



UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA

Access to Justice in Crisis:  
Self-Represented Parties and the Court

2011



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## I. INTRODUCTION

Self-represented, or *pro se*, litigants comprise over one quarter of the debtors filing in the U.S. Bankruptcy Court for the Central District of California. In early 2011, the Court identified serving this population as one of its key strategic issues, focusing on ensuring proper access to justice for self-represented parties and measuring their impact on the Court's resources. Since that time, we have embarked on a careful review of the Court's approach to assisting self-represented parties, and expanded and implemented programs and systems to be more effective in this area.

The rise in the number of *pro se* filings over the past year, coupled with the complexity of successfully filing for bankruptcy, highlight the growing importance of providing assistance for self-represented parties. Therefore, the Court aims to assist those parties in obtaining free or low-cost legal representation, or provide tools that they can use to navigate effectively through the process without an attorney.

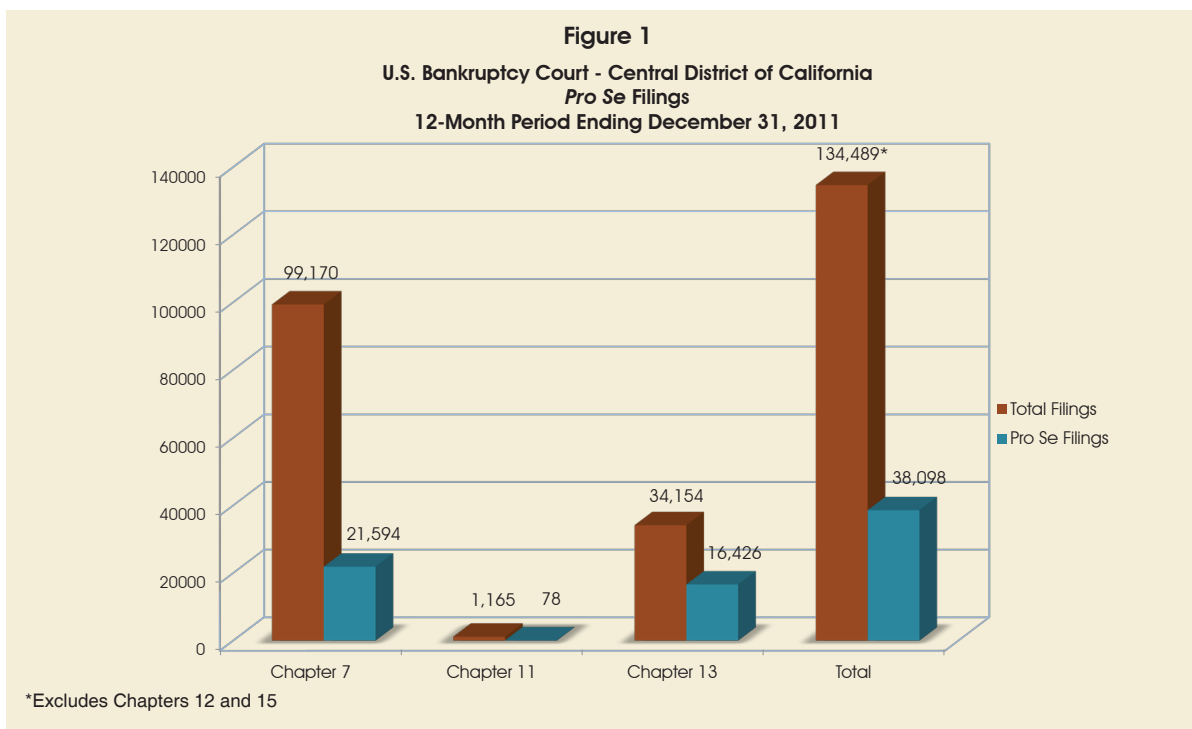
This report summarizes what we know about our self-represented litigants, and it identifies what happens to their cases in comparison to attorney-represented consumer cases. It then assesses current programs serving these litigants. As part of this assessment and the Court's strategic planning, we have also clarified goals for addressing self-represented litigants.

