



White Paper on Improving Help Centers in New York State Family Court

**Prepared for the Fund for Modern Courts
Family Court Task Force
November 2009**

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I. Executive Summary

Equal access is a cornerstone principle of our judicial system. In New York Family Courts, where more than 80 percent of litigants proceed without counsel, that principle is at risk. Unrepresented litigants are often overwhelmed by legal complexities and procedural hurdles. Court staffs are not prepared (or, sometimes, permitted) to provide the assistance litigants may need. Given the critical importance of the issues addressed in Family Court, unrepresented litigants are in dire need of support. The status quo is untenable.

This report examines the challenges faced by unrepresented litigants and the valuable role that help centers play in ensuring that such litigants can effectively advocate for their interests and the interests of their families and children. Broadly defined, help centers are operational systems that assist unrepresented litigants in navigating the court system. They commonly exist as physical locations that litigants can visit, but can also operate as virtual resources.

During the summer of 2009, we conducted research to understand how litigants can and do use these help centers. This report contains our findings, including examinations of the needs of unrepresented litigants, the goals of family courts, the approaches used by other jurisdictions, and the current state of help centers in New York. Finally, this report offers six sets of recommendations to court and help center administrators. The recommendations, which we hope will serve as useful guidelines, incorporate concerns about costs, available space, and other resource constraints. Our recommendations are:

- **Staffing.** Help centers should be supervised by managing attorneys, should be staffed with legal and non-legal volunteers, and should be available outside of business hours.
- **Technology.** Court Web sites should provide plentiful, accurate information to litigants. Family Courts should implement electronic case filing to increase convenience and ultimately decrease costs. Litigants should have access to remote interactive assistance, including telephone hotlines and Internet chat modules.
- **Collaboration.** Help center administrators should collaborate with both court officials and community organizations in order to maximize the scope and quality of services offered to unrepresented litigants.
- **Physical Space.** Help centers should be readily accessible to litigants and designed to provide high quality service quickly and efficiently.
- **Language Access.** Help centers must meet the special needs of those with limited literacy and limited English proficiency.
- **Assessment.** Help centers should engage in self-evaluative processes in order to improve service and demonstrate cost-effectiveness.

II. Need for Change in New York Family Courts

Our legal system is, from an “intellectual, jurisprudential, and even physical” perspective, built on the assumption that every litigant has a lawyer literally standing beside him or her.¹ Many litigants, however, are unable to afford legal representation and are left to navigate the system on their own.² While the judicial process can be intimidating to all, it is especially daunting to unrepresented litigants, who are unlikely to be familiar with its specialized terminology and etiquette, and its complex procedural rules. In this “unfamiliar and often confusing universe of the courts, litigants attempt to handle legal matters involving the most essential aspects of their, and their families’, well being.”³

Unrepresented litigants face numerous barriers to accessing the legal system.⁴ Without attorneys to guide them, they are unlikely to know where and how to access the information they need to pursue claims or defend themselves. They may also have difficulty sorting through the inevitable sea of paperwork and meeting the myriad procedural requirements and deadlines. For the few who manage to navigate the system successfully, perhaps the greatest challenge of all awaits: a court appearance.⁵ All of these problems are exacerbated when an unrepresented litigant is less than completely literate or has limited English language proficiency.

These barriers to access are detrimental not only to individual litigants, but to the judicial system itself. Where judicial access is not equally available to all, many meritorious claims are not brought—and justice is not served. Procedural hurdles result in incorrect paperwork, stalled proceedings, and backlogged dockets. The results are frustrating for litigants,⁶ court staff, and judges alike.

The situation is particularly acute in New York’s Family Courts, which handle some of the most important, personal, and sensitive issues the courts face, including child abuse and

¹ Richard Zorza, *The Self-Help Friendly Court: Designed from the Ground Up to Work for People Without Lawyers* 11 (National Center for State Courts 2002) [hereinafter “Zorza”].

² As discussed below, New York provides lawyers for litigants in Family Court only in limited circumstances and most legal services organizations only provide lawyers to persons falling below a certain percentage of the poverty line.

³ Office of the Deputy Chief Administrative Judge for Justice Initiatives, *Expanding Access To Justice In New York State* 20 (March 2009), available at <http://www.nycourts.gov/ip/nya2j/pdfs/tenYearReport3-12-09.pdf> (October 19, 2009) [hereinafter “*Expanding Access*”].

⁴ For a discussion of barriers to access, see Zorza, at 17-18.

⁵ As Angela Britton, a Court Attorney to the New York City Family Court, described, unrepresented litigants often “yes everyone to death” in an attempt to get through the hearing. Thus, the problem is that they come out the other end unaware of their rights, what they have been told, and what to do next. Interview with Angela Britton, Court Attorney to the New York City Family Court, in Kings County Family Court (June 11, 2009).

⁶ According to Britton, they often experience “litigant fatigue” and at times give up on the process all together. Interview with Angela Britton, Court Attorney to the New York City Family Court, in Kings County Family Court (June 11, 2009).

neglect, adoption, child custody, domestic violence, paternity, juvenile delinquency, and child support. Despite the critical importance of these issues, more than 80 percent of Family Court litigants proceed without the assistance of counsel.⁷ This amounts to hundreds of thousands of cases each year with the potential for confusion, backlog, and injustice. Ensuring that those who cannot afford an attorney can successfully navigate the Family Courts is therefore essential.

1) Equal Access and Unrepresented Litigants in New York

New York is committed to providing equal access to justice for all individuals. The New York Lawyer's Code of Professional Responsibility states that "[a]ll litigants and lawyers should have access to tribunals on an equal basis."⁸ It further states that "[p]ersons unable to pay all or a portion of a reasonable fee should be able to obtain necessary legal services, and lawyers should support and participate in appropriate activities designed to achieve that objective."⁹

One way to ensure equal access is by providing the unqualified right to counsel in all cases. Litigants in Family Court do not, however, enjoy a general right to counsel. Section 262 of the Family Court Act states that litigants in Family Court have the right to counsel only in limited circumstances.¹⁰ While most litigants in custody, domestic violence, contested adoption (contesting parent only), and paternity (respondent only) proceedings are entitled to counsel, all other litigants are left out, including those seeking child support.¹¹ This is particularly troublesome because child support is by far the most crowded portion of the docket, accounting for nearly half of all Family Court filings.¹²

The New York court system recognizes this representation gap and the need to address it. "Central to accomplishing the Unified Court System's mission of assuring equal access to justice for all New Yorkers is the job of assisting litigants without lawyers to use the courts as

⁷ See The Fund for Modern Courts, A Call to Action: The Crisis in Family Court app. B, at 1 (Feb. 2009), available at http://www.moderncourts.org/documents/family_court_report.pdf (last visited October 19, 2009).

