

Agenda

Committee on Resources for Self-represented Parties

August 12, 2011
12:00 to 1:30 p.m.

Administrative Office of the Courts
Scott M. Matheson Courthouse
450 South State Street
Education Room, Suite N31

Welcome and approval of minutes	Tab 1	Judge John Baxter
Review of strategic planning session	Tab 2	Tim Shea
Costs and benefits of self help programs	Tab 3	Jessica Van Buren
Self Help Center		Mary Jane Ciccarello Jessica Van Buren
Proposed 2012 meeting schedule		See below

Committee Web Page: <http://www.utcourts.gov/committees/ProSe/>

Meeting Schedule: Matheson Courthouse, 12:00 to 1:30, Judicial Council Room,
unless otherwise stated.

November 18, 2011 (Education Room)
February 10, 2012
May 11, 2012
August 10, 2012
November 9, 2012

Tab 1

Draft: Subject to approval

Minutes		Committee on Resources for Self Represented Parties			
Meeting Date	May 13, 2011		Meeting Room	Education Room	
Committee Member	Present	Excused	Committee Member	Present	Excused
Fred Anderson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Jose Lazaro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Pat Bartholomew	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Russ Minas	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Judge John Baxter, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mary Jane Ciccarello	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Shauna O'Neil	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
David Dominguez	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Barbara Procarione	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Judge Michael DiReda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Stewart Ralphs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Carol Frank	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Virginia Sudbury	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Robert Jeffs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Judge Douglas Thomas	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Judge Scott Johansen	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Jessica Van Buren	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Staff	Tim Shea				

Topic	Approve minutes of February 11, 2011	By	Judge Baxter
Discussion:			
Motion: Approve as prepared.		By	Acclimation
Vote:	Yes All No Abstain	Pass	<input checked="" type="checkbox"/> No Pass <input checked="" type="checkbox"/>

Topic	Strategic Plan	By	Tim Shea
<p>Discussion: The committee discussed the draft plan. Efforts to expand the SHC will continue. Mr. Shea reported that the SHC will add service to the Fifth District, leaving only Districts 3 and 4 not served.</p> <p>Efforts to develop forms with information and instructions will continue. Ms. O'Neil and Ms. Sudbury volunteered to assist with development of guardianship resources for judges and the public. Ms. Ciccarello requested the ability to share forms in the development stage with committee members to get their input. The committee agreed with that request. Ms. Sudbury raised a point discussed at the planning session: including a flyer or pamphlet that directed people to the self help resources available from the courts. Judge Baxter mentioned an observation by Dan Becker that the Council was unlikely to mandate such a proposal. He observed that the Supreme Court and Judicial Council usually do not mandate the use of resources that the judiciary has made available.</p> <p>The committee discussed how best to produce and distribute informational videos. Mr. Shea recommended You-Tube rather than the court's website. Ms. Van Buren said that links to You-Tube from the court's website could be built. She said the clips would have to be short, no more than 10 minutes each, to meet the You-Tube requirements. Judge Thomas suggested that the people teaching the current law library classes could write the scripts for those classes. Scripts on other topics would require additional</p>			

volunteers. Mr. Minas observed that videos would have to be made in such a way that they could be easily edited if the law or procedure changed. Ms. Van Buren suggested involving Nancy Volmer to better advertize the availability of resources for self-represented parties, including forms and videos.

The committee discussed how to form a better working relationship with the OCAP Board. Mr. Shea asked Mr. Minas what this committee could do to help the Board. Mr. Minas said that he would discuss that question with the Board and Waine Riches, who develops the OCAP forms and online interviews.

Motion: Form a workgroup that will identify the steps in producing, distributing and advertizing instructional videos.	By	Acclimation
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Vote:	Yes	All	No	Abstain	Pass	<input checked="" type="checkbox"/>	No Pass	<input type="checkbox"/>
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Action: Judge Baxter, Ms. Van Buren, Mr. Minas, and Ms. Cheney from the law library will form the workgroup and report at the next meeting. They can also suggest topics to be covered.
 Mr. Minas and Mr. Ralphs will report at the next meeting how this committee might assist the OCAP Board.

Topic	Financial Declaration Form	By	Mary Jane Ciccarello
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Discussion: Ms. Ciccarello stated that the Board of District Court Judges has approved a financial declaration form that has been in use for some time. The Third District Court now has a form that, which similar, is different. Ms. Ciccarello is anticipating the day when new URCP 26A becomes law, it refers to a court-approved form. Mr. Shea said that the Family Law Section may be anticipating more information than is in either the Board's form or the Third District's form. He reported that Mr. Ralphs had represented in a meeting of another committee the intention of using the financial declaration as a discovery tool with more information that in the current form.

Judge Baxter asked Ms. Ciccarello, Judge Thomas and Mr. Ralphs to form a workgroup to develop a financial declaration form that fits the needs of the Family Law Section, the Board and the Third District.