## II. WHAT DO WE KNOW ABOUT SELF-REPRESENTED PARTIES IN OUR COURT?

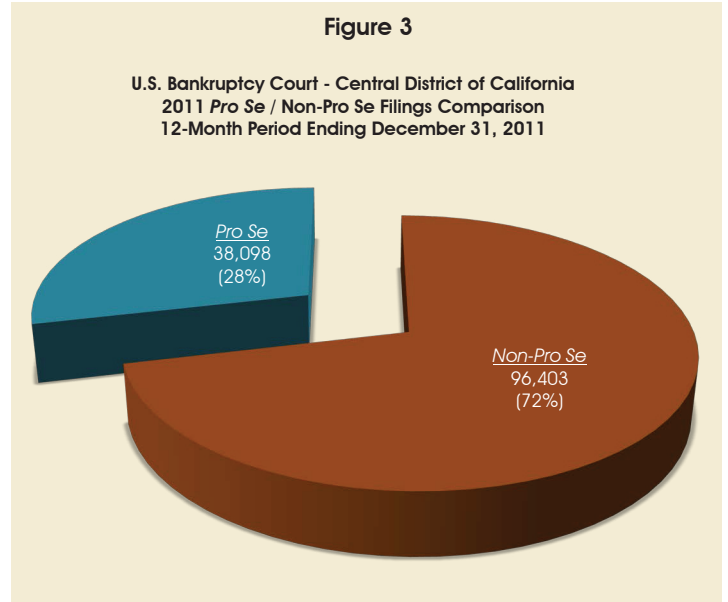
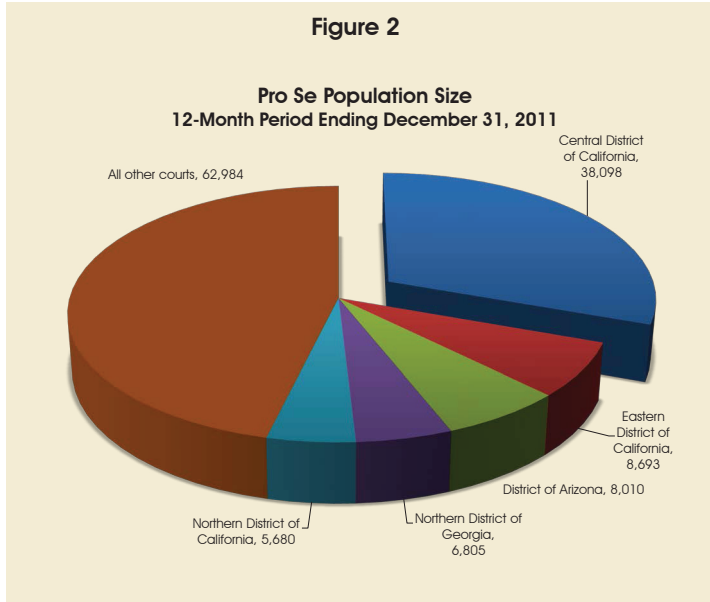
The starting point for evaluating and implementing our programs is to understand more about the self-represented population we serve. We can measure how many people file bankruptcy without a lawyer, but we know little about the demographics of this group. For example, we do not yet have a way to collect the median income of debtors efficiently because our current filing program does not sort or flag this data. This section summarizes the information we have been able to gather about self-represented parties and how their cases differ from those with attorneys.

### A. How Many Self-Represented Parties Are There?

The Central District of California led the nation in bankruptcy filings in 2011 with 134,501 filings. About 28 percent of our filings are filed without an attorney, compared to about 9 percent nationwide. Because the Court's systems track whether debtors are represented, we know that California Central had 38,098 filings by individual self-represented debtors last year. Because the Court's systems do not track whether creditors are represented by counsel, we do not know how many creditors file pleadings or appear without counsel. Based on a rough estimate of the number of unrepresented creditors seen in court, at the filing window, and in the self-help clinics, the total number of self-represented parties of all types in 2011 is well over the 38,098 debtors we have recorded, and could easily surpass 40,000.



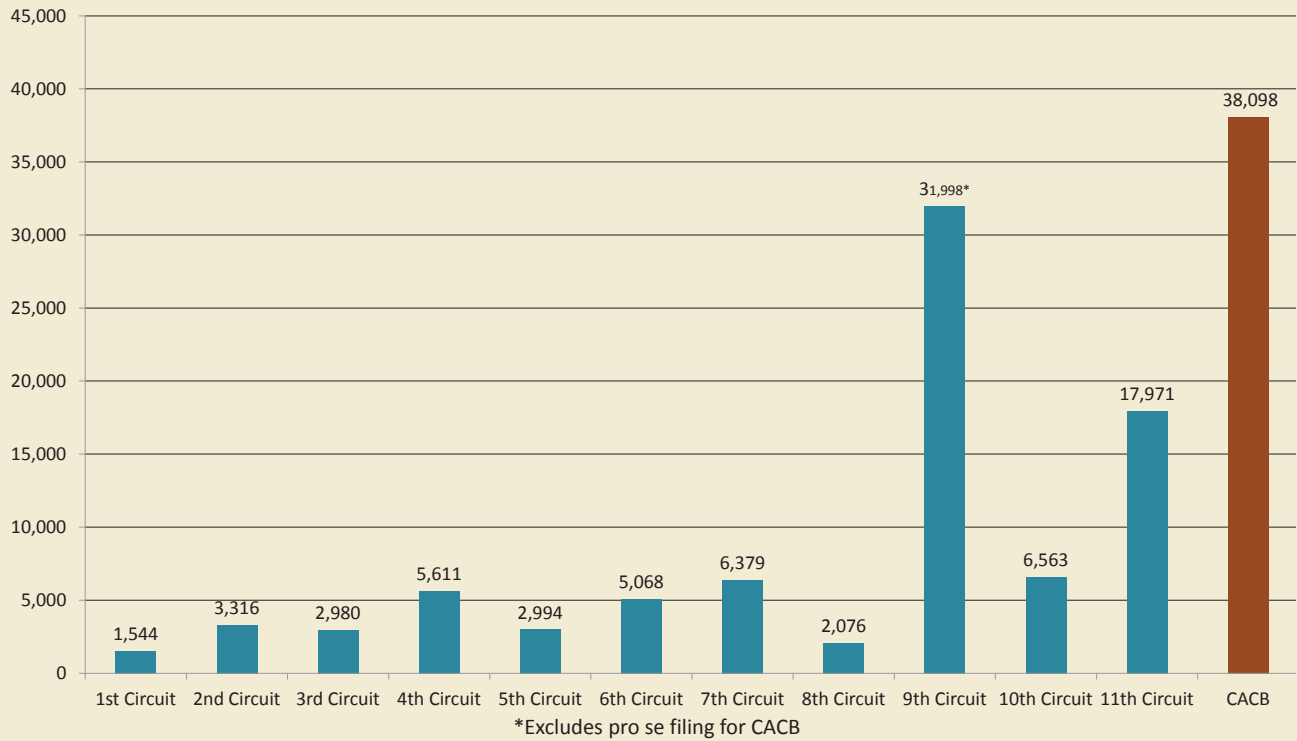
The five districts with the highest *pro se* bankruptcy filings are:



To put this in some perspective, the Central District of California serves more self-represented parties than any other bankruptcy court. The next highest court is California Eastern with 8,693 *pro se* filings in 2011. Other courts have generously shared the ideas and programs they use to address their own self-represented populations, and we have adopted many of those elements that might apply locally. Because the solutions we have studied in other federal courts are not always appropriate to address the vast number of self-represented parties in our district, we have also started looking at local state court programs that serve large self-represented populations. For example, up to 90 percent of the family law cases in Los Angeles Superior Court involve at least one self-represented party. Court staff have toured the downtown Los Angeles Superior Court self-help facility to learn about its programs for the self-represented.

The overall percentage of debtors filing without an attorney has steadily increased over the past several years. The weak economy, excessive unemployment, and the continuing foreclosure crisis have made the problem more acute. *Pro se* filings in the Central District increased to 28 percent in 2011 from 20 percent in 2007. According to Court staff, there has also been an increase in filings by unrepresented creditors.

**Figure 4**  
**Bankruptcy Cases Filed by *Pro Se* Debtors**  
**During the 12-Month Period Ending December 31, 2011**



## B. Measuring Success

Does it actually matter if a litigant has an attorney? Anecdotally and experientially, those working within the bankruptcy system know how vital proper legal representation is. Because we see so many parties harmed by the lack of representation, the bankruptcy bar and the Court have spent years developing *pro bono* programs, developing attorney referral resources, and trying to find legal advice for as many people as possible. After years of such efforts, with an increasing *pro se* rate, we must reluctantly conclude that personalized legal representation for each litigant is an unrealistic goal. More precise targeting of Court services and *pro bono* assistance is needed to address the population, who, for whatever reason, will not retain an attorney.

Common problems in self-represented debtors' cases include: the failure to file required documents, resulting in dismissal; filing a chapter which may not be correct for the debtor's circumstances; choosing incorrect property exemptions; unnecessarily filing bankruptcy in the first place; not filing the required credit counseling or financial management certificate; being unable to answer or adequately defend an action seeking to deny discharge; and not understanding the significance of certain motions or adversary actions. Self-represented creditors are often harmed by not filing a proof of claim in time, by missing the deadline to file a dischargeability action, and having difficulty filing an objection to a claim.

Figure 5

U.S. Bankruptcy Court - Central District of California  
Percentage of Chapter 7's Discharged  
12-Month Period Ending December 31, 2011

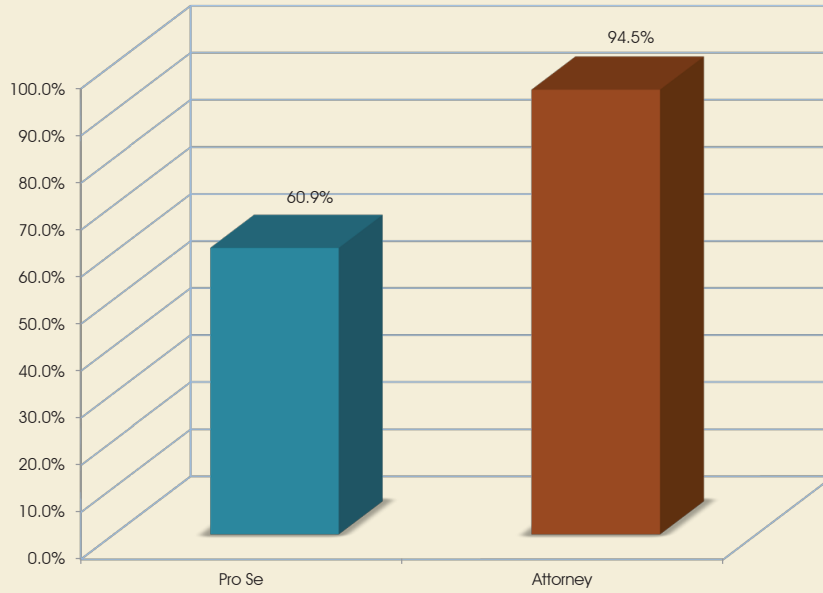
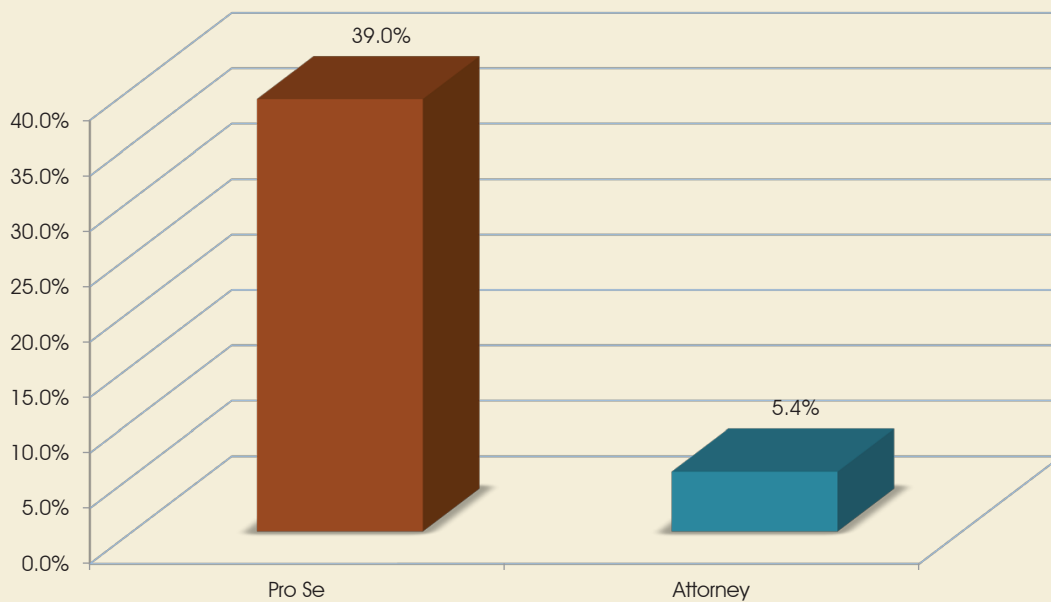


