

Washington State Judicial Branch

2023-25 Biennial Budget

Expand & Evaluate Self-Help Centers

Agency: Administrative Office of the Courts

Decision Package Code/Title: T5 – Expand & Evaluate Self-Help Centers

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests 1.0 FTE and \$2.5 million in one-time state funding to extend two pilot self-help centers through the 2023-25 biennium and perform an evaluation on the success of the program. Washington has a significant and growing number of unrepresented litigants attempting to use the trial courts. These litigants often encounter challenges in using a court system that was designed for professional attorneys to navigate. Self-help centers are a common service offered by many other states to assist unrepresented litigants with legal information in civil matters. (General Fund – State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	1.00	1.00	1.00	0.00	0.00	0.00
Operating Expenditures						
Fund 001-1	\$1,236,200	\$1,231,400	\$2,467,600	\$0	\$0	\$0
Total Expenditures						
	\$1,236,200	\$1,231,400	\$2,467,600	\$0	\$0	\$0

Package Description:

The Unrepresented Litigant Ad-Hoc Workgroup was launched in February 2020 with the goal to assess and develop resources specifically for Washington's courts to improve processes, advance access to justice, and ensure that unrepresented litigants are fairly heard in court. Unfortunately, there are limited resources available to assist litigants to understand and navigate the complexities of Washington's legal system, while Washington law requires courts to hold unrepresented litigants to the same standards as attorneys. Some courts offer locally-funded court facilitators, however their scope is limited to certain types of family law cases, and often charge for their services.

There are a number of opportunities to increase access to justice for unrepresented litigants and reduce the challenges for judges and courts in working with this population. Recognizing this need, the Legislature appropriated \$520,000 to AOC in FY 2023 to support two self-help center pilot programs, one on each side of the state. Unfortunately, one year is a very limited amount of time in which to stand up such promising new programming, and the appropriation did not include funding for full implementation and evaluation. A thorough evaluation of the pilot self-help centers is critical to identifying successful programming with the potential for replicability across the State.

Courts can create a more welcoming, service-oriented environment to meet the needs of the communities they serve. In California, a state that utilizes the self-help center model and reports over a million annual users of the centers, courts reported that self-help centers were highly effective in assisting unrepresented litigants prepare accurate, complete, timely, and legible filings and pleadings. Judges reported that litigants that used the center services were also better

prepared for court, and hearings proceeded more smoothly. Self-help center customers reported high levels of satisfaction with the provided services and increased understanding of how to proceed in their case.¹

Funding is requested for an additional two years for the self-help pilot programs at an increased level of funding. This will allow the sites to fully develop their services, and time for a comprehensive evaluation of the pilot programs. Evaluation is needed for self-examination, necessary for all successful program development, but is also needed to assess replicability of successful programming for the benefit of courts across the State considering standing up their own self-help center. Evaluation staff would work directly with the pilot programs to assist in identifying best and promising practices, conduct a comprehensive evaluation, and develop a self-help center model for local funding support and statewide replication.

Purchase Description:

This proposal would support the two existing self-help center pilot programs, funded at a level to fully implement programming, for an additional two years. It would also support the hiring of 1.0 FTE at AOC to conduct an evaluation of the pilot sites, prepare reports/documentation for decision makers, and support the pilots in implementation of best practices.

Fully describe and quantify expected impacts on state residents and specific populations served:

The two self-help center pilot programs will serve the public in distinct areas of the state, on the west and eastside. Unmet civil legal needs disproportionality impact low-income households, women, seniors, veterans, people with disabilities, and communities of color.²

Explain what alternatives were explored by the agency and why they were rejected as solutions:

No funding alternatives were meaningfully explored, as no federal funding is available to launch or sustain self-help centers directly. Rather, this additional funding supplements FY 23 state funding, in order to provide program and evaluative information that local funding authorities need to assess continuance of the self-help centers using local funds. Some states utilize Americorps VISTA or Title IV-D funds to support existing programs with volunteers and short-term staffing, and are options that can be further explored as the pilot programs become established.

What are the consequences of not funding this request?

Without this funding, the self-help center pilot programs that will be launched in FY 2023 will have too few systems in place to accurately measure performance. It would be impossible to adequately demonstrate the effectiveness to decision makers for local funding, as those budget cycles for the coming fiscal year are already underway. Staff hired would only have a few months to implement programs, and the public could not rely on the service even over the short-term.

Is this an expansion or alteration of a current program or service?

