

## Chapter 9

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# ASSISTING SELF-REPRESENTED LITIGANTS IN CALIFORNIA

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The number of *pro se* litigants has risen dramatically in recent years.<sup>1</sup> The primary reason, fairly obvious and well understood by the legal community, is the scarcity of affordable legal services. People simply cannot afford to hire an attorney. Hence, librarians can expect to encounter a rising number of questions from users with law-related problems. In providing assistance to these users, librarians should understand the obstacles *pro se* litigants face in navigating the legal system on their own. First, the legal system is far from “user-friendly”—complex procedures and rules vary from jurisdiction to jurisdiction, from court to court, and even from judge to judge.<sup>2</sup> Second, legal information can be found in multiple sources and formats and is not often written in plain English. Another obstacle is the characteristics of the litigants themselves, who often have a lack of knowledge of the law and court procedures, unrealistic expectations, and, at times, harbor disdain for attorneys and the justice system.

In the state of California, over 4.3 million of California’s court users are self-represented. *Pro se* litigants submit two-thirds of family law court filings. In addition, judges and court staff report that the defendant in unlawful detainer cases is self-represented over 90% of the time.<sup>3</sup> Fortunately, the Judicial Council of California, the policymaking body of the California courts, established the Task Force on Self-Represented Litigants in 2001 “to coordinate the statewide response to the needs of litigants who represent themselves in court.”<sup>4</sup>

This chapter will describe the state’s programs as well as others offered to Californians at county law libraries and through legal clinics, providing links to Internet resources throughout. At the end of this chapter, there is a list of selected Internet sources.

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<sup>1</sup> Paula Hannaford-Agor, “Executive Summary,” *Access to Justice: Meeting the Needs of Self-Represented Litigants*, at 2. Available in PDF at [http://www.ncsconline.org/D\\_Research/publications.html](http://www.ncsconline.org/D_Research/publications.html) (publications listed in alphabetical order by title).

<sup>2</sup> *Id.* at 9.

<sup>3</sup> Judicial Council of California, [Report of the Task Force on Self-Represented Litigants and Statewide Action Plan for Serving Self-Represented Litigants](#) (February 2004), at 2.

<sup>4</sup> Judicial Council of California, [Fact Sheet: Programs for Self-Represented Litigants](#) (February 2009).

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### *California Courts' Programs for Self-Represented Litigants*

In furtherance of its mission to ensure meaningful court access for all Californians, the California Judicial Council launched the [California Courts Self-Help Center](#) in 2001. The [California Courts Self-Help Center](#) is designed to provide the types of legal information needed by the majority of self-represented litigants. The Web site's more than 1200 pages of information include instructions on how to navigate the court system, offer step-by-step guidance in filling out court forms, and provide information on specific legal topics such as family law, restraining orders, landlord-tenant issues, and small claims court. A Spanish language version was launched in 2003 and information is now also available in Chinese, Korean, and Vietnamese. The [California Courts Self-Help Center](#) also provides contact information for free and low-cost legal help and a legal glossary. Links to other governmental bodies and organizations offering legal assistance are also included.

In 2008, the Judicial Council established a network of court-based self-help centers. These self-help centers, held in or near superior courts, are staffed by attorneys and other legal personnel to provide information and education to self-represented litigants. Some courts also offer [Family Law Facilitator](#) programs in which attorneys help self-represented litigants with forms and court procedures relating to child and spousal support. Family law facilitators do not meet individually with litigants. Rather, they offer group sessions or walk-in clinics for anyone who does not have their own lawyer. There is no income-level requirement.<sup>5</sup>

The oldest of California's self-help programs is the [Small Claims Legal Advisors](#), which provides free assistance to litigants in small claims proceedings. Assistance varies by county and may be provided by telephone, in person, or through information booklets. Advisors "may be volunteers, and shall be members of the State Bar, law students,

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<sup>5</sup> To find the family law facilitator in your county, use this link: <http://www.courts.ca.gov/9497.htm>.

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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>6</sup> A 2002 study commissioned by the Judicial Council exposed significant problems with this approach, including the use of law students and non-attorney volunteers who are not permitted to give legal advice, but are limited to answering questions on the process.<sup>7</sup>

Family Law Facilitators, Small Claims Legal Advisors, and Self-Help Centers by county can be found at the [Help From Your Court](#) page on the [California Courts Self-Help Center](#). For a list of self-help centers in all 50 states, see the National Center for State Courts’ Self-Representation [State Links](#) Web page.

