



**A REPORT ON PROGRAMS AND SERVICES FOR SELF-
REPRESENTED LITIGANTS IN THE
NEW YORK STATE COURTS**

September 2001

OFFICE OF JUSTICE INITIATIVES

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REPRESENTED LITIGANTS IN THE
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I. INTRODUCTION

In November 1999, the New York State Unified Court System sent a team of court managers, bar leaders and judges to the National Conference on Pro Se Litigation sponsored by the American Judicature Society (Appendix A). Prior to November, American Judicature Society conference planners sent a survey to each state team requesting that they gather preliminary information about pro se assistance programs in local courts.¹ Additionally, several judicial districts in New York State were sampled for the services they provide self-represented litigants (hereinafter “SRLs”) (Appendix B).

As a follow-up to the pre-conference findings and the State Action Plan which was drafted at the conference, the Office of Justice Initiatives developed a survey designed to gather information from each trial-level court about court programs and services for the SRLs. The survey was designed to be completed by court managers and to collect information about the following issues and concerns:

- S To what extent is reliable information available on the numbers of self-represented litigants using the courts and the types of cases in which they are involved.
- S To what extent are courts reporting an increase in the number of self-represented litigants seeking services.
- S How have courts addressed the impact self-represented litigants have on court operations including space and staff allocations to assist self-

¹Results of this pre-conference survey can be found in “A National Conference on Pro Se Litigation: A Report and Update.” April 2001. American Judicature Society. Three pro se assistance programs were surveyed in New York State.

represented litigants in the courts.

- S What types of materials are provided to self-represented litigants (e.g., videos, brochures, pamphlets, forms, etc.).
- S To what extent have court managers provided training to court staff who assist self-represented litigants.
- S To what extent have courts become involved in pro bono programs in the courthouses such as providing referral information to self-represented litigants or providing space for non-court system organizations to render services in the courthouse.
- S To what extent are law library resources available to self-represented litigants.
- S What plans do court managers have to modify or expand court services or further improve services for self-represented litigants.

As suggested by the pre-conference measurement tools and confirmed by the findings from this study, self-represented litigants are present in all levels of the courts and the response to their need varies greatly. In the main, there is a response that more needs to be done. Clearly, the special challenges posed by the self-represented have resulted in greater demand on court staff to assist these litigants in navigating the legal system. What follows are the findings from the survey of court managers regarding the services provided to SRLs.

II. METHODOLOGY

Prior to this survey, there had been no comprehensive assessment of the programs and services offered to self-represented litigants in the New York State Court System. During August 2000, the Office for Justice Initiatives began plans to collect information from the state's trial courts about these services. In developing the survey, court managers from a range of courts provided input on issues and concerns the survey should target. The survey then was designed to collect responses to open-ended questions about court programs and services offered to assist SRLs. A copy of the survey can be found at Appendix C.

The survey, along with a cover letter from Judge Newton (Appendix D), was sent to 188 chief clerks representing the trial level courts throughout New York State. Additionally, an e-mail was sent to all of the chief clerks with the survey attached. In response to both the letter and the e-mail, a total of 215 surveys were returned. In addition to 203 trial-level courts¹, the Court of Appeals, the First and Third Departments of the Appellate Division, the Court of Claims and eight Surrogate Courts completed the survey. The survey information obtained from all of these courts is also included in the

¹If each court had responded individually, there was a potential to receive 188 completed surveys representing the trial-level courts of the state. However, in some cases individual offices or divisions within one court responded separately to the survey. For example, although Erie County's Supreme Court received only one survey, four surveys were returned from the different offices within that court. Similarly, Monroe County's Family Court completed a survey as did its Domestic Violence part. All five court locations responded separately to the survey mailed to the Civil Court of the City of New York and four of the court locations responded separately for the Small Claims and Housing Courts. Likewise, in response to the survey mailed to the Criminal Court of the City of New York, all six locations (including the Midtown Community Court) responded separately. In response to the survey mailed to the Family Court of the City of New York, one combined response was submitted as was a separate response from New York County.

analyses.

The number of surveys analyzed based on court type is displayed in Table 1:

Table 1

Type of Court	# of Surveys	Percent
City Courts (outside NYC)	60	27.9
Supreme and County Courts (statewide)	59	27.4
Family Courts (statewide)	55	25.6
Civil Court of the City of New York	13 ³	6.0
Multi-bench Courts (outside NYC)	8 ⁴	3.7
Surrogate Courts (statewide)	8	3.7
Criminal Court of the City of New York City	6 ⁵	2.8
District Courts (Nassau and Suffolk Counties)	2	.9
Other	4	1.9

The majority of the surveys received were from City Courts outside of New York City, Supreme and County Courts, and Family Courts statewide (28%, 27%, and 26% respectively). When considering geographic location of these surveys, 12% (26 surveys) were received from courts in New York City⁶, 14% (31 surveys) were received from courts in the judicial districts adjacent to New York City⁷ and 73% (154 surveys) were received from upstate-area courts.⁸

³The Civil Court of the City of New York responded as follows: NY County Civil Court; NY County Civil Court: Housing Part; NY County Civil Court: Small Claims Court, Richmond County Civil Court, Richmond County Civil Court: Small Claims Court, Richmond County Civil Court: Housing Court, Kings County Civil Court; Queens County Civil Court, Queens County Civil Court: Housing, Queens County Civil Court: Small Claims Court, Bronx County Civil Court; Bronx County Civil Court: Housing Part; and Bronx County Civil Court: Small Claims Court.

⁴Multi-bench courts include some Supreme and County, and Family courts.

⁵The locations of the Criminal Court of the City of New York that responded to the survey were: Kings County, Bronx County, New York County, Queens County, Richmond Criminal County and the Midtown Community Court.

⁶The courts within New York City are in the 1st, 2nd, 11th and 12th Judicial Districts.

⁷ The suburban area courts are in the 9th and 10th Judicial Districts.

⁸The upstate-area courts are in the 3rd, 4th, 5th, 6th, 7th and 8th Judicial Districts.

The following table depicts the percentage and number of surveys collected from each of the 12 Judicial Districts, displayed by the geographic location:

Table 2⁹(see Appendix E for map)

<u>Geographic Region /District</u>	<u># of Surveys</u>	<u>Percent</u>
<u>Upstate</u>	<u>154</u>	<u>73.0%</u>
3 rd Judicial District	19	9.0
4 th Judicial District	28	13.3
5 th Judicial District	20	9.5
6 th Judicial District	27	12.8
7 th Judicial District	23	10.9
8 th Judicial District	37	17.5
<u>Suburban</u>	<u>31</u>	<u>14.4%</u>
9 th Judicial District	21	10.0
10 th Judicial District	10	4.7
<u>City</u>	<u>26</u>	<u>12.3%</u>
1 st Judicial District	8	3.8
2 nd Judicial District	8	3.8
11 th Judicial District	5	2.4
12 th Judicial District	5	2.4
Total	211	100

The above table also reflects the distribution of trial-level courts in the New York State court system. Despite the distribution, a greater percentage of the filings are in the small number of courts within New York City rather than the larger number of courts in the rural and suburban areas. For example, in 2000, there was a total of 183,391 total new case filings in the Supreme Courts of New York State. Of such filings,

⁹In this table, the total number of surveys collected does not include the Court of Appeals, the Appellate Division, 1st and 3rd Departments or the Court of Claims.

