

Chapter 9

ASSISTING SELF-REPRESENTED LITIGANTS IN CALIFORNIA

The number of *pro se* litigants has risen dramatically in recent years.¹ The primary reason, fairly obvious and well understood by the legal community, is the scarcity of affordable legal services. Many 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.² 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, it has been estimated that over 4.3 million of California’s court users are self-represented.³ *Pro se* litigants submit two-thirds of family law court filings.⁴ In addition, judges and court staff report that the defendant in unlawful detainer cases is self-represented over 90% of the time.⁵ 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.”⁶

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. A list of selected Internet sources appears at the end of this chapter.

¹ Paula Hannaford-Agor, “Executive Summary,” [Access to Justice: Meeting the Needs of Self-Represented Litigants](#) (2002), at 2.

² *Id.* at 9.

³ Judicial Council of California, [Statewide Action Plan for Serving Self-Represented Litigants](#) (Feb. 2004), at 2.

⁴ *Id.*

⁵ *Id.*

⁶ Judicial Council of California, [Fact Sheet: Programs for Self-Represented Litigants](#) (May 2015).

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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 [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 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 launched in 2003 and information is now also available in Chinese, Korean, and Vietnamese. The [Self-Help Center](#) 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.⁷

The oldest of California's self-help programs is the free [Small Claims Advisors](#) assistance which is available 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

⁷ To find the family law facilitator in your county, use this link: <http://www.courts.ca.gov/9497.htm>.

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students, paralegals, or persons experienced in resolving minor disputes, and shall be familiar with small claims court rules and procedures. Advisors may not appear in court as an advocate for any party.”⁸ 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.⁹

Self-Help Centers, Family Law Facilitators, and Small Claims Legal Advisors 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.

Links on the [California Courts Programs](#) page also lead to resources for self-represented litigants. The [Equal Access Project](#) from the [Center for Families, Children and the Courts](#) (CFCC) offers [instructional materials](#) arranged by subject (e.g., adoption, domestic violence, fraud, probate, etc.). The CFCC also offers video guides that describe proceedings in [juvenile delinquency court](#) and [juvenile dependency court](#). The [Alternative Dispute Resolution](#) section links to videos on mediation, arbitration, neutral evaluation, and settlement conferences.

Other parts of the California Courts Web site offer informational publications for self-represented litigants. The following are examples:

- [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](#) (2016 revised edition): This handbook is not a do-it-yourself guide, but aims to assist conservators by providing information about topics such as types of conservatorships, managing personal needs and finances, and probate court. Throughout the book are “L” symbols to emphasize the situations where the individual may need the advice of a lawyer.
- [Caregivers and the Courts](#): An eight-page primer on “Juvenile Dependency Proceedings for California Foster Parents and Relative Caregivers.”
- [Guardianship Pamphlet](#): A pamphlet “about probate guardianships for children.”

⁸ California Code of Civil Procedure § 116.940(e). To read the full-text of this code section, go to the Legislative Counsel’s [California Law](#) page, select CCP in the Code dropdown menu, enter 116.940 in the Section box, and click Search. Click the PDF link for the authenticated version of the section.

⁹ Steven Weller et al. [Report on the California Three Track Civil Litigation Study](#) (July 31, 2002), at 34-35.

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 legal terms and phrases.

California State Bar

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

- [Kids & the Law: An A-Z Guide for Parents](#)
- [Seniors & the Law: A Guide for Maturing Californians](#)
- [Finding the Right Lawyer](#)
- [Do I Need a Will?](#)
- [Having a Problem with Your Lawyer?](#)

Most are available in English and in Spanish in PDF format for free.

County Law Libraries

California county law libraries serve as resources of legal information for all Californians. Their users include not only attorneys and other legal professionals but lay people handling their own legal concerns.

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 highlight self-help resources available to members of the public. [Your Public Law Library](#) includes five sections:

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- [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 lists all 58 county law Libraries, their contact information and Web site addresses
- [Legal Links](#) which provides links to Web sites offering 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 is provided on the [California County Public Law Libraries](#) Web site and in Appendix C of this publication.

EXAMPLES OF CALIFORNIA COUNTY LAW LIBRARY WORKSHOPS

El Dorado County Law Library:

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 more. Check the [News and Events tab](#) for schedules. The El Dorado County Superior Court [Workshops & Clinics](#) page provides more details.

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

Check the [Self Help tab](#) for upcoming Events and Workshops. In addition, the [Kern County Superior Court](#) under Online Services lists [Family Law Workshop Schedules](#) and provides a link to enroll in classes.

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 the [Classes & 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://sandiegolawlibrary.org/>

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 includes an extensive listing of free legal clinics in the area.

San Mateo County Law Library: <http://www.smclawlibrary.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 Legal 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. The books are written by attorneys using easily understandable language and include forms and software to assist users in completing legal documentation. Updates to titles are posted on the Web site. Of particular note to libraries is Nolo's [policy](#) of replacing stolen library Nolo Press titles for free. (Some restrictions apply.).

Thomson Reuters publishes a twenty-three volume set called Legal Almanac Series. "Written for the nonlawyer"¹⁰ by attorneys (many by Margaret Jasper, a New York attorney), titles include *How to Protect Elders from Harm*, *Veterans' Rights and Benefits*, *Workers Compensation Law*, and *Home Mortgage Law Primer*. Books in the series are sold individually.

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

Pro Bono Legal Providers

Pro bono¹¹ 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 government benefits. Unfortunately, many providers are underfunded and understaffed and may not be able 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.