The [Administrative Office of the Courts](#) (AOC), the Judicial Council’s staff agency, offers [instructional materials](#) to assist the self-represented litigant, which is arranged by subject area (e.g., adoption, domestic violence, fraud, probate etc.). There are also [video guides](#) to court proceedings in delinquency court and alternative dispute resolution. A separate page on [Alternative Dispute Resolution \(ADR\) in Civil Cases](#) links to short definitions and video demonstrations of mediation, arbitration, neutral evaluation, and settlement. [Videos](#) are also online through I-CAN!™ Legal, described at the end of this chapter. Self-represented litigants should inquire at their local self-help center and county law library for availability.

In addition to videos, the AOC offers informational publications for self-represented litigants. The following are a sample list of publications:

- [Summary Dissolution Information](#): A 23-page booklet that provides instructions on how to obtain a divorce, including an explanation of important terms and time periods, worksheets, and a sample property settlement agreement.
- [Handbook for Conservators](#) (2002 revised edition): This handbook (in PDF) is not a do-it-yourself guide, but aims to assist the individual in his or her role as a conservator by providing useful information. Throughout the book there are “L” symbols to emphasize the situations where the individual may need the advice of a lawyer.

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<sup>6</sup> California Code of Civil Procedure § 116.940(e). To read full-text, please go to the Legislative Counsel’s *California Law* page at <http://www.leginfo.ca.gov/calaw.html>, select *Code of Civil Procedure*, enter 116.940 into the search box and open the link to Code of Civil Procedure section 116.920-116.950 (which was result #6 when searched on Nov. 2, 2011).

<sup>7</sup> Steven Weller et al. [Report on the California Three Track Civil Litigation Study](#) (July 31, 2002) at 34-35.

- [Caregivers and the Courts](#): An eight-page primer on juvenile dependency proceedings for California foster parents and relative caregivers.
- [Guardianship Pamphlet](#): A six-page pamphlet that gives basic information to individuals who may become the legal guardian of a child who has been declared a dependent of the juvenile court. Also available in [Spanish](#), [Korean](#), [Chinese](#) and [Vietnamese](#).
- [Juvenile Court Information for Parents](#): A six-page pamphlet that provides information to parents of children charged with minor crimes.

The [California Courts](#) Web site was given a new look and a new URL in March of 2011. It is now much easier to find information by topic by going to the [Online Self-Help Center](#) and then browsing by subject area. The publications listed above were found either in the forms section or within a subtopic, embedded within the text. Lastly, consult the [Self-Help Glossary](#) for definitions of various legal terms and phrases.

### *California State Bar*

The California State Bar publishes a number of [consumer pamphlets](#) intended to help members of the public with their legal questions. Current titles include the following:

- *Kids & the Law: An A-Z Guide for Parents*
- *Seniors & the Law: A Guide for Maturing Californians*
- *How Can I Find and Hire the Right Lawyer?*
- *Guide to Legal Literacy*
- *What Should I Know About Divorce and Custody?*
- *Statutory Will Form*
- *Problem with a Lawyer?*

Most are available in English and in Spanish in PDF format for free. Pamphlets can also be ordered directly from the State Bar.

### *County Law Libraries*

The California county law libraries serve as resources for legal information for all Californians. Their user base includes not only attorneys and other legal professionals but also lay people handling their own legal concerns.

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The Council of California County Law Libraries (CCCLL), composed of representatives from the county law libraries across the state, offers [Your Public Law Library](#), a Web site designed to bring together and highlight self-help resources available to members of the public. [Your Public Law Library](#) includes five sections:

- [Self-Help](#) which provides links to Web sites offering content specifically designed for pro se litigants (including forms)
- [Mini-Research Class](#) which offers guidance on the legal research process including where to start and what resources to check
- [Find Your . . . Nearest California County Law Library](#) which offers a listing of all 58 county law libraries including contact information and Web site addresses
- [Legal Links](#) which provides links to Web sites offering both federal and California-specific legal information
- [AskNow](#), a real-time reference service provided by county law librarians

[Your Public Law Library](#) provides an excellent starting place for library users embarking on self-representation.

Individual county law libraries have responded to the demand for self-help legal services in a variety of ways: in-person reference assistance, email reference, and participation in [AskNow's Law Librarian Service](#). They also maintain extensive lists of local legal aid providers and often make them available on their Web pages.