Figure 6

U.S. Bankruptcy Court - Central District of California  
Percentage of Chapter 7's Dismissed  
12-Month Period Ending December 31, 2011



*The success rate is notably low for pro se filers. Around 39 percent of Chapter 7 pro se cases are dismissed without receiving a discharge, compared to 5 percent of cases filed by an attorney.*



While we cannot measure the precise effect of a lack of legal representation in individual cases, our Court has evaluated the results in self-represented cases in aggregate. A chapter 7 bankruptcy—generally, the easiest type of bankruptcy available—should result in a discharge of debts. Using this basic measure of success, a self-represented debtor in chapter 7 will obtain a discharge of debt only approximately 61 percent of the time in this district, compared to the much more favorable 95 percent discharge rate of attorney-represented chapter 7 cases.

On the other hand, well over half of all self-represented debtors do obtain a discharge of their debts without retaining counsel. While we know that some of these debtors fail to list all creditors or all assets, especially causes of action, this occurs in attorney-represented cases as well.

Many *pro se* debtors seek the protection of the automatic stay to forestall events such as imminent home foreclosures. In their haste to file in order to implement the stay, debtors without counsel may file a chapter which is not appropriate for their situation, or they may neglect to file the correct papers or meet the necessary deadlines for filing schedules. Such errors and miscalculations often result in the dismissal of self-represented cases, which can have serious ramifications. Once a debtor's case is dismissed, the automatic stay will frequently not be in place in subsequent filings. Then, even if the debtor figures out how to file correctly, he or she might be surprised by a foreclosure or vehicle seizure that could have been prevented.

Chapter 13 is typically considered the chapter of choice for those wage-earners seeking to catch up on missed car or house payments and avoid repossession of a vehicle or foreclosure of a home. Confirmation of the chapter 13 plan that provides for payment of such arrearages over many months is necessary to begin the process of making up for missed payments. Completion of a chapter 13 plan through discharge can take 36 to 60 months, and is very difficult to achieve even in attorney-represented cases. Approximately 55 percent of attorney-represented cases reach confirmation. The number of self-represented debtors that manage to get to confirmation of a chapter 13 plan is 0.4 percent – clearly demonstrating that it is nearly impossible for this population to succeed in chapter 13.

One piece of this picture we are unable to determine from dismissal and discharge rates is how debtors filing bankruptcy define “success.” We know from individual cases that many of these debtors never planned on completing the requirements that would lead to a discharge of debts. We do not know whether some would have proceeded differently had they been advised by competent counsel. Public Counsel reports that the majority of visitors to the Los Angeles Self-Help Clinic ended up not filing bankruptcy once they better understood their options and recognized that bankruptcy was not the appropriate solution for their issue. Bet Tzedek Legal Services provided similar feedback that visitors chose not to file after having the opportunity to receive counseling from an attorney. Finding out more about the 39 percent of self-represented chapter 7 cases that are dismissed, and the nearly 100 percent of self-represented chapter 13 cases that are dismissed, would allow us to better identify abusive or fraudulent filings and reach out to those who just need better legal assistance.

### **C. Language Barriers**

The Central District of California is one of the most racially and culturally diverse districts in the nation. Not surprisingly, debtors in the Central District speak a variety of languages and may encounter language barriers when seeking services. Clerks at the filing window and telephones regularly assist parties with significant difficulty speaking and understanding English. Data collected from the United States Trustee's Language Assistance Program (October-December 2011) identifies foreign language interpretation service requests for 19 different languages throughout the Central District. The need for Spanish interpretation services is greatest at 85.9 percent, followed by Korean (5.8 percent), Vietnamese (2.2 percent), and Armenian (2.1 percent). As filings by self-represented parties continue to increase, the need for interpretation services will also rise. As detailed further in the exhibits at the end of this report, interpretation needs include a broad range from Arabic to Vietnamese.

