

# The Washington State Plan for Integrated Pro Se Assistance Services

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By the Pro Se Project

**A collaborative effort of the Washington State Access to Justice Board, the Administrative Office of  
the Courts, and the Office of Administrative Hearings**

**June 30, 2010**

This Plan calls for the development of a robust technology-based system in Washington State to assist pro se litigants who are navigating the civil justice system on their own. The first phase of the project calls for creation of an online Self Help Center focused on family law with plain-language forms, instructions and information and housed within the existing WashingtonLawHelp website. Trained and knowledgeable Self Help Facilitators will be available to respond to online or telephone based inquiries from pro se litigants who are challenged by the online Self Help Center. The second phase of the project will link the Self Help Center with existing onsite courthouse facilitators. The final phase will expand the Self Help Center to other substantive civil legal issues as well as additional court forums. Upon completion, the Self Help Center will significantly enhance pro se litigants' access to justice.

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# PLAN FOR INTEGRATED PRO SE SERVICES

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## I. Introduction

Pro se litigants<sup>i</sup> in our state face significant access to justice issues. In May 2009 the Access to Justice (ATJ) Board committed to strengthening services for pro se individuals and created the Pro Se Project. A collaborative effort of the ATJ Board, the Administrative Office of the Courts (AOC), and the Office of Administrative Hearings (OAH), Pro Se Project participants<sup>ii</sup> developed over a nine month period this Plan for Integrated Pro Se Assistance Services.

The Plan calls for the creation of a technology based Self Help Center with staff support through Self Help Facilitators. Recognizing the current economic realities, the Plan outlines the ramp-up of the Self Help Center over three phases. The first phase would focus on family law issues, the area with the greatest number of pro se litigants, by establishing a Family Law Self Help Center. This would include the conversion of existing family law forms to a “plain language” easy-to-read and navigate format to be uploaded and available on the WashingtonLawHelp website. Washington currently has 211 family law forms and only 2 are currently in a plain language format. Recognizing that many pro se litigants would need assistance in navigating the online Self Help Center, trained and knowledgeable Self Help Facilitators would assist pro se litigants through an online chat feature or telephonically via a toll-free helpline.

Phase two would involve linkage of the Self Help Center to the existing onsite courthouse facilitator program and would be implemented as additional funding allows. The final phase would expand the Self Help Center to cover all substantive legal issues and appropriate court levels.

Pro Se Project participants offer this Plan as a blueprint to move forward with creation of a centralized and comprehensive Self Help Center—a necessary justice system component if we are to truly expand access to justice for those individuals who navigate the civil legal system on their own.

## II. Background

The growth in the numbers of pro se litigants has been documented in nationwide studies. In 2001, the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) identified as a priority the need for courts to design processes and create systems that work well for cases involving self-represented litigants. Prior to this, attendees at a 1999 National Conference on Public Trust and Confidence in the Courts ranked a litigant’s cost of accessing the courts as the second most pressing issue for today’s courts. At a 1996 National Conference of the Future of the Judiciary open access to the justice system was identified as one of the top five issues currently facing courts.

Washington State is no different in regards to a pro se litigants’ access to the justice system. In 2001, AOC commissioned a comprehensive study of pro se issues. See Washington State Administrative Office of the Courts (May 2002) *An Analysis of Pro Se Litigants in Washington State 1995 – 2000*; [https://www.courts.wa.gov/wsccl/docs/Final%20Report\\_Pro\\_Se\\_11\\_01.pdf](https://www.courts.wa.gov/wsccl/docs/Final%20Report_Pro_Se_11_01.pdf); this study found that breaking down barriers for pro se litigants to access the system decreases the use of court resources. In 2003, The Task Force on Civil Equal Justice Funding issued the

*State Civil Legal Needs Study*, a comprehensive report on the civil legal needs of low income people in our state. The study confirmed that in excess of 85% of low income people in Washington do not receive legal assistance for basic legal problems. Instead, they are left to their own devices and many handle a legal matter pro se. Without adequate information and preparation, results are often unsuccessful and sometimes disastrous. Subsequently, *The 2006 Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State* (the State Plan) noted the difficulty that pro se litigants experience and called for “improving access to civil legal aid for all low income people”. To this end, the State Plan provides that efforts must be undertaken to develop statewide access systems to ensure that no group, including pro se litigants, is systemically denied access to essential civil legal aid services. See the State Plan at <http://www.wsba.org/atj/documents/2006stateplan.pdf>.

After consideration of these issues, in May 2009 the ATJ Board authorized creation of the Pro Se Project in partnership with AOC and OAH. Since its inception, members of the project have met regularly, evaluated existing efforts in our state that benefit pro se litigants, examined self-help systems in various states around the country, and consulted with national experts on pro se services—all in an effort to create this Plan for Integrated Pro Se Services.

Through this process, Pro Se Project members have become even more convinced that a coordinated and integrated court-based Self Help Center would provide great assistance to pro se litigants and would significantly enhance administrative efficiency for courts. By directly confronting the enormity of pro se litigation, courts can improve the quality of their service to the public and reduce the time and cost of service delivery.

### **III. Overview of existing services for pro se litigants**

The first task of the Pro Se Project was to complete an assessment of existing services for pro se litigants in our state. To this end, we reviewed a number of services as they relate to the needs of pro se litigants including existing court based self help services, court forms and information, the role of technology, court staffing, law library and public library support, case flow management, and systemic approaches. The 2009 Pro Se Project Baseline Assessment<sup>iii</sup> was created, which includes the following significant findings:

- 34 of 39 counties have courthouse facilitator programs to assist pro se litigants with family law matters, some of which charge fees for services
- Some counties have family law clinics staffed by volunteer attorneys
- Enhanced services exist for those seeking domestic violence protection orders, including dedicated kiosks with online services and additional staffing
- The Housing Justice Project exists in some counties and assists tenants responding to evictions
- Information materials vary widely county to county
- The Coordinated Legal Education Advice and Referral (CLEAR) telephone hotline, operated by the Northwest Justice Project, is staffed by advocates who provide low-income individuals with advice and brief service on a variety of legal matters
- The WashingtonLawHelp website, [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org), contains information on a number of legal topics, some of which are available in a number of languages
- Legal Voice offers free legal information online in a few selected topics

- Forms written entirely with plain language elements do not exist for most situations
- Only four technology based interactive plain language sets of forms are in use through the Washington Law Help website
- While many areas of the court system are covered in materials online, notable gaps in information exist. Information about local rules is scattered and not available in a coordinated manner
- The only online chat service is offered by the King County Law Library and the State Law Library
- County law library assistance to pro se litigants varies dramatically
- The state's case management system does not generally meet the needs of pro se litigants with a few exceptions in some counties
- For litigants with limited English proficiency, some translated forms, instructions, and informational documents are available on WashingtonLawHelp and on the Washington Court's website, [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms). The Office of Administrative Hearings (OAH) offers some information in 12 languages for those involved in an administrative hearing

In creating the Pro Se Project Baseline Assessment, participants essentially concluded that there is no statewide system developed to look at how the courts' procedures and forms could work better for pro se litigants. While our state system has a number of elements designed to assist pro se litigants, these are fragmented, not yet coordinated, and we lack a strategy for a comprehensive expansion of services deployed in an integrated fashion.

