer sessions, as well as, providing information and referrals for custody, dissolutions, restraining order or other services available at the ACCESS Center

(c) As a multilingual self-help center – San Francisco prioritizes recruitment of bi-lingual staff and volunteers

- o Staff bilingual language skills: Spanish, Cantonese, Mandarin, Toisanese, Korean, Filipino, Russian, German, French, and Farsi.
- o We offer informational brochures and materials translated in Spanish, Chinese, Vietnamese, Russian, and Tagalog.

(d) With the recent self-help funding augmentation, the ACCESS Center has:

- o Hired a bilingual court paralegal (English/Filipino) and staff attorney (English/Spanish)
- o Expanded service capacity for walk-in and one-on-one clinics; increased number of workshops; increased SRL courtroom assistance in Family Centered Case Resolution; Housing Court OST and Law and Motion calendars; Conservatorship of the Person hearings

Best Practices

- Two-Tiered Triage and Intake System with Written Intake Questionnaires to identify legal issues and to obtain customer information for related case searches
 - Triage and appointment-scheduling for the domestic violence clinic – Cooperative Restraining Order Clinic (CROC) to ensure survivors of domestic violence and victims of stalking and sexual assault can be promptly given an appointment for the next weekly clinic.
 - Partnerships with the local Bar Association of San Francisco (BASF). The ACCESS Center houses two contract attorneys in partnership with the BASF's Justice and Diversity Center's Sargent Shriver Self-help Custody Project and the Family Law Assisted Self-Help (FLASH) Project. The one-stop-shop approach provides seamless triage, referral and services for self-represented litigants who visit the courthouse.
 - Collaboration with local law school clinics for day-of-court small claims mediation
 - Quarterly meetings with local legal services and CBOs to cross-train, provide program updates, and to meet and greet staff to cultivate working relationships
 - Community outreach in Chinatown and in the Spanish-speaking community in the Mission District – participate in community fairs, information booths, meeting with community leaders - Continue to outreach and cultivate relationships with community-based organizations, legal services and agencies such as the sheriff's department, law libraries, social services agencies serving limited English proficient communities
- Services

(2) Challenges Facing Self-Represented Litigants

- o Understanding legal options; procedural steps for example: Differentiate simple steps of getting married with 1-2 forms versus filing a divorce which requires numerous legal documents and several visits to the courthouse.

- o Understanding legalese, as well as, plain language (overwhelmed by multiple legal procedures, protocols, instructions)
(Self-help: One Size Does Not Fit All)
- o Learning style – handout materials with step-by-step instructions; flow chart; one-on-one question answer assistance; class room setting; homework; DIY – true self-help model; multiple visits to the courthouse, readiness to proceed next steps, sophistication of court proceedings, emotional readiness
- o Pursuing legal actions (e.g. divorce) largely depends on available financial resources, ability to take time off from work and/or school, finding child care, and risk of lost wages
- o Long wait times, multiple visits to the courthouse to complete paperwork due challenges of self-help program limited resources and courthouse facility capacity

(a) Prominent gaps in service/Unmet Needs

Overview

San Francisco and the San Francisco Bay Area is rich in resources – law schools, universities, legal services, community-based organizations, law libraries. Self-represented litigants continue to face gaps in services:

Legal services and CBOs have limited capacity and income eligibility guidelines limit the self-help center’s ability to provide meaningful referrals - Avoid ping pong the SRL around the city.

- o Outreach activities in the community to include information booths at community fairs, outreach clinics in Chinatown for the Cantonese and Mandarin speaking community, as well as, Spanish clinics in the Mission District for the Spanish-speaking community. Meet and greet presentations in CBOs, bilingual radio and news publications such as Notarios in the Mexico vs. Notarios/document preparers/Notary Public; working closely with community leaders to hold workshops, distribute written materials about free assistance at the self-help center
- o Small Claims – collections/judgment enforcement
- o Expand Mediations: Small Claims – every calendar, year-round; Limited Civil Cases
- o Live Chat or Telephone assistance
- o Hague related service abroad issues in Family Law actions
- o Workshops conducted in Spanish and Cantonese
- o Workshop on discovery options in limited civil or in litigated family law cases (at issue and trial preparation resources)
- o Satellite office for services and outreach at DCSS location
- o Radio appearances: “Know Your Legal Rights”; bilingual programs; legal column/articles in Spanish news publication or other non-English news publication
- o Expand in-court services in UDs
- o Limited Civil - \$10,000 above SC jurisdictional amount, however, limited resources for assistance re trial tract, discovery, jury trial
- o Debt Collection – mediation, reduce judgments in credit rating/reports
- o Housing – “Court navigator” Post Judgment assistance/post filing: OST; motions to vacate - multi-step, multi hearing process: Proposed Answer, Stay of Eviction, OST notice, Tentative Ruling Comprehension, Court appearance, service of MTV, Court appearance, Filing Answer, Discovery, Jury Trial