The Court has attempted to address this need by making available as many bilingual staff members as possible, but having a qualified person with

the needed language skills onhand every time a non-English speaking party calls or visits the Court is simply not possible. Court hearings regularly get continued when non-English speaking parties appear and the judge must wait for the parties to bring in their own interpreters. Because these parties usually cannot afford paid professional interpreters, the Court is faced with the dilemma of either allowing a family member, friend or other English speaker to do the interpreting, or denying the party any opportunity to be heard on their case. While the cost of interpreters at evidentiary hearings is a challenge in all cases in such a diverse district, in attorney-represented cases, the attorney is still able to present the issue to the Court so that the client's concerns can be addressed by the Court.

#### **D. Bankruptcy Petition Preparers**

One cannot understand the self-represented population without understanding the role of bankruptcy petition preparers (BPPs). Under 11 U.S.C. §110, non-attorneys are permitted to type bankruptcy forms for debtors according to certain rules detailed in that section. Based on earlier studies, we know that the vast majority of debtors that Court records refer to as *pro se* are in fact assisted by BPPs. A 2003 study by the U.S. Trustee reported that only 3 percent of debtors filing were truly *pro se*. The other 97 percent employed either attorneys or BPPs to file. At the time of the study, 23 percent of all debtors used a BPP to file. This may have changed recently due to the presence of self-help desks in every division. Court forms and rules require BPPs to disclose their involvement, but the Court has reason to believe that approximately half of them fail to do so.

Based on interviews with debtors, motions brought by the U.S. Trustee, and reports from volunteer attorneys at the self-help desks, we know that many debtors rely almost completely on BPPs to tell them what to do in the case. The BPP frequently advises which chapter to file, which exemptions to choose, which forms to fill out, and when to file. When a debtor files bankruptcy in pursuit of a specific outcome, such as preventing a foreclosure or stopping a wage garnishment, it is frequently on the advice of a BPP. In essence, the debtors believe themselves to be "represented" by the BPP

regardless of what warnings are posted, disclosures signed, or lack of legal degree obtained. Thus, the term "self-represented" (or *pro se*) is largely a misnomer in practical terms. The Court also must address this de facto "representation" by BPPs if it is to address access by parties not represented by attorneys.

Though some BPPs in the district get good results for debtors, some practice outright fraud. While this has long been the case in the district, the prevalence of "foreclosure assistance" and "loan modification" scams has increased with the foreclosure crisis in the last few years. The incidence of BPPs either ignoring the requirements of §110 or committing fraud has increased as well. The challenge is sorting out the abusive and fraudulent activities from legitimate ones.

The national CM/ECF case management system tracks attorneys' names but does not track either BPPs' names or their involvement in the case, even where it is disclosed. BPPs' involvement can only be ascertained through a case-by-case docket review. In an effort to track the disclosed BPPs, the Court implemented a system late last year to flag those cases that list a BPP. Through this new flagging procedure, we have determined that 1,221 cases were filed in November and December with the assistance of a BPP disclosed. As there were 5,239 *pro se* cases filed in November and December, at least 23 percent of the "self-represented" cases were BPP-assisted. Because many BPPs do not disclose their involvement, this is an underestimate of how many *pro se* cases are actually BPP "represented." It does, however, give us a limited ability to measure the BPP cases in our self-represented population going forward.

Based on the information brought to the Court's attention through the Debtor ID Program, discussed later in this report, and U.S. Trustee motions under §110, many of the BPPs are charging debtors anywhere from \$400 to \$1,500. Many of these debtors would qualify for free legal representation or could have filed the case themselves with the assistance of the self-help desks; some could have retained counsel for what they paid the BPP. On the other hand, a number of BPPs indeed charge \$200 or less, complete all forms appropriately, and see debtors through to discharge.

Without better disclosure, it is not possible to determine how many BPP-assisted cases are successful, or the fee charged. Because 60% of the self-represented cases do receive a discharge, and many of these are BPP assisted, some of the BPP cases are a cost effective alternative for some debtors. It would be helpful for the Court to know more about BPP-assisted cases in order to know how many debtors are actually self-represented, how many may be paying too much, and how many are involved in fraud and abuse. The BPP flag system and Debtor Identification Project, discussed later in this report, will allow us to gather better information in order to understand this group of cases.

One aspect of the challenge of encouraging debtors to consult counsel, rather than BPPs, is the prevalent advertising for *notarios* in California. The cultural understanding of a notary's role in the North and Central American communities here complicates the distinction between attorneys and BPPs. In many parts of Central America, a *notario* has legal training and may lawfully prepare various legal documents without attorney

supervision. A notary's function is, of course, much more restricted in the United States, but many immigrants do not know this. This leads to rather common and prevalent unlicensed practice of law by BPPs advertising themselves as *notarios*.

**Table 1**

<b>BPP Flag Report Results - Central District of California</b>					
Period	Total cases filed with BPP disclosed	Incomplete	Dismissed	Total Filings	Total <i>Pro Se</i> Filings
11/1/11 - 11/30/11	624	98	88	9,099	2,680
12/1/11 - 12/31/11	597	71	42	9,089	2,559
Total:	1,221	169	130	18,188	5,239

**Table 2**

<b>Findings For Two Month Period (11/02/2011 - 12/31/2011):</b>
1. <b>13.8%</b> of the <i>pro se</i> cases were filed incomplete.
2. <b>10.6%</b> of the <i>pro se</i> cases with BPP disclosed were dismissed, compared to an overall <i>pro se</i> dismissal rate for all chapters of 68.6%.
3. <b>23.3%</b> of <i>pro se</i> cases disclosed involvement by a BPP

## E. Income Levels

While it would not be possible to determine the income level of the self-represented population without a case-by-case review of 38,098 petitions, the majority is generally believed to be at or below 150 percent of the federal poverty level. The nonprofit organizations administering the *pro bono* and self-help programs in the district survey most of the people seeking help. They report that most visitors are at or below 150 percent of federal poverty levels and would qualify for free representation, were it available. Public Counsel reports that 64 percent of the people seeking help at the Los Angeles Self-Help Center in 2011 earned under \$2,000 per month.

