Trial Court Research
and Improvement Consortium

Report on the Self Help Centers of the Fourth Judicial District Court of the State of Minnesota

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Anita Bailey, Esq,
Richard Zorza, Esq

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Introduction and Overall Conclusions

This Report is an evaluation of the Self Help Programs of the Fourth Judicial District Court of the State of Minnesota, located in Hennepin County. The Report was prepared as part of the Trial Court Research and Improvement Consortium *Pro Se* Assessment Project, funded in part by the State Justice Institute,[1] and uses an Assessment Tool developed by the Project. This individual evaluation is intended both to provide concrete feedback and suggestions to the management of the Hennepin County District Court, and to be part of creating a general picture of *pro se* litigants and *pro se* innovation throughout the country.[2]

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.[3] 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.

Perhaps the most dramatic way for this Report to communicate the impact of the Centers, and of the commitment of Court management to understanding the needs of *pro se* litigants, is to note that not once in the entire week of visits, interviews, and observations did the evaluators hear a single derogatory or hostile remark about *pro se* litigants.[4] In the opinion of the evaluators, this is the highest praise, one to which all courts should aspire, and a great credit to the entire staff.

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1 The Project is funded by SJI grant no SJI-03-N-104. Opinions expressed are those of the authors and not of the State Justice Institute.

2 This evaluation was conducted by Richard Zorza, an independent consultant, and by Anita Bailey, who is a staff attorney of the Legal Aid Bureau of Maryland, which under a contract between that organization and the Circuit Court for Anne Arundel County, Maryland, operates that Court's Family Law Pro Se Project. Ms Bailey directs the Project.

The two evaluators spent five working days at the center. The stakeholder interviews they conducted were supplemented by extensive staff-conducted surveys of litigants, judges, court staff, and users of the Self Help Centers. Court observations were also conducted and coded by graduate students and law students.

3 Examples are collected at note 18, below.

4 Obviously the evaluators heard many stories of the mistakes made, and problems faced by, *pro se* litigants, but these were always told with compassion, and in the context of an understanding of the Court's responsibility to treat those problems as ones that the Court itself should be working to solve.

While this Report consists in large part of a number of suggestions for improvement, none of them should be viewed as undercutting these overall highly positive conclusions, and indeed most are already under at least general consideration by the management of the programs.

Overall History and Description of Program

The Program developed through the foresight of State Court and Hennepin County District Court leadership. State Court leadership focused attention on access to justice issues through judicial leadership seminars, exposure to Arizona court innovations, appointment of pro se coordinators in each court District, and the formation of a pro se committee to develop and revise forms for self-represented litigants. Concurrently, the Hennepin County District Court formed a committee to address pro se issues involving court staff, judges, management, legal aid, and the bar. One of the major results of this work was the creation of the Hennepin Self Help Center in 1997.

The Self Help Center opened with two components- a part time court clerk for triage and information and referral, and a volunteer attorney program called "Legal Access Point" for brief legal advice on any issue. "Legal Access Point" is managed jointly by the court, the local bar association, and the local volunteer attorney program, ("Volunteer Lawyers Network, a non-profit corporation.") The first year 3, 000 people were served.

In 1998 the Family Law Facilitator Program was added to assist pro se parties with forms and procedures for divorce, paternity, and post-decree motions. Forms were screened by volunteer paralegals under the direction of a volunteer coordinator. Law firms and paralegal programs were tapped for volunteers. A family court judge provided oversight and advice for the facilitator program, and Legal Access Point provided legal advice to complement the procedural assistance and legal information.

Additional programs and resources were added over the years based on needs analysis, and a second Self Help Center was created when Family Court moved to a separate building.

The programs are currently managed by an attorney (the director), and services are provided by:

- 7 full-time staff (4 senior court clerks, 1 staff attorney, 1 paralegal, 1 volunteer coordinator)
- 1 full-time attorney from Central Minnesota Legal Services through a court funded contract
- 17 volunteer paralegals
- 18 volunteer law students
- 60 volunteer attorneys

- A housing law attorney (60% time) funded through a county contract with Legal Aid of Minneapolis
- A family law attorney (20% time) funded through a grant from McKnight Foundation to Central Minnesota Legal Services.

