



## AmeriCorps Court-Based Navigator Programs

Federally-funded programs that support state court partnerships and increase access to justice for self-represented litigants



**AmeriCorps** is a network of national service programs that enrolls members in volunteer community activities to improve lives and foster civic engagement.<sup>1</sup>

The Corporation for National and Community Service (CNCS) provides grants under the AmeriCorps State and National program to state commissions and local and national organizations – including courts and legal aid programs – to address critical community needs.<sup>2</sup>



**California and Illinois, two AmeriCorps court-based navigator programs**, are examples of successful partnerships among courts, college campuses, and community legal aid organizations to provide direct services to self-represented litigants who would otherwise have to navigate legal problems and the complex legal system on their own.<sup>3</sup>

### Most Civil Court Litigants Are Self-Represented and at a Disadvantage

*“It is imperative that court leaders move with dispatch to improve the civil case management with tools and methods that align with the realities of modern civil dockets to control costs, reduce delays, and ensure fairness for litigants.”*

National Center for State Courts, Civil Justice Initiative: The Landscape of Civil Litigation in State Courts (2015)<sup>4</sup>

Most people find the civil court system confusing and intimidating. Unlike the constitutional right to a lawyer in criminal cases, litigants’ right to counsel in civil cases depends on the state they are in and the type of case. Those facing life-altering civil justice problems, like eviction, foreclosure, debt collection, domestic violence, child support, divorce, and guardianship, too often don't know where to go for help or can't afford an attorney.

Legal aid organizations provide free help, but available resources don't come close to meeting the need. Studies estimate that at least 75 percent of all civil cases involve one self-represented litigant.<sup>5</sup> Lack of representation also leads to worse outcomes, delays, and increased costs for litigants and courts.<sup>6</sup>

Several states and communities have increased access to justice and reduced burdens on courts by tapping into their state's AmeriCorps funds and training non-lawyers to serve as "navigators" for litigants.<sup>7</sup>

### AmeriCorps Members Provide Court-Based Self-Help Services

CNCS – the federal agency that leads service, volunteering, and grant-making efforts in the United States<sup>8</sup> – awards grants and other resources to organizations to support recruitment and training for members (or volunteers) to meet critical community needs. AmeriCorps, its best-known program, places thousands of people into intensive service positions all over the country. CNCS's 2020 AmeriCorps funding priorities included:<sup>9</sup>

- ▶ Economic Opportunity
- ▶ Education
- ▶ Healthy Futures
- ▶ Veterans and Military Families
- ▶ Rural Intermediaries
- ▶ Faith-based organizations

Legal aid programs and courts have utilized AmeriCorps grants and members to expand their capacity to provide legal help. CNCS administers funds for multi-state AmeriCorps programs, while a network of state commissions administers their state's formula share for single-state only programs.<sup>10</sup>

## JusticeCorps Navigators in the Courts

An innovative AmeriCorps program called JusticeCorps aims to provide help to self-represented people caught in a complex legal system, struggling to resolve crucial matters affecting their family, housing, personal safety, and financial stability. Members – typically undergraduate students or recent graduates – often receive a living stipend during their year of service, other benefits, and training to assist litigants, enabling them to navigate the system more confidently and with the information they need, as well as to help the courts work more efficiently.<sup>11</sup>



**Illinois JusticeCorps** began as a pilot program in Cook County, Illinois in 2009 and became an AmeriCorps program in 2012.<sup>12</sup> Currently administered by the Illinois Bar Foundation in partnership with The Chicago Bar Foundation and the Illinois Supreme Court Commission on Access to Justice, it provides support to self-represented litigants in 13 courthouses across 11 counties. JusticeCorps receives a three-year operating grant of almost \$835,000 CNCS AmeriCorps funds from the Serve Illinois Commission and a near-equal cash and in-kind match/partner investment from the Illinois Supreme Court Commission

on Access to Justice, the Illinois Bar Foundation, and The Chicago Bar Foundation.<sup>13</sup> Approximately 65 members are trained annually to:<sup>14</sup>

