

## US Experience

Courts in Minnesota and other states have addressed the rise in pro se litigation through a variety of strategies, including Self Help Centers.

Minnesota, Hennepin County approach:

**Self Help Centers:** *For people going to court without a lawyer*

Objectives: 1) Access to Court 2) Court Efficiency 3) Just Outcomes

### Problems Addressed

- People cannot get legal problems resolved – process is too overwhelming. Some never file, some give up after filing
- People expect the Court clerks to tell them what to do and how to do it
- People who file do it wrong – service of process mistakes, inadequate pleadings, won't negotiate and this clogs court calendars and raises costs for all
- Judges lack needed information to make good decisions
- Public dissatisfaction with the court and employee job stress

### Why don't they get a lawyer?

- Legal Aid and pro bono unable to meet demand for low-income help
- Large numbers of people who are the working poor or have moderate incomes believe they cannot afford a lawyer or do not need a lawyer. The Court must process all these cases and cannot turn people away.
- Statutes require court to provide simplified forms or assistance with parenting time, OFPs, small claims.

### Self Help Center Solution

Provide: court forms, instructions, and guidance on common court actions. Use high and low tech methods. Assist litigants who have limited English proficiency.

Explain: what can/cannot be accomplished at court, alternatives to court, why and when a lawyer is needed.

Partner: with the Bar, Legal Aid, and law schools to offer brief legal advice at the Courthouse and quality referrals. In a survey of litigants who got brief advice, 87% indicated the lawyer answered their legal questions. Value of volunteer attorney time exceeds \$500,000/yr.

Also partner with libraries.

Staffing: experienced lawyers, paralegals, and court clerks with ability to simplify legal concepts and processes for a diverse clientele

Funding: opened in '97 with no budget; shifted staff from other departments, used grants for projects, used federal funds, and aligned our work with strategic priorities.

### Hennepin Outcomes

- People who file with SHC assistance get court orders with minimal problems
- Public is highly appreciative of the service; Judges/staff depend on SHC
- 43,000 customers were assisted in 2007; 3,000 in 1997; 50% Family Court issues
- Increased legal help for Hennepin residents; our partners reach more clients at lower cost at courthouse clinics; partners focus full-representation on more complex cases

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- **Centralized and Efficient Expansion:** Serving all 87 counties, the Minnesota Judicial Branch Statewide Self Help program is operated by Hennepin Co. SHC. See [www.mncourts.gov/selfhelp](http://www.mncourts.gov/selfhelp) and click on “Contact Us” for help via phone and email.
- Self Help website is praised by litigants, court staff, and other agencies. (Received John R. Finnegan Freedom of Information Honorable Mention Award, March 2008)

**A SHC allows for customer service specialization with greater efficiency, and superior service and outcomes.** “You’ve been more help to me in just 15 minutes than I’ve ever received from the court system-and I’ve been dealing with the courts (because of child support) for many years now.” *Dakota County resident calling the statewide self-help service.*

**The program resonates with the public of all socioeconomic levels and epitomizes “good government.”** “This is a great service. I hope you guys never lose your funding.” *Kandiyohi County resident calling the statewide self-help service.* “This is a great use of taxpayer dollars.” *Rochester resident with a Hennepin Co divorce case.* “I can hire a lawyer for this motion or my son can play hockey this year – but I can’t afford both.” *SHC customer with a parenting time problem.*

**A SHC minimizes problems for the court and other party.** “The (criminal expungement) pro se petitions that get SHC help are far less problematic than the attorney prepared or pure pro se papers we get.” *Hennepin Judge .*

“I couldn’t do my job without the Self Help Center.” *Hennepin Family court judge*

“It would significantly increase the burden of the clerk’s office and the judges’ chambers if (criminal expungement) assistance was eliminated. It is likely many of the statutory petitions would need to be refiled and served due to deficiencies in the petition, effectively increasing the amount of expungements with second or third filings from the same petitioners.” *Judicial Clerk*

**SHC is appreciated by litigants and community organizations and addressed important societal issues**

“Responding to a Petition for Divorce when one cannot afford an attorney is a very taunting(sic) and intimidating (sic) experience. I was in shock. I was afraid of making major mistakes and of losing my rights to parent my two teenagers. I came to your Center with many of the misgivings people say they have when approaching a “government” program. What a surprise!..(The help) gave me the confidence to tackle what would have been an overwhelming task...I met with the Court Referee and all was in order. A simple thank you is so inadequate.” Letter from *Champlin resident*

“I wanted to take this opportunity to express my appreciation for the Self Help Law Center. It is a government resource that is truly needed. I was impressed with how easy the center was to use. It is remarkably well organized...Even in my difficult circumstances, it was a delight to receive the clear support and guidance.” *Letter from Edina resident.*

I am writing to express my strong support for continuing the services provided by your department at the court. Our office receives 12,000 calls or so a year from individuals seeking legal help...(M)any of callers are best served through the assisted pro se model....In an environment in which all functions of government are deprived of essential funding, it is imperative that courts not find services like those provided by the Self Help Center to be extraneous, or expungement assistance a burden because of the overwhelming demand.