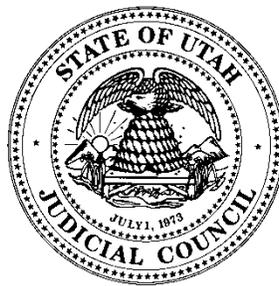
Action: Ms. Ciccarello, Judge Thomas and Mr. Ralphs will form the workgroup and report at next meeting.

Tab 2



Utah State Courts

Committee on Resources for Self-represented Parties



Draft Strategic Plan

May 13, 2011

The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

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(1) Background

The Committee on Resources for Self-Represented Parties is a standing committee established by Judicial Council Rule 3-115. The Committee's purpose is to "study the needs of self-represented parties within the Utah State Courts and propose policy recommendations concerning those needs to the Judicial Council."

The duties of the Committee are to:

- 1) provide leadership to identify the needs of self-represented parties and to secure and coordinate resources to meet those needs;
- 2) assess available services and forms for self-represented parties and gaps in those services and forms;
- 3) ensure that court programs for self-represented litigants are integrated into statewide and community planning for legal services to low-income and middle-income individuals;
- 4) recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving how the legal system serves self-represented parties; and
- 5) develop an action plan for the management of cases involving self-represented parties.

(2) Goals and Principles

The Committee endorses the goals and principles for programs to assist self-represented parties that were developed for the 2006 strategic plan.

(a) Goals

- 1) To ensure access to the legal system.
- 2) To increase education of court users about the courts, and to increase education of court personnel and community organizations about self-represented parties' needs.
- 3) To clarify the court system so that it is understandable by ordinary citizens.
- 4) To increase the efficiency and effectiveness of the court system by:
 - a. reducing the time required of judges and staff to explain court procedures; and
 - b. reducing the number of continuances required to give self-represented parties a further opportunity to prepare.

- 5) To increase understanding of court orders and compliance with their terms.

(b) Principles

Services provided by the court should be equally available throughout Utah. While it will be necessary to develop programs on a pilot basis, the Committee's ultimate goal is to provide the same services to citizens throughout Utah. People in urban areas, for instance, should not receive more, better, or different services than people in rural areas. Programs and services developed by the judicial branch should be equally available in the justice court.

Services provided by the judicial branch should be available to all people regardless of income. This principle does not necessarily apply to legal service providers and social service agencies with whom the courts collaborate. Their funding sources and program philosophies often limit their services to indigents.

Services provided by the judicial branch should be available equally to all parties. Defendants and respondents are as entitled to court services as plaintiffs and petitioners.

Court-provided services to self-represented parties are designed to supplement and not to supplant legal representation. Legal representation—either through public legal services programs or through the services of members of the private bar—remains the preferred method for parties to obtain information and advice, and court staff will continue to inform self-represented parties of the value of legal representation and how to obtain the services of a lawyer.

(3) Evaluation of work to date

The committee has taken successful steps in all of its duties except perhaps the last: “develop an action plan for the management of cases involving self-represented parties.”

The committee has been guided during the last five years by the following list of tasks. Most are objectives that can never fully be met.

- 1) Finance a pilot program in two judicial districts to make available by telephone and web communication a lawyer who would provide information and assistance.

The Self Help Center is staffed with full-time and part-time attorneys, funded by a combination of permanent and one-time appropriations and grants. The level of funding allows the center to serve five of the eight judicial districts or about one-third of the population.

2) Develop court-sponsored clinics and workshops.

The law library offers four classes once a month: the basics of small claims, collecting a judgment, landlord—tenant, and using the law library and court website.

3) Set up a work space in each courthouse to serve as a focal point for providing self-help information. Study the efficacy of staffing such a self-help work space.

Experience showed that this resource was not being used, and the objective has been abandoned.

4) Promote the state law library as a resource for self-represented parties.

Nearly 80% of the law library's patrons are representing themselves in a legal matter. The law library provides a variety of services including expert staff to guide people to resources, public computers with access to the courts' website, Westlaw, and word processing software, books written for lawyers and non-lawyers, and referral information. The library also provides a copy service for inmates.

5) Develop forms most needed by self-represented parties.

Numerous forms, along with information and instructions, a few in Spanish, have been published on the court webpage.

6) Study how best to meet the needs of self-represented parties through the court's website.

The court website has become the sole method of publishing self self-help resources. There has been no study of its effectiveness. We do our best at plain-language drafting, trying to accurately describe the law and procedures in simple terms.

7) Develop training tools for clerks and judges on the needs of self-represented parties and effectively responding to those needs.

The committee has developed a manual for clerks on what help they can and cannot provide to the public. This is included in new employee orientation and in a continuing education class. The committee has presented or sponsored a few classes to judges at conferences.

8) Study how community service organizations can assist in providing self-help information.

Law library staff have provided training and information to public library staff around the state. Committee representatives have met with a few service organizations to convey what resources available to parties without lawyers.