## F. Literacy Issues

A large number of *pro se* debtors have limited education and difficulty with basic reading and comprehension in any language; some cannot comprehend even the most basic information requested on bankruptcy forms. This has made it impossible to reach this population with websites, brochures and signs. They require significant one-on-one attention from a trained attorney.

## G. Self-Represented Creditors

The self-help desks, Court clerks, and judges regularly address creditors without counsel. Creditors most commonly represent themselves when filing claims, and clear instructions are sent out with the claims form and bar date notice. (See LBR 3015-1(b)(4) and (c)(1).) Self-represented creditors also routinely tell the Court that they did not understand that there was a deadline to file an objection to the debtor's discharge, or that a separate adversary proceeding needed to be filed. Judges regularly have creditors appearing without counsel in adversary actions. The Court's mediation program has been helpful in resolving many of these cases, but trials with one or both parties self-represented are still commonplace.

## III. COURT RESOURCES AND THE IMPACT OF LARGE NUMBERS OF SELF-REPRESENTED LITIGANTS

The access to the Court we seek to provide is made available through Court staff, and through the judges

who process cases, answer questions and hear cases. How effectively we respond to self-represented parties affects not only the individual involved, but all users of the Court system. As most federal court funding and structures have been set up with the implied assumption that litigants will access Court services through attorneys, this Court must continually evaluate how we provide services, and to whom, in order to address all Court users effectively.

In the fall of 2011, the Clerk's Office surveyed three areas of the Court about the impact of self-represented parties on our district: Chambers staff (law clerks and judicial assistants), Case Initiation (staff that process initial case documents and assist the public directly at the Clerk's Office window), and Courtroom Services (staff that manage a judge's calendar, courtroom, or process documents affecting a judge's calendar). The results of the survey show the severity of need for legal services for self-represented parties in the Central District, and the impact of their number on our resources.

The majority of staff responding to the survey reported that they receive calls from self-represented parties at least a few times per week. Approximately one third of respondents reported that they receive daily or frequent calls from self-represented parties. Over a third of the respondents reported that they spend at least two or more hours each week responding to calls from self-represented parties, and a selection of these reported spending even more than three hours per week. The majority of respondents reported that they often receive requests for legal advice, which staff are unable to provide.

In addition to the time spent handling calls from self-represented parties, staff also face the time-consuming task of handling the often error-ridden filings submitted by this population. Respondents observed that self-represented parties have a wide range of difficulties, including filing illegible handwritten motions or weakly supported motions without evidence attached, failing to file mandatory forms or the necessary proof of service, failing to lodge an order, and misunderstanding the significance and results of each action in the case. These difficulties also can often be attributed to language barriers. Staff recommended translating court instructions into the multitude of primary languages they encounter when interacting with the public. Some commented that

even basic literacy and computer skills are lacking. Despite repeated reminders from staff and Court notices, self-represented parties often confuse the meeting of creditors with a hearing. Also, at Court hearings, those without an attorney are unfamiliar with key aspects of the process, such as the use of tentative rulings. Many staff voiced discomfort with not being able to provide the quality of customer service they would like to offer, due to the restriction on providing legal advice to the public. Lacking familiarity with bankruptcy, staff mentioned, also leaves cases in limbo, because parties fail to file the appropriate paperwork to keep the case moving.

Procedural problems are also observed to cause substantial detriment to self-represented parties. Many intake staff noted that self-represented parties have difficulty distinguishing between credit counseling and financial management courses, despite numerous attempts to educate them about these two required courses. The Court even distributes a flyer specific to the two-course requirement. The result of missing the second course is closure of the case, which staff understand to be an additional hardship frequently faced by these parties, who then must pay the reopening fee to file their financial management course form.

The volume of calls and frequency of questions regarding legal advice is commensurate with the large self-represented population in the Central District and their need for legal assistance. As the Court is unable to provide answers to questions about legal advice, this time is often spent simply redirecting inquiries to legal aid organizations, rather than providing the specific answers callers need. The survey shows the importance of working to expand and streamline the resources that serve this population, which should improve the overall efficiency of the Court.

#### **IV. DEBTOR ID PROGRAM**

The Debtor ID Program was developed in 2011 to address the growing problem of non-attorneys filing cases for debtors. Many debtors have complained that bankruptcy cases were being filed in their names without their knowledge. When intake clerks identified deficient filings, “messengers” were regularly changing information—right in front of the Court clerks—on documents that had allegedly been signed by

debtors when the debtors themselves were clearly not present to authorize such changes. The number of cases filed that appeared to have been prepared by a BPP, but did not disclose a BPP’s involvement, had skyrocketed.

The Court also has been facing a large number of bankruptcy cases that appear to have been “hijacked” by someone trying to slow a foreclosure action that has no connection to the named debtor. Full or partial trust deeds are being transferred into the name of an existing debtor, so that the person in the property on the deed could allege that the automatic stay stopped a foreclosure sale. Debtors are regularly showing up at relief from stay hearings stating that they have no idea why the property at issue is in their name, as they have nothing to do with it. Many of these debtors are facing foreclosure themselves, and the fact of their bankruptcy filing may be well known to one of the BPPs who assisted them in filing their case. What the debtors do not know is that their case is being used to further the “foreclosure defense” efforts that the BPP is conducting for another client. A better understanding of who is bringing these cases to court may assist in deterring this insidious scheme.

