

Washington State Judicial Branch

2024 Supplemental Budget

Extend Self-Help Center Pilot

Agency: Administrative Office of the Courts

Decision Package Code/Title: JC – Extend Self-Help Center Pilot

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests 1.0 FTE and \$1.25 million in funding to extend the existing self-help center pilot through June 30, 2025. Washington has a significant and growing number of unrepresented litigants encountering challenges in using a trial 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. In Fiscal Year 2023, the Legislature first appropriated \$520,000 to launch two self-help center pilot programs in Washington state. In the 2023-25 biennial budget, the Legislature funded a total of \$520,000 to extend the programs. This funding request would extend the pilot programs with an additional year to increase the pilots to full funding and provide them with evaluation and performance management support in preparation for expansion of the program in the 2025-27 biennium. (General Fund – State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	0.00	1.00	0.50	0.00	0.00	0.00
Operating Expenditures						
Fund 001-1	\$0	\$1,248,700	\$1,248,700	\$0	\$0	\$0
Total Expenditures						
	\$0	\$1,248,700	\$1,248,700	\$0	\$0	\$0

Package Description:

Washington has a significant and growing number of unrepresented litigants encountering challenges in using a trial 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. This funding request would extend the existing two pilot programs with an additional year to increase the pilots to full funding and provide them with evaluation and performance management support in preparation for expansion of the program in the 2025-27 biennium.

This proposal was included in the Administrative Office of the Court's (AOC's) 2023-25 biennial budget request to the Legislature. That proposal was \$2.468 million for the biennium (\$520,000 per pilot site, per fiscal year (FY), and 1.0 FTE for a Senior Research Associate). The Legislature only funded a portion of the annual cost of the pilot sites, \$520,000. This decision package seeks to add full funding for the two pilot sites and the AOC staff in FY 2025.

The Superior Court Judges' Association (SCJA) launched the Unrepresented Litigant Ad-Hoc Workgroup 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.

National estimates report up to 75 percent of all civil cases have at least one unrepresented party.¹ In Washington, the 2015 Civil Legal Needs Study reported that seven in 10 low-income Washingtonians experience a civil legal problem each year. Seventy-six percent of these people had no access to professional legal help.² 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. The Legislature previously appropriated funding for this need, but funding in each fiscal year for the 2023-25 biennium is necessary to complete the initial work of the pilot programs and conduct a thorough evaluation to identify 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 Louisiana, unrepresented litigants can access volunteer attorneys statewide with specific legal questions, or web portals with uniform resources for each judicial district. 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.³ Anecdotal narratives from the two pilot programs in Washington report similar benefits – litigants that use the self-help centers are able to submit complete and accurate court forms, and are better prepared for court proceedings.

Additional funding will enable self-help pilot sites to fully develop their services in time for a comprehensive evaluation of the programs. Evaluation is critical 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.

Fully describe and quantify expected impacts on state residents.

The two self-help center pilot programs 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.⁴ Pilot sites currently serve approximately 150-200 area residents each month.

Explain what alternatives were explored by the agency and why this was the best option chosen.

There is no alternative funding source available for this purpose.

What are the consequences of not funding this request?

Without this funding, the self-help center pilot programs that were launched in FY 2023 would be unable to fully implement their intended services. Comprehensive evaluations of program efficacy and would not be undertaken, leaving other courts unable to reproduce their own local self-help centers. Pilot programs would not be able to meet the need for services in their community and surrounding areas, and may need to turn litigants away.

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.

¹ Self Represented Litigation Network. National SRL Estimates. October 2015. Accessible at <https://www.srln.org/system/files/attachments/National%20SRL%20Estimates%20-%20Oct%202015%20srln.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

³ 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>

⁴ Ibid.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Senior Research Associate. Beginning July 1, 2024 one-time, AOC requires salary, benefits, and associated standard costs for 1.0 FTE to lead a performance monitoring and improvement program in coordination with local courts. Specific tasks include producing evaluation reports, translating best practices research, and providing data gathering technical assistance.

Other Non-Standard Costs (Object N)

This request would also fully fund the two self-help pilot centers at \$520,000 each in FY 2025.

	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
Expenditures by Object						
A Salaries and Wages		119,500				
B Employee Benefits		36,600				
C Personal Service Contract		1,040,000				
E Goods and Services		3,600				
G Travel		2,000				
J Capital Outlays		6,600				
T Intra-Agency Reimbursements		40,400				
Total Objects		1,248,700				

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	119,500		1.00				
Total FTEs			1.00				

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 30.59% of salaries.

Goods and Services are the agency average of \$3,600 per direct program FTE.

Travel is the agency average of \$2,000 per direct program FTE.

Ongoing Equipment is the agency average of \$1,800 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE.

Agency Indirect is calculated at a rate of 25.86% of direct program salaries and benefits.

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

Fair and Effective 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 percent in 1992 to 46 percent 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.⁵

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

⁵ 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.⁶ Self-help centers assist litigants with the procedural and technical aspects of their case, so that they can adequately and appropriately be 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. Services offered by self-help centers can vary, but the existing pilot programs currently offer: assistance with forms completion and filing; limited legal assistance from attorneys, Limited Legal License Technicians and paralegals; and free printing, filing and storage of court forms. Judicial officers from the pilot programs report litigants using the self-help centers submit accurate and complete court forms, and are better prepared for court proceedings. A recent report on the outcomes of California’s self-help centers also detailed increased cost and time efficiencies throughout the judicial system.⁷

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. The Superior Courts in Grays Harbor and Spokane have benefitted from the services offered by the pilot programs to unrepresented litigants, and support an additional year of funding to fully realize the pilot programs that are envisioned.

Stakeholder response:

The most directly impacted group by this proposal are those members of the public that utilize the court for civil legal problems. Anecdotal reports from the pilot programs indicate that litigants welcome the services being provided, and support additional funding.

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?

No

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⁶ 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.

⁷ 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>