In contrast, most states have a coordinated resourced court-based center that provides a number of mechanisms to provide pro se litigants with information and advice on how to navigate the system. There is an elaborate self help support website, <http://www.selfhelpsupport.org>, which has been set up as a national clearinghouse of information on self representation maintained by the National Center for State Courts and supported by the Legal Services Corporation, Pro Bono Net, the American Association of Law Libraries, and a number of other entities. We have reviewed self help support systems around the country and in particular, we focused on California, Minnesota, Alaska, Idaho, and Arizona which are model programs. Through this process, we have gained insight into the features that we believe would most benefit pro se litigants, court personnel, attorneys, and the broader community in Washington. We believe that the time has come to develop a coordinated comprehensive system to help the unrepresented in our state. Despite current economic challenges, there are steps we can take now to move this effort forward and enhance our existing services.

#### **IV. Vision/ Project Description**

After much discussion and exploration of approaches to the increase of services to pro se litigants, Pro Se Project members have identified several court-based justice system enhancements that would work in our state to significantly improve access to justice for pro se litigants. Because of current economic challenges, we understand that the funding of any improvement or new initiative is a challenge. Accordingly, we are proposing a phased approach, with initial system enhancements confined to the family law arena. This area was

prioritized for the initial phase because family law cases comprise the majority of Superior Court civil case filings<sup>iv</sup>. See the Washington State Administrative Office of the Courts (2009), *Superior Court Caseload Reports* [http://www.courts.wa.gov/caseload/?fa=caseload.display&folderID=view&fileID=dsp\\_caseload\\_sup\\_reportlist&freq=Annual](http://www.courts.wa.gov/caseload/?fa=caseload.display&folderID=view&fileID=dsp_caseload_sup_reportlist&freq=Annual).

We note that this phased plan requires support, coordination and collaboration with a number of partners and especially AOC. Some of this work may also require legislative action. Broad cooperation and participation are key to improving access to the courts for pro se individuals.

The phases of the project are as follows:

### **Phase 1. Creation of a Family Law Assistance Self Help Center.**

**Overview:** Phase one involves a significant expansion of the Washington Law Help website to include all family law forms and related information, written in simple plain language and set out in an easy to read and follow format. The website would include instructional video clips and other multi-media forms as well. For those who need additional assistance beyond the online information, staff support by Self Help Facilitators would be available through online chat services and a statewide toll-free call center. The components are described below.

**a. Use of Technology.** In our state, legal resources for pro se individuals are available from a number of sources including the websites of AOC, WashingtonLawHelp, Legal Voice, and various local court jurisdictions. The primary website for pro se resources is found at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) which was established over ten years ago by the Northwest Justice Project with support from the Legal Services Corporation. The site contains an array of information on various substantive legal areas, for use by attorneys, the broader community, and pro se litigants. Staff from the Northwest Justice Project maintain the site, and continue to develop the contents often in collaboration with AOC.

Expanded use of technology is a key element of the Family Law Self Help Center. Utilizing the existing WashingtonLawHelp platform, the Center would be built to include an array of information, forms, resources, and referrals available for any type of family law matter. Eventually, online features would also allow pro se litigants to electronically file (e-file) all court documents and calendar court hearings online for a day and time convenient to all parties and the court. As technology evolves, pro se litigants may eventually be able to e-serve pleadings on parties in the lawsuit as allowed by applicable statute or rules.

As an example of the features of the Family Law Self Help Center, a pro se litigant seeking a family law parenting plan would enter the [washingtonlawhelp.org](http://washingtonlawhelp.org) website, see an icon associated with family law cases, enter this portal and then be directed to a section on parenting plans. The website would coach the user through information on all aspects of securing a parenting plan. Available information would include everything necessary to complete and file a petition with the applicable county-specific court, including:

- forms in simple plain language with an easy-to-use fill in the blank format
- an outline of additional necessary steps in the process

- the expected time line for securing the parenting plan
- information on any additional necessary forms
- resources for assistance in completing the forms if help is necessary including pro bono volunteers or local legal aid programs
- short instructional videos on components of the court-related procedures
- directions on how to access assistance from a Self Help Facilitator including an online chat option or a toll-free telephone call to a helpline family law facilitator
- electronic filing once this feature becomes available

Technology and the use of social media are increasingly prevalent in our society. According to a 2010 study of the Pew Research Center, as government agencies at all levels bring their services online, Americans are turning in large numbers to government websites to access information and services. (Pew Research Center (April 27, 2010). *Government Online*, see <http://pewinternet.org/Reports/2010/Government-Online.aspx>.) Fully 82% of internet users, representing 61% of all American adults, looked for information or completed a transaction on a government website in 2009. Increasingly, people rely on technology for basic information and have ready access to a computer.

Because the use of technology is so widespread in our society, we expect that many pro se litigants would welcome an online Family Law Self Help Center that they could access from home at any point that is convenient. If there is no availability of a home computer, computers are now found in a multitude of community locations including libraries, community centers, county and city buildings, domestic violence shelters, community computing centers, and other public gathering places. We are aware of efforts underway to secure funding for extensive broad-band expansion to remote areas of our state. We support this effort and believe that this technology based Self Help Center is just the type of computer application that will be of significant benefit to underserved populations across the state.

Because Washington State Superior Courts do not utilize family law operations in a unified manner, all 39 counties have different local rules and procedures (with the exception of the domestic violence forms which are mandatory.) There is no centralized web portal that contains relevant forms, instructions, rules and procedures for all 39 counties. The Family Law Self Help Center housed on WashingtonLawHelp could provide this comprehensive information center to benefit pro se litigants as well as practicing attorneys, court personnel in all jurisdictions, and community members.

## b. Content of the Technology Based Family Law Self Help Center

### i. Plain Language forms

Simple, clear, user-friendly forms written in easy-to-understand “plain language” and presented in an intuitive easy-to-navigate format are an essential component of any online support system. A National Assessment of Literacy survey conducted in 2003 found that 43% of the population is at or below basic literacy levels which means that 43% of our population reads at or below a 4<sup>th</sup> grade level.<sup>v</sup> Plain language forms are written so they are understandable and easy to complete by someone in this demographic.

With plain language forms, users understand the content more quickly, don't need to spend time asking for explanations, make fewer errors completing the forms, and when finished, feel that the process was fair and manageable. In turn, court personnel benefit as they answer fewer phone calls, write fewer explanatory letters or emails, and help more people in a way that is more useful. Good forms educate litigants about the law and help them better present their cases, better inform other parties of claims and issues, give the court good information on which to base their decisions, and lead to decisions and orders that are more specific, thus easier to comply with and to enforce.

Members of the Pro Se Project attempted to convert two forms to plain language format and quickly realized that this requires both a specific skill set, coordination of all the forms, and an extensive time commitment. While we initially thought that this work could be done by volunteer committee members, we concluded that it makes sense to have dedicated staff to develop these forms so that the forms are coordinated, consistent and comprehensive. We spoke to a consultant, Maria Mindlin with Transcend®, a California based company specializing in plain language communication, who has worked with a number of states on form conversion efforts and is well respected in the legal community. We talked to her about the idea of converting the existing 211 family law forms used in Washington state courts today into plain language and concluded that it made the most sense to hire a qualified professional for the express purpose of re-writing the 211 family law forms into plain language.

