

**SUPREME COURT OF COLORADO
OFFICE OF THE CHIEF JUSTICE**

Directive Concerning Colorado Courts' Self-Represented Litigant Assistance

This directive concerns assistance provided by Clerks, Family Court Facilitators, Self-Represented Litigant Coordinators, and others to litigants or potential litigants in *non-criminal matters*.

Authority for Self-Represented Litigant Assistance

The Colorado Courts provide self-help assistance to Self-Represented Litigants to facilitate access to the courts. The goal is to provide, within the bounds of this directive, assistance to achieve fair and efficient resolution of cases, and to minimize the delays and inefficient use of court resources that may result from use of the court system by litigants who are not represented by lawyers. There is a compelling state interest in resolving cases efficiently and fairly, regardless of the financial resources of the parties.

Definitions

- (a) "Self-Represented Litigant" means any individual who seeks information to file, pursue, or respond to a case without the assistance of a lawyer authorized to practice before the court.
- (b) "Self-Help Personnel" means court employees and court volunteers who are performing services as part of the Colorado Courts' Self-Represented Assistance. Self-Help Personnel include court clerks, family court facilitators, self-represented litigant coordinators, law librarians, and others who work to provide Self-Represented Assistance. Those court employees and court volunteers who are licensed lawyers are governed by this CJD in the same way that court employees and court volunteers who are not lawyers are governed. The State Court Administrator's Office and local districts will provide appropriate training to Self-Help Personnel.
- (c) "Court Volunteers" are volunteers who volunteer for the court in helping to provide information to self-represented litigants. Court volunteers are not volunteering as or on behalf of a lawyer, law firm or law practice and as such, consistent with this CJD, do not provide legal advice.
- (d) "Self-Represented Assistance" means support and guidance provided by Self-Help Personnel within the scope and limitations of this Chief Justice Directive, including collaboration and coordination with legal and community resources.

- (e) “Approved forms” means the standardized forms and detailed instructions that have been approved by the State Court Administrator’s Office and appear on the state judicial website, forms printed in the Colorado Supreme Court Rules, and local forms to facilitate following local case-processing procedures.

Role of Self-Help Personnel

- (a) **Basic Services.** Self-Help Personnel may provide the following services:
 - (1) Provide general information about court procedures and logistics, including requirements for service, filing, scheduling hearings and compliance with local procedure;
 - (2) Provide, either orally or in writing, information about court rules, terminology, procedures, and practices;
 - (3) Inform Self-Represented Litigants of available pro bono legal services, low cost legal services, unbundled legal services, legal aid programs, alternative dispute resolution services including mediation and services offered by the Office of Dispute Resolution, lawyer referral services, and legal resources provided by state and local libraries;
 - (4) Encourage Self-Represented Litigants to obtain legal advice without recommending a specific lawyer or law firm;
 - (5) Explain options within and outside the court system, including providing information about community resources and services;
 - (6) Provide information about domestic violence resources;
 - (7) Offer educational sessions and materials, as available, and provide information about classes, such as parenting education classes;
 - (8) Assist Self-Represented Litigants in selecting the correct forms, and instructions on how to complete forms, based on the Self-Represented Litigant's description of what he or she wants to pursue or request from the court, including, but not limited to, providing forms for the waiver of filing fees. Where no form exists to accomplish the Self-Represented Litigant's request, Self-Help Personnel should inform the litigant of that fact;
 - (9) Record information provided by the Self-Represented Litigant on approved forms if that person cannot complete the forms due to disability, language, or literacy barriers;
 - (10) Assist Self-Represented Litigants to understand what information is needed to complete filling in the blanks on approved forms;

- (11) Review finished forms to determine whether forms are complete, including checking for signatures, notarization, correct county name, and case number;
- (12) Assist in calculating child support using the standardized computer-based program, based on financial information provided by the Self-Represented Litigant;
- (13) Answer general questions about how the court process works;
- (14) Answer questions about court timelines;
- (15) Provide docket information;
- (16) Provide information concerning how to get a hearing scheduled;
- (17) Inform Self-Represented Litigants of the availability of interpreter and sign language assistance and process requests for such services;
- (18) At the direction of the court, review Self-Represented Litigants' documents prior to hearings to determine whether procedural requirements have been met;
- (19) Assist Self-Represented Litigants with preparation of proposed court orders based upon the parties' agreement or stipulation for signature of judge or magistrate;
- (20) Answer questions about whether an order has been issued, where to get a copy if one was not provided, and read the order to the individual if requested;
- (21) Provide a Self-Represented Litigant with access to information from a case file that has not been restricted by statute, rule or directive, including CJD 05-01;
- (22) Provide assistance based on the assumption that the information provided by the Self-Represented Litigant is accurate and complete;
- (23) Provide the same services and information to all parties to an action, as requested;
- (24) Provide language and/or citations of statutes and rules, without advising whether or not a particular statute or rule is applicable to the situation;
- (25) Provide other services consistent with the intent of this Chief Justice Directive and the direction of the court, including programs in partnership with other agencies and organizations.

