



Access Brief: Forms and Document Assembly

Overview

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This Brief was produced by the Center on Court Access to Justice for All (www.ncsc.org/ati), an initiative of the National Center for State Courts (NCSC). The Center offers resources and technical assistance to help judges and courts advance access to justice, especially for poor and low-income individuals. It works closely with the Conference of Chief Justices, the Conference of State Court Administrators and other national court organizations to implement access-to-justice solutions. The Center is supported by the Public Welfare Foundation (PWF).

About the Authors & Reviewers

The Brief was prepared by Deborah Saunders, NCSC Senior Knowledge and Information Services Analyst, Richard Zorza of Zorza Associates, and Pamela Casey, NCSC Principal Court Research Consultant. The authors thank the careful review and comments offered by Bonnie Rose Hough, Managing Attorney, Center for Families, Children & the Courts, California Administrative Office of the Courts; Susan Ledray, Sr. Manager Pro Se Services, Minnesota Fourth Judicial District; and Trish McAllister, Executive Director, Texas Access to Justice Commission. Points of view or opinions expressed in the Brief are those of the authors and do not represent the official position of the NCSC or PWF.

Any program to assist the self-represented litigant must begin with the provision of court forms.¹ The courthouse can be a confusing and intimidating place for someone who is unfamiliar with its rules and procedures, technical language, layout, and deadlines.

Terminology that is understandable to those who use the court on a regular basis can be incomprehensible to the self-represented litigant. Making information and forms clear and easily accessible can be an important part of breaking down these barriers. When

forms and information are presented in an understandable format, both court users and court staff experience less frustration and delay.² Many issues arise when forms are translated into other languages; these will be addressed in a separate *Access Brief*.

Nearly every state has some type of court form online; and many, such as Alaska, California, Connecticut, and Idaho offer self-help Web assistance as well.³

The Core Concept:
Offer litigants
easy-to-use court
forms for common
procedures

Development and Deployment

Properly prepared forms provide benefits to litigants, court staff, judges, and attorneys. The process of filling out the form can be a teaching tool for self-represented litigants by focusing them on the specific information necessary to present their case. As a result, (a) staff spends less time answering questions, reviewing forms, and rescheduling cases; (b) judges have the necessary information to make decisions; and (c) opposing counsel have a clearer picture of the issues being addressed.⁴ A survey of 22 states by the Texas Access to Justice Commission found that standardized forms improved efficiency for judges and court staff for all reporting states.⁵ California also found that attorneys consider forms to be a

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Useful tool that can save them time and energy in their own practice.⁶

By including all interested users in form design at the beginning of the process, the final product will be of greater quality. Potential parties to consult are representatives for court clerks and staff, judges, the administrative office of the courts, the private bar, legal services, law librarians, the limited English proficiency community, disability advocates, senior advocates, and other community organizations or agencies that interact with the court on a regular basis.⁷ It also is important to involve individuals who specifically work with self-represented litigants at this point in the process.

The initial focus should be on forms that are most often needed by self-represented litigants and forms that are most useful in reducing litigant confusion and unnecessary expenditures of court staff time. Proper instructions are as important as the forms themselves. Integrating instructions into the forms produces a better result and helps with filling out forms that may not be clear.⁸ Examples of case types with a high volume of self-represented litigants include family law, consumer debt, and housing cases. Just as important as deciding which forms to create is the decision on which forms not to create. Other groups such as legal aid may have already created forms for specific case types.

Input and constructive criticism are useful during the planning stage, but specific usability problems may not become obvious until forms are released. That is why it is crucial to have a plan for obtaining systematic feedback on how well the forms work. This can be done through

observation and/or surveys of users. Typical factors to consider are ease of completion, accuracy, and inclusion of necessary information. Flexibility is key; and if common problems are identified, forms should be changed as necessary. Those who revise the forms, based on the feedback, do not necessarily need to be the same individuals as those who originally drafted the forms.