The Debtor ID Program requires that an individual filing any document without an attorney of record be asked to provide photo identification. When a person other than the debtor files, the Court keeps a copy of the identification presented in order to determine who controlled the filing. The Debtor ID Program was piloted in late 2011 in three of the Central District’s divisions: San Fernando Valley, Northern, and Riverside. Orders to Appear were issued to debtors and third-party filers in cases filed by someone other than the debtor. The hearings have presented excellent opportunities to address problem BPPs and to educate self-represented parties.

Closer study of cases brought to court by someone other than the debtor reveals more about this segment of the self-represented population. Of the 498 cases in the sample, 87 percent did not disclose the involvement of a BPP. Where no BPP was disclosed, 170 cases had hallmarks of being prepared by someone other than the debtor. Cases in this category were filed by a “messenger” who filed other cases as well, or had handwritten “x” marks noted next to signature lines where the debtor was required

to sign, or had unique case filing software peculiarities that were similar to other known BPP-prepared cases. In some cases, the debtor stated that someone else prepared the case during subsequent hearings.

When debtors were asked to come in and explain who filed the case, volunteer attorneys were available to provide proper legal assistance, and, where possible, they provided guidance to confused debtors. A few of the debtors had no idea that a bankruptcy had been filed in their names. Some had paid far more than the \$200 fee the BPP is permitted to charge. Many had false expectations about what the bankruptcy filing would accomplish and only realized at the hearing that they were being defrauded.

Many of the “messengers” or BPPs who responded were involved in either the foreclosure prevention or “loan modification” business, or were realtors attempting to stall foreclosure while they completed a short sale. The hearings held in these cases can only present a partial picture of this subgroup because over 50 percent of the debtors and 40 percent of the messengers did not appear in response to the Court’s orders. The violations of §110 that were proven resulted in 49 disgorgement orders or fines.

To date, 432 of the 498 cases in this project have come to a resolution. Approximately 92 percent of the debtors did not receive a discharge. All debtors who filed a chapter 13 case and did not convert to chapter 7 have had their cases dismissed. Approximately 60 percent of the debtors filing chapter 7 did not receive discharges. While self-represented debtors receive discharges at a lower rate than represented debtors, the group that did not personally file the cases at the courthouse had their cases dismissed at double the already high rate. The program has shed valuable information on the most troubled group of self-represented cases filed at the Court. The project is being evaluated at this time to determine whether it should be implemented district-wide.

## V. CURRENT PROGRAMS AND SERVICES FOR THE SELF-REPRESENTED

There is no single way to address access to justice for self-represented litigants. A combination of interrelated

programs and services has developed over time in our ongoing attempts to improve the experience and results self-represented litigants obtain.

### A. The Court’s Website

The Court currently provides a wide array of resources to self-represented parties who visit the Court’s [website](#). The site has long displayed judge-specific information, contact information for trustees’ offices, frequently asked questions about a broad range of bankruptcy topics (in both Spanish and English), links to approved credit counseling agencies and financial management courses, bankruptcy fees, and download-ready rules and forms.

The screenshot shows the website interface for the United States Bankruptcy Court, Central District of California. The main heading is "Don't Have an Attorney". Below this, there are three video thumbnails: "Before You File", "After You File", and "General". To the right of the "Before You File" video is a section titled "Check out our FAQ page" with a calculator image. Below the calculator is a "QUICKLINKS" section with various links such as "Approved financial management courses", "Reaffirmation Hearing Information", "Public Counsel", and "Public Counsel - Useful materials". There is also a "Free or Low Cost Bankruptcy Help" section with links to various divisions like Los Angeles, Riverside, Northern, Santa Ana, and San Fernando Valley.

## **1. New Web Page for Self-Represented Parties**

The Court's "Don't Have an Attorney" web page was updated at the end of December 2011 to serve as a centralized place for self-represented parties to locate information specific to their needs, such as the hours for self-help clinics and seminars offered at each division, and contact information for free or low-cost bankruptcy attorneys. The updated page uses plain language and a user-friendly layout to present this information clearly to new visitors. The web page also includes videos on general bankruptcy information and a list of steps that should be taken before and after a debtor files. There are several links to helpful resources, including attorney referrals, credit counseling agencies, and a bankruptcy glossary of terms. This resource will be expanded and further refined over the coming year.

### **B. Personal Assistance from Court Staff**

Despite efforts to direct more Court users to the website for the breadth of information provided there, it would appear that the majority of the self-represented still seek personal assistance from Clerk's Office and Chambers staff. The Court has tried to address this by training staff to be as effective as possible in answering questions without providing legal advice. In 2011, the Court's annual Winter Education Seminar included a presentation to staff on distinguishing between questions that ask for legal advice and those that ask for procedural advice. A presenter from the Federal Judicial Center led the discussion, and attendees were provided electronic polling handsets to weigh in on each of the 50 most common questions from the public that were submitted by the Clerk's Office. The presentation encouraged staff to improve their customer service skills by answering as many questions from the public as possible, provided that the questions are procedural in nature.