⁸ New York Lawyer's Code of Prof'l Responsibility EC 7-35 (2009).

⁹ New York Lawyer's Code of Prof'l Responsibility EC 2-16 (2009).

¹⁰ New York Family Court Act § 262.

¹¹ See *id.* Other publicly funded legal aid organizations often do provide free legal advice to unrepresented litigants in Family Court, but only if he or she meets certain criteria. For example, Manhattan Legal Services will provide a lawyer free of charge only if the litigant's income is at or below 200 percent of the poverty level. Similarly, to receive a free lawyer from Safe Horizon, a domestic violence prevention organization, the litigant must actually be experiencing domestic violence and be at or below 187.5 percent of the poverty level. Other organizations, like The Door and Legal Action Center of the City of New York, do not have financial screening criteria, but will only provide free counsel to members of a particular social group. See, e.g., www.lawhelp.org/ny (follow "Family & Juvenile" hyperlink; select "Kings (Brooklyn)" from drop-down menu; follow "Domestic Violence" hyperlink).

¹² New York Family Court Act § 262; State of New York: Report of the Chief Administrator of the Courts, 21 (2007), available at <http://www.courts.state.ny.us/reports/annual/pdfs/2007AnnualReport.pdf> [hereinafter "State of New York 2007 Report"].

effectively as possible.”¹³ The Rules of Conduct for Administrative Law Judges and Hearing Officers of the City of New York also require that New York City Administrative Law Judges and hearing officers liberally construe and allow amendment of papers prepared by unrepresented litigants, be attentive to language barriers, and question witnesses themselves to elicit information and obtain clarification.¹⁴

2) New York Family Courts

Ensuring equal access to the hundreds of thousands of New York State Family Court litigants who are unrepresented is a challenging task.¹⁵ The Family Courts are the busiest courts in New York. In 2007, 709,293 cases were filed in Family Court, accounting for sixteen percent of the total filings in the state.¹⁶ The actual volume of Family Court business is higher than the numbers suggest—including repeat appearances, there are nearly two million total appearances in Family Court each year.¹⁷ Yet the legislature has only provided 47 Family Court judges in New York City and just 149 Family Court judges in the entire state.¹⁸

The resulting backlog undermines the very purpose of the Family Court system. The Family Court Act of 1962 created Family Courts to provide a specialized, consolidated court system to address family matters.¹⁹ This consolidated system ameliorated the problems associated with the former, fragmented system in which different courts adjudicated different family-related issues.²⁰ Today, however, Family Courts are in dire need of additional funding, space, and personnel. In her final State of the Judiciary speech, Judge Kaye stated: “I personally have never before seen such burdens placed on Family Court, emotional burdens and calendar burdens, typically necessitating long court days and long court delays—delays that in child time

¹³ Expanding Access, at 20.

¹⁴ 48 RCNY Appendix, Rule 8.

¹⁵ LIFT 2008 Program Slideshow (2008), http://www.liftonline.org/pdf/Annual.Report_FY08.pdf (last visited October 19, 2009) [hereinafter “Lift 2008 Program Slideshow”].

¹⁶ See State of New York 2007 Report, at 21. Of these cases, 239,592 were brought in New York City and 469,701 outside of New York City. Id. at 25.

¹⁷ Citizens Committee for Children of New York Inc., Crisis in New York’s Family Courts: More Family Court Judges Needed (2009), available at <http://www.cccnewyork.org/publications/fctonepager2009.pdf> (last visited October 19, 2009).

¹⁸ Id. There are continuing efforts to increase the number of Family Court Judges. On September 11, 2009, the New York State Senate passed a bill to create positions for 21 new Family Court Judges. The bill has not yet been addressed by the New York State Assembly.

¹⁹ See id.

²⁰ Merrill Sobie, The Family Court: A Short History (Mar. 2003), http://www.courts.state.ny.us/history/family_ct/History_Fam_Ct.htm (last visited October 19, 2009).

are an eternity. No fair to the litigants, no fair to the courts.”²¹ Unrepresented litigants are especially vulnerable to such unfairness, and are most likely to suffer injustices as a result.

Yet, despite the calls from former Chief Judge Judith Kaye, non-profit organizations, and Family Court litigants to dedicate additional resources to Family Court, the state legislature has not resolved the crisis.²² The failure to invest in more judges, which would dramatically improve the judicial economy of the Family Courts, passes the ultimate cost of a diminished quality of justice to litigants, their families, and society as a whole. To ameliorate the crisis in Family Court, the legislature must act to create more Family Court judgeships, increase funding for civil legal services, and take steps to ensure that families receive basic social services before the need to litigate arises. However, in the continued absence of governmental support, unrepresented litigants must look elsewhere for assistance. Help centers are one way to ease the burden and improve the administration of the Family Court system.

²¹ Judith Kaye, Chief Judge, New York State, *The State of the Judiciary 2008: A Court System for the 21st Century* (Nov. 12, 2008), available at <http://www.courts.state.ny.us/admin/stateofjudiciary/soj2008.pdf> (last visited October 19, 2009).

²² Although as noted *infra* in note 18, a bill to create 21 new Family Court judgeships is under consideration by the legislature.

III. The Goals of Help Centers

1) What Is a Help Center?

In order to meet the needs of unrepresented litigants,²³ many of whom are unrepresented because they cannot afford counsel,²⁴ courts around the country have taken measures to create help centers.²⁵ Broadly defined, help centers are operational systems that assist unrepresented litigants in navigating the court system. Help centers commonly exist as either physical locations that litigants can visit or as online and telephonic resources.

Although help centers vary depending on the particular local needs they address, there are certain “core services” they typically provide.²⁶ The first is triage. When an unrepresented litigant first makes contact with the court, the center assesses the litigant’s situation and determines whether the center can provide additional assistance, refer the litigant for legal representation, or proceed in some other fashion. In addition to this immediate triage function, help center services often include interview and assessment, assistance with pleadings and fee waiver applications, document review, explanation and clarification of procedural information, assistance with understanding service requirements and methods, preparation for hearings, completion of orders after hearings and judgments, and drafting stipulations.

Moreover, help centers can provide non-core services such as mediation or other settlement assistance, readiness reviews for calendar appearances, case status meetings, and courtroom assistance. Courtroom assistance can involve answering questions from litigants, explaining procedures, conducting mediations, preparing orders after hearing, or otherwise assisting litigants without an appearance or advocating on their behalf. The methods employed by help centers in providing both core and non-core services are discussed in greater detail below.

2) What Functions Do Help Centers Serve?