Currently, the Centers offer assistance with any type of legal issue. Services include:

- Triage by court clerks to refer people to Center programs and community resources
- Triage by volunteer and staff attorneys to help determine whether the person has a legal issue, should consider going to court, or should consider other options
- Legal Advice from volunteer attorneys and from contract and grant funded attorneys. There are clinics for general questions, and specifically for family law, housing law, and criminal expungement issues.
- Extensive assistance by staff with forms and procedures including standardized forms and generic forms (like an Answer to a civil complaint or Ex Parte Motion)
- Screening of all family law motions as required by local court order
- Videos to explain the divorce and family court motion forms and procedures
- Individual consultations with staff attorneys to assist with preparing for the hearing, complying with court orders, and preparing Affidavits, motions, and letters generally in response to requests from the judiciary before, during, or after the hearing,
- Assistance for non-English speakers in several languages to assist with courtwide business by Center staff and through partnering with a local non-profit
- Collection of legal information fact sheets, brochures, booklets and videos

Taken together, the programs serve approximately 26,000 litigants a year, with a staff of 8, at an annual cost of $580,000[5], and a per user cost of approximately $22.

Results of Stakeholder Research and Data Gathering

Approximately 30 stakeholder interviews, of judges, clerks, bar association partners, court administrators, program staff and bar volunteers, as well as a variety of surveys completed by court staff at all levels, support the following conclusions:

- All the stakeholders strongly support the programs and believe that they are critical to the effective functioning of the court. The programs' goals are strongly congruent with those of the court as a whole, and are well expressed in program and operational terms.[6]

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[5] This figure includes all staffing costs both salary and benefits, office expenses and volunteer reimbursement expenses. It does not include costs borne by the partner organizations.

[6] For completeness, it should be noted that the Program as a whole shares all the "Widely Accepted Goals of Programs to Assist Self Represented Litigants", which appears at page 5 of the Assessment Tool.

- All the stakeholders strongly believe that the impact of the programs extends throughout the court to all its operations. There are, however, differences in the perspective of different stakeholders, and some parts of the system are seen as having more impact and benefits than others.[7]

- There is a consensus among all the groups of stakeholders that the programs ultimately save court resources.

- Clerks, operations staff, and others involved in managing the flow of cases believe that the program makes a dramatic difference in the ease and efficiency of their work, and in the quality of the documents that are filed with the court.[8]

- Judges value the program, and regard it as important in improving the flow of cases into the courtroom, and in reducing the number of frivolous or unprepared motions.[9]

- Court managers perceive the program as critical to the overall flow and structure of the courthouse.[10]

These are: "*Increase understanding of court orders, Increase compliance with the terms of court orders, Increase access to justice, Increase the likelihood of "just" outcomes involving self–represented litigants, Increase user satisfaction with the court process, Increase the efficiency and effectiveness of the court system, Increase education for court users, Help users develop expectations that are reasonable in light of the law and the facts.*"

7 It is interesting for example that while 36 out of 57 surveyed court staff (excluding judges) believe that the Centers have improved the completeness and correctness of documents (with only 2 "no" and 17 "don't know"), that a lesser 18 report that the Centers have reduced the extent to which the self-represented are taking less time than those with counsel (14 "no" and 23 "don't know," and that the no and don't know are clustered in judicial support staff rather than non-judicial. In other words judicial support staff are not so clearly observing the time saving impact of improved form preparation. In total 12 of the 24 with an opinion believed that the time taken to complete hearings with self-represented litigants has gone down, with only 5 believing it has gone up.

8 See statistics reported at note 7 above.

9 The judicial survey reported strong belief that the Centers had improved the completeness and correctness of documents (20 "yes," 3 "no", 7 "don't know") somewhat weaker consensus that they had improved ability to participate in hearings, (12 "yes," 8 "no," and 9 "don't know") and had reduced the need for rescheduling of hearings (11 "yes," 7 "no," 12 insufficient experience to rate), lack of clarity as to whether the program had improved familiarity with court rules (11 "yes," 11 "no," and 8 "don't know") or improved realistic expectations about outcomes (9 "yes," 9 "no," 23 "don't know"), and skepticism as to whether it had improved apparent understanding of the court's rulings (5 "yes," 8 "no," 17 "don't know"). It may be that some of these less favorable ratings are a result of the possibly lower self-representation capacity of Center users, many of whom have lower socio-economic status. It may also come from judges lack of knowledge as to who has used the Center.