88,079 were in the Supreme Courts within New York City while 95,312 were filed in the other 57 Supreme Courts around the state.¹⁰

¹⁰Annual Report of the Chief Administrative Judge of the Courts page 11. Similar statistics reflecting this occurrence can be found at other pages within the annual report.

III. SURVEY RESULTS

Tracking Self-Represented Litigants

The first question in the survey was designed to ascertain whether the courts have a method for determining or tracking the number of cases where at least one of the litigants is self-represented. The survey found that only 15% of the court locations maintained a record of the self-represented. Of those that keep track of such litigants, 79% utilized a computer database to record this information.¹ Moreover, court managers in the courts that reported tracking of SRLs did so inferentially. That is, if the space for attorney's name and address is left blank on the Request for Intervention (RJI), the court clerk assumes the litigant is self-represented. *Pro se* or a similar designation was then inserted in the attorney field of the database. While this information is readily available in the court database, court managers are not currently generating reports which used this baseline data for determining whether services should be decreased or expanded.

Interestingly, while 85% of the court locations reported that they did not keep records of the self-represented, 16% of these managers did provide an estimate of SRLs based upon their experience (Question 1B).²

The survey asked the managers if their court maintained any data on the types of cases that typically involved SRLs (Question 2). Of the 33 court locations that

¹These 26 court locations used databases such as CCIS, MCCM, DB Master and ADBM to record a self-represented litigant.

²See Appendix F for complete data.

reported maintaining this data, only 1 out of 5 of these courts provided specific information concerning the types of cases that involved SRLs.¹³

While most courts (85%) reported *not* maintaining a statistical record of the number of self-represented litigants, nearly all court managers reported a change in the demand for court services by those self-represented. Statewide, nearly one-third of courts reported that they experienced a strong increase and 34% reported a moderate increase in the demand for court services by the SRLs over the past two years (Question 4A). Meanwhile, 29% of the court managers responded that there had been only a small increase in demand, if any at all. A few courts reported that the demand on the court by SRLs had been reduced because the uncontested divorce packet allowed individuals to complete their own forms with little court assistance.

Change in demand for SRLs services was also found to vary slightly among different court types. Overall, it was found that 78% of the Supreme and County Courts reported either a strong or moderate increase in demand, whereas 70% of Family Courts and 62% of City Courts reported a strong or moderate increase in demand. These findings also vary by geographic area. For example, Supreme and County Courts upstate reported more of an increase in demand (82%) when compared to only 50% of these same courts in the suburban area. Moreover, while 48% of Supreme and County Courts upstate reported a strong increase in demand, and four out of five Supreme Courts in New York City (80%) reported the same change, only 29% of these same courts located in suburban areas reported a strong increase.

¹³See Appendix G for complete data.

Table 3 displays the results broken down by court type, as well as by geographic location:

Table 3 (the number in parentheses indicates number of surveys)

<u>Geographic Region</u>	<u>Change in Demand</u>	<u>Type of Court</u>		
		<u>Family</u>	<u>Supreme and County</u>	<u>City</u>
Upstate (3 rd - 8 th JD)	strong increase	28.9% (13)	47.8% (22)	27.7% (13)
	moderate increase	40.0% (18)	32.6% (15)	34.0% (16)
	small/no increase	31.1% (14)	17.4% (8)	36.2% (17)
Suburban (9 th - 10 th JD)	strong increase	28.6% (2)	28.6% (2)	30.8% (4)
	moderate increase	42.9% (3)	14.3% (1)	30.8% (4)
	small/no increase	14.3% (1)	42.9% (3)	38.5% (5)
City (1 st , 2 nd , 11 th , 12 th JD)	strong increase	50.0% (1) ¹⁴	80.0% (4)	---
	moderate increase	50.0% (1)	20.0% (1)	---
	small/no increase	---	---	---

Court managers were asked what they had observed to be important changes in the demand for specific services. Providing the uncontested divorce packet was named most frequently by 48 court locations, followed by assisting with landlord-tenant (housing) matters (25 court locations). Other areas mentioned were small claims matters (18 court locations), custody requests (12 court locations) and name changes

¹⁴There were two surveys received from the Family Court of the City of New York: The Administrative Judge of the Family Court of the City of New York submitted a response to the survey that included data from each Family Court location in the five counties of New York City, including New York County. The response indicated a “strong increase in demand.” The New York County location submitted a separate response to the survey in which it reported a “moderate increase in demand”. Although the New York County location reported only a “moderate” increase in demand,” it also reported that “it has always been a court that caters to the self-represented. A majority of our caseload involves self-represented litigants.”

(12 court locations).¹⁵

The survey also asked court managers to report on the effect SRLs are having on court operations (question 4B). Two-thirds of court managers reported SRLs demanded more of the court clerk's time, particularly assistance filling out forms and explaining court procedures. Other court managers' comments included: staff is unable to complete regular duties as a result of assisting the SRLs (19%); increases in paperwork (12%); significant delay in court proceedings (12%); frustration experienced by both staff and litigants (11%); and increased informality of court proceedings (2%). Several court managers commented about the ongoing debate about what constitutes giving legal advice versus providing procedural information, indicating that this issue is the source of much frustration experienced by both the clerks and the litigants.

Current Services for the Self-Represented

In order to gain an understanding of the current services available to SRLs, court managers were asked to describe the type of staffing and services, if any, designated to assist these court users. Of the 215 courts that responded, 56 of them (26%) reported that they have some type of physical space designated for providing service to SRLs. Seventeen percent of these respondents indicated that court staff spend time giving direct aid to self-represented litigants in these designated areas. Of the courts that reported having a special office or area in the courthouse, 10% (21 court locations) have a special function in the courthouse providing services to SRLs, e.g.,

¹⁵ There were two surveys received from the Family Court of the City of New York: The Administrative Judge of the Family Court of the City of New York submitted a response to the survey that included data from each Family Court location in the five counties of New York City, including New York County. The response indicated a "strong increase in demand." The New York County location submitted a separate response to the survey in which it reported a "moderate increase in demand". Although the New York County location reported only a "moderate" increase in demand," it also reported that "it has always been a court that caters to the self-represented. A majority of our caseload involves self-represented litigants."

probation, intake, or Legal Aid, 7% (15 court locations) have a designated pro se clerk or counter where assistance can be obtained and 3% (seven court locations) provide information about mediation services for self-represented litigants. A somewhat higher proportion of Family Courts reported having a designated area for SRLs as compared to City Courts and Supreme and County Courts. This was also more common in the courts in New York City than those located in courts outside of New York City.