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...Your busy service center is central to what is admirable about the Fourth District's recognition that justice is not only the decisions of the judges, but the ability to use the law at all." *Letter from Exec. Director, Legal Rights Center*

**Hennepin Self Help Center is a national model**

"The Hennepin County District Court Self Help Centers and Program provide a mature and effective service to the courts and litigants of the County, and a useful model to the whole country. The programs are deeply embedded in the processes and culture of the court, depended on, and relied on, by the entire system. They increase litigant satisfaction and effectiveness, improve courthouse and courtroom processes, and save resources. The programs are engaged in a continuous process of self-evaluation and improvement.<sup>1</sup> Reflecting a commitment to access to justice on the part of the state court leadership, the programs offer opportunities for statewide enhancements in access to justice." *Evaluation Report of the SHC from 2004 by national consultant Richard Zorza*

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# Self-Represented Litigation Network

## Principal Products

This document describes the primary products developed and made available by the Self-Represented Litigation Network, a broad grouping of organizations working together on access to justice for those without lawyers. Many of these products were developed with support from the State Justice Institute, with additional assistance from the California and Maryland Administrative Offices of the Courts. The Network is hosted by the National Center for State Courts.

- [www.selfhelpsupport.org](http://www.selfhelpsupport.org). This networking website has over 2,500 individual pieces on content on access to the justice, and over 3,000 members. Registration is required, and membership is open to access to justice professionals. Unless indicated otherwise, all the materials in this document can be located on the site.
- ***Directory of Court-Based Self-Help Centers***. This directory is available in two versions. The public one which includes detailed listings of services, and the one published only on the password protected site, which includes contact information for the individuals for networking and support purposes.
- ***“Case For” Advocacy Materials***. These are a set of six documents designed to make the case to a variety of stakeholders of the value of innovation in support of access for the self-represented.
- ***Best Practices in Court-Based Self-Represented Litigation Innovation***. This document, now in its second version, summarizes forty two best practices in this area of innovation, with descriptions of each practice, suggested attributes, examples and contacts.
- ***Effectiveness of Courtroom Communication in Hearings Involving Two Self-Represented Litigants***. These materials are the product of research conducted by the Network and its partners into the effectiveness of, and best practices in, communication between judges and the self-represented. They include a 30 minute DVD in which a judge summarizes the results of the research, and in which the litigants and judges studied comment on their cases. The DVD is available from the National Center for State Courts, for judicial education purposes only.
- ***Court Self Assessment Toolkit***. These materials are a comprehensive packet of surveys and tools designed to help courts assess how well they deal with the self-represented, and to make improvements in their practices.

## Self-Represented Litigation Network Materials

- ***Federal Funding Opportunities For Self Represented Litigation Innovation Programs.*** This document lists a wide variety of federal funding opportunities, and suggests the areas of innovation to which they might be relevant.
- ***Judicial Education Curriculum Package.*** This package includes curricula on *Access to Justice in the Courtroom for the Self-Represented* (Introductory and Comprehensive versions) and *An Overview of Judicial Leadership in Access to Justice for the Self Represented.* Each curriculum includes a PowerPoint with detailed faculty notes, and an integrated Activity Guide and Resource Handbook. The package includes an integrated DVD of *Courtroom Best Practices*, based on courtroom research . The materials are intended for judicial educational purposes only, and the DVD is available upon request from the National Center for State Courts.
- ***Court Leadership Package for Self-Represented Litigation Innovation.*** This leadership package includes fifteen Solutions Modules each highlighting a different innovation. Each Module includes a PowerPoint including preparation notes, a chapter of an integrated Activity Guide, a chapter of an integrated Resource Handbook, a set of brief Program Profiles that provide additional detail on programs discussed in the PowerPoint, and a selection of video segments from the accompanying DVD. The Leadership Package is being launched at the Court Solutions Conference in Baltimore Maryland in September 2008. A final version will be made available following that launch.

### **For Additional Information, Contact**

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