(b) Prohibited Services. Self-Help Personnel shall not:

- (1) Recommend whether a case should be brought to court;

- (2) Give an opinion about what will happen if a case is brought to court;
- (3) Represent litigants in court;
- (4) Tell a Self-Represented Litigant that Self-Help Personnel may provide legal advice;
- (5) Provide legal analysis, strategy, or advice;
- (6) Disclose information in violation of a court order, statute, rule, chief justice directive, or case law;
- (7) Deny a Self-Represented Litigant access to the court;
- (8) Tell the Self-Represented Litigant anything Self-Help Personnel would not repeat in the presence of the opposing party, or any other party to the case;
- (9) Refer the Self-Represented Litigant to a specific lawyer or law firm for fee-based representation.

Assistance by Self-Help Personnel is not the Practice of Law

The performance of services by Self-Help Personnel in accordance with this directive is not the practice of law, as Self-Help Personnel are to provide neutral information and are not to give legal advice. Information provided by a Self-Represented Litigant to Self-Help Personnel is neither confidential nor privileged. No attorney-client relationship exists between Self-Help Personnel and a Self-Represented Litigant.

Assistance by Lawyers and Nonlawyer Assistants who are not Self-Help Personnel

When Self-Help Personnel refer Self-Represented Litigants to community resources and services, this may include referrals to lawyers and law firms who can provide short-term limited legal services. Lawyers, and their nonlawyer assistants, as that term is used in the Colorado Rules of Professional Conduct 5.3, are guided by the Colorado Rules of Professional Conduct, including, but not limited to Rule 6.5 which addresses court-annexed limited legal services programs.

Availability of Services

Subject to available resources, assistance is available to all Self-Represented Litigants. Self-Help Personnel may direct Self-Represented Litigants to other appropriate services where the inquiry is better addressed. Some limited examples are: the Office of the District Attorney for questions about victims' services; the Americans with Disabilities Act coordinator in the location, for information about accommodations necessary to the Self-Represented Litigant; the collections investigator for information about payment of court costs; the clerk and recorder, for

information about property records; and the Division of Revenue, Motor Vehicle Division, for information about drivers' licenses or state identification.

Copy Costs

Courts may require Self-Represented Litigants to pay the reasonable copying costs of providing forms and instructions to Self-Represented Litigants, provided that the charge for persons who are indigent may be reduced or waived, as required by statute, rule or directive, including CJD 06-01.

Notice to Self-Represented Litigant

Self-Help Personnel shall provide and, if necessary, review with the Self-Represented Litigant, the below "Notice to Self-Represented Litigant." Such notice shall also be available through conspicuous posting and be made available in other languages, as needed.

NOTICE TO SELF-REPRESENTED LITIGANT

Self-help services are available to all persons who seek information to file, pursue, or respond to a case without the assistance of a lawyer authorized to practice before the court, within the resources available to Self-Help Personnel.

Self-Help Personnel are neutral information providers and will provide the same services and information to all parties in a case, if requested.

Self-Help Personnel are employees of the court or volunteers for the court and are available to provide information about court procedures, practices, rules, terminology, and forms, as well as community resources and services. They will assist you by providing information in a neutral way, but cannot act as your lawyer or provide legal advice.

Self-Help Personnel will explain the court process, will help you to understand what information is needed to fill in the blanks on a form, and will review your forms for completeness, but cannot tell you what your legal rights or remedies are, represent you in court, or tell you how to testify in court.

Self-Help Personnel will listen to you to help you locate forms and understand the information you need for your case, but because the Self-Help Personnel are court employees or court volunteers, any information you share with them is not confidential or privileged.

No attorney-client relationship exists between Self-Help Personnel and you as a Self-Represented Litigant. If you need a lawyer or legal advice, Self-Help Personnel will help you find community resources and services without recommending a specific lawyer or law firm.

Self-Help Personnel are not responsible for the outcome of your case.

Self-Help Personnel are not investigators and cannot provide investigative services.

Self-Help Personnel are court employees or court volunteers not acting on behalf of any particular judge. The presiding judge in your case may require that you change a form or use a different form. The judge is not required to grant the relief you request in a form.

In all cases, it is best to obtain the assistance of your own lawyer, especially if your case presents significant or complicated issues. If requested, Self-Help Personnel will help you find community resources and services without recommending a specific lawyer or law firm.

**For more information about the court's self-help assistance, see Chief Justice Directive 13-01, which is available at http://www.courts.state.co.us/Courts/Supreme_Court/Directives/Index.cfm.
(end of notice)**

Done at Denver this 12th day of June, 2013.

/s/
Michael L. Bender, Chief Justice