The survey also inquired about the kind of materials, if any, the courts provide or make available to the self-represented. Small claims booklets, uncontested divorce packets, and general information were cited most frequently. A list of other common materials provided is displayed in Table 4 (For a complete list of materials see Appendix H):

Table 4: Written Materials Provided to Self-Represented Litigants

<u>Written Materials for the SRLS</u>	<u># of Courts</u>	<u>Percent</u>
Small claims booklets	48	22.3
Uncontested divorce packets	46	21.4
General information	44	20.5
Referral information	38	17.7
Simplified forms	36	16.7
Commercial claim booklets	29	13.5
Landlord/tenant proceedings	22	10.2
Appeal packets	23	10.7
Poor person applications	17	7.9
Name change forms	12	5.6
Video/monitors	9	4.2
Applications for assigned counsel	5	2.3
Traffic information and forms	4	1.9

Courts located in New York City more frequently reported that they offer small claims and commercial claims booklets and landlord-tenant proceedings forms. As expected, Supreme and County Courts more frequently reported providing uncontested divorce packets. Family Courts more frequently reported offering general information materials to SRLs.

Improving Access for Self-Represented Litigants Through Training and Special Services

Court managers were asked to describe any existing formal training programs, if any, which are designed to develop employees' skills in assisting the self-represented. About one-fourth of the court managers reported that they conduct formal training of court staff. Most of these reported they train staff on the job (as part of an assignment). Others (ten managers) reported that their training consisted of devoting a small portion of new staff orientation to providing service to SRLs. Specific court clerk training on assisting SRLs in completing forms and providing procedural information without giving legal advice are each cited by a small number of courts. In general, court managers from the larger New York State courts were more likely to conduct formal staff training on assisting SRLs than other court locations.

In an effort to understand the relationship the court has with outside agencies, the survey (question 6B) asked respondents to report whether or not court staff has participated in any training programs that involve legal services providers or bar associations as part of an organized pro bono program serving the self-represented. Only nine courts reported engaging in this type of staff training. For example, one respondent reported that all personnel in the court have attended lectures at the bar

association on Article 81 proceedings. Two of the courts that reported having a training program explained court employees receive the training in conjunction with workshops and clinics for the public. One court reported that court employees attend conventions/conferences (such as the National Conference on Pro Se litigation).

In addition to explaining what courts have done to aid SRLs through staffing and/or designated SRLS areas of the courthouse, the results of the survey (question 7) revealed the extent to which courts were able to provide programs and/or assistance through attorney pro bono services. Twenty-nine percent of court managers say they provided referrals to pro bono attorney programs or services. Seven courts (3%) reported that they provide pro bono assistance through a Volunteer Lawyer's Project. Three courts (1%) have a pro bono attorney on-site in the courthouse, while another three courts say they have a volunteer attorney from a law firm who assists the SRLs.

Nearly all the courts reported (question 8) that they aid the self-represented by referring them to other agencies and organizations (90%). Family Courts as well as Supreme and County Courts were more likely to assist SRLs with referrals to pro bono programs and services than City Courts. Nearly all (93%) of the court locations indicated they do not screen for eligibility upon making a referral.

Table 5 displays where SRLs are referred:

Table 5: Agencies and Organizations where SRLs are Referred

<u>Agency</u>	<u>Percent</u>	<u># of Surveys</u>
Legal Services Providers	54%	116
Local Bar Association	41%	89
Mediation Services	17%	37
Assigned Counsel	14%	31
Public Defender's Office	8%	17
Probation Department	5%	11

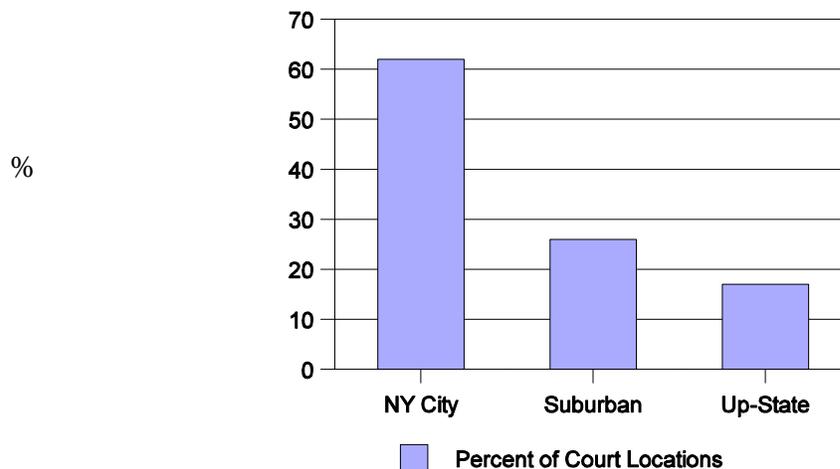
The survey also collected information about non-court system organizations that are located in the courthouses to assist SRLs (question 9). Fifty courts (23%) reported that their courthouse includes a non-court system organization. Seventeen courts (8%) have a legal aid office¹⁶, 14 courts (7%) have at least one type of legal services or advocacy agency, 17 courts (8%) have offices for mediation and/or dispute resolution, 4 courts (2%) reported having a probation department and six courts (3%) have a public defender's office.

As expected a greater proportion of respondents from Family Court reported having non-court system organizations in the courthouse as compared to City and Supreme and County Courts. The Family Courts were especially likely to report having a Legal Aid Society, legal services agencies and mediation/dispute resolution services in the courthouse. When examining this question across geographic regions of New

¹⁶Legal aid organizations generally provide assistance to litigants in criminal and family court matters. Some legal aid organizations also provide assistance in civil matters, such as landlord/tenant; these latter entities are also considered legal services agencies.

York State, it was found that a greater proportion of courts located in New York City responded that they have non-court system organizations in the courthouse (62% versus 26% in suburban courts and 17% in upstate courts) (See Figure 2):

Figure 2: Percent of Courts that have Non-UCS Organizations in the Courthouse by Geographic Location



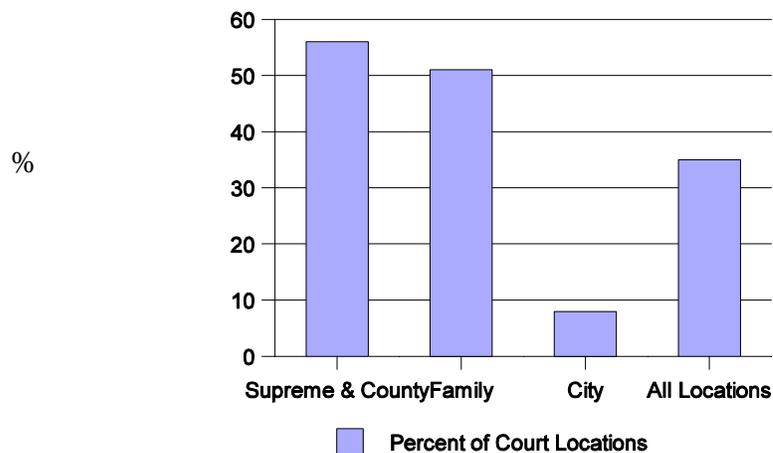
Legal Resources for the Self-Represented

Court managers were asked to report on the availability of library services for the SRLs in an area of the courthouse (Question 10). Of the 215 responding courts, 76 (35%) have law library resources available to the self-represented inside the courthouse. Sixty-nine courts (32%) indicated that there is a law library available outside but near the courthouse. Nineteen courts (9%) said there is a law library available for use, though it is considered to be far from the courthouse, and 51 courts (24%) reported that there is no law library available for use by the SRLs. Forty-one percent of upstate courts reported having law library resources inside the courthouse versus 26% of the suburban courts and 21% of the New York City courts. Also, New

York City courts responded more frequently that law library resources are located outside the courthouse but nearby (50% compared to 23% for suburban courts and 31% for upstate-area courts). Additionally, while no New York City courts reported having law library resources far away from the court, 20% of suburban courts and 8% of the upstate-area courts reported this.

