



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 21-060*

For business meeting on: March 12, 2021

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**Title**

Allocations and Reimbursements to Trial Courts: Model Self-Help Pilot Program Reallocation

**Agenda Item Type**

Action Required

**Effective Date**

March 12, 2021

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

February 18, 2021

**Recommended by**

Trial Court Budget Advisory Committee  
Hon. Jonathan B. Conklin, Chair, Judge of  
the Superior Court of Fresno County

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### Executive Summary

The Model Self-Help Pilot Program has been operating in five California trial courts since 2002. The Superior Court of Contra Costa County has decided not to continue its participation with its technology model project, and the Trial Court Budget Advisory Committee recommends that the Judicial Council allow all courts to apply for funds to expand their use of technology in providing self-help assistance as part of a consolidated technology funding application process for fiscal year (FY) 2020–21, and institute a process to determine a new Model Self-Help Technology Pilot Project for FY 2021–22.

### Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective March 12, 2021:

1. Allow all courts to apply for \$191,400 in FY 2020–21 Model Self-Help Pilot grant funds as part of a larger Request for Proposals (RFP) that the Information Technology Advisory Committee (ITAC) sent to all courts in January for a variety of projects, including projects

focused on self-help technology. The consolidated funding and approval process would minimize the burden on courts to submit and track multiple applications and outcome reports.

2. For FY 2021–22 funds and beyond, develop an application to be submitted by interested courts to become a Model Self-Help Pilot Project focusing on providing services using technology. These applications will be reviewed by a panel from the Trial Court Budget Advisory Committee, the Information Technology Advisory Committee, and the Committee on Providing Access and Fairness. This ad hoc subcommittee will make a recommendation to the Judicial Council regarding the new pilot project. The application for FY 2021–22 and ongoing funds would be due in late spring, allowing courts to develop more meaningful projects and plans prior to the start of the October 1 funding year.
3. Direct Judicial Council staff to submit an informational report on the outcome of award and allocation decisions to the Trial Court Budget Advisory Committee, the Committee on Providing Access and Fairness, and the Information Technology Advisory Committee later this fiscal year.

### **Relevant Previous Council Action**

On April 15, 2020, by Circulating Order CO-20-01, the Judicial Council approved a recommendation for midyear reallocation of \$191,400 in Model Self-Help Pilot grant funds for 2019–20 from the Model Self-Help Technology project to the four remaining model court projects.

Staff was further directed to submit an informational report to the Trial Court Budget Advisory Committee (TCBAC) and the Judicial Council later in the fiscal year with a recommendation for the ongoing use of these funds for the next fiscal year. That report was submitted to the Judicial Council and was considered at its meeting on July 24, 2020. Since the budget was uncertain at the time of preparation of the report, staff recommended that future allocations be considered by TCBAC.

### **Analysis/Rationale**

The Budget Act of 2001 provided funding for the Judicial Council to establish five model self-help center pilot projects in response to a budget change proposal submitted by the agency. A special selection review committee reviewed the proposals submitted by interested courts and made recommendations about funding. Those recommendations were then reviewed by the Task Force on Self-Represented Litigants and approved by the Executive and Planning Committee of the Judicial Council on April 12, 2002, and reported at the Judicial Council meeting on April 19, 2002.

The approved programs were:

- Superior Court of Butte County–*Regional Model Court*;
- Superior Court of Contra Costa County–*Technology Model Court*;

- Superior Court of Fresno County—*Spanish-speaking Model Court*;
- Superior Court of Los Angeles County—*Urban Collaboration Model Court*; and
- Superior Court of San Francisco County—*Multilingual Model Court*.

An extensive evaluation of the project was submitted to the Legislature on March 1, 2005, demonstrating the benefits of these programs. Funding has been included as a line item for local assistance in the State Budget Act in the general fund since that time, and the grants were continued with each court receiving \$191,400 per year. The projects continue to model innovative practices and report to Judicial Council staff on their activities.

On September 16, 2019, the Superior Court of Contra Costa County informed the Judicial Council that they would no longer be able to participate in the Model Self-Help Program. The court was modeling technological methods to provide services to self-represented litigants including the virtual self-help center website. The attorney who was the lead on that project joined the Judicial Council, and the court decided to end work on the grant so that it can focus on successful implementation of its new case management system.