Additionally, larger county law libraries put on a variety of workshops geared to address commonly encountered legal situations. A sampling of workshops follows. Visit your local county law library's Web site to see what workshops they offer. A complete list of county law libraries can be found on the [Your Public Law Library](#) Web site and in [Appendix C](#) of this publication.

### EXAMPLES OF CALIFORNIA COUNTY LAW LIBRARY WORKSHOPS

El Dorado County Law Library:

[http://www.eldoradocourt.org/self\\_help/workshops.aspx](http://www.eldoradocourt.org/self_help/workshops.aspx) or  
[http://eldoradocountylawlibrary.org/lib\\_classes.html](http://eldoradocountylawlibrary.org/lib_classes.html)

Legal Services of Northern California provides free legal assistance to consumers representing themselves in some civil cases. The Family Law Information Center Workshops cover divorce, custody, establishing parentage and much more. See the Web site for specific details.

Kern County Law Library: <http://kclawlib.org>

Look for Upcoming Events (which included *How to Probate a Small Estate* on the second Tuesday of each month of 2011) and the information provided in the section under the Kern County Superior Court's Self Help Center, which listed workshops and clinics at set scheduled times during the week.

LA Law Library: <http://www.lalawlibrary.org>

Hands-on, interactive classes held monthly on topics such as introduction to legal research, Westlaw and LexisNexis searching, free legal information, and finding forms (see [Training and Events](#) link).

Riverside County Law Library: <http://www.lawlibrary.co.riverside.ca.us/>

Public Education Forums on topics such as family law (e.g., how to file a petition/response, how to file a default judgment on the petition), medical malpractice, identity theft, and mobile home evictions. Tax preparation assistance is also offered.

Sacramento County Public Law Library: <http://www.saclaw.org/>

[Self help videos and audios](#) include *Expunging Your Conviction*, *See You in Court* (Parts 1 and 2), and *the Court System – Who are the Players & What Do They Do?* The Sacramento County Public Law Library also hosts the [Civil Self-Help Center](#) operated by the Voluntary Legal Services Program of Northern California.

San Diego Public Law Library: <http://www.sdcll.org/index.html>

Regularly scheduled classes include *Focus on Forms*, *Law Made Public: Legal Research Class for the Public*, *Legal Research Using Free Websites*, and *Practical Legal Research*. Special lectures are also offered. The library Web site also includes an extensive listing of free legal clinics in the area.

San Mateo County Law Library: <http://www.smcll.org/>

Hosts a self-represented litigant class and guide to small claims court workshop, presented by the San Mateo County Superior Court Self-Help Center (in Spanish and English).

### *Self-Help Publishers*

Established in 1971 by Ralph Warner, then a legal aid lawyer, [Nolo Press](#) is the premiere self-help legal publisher in California. Nolo offers titles on a wide range of legal issues, including wills, divorce, child custody, elder care, and taxes (to name a few). Their books are written by attorneys using easily understandable language and include forms and software to assist users in completing legal documentation. Updates to their titles are posted on their Web site. Of particular note to libraries is Nolo's [policy](#) of replacing stolen library Nolo Press titles for free (naturally some restrictions apply).

Oxford University Press publishes over 88 titles in its Legal Almanac Series<sup>8</sup> which “serves to educate the general public on a variety of legal issues pertinent to everyday life and to keep readers informed of their rights and remedies under the law.” Included in the Series are such titles as *How to Deal with Your Lawyer*, *Health Care Directives*, *Transportation Law: Passenger Rights and Responsibilities*, and *Pet Law*. Written by attorneys (many by Margaret Jasper, a New York attorney) each title provides an overview of the area of law as well as state-by-state coverage of issues within that area. The Series can be purchased as one loose-leaf set or by individual title.

[Sphinx Publishing](#), a division of Sourcebooks, Inc., also publishes self-help legal titles authored by attorneys. California-specific titles include [File for Divorce in California Without Children](#) by John J. Talamo and Edward J. Haman and [Probate and Settle an Estate in California](#) by Douglas E. Godbe and John J. Talamo. Sphinx has fewer [California-specific titles](#) than Nolo Press but does offer quality books on national and general topics such as immigration law, patent law, and sexual harassment.

For a comprehensive listing of self-help titles, please refer to Chapter 10: [Bibliography of California Self-Help Resources](#).