10 See data cited in notes 7 above and 9 above.

- Self Help Program staff are happy with the value and utility of the work they do.[11]

- Bar partners are convinced of the significance of the program.[12]

- Users are happy with the services they receive.[13]

- As a general matter, the program is perceived as most useful in distributing the correct forms to litigants, and making sure that these forms are appropriately completed.[14]

- While there is strong belief in the utility of the program in preparing litigants for the courtroom, and in impacting on the processes in the courtroom, there is less unanimity in this view.[15]

- Only some of the stakeholders are fully aware of the impact of the program on what the stakeholder interview refers to as "just outcomes,"" which was intended by the drafts to mean the extent to which the ultimate outcomes of the procedures are in accord with the underlying law and the underlying facts.

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[11] This conclusion was reached as a result of individual interviews and participation in staff meetings.

[12] This information comes from interviews with bar leaders and administrators interviewed during the evaluation process.

[13] For example, on a 1 to 4 score (with 1 being best) on the Program Exit Interview, all average user satisfaction scores were close to 1.5. (Overall satisfaction 1.59; helpfulness in understanding situation 1.66; knowledge of staff 1.49; staff listening 1.51; staff explained clearly 1.54; staff treated me with respect 1.44; time wait 1.77; would recommend 1.4.) Scores for the helpfulness of specific services were higher, with 36 out of 43 reporting help with forms "very helpful," 7 "somewhat helpful," and none "not helpful." Only one response reported a particular service as not helpful, and that was one presumably failed attorney referral (perhaps to legal aid.)

Interestingly, the court exit survey (18 Center users, 52 non-users) suggested that those who used the Centers ended up slightly happier with the system overall than non-users. For example, the Center users score for being treated with respect by court staff was an average of 4.72, compared to 4.62 for nonusers (5 point score). And the users score for being treated with respect by the judge was 4.83, compared with 4.60 for non-users. Judges ruling fair score: users 4.23, non-user 4.16. Most significantly, in response to the question "Did you do a good job representing yourself?" the average user score was 4.29, and the non-user 3.92. In contrast, however, scores dealing with the quality of preparation on specific issues seemed slightly lower for Center users (e.g. "understand words used by the judge" users, 4.56, non-users 4.63; ability to explain outcome, users 4.21, non-users 4.28.) It is not clear whether this is an artifact of small user sample size, or the result of the lower self-representation capacity of the generally lower income, higher non-white, more female, and lower economic users of the Centers. (While the statistic significance is dubious, it is the case that a cluster of answers seem to move together.)

[14] See data cited in notes 7 above and 9 above.

[15] See data cited in notes 7 above and 9 above. The evaluators noticed that the question about "just results" often left interviewees confused until the potential impact of improved forms and litigant preparation and presentation was explained to the interviewee. As a general matter, it appears that judges and referees were more sensitive to this potential impact.

- Similarly, those involved in the front end of the system (clerks and court operations staff) show the highest levels of very high satisfaction with the program, while those positive opinions are somewhat weaker for judicial support staff. The support level of judges, who are least directly aware of the impact of the programs, similarly reflects this lesser level of direct contact. (It should be emphasized that these are only relative comparisons and that all groups show high support for the program.)

- Court observations and exit interviews confirm that the court as a whole is achieving excellent results in terms of the satisfaction of its users who do not have lawyers, as well as treating those litigants well in the courtroom, and apparently creating an environment in which they are able to tell their stories to the judge.[16]

- Currently a significant majority of those who go to court *pro se* do so without the help of the Centers. Court staff believe that this has a deleterious impact on court functioning.[17]

- While the program does not have a formal evaluation contractor, the court has a research staff, and that research staff, as well as the director of the Self Help Program, are involved in a continuous process of review of the program, including surveys, data analysis, and stakeholder feedback.[18]

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[16] The surveys of the litigants as they left the courtroom, and the results of the courtroom observation provide strongly positive results. For example, of 90 *pro se* appearances scored, almost all concluded that the "judge gave litigant an opportunity to participate effectively" ("somewhat" 3, "no" 1); 81 that "litigant was able to answer judges questions" (6 scored "somewhat", 4 "no); only 9 "needed clarification of legal terms" (5 of the 9 needed this only "somewhat"); in only 3 cases "litigant provided documents, evidence, etc., that judge would not look at"; in only 8 cases "litigant reprimanded by judge during hearing (5 "somewhat", 3 "yes"). It should be noted that the problem scoring was concentrated in the defendant/respondent observations.