There were also differences in access to law library resources among the three major court types. While only 8% of the City Courts reported having these resources inside the courthouse, 51% of Family Courts and 56% of Supreme and County Courts reported these resources were available (Figure 3):

Figure 3: Percent Reporting Library Resources Available Inside the Courthouse



Also, City Courts were more likely to report having no available law library resources for SRLs (43%) than Family Courts (13%) and Supreme and County Courts (7%).

When asked if a public access library is located near the courthouse, 109 of the 215 responding courts (51%) responded there was such a library nearby.

Expansion and Improvement of Services to the Self-Represented

Court managers were asked to describe plans, if any, that their courts currently have to modify or expand service for the self-represented (Question 11). Nearly 17% or 42 courts reported that they do, in fact, have plans to modify or expand SRLS services. Nine courts plan on designating additional staff for assistance to SRLs, 5 courts plan to allocate a specific space in their courthouse specifically for SRLS services and another 10 courts plan on making additional informational materials available to the public. A few courts also mentioned their plans to extend court hours and simplify forms that SRLs request most frequently. Two courts plan to create a web site with a link to forms as well as instructions or procedures that SRLs would find useful (2%).

Respondents were asked to offer any suggestions related to court operations that would provide or improve services to the self-represented. Table 6 displays the most common suggestions, in order of frequency (For a complete list of suggestions offered, see Appendix I):

Table 6: Suggestions for Improving Services to SRLs

<u>Suggestion</u>	<u># of Surveys</u>	<u>Percent</u>
Increase staff in the courts	33	15%
Provide training for staff who serve SRLs	23	11%
Simplify forms used by SRLs	23	11%
Provide guidelines on what constitutes legal advice when assisting SRLs	19	9%
Appoint attorney to assist SRLs	19	9%
Provide additional information materials	19	9%
Create an office for SRLs	15	7%
Standardize procedures	14	7%
Add more kiosks	12	6%
Design a web page with links	11	5%
Establish a toll-free hotline	4	2%

When examining responses to this question by court type, City Courts more frequently than Family Courts and Supreme and County Courts suggested supplying additional informational materials to SRLs. Similarly, courts located in New York City more frequently than those located in both upstate and suburban areas suggested the creation of an office for SRLs.

IV. DISCUSSION

The purpose of this survey was to gather information about the existing court programs and services offered to assist SRLs. Accordingly, the survey results help answer two broad questions: 1) what programs and services exist now; and 2) what programs and services should be developed or improved. The results also provide insight, based upon court managers' experience, as to what has worked and what might work if implemented.

The information gathered from the survey is useful in two important respects. First, it creates a snapshot in time representing a baseline organizational perspective for creating the best program based upon clearly articulated needs. Second, the information establishes a method of prioritizing issues based on specific needs and distinct responses.

Based upon the survey results, it is evident that there is a need for better operational responses to SRLs in four principal areas: training; resources; collaboration with non-court entities; and data collection. With regard to training, the survey results indicate the scarcity of training programs for court staff on assisting SRLs and suggest a need to develop training programs as a means to improve services for this court user population. As evidenced by the survey results, court staff understand they cannot give legal advice yet they oftentimes find it difficult to distinguish legal advice from legal information. Nine percent of the respondent's suggested that providing court staff with guidelines on what constitutes legal advice when assisting SRLs would improve services for the SRLs.

In the area of resource for SRLs, the survey results demonstrate that an extensive array of materials on the courts, courts procedures, the legal process and referral sources are available (see Appendix H and Table 4). However, it appears that additional resources and in different formats are needed to assist the SRLs. When asked for suggestions for improving services to the SRLs, respondents indicated, among other things, the need for: providing additional information materials (9%); adding more kiosks (6%); designing a web page with links (5%); and establishing a toll-free hotline (2%). Another significant suggestion was simplifying forms used by SRLs (11%).

Moreover, it appears that better coordination is needed for the location and distribution of resources. The survey results indicate that only 26% of the respondents have a designated space in the courthouse for assisting SRLs; this includes space used by outside agencies like probation or Legal Aid. Given that over 50% of the courts responded that there is a public access library near the courthouse, thought should be given to how the courts can make resources available to the SRLs through these libraries.

A third area that necessitates an operational response is the development of further collaborations with non-court entities. Approximately 90% of the courts responded that they refer SRLs to other agencies and organizations. However, only 23% reported that a non-court system organization is providing services in the courthouse. With regard to pro bono referrals, the responses are more striking. Only 29% of courts refer SRLs to pro bono programs or attorneys, and only approximately

5% offer pro bono assistance, either through a Volunteer Lawyers Program or a pro bono attorney on site or at a law firm.¹⁷ Whether located in the courthouse or available through a referral service, pro bono attorneys and other legal services providers can ease some of the burdens placed on court staff to answer questions while still allowing the court to be as helpful as possible.

The last principal area for court response is the issue of data collection. The survey results show the current scarcity of data available on the SRLs using the courts. While the majority of respondents reported a strong or moderate increase in the demand for services, clearly this is based on anecdotal evidence as none of the courts reported a regular method of tracking and reporting the number of SRLs in their courts. Similarly, the survey results indicate that the courts are not keeping statistics on the types of cases which involve SRLs. There is no question that the data collection would be beneficial to the courts and could be used to support additional services for the SRLs.

¹⁷ These low percentages may be due to a lack of pro bono services in many parts of the State. If that is the case, the data suggests that courts need to play a role in expanding pro bono in their localities.

V. CONCLUSION

The survey results indicate that all of the courts throughout the state and in varying degrees are providing some kind of service for SRLs. While the areas explored in the survey are by no means exhaustive in terms of what courts can do, the areas do suggest steps that can be taken to improve access to the courts. The information gathered by the survey allows the courts to examine where they are now to begin to create the vision and the plan for where they want to be in the future.