9) Amend Rule 1.0, Chapter 13A of the Supreme Court Rules of Professional Practice to permit unpaid non-lawyers to complete court forms.

Rule 14-802 permits a non-lawyer to help a person complete court forms.

- 10) Promote clinics and workshops, low-fee and no-fee legal representation, and unbundled legal services among the legal community.

Resources are increasing, but they remain largely uncoordinated efforts.

- 11) Promote a legal service organization to recruit lawyers to provide such services and to raise and distribute funds to do so.

The Supreme Court has created the Access to Justice Council, but there have been no other significant developments.

(4) Future priorities

Time and money do not permit us to thoroughly evaluate the programs developed so far, other than the Self Help Center. The primary measure of success is that those programs are regularly used. Time and money also do not permit us to survey the profile of pro se parties as we did for the 2006 strategic plan, but we note from that survey that pro se parties are in no way remarkable from the general population. The consequence of that observation, as reported in 2006, is that 75% of pro se parties are very infrequent court users. The committee's challenge is to deliver products and services to someone who may come to court only a few times in a lifetime.

As a result of discussions at its strategic planning session, the committee recommends the following priorities:

- 1) Continue with efforts to expand the Self Help Center to serve the entire state.

The Self Help Center remains the centerpiece of the committee's program. Its success in the districts in which it operates is undeniable. Patron satisfaction polls remain at or near 100%. The opinions of judges and clerks also remain strongly favorable. The Judicial Council has continued to support the center, allocating permanent and one-time funds during a period of declining budgets. The committee should continue to work for permanent funding for four FTE lawyers, which should be sufficient to serve the entire state.

- 2) Continue to develop forms with flowcharts, information and instructions.

Forms and the accompanying information can help pro se parties through some of the more common—although not necessarily simple—legal and procedural matters. Although the forms are not mandatory—parties and lawyers can prepare their own pleadings and other papers—they are approved by the various boards of judges and are accepted in all courthouses in the state. The public can access the

information and forms for free on the court website. The forms also make the Self Help Center more efficient, allowing the lawyers to refer patrons to the website or to print and mail the documents.

The committee recommends including flowcharts as part of the information package. Flowcharts add a visual component to the text, which may help communicate the law and procedures a pro se party is expected to follow.

The committee will study a program to review court forms before they are filed by a pro se party, not for content, but for completeness.

3) Produce instructional videos or web-based live classes.

The classes offered by the law library are helpful, but they require a significant and continual investment of time, yet they serve only a score of people monthly and only at the Matheson Courthouse. There is no good substitute for the opportunity to exchange questions and answers in live classes, but videos and web classes offer many of the benefits of classes and can reach a much larger audience. Just like the current live classes, the videos and web classes should direct patrons to the court website for the extensive information they can find there.

The committee recommends developing instruction pieces on civil procedures, evidence, effective courtroom presentations, and the resources available to help pro se parties. The committee recommends using social media to distribute these pieces to the public.

4) Develop an improved working relationship with OCAP (Online Court Assistance Program).

The Online Court Assistance Program uses an interactive web based interview to produce forms for filing. The application is a decision tree that selects different branches based on a patron's answers to questions. The OCAP Board is moving from a court-built application to HotDocs. Although the OCAP Board uses a different technology, its objective is similar to ours: produce for the public a document suitable for filing in common legal proceedings.

The Judicial Council has directed that at least one member of the OCAP Board serve also on this committee, and for several years we have had two. Staff from the two groups meet regularly, but there has never been a defined effort for the two groups to work more closely together. In the area of forms, at least, our efforts and the OCAP Board's efforts may be more successful if made in tandem.

5) Develop an improved working relationship with the Utah State Bar.

This committee has always tried to deliver the message that the best resource for a party without a lawyer is a lawyer. We have always supported and in some cases initiated the Bar's efforts to provide limited legal help, volunteers to represent service members, and clinics. The committee pledges its support and assistance in the Bar's "modest means" program and other efforts to provide legal services to parties who need them.

6) Study alternative processes for self-represented parties.

Would we have the procedures we have today if the common law had developed without lawyers to represent clients? What would a hearing look like if people had always been expected to present their case without the help of a lawyer? How can we improve case-flow management when pro se parties are involved? The committee plans to investigate processes that may serve the needs of pro se parties and the court. The committee also plans to develop resources to help the pro se party at the hearing. Forms may help a party reach a hearing, but they do little to help the party prepare for the hearing or to effectively present information to the judge or court commissioner.

Tab 3

Judges' Journal
Spring, 2011

Feature

***15 THE BENEFITS AND COSTS OF PROGRAMS TO ASSIST SELF-REPRESENTED LITIGANTS**

[John M. Greacen \[FN1\]](#)

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Preliminary research conducted in courts in the San Joaquin Valley in California shows that self-help services provided to self-represented litigants produce economic savings for courts and for litigants. The findings should prove helpful to courts seeking information on the costs and benefits of the services they render as they make difficult resource allocation decisions in today's challenging fiscal climate.