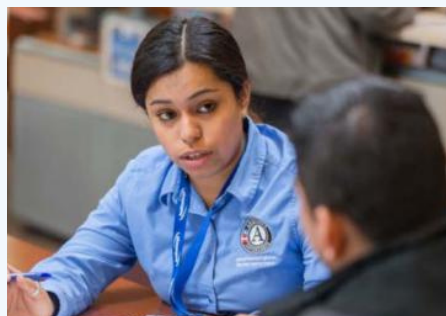
- ▶ Help people find their way around the courthouse
- ▶ Connect them with assistance and services including legal aid advice desks and self-help centers
- ▶ Help litigants find and use online and other self-help resources
- ▶ Help people identify and complete appropriate forms
- ▶ Provide legal information and assistance navigating the court process
- ▶ Help people comply with mandatory e-filing requirements

A 2014-2015 Illinois JusticeCorps program evaluation found that:<sup>15</sup>

- ▶ The majority of survey respondents ranked the assistance they received as "excellent" (96 percent) and felt more prepared to proceed with their legal issue after receiving assistance from JusticeCorps members (81 percent);<sup>16</sup> and
- ▶ Court administrators and judges at several courthouses indicated that the program helped improve efficiency of hearings by improving the accuracy of legal documents and provided them a resource to which litigants could be referred.<sup>17</sup>

*"JusticeCorps programs are a win-win-win for the court system, the program participants, and the people they serve. Participants get valuable training and professional experience in the legal system while giving back to their community, people without lawyers get access to self-help resources and better understand how to address their legal issues, and the court system runs more smoothly and provides more fair and equal access to all litigants."*

Stacey Weiler, Illinois JusticeCorps Program Operations Director



**California JusticeCorps** is a collaborative project of the Judicial Council of California, seven superior courts, public universities, and community legal aid providers to help litigants in the state's court-based self-help centers.<sup>18</sup> Established in 2004, it deploys about 320 JusticeCorps members across Los Angeles County, San Diego County, and five Bay Area counties annually.<sup>19</sup> California JusticeCorps receives a CNCS AmeriCorps three-year operating grant from California Volunteers of approximately \$1.4 million annually. Partner investments provide a cash match of approximately \$1.8 million annually.<sup>20</sup>

California JusticeCorps members' core activities include:<sup>21</sup>

- ▶ Triage litigants' needs and direct them to resources, staff, and/or referrals
- ▶ Assess litigants' case status and educate them about next steps (e.g., filing for a fee waiver, requesting a hearing, or submitting a proposed judgment)
- ▶ Provide litigants with information about their options and make referrals to appropriate services
- ▶ Assist with identifying and completing legal forms and procedures
- ▶ Observe courtroom proceedings and help litigants understand their court orders and next steps
- ▶ Assist litigants in their native languages

A 2017-2018 California JusticeCorps program evaluation of members' assistance to self-represented litigants found that:<sup>22</sup>

- ▶ After receiving assistance, 96.6 percent of litigants self-reported the highest possible levels of preparedness, knowledge, confidence, and comprehension;
- ▶ Court paperwork filed at the clerk's window was more accurately completed when self-represented litigants received assistance from JusticeCorps members compared to when they received no assistance; and
- ▶ Self-represented litigants who were assisted by JusticeCorps members were more prepared for the next steps in their cases and required less assistance from court personnel.<sup>23</sup>

## Tips and Lessons Learned from JusticeCorps Program Directors:<sup>24</sup>

- ▶ **Review AmeriCorps resources and successful applications.** CNCS posts the results of grant competitions on the Open Government portion of its website.<sup>25</sup> Reviewing successful applications can give you a good idea of the scope and level of detail that CNCS expects.
- ▶ **Connect with organizations and states with existing programs.** AmeriCorps grantee program directors, even those unrelated to civil legal services, can explain how they manage their AmeriCorps projects, help clarify program requirements, and shed light on reporting and tracking logistics. Also reach out to your state commission to discuss their calendar for funding, grant sizes, and priority areas.<sup>26</sup>
- ▶ **Don't be daunted by the match requirement.** Grantees can cumulate their match funding from a variety of sources. For example, if a new AmeriCorps program is run by existing staff whose salaries are already accounted for in the organization's budget, it can count as a portion of the funding match.
- ▶ **Consider your member recruitment base.** AmeriCorps members typically serve one-year terms. To build a sustainable program, identify a reliable pool from which you can recruit every year.
- ▶ **Design a program with the AmeriCorps members in mind.** Providing a meaningful and engaging service experience for the AmeriCorps members is crucial for building a successful and sustainable program. These programs are also an excellent way to instill a spirit of public service in future lawyers and can serve as a diversity pipeline to law schools.