Appendix A

**NATIONAL CONFERENCE ON SELF-REPRESENTED LITIGANTS
APPEARING IN COURT
November 18-21,1999
Scottsdale, Arizona**

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Appendix B

THE SELF-REPRESENTED

A Sampling of Services

COURT: 4th Judicial District (City and Family Courts)

VOLUME: High

LEGAL ISSUES: Landlord/tenant and family

COMMENTS: Working with the local court advisory committee, packets of information including guidelines have been developed and are in use at nine city courts throughout the district providing assistance for *pro se* clients in the area of landlord and tenant litigation. Instructions and short-form petitions have also been developed for use in family courts throughout the district for *pro se* clients. Law libraries have made an effort to expand self-help designed material and resources at their facilities to assist *pro se* litigants. In addition, each Supreme Court Law Library has adopted a county library to work with closely and the district now has 11 reference libraries open to the public.

COURT: Albany County Supreme and County

VOLUME: High

LEGAL ISSUES: Matrimonial and name changes represent majority of cases

COMMENTS: Handle cases very delicately. They get a lot of cases both in person and in the mail. Large volume from inmates because Department of Corrections located in Albany County.

COURT: Schenectady County Supreme and County

VOLUME: Low

LEGAL ISSUES: Mostly matrimonial

COMMENTS: Give out Uncontested Matrimonial Packets. They have been helpful.

COURT: Broome County Supreme and County

VOLUME: High

LEGAL ISSUES: Mostly matrimonial

COMMENTS: Try to discuss options with people like local ADR programs. New York County pilot office good and should be continued. They try to give advice on procedures and explain to people that sometimes you can represent yourself and other times you need some type of legal advice. Provide them with forms that are needed to proceed.

COURT: Chemung County Supreme and County

VOLUME: High

LEGAL ISSUES: Matrimonial and appeals

COMMENTS: They look over papers to make sure procedures are followed. Staff takes their time with people and hands out matrimonial packets and other packets they got from New York County and changed to reflect their local courts. New York courts have people and time to give these clients special consideration, and *pro se* litigants look for special help that they cannot give them. *Pro se* litigants want to do more appeals and they don't understand the paper work. A standardized method for appeals from the lower courts to the county courts would be helpful.

COURT: Monroe County Supreme and County

VOLUME: Low

LEGAL ISSUES: Matrimonial

COMMENTS: They give out the Uncontested Matrimonial Packets. They don't have any staff that can deal with questions. Possible local bar concerns associated with more help being given to these clients.

COURT: Erie County Supreme and County
VOLUME: Low
LEGAL ISSUES: Matrimonial area only
COMMENTS: Matrimonial packets are available. Family court deals with this area more often.

COURT: City of Lackawanna, Erie County
VOLUME: Low
LEGAL ISSUES: Criminal and traffic
COMMENTS: They really don't see many *pro se* litigants. Public defender and assigned counsel handles most. They do approximately 8,000 cases a year and are considered a mid-size court and if they see a dozen *pro se* cases it would be a lot.

COURT: City of Rome, Oneida County
VOLUME: Low
LEGAL ISSUES: Criminal
COMMENTS: Have local attorney that provides *pro bono* services to clients that are poor but don't qualify for public defender services. He is required to do so because he is admitted to the Florida Bar and they require *pro bono* services. Small group.

COURT: City of Buffalo, Erie County
VOLUME: Low
LEGAL ISSUES: Criminal, traffic and small claims
COMMENTS: Not a lot of criminal with some traffic cases. Small claims area has some. They are not doing much of anything and provide no help to clients. Interested in what they can do to be of more assistance to help people.

COURT: Rochester City Court, Monroe County

VOLUME: High

LEGAL ISSUES: Small claims and landlord/tenant

COMMENTS: Approximately 45% of their litigants are *pro se*. They don't hand out any packets other than small claims booklets when available. There is a county agency that provides a housing counsel off site to provide assistance to *pro se* litigants on housing issues. They do have a local committee working on designing forms to improve the process for *pro se* litigants, but have no up to date information on their activities.

COURT: Onondaga County Family Court

VOLUME: High

LEGAL ISSUES: Main areas are custody and domestic violence

COMMENTS: Most people get forms and have to fill them out on their own. There is a problem with the quality of the paperwork. The court doesn't have the staff to spend time with each client and work with them. Forms are not the easiest. They have in the process of redoling the forms to simplify and include instructions. Also participate with volunteer lawyers program to provide assistance for people on site. Paralegals assist clients with paperwork. In addition, they work with a local domestic violence group to provide a volunteer on site to assist domestic violence victims with paperwork.

COURT: Albany County Family Court

VOLUME: High

LEGAL ISSUES: Family issues, custody, domestic violence and others

COMMENTS: Volume is going up. They handle approximately 16,000 petitions a year with approximately 1/3 of them *pro se*. They start right at the counter providing help. They use the self help approach by providing instructions and encouraging questions. Staff is trained to be familiar with the Family Court Act to better handle questions and are careful not to give legal advice. Clients get upset if all questions are not answered because they feel they should get any help they need.

Appendix C



COURT SURVEY OF PROGRAMS AND SERVICES FOR THE SELF-REPRESENTED

Deputy Chief Administrative Judge for Justice Initiatives
Hon. Juanita Bing Newton

Name of Court: _____

Address: _____

Person(s) Completing Survey: (Please include phone/fax/e-mail address)

INSTRUCTIONS

The purpose of this survey is to collect information about the services and programs available to the self-represented in the trial courts. This information is being collected statewide and will be used to assist the court system in its efforts to make the courts accessible to the increasing numbers of self-represented litigants. We offer the following instructions as a guide to completing this survey:

1. We suggest that court administrators most familiar with the programs and services related to serving the self-represented complete the survey. Since it may be necessary for more than one individual to complete the survey or to provide information to specific questions, please identify these additional contact people above.
2. The more comprehensive the information provided the more useful it will be as a resource. For each question, please attach additional pages if necessary. There is also a general comments/suggestions section (question #12) to address any areas you feel pertinent to the topic that have not been sufficiently covered in the survey.
3. Please return the completed survey by August 14, 2000 to:
Beverly Russell
Office of Court Administration
25 Beaver Street, Room 1124
New York, New York 10004
or by fax (212-428-2186)
4. Keep a copy of the completed survey; there may be a follow-up telephone interview.

Questions about the survey can be directed to Beverly Russell at 212-428-2134
(brussell@courts.state.ny.us.)

**COURT SURVEY OF PROGRAMS AND SERVICES FOR
THE SELF-REPRESENTED**

1. Does the court have a method or procedure for determining or tracking the number of self-represented, either as plaintiff or defendant, who litigate in your court?

" yes " no

If yes, please describe the method or procedure. What was the actual (or estimated) number of self-represented litigants in 1998 and 1999?

2. For self-represented litigants, does the court maintain any data on their case types? (matrimonial, motor vehicle, other tort, contract, etc.)

" yes " no

If yes, what were the case statistics for 1998 and 1999?

3. Is there a special office or area in the courthouse designated to provide assistance to the self-represented? " yes " no

If yes, please describe. (type of staffing and services rendered). Do you have any estimates of the number of self-represented assisted in this area?