The findings suggest that

- Courts that provide services through a workshop reduce the number of court hearings and the time of staff at the public counter, and the costs of the workshops amount to \$.23 for every \$1.00 saved. Taking into account the savings accruing to litigants in not having to attend the eliminated court hearings, the costs drop to \$.13 for every dollar of savings.
- Courts that provide one-on-one support and information services to litigants are saving at least one hearing per case, 5 to 15 minutes of hearing time for every hearing held in the case, and 1 to 1.5 hours of court staff time related to providing assistance to self-represented litigants at the front counter and to reviewing and rejecting proposed judgments. The services required to produce these court savings range from a high of \$.55 to a low of \$.36 for every \$1.00 saved. Adding the savings accruing to the litigants reduces the costs to a range of \$.33 to \$.26 for every \$1.00 of savings.
- Courts that provide assistance to self-represented litigants to resolve cases at the first court appearance save future court hearings. The cost of the self-help services are roughly \$.45 for every \$1.00 saved. When the costs to the litigants of attending the eliminated hearings are included, the cost of the services falls to \$.14 for every \$1.00 saved.

Background

Considerable effort has been devoted to evaluating the effectiveness of programs to assist self-represented litigants, and we have found, for instance, that litigants, judges, other court staff, and attorneys report high levels of satisfaction with such programs. [\[FN1\]](#) Comparatively few studies, however, have asked whether such programs provide a monetary benefit to the court or to the litigant equal to or greater than the cost of providing the service.

For example, the evaluation of the Maricopa County (Arizona) Self-Service Center [\[FN2\]](#) asked court clerks to keep a tally of inquiries from self-represented litigants for a two-week period. Those data were compared to a baseline survey conducted ***16** two years before. The comparison showed an overall 29 percent reduction in the number of inquiries for domestic relations matters. The most dramatic decrease--for judges' secretaries--was 58 percent. However, the court did not attempt to assign dollar amounts to these savings or to compare them to program costs. The court did conclude that the staff positions needed to operate the program once it had been put into operation were fully offset by the reduced number of court clerks required at the public counter.

An evaluation of the Legal Assistance Center established in Grand Rapids, Michigan, [FN3] in 2002 compared the time spent by court staff in both the limited and general jurisdiction trial courts in Grand Rapids in serving self-represented litigants in 2004 with baseline data collected in 2001. It found an increase of 5 percent in the total number of minutes of assistance provided to such litigants in the general jurisdiction court and a decrease of 19 percent in the limited jurisdiction court. The court has used these data to conclude that the existence of the program saves the time of two full-time counter clerks in the latter court. It is not clear that this conclusion is warranted by the study results because the study recorded only the total time spent assisting self-represented litigants and not the average time per litigant. In the general jurisdiction court, the administrator reported a significant increase in divorce cases between 2001 and 2004. The Legal Assistance Center might, in fact, have benefitted the general jurisdiction court if the average time spent on each litigant had gone down between 2001 and 2004. The study provided only the total number of minutes spent assisting self-represented litigants rather than the average time spent per litigant. The study did not attempt to calculate costs and benefits of the services rendered.

The Eleventh Judicial District Court in New Mexico found that the length of time set aside to hear self-represented domestic relations matters was reduced significantly after the court provided a monthly seminar at which such litigants could get help with completing all of the forms, calculating child support amounts, and mediating child custody issues. It also found that the number of reopened cases dropped significantly. [FN4] The court made no attempt to assign dollar amounts to these benefits or to compare them to the costs of operating the monthly seminars.

Program Costs

Program	Range of Cost per Case
SHAC	\$81
Pro bono representation	\$140-250
Federally funded staff lawyer	\$270-460

Ken Smith, evaluator of the Self-Help Access Center (SHAC) in Sonoma County, California, [FN5] obtained benchmark national data on the per-case costs associated with representation by a legal services staff lawyer and with representation by a pro bono lawyer. He compared them to the per-case costs of assisted self-representation through the project. The results are shown in the table below.

The SHAC evaluation went on to conclude that funding adequate to support a full-time self-help center would actually increase the clientele served sufficiently to reduce the per-case costs to \$50.

The SHAC evaluation involved a comparative cost analysis; it did not attempt to quantify the benefits to the court or to the litigants assisted to determine the benefit/cost ratio of the services provided.

The American Judicature Society [FN6] gathered program information from roughly 150 self-help programs around the country in the fall of 1999. At that time, it computed a national average cost per case of \$13.10. This number is questionable, in that it appears from the context to be derived from dividing reported program costs by numbers of persons served. That ap-

proach would probably have assumed program costs were the amounts of grants received to support the program; true per-case costs require a standard set of business rules for calculating program costs, including use of facilities, automation and administrative support, and other contributed (or matching) funding. This study, as well, was limited to per-case costs; it did not address the existence of or monetary value of benefits derived from the programs.