The Washing Pattern Forms Committee is charged with promulgating forms for standardized use in the courts. Collaboration with the Pattern Forms Committee is essential as we work to craft a wholesale conversion of the 211 family law forms into a plain language format. Once the forms are converted, the Forms Committee will promulgate these for use state-wide. An outreach effort should be implemented at this juncture to urge all 39 court systems to use these, for consistency purposes and as a benefit to pro se litigants.

#### ii. Video clips and other multi-media forms

When possible, short video clips and other multimedia tools such as Flash, Adobe Connect, Webinars, and Asynchronous presentations should also be available for users who learn best through watching rather than reading. Efforts in this regard are underway. The Office of Administrative Hearings is presently creating some multimedia presentations to help pro se individuals with regards to administrative hearings. In addition, some Washington state counties have created video clips of court proceedings (see Spokane County's video clip of a dissolution proceeding, <http://www.spokanecounty.org/video/default.aspx?c=2520>), however these are not shared or coordinated in any meaningful way. The Administrative Office of the Courts is now using online training resources such as Webinars. Expansion of this new on-line technology can be utilized to create a library of asynchronous trainings on a myriad of short subjects.

#### iii. Online document assembly capability

Along with a plain language format, it is preferable that the online forms in the Family Law Self Help Center eventually be "interactive" which means that the user is "interviewed" and coached on necessary information in a logical format that assembles the document along the way. This

interactive form technology walks the user through the process by using a graphical interface to break up verbiage. Users are able to preserve their information which will automatically populate the next form if the same information is called for. Many people are familiar with the Turbo Tax® system that uses interactive forms to secure necessary information but in an easy-to-use format. This interactive format is becoming more prevalent in on-line usage and could significantly benefit pro se users. Interactive forms are currently in use as described below.

Pierce County has implemented an “interactive” custom application as part of their case management system, accessed through several web-based kiosks located around the county to help litigants complete domestic violence related forms. The kiosk application walks through the domestic violence form with the litigant and upon completion and validation is automatically submitted into the Pierce County LINX case management system.

The Northwest Justice Project, through a Legal Services Corporation Technology Information Systems grant, and in collaboration with the Administrative Office of the Courts and the Washington Pattern Forms Committee, developed two online interactive plain language interviews: one assembles the forms pro se litigants need to file for and complete a simple divorce, and the other does this regarding a domestic violence protection order. These are available on the WashingtonLawHelp website. NJP has received very positive feedback from users with regards to the user-friendly interviews and resulting forms assembly.

We understand that the conversion of forms to an interactive format is a significant expense. A determination should be made as to whether the resources and expenses inherent in making the plain language forms interactive would be worthwhile; an evaluation of the plain language family law forms should be conducted to assess whether the added interactive format is even necessary. Alternatively, as additional resources become available, another approach would be to make select forms interactive as this format can greatly benefit pro se litigants through ease of usage and time savings.

#### iv. Electronic filing or e-filing of forms and court documents

E-filing is another technology based application that is currently in use in selected court-based applications in the state. Specifically, the Chelan County Clerk has developed online forms for some family law matters. The website of the Chelan County court facilitator states:

**Electronic filing:** You can now download your personalized forms (names of the parties, dates of birth, addresses, etc. already merged into each form) for either dissolution, legal separation, modification of parenting plans or modification of child support on line. For \$55.00 you will get all the forms you need for your action, from beginning to end and one session with the court facilitator for review of you documents. You download and save all the documents to your personal computer, complete, have them reviewed and file them on line. If you want to file electronically go to [www.e-filing.com](http://www.e-filing.com) Create a user name and password and start downloading.

Additionally, the Pierce County domestic violence forms can be electronically filed; in 2008, almost half of the domestic violence filings were filed electronically. This system has saved

users tremendous amounts of time as documents can be filed from any computer at any time. Users no longer have to travel into a courthouse to access the system.

As additional uses of this service are utilized by local court jurisdictions, we expect that challenges in the system will be remedied and the benefits to all parties will become more evident. Once funding becomes available for a module that allows e-filing of family law forms, we would urge that this be integrated into the Family Law Self Help Center.

### c. Staff Support for the Family Law Self Help Center

Recognizing that a number of pro se litigants will need assistance beyond the online offerings, an essential component of the Family Law Self Help Center is staff assistance and support. Accordingly, we envision a statewide toll-free telephone helpline that would be staffed by trained Self Help Facilitators who would coach pro se litigants through the on-line system, answer questions, review documents, and refer litigants to courthouse facilitators for additional assistance. Additionally, facilitators would be available to chat online with pro se litigants navigating the website to answer questions or supply needed additional information. Through this support, facilitators could also improve the contents of the system, clarifying any information that might be confusing or not clear.

Currently, the King County Law Library and the State Law Library work together to host an online chat line called “Ask a Librarian”. One library system is responsible for fielding questions in the morning and the other handles questions in the afternoon. One possible approach to creating a staffed component of the Self Help Center would involve expansion of the existing state law librarian system. With additional funding, Self Help Facilitator staff could be added to the existing law librarian system to enhance the existing online chat system and implement a telephone based helpline. Law libraries with existing staff include Spokane, Clark, Snohomish, Whatcom, Kitsap, Pierce and Clallam counties. These offices would all be potential work sites for a Self Help Facilitator if funding permits.

As law librarians are located in county courthouses, they could easily coordinate with local family law court facilitators, clerks and judges, especially for walk-in pro se litigants. They could also track questions by users and modify the system as needed to clarify and eliminate confusing information and instructions. In addition, they would need to determine a system to respond to inquiries from pro se litigants in other counties but we are confident this could be developed.

Volunteer attorneys, and perhaps law students, could be recruited to assist Self Help Facilitators with inquiries from pro se litigants who are either online or on the telephone. With all relevant family law information—forms, instructions, rules, and procedures—online, and with some minimal training, even novice attorneys should be able to help a pro se litigant move forward in a case.

In summary, phase 1 of expanded pro se services would include development of a technology based Family Law Self Help Center including comprehensive and coordinated family law forms, instructions, procedures, referrals and resources, all in a plain-language format, available

through WashingtonLawHelp. Staff assistance would be available for those with difficulty understanding or accessing the online system, perhaps through the expansion of the state law librarian system, through the creation of a toll-free helpline or an online chat feature.

### **Phase 2. Integration of the Family Law Self Help Center with Existing Onsite Courthouse Facilitators.**

Because onsite courthouse facilitators work with family law pro se litigants exclusively, they are in an optimal position to refer people to the Family Law Support Center. Ideally a pro se litigant would be referred to WashingtonLawHelp, would take the time to use these resources to the fullest extent possible, get supplemental information from a Self Help Facilitator either online or through the helpline, and then if remaining questions exist, travel to the courthouse and meet with a courthouse facilitator.

If and when additional funding becomes available, it is recommended that the Self Help Facilitators explore ways to link services more closely with the onsite courthouse facilitators who also work in the family law arena. For example, a Self Help Facilitator could be placed in-house (beyond the law library counties) in some select on-site courthouse facilitator offices around the state to provide assistance to walk-in pro se litigants who may be challenged in navigating the online Self Help Center forms and procedures. If a pro se litigant receives initial assistance in completing required forms, this will allow the onsite courthouse facilitators to provide a deeper level of service to pro se individuals.