4. A. Over the past two years, to what extent has the court experienced a change in the demand for court services by self-represented litigants?
- " strong increase in demand for court services
 - " moderate increase in demand for court services
 - " small or no increase in demand for court services
 - " decrease in the demand for court services
- Please explain what you have observed to be the important changes in the demand for specific court services.
- B. What effect, if any, are the self-represented having on court operations? Please explain.
5. What, if any, kind of materials does your court provide or make available to assist the self-represented? (e.g., videos, forms, court documents in fill-in-the-blank format, information on court procedures, information about *pro bono* legal programs, kiosks, personal computers, etc.) Please attach any pamphlets or forms that you have found particularly useful for the self-represented. Also, attach any materials you may provide about *pro bono* legal programs.

6. A. Has your court conducted any formal training of court staff in rendering assistance or services to the self-represented? " yes " no
If yes, please describe.

B. Has court staff participated in any training programs that involve legal service providers or bar associations as part of an organized *pro bono* program serving the self-represented? " yes " no
If yes, please explain.

7. To what extent, if any, has your court conducted programs or offered services for the self-represented through attorneys willing to provide *pro bono* services?

- 8. Does the court refer the self-represented to other agencies? (e.g., legal services agencies, *pro bono* legal programs, bar associations, government agencies, etc.) Please explain. If the court makes referrals to other programs, do court staff participate in screening for eligibility?**
- 9. Are non-UCS organizations located in the courthouse facility to assist the self-represented? (e.g., legal services agencies, *pro bono* legal programs, bar associations, etc.) Please describe.**
- 10. To what extent are law library resources available to the self-represented? (court library, law school library, etc.) Is there a public access library nearby?**

11. Does your court currently have any plans to modify or expand services for the self-represented? Please explain.

12. What other suggestions or comments related to court operations do you have that would provide or improve services to the self-represented?

Thank You

Appendix D



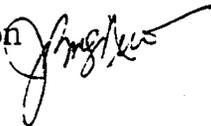
STATE OF NEW YORK
UNIFIED COURT SYSTEM
25 BEAVER STREET
NEW YORK, NEW YORK 10004
(212) 428-2130
FAX (212) 428-2192

JONATHAN LIPPMAN
Chief Administrative Judge

JUANITA BING NEWTON
Deputy Chief Administrative Judge
for Justice Initiatives

MEMORANDUM

TO: Administrative Judges for the
Courts Outside New York City

FROM: Juanita Bing Newton 

DATE: July 11, 2000

SUBJECT: Survey of Programs and Services for the Self-Represented

The attached survey will be sent to all the Chief Clerks of the Courts throughout the entire State. The hope is that the information will form a basis for the development of Statewide programs to assist pro se litigants.

As you know, self-represented litigants present considerable challenge to court staff. Much of our preliminary data, collected from different sources through the state, indicates that there may be significant numbers of self-represented litigants in our courts and variety of services being offered to them. As we attempt to coordinate our efforts in this regard, we seek the assistance of those who know the system best.

To the extent that it's needed, I will greatly appreciate your assistance in ensuring that the surveys are completed by the Chief Clerks by July 24, 2000.

Again, I thank you for your assistance and cooperation with this endeavor and look forward to seeing you at the Statewide Administrative Judges' meeting.

cc: Executive Assistants



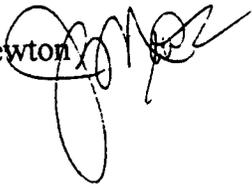
STATE OF NEW YORK
UNIFIED COURT SYSTEM
25 BEAVER STREET
NEW YORK, NEW YORK 10004
(212) 428-2130
FAX (212) 428-2192

JONATHAN LIPPMAN
Chief Administrative Judge

JUANITA BING NEWTON
Deputy Chief Administrative Judge
for Justice Initiatives

MEMORANDUM

TO: Executive Assistants

FROM: Hon. Juanita Bing Newton 

DATE: November 8, 2000

SUBJECT: Court Survey of Programs and Services for the Self-Represented

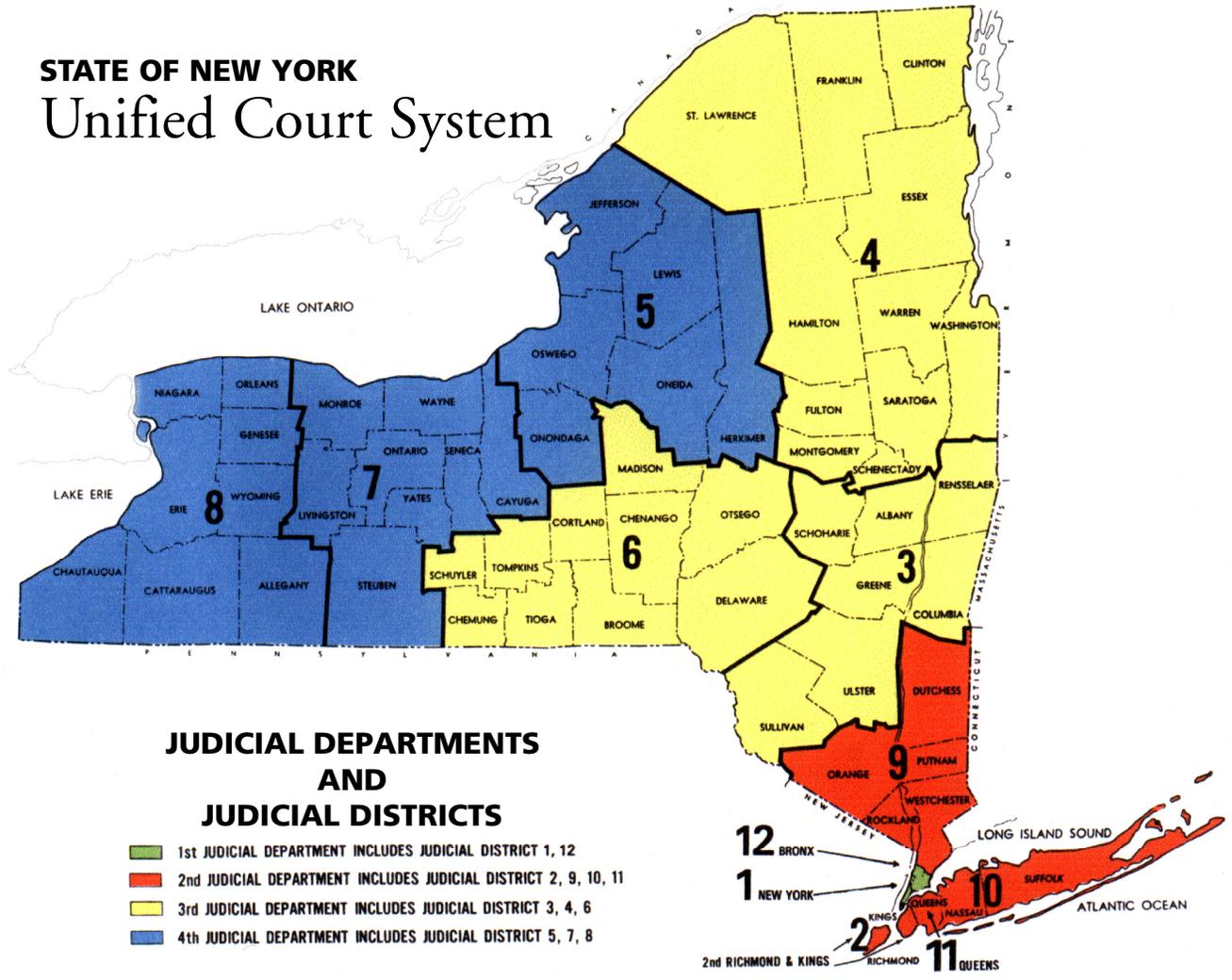
The initial response to the survey provided useful information about the assistance being provided by the courts to self-represented litigants. Enclosed, please find a list of those courts that have not responded to the survey. We need a response from each court so that we can identify best practices or develop programs where they are needed.