The San Joaquin Valley Benefits/Cost Data-Gathering Experiment

In the summer of 2008, at the request of the Self-Represented Litigation Network, six trial courts in California's San Joaquin Valley--those located in Fresno, Kern, Merced, San Joaquin, Stanislaus, and Tulare Counties--conducted an experiment in collecting benefit and cost data on the provision of such services. Representatives of these courts had formed a San Joaquin Valley Pro Per Task Force that had been meeting periodically for several years. They agreed to work individually and collectively to gather data on the cost-effectiveness of their court-based self-help programs for family and guardianship cases. The courts did not all gather the same information; instead, they gathered data available from and appropriate to the particular program benefits they felt their programs were producing.

The project's approach was to identify areas in which the programs believe their services produce a quantifiable benefit to the court and to the litigants, to test empirically whether such benefits are in fact produced, and to quantify the value of the benefits and compare them to the costs of the program services required to produce the specific benefits. This is not the same as a comprehensive cost-benefit assessment of the self-help programs in each of the six courts--which would have entailed quantification of the value of all services provided by the self-help program and comparing them with the total program costs. Such a study was well beyond the means of the participating courts.

The appendix to this report contains a series of spreadsheets developed by Richard Zorza of the Self-Represented Litigation Network used to quantify court savings; this approach was used in San Joaquin County to quantify the savings produced by eliminating or reducing the time of court hearings. It also includes a series of data-gathering instruments prepared*17 by the consultant for use by the six courts in gathering outcome data.

The six courts attempted to verify and quantify the following benefits:

- Savings arising from freeing up the time of the court investigator to conduct guardianship investigations rather than assisting persons to complete their guardianship applications.
- Savings of the time of family law counter clerks arising from assistance provided by the self-help center.
- Reduction in the number of judgments returned to a filer because of deficiencies and the time spent by court staff in identifying deficiencies and returning deficient filings to the filer.
- Reduction in the numbers of hearings in family and guardianship cases involving self-represented litigants.
- Determination of the cost to a citizen of coming to court, to be able to measure the savings to litigants arising from reduced numbers of hearings.
- Reduction in the length of hearings in family cases involving two selfrepresented litigants.

Results

The data gathered in the six courts are summarized below. Benefit/cost assessments have been calculated for each court--often by extrapolating the use of data from another one of the six courts. [\[FN7\]](#)

Self-Help Services in Family and Domestic Violence Cases in Fresno County

Fresno County staff compared 20 randomly chosen cases from 2004 and 2005-- prior to the creation of the court's self-help program--with the same number of cases from 2007 and 2008 in each of the following categories:

- Family law cases with a hearing--for those cases in which court staff recorded the start and stop time from the court's audio recording system (the study found that these times were not consistently reported for all of the cases re-

viewed), the average pre-self-help center hearing time was 19 minutes and the average post-self-help center hearing time was 5 minutes.

Using the hearing time costs calculation from San Joaquin County, the hearing time reduction saved the court \$69.26 in each case. Using the average cost of assisting a litigant reported by Kern and Tulare Counties, the Fresno court had a net savings of approximately \$35.48 for every self-represented litigant family law case with a hearing since the self-help center has been in place.

- Family law judgments submitted for review by court staff--100 percent of the pre-self-help center judgments were returned because of incorrect, incomplete, or missing information or lack of proof of service; 100 percent of post-self-help center judgments were signed without requiring a return. The document examiner assisting a self-represented litigant to prepare a judgment completes judgment processing at the time the assistance is rendered, bypassing the court staff who handle judgments otherwise submitted to the court and eliminating the rejection process altogether for assisted litigants.

The court concluded that each judgment review and rejection would require 45 minutes of clerk staff time. The court saved at least \$24.30 for every family law judgment (assuming that each was rejected only once). However, this would compare to the cost of \$33.78 (the Kern/Tulare County average per contact cost), for a net cost to the Fresno court of \$9.48 based on this form of savings alone.

When the two types of benefits are combined, the court had a net savings of \$26.00 for every case with a hearing and an assisted judgment preparation, making the conservative assumption that the self-help center provided two contacts for each such case.

Costs of Providing Self-Help Services in Kern County

The Kern County court calculated the cost of each contact with its self-help program to be \$34.00.

Services to Guardianship Litigants in Merced County

Prior to the opening of a self-help center in Merced County in March 2008, the court investigator provided assistance to self-represented litigants completing the court's guardianship packet. During the 15 months prior to the center's opening, she assisted 80 persons to complete packets, averaging 1.5 hours per case. At 5.33 packets per month, she spent an average of \$238.66 per month on this task. Since the center opened, she has assisted with 7 packets, or 3.5 per month, at an average cost to the court of \$156.82 per month. Opening the center has saved the court \$81.84 per month on these cases.