Help centers meet a variety of needs. Perhaps most concretely, help centers increase access to the judicial system by providing unrepresented litigants with a better understanding of the legal process, improving the accuracy paperwork, and helping prepare litigants for court

²³ Unrepresented litigants have also often been referred to as “self-represented” litigants. For information on the debate about the most appropriate way to describe those who proceed without a lawyer and the resources that exist to serve them, see Zorza, at 14. See also Meeting the Challenge of Pro Se Litigation: A Guidebook for Judges and Court Managers (Chicago: American Judicature Society, 1998).

²⁴ LIFT, <http://www.liftonline.org/mission.html> (last visited July 28, 2009).

²⁵ Literature routinely refers to “self-help” centers. The thought is that the centers are designed to enable the unrepresented litigants to help themselves. We believe, however, that a more accurate description is a “help center.” In practice, litigants go to the center for help and the people and resources in the center help the litigants help themselves.

²⁶ California Administrative Office of the Courts, Guidelines for the Operation of Self-Help Centers in California Trial Courts 9-10 (Feb. 29, 2008), available at http://www.courtinfo.ca.gov/reference/documents/self_help_center_guidelines.pdf (last visited October 19, 2009) [hereinafter “California Guidelines”].

appearances. In Brooklyn, we observed a situation where an unrepresented litigant filled out a form detailing a story of abuse. Unfortunately, the litigant ran out of space and did not provide many of the relevant facts. This simple mistake rendered the petition non-responsive and delayed the process until the litigant re-filed a legally adequate petition. Help centers are designed to prevent this kind of mistake.

Help centers also improve the efficiency of the court. As litigants garner more information and develop a deeper understanding of how the court functions, the judicial process operates more smoothly. Fewer cases are delayed as a result of avoidable procedural problems. Paperwork is more likely to be filed correctly the first time. Litigants appear at hearings with paperwork properly served, which reduces the need for continuances. At hearings, litigants ask insightful questions and give responsive answers. In addition, courts can send unrepresented litigants to help centers to get answers to questions, which serves the dual purpose of preserving the scarce resources of the judiciary and permitting judges to maintain the appearance of neutrality on the bench while not ignoring the needs of unrepresented litigants.²⁷

In accomplishing all of this, help centers promote trust and confidence in the legal system generally, and Family Court in particular.

²⁷ Empowering unrepresented litigants to handle their own cases also serves as a valuable educational tool. The skill set that the litigant will develop by learning how to present a case before a judge is easily transferrable to most careers. Thus, help centers add the additional benefit of helping develop the oral skills of unrepresented litigants at no extra cost.

IV. Various State Approaches to Help Centers

In response to the fact that so much litigation now occurs without lawyers, many courts have adopted a much more “hands-on” approach to helping unrepresented litigants.²⁸ Over time, states have adopted innovative measures and created entities that have developed into help centers.²⁹ The measures adopted and commitment to serving the needs of unrepresented litigants vary from state to state. For example, California has been a strong advocate for unrepresented litigants.³⁰ In 2008, California’s Judicial Council adopted Rule 10.960 which identifies assistance to unrepresented litigants as a core court function and governs all court-based help centers.³¹

States have adopted a variety of help center models. In light the different needs of populations in different states—and of populations in different regions within states—this variety makes sense. However, the central objectives of help centers are fairly consistent throughout the country. Help centers aim to improve access to the courts, help people better understand court procedures and legal requirements, and facilitate timely participation in cases by all parties, including unrepresented litigants.³²

This section discusses a variety of approaches taken by different states. It focuses on the models California used during a help center pilot program, Illinois’ integration of technological assistance, and Alaska’s emphasis on providing telephonic support. This section reveals that there is no single approach or model that fits the needs of a single state. For example, the five models developed by California underwent comprehensive evaluations for over two and a half years. The final evaluation found that “no single model provides an all-inclusive solution for all courts.”³³ Instead, factors such as population density, the language capacity of unrepresented litigants, the ability for unrepresented litigants to access technology, and the presence of key community organizations drive the appropriate models for different areas within the state.

²⁸ Expanding Access, at 21.

²⁹ Zorza, at 12.

³⁰ For information on the scope California’s measures see California Equal Access Projects, <http://www.courtinfo.ca.gov/programs/equalaccess/> (last visited October 19, 2009).

³¹ Amendments to the California Rules of Court. Adopted by the Judicial Council on April 25, 2008, effective on July 1, 2008, available at <http://www.courtinfo.ca.gov/rules/amendments/jul2008.pdf> (last visited October 19, 2009).

³² See Katherine Alteneider, The Alaska Court System’s Family Law Self-Help Center 2 (Alaska Family Law Self-Help Center), available at <http://www.courtinfo.ca.gov/programs/equalaccess/serdelmod.htm#hotlines> [hereinafter “Alaska Court System Report”]; Maryland Department of Family Administration, Best Practices to Assist Self-Represented Litigants in Family Law Matters (Jan, 24, 2005), available at http://www.courts.state.md.us/family/bestpractices_selfrep.pdf (last visited July 28, 2009) [hereinafter “Maryland Best Practices”].

³³ California Pilot Program Report, at 2-3.

1) California: Self-Help Center Pilot Program

California is one of the leading states in terms of developing help centers and embracing them as a means to serve unrepresented litigants.³⁴ In 2002, California implemented the Model Self-Help Center Pilot Program.³⁵ The program was funded by the state legislature and was designed to develop solutions to the challenges that unrepresented litigants face. The Administrative Offices of the Courts designed five models for help centers. The models are highlighted here as an example of the variety of approaches a state can take to help centers.

Regional Collaboration Model. The regional collaboration model places help centers at several court sites in rural counties and allows courts to use the same program design, professional staff, administration, self-help curricula, and development of materials.³⁶ The aim is to have a single managing attorney available to link workshops, one-on-one assistance, and staff supervision through videoconferencing equipment. This pooling of resources aims to address many of the resource barriers that typically prevent rural courts from operating centers at enough locations to ensure accessibility to litigants in need of assistance.

Spanish-Speaking Model. The Spanish-speaking model creates a Spanish-language center that includes instructional materials and workshops in Spanish and Spanish-speaking staff and volunteers.³⁷ The help center is located in counties with predominantly Latino and Spanish-speaking populations, where about forty percent of the Spanish-speaking litigants require language assistance. In addition to increasing access to justice and user satisfaction, this model aims to increase the efficiency of the court system by providing Spanish-language document review of pro se forms and by building a volunteer interpreters bureau through community collaboration.

Multilingual Model. The multilingual model is designed to provide services to litigants who speak a wide variety of languages and to develop materials and techniques to address the needs of a multilingual, multicultural population.³⁸ Interpreters are not legally required in civil cases in California, so this model focuses on providing interpreter services either through volunteers or, in the case of written materials, through an outside provider that translates materials into plain English. The multilingual model also focuses heavily on collaboration

³⁴ See California Guidelines; see also Judicial Council of California, Model Self-Help Center Pilot Program: A Report to the Legislature (Mar. 2005), available at http://www.courtinfo.ca.gov/programs/equalaccess/documents/Self-Help_full.pdf (last visited October 19, 2009) [hereinafter “California Pilot Program Report”]; Judicial Council of California Administrative Offices of the Courts, Family Law Information Centers: An Evaluation of Three Pilot Programs (Mar. 1, 2003), available at <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/FLIC-full.pdf> (last visited July 28, 2009).