Please ask those courts that have not responded to do so by November 27, 2000. If you have any questions, please call Beverly Russell at (212) 428-2134. Thank you for your continued assistance.

JBN/oldl
enclosure

Appendix E

STATE OF NEW YORK Unified Court System



Appendix F

Question 1C: What was the actual (or estimated) number of self-represented litigants in 1998 and 1999?

The following are all of the responses from the courts to question 1C:

Kings County Civil Court

- S In 1998, there were 105,100 SRLs.
- S In 1999, there were 106,300 SRLs.

Kings County Criminal Court

- S CDRC (Court Dispute Referral Center) saw 6921 SRLs in 1998 & 7852 SRLs in 1999.

Richmond County Civil Court

- S In 1999, about 197 of 6025 were SRLs.

Richmond County Civil Court: Housing Court

- S 40% of those who entered petitions were SRLs.
- S 85% of those who responded to petitions were SRLs.

The Court of Claims

- S In 1998, there were about 1018 SRLs.
- S In 1999, there were about 1204 SRLs.

Sullivan Supreme and County Court

- S In 1998, there were 233 SRLs.
- S In 1999, there were 249 SRLs.

Saratoga Supreme and County Court

- S In 1998, there were 132 SRLs. Of those, there were 22 cases where both the petitioner and the respondent were SR.
- S In 1999, 310 cases were filed pro se. Of those, there were 93 cases where both the petitioner and the respondent were SR.

Washington Supreme and County Court

- S In 1998, there were 16 SRLs.
- S In 1999, there were 70 SRLs.
- S From January 1st to June 30th of 2000, there were 59 SRLs.

Clinton County Family Court

- S In 1999, there were over 2500 SRLs.

Glen Falls City Court

- S In 1998, there were 754 SRLs who were plaintiffs and 40 SRLs who were defendants.
- S In 1999, there were 658 SRLs who were plaintiffs and 64 SRLs who were defendants.

Gloversville City Court

- S In 1998, approximately 5166 SRLs filed suits. While in 1999, about 4624 SRLs filed suits.

Johnstown City Court

- S In 1998, there were 185 civil suits filed by SRLs and 320 criminal suits filed by SRLs.
- S In 1999, there were 178 civil suits filed by SRLs and 285 criminal suits filed by SRLs.

Onondaga County Family Court

- S In 1999, there were 10,794 SR petitioners, 19,103 SR respondents, and 9,622 cases where both sides were SR.

Delaware County Family Court

- S In 1998, there were 136 SRLs.
- S In 1999, there were 140 SRLs.

Oneonta City Court

- S In 1999, there were 766 SRLs.

Cayuga County Family Court

- S In 1999, 85 % of the litigants were SRLs.

Monroe County Family Court

S In 1999, there were more than 25,000 SRLs

Auburn City Court

S In 1999, there were 7000 SRLs.

Geneva City Court

S In 1999, there were about 5,025 SRLs.

Rochester City Court

S In 1998, there were 5,572 plaintiffs that were SRLs and 14, 949 defendants that were SRLs.

S In 1999, there were 6,999 plaintiffs that were SRLs and 16,710 defendants that were SRLs.

Cattaraugus Supreme and County Court

S In 1998, there were 150 SRLs.

S In 1999, there were 178 SRLs.

Erie County Supreme and County Court

S From October 1999 to June of 2000, there were about 200 SRLs

Cattaraugus County Surrogate Court

S In 1998, there were 52 SRLs.

S In 1999, there were 55 SRLs.

Batavia City Court

S In1998, there were 165 SRLs.

S In 1999, there were 395 SRLs.

Jamestown City Court

S In1998, 5890 of a total of 8037 cases were SR.

S In 1999, 6650 of a total of 8911 cases were SR.

Niagara Falls City Court

- S In 1998, there were 5500 SRLs.
- S In 1999, there were 5200 SRLs.

City of Poughkeepsie Court

- S In 1998, there were 6400 SRLs.
- S In 1999, there were 6000 SRLs.

Beacon City Court

- S In 1998 & 1999, there was about 700 SRLs.

City Court of Port Jervis

- S In 1998, there were 33 civil SRLs and 28 criminal SRLs.
- S In 1999, there were 47 civil SRLs and 48 criminal SRLs.

Bronx County Supreme Court (Civil Term)

- S In 1999, there were about 1000 SRLs per month.

Bronx County Civil Court

- S In 1998, there were 667 SRLs.
- S In 1999, there were 768 SRLs.
- S In 2000, there were 481 SRLs.

Bronx County Civil Court: Housing Part

- S Typically, 90-95% are SRLs.
- S In 1998, there were 94,354 SRLs.
- S In 1999, there were 93,073 SRLs.

Bronx County Civil Court: Small Claims Court

- S In 1998, there were 6000 SRLs.
- S In 1999, there were 7000 SRLs.

Appendix G

Question 2: For self-represented litigants, does the court maintain any data on their case types? (matrimonial, motor vehicle, other tort, contract, etc.) If yes, what were the case statistics for 1998 and 1999?

The following are all of the responses from the courts to question 2:

Appellate Division: 1st Department

S If there are any SRLs, most are Landlord/Tenant issues, criminal, and matrimonial issues.