Some pro se litigants will not be able to use a computer, or will not be comfortable with the technology, so will need to consult with an on-site facilitator. Self Help Facilitators can make referrals to the courthouse facilitators for those who need in-person assistance or require a deeper level of help with more complicated questions.

A challenge inherent in the existing courthouse facilitator system is that these programs are funded in an array of mechanisms: user fees, filing fee surcharges, marriage license surcharges, small revenues from the sale of self help instruction kits, and federal child support reimbursement program pass-through funds (Title IV-D). This disparate funding has resulted in a system that is not consistent as facilitators receive differing training and support in part depending on their location and funding source. If this system is to link up with the Family Law Self Help Support Center, uniform standards, training and support would be essential. Adequate funding of the onsite courthouse facilitator program is key to strengthening this component of the justice system.

### **Phase 3. Expansion of the Self Help Center to Other Substantive Legal Areas and Other Court Forums.**

Once family law support services are in place and operating at a measurably effective and efficient level, attention should be directed to development of similar plain language interactive forms, procedures, resources and referrals to other areas of significant need including housing, consumer, education, and benefits issues. As funding becomes available, expansion of the

courthouse facilitator program to include other substantive legal issues would be extremely helpful to pro se litigants with legal problems outside of the family law arena.

Additionally, the online Self Help Center should be expanded to include information relating to issues that arise at the small claims, municipal, district court, Court of Appeals, and Supreme Court levels. Finally, we are well aware that over 90% of individuals involved in the administrative law arena are pro se. The Office of Administrative Hearings is developing instructions and video clips to aid pro se individuals in handling their own case. As funding becomes available, collaboration and support for additional effort in this area is essential.

Once all of the phases of this project ramp-up are complete, Washington state would have a cohesive and comprehensive user-friendly technology based online system available on-line through WashingtonLawHelp which would assist any pro se litigant with any existing legal issue, at any state court level, supplemented by staff assistance strategically deployed. This system would be supported by the Administrative Office of the Court and integrated into the overall civil justice system.

While some pro se litigants may be able to successfully maneuver within this system to the conclusion of their case, others will need varying levels of assistance depending on the complexity of their problem. Some pro se litigants will successfully benefit from a telephone conversation or an online chat from a helpline facilitator, while others will need to be directed to an onsite courthouse facilitator for additional assistance. Many will need representation either from a volunteer attorney or a legal aid attorney. But in most cases, the pro se litigant who initially accesses the self help support information will be better informed about the process, making any subsequent assistance more efficient and effective.

## **V. Benefits**

A comprehensive technology based online Self Help Support Center with staff assistance has tremendous benefits to pro se litigants, the court system, attorneys, and the community at large. These benefits may include:

### Benefits to pro se litigants

- A better understanding of the requirements inherent in a civil justice system proceeding
- Access to user-friendly information 24 hours a day, 7 days a week
- Reduced amount of time lost from work due to repeated court appearances
- More timely resolution of the matter due to less court congestion
- Increased trust and confidence in the court and in government as a whole

### Benefits to the court system

- Reduction of inaccurate paperwork and inappropriate filings
- Improved quality of information provided by litigants; filings are legible, clear, correct and complete
- Less time spent giving procedural directions by Clerks' office personnel
- Increase in the ability to identify conflicting orders
- Minimization of unproductive court appearances

- Expedited case management and dispositions
- Increase in the court's overall ability to handle its caseload
- Improved climate in which to conduct business
- Savings of time in overall court room management

#### Benefits to attorneys

- Ease of filing and tracking cases
- Court appearances are scheduled and matters are heard as scheduled
- Court documents are speedily transmitted
- Assistance with unfamiliar areas of law through online information
- Opposing pro se adversaries are more prepared and knowledgeable about the system

Benefits from existing online plain language interactive forms are tracked in our state by the Northwest Justice Project, as it monitors the use of the four forms on WashingtonLawHelp. Specifically, statistics have been gathered for the pro se litigants using the simple divorce form (no children). It has been determined that 80% of the pro se users earn \$36k or less annually, 50% had filed legal documents before, 60% saved at least 40 minutes using the form, 75% gave more relevant information to the court using the form, and 87% were satisfied or very satisfied with the experience.

Taking this information and applying it to 87,600 filings in 2008 of cases dealing with family law, housing and wills and estates, Law Help Interactive maintains that we have an opportunity to significantly reduce costs and improve outcomes. Assuming that 7 documents are filed in each case, for a total of 612,000 documents, on average 5% of filings are rejected by clerks because of errors and 10% that reach judges are filled out poorly. If a technology based document assembly program could reduce by 5% the documents rejected at filing and reduce by 10% the amount of courtroom time judges spend reviewing documents, this would save our state court system between \$765K and \$2.3M each year.<sup>vi</sup>

The Pierce County LINX system has implemented a system where litigants can apply for domestic violence protection orders from kiosks that are placed strategically throughout the county. Pro se litigants has responded well to this system; in 2009, there were over 4500 filings for protection orders and of this number, over 2500 were done electronically, at the kiosks, by pro se litigants.

It is well demonstrated that an effective pro se assistance system benefits all stakeholders; our state is in need of an integrated comprehensive user-friendly online system with staff support.

## **VI. Support Center Creation and Implementation Recommendations**

Pro Se Project members have identified a number of recommendations that would move the Self Help Support Center concept towards implementation.

### Recommendation I: Creation of a Family Law Self Help Center

To increase access to justice for the public in general, and pro se litigants with family law cases in particular, and to expedite the processing of cases by courts, a staffed Family Law Self Help Support Center should be developed.

1. A. SELF-HELP SERVICES ARE A CORE FUNCTION OF THE TRIAL COURTS AND AS SUCH SHOULD BE CONSISTENTLY FUNDED IN THE BUDGETARY PROCESS.

1. AOC budget request forms should reflect these services as a core function.
2. Effective self help services for pro se litigants should be budgeted consistently.
3. Key stakeholders including the Access to Justice Board and the Office of Administrative Hearings should support any legislative funding request.

1. B. ALL FAMILY LAW FORMS SHOULD BE CONVERTED TO A PLAIN-LANGUAGE FORMAT AND UTILIZED BY COURTS ACROSS THE STATE.

1. Key partners would develop a plan to obtain buy-in for plain language forms from stakeholders, which would include identifying the advantages for all stakeholders in utilization of the plain language forms.
2. The Washington Pattern Forms Committee would be enlisted to assist with development and promulgation of the plain language forms across the state.
3. Funding should be sought to convert over 200 Washington State family law forms to a plain language format to ensure ease of access to pro se litigants.
4. A contractor would be hired to convert all of these forms into a cohesive, consistent, and comprehensive plain language format.
5. Key partners would assist with creation of focus groups to test the usage of the forms.
6. Once the forms were adopted, they would be uploaded to the WashingtonLawHelp Family Law Self Help Center, as well as posted on the courts' web site.
7. Key partners would develop a marketing and outreach plan to publicize the existence of these forms to court systems across the state and to identify the advantages of utilizing plain language forms.

I. C. AS THE COURTS MOVE TOWARDS THE PROCUREMENT OF NEW CASE-MANAGEMENT SYSTEMS, COMPATIBILITY WITH AN ONLINE SELF HELP CENTER IS ESSENTIAL.

Procurement of any new court case management systems by the Courts should provide a level of integration that will allow information or data to be exchanged and/or shared seamlessly.