Similarly, judges themselves report that out of 70 pro se cases (often including scoring of both sides and many presumably not having used the self help programs), 61 "had documents prepared correctly" (11 "somewhat" 13 "no"); 64 "able to tell his/her story effectively" (14 "somewhat" 10 "no"); 46 "appeared to understand court's rulings" (13 "somewhat" 8 "no"). Again, problem scoring was higher for the defendant/respondent category.

This individual data may become more specifically useful when other courts have applied the same instruments, and it becomes possible to make comparative generalizations.

[17] In the courtroom exit surveys, 18 had used the center, and 52 had not. The Centers estimate that they serve 26,000 people a year. This would suggest that about 75,000 people a year use the court without benefit of either an attorney or the Self Help Centers. Court staff report that certain classes of users exhibit perhaps excessive self confidence about their abilities to proceed without help from the Centers.

[18] These techniques include regular review of information from the Family Law Facilitators intake database, which includes issue and demographic information, as well as waiting times. They also include surveys of users of particular services, such as the video tapes. The program has attempted to make follow up calls to litigants, but found that the mobility of the clients makes them very hard to locate.

One survey of family filings revealed that while 64% were filing pro se, only 25% were using the Center's approved forms. This led to a decision to increase outreach. Another study showed dramatic

- Finally, it should be noted that the statewide court leadership stakeholders value the expression in the Self Help Programs of their commitment to, and early investment in, services to the self-represented. This appreciation of the value of the approach is reflected in a search for cost effective methods of broadening the approach throughout the state.[19]

Areas Needing, and Recommendations for, Program Improvement

The TCRIC Evaluation Instrument includes both a number of areas of assessment and a specific protocol for assessment of a *pro se* program against what are described as "Emerging Practices."[20] The Hennepin County District Court Self Help Programs scored high on this assessment and comparison. Moreover, the review, particularly when taken in comparison with detailed observations of the Centers' day to day operations, led to the following recommendations for areas in which Center and Court management might focus their continuing improvement processes.[21]

Triage and Assignment

The evaluators endorse the value of the program's long standing and continued review of triage and assessment processes at the front desks of both the Self Help Centers. Their preliminary observations of the way these desks operate suggest what may be unnecessary variations in the way users are treated depending on load, time, problem and language. The evaluators suggest that Center management consider the continued enhancement of its protocols, governing the amount of attention to be paid to each user, prior to referral or being put into a wait status.

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reduction in processing time for the expungement cases. Another study of volunteer lawyers' satisfaction guided changes in training and expectations management.

One particularly significant project was a file review in which 125 family court files were reviewed. The conclusion was that almost all the cases had in fact been decided on the merits, rather than on the kinds of procedural grounds that the Center is meant to reduce, such as the filing of the wrong or incomplete documents, or failure to serve.

[19] Particular thanks should be expressed to Chief State Court Administrator Susan Dosal, Appeals Court Chief Justice Edward Toussaint, and Appeals Court Judge Terri Stoneburner for their generous sharing of perspectives on the *pro se* issue, and of the history of the state's growing response.

[20] The Emerging Practices were developed collectively by the members of the Consortium. They are available at www.selfhelpsupport.org

[21] There appears below in an Appendix a summary of these recommendations organized as recommended in the Assessment Tool.

Telephone Service

The Centers currently provide very little service over the phone. This is in contrast to many self help programs, which have found providing information over the telephone a highly cost effective way of increasing access to the courts.[22]

Some programs use a separate phone line, answering it during fixed hours. Some integrate phone information closely with web-based information and tools (discussed below.) Such a service could make appointments for consultation with either volunteer attorneys or staff attorneys, and could be integrated with the kind of unbundled advice program described below.

The evaluators think it likely that a careful adoption of a phone information service would increase the number of those served at relatively low additional cost. They note the possible particular relevance of such a service delivery mechanism for rural areas, and its benefits for those unable to get to the court.[23]

- Integration with Web and Electronic Filing Services

Minnesota now enjoys the benefit of one of the best legal aid public information websites, www.lawhelp.org/mn, and there is already significant stakeholder cooperation with the state's LawHelp Committee. The evaluators encourage exploration of additional collaboration. They note that LawHelp/MN includes a Court Channel, including information about courts. They suggest that a public access computer should be provided in the Centers.