³⁵ See California Pilot Program Report, at 1-2.

³⁶ See id. at 23-58.

³⁷ See id. at 59-96.

³⁸ See id. at 97-138.

within the court and creating connections to services in the community through cooperation with the many existing legal and social service providers.

Technology Model. The technology model focuses on two strategies: a virtual self-help law center Web site and videoconferencing.³⁹ The Web site allows litigants to access information at a time and location most convenient to them, and provides information in multiple media formats (written, voice only, and video). Videoconferencing technology is used to help expand the availability of family law workshops, allowing litigants to attend legal information workshops at locations more convenient to home or work. Videoconferencing is also used to help facilitate child custody mediations between two parents in separate locations when domestic violence issues are a factor.

Urban Coordinate Model. Unlike the models listed above, the urban coordinate model does not involve direct service. Whereas unrepresented litigants are themselves the customers of the other models, the urban coordinate model serves self-help service providers.⁴⁰ The goals of the urban coordinate model are twofold: (1) to increase access to justice through the development of partnerships with various legal services providers, bar groups, and schools; and (2) to leverage resources to expand and enhance self-help and low-cost legal services. Specifically, the center serves as a vehicle for gathering information on the providers in the county to document what agencies exist, determine what services are being provided, identify duplication in services, and uncover discrepancies in the content and quality of services provided. The urban coordinate model focuses on identifying helpful materials and best practices so that they can be disseminated among providers with the goal of ensuring the consistency and quality of services and referrals. The center also aims to foster communication and collaboration among providers and to facilitate service provision both within individual agencies and across agencies.

2) Illinois: Models for Integrating Web-Based Resources

Although California demonstrates the variety of models, it is also worth considering Illinois' use of Web-based resources to provide help to unrepresented litigants.

Illinois Legal Aid Online. Illinois Legal Aid Online is a collaborative effort that aims to provide reliable, user-friendly information and resources regarding legal issues commonly faced by lower-income persons.⁴¹ The site is not solely dedicated to family law issues, but covers family law topics and is a good example of how Web-based resources can assist unrepresented litigations. The Web site keeps the process of obtaining information simple by asking the litigant to fill in two boxes: "what is your problem" and "what is your zip code."⁴² When a litigant

³⁹ See id. at 139-72.

⁴⁰ See id. at 173-92.

⁴¹ See Illinois Legal Aid, <http://www.illinoislegalaid.org/> (last visited October 19, 2009).

⁴² See id.

enters an area, the site in turn provides an introduction to the problem, answers to common questions, access to forms and letters, and information on related articles.⁴³

The Web site also provides additional Web-based resources. It has multimedia instructions for solving common problems and training and provides an extensive video library.⁴⁴ Currently, the site also allows litigants to prepare simplified dissolution of marriage court forms through interactive graphical software. The site provides a search tool for free and low-cost legal representation. It allows the litigant, within a specific topic area, to receive a list of organizations in his or her area that might be able to help. The site then provides useful details on the organizations in an accessible format.

Legal Help Centers. Illinois has three models for help centers that combine access to a version of Legal Aid Online with the physical space where unrepresented litigants have Internet access.⁴⁵ In all three models the center is a community-based, collaborative project designed by a local planning committee that is chaired by the Chief Judge. The Committee determines the specifics of the center such as location, hours, press, and hiring. At each location the Circuit Clerk's staff is encouraged to give a one-page handout with legal assistance referral information. The centers provide free Internet access and consist of one or two computers and signage noting what the staff can and cannot provide to center patrons. Local library staff and domestic violence advocates are trained on how to navigate the Web site and use the online and automated forms. The Internet sites provide videos and webcasts designed to address the needs of unrepresented litigants. In addition, each help center has its own homepage.⁴⁶

In the first courthouse model the help centers are located in the county courthouse. The center has separate space in the courthouse (typically in the law library) and is open during courthouse hours. The centers fitting this description are located in counties with larger populations.⁴⁷ At the center there is either one full-time or two part-time navigators. Navigators direct litigants to reference materials and provide computer and printing assistance. The second courthouse model is similar, but reflects the fact that the centers are located in moderately populated counties.⁴⁸ Therefore, the center has only one part-time navigator who maintains set hours. The final model locates the center in the public library in the county seat. This model is

⁴³See, e.g., Illinois Legal Aid: How Do I Get Child Support?, http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_Content&contentID=1767 (last visited October 19, 2009).

⁴⁴ See Illinois Legal Aid Video Library, <http://www.illinoislegalaid.org/index.cfm?fuseaction=home.legalAidVideos> (last visited October 19, 2009).

⁴⁵ See Three Models of Legal Self-Help Centers in Illinois, http://www.illinoislegaladvocate.org/calendarUploads/LSHC_3_models_chart.pdf (last visited October 19, 2009).

⁴⁶ The homepages can be located at [http://\[county name\].IllinoisLegalAid.org](http://[county name].IllinoisLegalAid.org).

⁴⁷ See, e.g., Legal Self-Help Center: Peoria County, <http://peoria.illinoislegalaid.org/> (last visited October 19, 2009).

⁴⁸ See, e.g., Legal Self-Help Center: Kankakee County, <http://kankakee.illinoislegalaid.org/> (last visited October 19, 2009).

used in rural counties.⁴⁹ The model places the center in the library because the libraries tend to be more accessible than the courthouse in terms of hours and staff.

3) Alaska: Family Law Hotline

Finally, it is worth highlighting that Alaska has adopted a model that emphasizes providing access to litigants remotely in order to best serve its predominantly rural population. Much like Illinois, Alaska takes advantage of the ability to provide resources online.⁵⁰ Alaska has the Family Law Self-Help Center (FLSHC), a free public service provided by the Alaska Court System to self-represented people in family law cases. Much like other programs, the FLSHC runs workshops, provides “workstations” or physical centers at various courthouses, and maintains a Web site that provides various information and forms and instructions.

Of particular interest is that the FLSHC also maintains a toll-free statewide telephonic helpline.⁵¹ The helpline is staffed Monday through Thursday from 7:30 a.m. to 6:00 p.m., with court employees who conduct a mini-intake to identify procedural needs of the callers. The staff provides litigants with information on a range of topics. For example, they provide information on how to initiate a motion, respond to an action, prepare for trial, respond to a post-judgment action, calculate child support, identify court and local practices, identify forms, instructions and follow-up assistance through the Web site, email, fax, mail or over the phone.⁵² Staff members also give unrepresented litigants referral information to other legal and non-legal resources that might be helpful and provide follow-up assistance as appropriate. The helpline is an effective way for the court to provide one-on-one assistance to unrepresented litigants who are unable to make it to the physical help center.