States use a wide variety of formats for online forms, ranging from a PDF that is printed and then completed by hand to formats that can be completed online to interactive document assembly programs.⁹ States also include online links to packets of forms with instructions on where and when to use them.¹⁰ Simply posting forms to the state's website is only one step. The forms must be reviewed and kept current as laws or filing requirements change; this is an ongoing process.

Document Assembly

Document assembly programs go one step further and use an interactive format to ask questions of the litigant to populate a legal form that can then be filed with the court. Forms that are easy to complete online without assistance do not need the added expense of a document assembly program and so should be excluded. Document assembly programs tend to be less costly and more successful when statewide or jurisdiction wide forms are already in use.¹¹ By taking a leadership role in this process, the court can ensure that the forms filed in the court are legally sufficient and provide the necessary information for the court to process and make appropriate decisions. More recently, jurisdictions are working to integrate electronic filing with document

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assembly programs.¹² A separate *Access Brief* will focus on electronic-filing and self-represented litigants.

A number of different types of document assembly programs are available including commercially developed programs, grant-funded non-profit applications, and home grown in-house products. For more information on various options, contact the Center on Court Access to Justice for All.¹³

Early adopters of interactive document assembly programs include California, Idaho, and New York. The New York State Courts began a document assembly program in 2005 and have used their experiences to develop a best practices guide. This comprehensive guide provides information on the planning, development, implementation, costs, technology, maintenance, and usage of the document assembly program. Issues addressed include the court's leadership role, language barriers, plain language, equipment, and personnel needs.¹⁴ The New York State Courts Access to Justice Program has created a video for the DIY (Do-It-Yourself) Form Support Modification Petition Program. This video explains how unrepresented litigants in New York State can easily use the free DIY Form program to create the Family Court papers they need to change their support order.¹⁵

Idaho Legal Aid and the Idaho Supreme Court partnered to develop the interactive documents program. The Idaho Interactive Court Forms are described on their website:

You will answer questions in an interview format and your answers will be used to fill in Idaho court approved forms relevant to your court case. Links to the interviews

(interactive forms) are on both the Idaho Legal Aid Services website and the Idaho Supreme Court's Court Assistance Office website. Once you click the link to the form you need, you will be taken to our partnering site, LawHelp Interactive, to complete the interview for the interactive forms. At the end of the interview, you will "submit" your answers, wait for your documents to be assembled, and then download your documents for printing. Instructions about what to do next will be included in your printed form packet.¹⁶

California has had standardized forms for over 30 years that are used statewide by all parties. This has enabled the development of many documents assembly programs by courts, legal services programs and the Administrative Office of the Courts. In addition to programs designed to be used directly by litigants or their attorneys, the AOC has developed document assembly programs using LawHelpInteractive¹⁷ that are used in conjunction with court-based workshops and clinics and may involve Justice Corps volunteers. This combination of assistance greatly reduces the time needed for document completion in the workshops and reduces litigant fatigue.¹⁸

Getting Started

Leadership from the justices of the court of last resort is an important component in beginning a forms development program. Before beginning a forms or document assembly program, it is important to collect data on the number of self-represented litigants filing different types of cases and the effects of these cases on caseload management and access to justice for all

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litigants. This information should be disseminated prior to the start of the forms development project. Although at least one state met some resistance to the development of forms by the practicing bar, other states have found the bar receptive because attorneys like the easy accessibility of the online forms. California, for example, has used forms for over 30 years, has over 1400 approved forms, and at least half are mandatory.¹⁹

Endnotes

¹ Greacen, J. M. (2010). *Resources to assist self-represented litigants: A fifty-state review of the "State of the Art"* (national edition). Lansing, MI: Michigan State Bar Foundations (available <http://www.msbf.org/selfhelp/GreacenReportNationalEdition.pdf>).

² See Plain Language.gov website: <http://www.plainlanguage.gov/index.cfm>. This website provides tips and examples for writing legal information in an understandable format.