### *Pro Bono Legal Providers*

Pro bono<sup>9</sup> providers are organizations which provide free or low-cost legal advice and representation to individuals who are unable to afford the services of a lawyer. Staffed by licensed attorneys and paralegals as well as attorney volunteers, pro bono providers vary in the types of cases they handle. Typically, providers will handle common legal problems such as landlord-tenant, child custody, child support, employment, and

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<sup>8</sup>Also called Oceana's Law for the Layperson Series. Selected titles are included in Chapter 10: [Bibliography of Self-Help Resources](#).

<sup>9</sup> *Pro bono* is Latin for “for the public good.”



government benefits. Unfortunately, many providers are underfunded and understaffed to meet the demands made on them.

The [Legal Services Corporation \(LSC\)](#) was established by Congress in 1974 as a private, nonprofit corporation to promote equal access to justice to low-income Americans. It is now the single largest provider of civil legal aid in the United States. LSC functions by providing grants, training, and oversight to legal service providers.

In 2008, LSC provided over \$43 million to California legal service providers. LSC Programs in California include [Legal Services of Northern California, Inc.](#), the [Legal Aid Society of Orange County](#), [Central California Legal Services](#), and the [Legal Aid Foundation of Los Angeles](#). A complete list of LSC supported legal service providers can be found on their [Web site](#) along with a list of counties served by the various providers.

[LawHelpCalifornia.org](#) provides an extensive listing of California legal aid providers alphabetically and by counties served. Listings include both LSC and non-LSC funded providers and indicate whether an organization provides legal representation in court. In addition to providers that provide general assistance, [LawHelpCalifornia.org](#) lists those providers devoted to particular populations such as the homeless, persons with AIDS, seniors, etc. Because of its comprehensive nature, [LawHelpCalifornia.org](#) should be the first resource librarians suggest to users looking for pro bono legal services.

The [American Bar Association](#) also provides a list of pro bono providers by state in its [Public Resources](#) section. The California portion of the [Consumer's Guide to Legal Help Pro Bono](#) lists pro bono providers by county and includes basic contact information, including a link to each Web site, along with information such as types of cases handled and income and other restrictions.

In addition to Bar Associations, some law schools provide clinics tailored to specific legal issues or populations. For instance, the [USC Small Business Clinic](#) provides basic corporate legal assistance to small businesses, entrepreneurs, and non-profit organizations. The [Cancer Legal Resource Center](#) at Loyola Law School in Los Angeles provides legal information and support to cancer survivors and their families. U.C. Berkeley Law School's [East Bay Community Law Center](#) provides legal services to low-income individuals in the surrounding community. Legal services at clinics are typically provided by second and third year law students under the supervision of licensed attorneys. Local law school Web sites should be consulted for a list of clinics.



*Other Useful Internet Sources*

I-CAN!<sup>TM</sup> Legal: <http://www.icandocs.org/ca/>

[Funded](#) by the LSC, the California Administrative Office of the Courts, several California superior courts, non-profit legal services organizations, and the State Bar of California, this free online service fills out forms for you by asking simple questions and placing the answers in the correct place. There are tutorials and written [instructions](#) available as well as educational [videos](#). Users must create an account, which allows the person to make changes to information, reprint forms, or use another module. In English, Spanish, and Vietnamese.

Nolo Press: <http://www.nolo.com>

The self-help publisher's Web site offers a variety of free resources, including a [Legal Encyclopedia](#), [Lawyer Directory](#), [Law Blogs](#), and [Nolo's Plain-English Law Dictionary](#). iPhone (and iPod Touch) users can download a free copy of *Nolo's Plain-English Law Dictionary* (search iTunes under Free Apps).

FindLaw's Learn About the Law: <http://public.findlaw.com>

Use this online legal resource to find information on popular topics such as will preparation, divorce and child custody, personal injury, and employee rights. Also see the [FindLaw Law Library](#) for links to *Introduction to the U.S. Legal System*, *Guide to Hiring a Lawyer*, and other links helpful to legal researchers.

Online Legal Research Guides:

Most law school libraries (e.g., [UCLA Law Library's LibGuides](#)) and county law libraries (e.g., [San Diego County Public Law Library](#)) post research guides on their Web sites. Use [Cornell University Law Library's Legal Research Engine](#) to find authoritative legal research guides on every subject, search the legal Internet, and search academic blawgs (for commentary from law professors).

Online legal dictionaries:

[Law.com Dictionary](#), [U.S. Court's Glossary](#), [Lawyers.com Legal Dictionary](#), [Jurist's Legal Dictionaries](#) and [FindLaw's Practice Area Definitions](#).