1. As the Judicial Information Systems Committee moves to secure a new case management system, efforts should be made to procure a system that is compatible with various self help applications such as e-filing and e-service.

1. D. A TECHNOLOGY BASED ONLINE FAMILY LAW SELF HELP CENTER SHOULD BE DEVELOPED AS AN EFFICIENT AND EFFECTIVE WAY TO INCREASE ACCESS TO THE COURTS AND IMPROVE THE DELIVERY OF JUSTICE TO THE PUBLIC.

1. An Online Family Law Self Help Center, as part of WashingtonLawHelp, should be developed to:

- Offer an array of services designed to assist the public and the court in the processing of family law cases involving pro se litigants
- Increase availability of the plain language family law forms to pro se litigants
- Consider the use of interactive document assembly features so that the plain language forms and instructions are set out in an easy-to-read and understandable format
- Include short videos in English and Spanish to explain basic court procedures and processes
- Provide materials in different languages
- Make information available to litigants about how to get help with other substantive legal areas, and with other court levels

2. Existing self-help resources should be coordinated, centralized, and integrated into the Self Help Center.

3. Serve as a single point of contact for all county court systems with respect to family law forms, instructions, rules and procedures.

I. E. STAFFING ASSISTANCE SHOULD BE MADE AVAILABLE AS AN ADJUNCT TO THE ONLINE FAMILY LAW SELF HELP CENTER.

1. Family Law Self Help Facilitators should be hired and trained to assist pro se litigants who need assistance navigating the online family law self help center. The online system should be constructed to include an Online Chat feature, expanding upon that of the King County and State Law librarians, which would be staffed by Self-Help Facilitators.

2. A statewide toll-free helpline should be established to provide a mechanism where pro se litigants can telephone for assistance. This service would also be staffed by the Self Help Facilitators.

4. The Self Help Facilitators would establish collaborative relationships with existing on-site courthouse facilitators, pro bono programs, law libraries, and legal aid programs to ensure that the pro se litigants receive the optimum degree of assistance.

1. F. CREATE EVALUATIVE TOOLS TO MEASURE SYSTEM EFFECTIVENESS.

1. Create benchmarks or periodic success measurements
2. Develop and implement evaluative measures for pro se users

3. Develop data-tracking systems which measure usage and success by pro se litigants
4. Regularly assess the effectiveness of components of the Self Help Center

#### 2. A. INTEGRATE THE ONLINE FAMILY LAW SELF HELP CENTER WITH EXISTING COURTHOUSE BASED FAMILY LAW COORDINATORS.

1. Select several counties with onsite courthouse facilitators to participate in a pilot program to develop ways to link and coordinate services with the Self Help facilitator services.
2. Monitor and measure the coordination of these two facilitator programs in terms of services to pro se litigants.
3. Develop and implement standardized training and support for all participating Self Help and onsite family law facilitators.
3. As additional funding becomes available, expand and integrate the Self Help Facilitators into the Onsite Courthouse Facilitator system.

#### 3. A. EXPAND THE SELF HELP CENTER TO ADDITIONAL SUBSTANTIVE AREAS AND COURT LEVELS.

1. As local jurisdictions and other tribunals, including the Office of Administrative Hearings, develop self help tools, upload these to the WashingtonLawHelp Self Help Center.
2. As funding becomes available, expand the Self Help Facilitator program to provide assistance to pro se litigants in additional substantive areas.
3. As funding and resources allow, expand the onsite courthouse facilitator program to additional substantive legal areas.
4. Provide on-going training and support to the integrated Self Help and onsite courthouse facilitator program.

### **VII. Potential next steps**

I. The next immediate step is outreach and marketing of this vision. Partnership and collaboration are essential to the success of this effort. Building partnerships is critical. The Pro Se Project will send this Plan to all possible stakeholders and invite their endorsement and participation in moving this effort forward. To this end, a work group has been formed and plans to meet with the Family and Juvenile sub-committee of the Board for Judicial Administration (BJA), the full BJA Committee, the WSBA Family Law Section, and the state Supreme Court to discuss the Plan and invite suggestions on how best to proceed. This work will occur from July 1<sup>st</sup> through October, 2010.

II. The ATJ Board, through a Pro Se Project forms work group, will look for funding to convert over 211 existing family law forms in our state to a plain language format. Concurrent with this, key partners including the Washington State Pattern Forms Committee and the Washington State Bar Association Family Law Section will be invited to help develop an agreed-upon approach to conversion of all the forms, as there are a number of templates that exist for plain language forms. Collaboration on this is essential as we want to ensure that the forms are widely accepted and used by courts, attorneys, and pro se litigants.

III. The ATJ Board, through a new Pro Se Project work group to be established in the fall of 2010, will work to develop a funding package for submission to AOC by March 2011. This funding package would include a budgetary projection for all components of the first phase of the Self Help Center. If this detailed funding analysis is submitted to AOC by March, the agency will consider it as a part of the overall funding package which will be submitted to the legislature for the January 2012 session.

IV. Within the boundaries of existing funding, AOC agrees to determine a management model which will best serve this Self Help Center program. Components of this may include creation of a Self Help Center Advisory Board which would assist with developing the full design of the Self Help Center.

V. The Office of Administrative Hearings continues to work on development of self-help resources applicable to the administrative hearing arena.

### **VIII. Partners**

Good partnerships are essential to establishing a successful Self Help Center. We have identified the following organizations as critical to a coordinated comprehensive self help support system.

Administrative Office of the Courts: would manage the Self Help Center and provide administrative oversight and funding

The Access to Justice Board: in the start-up phase, would promote the Pro Se Plan to stakeholders across the state; work to convert existing family law forms into a plain language format; and will help develop a funding package for the first phase of the Self Help Center, to be presented to AOC in March, 2011

Office of Administrative Hearings: oversees the vast majority of administrative tribunals in our state. Over 90% of administrative hearings involve a pro se litigant. OAH is presently working to develop video clip informational segments on various aspects of the hearing process. All of these should be featured within the online Self Help Center, either directly or as a link to the OAH website location

Judicial Information Systems Committee: a governance body that determines the work that AOC's Information Technology staff will address. This presently includes the selection of the technology based Case Management system that could host additional modules compatible with an online self help system

The Washington Pattern Forms Committee: develops and maintains forms for uniform use around the state and is a key partner in development and maintenance of the plain language family law forms, as well as adoption of the forms for use by superior courts across the state

Northwest Justice Project: currently develops, maintains, and oversees the content of WashingtonLawHelp. As the Self Help Center receives funding, NJP would work in collaboration with AOC to determine how best to maintain and update the Self Help Center component of the WashingtonLawHelp

NJP's CLEAR hotline: directs litigants to appropriate resources. Once the Self Help Center is developed, CLEAR advocates would direct pro se litigants to this website as the system point of entry. (Note: The 211 helpline system is used in King County as an entry point to refer clients to CLEAR and other legal aid programs and would be the entity to make referrals to the online Self Help Center)

Alliance for Equal Justice members: all existing legal aid programs would direct pro se litigants to the online Family Law Self Help Center

The library system: libraries are an underutilized resource. They have extensive informational resources, knowledgeable staff that are used to playing a helping role, and computers. As technology advances, the role of these libraries is changing dramatically, often making it possible for them to refocus and provide much greater direct services to pro se individuals. This provides an enormous opportunity to engage and jointly shape an informational program that can dramatically increase the ability of litigants to navigate the court system. Essential library components include:

- Washington State Law Library—Co-hosts an online chat feature, Ask a Librarian, which provides support to pro se litigants
- King County Law Library—is developing a support system for pro se litigants. Currently co-hosts an online chat feature, Ask a Librarian, which provides support to pro se litigants
- Other county law libraries with staff include Skagit, Pierce, Spokane, Kitsap, Snohomish, Clallam, Whatcom, and Clark counties. They are working to develop training and support tools to assist with pro se support
- Public libraries—refer pro se litigants to appropriate resources
- Law School law libraries—all three law schools have a law library with librarians who may be asked to assist pro se litigants. This group of law librarians should receive training and support from the Self Help facilitators on how to refer pro se litigants and how to coach users through the online system

Superior Court Judges Association: may be of assistance in promoting the Self Help Center as a useful tool for pro se litigants

Washington Association of County Clerks: may play a key role in making sure that local rules and procedures are uploaded to the online Self Help Center so that it is a centralized and comprehensive portal for all court-based information

Courthouse facilitators: onsite family law facilitators assist walk-in pro se litigants. They can refer litigants to the online Self Help Center so that litigants start out on the right track with

appropriate information. The courthouse facilitators are essential to assisting those pro se litigants who are unable to use the computer system

Washington state Pro Bono programs—Pro Bono programs operate in counties across the state and mobilize volunteer attorneys to assist low-income clients. Volunteer attorneys may be enlisted to assist the Self Help Facilitators in responding to online and telephone based questions from pro se litigants

Washington State Bar Association:

The Family Law Section—a key partner in assisting with plain language form development, review, testing, and promotion

The Moderate Means Project—as this develops, intake staff could encourage litigants with family law issues to use the online resources as a starting point

Other components of the Bar—possible assistance with video production and training seminars

The three Washington State law schools: law students may be willing to staff the online chat or telephone helpline and assist users in navigating the online system

Washington State Community Colleges with paralegal programs: there are currently six community colleges in the state with these programs. Students may be interested in and available to help coach pro se litigants through the online Self Help system

Community groups: an outreach or public relations campaign would be developed to enlist the support, cooperation, and referrals from community groups who interact with individuals who would utilize the online Self Help Center

## **IX. Cost/Impact of not doing this project**

The cost and impact of not doing this project would be a lost opportunity to:

- Create a comprehensive coordinated system to benefit pro se litigants
- Improve and simplify existing services for pro se litigants
- Improve document management and control
- Make information easily accessible
- Save the court time and money

## **X. Dependencies and Constraints**

The following issues have been identified as potential challenges to implementation of this project.

- The current economic crisis has resulted in budgetary cut-backs across the board. Funding for any new project, at this time, is a serious challenge

- The lack of a superior court system with uniform family law operations complicates creation of a centralized comprehensive online Self Help Center, as information from all 39 counties must be included and maintained
- The existing family law court facilitator system is supported by a variety of funding mechanisms, resulting in a system that is not unified. Linkage of this system with the onsite courthouse facilitators will pose challenges

## XI. Summary

The Pro Se Project, a collaborative effort of the Washington State Access to Justice Board, the Administrative Office of the Courts, and the Office of Administrative Hearings has determined that pro se litigants in our state would benefit significantly from the creation of a technology based Self Help Center, with staff support through Self Help Facilitators. Accordingly, this Plan outlines a number of proposed components of a Self Help Center, with phase one devoted to family law services. Over time, and with additional funding, the Self Help Center would be expanded to link with the existing courthouse facilitator program, and would cover all substantive legal issues and court levels. A number of states in our country have established effective Self Help Centers. We believe the time has come for our state to create a Center, which would benefit pro se litigants as well as court systems, attorneys and the broader community. A Self Help Center would be an important step in expanding access to justice for those individuals who navigate the civil legal system on their own.

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<sup>i</sup> The term “pro se litigant” is used throughout this document, a term we chose over other descriptors including “unrepresented litigants” and “self-represented litigants.” Even though many pro se individuals would not recognize this term, it is used herein as this document is for policy makers and members of the social justice community, all of whom understand this reference to those who navigate the civil legal system on their own.

<sup>ii</sup> See Appendix 1 for a list of Pro Se Project participants.

<sup>iii</sup> See Appendix 2; Baseline Assessment.

<sup>iv</sup> In considering an approach to the expansion of pro se services, Pro Se Project member’s prioritized family law cases for the initial phase because these comprise a substantial portion of Superior court case filings. In 2009, there were 40,636 criminal filings in superior court, compared to 50,359 family law filings. Family law filings comprised 17% of all superior court filings in 2009. Also significantly, according to the Pro Se Report, pro se representation in various family law cases ranged from 46 – 95%, while civil cases such as property rights and torts ranged from 2 – 20%.

<sup>v</sup> See: [http://nces.ed.gov/naal/kf\\_demographics.asp#3](http://nces.ed.gov/naal/kf_demographics.asp#3)



<sup>vi</sup> LHI -- ATJ Committee  
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LHI Court Deck --  
Underlying Data 09-30

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## Appendix 1

### Pro Se Project Participants

Kirsten Barron, Co-chair and ATJ Board Member

Pat Lantz, Co-chair and ATJ Board Member

Lynn Greiner, Project Manager

The Honorable Paul Bastine (ret.)

Johanna Bender, District Court pro tem

Norma Bayes, former Northwest Justice Project staff member

Kristi Cruz, Northwest Justice Project fellow

Rita Dermody, King County Law Library interim director

Ishbel Dickens, Columbia Legal Services staff attorney

Sue Encherman, Northwest Justice Project Operations Director

Joan Fairbanks, ATJ Programs Manager

LeeAnn Friedman, Northwest Justice Project staff attorney

Merrie Gough, AOC and Washington Pattern Forms staff

Lisa Hayden, Northwest Justice Project

The Honorable Don Horowitz (ret.)

Mike Katell, Columbia Legal Services Information Technology manager

Lorraine Lee, Office of Administrative Hearings

David Lord, Disability Rights Washington

Carol Maher, AOC Disability Access staff

Dexter Mejia, AOC staff

Threesa Milligan, King County Community Legal Services director

Millicent Newhouse, Northwest Justice Project litigation coordinator and ATJ Justice Without Barriers Committee co-chair

Nell McNamara, Equal Justice Coalition director

Lauren Rasmussen, attorney

Kevin Stock, Pierce County Clerk

Janet Skreen, AOC staff

The Honorable Greg Sypolt, Spokane Superior Court and ATJ Justice Without Barriers Committee co-chair

Josefina Ramirez, Northwest Justice Project

Stephanie Zimmerman, Seattle University

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## Appendix 2

### THE ASSESSMENT OF EXISTING PRO SE RELATED SERVICES AND SYSTEMS-

September 22, 2009

Background Information: In May of 2009, the ATJ Board held its annual retreat and decided that a focus for the upcoming 2009/2010 year would be developing initiatives to assist pro se people navigating the civil legal system. To this end, Supreme Court funds appropriated to the Board were dedicated to the staffing of this effort. The ATJ Board also asked the existing ATJ Pro Se and Impediments Committees to merge and take up this effort; the committees both agreed to this undertaking. The ATJ Board approached both the Administrative Office of the Courts (AOC) and the Office of Administrative Hearing (OAH) to partner in this effort and both entities readily agreed.