This would be an extension and full funding for an existing grant program. Grant funds have not yet been distributed.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Senior Research Associate. Beginning July 1, 2023 and ongoing, AOC requires salary, benefits, and associated standard costs for 1.0 FTE. The staffing assumptions in this proposal are based upon existing workload and job classifications used within AOC for comparable subject areas, such as Therapeutic Courts or Dependency. Each of these areas has a dedicated Senior Research Associate to lead a performance monitoring and improvement

¹ Impact of Self-Help Center Expansion in California Courts. Judicial Council of California. January 2021. Accessible at <https://www.courts.ca.gov/documents/lr-2021-self-help-centers-funding-analysis-BA-2018-gov-code-9795.pdf>

² Office of Civil Legal Aid. 2015 Washington State Civil Legal Needs Study Update. October 2015. Accessible at https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf

program in coordination with local courts. A similar body of work would be required to support the Self-Help Center pilot programs.

Other Non-Standard Costs

Grants (Object N)

Grants for existing two self-help pilot programs will be fully funded and extended through the 2023-25 biennium. Each site would receive \$520,000 per fiscal year.

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A	Salaries and Wages	111,500	111,500				
B	Employee Benefits	35,600	35,600				
E	Goods and Services	3,800	3,800				
G	Travel	2,500	2,500				
J	Capital Outlays	6,400	1,600				
N	Grants, Benefits, and Client Services	1,040,000	1,040,000				
T	Intra-Agency Reimbursements	36,400	36,400				
Total Objects		1,236,200	1,231,400	0	0	0	0

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
SENIOR RESEARCH ASSOCIATE	111,500	1.00	1.00				
Total FTEs		1.00	1.00				

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 31.89% of salaries.

Goods and Services are the agency average of \$3,800 per direct program FTE.

Travel is the agency average of \$2,500 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE. Ongoing Equipment is the agency average of \$1,600 per direct program FTE.

Agency Indirect is calculated at a rate of 24.73% of direct program salaries and benefits.

How does the package relate to the Judicial Branch principal policy objectives?

Fair Administration of Justice: Unrepresented litigants make up a significant and growing number of participants appearing in Washington's courts. This is a national phenomenon. The National Center for State Courts, Civil Justice Report, 2015, shows a decline in defendant/respondent representation in civil litigation in general jurisdiction state courts from 97% in 1992 to 46% in 2015. Increased poverty and relatively few legal resources for those with limited financial means are factors contributing to the increase in unrepresented litigants appearing in court.³

This decrease in legal representation contributes to access to justice challenges faced by those with limited financial means. In a legal system that is generally described as adversarial and lawyer-centric, unrepresented litigants are

³ Cerniglia, Christine, The Civil Self-Representation Crisis: The Need for More Data and Less Complacency, Georgetown Journal on Poverty Law and Policy, Vol. XXVII, Spring 2020.

disadvantaged.⁴ Self-help centers assist litigants with the procedural and technical aspects of their case, so that they can adequately and appropriately heard on the merits.

Commitment to Effective Court Management: Self-help centers have the potential to increase efficiencies in case processing and management in courts where they are utilized. A recent report on the outcomes of California’s self-help centers note increased cost and time efficiencies throughout the judicial system.⁵ Services offered by self-help centers can vary, but can include settlement services, document assembly, and case-type specific workshops. However, all services have the potential to measurably improve court performance. For example, by assisting unrepresented litigants to prepare and understand documents for use before, during, and after court proceedings, self-help centers can reduce the time needed for case processing by decreasing court time and the number of continuances, and help ensure that judicial orders are followed.

Are there impacts to other governmental entities?

There are no anticipated direct impacts to governmental entities other than those courts with self-help pilot programs. These courts will be supportive of an additional two years of funding to fully realize the pilot programs they have envisioned. In addition to judicial officers, self-help centers can reduce the administrative burdens on court staff and clerks. The Washington State Association for County Clerks (WSACC) is a member organization of the SCJA’s Unrepresented Litigant Ad Hoc Workgroup, which has been actively developing plans for self-help center pilot programs.

Stakeholder response:

The most directly impacted group by this proposal is the general public that utilizes the court for civil legal problems.

Are there legal or administrative mandates that require this package to be funded?

There is no mandate that requires the funding of this package.

Does current law need to be changed to successfully implement this package?

No.

Are there impacts to state facilities?

No.

Are there other supporting materials that strengthen the case for this request?

None.

Are there information technology impacts?

There are no information technology impacts for this request.

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⁴ National Center for State Courts, The Landscape of Civil Litigation in State Courts, 2015. The NCSC survey data shows correlation between representation and case dispositions. For example, cases disposed by summary judgment also had the highest attorney representation, likely reflecting unrepresented litigants lack of knowledge about summary judgments.

⁵ Judicial Council of California. Impact of Self-Help Center Expansion in California Courts. January 2021. Accessible at: <https://www.courts.ca.gov/documents/lr-2021-self-help-centers-funding-analysis-BA-2018-gov-code-9795.pdf>