At her hourly salary of \$29.87 per hour, the court investigator spends \$44.81 per case assisting with guardianships. The average self-help center assistance cost from Kern and Tulare Counties is \$33.78 per case--or a savings of over \$11 per guardianship case assisted.

Costs Incurred by Citizens to Attend a Court Hearing in Merced County

The Merced County Superior Court--a rural court located between Sacramento and Fresno--administered a survey for a month during the summer of 2008 to obtain information on the costs incurred *18 by persons coming to court. Seventy-two completed surveys were collected.

Just over half (54 percent) of the respondents reported that they had to take time from work to attend court. They averaged \$105.38 in reported lost wages. Thirteen respondents (18 percent) reported that they incurred child care costs that they would not otherwise have had to pay, averaging \$37.23. On average, the respondents traveled 39.75 miles (from a high of 300 miles to a low of 1 mile). At the federal mileage reimbursement in effect at that time (58.5 cents per mile), the average cost for transportation was \$22.61. Merced County provides free parking for court users. Other reported costs were for copies of records and meals. [\[FN8\]](#)

On average, a court user spent \$79.28 to come to court, ranging from a high of \$584.50 to a low of nothing. In hearings in

which two persons are involved, the average cost to the litigants would be double this amount, or \$158.56. This compares to the cost to the court itself of a continuance (as computed in San Joaquin County) of \$74.21.

Support for Persons Seeking Guardianships in San Joaquin County Superior Court

Since 2002, San Joaquin County has provided different types and levels of support to self-represented litigants seeking to have a guardianship created. In 2002 and 2003, the court provided one-on-one services to such persons. These services were discontinued in 2004. In 2005, the court obtained funding support for a guardianship workshop, conducted by the court's mediator.

The court has tracked the numbers of continuances in guardianship cases over this entire time period. The data are shown in the table below.

It is clear that one-on-one assistance was most effective in preparing litigants for their guardianship hearings. It was also the most expensive form of providing self-help services. Failing to provide services dramatically increased the cost to the court in processing guardianship cases.

The workshops reduced significantly the annual number of continuances.

The court computed the cost of a continuance based on one quarter hour of judge, courtroom clerk, bailiff, filing clerk, and data entry clerk. The total costs, including benefits and overhead, in 2008 was \$74.21 per continuance.

Each workshop costs the court \$66.29 in wages, benefits, and overhead for the court mediator. For a year, the workshops cost \$4,972.

The court calculated two types of savings from attendance at workshops: reduced continuances and reduced time for a counter clerk to provide one-on-one assistance to a litigant.

The court computed that, on average, a case in which the litigant did not attend a workshop had three continuances. For a two-month period, 19 persons attended workshops; these persons had only 21 continuances in their cases--a savings of 36 continuances. The annualized savings from reduced continuances was \$16,029.

Court counter staff also monitored the time they took to help persons with guardianship cases. On average, they spent 45 minutes per customer. The court concluded that the court would have had to spend \$5,832 in staff time providing one-on-one assistance at the counter to the 240 persons who attended workshops.

The total savings produced by guardianship workshops in San Joaquin County from reduced continuances and reduced clerk counter time was \$21,861. The total cost of the workshops was \$4,972. Therefore the workshops saved the court a net of \$16,889. The benefits derived from the workshops were 4.4 times their cost.

If the cost savings to the San Joaquin litigants (as computed in Merced County) are included in the computation, the total net savings increase by \$17,124 to \$34,013. The total benefits, including those to the litigants, were 7.84 times the cost of the workshops.

Services Provided to Self-Represented Litigants in Family Law Matters in Stanislaus County

The court in Stanislaus County reviewed 50 cases--half from before and half from after the creation of its self-help center--to determine the number of hearings involved in those cases. The post-self-help center cases had *more* hearings than the pre-self-help center cases. The court's analysis concluded that this unexpected result arose from two factors:

- Many of the litigants in the pre-self-help center sample had used paralegal services, which are quite effective in Stanislaus County; only 3 of the 14 cases using paralegal services had more than one hearing.
- Many of the post-self-help center sample cases were referred to the center only *after* an unsuccessful court hearing--artificially increasing the average number of hearings in assisted cases.

The court interviewed judges who presided in family law cases before and after *19 the creation of the self-help center. The judges reported their impression that the average length of a hearing decreased from roughly 10 minutes prior to the creation of the program to 5 minutes afterward.

Services Utilized

Year	Service Provided	Number of Guardianship Hearing Continuances
2002	One-on-one assistance	39
2003	One-on-one assistance	7
2004	None	402
2005	None	366
2006	Guardianship workshops	98
2007	Guardianship workshops	118
2008	Guardianship workshops	180

Using San Joaquin County's hearing cost computations and cost per litigant contact data from Kern and Tulare Counties, the 5-minute average hearing saving per case would benefit the court by roughly \$25 per case while providing the service would cost roughly \$34 per case--a net cost of \$9 per case. This computation assumes that the only savings arising from the program's services was the reduced average time per hearing (disregarding any savings in the time of counter clerks, etc.).