Richard Zorza, a national consultant on pro se related issues, has been hired to assist us in launching this project. As a beginning point, Richard designed a questionnaire to help us assess existing pro se services in our state, but he cautioned us to spend a limited amount of time in completing this as the assessment is just the starting point for our discussion. In mid-August, a small workgroup was convened to respond to the questionnaire; this group included ATJ Board members Kirsten Barron and Pat Lantz, Janet Skreen from AOC, Chief Judge of OAH Lorraine Lee, NJP staff attorney Lisa Hayden, Don Horowitz, Joan Fairbanks, and Lynn Greiner. This group met once by telephone conference, divided responsibilities, and assembled the following information. Please understand that this information may be incomplete; it is the best effort by this work-group, under time constraints, to respond in general ways to the questions posed.

The Zorza questionnaire and responses follow:

#### **I. Self-Help Services**

##### 1. Are there self-help services programs in the courts?

A. For family law cases in Superior Court there are several types of services that may be available at the courthouse:

a. Family Law Facilitators: available in 35 of 39 Superior Courts. Fees for use of the facilitator range from \$0 to \$40 per use. Hours vary and, in some cases, are quite limited. In most cases there is no fee waiver process for low-income litigants who wish to see the facilitator. In most cases there is an additional fee for forms and other materials provided by the facilitator. Facilitators cannot give legal advice. Facilitators often do not have translation or interpreter services available.

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b. Pro-se dissolution clinics: Some counties have programs where volunteer attorneys are available at the courthouses regularly before or during the pro-se dissolution calendar (for agreed or default cases). These services are generally free. In some cases only low income persons may access these services.

c. Special Services related to Domestic Violence Protection Orders: By statute there is a greater degree of assistance provided in Domestic Violence Protection Order matters. In some counties, there are some kiosks or other methods by which the forms can be completed in and some assistance is provided by court staff in all counties.

d. Other services: In some counties other self-help services are available at the courthouse for family law litigants, such as volunteer legal clinics, orientations for pro-se litigants about the procedures in family court, special written or online materials available at the library or in another location. District and municipal courts have limited self-represented services available; most notably district courts have small claims instructional brochures and other materials. The Supreme Court has a packet for personal restraint petitions for self-represented inmates. The Court of Appeals has a case processing guide with step-by-step instructions and sample forms on the general courts' website. Some law libraries in the courthouses provide significant services (e.g. Pierce County).

B. For housing/unlawful detainer cases, several counties have courthouse based Housing Justice Projects (HJPs) which assist tenants in responding to eviction proceedings.

C. Regarding OAH, they do not have any self-help services. Approximately 90% of appeals are heard by telephone and about 90% of appellants are pro se.

D. A Colville tribal judge informed us that there are no self-help services in her court system.

2. If so, how are they directed and staffed? Are they managed by attorneys?

Facilitators: Some facilitator programs are run by the Court and some are provided by the Clerk's office; a few are administered by contracts with private attorneys or legal service providers.

Pro-se dissolution services and courthouse legal clinics: Generally staffed and run by the local volunteer attorney program, which may or may not be managed by an attorney.

DV services: court staff

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HJPs: either by local volunteer program or local staffed legal services program.

3. Is the operation of self-help services codified through standards?  
The basic functions of facilitators and domestic violence protection order advocates are codified. RCW 26.12.240 and GR 27 specifically address courthouse facilitator programs.
4. Is there a broad range of informational materials for the key procedures?  
For Court based services there is variation from county to county. Most courthouses have packets with the family law forms needed for various processes available for a fee. The Protection Order materials are also available and they are free. They are also easier to understand. Other written materials may be available, either in kiosks or in the law library. All courts are required to provide litigants with access to reasonable accommodations for persons with disabilities (GR 33)
5. If in-person services are available only in some courts, or some substantive legal areas, is there a statewide hotline that assists the self-represented with access to the courts? If so, is it fully integrated with online forms and technology?  
Yes, except that only low income eligible persons may receive legal advice from the hotline. The website [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) is available to all and has many useful self-help materials in a variety of areas of law and in several languages. That site has an interactive program to allow people who wish to file dissolution without children to prepare their forms online. It is hoped that over time more interactive forms will be added.
6. Do self-help services (*in the courthouse*) use a comprehensive diagnostic, triage, and referral protocol?  
Volunteer attorney programs use screening and triage and may do so in their courthouse programs, but programs such as the facilitator generally do not have such a protocol.

## **II. Forms**

1. Are there plain language forms for the most important and used situations?  
Sample pleadings are available on [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) for several areas including eviction response, debt collection, living wills and other estate issues and for some administrative proceedings.  
  
State issued Family law forms are available but they are not in plain language. The forms in many other states are far simpler. See,

1. Arizona:  
<http://forms.lp.findlaw.com/form/courtforms/state/az/az000030.pdf>

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2. New Mexico:

<http://www.formsworkflow.com/d65172.aspx>

3. New Hampshire:

<http://www.ilrg.com/forms/divorce-mc/us/nh>

DV Protection Order and anti-harassment forms are available and far easier to use than the family law forms.

Plain language forms are not available for many situations.

OAH provides hearing rights brochures to parties; these explain in simple terms the key components of the hearing process, what to expect, how to prepare.

2. Are there online interactive versions available?

Only for dissolutions without children and child support worksheets.

### **III. Technology**

1. Is a *full* range of information for the self-represented in place online?

Many areas of law are well covered in the materials online. Notable gaps are the limited online information about trials, discovery, certain types of civil proceedings (e.g torts, various property-related actions such as replevin or quiet title) and appeals.

Information about local rules and how to comply with them is scattered about online, if available at all online. Local rules can be accessed via each county court's website but these rules differ from county to county. Generally these rules are not summarized or otherwise explained for pro-se litigants.

There is much information not yet available on-line, or not translated to various languages. Because the forms, especially in family law cases, are not in plain language the legal instructions regarding these forms are by necessity voluminous and can be difficult for pro-se litigants with limited reading skills.

The OAH website provides complete information about the hearing process and directed to one of 5 field offices for assistance.

2. Is there online chat to provide assistance in locating this information?

The Washington State Law Library provides some online chat to direct people to forms and resources.

3. Does the online information include information and video on court procedure?

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There is limited videotaped information available.

At [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org), there is a video on representing ones-self in public benefit fair hearings. There are also materials on representing yourself in various court proceedings. Some materials have been created by various entities throughout the state, such as [www.tacomaprobono.org](http://www.tacomaprobono.org) but this information is not readily accessed via the lawhelp website. King County has produced an online video titled “Your Day in Court.”

As mentioned above, procedural information is available for many common procedures, but there are still significant gaps.

The OAH website provides information about the hearing process but there is no video format available. They are considering developing a “mock hearing” video.

#### **IV. Clerk and Court Staff Guidelines and Education**

1. Are there guidelines in place for how clerks and court staff can provide information to the self-represented?

Yes. Each court office has posted guidelines for what court staff can and cannot do vis-à-vis providing service and answering questions.

OAH does not have standardized agency-wide procedures to respond to customer inquiries; each field office has separate informal guidelines for handling customer inquiries.

The Colville Tribal Court system does not have guidelines for clerks or court staff.

2. Are clerks and staff routinely trained on these guidelines?

Yes. All new court and clerk staff attend new court employee trainings at the Administrative Office of the Courts.