³ For a state-by-state list of online court forms see the NCSC Self-Representation State Links, Court Forms web page: <http://www.ncsc.org/Topics/Access-and-Fairness/Self-Representation/State-Links.aspx?cat=Court%20Forms>. For examples of state websites, see Alaska Court System, Self-Help Center: Family Law web page: <http://www.courts.alaska.gov/selfhelp.htm>; California Courts online Self-Help Center web page: <http://www.courts.ca.gov/selfhelp.htm>; Connecticut Judicial Branch Self-Help web page: <http://www.jud.ct.gov/selfhelp.htm>; and State of Idaho Judicial Branch, Court Assistance Office web page: <http://www.courtsselfhelp.idaho.gov/>.

⁴ See PowerPoint slides prepared by the Self-Represented Litigation Network. (2008). *Court Leadership and Self-Represented*

Litigation: Solutions for Access, Effectiveness and Efficiency/Module 6: Developing and deploying plain language forms and instructions. Williamsburg, VA: National Center for State Courts (available <http://www.ncsc.org/microsites/access-to-justice/home/Topics/~media/Microsites/Files/access/06-Plain%20Language-Con.ashx>).

⁵ Texas Access to Justice Commission. (n.d.). *State responses on standardized forms*. Austin, TX: Author (available <http://www.texasatj.org/files/file/1StateResponsesonStatewideForms.pdf>). Commission staff conducted extensive research on the availability of standardized forms in all 50 states and the District of Columbia. The document is a compilation of interviews with representatives from 22 states who were involved in the promulgation of their state's forms.

⁶ B. Hough, Managing Attorney, Center for Families, Children & the Courts, California Administrative Office of the Courts (personal communication, October 18, 2012).

⁷ See Self-Represented Litigation Network (2008) at endnote 4.

⁸ S. Ledray, Senior Manager Pro Se Services, Minnesota Fourth Judicial District (personal communication, October 18, 2012).

⁹ See Greacen (2010) at endnote 1.

¹⁰ New York State Courts Access to Justice Program. (2011, April). *Document assembly programs best practices guide*. New York: New York State Courts (available http://www.nycourts.gov/ip/nya2j/pdfs/BestPractices_courtsystemdocument_assemblyprograms.pdf).

¹¹ See PowerPoint slides prepared by the Self-Represented Litigation Network. (2008). *Court Leadership and Self-Represented Litigation: Solutions for Access, Effectiveness and Efficiency/Module 7: Deploying automated forms for access*. Williamsburg, VA: National Center for State Courts (available <http://www.ncsc.org/microsites/access-to-justice/home/Topics/~media/Microsites/Files/>

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[access/07-Deploying-automated-forms-Con%20\(1\).ashx](#)).

¹² See New York State Courts Access to Justice Program (2011, April) at endnote 10, page 10.

¹³ See the Center on Court Access to Justice for All at www.ncsc.org/atj for information on available assistance.

¹⁴ See New York State Courts Access to Justice Program (2011, April) at endnote 10.

¹⁵ See the Form Support Modification Petition Program (<http://nycourthelp.gov/diy/supportmodification.html>) and video (<http://www.youtube.com/watch?v=34J99kKwDY&feature=youtu.be>).

¹⁶ See Idaho Legal Aid Services, Inc., Self-Help—Idaho Interactive Forms web page: <http://www.idaholegalaid.org/SelfHelp>.

¹⁷ See LawHelpInteractive (LHI) website: <https://lawhelpinteractive.org/about>. Also see Bladow, K., & Johnson, C. (2008). Online document assembly. In C. Flango, C. Campbell, and N. Kauder (Eds.), *Future Trends in State Courts 2008* (pp. 1-6). Williamsburg, VA: National Center for State Courts (available <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/accessfair/id/126>).

¹⁸ See Self-Represented Litigation Network. (2008) at endnote 11.

¹⁹ B. Hough, Managing Attorney, Center for Families, Children & the Courts, California Administrative Office of the Courts (personal communication, October 18, 2012).