Services Provided to Self-Represented Litigants in Guardianship Cases in Tulare County

Tulare County court staff compared the number of hearings per guardianship case in 20 cases in 2006, when the selfhelp center did not assist with these cases, with the number of hearings in 20 cases in 2007, when it did assist with guardianship cases. The average number of hearings per case was 3.85 in 2006 and 2.60 in 2007, or a reduction of 1.25 hearings per case.

The self-help center staff estimated that it spent one hour on each guardianship case, costing \$33.56 per case. Using San Joaquin's computation of the cost of a 15-minute hearing of \$74.21, each guardianship litigant assisted by the program in Tulare County saved the court \$40.65. The court had 134 guardianship cases in 2007, resulting in a total savings of \$5,447.10.

Services Provided to Self-Represented Litigants in Family Law Cases in Tulare County

In Tulare County, a self-help program staff member is available to the court at the time of a case management conference set 60 days after a response is filed in a divorce case. The court refers cases in which two self-represented parties tell the court they are ready to settle the case. The staff member helps them formalize their agreement and prepare the documents needed to complete the case that day without further hearings. For cases that do not settle at this point, there is at least one additional hearing--a settlement conference--and perhaps more, including a trial.

During June 2008, court staff resolved 6 of the 41 cases (15 percent) involving two self-represented litigants that had a case management conference set. The court concluded that the staff effort in these cases was one hour (\$33.56). If the savings in court time for the hearing was merely the cost of a continuance computed by San Joaquin County (\$74.21), the program saved the court \$40.65 per case, \$243.90 per month, or \$2,926.80 per year. The savings for the litigants (using the Merced County data for two parties attending) would be \$158.56 per case, \$951.36 per month, and \$11,416.32 per year.

Tulare court staff compared a random sample of 20 divorce judgments with which a self-represented party received help from the self-help center with a similar sample of cases in which a self-represented party did not receive such assistance. It found that no judgments from either category were rejected. The court concluded that its volunteer paralegal who reviewed such judgments had been curing defects by inserting standard language into the submitted documents on her own initiative. (This service was provided to all litigants--not just to those who represented themselves.)

Overall Analysis of Cost/Benefit Ratio of Providing Self-Help Services

The following overall analysis uses the data gathered in all six courts. It constitutes a micro analysis of the values of the specific benefits studied and the costs of producing these benefits. It identifies the monetary value of the benefits shown from the San Joaquin Valley courts' data gathering and compares them to the monetary costs of providing these benefits. Such an analysis does not take into account all of the costs of providing a self-help program--only the costs associated with producing the specific benefits studied.

The analysis uses the actual benefits found in any of the courts; it ignores the fact that Stanislaus County found no reduction in the number of hearings for cases served by its self-help center and that Tulare County found no rejected judgments for cases not served. We consider those two experiences to be unusual--deriving from characteristics unique to those counties. The analysis uses the Tulare County findings for reduced hearings, the Fresno and Stanislaus County data on reduced hearing time, and the Stanislaus County data on rejected judgments. The analysis does not take into account the savings arising from freeing up the time of the court investigator in Merced County.

Judges and court administrators using these findings to assess the benefits and costs of their own self-help programs need to look closely at the operational details of their programs to ensure that they are structured to produce the benefits found in the San Joaquin Valley trial courts.

Although there are clear risks in combining the data from these different analyses, [\[FN9\]](#) an overall analysis of the data collected by the San Joaquin Valley trial courts produces the following summary.

1. *Workshop-based self-help programs.* Courts that provide self-help services through workshops can expect to have a net savings from reduced numbers of hearings and reduced counter staff interactions with self-represented litigants. The cost of providing the workshops is \$.23 for every \$1.00 saved. Savings to self-represented litigants themselves (assuming only one self-represented litigant appears for each hearing), increases the savings so that the cost to produce \$1.00 of benefits drops to \$.13. This conclusion is based on the data from the San Joaquin County guardianship workshops.

2. *One-on-one litigant interaction programs.* Courts providing self-help services through one-on-one interaction with self-represented litigants can expect to save an average of

*20 • At least 1 hearing per case;

• 5 to 15 minutes of hearing time for every hearing held in the case; and

• 1 to 1.5 hours of court staff time related to providing assistance to self-represented litigants and to reviewing and rejecting proposed judgments.

The computations shown below assume only one hearing per case for computing savings from reduced hearing time; although the Tulare County data showed an average of 2.6 hearings per guardianship case, we believe that number would be high for family law cases, which constitute the single largest component of self-help program services in the 6 San Joaquin Valley trial courts. The computations make a series of additional conservative assumptions--that the average self-represented litigant will come to a self-help program twice, that the average hearing takes 15 minutes in one of these cases, and that only one litigant appears on average for a hearing. The following cost/benefit ratios emerge.