⁴⁹ See, e.g., Legal Self-Help Center: Massac County, <http://massac.illinoislegalaid.org/> (last visited October 19, 2009).

⁵⁰ See Alaska Court System Self-Help Center: Family Law <http://www.state.ak.us/courts/selfhelp.htm> (last visited October 19, 2009); Alaska Law Help <http://www.alaskalawhelp.org/AK/index.cfm> (last visited October 19, 2009).

⁵¹ See Alaska Court System Self-Help Center: Family Law <http://www.state.ak.us/courts/selfhelp.htm#how> (last visited October 19, 2009).

⁵² See generally, Alaska Court System Report.

V. Help Centers in New York Family Courts

1) New York City Family Courts

Roughly one-third of all cases brought in New York State Family Courts are filed in New York City.⁵³ Relative to other locations in the state, help centers in New York City Family Courts have the most resources available to unrepresented litigants. We visited the Kings County Family Court in July 2009 to survey and assess the services provided to those proceeding in Family Court without counsel. The services include:

- Unrepresented litigants seeking basic procedural advice or assistance filling out forms can consult with petition clerks on the sixth floor at any time that the court is open, including during night court sessions.⁵⁴
- For those in need of more detailed legal guidance, the New York City Family Court Volunteer Attorney Program (formerly known as the Family Court Help Center for Legal Services) provides support to unrepresented litigants three days per week.⁵⁵ This public-private partnership was pioneered in Brooklyn in 2006 and has been a great success.⁵⁶ The help center staffs a Court Attorney who manages approximately three volunteer attorneys, who are provided at no cost by law firms in New York City.⁵⁷ Each attorney volunteers at the courthouse approximately once per month.⁵⁸ Those seeking assistance meet with the Court Attorney and are screened for eligibility. The screening process determines whether the litigant could otherwise qualify for free counsel and checks to see if an adverse party has received assistance.⁵⁹ If the litigant qualifies for assistance from a volunteer lawyer, he or

⁵³ State of New York 2007 Report, at 25.

⁵⁴ Interview with Michael Williams, Court Clerk Specialist, in Kings County Family Court (June 11, 2009).

⁵⁵ The Volunteer Attorney Program, which was created by Judge Joseph Lauria, the Administrative Judge of the New York City Family Court, and William Silverman, a private attorney, also operates in the New York County Family Court three days a week. The program is slated to expand into the Bronx soon. See Telephone Interview with Rosina Taffuri, Deputy Chief Counsel, New York City Family Court (July 28, 2009) [hereinafter “Interview with Rosina Taffuri”]. Confusingly, the New York State Courthelp Web site still makes reference to the “Family Court Help Center Legal Services Program.” See Courthelp – Help Centers, <http://www.courts.state.ny.us/courthelp/helpcenters.html#Kings> (last visited October 19, 2009).

⁵⁶ See Expanding Access, at 18, 21-22; The Fund for Modern Courts, A Call to Action: The Crisis in Family Court app. B, at 1 (Feb. 2009), available at http://www.moderncourts.org/documents/family_court_report.pdf (last visited October 19, 2009).

⁵⁷ The exact number of volunteer attorneys at the site varies from day to day. See Interview with Rosina Taffuri.

⁵⁸ See id.

⁵⁹ See id. In order to maximize the services of the volunteer lawyers and give support to those who otherwise would have none, the Court Attorney directs those who qualify for free legal aid to the appropriate agency. In the event that an adverse party has received assistance from a volunteer attorney, the litigant will be given assistance by a different lawyer.

she meets with a volunteer attorney for a consultation. The volunteer attorney reviews the case file, helps identify the legal issues, and provides guidance for the litigant on how to best present his or her case to the judge. The consultation is a single transaction and follow-up visits are not permitted.

- The help center also provides litigants with computer access to the Access to Justice Program (“A2J”) to streamline the petition-filing process.⁶⁰ In 2009, in an effort to help unrepresented litigants navigate the legal system, New York State introduced A2J, a do-it-yourself computer program. A2J asks a series of straightforward questions to help users prepare specific court forms. Using written text supplemented by audio and visual aids, the software determines whether the user has chosen the correct form and helps the user craft answers to the technical legal questions posed in the petition. A2J can be used in Family Court to fill out a child support modification petition and a paternity petition.
- The partnership between the Family Courts and non-profit organizations also provides support to unrepresented litigants. Brooklyn and Queens have unique Family Justice Centers, which solely address domestic violence and abuse.⁶¹ The Family Justice Centers are a part of the Mayor’s Office to Combat Domestic Violence and allow victims to meet with a prosecutor, speak with a trained counselor, and apply for housing and financial assistance free of charge, all in a single visit. Having these services consolidated under one roof saves time for those seeking help and increases the effectiveness of the support being provided by having experts on all steps of the process available to answer questions and, if necessary, help the victim seek an Order of Protection or assistance from city agencies.
- Legal Information for Families Today (“LIFT”), a non-profit organization that receives funding from both government and private sources, provides additional services at the Family Court in Brooklyn. LIFT operates an Education & Information Site in the main petition room on the sixth floor of the courthouse.⁶² The site, a small table staffed by a LIFT volunteer, disseminates free copies of the 26 different Legal Resource Guides authored by LIFT, which contain information about Family Court and how Family Court cases may overlap with other criminal and civil cases.⁶³ Most of LIFT’s guides are available in multiple languages.⁶⁴ The LIFT volunteer is also available to provide basic information about the Family Court ranging from directions within the courthouse to procedural

⁶⁰ Although A2J is available over the Internet, users still are required to personally appear at the courthouse to file copies of their petitions.

⁶¹ Based on the success of the Brooklyn and Queens facilities, Mayor Bloomberg has committed to opening a third center in the Bronx. See Interview with Rosina Taffuri.

⁶² LIFT has space in every Family Court in New York City. See LIFT, Family Court Education & Information Sites, <http://www.liftonline.org/ei-sites.html> (last visited October 19, 2009).

⁶³ For copies of LIFT’s Legal Resource Guides, see LIFT, Legal Resource Guides, <http://www.liftonline.org/resource-guides.html> (last visited October 19, 2009).