New York County Supreme Court Civil Term

		<u>1998</u>	<u>1999</u>
S	Article 78	780	1,488
S	Uncontested Divorce	2,988	4,812
S	Birth Cert. Correction	336	420
S	Name Change	1,224	1,176
S	Poor Person Orders	312	528

Richmond County Civil Court: Housing Court

		<u>1998</u>	<u>1999</u>
S	Non-payment	4,307	3,986
S	Holdover	747	733
S	HP	133	133
S	Other	9	36

Court of Claims

		<u>1998</u>	<u>1999</u>
S	Inmate pro se tort filings	887	1,101
S	Other pro se tort filings	130	96
S	Other pro se contract filings	1	4
S	Other pro se Appropriations	0	3

Rensselaer Supreme and County Court

		<u>1998</u>	<u>1999</u>
S	Contract	5	6
S	Uncontested Mat.	84	120
S	Contested Mat.	7	6
S	Other Tort	52	65
S	Motor Vehicle	1	2
S	Med Mal	1	3
S	Other	50	61

Saratoga Supreme and County Court

	<u>1998</u>	<u>1999</u>
S Contract	9	6
S Article 78	1	1
S Foreclosure	13	26
S Motor Vehicle	2	1
S Other Torts	7	6
S Matrimonial	90	248
S Tax Cert.	0	1
S Other	10	21

Washington Supreme and County Court

	<u>1998</u>	<u>1999</u>
S Matrimonials	8	49
S Traffic actions	0	1
S Other Torts	0	1
S Contracts	1	3
S Tax Cert.	0	0
S Other	7	17

Gloversville City Court

	<u>1998</u>	<u>1999</u>
S Criminal actions	1,619	1,599
S Civil actions	599	344
S Traffic actions	2,948	2,681

Geneva City Court

	<u>1999</u>
S Traffic actions	3,000
S Criminal actions	1,600
S Small Claims	150
S Landlord/Tenant actions	175
S Civil actions	100

Rochester City Court

	<u>1998</u>	<u>1999</u>
S Civil actions	7,130	7,011
S Landlord/Tenant actions	358	872
S Commercial Claims	358	324
S Consumer Transactions	501	1,081
S Small Claims	5,122	6,421

Jamestown City Court

- S Traffic cases: 98% are pro se
- S Small Claims cases: 95% are pro se
- S Housing cases: 2% are pro se

Lackawanna City Court

- S In city courts, almost all traffic, small claims, commercial claims and landlord/tenant cases are pro se. Recently, a great number of Penal Law violations and 511-1 (misdemeanors) defendants are also pro se.

Niagara Falls City Court

	<u>1998</u>	<u>1999</u>
S Criminal Defendants	2,341	2,044
S Small Claims	906	941
S Civil actions	2,182	2,264

City of Poughkeepsie Court

	<u>1998</u>	<u>1999</u>
S Criminal actions	750	1,200
S Combined Civil Plaintiffs	745	1,000
S Combined Civil Defendants	2,700	2,600
S Disposed Traffic Defendants	2,200	2,000

Nassau County Family Court

	<u>1998</u>	<u>1999</u>
S Title IV-D	10,101	9,160

Bronx County Civil Court: Housing Part

	<u>1998</u>	<u>1999</u>
S Non-Payments	88,854	87,572
S Holdovers	3,286	2,965
S Illegal Lockouts	186	263
S H.P.	2,028	2,273

Bronx County Civil Court: Small Claims Court

		<u>1998</u>	<u>1999</u>
S	Breach of contract	520	573
S	Breach of agreement	226	257
S	Rent	515	480
S	Defective services	200	276
S	Personal Property Damage	480	478
S	Auto Accident	952	804

Appendix H

Question 5: What, if any, kind of materials does your court provide or make available to assist the self-represented?

The following are all of the responses from the courts to question 5:

- Divorce kits
- Name change forms
- Poor Person forms
- Small claims forms
- Commercial claims forms
- Landlord/Tenants informational packets
- Request for assigned counsel forms
- Video monitors/Informational videos
- Resource centers
- Providing extended hours of court operation
- Instructions on service of a summons
- Instructions on filing an appeal
- Instructions on making an appeal to proceed as a poor person
- Instructions for filing objections to a hearing
- Instructions for carrying on with an eviction
- Bi-lingual instruction sheets
- Subpoena for witness forms
- Instructions for filings claims against government agencies
- Domestic Violence information
- Web sites with links to forms and information
- A reference book of legal services
- Law librarians specifically to assist the self-represented
- A directory of pro bono legal programs
- Public access computer terminals
- Legal Aid Society
- A law guardian panel
- 18B attorneys
- Instructions on how to file a counterclaim
- Forms on how to request court transcripts
- Forms on how to request ex parte motions
- Orders for release of information
- Forms for appointment of a fiduciary
- Accounting forms to close estates
- Instructions on how to file a petition
- How to file for an appeal
- Order-to show-cause forms
- Information regarding traffic violations

- Information on mediation services
- Requests for judicial intervention
- 1-800 lawyer referral phone number
- Copies of the rules of practice
- Change of venue forms
- Information on father's rights
- Child support services information
- Child support enforcement program information
- Bar association referrals
- Family and community service information
- Child support intake forms
- Information on how to prepare for a trial or a court procedure
- Article 13 checklist
- Information on fingerprinting
- Information on the Public Defender's Office
- Information on summary proceedings
- SCAR materials
- Information on how to resolve a traffic ticket
- Frequently Asked Questions regarding traffic matters
- Bail information
- Information on how to pay fines or surcharges
- Information on drug courts
- Information on how to enter a plea

Appendix I

Question 12: What other suggestions or comments related to court operations do you have that would provide or improve services to the self-represented?

The following are all of the responses from the courts to question 12:

- Provide training for staff assisting SRLs
- Provide guidelines for not giving legal advice
- Increase staff
- Design a web page with access to on-line forms and procedures
- Appoint attorneys to aid in the court
- Increase number of kiosks
- Provide additional public informational materials
- Create a toll-free hotline
- Establish standardized procedures and uniformity
- Simplify forms (fill-in-the-blank-forms)
- Provide more computer terminals
- Open offices for the SRL
- Translate instructional materials into Spanish
- Print forms and instruction pamphlets through an outside agency
- Publicize within the UCSA the specific functions of the Office of the Self-Represented
- Reconfigure the Office of the SR with more counter space and separate cubicles for each clerk
- Hire Senior court clerks with a background in civil procedure practice to work solely at the SRL window
- Update and improve automated telephone services
- Have legal service representatives available to answer legal questions
- Supply on-line filing of petitions in libraries, schools, community centers, or police precincts
- Use law school interns to assist SRLs
- Increase the number of judges/arbitrators to hear SRL cases
- Provide funding for a central information kiosk staffed with court personnel
- Make the SRL window more accommodating to the people to assist more than one litigant at a time, with easier entry/exit to/from the office
- Have information when Legal Aide is too overloaded to handle referrals
- Create a pamphlet on City Courts
- Create and informational sheet outlining procedures for tenants and plaintiffs in

civil matters

- Create a packet with instructions and forms for name change applications
- Create a pamphlet- in layman's terms- explaining each court's procedures
- Increase pay for assigned counsels
- Use Video conferencing
- Make sample forms available
- Make a list of outside agencies available
- Make SRLs knowledgeable about what to expect when representing themselves
- Have individual bar associations mandate members to do a certain amount of pro bono services
- Make it easier for litigants to qualify for assigned counsel
- Give quarterly seminars for people to enroll in where packets would be distributed and explained
- Repeat the Public Awareness training program for court employees
- Provide a glossary of legal terms
- Provide flexible hour to accommodate work schedules
- Continue gathering input and suggestions on how to improve services to SRLs