The evaluators recommend exploration of the "navigator" concept. This idea, pioneered by the American Association of Retired People, uses volunteers who are not trained in the law to "navigate" users to the right information and tools on the Internet.[24]

The evaluators also note the absence of electronic filing in the court. While such an innovation may be beyond the authority of the County Court, the evaluators note the success of access-oriented electronic filing in other jurisdictions, and its potential to so improve the quality of filed documents that clerk staff are freed to perform customer assistance roles. It should be noted that such savings do not follow automatically from any electronic filing deployment, but rather are the consequence of careful attention during the design process to the needs of those without lawyers.

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[22] Alaska, for example, operates a statewide information system that provides no face to face contact at all. For additional information, go to http://www.courtinfo.ca.gov/programs/cfcc/resources/calendar/conferences/communitymaterials.htm.

[23] A successful experiment in provision of phone-based information would be much easier to replicate throughout the state.

[24] Additional information about this technique is available at www.selfhelpsupport.org.

Volunteer Attorney Role and Management

The evaluators received several comments from a variety of (but not all) stakeholders commenting on an apparent lack of consistency in the depth of advice given by some volunteer attorneys. Given the enormous practical, financial and political value of the volunteer programs, these observations should be seen as an opportunity to focus on two interrelated issues: 1) the management of expectations within the court about what level of intervention by volunteer attorneys is appropriate, 2) and the reasonableness of increased expectations as the programs become more integrated with the court and more critical to its effective operations.

At one extreme it should be recognized that as the quality and reliability of the self help programs increase, they are becoming more critical to the overall functioning of the Court. A failure of quality control at one of the Centers can have a direct effect on the operation of the Court, and all the court staff therefore have a strong stake in the quality of the Centers' work.

Conversely, it is unreasonable to expect volunteer attorneys to be expert in every area of the law in which they are called to provide advice. Their lack of knowledge can not be seen as a failure of either the attorney or the program. Rather the program must develop ways of leveraging the skills of the attorneys and those of the Center staff so that the ultimate quality of the advice given meets the needs of the court and the litigants.

The evaluators recommend consideration of the following:

- Enhancement of training materials
- Partnering between attorneys with different skill sets and levels of experience
- Improved record keeping for review of advice
- Strengthening of the relationship between Center staff and volunteer attorneys

In particular, the evaluators recommend acting on the insight that the role of papers prepared for a *pro se* litigant is very different from that of those prepared by an attorney in a notice pleading case. For better or worse, in most *pro se* cases, the papers are the case. They are often the primary mechanism by which the judge is told of the facts, the issues, the law, and the evidence. They are often the litigants' best opportunity to be "heard." All but the most active and engaged judges must rely extremely heavily upon them to define the case. An omission may effectively doom a case.

Encouragement, Facilitation and Promotion of Unbundled Legal Services

The evaluators recommend serious consideration of the development of a more formal program of paid unbundled legal assistance. Such a program would improve

services to litigants, remove some pressures from the program, and additionally increase bar support for the program and for services to the self-represented.[25]

Such a program might include the following elements.

- Adoption of the ABA Ethics 2000 modifications to Model Code of Professional Conduct Rule 1.2, and adoption of the new Rule 6.5
- Development of training programs for unbundling
- Development of risk management materials
- Usage of a referral book in the centers

Models for such ideas already exist.[26]

Language Issues

Many stakeholders noted the continuing need for enhancement of services to the non English speaking. While the program should be praised for its extensive services to Somali and Spanish speakers, it is clear that much remains to be done. Evaluators note the availability of Language Line as a partial solution, but recognize that this is ultimately a problem that can only be solved with additional resources.

Cross Training Between Units that Serve the Public

The evaluators noted the relatively high level of understanding by the staff of each of the court's units of the tasks and procedures of other units. It is clear that this knowledge greatly increases the ability of each unit to assist the public, and to make appropriate referrals. The Court and the Director of the Self Help Programs should be praised for the level of cross training that already exists. Some stakeholders requested additional information about each others' components, and particularly about changes in programs and procedures. The evaluators recommend adopting this suggestion.