¹⁰ [Legal Almanac Series](#). Publisher Thomson Reuters generally describes the titles as intended for "nonlawyers" and as "easy-to-understand."

¹¹ Pro bono is Latin for "for the public good."

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 is available on the [Web site](#) along with a list of counties served by the various providers.

[LawHelpCa.org](#) provides an extensive listing of California legal aid providers alphabetically and by counties served.¹² Listings include LSC and non-LSC funded providers and indicate whether the organization provides legal representation in court. In addition to organizations that offer general assistance, [LawHelpCa.org](#) lists programs devoted to particular populations such as the homeless, persons with AIDS, seniors, etc. Because of its comprehensive nature, [LawHelpCa.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, a link to each Web site, and information such as types of cases handled and income and other restrictions.¹³

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](#), a joint effort of Loyola Law School in Los Angeles and the [Disability Rights Legal Center](#), provides legal information and support to cancer survivors and their families. UC 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.

¹² Under the Find Legal Help tab, click the link for View legal directory by service area.

¹³ For California pro bono programs listed on the ABA's Web site, use this link, <http://tinyurl.com/jg6mxyn>. For the ABA's Lawyer Referral Directory for California, use <http://tinyurl.com/hfgqt3d>.

Other Useful Internet Sources

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.

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).

Online legal dictionaries:

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

Online Legal Research Guides:

Most law school libraries (e.g., [UCLA Law Library's LibGuides](#)) and county law libraries (e.g., [San Diego Law Library Guides](#)) 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.)



Internet Sources Cited in this Chapter

Bar associations:

- American Bar Association: <http://www.americanbar.org/aba.html>
 - Public Resources: http://www.americanbar.org/portals/public_resources.html
 - Consumers' Guide to Legal Help Pro Bono: <http://tinyurl.com/3pgexfq>
 - California pro bono directory: <http://tinyurl.com/jg6mxyn>
 - California lawyer referral directory: <http://tinyurl.com/hfgqt3d>
- The State Bar of California's Consumer Information Pamphlets: <http://tinyurl.com/8xtalnv>

California Courts website:

- Alternative Dispute Resolution: <http://www.courts.ca.gov/programs-adr.htm>
- Center for Families, Children and the Courts:
 - <http://www.courts.ca.gov/programs-cfcc.htm>
- Delinquency: <http://www.courts.ca.gov/cfcc-delinquency.htm>
- Dependency: <http://www.courts.ca.gov/cfcc-dependency.htm>
- Equal Access Project: <http://www.courts.ca.gov/partners/equalaccess.htm>
- Equal Access Project Instructional Materials: <http://www.courts.ca.gov/partners/55.htm>
- Family Law Facilitators: <http://www.courts.ca.gov/selfhelp-facilitators.htm>
- Help from Your Court: <http://www.courts.ca.gov/1083.htm>
- Programs: <http://www.courts.ca.gov/programs.htm>
- Self-Help Center: <http://www.courts.ca.gov/selfhelp.htm>
- Self-Help Glossary: <http://www.courts.ca.gov/selfhelp-glossary.htm>
- Small Claims Advisors: <http://www.courts.ca.gov/selfhelp-advisors.htm>

Dictionaries:

- FindLaw's Practice Area Definitions: <http://public.findlaw.com/library/padefinitions.html>
- Law.com: <http://dictionary.law.com/>
- Lawyers.com Legal Dictionary: <http://research.lawyers.com/glossary/>
- U.S. Court's Glossary: <http://www.uscourts.gov/Common/Glossary.aspx>

Law school clinics:

- Loyola Law School Los Angeles Cancer Legal Resource Center: <http://cancerlegalresources.org/>
- UC Berkeley Boalt Hall's East Bay Community Law Center: <https://ebclc.org/>
- USC Small Business Clinic: <http://mylaw2.usc.edu/why/academics/clinics/sbc/>

Legal aid sources:

- Central California Legal Services: <http://www.centralcallegal.org/>
- Disability Rights Legal Center: <http://drlcenter.org/>
- LawHelpCalifornia.org: <http://www.lawhelpcalifornia.org/>
- Legal Aid Foundation of Los Angeles: <http://www.lafla.org/index.php>
- Legal Aid Society of Orange County: <http://www.legal-aid.com/>
- Legal Services Corporation (LSC): <http://www.lsc.gov/index.php>
 - LSC Programs: http://www.lsc.gov/map/state_T32_R6.php
- Legal Services of Northern California: <http://www.lsnclinfo>

Library-related links:

- Ask Now's Law Librarian Service: http://www.247ref.org/portal/access_law3.cfm
- Your Public Law Library: <http://www.publiclawlibrary.org/>

Miscellaneous:

- California Legislative Information, California Law: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>
- National Center for State Courts:
 - State Links: <http://tinyurl.com/zjsku8s>
 - Self-Representation Resource Guide: <http://tinyurl.com/jgi6gsf>
- Nolo Press: <http://www.nolo.com/>
 - Library: <http://www.nolo.com/library/>

Publications:

- Paula Hannaford-Agor, "Executive Summary," Access to Justice: Meeting the Needs of Self-Represented Litigants (2002): <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/accessfair/id/23>
- Judicial Council of California, *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* (May 2015): <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>

Research guides:

- Cornell Law Library Research Guides: <http://guides.library.cornell.edu/LAW>
- San Diego Law Library Research Guides:
<http://sandiegolawlibrary.org/services/research-guides/>
- UCLA Law Library's LibGuides: <http://libguides.law.ucla.edu/>