⁶⁴ See id.

questions.⁶⁵ For those requiring more intensive assistance, LIFT offers individual counseling sessions for unrepresented litigants in its Family Legal Center located in downtown Manhattan.⁶⁶

2) Family Courts Outside of New York City

Family Courts outside of New York City are responsible for about two-thirds of the total petitions filed in New York State Family Court.⁶⁷ Outside of New York, there are no Help Centers exclusively devoted to supporting litigants in Family Court.⁶⁸ The few Help Centers that are available typically close at 5:00 p.m., effectively shutting out those who are unavailable during business hours. Although the Family Courts outside of New York City are all slightly different, the most common sources of help for unrepresented litigants are petition clerks, who give limited procedural advice in some jurisdictions, or Web sites such as New York Courthelp or Lawhelp/NY, to which petition clerks often refer unrepresented litigants.⁶⁹

a) Urban and Suburban Jurisdictions

Urban and suburban jurisdictions like Dutchess, Erie, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester Counties have more staff and resources to support unrepresented litigants.⁷⁰ For example, clerks in the Erie County Family Court assist litigants with the petition process any time that the court is open, from 9:00 a.m. to 5:00 p.m., on a first-come, first-served basis.⁷¹ The wait times are typically only 25 to 30 minutes.⁷² Once the litigant is interviewed, the clerk will help him or her fill out and file the necessary petitions, but does not provide any legal guidance.⁷³ Erie County also operates a Resource Center, serving litigants in every court in the Eighth Judicial District, which provides assistance with for general, non-legal questions about the litigation process. The Resource Center has computer access and free printing, but the

⁶⁵ Based on LIFT's internal statistics, it determined that the Education and Information center in Staten Island did not require staffing. Printed LIFT Legal Resource Guides are still available in Staten Island.

⁶⁶ See LIFT, Family Legal Center, <http://www.liftonline.org/flc.html> (last visited October 19, 2009).

⁶⁷ State of New York 2007 Report, at 25.

⁶⁸ See New York Courthelp, Court Help Centers, <http://www.nycourts.gov/COURTHELP/helpcenters.html> (last visited October 19, 2009).

⁶⁹ See New York Courthelp, <http://www.nycourts.gov/courthelp/index.html>; Lawhelp/NY, www.lawhelp.org/ny (last visited October 19, 2009).

⁷⁰ These counties are the only jurisdictions with any form of Help Center outside of New York City. Most of the Help Centers, however, only service cases in State Supreme Court.

⁷¹ See 8th Judicial District – Erie County, Filing a Petition in Family Court, <http://www.nycourts.gov/courts/8jd/Erie/family/petitions.shtml> (last accessed October 19, 2009).

⁷² See *id.*

⁷³ See *id.*

facility is located in a different building from the Family Court and mainly serves litigants in the Erie County Supreme Court.⁷⁴

Similarly, Suffolk County operates the Library Resources for the Public Program, which provides resources and assistance with legal research, advice on procedural steps, sample court forms, and references to other free legal resources.⁷⁵ Like the Resource Center in Erie County, Suffolk County's program does not offer legal advice and does not exclusively support the Family Court.⁷⁶

b) Rural Jurisdictions

The more rural jurisdictions located in the Third, Fourth, Fifth, Sixth, and Seventh Judicial Districts offer the fewest resources to unrepresented litigants. The courts in these jurisdictions are much smaller than those discussed above and typically employ only one or two Family Court judges per county. Although every county courthouse has a resource library available to the public, as required by law, these materials are largely incomprehensible to those without legal training. Furthermore, any assistance available in the libraries is extremely limited. The Franklin County law librarian is only available for five hours on the first and third Tuesday of every month.⁷⁷ The Franklin County Family Court itself is also thinly staffed, with only four clerks in the courthouse.⁷⁸ Neither the library staff nor clerks within the courthouse provide procedural or legal advice, assist with the selection of forms, or help prepare petitions.⁷⁹ Notably, however, litigants in Franklin County Family Court rarely proceed without counsel because of the services provided by the Franklin County Public Defender's Office.⁸⁰

⁷⁴ See 8th Judicial District – Erie County, Eighth Judicial District Resource Center, <http://www.nycourts.gov/courts/8jd/resource.shtml> (last visited October 19, 2009).

⁷⁵ See 10th Judicial District – Suffolk County, Library Resources for the Public Program, <http://www.courts.state.ny.us/courts/10jd/suffolk/lrpp.shtml> (last visited October 19, 2009).

⁷⁶ See 10th Judicial District – Suffolk County, Family Court <http://www.courts.state.ny.us/courts/10jd/suffolk/family.shtml> (last visited October 19, 2009).

⁷⁷ See 4th Judicial District – Franklin County, Law Library <http://www.courts.state.ny.us/courts/4jd/franklin/lawlibrary.shtml> (last visited October 19, 2009).

⁷⁸ See Telephone Interview with Janice Mock, Chief Clerk, Franklin County Family Court (July 23, 2009).

⁷⁹ See id.

⁸⁰ See id.

VI. Recommendations for New York Family Courts

There is no “one size fits all” approach for integrating help centers into the New York Family Court system; rather, help center administrators should adopt a variety of models that address the needs of specific jurisdictions and communities. For instance, the selection of a particular help center model should depend on population density. While unrepresented litigants in rural areas share the same need for support as those living in urban areas, in rural areas such support should be accessible via telephone and the Internet so that those who cannot access a physical site can still receive assistance. Other examples of factors influencing which model to implement include the presence of community organizations, the language capacity of unrepresented litigants, and the ability of unrepresented litigants to access technology.

Our recommendations fall into six categories: staffing, technology, collaboration, physical space, language access, and assessment. Having consistently heard that space and funding are two key limitations on expanding help centers, we including in our recommendations ideas that can leverage existing physical and financial resources to enhance help centers for unrepresented litigants.

Recommendation 1: Staffing Help Centers

It is not uncommon for unrepresented litigants to become frustrated and overwhelmed by the court system. Help centers address this problem by providing an immediate opportunity to interact with someone knowledgeable and helpful. Indeed, this is the key service that help centers provide, no matter how they are implemented. It is therefore critical that administrators maximize the availability and utility of help centers.

- **Managing Attorney.** Each center should operate under the oversight of a managing attorney—someone who can oversee help center personnel and ensure that the information provided to unrepresented litigants is substantively accurate.⁸¹ Attorney oversight is also essential to the process of developing effective case assessment protocols and spotting legal issues that require assistance beyond the scope of that available at the help center.⁸² While non-attorney staff members may have a great deal of knowledge and skill, formal legal training is generally necessary to recognize and respond to the panoply of legal issues involved in a particular matter. Finally, a managing attorney can ensure compliance with all ethical obligations.⁸³

⁸¹ It is not necessary to have a separate managing attorney for each center. Indeed, real time communication means that a single managing attorney could oversee multiple help centers without detriment to the quality of service provided. Moreover, managing attorneys can and should work together to ensure some measure of consistency and uniformity with respect to the services offered at help centers throughout the state. Such a top-down approach, which has been used effectively in California and Illinois, would decrease administrative costs and enhance the Courts’ ability to determine the effectiveness of each help center.