- Promotion and Advertising

Several stakeholders, seeking to make sure that the Centers' benefits reach to an even higher percentage of the caseload, suggested increasing the promotion of the services, both internally and externally.[27] Some suggestions endorsed by the evaluators include:

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[25] This is supported by the fact that the largest reported reason by far for using the Center was inability to afford an attorney (28 out of the 61 responses to the Program Exit Survey. It should be noted that an additional 25 reported "other," and that review of the answers written in suggests that many of the 25 probably be added to the inability to pay category.

[26] Many can be viewed at www.selfhelpsupport.org.

[27] This utility of this idea is supported by the Center Program Exit interview, which revealed that 19 of 61 respondents heard of the program from family or friend, and 11 from the clerks office, while none heard of the program from newspaper, TV or radio, or from pamphlets or other written materials, and only two from the bar, two from an attorney, and two from Legal aid.

- Including notices about the Centers in the Calendar Screens in the lobbies of the main building
- Radio and TV Public Service Announcements
- Enhancement of outreach to targeted community groups and the bar

There is some anxiety that such promotion will increase the load on the Centers or the courts as a whole. The evaluators do not believe that the courts are likely to be swamped with new cases, since there is little evidence nationally that enhancements of pro se services have this effect, but they do anticipate that effective outreach may increase the percentage of court users who make use of the Centers. The reported staff savings caused by the Center usage should mean that such an increase can be met by internal management changes by shifting additional staff to the Self Help Centers, and will not, at least in the long term, require significant additional resources.[28]

Integration of Planning (Centers and Others)

The evaluators were struck by the level of integration of the Self Help program with all aspects of the courts operations. It is this integration that is most critical to the success of the program. The evaluators suggest building on this integration in a number of ways, some small, some much larger.

A joint review and planning process should be created to study and act on the experiences of the self-represented in the court. This process should look, step by step at what happens to those without lawyers, from the most mundane (such as courthouse signage), and should identify where it is most helpful and cost effective to make a change or provide an additional service.[29]

In particular, there should be focus on division of labor as to certain currently divided tasks such as the distribution of forms. While the evaluators realize that there are historical and practical reasons (such as charging fees for certain forms), they suggest that the current forms distribution systems may be confusing to litigants and inefficient for the staff. It might be appropriate to consider having most of the forms available in a variety of locations. It might also be decided that requiring all to go to the Centers to obtain forms would increase the percentage self-represented litigants that make use of the Center's services, and thereby reduce overall court delays.

Similarly, thought should be given to analyzing staff needs overall, effectively putting Self Help Center staff in the same pool for planning purposes as those operational staff whose work is most made more efficient by the Centers. This would provide for planning flexibility.

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[28] It is worth noting that shifting staff to Self Help programs requires considerable "balancing" of interests in tight budget environments. The Minnesota State Staffing Study 2003 findings conclude that Hennepin County District Court is understaffed by 56 people, excluding judge needs.

[29] The evaluators suggest that Zorza, *The Self Help Friendly Court, Built from The Ground Up to Serve Those Without Lawyers*, offers useful perspectives in this process. The book is available at www.zorza.net.

Internal Referral Issues

Several stakeholders commented on the potential for improvement of internal referral processes. Some noted that individuals would come to a Center from the courtroom with little apparent understanding of what they needed. Others reported apparent misunderstanding or misinformation on the part of those sent from a clerk's office, including as to what they could reasonably expect. While these problems may well reflect the litigants' failure to understand in fact clear and correct instructions, they do suggest the possible benefit to a written referral system, by which the referrer, whether a clerk or a judge, would indicate on a form the question or need to be addressed.

Courtroom Functioning

The evaluators were impressed by the sensitivity of judges and referees to the courtroom needs of those without lawyers. The evaluations noted that in those few *pro se* cases in which they observed judicial demeanor judges did an exemplary job of drawing out and explaining the process to the litigants.[30] Hennepin probably has much to contribute to the rest of the national in skills and ideas on how to do this best. The evaluators suggest continued courthouse discussions and seminars within the judiciary, possibly with the participation of certain Self Help Center staff who could provide feedback on self-represented litigant needs.[31] In particular, the continued development of courtroom management techniques for one attorney, one self-represented cases seems a priority.[32]

Enforcement Issues

The evaluators also note that the Court's domestic violence programs (which they did not evaluate) are testing, in one area, concepts of additional court responsibility for post order follow up and enforcement. The evaluators believe that this provides a solid intellectual foundation for an exploration of ways in which the Self Help Center, and the Court generally, might start to develop cost effective techniques to increase compliance with the Court's orders.