After further discussion with the court and review of potential options, Judicial Council staff and TCBAC recommended, and the Judicial Council approved, that the \$191,400 in funding that the court would have received be reallocated to the remaining four pilot projects to use for technology-related services to improve the experience for self-represented litigants. The reallocation would be based on a short application process to ensure the full use of this funding for its intended purpose—which would serve more court users.

Two of the existing programs applied for and received funding. The Superior Court of San Francisco County used the funding to retool its program to provide more remote services in response to the COVID-19 pandemic. The Superior Court of Los Angeles County used the funding to develop online courses, including an orientation to divorce, and purchased equipment capable of showing recorded workshops at court sites throughout the county.

At the time that staff reported on the use of these funds, the state budget was still uncertain, and staff recommended having future funding considered by TCBAC. Funding for the project was maintained at the same level in the Budget Act of 2020.

On November 19, 2020, TCBAC recommended that the program continue a technology model in the Model Self-Help Pilot Program and that all courts be eligible to apply for this funding. The committee voted unanimously to delegate authority for determination of the project to an ad hoc subcommittee comprised of members of TCBAC, the Committee on Providing Access and Fairness (PAF), and the Information Technology Advisory Committee (ITAC). The motion further recommended that applications be issued as quickly as possible with a goal of having them due on December 31, 2020, so that determinations could be made promptly by the ad hoc subcommittee, allowing a midyear start for the new program.

The grant year for these programs started on October 1, 2020. Given that a new program might not be able to spend the entire allocated amount in this first year, TCBAC further voted that if funds appeared to be available for 2020–21, the remaining four pilot projects would again be invited to apply for this one-time funding.

After apprising ITAC of this motion and asking for participants, staff learned that ITAC was implementing a consolidated funding application process for the courts for one-time technology funding to be sent in January 2021. This consolidated process was designed to minimize court time to prepare applications and comply with requirements. It was recommended that this process be used for 2020–21 funds to allow broader distribution based on the needs of courts responding to COVID-19. Then, the process identified by TCBAC could be implemented for 2021–22, allowing courts more time to develop thoughtful proposals to become a Model Self-Help Pilot Project. At its meeting of January 12, 2021, TCBAC approved this amended approach.

### **Policy implications**

Technology has become an increasingly important tool for providing assistance for self-represented litigants. Developing a new Model Self-Help Pilot Project focusing on the use of technology to provide self-help assistance will give all courts guidance for replication. This phased approach of allowing all courts to expand use of technology in this fiscal year when all are facing new challenges related to COVID-19, and allowing courts time to develop a thoughtful new pilot addresses both immediate needs and a plan for development of a more comprehensive approach for the future.

### **Comments**

This proposal did not circulate for public comment.

### **Alternatives considered**

Several alternatives were considered. One alternative was to make no allocation for the \$191,400 for the fiscal year. The funds would revert to the state general fund, and the courts would not have the ability to create a model technology self-help program or use funds to support existing model programs.

As previously described, the proposal initially identified by TCBAC was to have courts apply for funding to become a Model Self-Help Pilot Project by December 31, 2020. However, given the challenges for courts in developing a thoughtful program given the pressures of responding to the pandemic, and given that ITAC was going to be issuing similar grant applications within a matter of weeks, this seemed to pose an undue burden on courts and minimize the option for a well-considered model program.

The recommended alternative allows all courts to apply for funds to expand their services using technology in 2020–21, given the new challenges posed by COVID-19. It then allows for the thoughtful development of a new ongoing Model Self-Help Pilot Project. This allows these funds

to be used for immediate needs for using technology to assist self-represented litigants while also allowing for a truly model program.

### **Fiscal and Operational Impacts**

For FY 2020–21, more self-help centers will be able to expand services using technology. Resources developed by the courts administering these projects will be available to all courts throughout the state as they adapt services in response to the COVID-19 pandemic. For 2021–22, a new ongoing Model Self-Help Pilot Project will be developed that will be able to focus on modeling best practices serving self-represented litigants through the use of technology.

### **Attachments and Links**

None.