## Endnotes

1. See <https://www.nationalservice.gov/programs/ameri-corps/what-ameri-corps>  
2. See <https://www.nationalservice.gov/programs/ameri-corps/ameri-corps-programs/ameri-corps-state-national>  
3. See <https://www.courts.ca.gov/justicecorps.htm> and <https://www.illinoisbarfoundation.org/illinois-justicecorps>  
4. See p. iv, at [https://www.ncsc.org/\\_data/assets/pdf\\_file/0020/13376/civiljusticereport-2015.pdf](https://www.ncsc.org/_data/assets/pdf_file/0020/13376/civiljusticereport-2015.pdf)  
5. Self-Represented Litigation Network (SRLN), *SRLN Brief: How Many SRLNs?* (2015), available at <https://www.srln.org/node/548/srln-brief-how-many-srlns-srln-2015>; See also National Center for State Courts, *Civil Justice Initiative: The Landscape of Civil Litigation in State Courts* (2015), available at [https://www.ncsc.org/\\_data/assets/pdf\\_file/0020/13376/civiljusticereport-2015.pdf](https://www.ncsc.org/_data/assets/pdf_file/0020/13376/civiljusticereport-2015.pdf)  
6. See <https://www.pewtrusts.org/en/projects/civil-legal-system-modernization>  
7. Mary E. McClymont, *Nonlawyer Navigators in State Courts: An Emerging Consensus* (2019), available at <https://www.srln.org/system/files/attachments/Final%20Navigator%20report%20in%20word-6.11.hyperlinks.pdf>  
8. See <https://www.nationalservice.gov/about>  
9. See descriptions of these funding priorities in *CNCS's FY 2020 Notice of Funding Opportunity*, available at [https://www.nationalservice.gov/sites/default/files/documents/FY20%20ASN%20NOFO\\_508.v2.pdf](https://www.nationalservice.gov/sites/default/files/documents/FY20%20ASN%20NOFO_508.v2.pdf)  
10. State Service Commissions can be found at <https://www.nationalservice.gov/about-cnsc/contact-us/state-service-commissions>  
11. See <https://www.nationalservice.gov/programs/ameri-corps/segal-ameri-corps-education-award>

12. *Supra* note 5.

13. Self-Represented Litigation Network (SRLN), *Funding Sources for Court-based Navigator Programs: CNCS AmeriCorps* (webinar) (2020), available at <https://register.gotowebinar.com/recording/4728140097269358338>

14. Illinois JusticeCorps, *Grant Narrative* (n.d.), available at [https://www.nationalservice.gov/sites/default/files/grants/17AC191741\\_424.pdf](https://www.nationalservice.gov/sites/default/files/grants/17AC191741_424.pdf)

15. *Ibid.* at 7.

16. *Ibid.* at 16.

17. *Ibid.* at 17.

18. *Supra* note 5.

19. *Supra* note 13 at 10:06.

20. *Supra* note 13 at 19:24.

21. Philliber Research & Evaluation, *2017-18 JusticeCorps Program Evaluation Final Summary Report* (September 2018), available at <https://www.srln.org/system/files/attachments/California%20-%20JusticeCorps%20-%20September%202018%20Program%20Evaluation%20Final%20Report.pdf>

22. *Ibid.* at 25.

23. *Ibid.* at 3.

24. Additional tips and examples of courts and legal aid AmeriCorps programs are available in the *2016 Guide to the AmeriCorps State and National Program For Legal Aid Organizations*, at <https://www.justice.gov/atj/file/903451/download>

25. See <https://www.nationalservice.gov/about/open-government-initiative/transparency/results-grants-competition>

26. *Supra* note 10.