Such a process might start with follow up surveys of users,[33] the offering of additional services to make sure that Center users understand their responsibilities under

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30 These observations were supported by the courtroom observation survey, the results of which are summarized in part at note 16.

31 The evaluators noted with satisfaction the extent to which the Self Help Center staff provide an information ombudsman function, brining general problems to the attention of court management.

32 See, generally, Albrecht, *et al*, *Judicial Techniques for Cases involving Self-Represented Litigants*, Judges Journal, spring 2003.

33 The mobility of the Center user population has frustrated earlier follow up survey efforts.

the Court's Order,[34] and data gathering steps about addresses, resources, and employment, which might routinely be taken in the courtroom to facilitate enforcement by the winner. In the long term simplification of enforcement procedures would both serve society and reduce ongoing burdens on the Court.

Summary of Assessment and Recommendations by Function

In order to ensure consistency with the format of the Assessment Tool Work Product, there follows a Summary of the relationship of the above detailed recommendations to the function list described in the tool.[35]

- Goal Alignment

There is no need for any change in goal alignment between the program and the court as a whole.

- Emerging Practices

The relationship of the Program to the Emerging Practices is summarized in an Appendix. It should be noted that Unbundling, Telephone Services, Customer Oriented E-Filing and Web Services are suggested as worthy of consideration

- Evaluation

The Center has extremely impressive internal ongoing evaluation processes. No general change is recommended.

- Client Groups

The Center pays continual attention to identification of client groups and alignment of programs. No general change is recommended in the processes by which this is done. As was clear to all, additional resources would allow more focused services to those not comfortable in English.

- Statistical and Data Analysis

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[34] The Court's current research into the impact on outcomes of more comprehensive judicial explanation is ground-breaking. The evaluators have seen some of the preliminary research results, and look forward to its formal publication.

[35] As will be seen from a comparison of this section to the one above it, there is not complete alignment between the categories in this section, and the areas in which recommendations for changes and improvements were made.

The Center's research is impressive. The evaluators recommend additional analysis and review of the data gathered for this process, including comparison of the results with those from other jurisdictions when they become available, and additional focus on which steps in the process are in greatest need of improvement, and which tools are most useful in assisting in these steps.

- Strategic Planning

The Center's strategic planning is impressive. As of the time of the Report, the Center, and indeed the Court as a whole, was suffering substantial uncertainly as a result of the ongoing process of statewide court integration. The Evaluators believe that State leadership appreciates the value of the Hennepin programs, and seeks to find ways to generalize the benefits statewide. Current strategic planning might focus on how to create opportunities for the state to maximize these benefits.

The evaluators' recommendations also include a focus on how the court's self help programs can move beyond the preparation process into the courtroom itself, and even beyond that into the enforcement process.

- Stakeholders

The Center clearly works well with a wide variety of stakeholders. No significant changes are recommended. As detailed above, the growing integration of the program with the Court as a whole may suggest review of how best to make use of *pro bono* attorney resources.

Overall Assessment, Recommendation and Conclusion

The entire Hennepin Court System should be proud of what it has achieved in its services to the self-represented. The Court has an extremely solid foundation on which to build. The program will be an important resource for the rest of the state as the statewide reorganization of the court systems provides opportunities to enhance access to justice throughout the state.

The program should continue its pattern of self-assessment and enhancement, and is deserving of the resources to make such enhancements possible. The deployment of such enhancements will be cost effective and will save the state and county resources overall.

Appendix: Review of Hennepin County Using Emerging Practices Assessment Tool

The assessment tool developed by the Trial Court Research and Innovation Consortium includes a number of Emerging Practices against which a court's program should be compared. While most of the results of this comparison appear in the recommendations above, for purposes of completeness, a practice by practice comparison appears below.