3. *Assistance at the time of a courtroom appearance.* Courts providing the assistance of self-help staff to litigants to settle cases and to complete the paperwork required to resolve the case at that appearance will obviate at least one further court hearing in the case. Assuming that the court eliminates only one future hearing in the case and that one hour of self-help assistance is provided, the court will save \$2.20 for every \$1.00 spent on this service. When the costs of the self-represented litigants in the case are taken into account (assuming, in this instance, that both parties would appear at future hearing eliminated), the savings are \$6.90 for every \$1.00 spent.

Possible Additional Analyses

The San Joaquin Valley courts identified several additional areas they considered worthy of future analysis but were not able to carry out within the time and resources available for this effort.

It would be possible to identify a substantive area in which a court has not previously provided self-help services--for instance in general civil cases. The court could gather baseline data on the average length of hearings in general civil cases involving self-represented litigants prior to the commencement of the new services area, determine the average numbers of hearings in these cases, and determine the average numbers of kicked-back judgments from a sample of these cases filed two years before. It could then gather systematic data on newly filed general civil cases involving self-represented litigants after the court's self-help program began, providing assistance in this area and the costs associated with providing the assistance.

As part of such a study, the court might attempt to identify savings that accrue to other litigants and their lawyers by freeing up court time that is now spent in hearings with self-represented litigants. It may be possible to demonstrate a reduction in the time from filing to disposition in represented as well as in self-represented cases.

The current effort attempted to measure only a part of the benefits provided to litigants--those associated with the cost of attending court. It would be worthwhile to attempt to measure in a more thorough fashion what the litigants gain from self-help programs--including the amounts of time saved by assistance with forms preparation and in not having to prepare revised documents when they are rejected. It is not likely that we will ever be able to quantify the ultimate value of self-help servic-

es--obtaining a legal remedy such as a divorce decree, a domestic violence restraining order, a child support order, a guardianship decree, or a civil judgment.

Cost/Benefit Ratios

	Court Savings Only	Savings to Court and Self-Represented Litigants
Minimum savings estimate	\$.55 in costs for every \$1.00 saved	\$.33 in costs for every \$1.00 saved
Maximum savings estimate	\$.36 in costs for every \$1.00 saved	\$.26 in costs for every \$1.00 saved

[FN1]. **John M. Greacen** is a former court administrator in both the state and federal court systems who is currently a principal in Greacen Associates, LLC, a consulting firm focused on court improvement, caseflow management, dealing with self-represented litigants, court use of technology, performance measurement, and leadership development. He can be reached at john@greacen.net.

[FN1]. See, e.g., TRIAL COURT RESEARCH & IMPROVEMENT CONSORTIUM & MD. ADMIN. OFFICE OF THE COURTS, AN EXECUTIVE PROGRAM ASSESSMENT FOR STATE COURT PROJECTS TO ASSIST SELF-REPRESENTED LITIGANTS (2005); JUDICIAL COUNCIL OF CAL., ADMIN. OFFICE OF THE COURTS, CTR. FOR FAMILIES, CHILDREN & THE COURTS, MODEL SELF-HELP PILOT PROGRAM: A REPORT TO THE LEGISLATURE (2005).

[FN2]. BOB JAMES & KAREN WESTOVER, FINAL REPORT ON THE MARICOPA COUNTY SELF-SERVICE CENTERR (1997).

[FN3]. DR. PAUL MAVIMA, JACKIE SUMMERVILLE & META MENNING, AN EVALUATION OF THE SUCCESS OF THE LEGAL ASSISTANCE CENTER: A REPORT TO THE GRAND RAPIDS BAR ASSOCIATION (Grand Valley State Univ. Sch. of Public & Nonprofit Admin., Apr. 6, 2004).

[FN4]. Unpublished data made available to the author.

[FN5]. IOLTA INFO. SERVS. & SONOMA CNTY. LEGAL AID, THE SELF-HELP ACCESS CENTER (SHAC) IS FILLING A CRITICAL NICHE IN THE SONOMA COUNTY JUSTICE SYSTEM: SHAC: THE FIRST SIX MONTHS (2001).

[FN6]. BETH LYNCH MURPHY, RESULTS OF A NATIONAL SURVEY OF PRO SE ASSISTANCE PROGRAMS: A PRELIMINARY REPORT (Am. Judicature Soc'y 2000).

[\[FN7\]](#). The courts are roughly similar in the nature of the communities they serve, making this extrapolation more appropriate than it might have been in other contexts.

[\[FN8\]](#). When expenses were reported without any explanation, we ignored them in our analysis.

[\[FN9\]](#). For instance, it is very likely that different courts will have different cost structures for their self-help programs (although the two courts reporting these data from San Joaquin County provided virtually identical per-contact costs). It is likely that the average length of a hearing will differ from court to court and from judge to judge within a court. It is also likely that the cost/benefit computation will differ from case type to case type (while this analysis assumes that family law and guardianship case costs and benefits are the same)

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