⁸² See California Guidelines, at 6, 12.

⁸³ For instance, ensuring that non-attorneys do not provide legal advice, that court employees maintain neutrality, and that litigants understand the limited scope of the representation provided by volunteer attorneys.

- **Non-Attorney Volunteers.** Help centers should make full use of non-attorney volunteers.⁸⁴ While such volunteers can assume a wide variety of roles,⁸⁵ two particular roles would greatly enhance the functioning of help centers. First, volunteers can act as greeters for litigants entering the help center for the first time. Second, volunteers can assist litigants with online resources, including do-it-yourself programs like Access to Justice.
- **Attorney Volunteers.** Volunteer attorneys are an invaluable resource for staffing help centers. Attorneys are uniquely qualified to listen to unrepresented litigants and assist them in spotting key factual and legal issues, identifying procedural steps, and discussing litigation strategy. For a litigant first walking into court, such a consultation can render the experience far less overwhelming. Moreover, pro bono programs are consistent with the New York Code of Professional Responsibility⁸⁶ and the values and aims of the New York Bar.⁸⁷ The aforementioned Family Court Pro Bono Project in Family Court in Brooklyn and Manhattan provides a model for how to implement a pro bono program that integrates volunteer attorneys from local law firms⁸⁸ into the help center process. Such partnerships are highly beneficial to litigants and to the Family Court system. Generally, help centers should take advantage of the state's support of pro bono and reach out to their ProBonoNY Local Action Committees in order to help recruit attorney volunteers.⁸⁹
- **Hours of Operation.** Many unrepresented Family Court litigants work during ordinary business hours. Forcing litigants to take additional time off from work to seek assistance exacerbates the already-significant burden of litigating. Staffing help centers outside of those hours will enhance justice by maximizing the number of litigants help centers serve.

Recommendation 2: Integrating and Capitalizing on Technology

Effectively utilizing technology is a cost-effective way to provide unrepresented litigants with much more robust access to information about Family Court. Technological innovation can be especially useful to litigants in upstate and rural jurisdictions, where the geography is sprawled and there are generally fewer resources available to unrepresented litigants. In addition,

⁸⁴ Volunteers should be screened and should be trained to provide services to the public. California Guidelines, at 18.

⁸⁵ These roles include, but are not limited to, assisting with clerical duties, helping document areas of the program that cause confusion to litigants, assisting with customer service surveys, and helping test future electronic interview software. Interview with Michael Williams, Court Clerk Specialist, in Kings County Family Court (June 11, 2009).

⁸⁶ New York Lawyer's Code of Prof'l Responsibility EC 2-25 (2009).

⁸⁷ See Expanding Access, at 11-16.

⁸⁸ Such programs are attractive to attorneys. The individual time commitment is limited, but the attorney can nonetheless provide meaningful assistance to litigants in need of a lawyer's services.

⁸⁹ For discussion of New York's recent efforts to increase the provision of pro bono services see Expanding Access, at 11-16.

technological resources can be pooled in order to provide maximum assistance with sparse resources and personnel.

- **Court Web Sites.** At the most basic level, courts should create Web sites designed to provide maximum information about the law, the courts, and the procedural steps litigants need to take to protect their rights. Basic information on how to proceed in Family Court is largely unavailable on the Family Court Web sites for most jurisdictions in New York State.⁹⁰ Indeed, many Family Court Web sites do not even have links referring to the New York Courthelp or LawHelp/NY Web sites.⁹¹ Creating user-friendly Web sites which provide quick access to relevant information would help provide greater access to the courts and allow unrepresented litigants to better navigate the court system.
- **Electronic Filing.** Beyond creating a user-friendly webpage, the New York State Family Courts should take advantage of the recent advances in document assembly technology and implement a user-friendly electronic case filing system.⁹² If such a system is thoughtfully coordinated with Access to Justice, it will decrease the need for individual support at the petition-filing stage, which will in turn increase the opportunity to provide services to litigants needing more complex, post-petition assistance.⁹³ It will also save litigants trips to the courthouse and reduce waiting times accordingly.
- **Remote Interactive Assistance.** As helpful as Web-based information is, unrepresented litigants still benefit greatly from remote interactive assistance, and Family Courts should facilitate such assistance.⁹⁴ Family Courts should establish free telephone hotlines and free online chat modules where litigants can speak to staff or volunteers who can provide basic information about law and procedure. At present, LIFT is the only organization with a hotline available for all unrepresented litigants, regardless of financial resources, that addresses the entire jurisdiction of Family Courts; unfortunately the service is limited only to

⁹⁰ See, e.g., 3rd Judicial District, <http://www.courts.state.ny.us/courts/3jd/Family/index.shtml> (last visited July 29, 2009); 4th Judicial District, <http://www.courts.state.ny.us/courts/4jd/courtdescriptions.shtml#FamilyCourt> (last visited October 19, 2009); 5th Judicial District, <http://www.nycourts.gov/courts/5jd/> (last visited October 19, 2009); 6th Judicial District, <http://www.nycourts.gov/courts/6jd/descriptions.shtml#Family> (last visited October 19, 2009).

⁹¹ See *id.*

⁹² Brooklyn Family Court also utilizes technology to more efficiently manage the docket. In 2007, Brooklyn allowed electronic filing for child support petitions, the most crowded portion of the docket, in order to save litigants waiting time and expedite the docketing process. Prior to the implementation of the electronic system, litigants were required to visit two desks in the courthouse to file a new support petition. Brooklyn is the only Family Court to utilize electronic filing.

⁹³ As of the date of publication, only two Family Court forms can be completed using A2J.

⁹⁴ Even with more effective technological and remote assistance, sufficient human support is imperative to assist those with insufficient computer skills to utilize the resources. See Judicial Council of California Task Force on Self-Represented Litigants, Statewide Action Plan for Serving Self-Represented Litigants, http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/Full_Report.pdf (last visited October 19, 2009).

New York City.⁹⁵ That is particularly unfortunate because remote interactive assistance would be particularly helpful in rural jurisdictions, where litigants often must travel great distances to courthouses. Although developing these resources would require significant investment, the start-up costs would quickly be recouped.