Emerging Practice	Hennepin County Status
Easily Understandable Forms and Instructions Forms and instructions written in plain English	The Self Help Centers and the Court provide a wide variety of forms and instructions written in plain English. They are more comprehensive in the family area than in other areas. The forms and instructions meet with wide satisfaction and are under continual review and improvement, in a process that involves the judiciary.
Large Type Forms and instructions in larger type.	Such forms are not formally available, but it has been indicated that they would be printed out if requested.
Development of a Web Site for Self-Represented Litigants Applicable statutes and rules, extensive instructions written in plain English, downloadable forms, and interactive forms completion programs (where the program obtains the user's input in response to questions and populates the form appropriately based upon the answers).	The State Court website at www.courts.state.mn.us has numerous forms and extensive instructions in plain English. Interactive forms are not currently available. The forms are under "Clerks Office" and this makes them difficult to find. The website also has court rules, some court opinions and links to the Hennepin County District Court Self Help Center website, which links to other websites with pro se friendly materials. Given the availability of www.lawhelp.org/mn as a resource, and given criticisms of the inaccessibility of forms on the current state court website, attention to this issue is recommended. The Recommendations in the body of the Report make a number of suggestions as to how best to proceed to improve web resources.
Other Languages Easily understandable forms and instructions, translated into Spanish and	The program has done an excellent job of identifying linguistic needs. It has a small number of multi-lingual materials, and

other languages (including Braille) as designated by the county's demographics.	more would improve service.
Access at Local Libraries and Community Access Sites Website available at public facilities such as public libraries, city halls, and municipal buildings together with assistance in accessing and using the website	This service is not available, although the Lawhelp/MN outreach network probably provides some of this function.
Attorneys in the Courthouse Attorneys either employed by the court, employed by an outside agency, or working pro bono counsel litigants prior to court appearances	The Self Help Centers make extensive use of staff attorneys (who are viewed as not giving advice) and volunteers (who are), and these resources are widely appreciated. The housing assistance program is particularly focused on such pre-hearing assistance.
Attorneys in the Courthouse The judge may send litigants out of the courtroom to meet with attorney advisors in order to expedite calendars.	Referrals from the courtroom to the Self Help Centers do occur. The main body of the Report makes suggestions for improving the referral process
Workshops Workshops can be either run by video or live presenters.	The Centers provide a variety of workshops, particularly in the family area.
Mobile Services Centers Service centers contained in mobile RV units that can be driven to various parts of the jurisdiction	There is no mobile service Center, and the evaluators do not recommend one. They do suggest the development of a live phone assistance program for outreach to more distant areas, and as a model for more rural areas of the state.
Telephone Attendant Decision–Tree Systems can provide telephone assistance to self–represented clients	There is no such service, and the evaluators do not recommend even exploring one. They do suggest serious exploration of a live phone service, the details of which are suggested in the body of the Report
Training Other Court Staff Provides a customer service orientation to all public information components of the court.	There is significant cross training, which has succeeded in creating a strong public service orientation to the whole court. Opportunities exist for an expansion of these components.
Prehearing Screening Process A court staff member, staff attorney (sometimes called a family law facilitator) or a volunteer attorney (sometimes from legal services) reviews the papers prepared by the parties to determine their readiness for consideration by the judge. In some courts, judges meet with the parties in a	In the family law area, such screening is required for motions. This process is greatly appreciated by the judges and referees. It should be noted that refusal of screening, or a negative result, does not bar a motion from consideration, but merely "flags" it as not having been certified as meeting the minimum legal requirements.

prehearing conference to accomplish the same objective and to help with dispute resolution.	These requirements include meeting procedural requirements such as service, and passing substantive bars such as the pleading of an emergency for a change in custody following a recent hearing.
Unbundled Legal Services Providing access to specific legal services on a limited representation basis -- limited to a specific phase or issue in the case.	While the volunteer attorneys and legal aid housing attorneys provide unbundled services, there is not a formal paid private bar program. The evaluators recommend, in the body of the Report, a number of ways to move toward such a program.
Community Outreach Providing information about court services and obtaining input from community members about those services and their experiences with the courts.	The program engages in such outreach, and is considering ways of increasing such outreach.
Fully Interactive Forms with on line or otherwise simultaneous Video Help	The program is working with the Legal Aid Society of Orange County to implement I-CAN for dissolution of marriage. This is the state of the art software.
Customer Friendly E-Filing Court-sponsored forms completion process is linked to electronic filing system so that self-represented litigant can file form as soon as it is completed.	As noted in the Report, there is no current e-filing project. The Report suggests approaches. Current technology initiatives in the state are e-filing compatible.