3. Is there a process for updating guidelines and educational programs as experience is gained?

Any ongoing/continuing education for court staff is the responsibility of each individual court, with the assistance of administrator and clerk associations, except for courthouse facilitators – two trainings are held annually, sponsored by the GR 27 Courthouse Facilitator Advisory Committee and the Administrative Office of the Courts. A comprehensive training manual for courthouse facilitators is available on line and is updated annually.

OAH does not have a formal process for this.

#### **V. Law Library/Public Library Based Services**

1. Are self-help services provided by law libraries and public libraries throughout the state?

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Law libraries are available in 39 counties. Only 27 or 69% are open to the public. The services available vary dramatically, from no help to extensive assistance for pro se litigants. Only a limited number of the libraries have dedicated librarian staff.

The UW Law Library is intentionally developing public-friendly services for pro se litigants. Seattle University does not offer access to the public at this time.

2. If so, are they coordinated with court and legal aid self-help services?  
State wide, legal aid services and public libraries are not coordinated.

## **VI. Discrete Task Representation**

1. Are there rules, or ethical opinions, facilitating both the concept (attorney rules) and the actual practice (civil procedure) of discrete task representation?  
Yes. It is, however, not a commonly available service.
2. Is there training of attorneys in managing, marketing, and risk managing discrete task representation?  
Yes, this sort of training is available, particularly as it relates to family law.
3. Are judges trained in how to be supportive of the concept?  
Discrete task representation is included in judicial training for self-representation issues.
4. Does the lawyer referral service include a discrete task panel, and does it offer this form of service in all appropriate situations?  
Many volunteer lawyers in Washington utilize discreet task representation/assistance, though not necessarily via limited appearances.

## **VII. Law School Role**

1. Do law schools teach the ethics and practice of discrete task representation?  
One Gonzaga professor does discuss discrete representation issues, especially as they relate to low income persons when reviewing RPC 1.2c. We expect this occurs at all the schools; the ATJ Law School Relations Committee is developing a project to incorporate this into the curriculum.
2. Do law schools have any mechanism (clinic, incubator, support systems) to assist young lawyers prepare for and survive in low and middle income practice?  
All three law schools offer clinics where students represent clients; a discussion of both discrete representation and survival in private practice occurs in this setting. At SU and Gonzaga, there is no formal course on this. The UW Career Service office offers mentoring and support for students who are interested in this work. They also offer a course for those who are going into solo practice and intend to assist low bono clients, and they offer a public interest concentration track with courses that directly address these issues.

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## **VIII. Judicial Education and Materials**

1. Are regular educational programs for judges on “engaged neutrality” and techniques for managing the self-represented litigant courtroom integrated into judicial education, particularly for new judges?

Yes. Judicial education programs, including judicial college for new judicial officers at all levels of court, include self-representation issues on a regular basis.

Regarding OAH, they plan to incorporate this into a new training program and have designated a staff person to coordinate this.

The Colville Tribal Court system has no training available on these issues.

2. Does the state have a Bench Guide on self-represented issues?

No.

## **IX. Caseflow Management**

1. Does the state’s caseflow management protocol specifically address the needs of self-represented litigants, and encourage the provision of services to assist the self-represented in taking the steps needed to keep their case moving?

Not generally, though in some counties there are special procedures or special calendars for pro-se litigants, such as a pro-se dissolution calendar or, in Thurston County, a pro-se “orientation” which litigants must attend.

OAH does not have protocols in place. Language needs or TDD assistance issues are usually identified at the beginning of the hearing process, and then handled on a case-by-case basis by the ALJ.

2. Are services provided in the courtroom to ensure that barriers to case completion facing the self-represented are overcome?

No, except for the in-court presence of courthouse facilitators in some counties. In those counties, the court may direct the courthouse facilitator to assist the self-represented litigant in the completion of final papers for presentation to the court. This is not a common practice although it is provided for by court rule (GR 27).

In some counties, attorneys present to assist with the pro-se dissolution calendar (for finalizing dissolutions that are uncontested or resolved via default).

GR 33 imposes on courts the duty to ensure that persons with disabilities are reasonably accommodated in the litigation process.

OAH handles this on a case-by-case basis by the AJ.

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**X. Compliance and Enforcement Issues**

1. Does the state have a mechanism for reviewing and changing the extent to which the self-represented are actually able to comply with, or obtain compliance with, the orders issued by the court?

No.

2. Do self-help programs include compliance-oriented services?

Courthouse facilitator programs provide some specific assistance with enforcement of parenting plans and more general assistance with enforcement of other family law orders, i.e. motions for contempt.

3. Does judicial education include compliance issues?

Enforcement of orders is included in judicial education.

4. Do caseflow management protocols include compliance issues?

No.

**XI. Limited English Proficiency**

1. Are forms and instructions and orders available in needed languages?

To a limited extent.

OAH forms and instructions are made available in 12 languages.

2. Are self-help services available in needed languages?

Interpreter services are available at some courthouse facilitator programs, most notably in the larger jurisdictions and at the agricultural center of the state.

3. Is attention paid to making sure LEP individuals understand their obligations under court orders?

No more than for any litigant.

4. Are judges given the extra time and training needed to deal with LEP and interpreter services?

Judges receive training in interpreters at annual conferences on a regular basis.

OAH does not currently provide additional LEP and interpreter training to ALJs.

5. Are interpreters trained to deal with the special issues that arise in self-represented cases?

Yes.

OAH interpreter training is provided by the court program or interpreter employer.

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## **XII. Systemic Approaches**

1. Is there a system in place that reviews changes in rules, forms, and procedures to make sure that they do not create additional barriers to access for the self-represented?

Forms are reviewed by a forms committee, which makes changes to the forms to incorporate statutory changes. Although accessibility to pro-se litigants is a concern of the committee, it is not the only concern. Any movement to dramatically change the type of forms used or the level of detail required would require involvement of others.

Local rules and procedures are generally created on a local level and not systematically reviewed for accessibility or potential barriers they create for pro-se litigants, though this may be changing due to efforts by the WSBA Local Rules Task Force. Local rules can present significant barriers to pro-se litigants.

The ATJ technology committee has recently agreed with the WSBA Rules Committee to notify the ATJ technology committee of any rule proposed by the Rules Committee. This relates only to rules that go through the WSBA Rules Committee.

2. Is there any system for considering how overall re-alignment of the system, including simplification, might improve access for the self-represented, as well as the efficiency of the system for those with counsel?

It's not clear what is meant by "overall realignment of the system." There are systems in place that determine how legal aid services will be distributed and provided throughout the state. These processes are very coordinated. There does not appear to be any statewide system developed to look at how the courts' procedures and forms could work better for pro-se litigants, except for the WSBA committees that have been merged and are working on this project.

3. Does the mandate of the state's Access to Justice Commission include the self-represented?  
Yes.

4. Does the state collect data on the incidence of self-represented litigation?  
Yes.

5. Does the state court's research agenda include access to justice for the self-represented?  
Yes. A report on courthouse facilitator programs was recently issued by the Washington State Center for Court Research. A comprehensive study of pro se issues was performed in 2002.

## **XIII. Other/miscellaneous**

1. Whatcom and Spokane Counties have Street Law programs; pro se litigants are seen in this venue and provided with assistance them in bringing their own cases.