The Pro Se Law Center: <http://www.pro-selaw.org/>

Although not a site for use by pro se litigants, this resource center on self-representation in civil legal matters is mentioned here primarily because of its searchable [Pro-Se Organization Database](#). Researchers may also find the [White Papers and Research](#) page which includes links to articles, books, cases and opinions, court rules, ethics opinions, and reports to be useful. Lastly, there is a page that provides links to [court-based pro se programs and services](#), organized by state.



### *List of Internet Sources Cited in this Chapter*

Judicial Council of California, *Report of the Task Force on Self-Represented Litigants and Statewide Action Plan for Serving Self-Represented Litigants* (February 2004):

<http://www.courts.ca.gov/xbcr/cc/selfreplitsrept.pdf>

Judicial Council of California, *Fact Sheet: Programs for Self-Represented Litigants* (February 2009):

<http://www.courts.ca.gov/xbcr/cc/proper.pdf>

Steven Weller et al. *Report on the California Three Track Civil Litigation Study* (July 31, 2002):

<http://www.clrc.ca.gov/pub/BKST/BKST-3TrackCivJur.pdf>

California Courts

Self-Help Center: <http://www.courts.ca.gov/selfhelp.htm>

Alternative Dispute Resolution (ADR) in Civil Cases:

<http://www.courts.ca.gov/programs-adr.htm>

Help from Your Court: <http://www.courts.ca.gov/1083.htm>

Your Public Law Library: <http://www.publiclawlibrary.org/>

Ask Now's Law Librarian Service: [http://www.247ref.org/portal/access\\_law3.cfm](http://www.247ref.org/portal/access_law3.cfm)

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National Center for State Courts' Self-Representation Resource Guide:

<http://www.ncsc.org/Topics/Access-and-Fairness/Self-Representation/Resource-Guide.aspx>

The State Bar of California's Consumer Information Pamphlets:

<http://www.calbar.ca.gov/Public/Pamphlets.aspx>

American Bar Association: <http://www.americanbar.org/aba.html>

Public Resources: [http://www.americanbar.org/portals/public\\_resources.html](http://www.americanbar.org/portals/public_resources.html)

Consumers' Guide to Legal Help Pro Bono:

<http://apps.americanbar.org/legalservices/findlegalhelp/home.cfm>

Publishers:

Nolo Press: <http://www.nolo.com/>

Library: <http://www.nolo.com/library/>

Sphinx Publishing: <http://www.sphinxlegal.com/>

Legal Services Corporation (LSC): <http://www.lsc.gov/index.php>

LSC Programs: [http://www.lsc.gov/map/state\\_T32\\_R6.php](http://www.lsc.gov/map/state_T32_R6.php)

Legal Services of Northern California: <http://www.lsnca.org>

Legal Aid Society of Orange County: <http://www.legal-aid.com/>

Central California Legal Services: <http://www.centralcallegal.org/>

Legal Aid Foundation of Los Angeles: <http://www.lafla.org/index.php>

LawHelpCalifornia.org: <http://www.lawhelpcalifornia.org/CA/index.cfm>

I-CAN!<sup>TM</sup> Legal California Videos: <http://www.icandocs.org/ca/videos.html>

Law School Clinics:

USC Small Business Clinic: <http://mylaw2.usc.edu/why/academics/clinics/sbc/>

Loyola Law School Los Angeles Caner Legal Resource Center:

<http://www.lls.edu/academics/candp/clrc.html>

UC Berkeley Boalt Hall's East Bay Community Law Center:

<http://www.law.berkeley.edu/4348.htm>

Dictionaries:

Law.com: <http://dictionary.law.com/>

Lawyers.com Legal Dictionary: <http://research.lawyers.com/glossary/>

Jurist's Legal Dictionaries: <http://jurist.law.pitt.edu/dictionary.htm>

FindLaw's Practice Area Definitions:

<http://public.findlaw.com/library/padefinitions.html>

U.S. Court's Glossary: <http://www.uscourts.gov/Common/Glossary.aspx>

Research Guides:

UCLA Law Library's LibGuides: <http://libguides.law.ucla.edu/>

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San Diego County Public Law Library's Research Guides:

<http://www.sdcll.org/resources/guides.htm>

Cornell University Law Library's Legal Research Engine:

<http://library.lawschool.cornell.edu/WhatWeDo/ResearchGuides/Legal-Research-Engine.cfm>