Recommendation 3: Collaboration with the Court and Community

- **Communication within the Court.** Help center staff should be included in regular meetings with court administration, judicial officers, and other operational staff to discuss administrative and general issues facing unrepresented litigants.⁹⁶ Consistent dialogue is crucial to creating court-based help centers that work well for both the court and unrepresented litigants.⁹⁷ Judges, courtroom clerks, filing clerks, family law research attorneys, administrators, and other court staff need to understand the services offered by help centers so that litigants can be accurately and promptly assisted.
- **Community Organizations.** An integrated approach to help centers requires close collaboration with the bar, community organizations, and other legal service providers. As discussed earlier, LIFT is a prime example of the type of community organization with which help centers can and should collaborate. Such organizations can provide various types of assistance. For instance, LIFT has a Family Law Information Hotline that provides the type of assistance unrepresented litigants seek at help centers.⁹⁸ LIFT also provides multilingual Legal Resource Guides that give litigants step-by-step information on the law and how the Family Courts work.⁹⁹ Finally, LIFT runs a Family Legal Center, located near Manhattan Family Court, at which program associates, social workers, and paralegals provide a range of services in the child support, custody, and visitation fields.¹⁰⁰ The LIFT example is purely illustrative. Help center administrators should develop mutually beneficial relationships with a range of legal service organizations in order to provide streamlined, effective resources to litigants.

⁹⁵ Other hotlines offering free legal support for unrepresented litigants exist in New York State, but are either limited in the scope of services provided, like Safe Horizon, which only provides Domestic Violence assistance, or like the New York City Bar hotline, which only serves populations that are otherwise unable to pay for counsel.

⁹⁶ See California Guidelines, at 2.

⁹⁷ For instance, help center administrators will be in a position to know when forms are confusing to litigants or unnecessarily duplicative, and can advise court administrators to make appropriate modifications.

⁹⁸ See LIFT, Family Law Information Hotline, <http://www.liftonline.org/hotline.html> (last visited October 19, 2009).

⁹⁹ See LIFT, Legal Resource Guides, <http://www.liftonline.org/resource-guides.html> (last visited October 19, 2009).

¹⁰⁰ See LIFT, Family Legal Center, <http://www.liftonline.org/flc.html> (last visited October 19, 2009).

Recommendation 4: Physical Space

- **Location.** When possible, help centers should be situated inside courthouses. This arrangement allows for effective collaboration between the help center and the court clerk and expedites the smooth flow of litigants and paperwork. If, however, that is not feasible, the center should be located in a courthouse annex, an adjacent facility, or, at the very least, within close walking distance of the courthouse.¹⁰¹ Community organizations and public libraries offer potential alternative locations.
- **Design.** If a help center has ample space and is built from scratch, every aspect of the physical design should align with the user experience.¹⁰² Even if space is limited, however, it is important that centers utilize that space to present organized and accessible resources. The location of the help center should be clear from the lobby of the courthouse. Users should have ready access to information explaining the services available at the help center. Volunteers can also help to guide visitors within centers. Moreover, the space should ideally be designed to facilitate the integration of other community organizations into the help center process; the ideal center would offer a “bazaar” of assistance programs and arrange them in an accessible manner.¹⁰³ This is precisely what the Family Justice Center in Brooklyn accomplishes.
- **Signage.** Because so many help centers operate on a walk-in basis, it is critical that information be posted in clear view.¹⁰⁴ Signs should be posted at points of entry to the courthouse directing litigants to the location of the help center. Within the center itself, signs should clearly identify the resources and services available to litigants. The signs should include the center’s hours of operation and a brief, clear description of who is eligible for particular services. Finally, signs should explain where litigants can seek assistance when the help center is closed, including providing phone numbers and other contact information. These recommendations are straightforward and relatively inexpensive to implement, but would significantly improve the user experience of the unrepresented litigant.

Recommendation 5: Language Access

For unrepresented litigants with limited literacy or limited proficiency in English, the court system can be impenetrable.¹⁰⁵ Without an interpreter or access to information in simple, plain English, such litigants cannot communicate comfortably with judges or court clerks, and

¹⁰¹ See California Guidelines, at 2.

¹⁰² See Zorza, at 27-31.

¹⁰³ See Zorza, at 29.

¹⁰⁴ See Maryland Best Practices, at 11.

¹⁰⁵ For a more complete discussion of the importance of language access in the state courts and efforts by courts across the country to provide interpreters see Laura Abel, Language Access in State Courts (Brennan Center for Justice 2009), available at http://www.brennancenter.org/content/resource/language_access_in_state_courts/ (last visited October 19, 2009).

cannot appropriately file paperwork, give or comprehend testimony, or evaluate settlement agreements or court orders.

- **Literacy.** Effective help centers must be capable of assisting people with low literacy levels. Help center staff should recognize that low-literacy litigants may need more assistance to handle even simple matters. It is imperative that help centers convey information in plain English and clear terms. Whenever possible, help center employees should avoid using legal jargon and terminology. The same is true of informational materials available at help centers. When legal terms are used, they should be explained as clearly as possible.
- **Access for Non-English Speakers.** All litigants with limited English proficiency in New York State Courts are entitled to interpreter services during court proceedings.¹⁰⁶ Similarly, when a litigant seeks the assistance of a court clerk, he or she should be provided translation services contingent on the availability of a translator.¹⁰⁷ These rules do not apply to help centers, but interpreters are generally available upon request at help centers in New York City. Forms, instructions, and information about programs and services should be made available in commonly spoken languages in the community. Ideally, help centers should seek to employ program staff who are fluent in those languages, or, at least, qualified interpreters for English-speaking program staff.¹⁰⁸

Recommendation 6: Assessment

To ensure efficient and effective use of resources, help centers should regularly engage in rigorous self-evaluation.¹⁰⁹ Customer satisfaction surveys are used both in the New York City Family Courts and by organizations like LIFT. These surveys generate data to provide insight into whether, and how effectively, a help center is addressing the needs of its users.¹¹⁰ Assessment data can also be used to construct a cost-benefit analysis demonstrating that effective help centers ultimately reduce costs and streamline services. Help centers should regularly

¹⁰⁶ See New York Ct. Rules § 217.

¹⁰⁷ See New York Ct. Rules § 217.

¹⁰⁸ An alternative to hiring individuals to work on site, is to use telephonic interpretation services, which is done in Alaska. This method would be particularly valuable for Family Courts in upstate New York, where the non-English speaking population is much smaller than in New York City and the surrounding areas, since telephonic translation services could be available to all courthouses.

¹⁰⁹ See California Guidelines, at 11, 20.

¹¹⁰ Indeed, LIFT decided to suspend staffing a volunteer at its Staten Island Education & Information Site based on the results of its assessment program, which showed that the services within the courthouse were sufficient to serve the needs of Family Court litigants. Similarly, A2J users are asked to fill out a survey describing their experience with the software and eliciting feedback on how the program could be improved.

collect data and measure outcomes in order to improve their services and meet the needs of unrepresented litigants and other users.¹¹¹

¹¹¹ Claudia Johnson of PBN (probono.net) suggests that such an analysis could be extremely valuable. LIFT regularly collects data and measures outcomes to better understand how its programs operate and what they accomplish. See LIFT, Outcomes and Impact, <http://www.liftonline.org/outcomes-impact.html> (last visited October 19, 2009).