Prior to the seminar, the Clerk's Office conducted a district-wide survey of bankruptcy judges, asking whether each question requested legal advice,

procedural advice, or neither. The participating judges' answers were consolidated into a handout for all attendees to take away as a response guide for questions from the public. Several judges also attended the presentation to guide the discussion on the kinds of questions that should and should not be answered by the Clerk's Office. The presentation strengthened the staff's ability to identify when a question is seeking legal advice. In addition to the response guide, each attendee received a folder with materials highlighted by the FJC presenter, including the iBOT on bankruptcy, a legal advice quiz, and customer service guidelines and resources prepared by other courts about how to treat legal questions and avoid providing legal advice.

Becoming more comfortable with the difference between legal advice and procedural information promotes better customer service by reducing the incidence of staff withholding helpful information for fear of providing legal advice. The Court has also increased general education for all staff by printing regular updates about our programs for self-represented parties in the Court's internal monthly newsletter.

### **C. Easy-to-Understand Forms and Instructions**

At the window and online, the Court provides petition packets that include instructions and examples for filling out the petition properly. The Court has been updating its forms to use plain language and simplified instructions. Additionally, the Court has distributed state bar pamphlets and other flyers that specifically troubleshoot common problems that arise in self-represented cases.

Parties who access Court services through an attorney generally fare better than those without attorneys. Parties who cannot afford an attorney, or who have not found *pro bono* assistance, would ideally access the Court through the Court's website or in person. Interacting directly with the Court allows self-represented parties to benefit from the instructional materials, videos, and flyers the Court provides, as well as the Court's self-help desks and attorney referral information. Making materials and forms easy to understand is an important component of this approach.

#### D. Assistance from Volunteers and Nonprofit Organizations

The Court works closely with nonprofit groups throughout the district who are assisting self-represented litigants. Information and materials are coordinated district-wide through Public Counsel’s [Debtor Assistance Project \(DAP\)](#). The DAP began as the Court’s first effort to make *pro bono* programs available to the public within its jurisdiction, and has become the umbrella committee and resource for projects for all self-represented parties throughout the district. Despite its name, the DAP addresses the needs of self-represented creditors as well as those of debtors. Each participating nonprofit organization serves its dedicated clientele, but all self-help desks using Court space must provide service to any party who visits the Court.

The DAP holds bi-monthly meetings at the Court, bringing together representatives of public interest law firms, volunteer attorneys, chapter 7 and 13 trustees, bankruptcy judges, the Clerk’s Office, and the Office of the U.S. Trustee. The DAP raises funds for and awareness of its programs, provides training for *pro bono* attorneys, and exchanges information on trends and issues related to providing *pro bono* and self-help assistance, as well as best practices.

The organizations coordinated through the DAP provide critical legal services to the self-represented parties in our Court. Their assistance not only promotes access to the Court for the parties they serve, but it also indirectly promotes Court services to all parties by freeing up valuable Court resources that can then be used to serve everyone. When a hearing is shorter because a self-represented party obtained the legal advice he or she needed, or when a creditor can resolve a dispute without a hearing or trial because knowledgeable counsel represents the debtor, resources can be better distributed for all litigants.

The network of services provided through different organizations is intended to utilize limited resources to reach the greatest number of self-represented parties. Often, this means that self-represented parties receive help in a limited part of the case, rather than full legal representation for the duration

of the case. For example, full representation in a chapter 7 case is provided only where a client qualifies, based on income, and has a complex enough situation to warrant counsel, and does not appear capable of preparing the schedules without assistance. *Pro bono* defense in a dischargeability action is limited to cases in which the debtor meets the income requirements, and the organization finds that a meritorious defense should be presented. Reaffirmation clinics, on the other hand, are open to anyone who may wish to attend them before a reaffirmation hearing. The self-help desks and seminars are also available to all interested parties.

All of these services are provided solely when the organizations involved are able to provide them. Limited financial and volunteer resources shape how and when services can be offered. *Pro bono* programs are available to the public in all five of the Court’s divisions, but they vary, depending on what organizations are available in different areas. Self-represented debtors learn about these programs from either the Court’s website or at the intake window.

While it is difficult to track exactly how many people are served through this network of volunteer programs, the data gathered by each of the participating nonprofit organizations shows that at least 8,441 debtors received *pro bono* legal assistance in 2011. Creditors would have been served mainly at the self-help desks, at the intake windows, and by phone, and the number of inquiries is not tracked. The numbers served in each division are detailed in the chart below.

**Table 3**

TOTAL DEBTORS SERVED	PRO BONO SERVICES IN EACH DIVISION (January - December 2011)				
	Los Angeles	Riverside	Santa Ana	Northern	San Fernando Valley
8,441	4377*	270	795	215	2784
*This number includes some Bet Tzedek cases that were filed in the San Fernando Valley.					



## 1. Representation in Chapter 7 Proceedings

A number of nonprofit legal assistance organizations represent low-income debtors in filing chapter 7 bankruptcy. They do this through *pro bono* representation and clinics that help debtors file on their own. The largest of these groups is [Public Counsel](#), which provides qualifying debtors with *pro bono* representation. Public Counsel locates volunteer attorneys through the [Central District Consumer Bankruptcy Attorney Association \(CDCBAA\)](#), the [Los Angeles County and San Fernando Valley Bar Associations](#), and the [Los Angeles Bankruptcy Forum](#). [Bet Tzedek Legal Services](#) also provides a Debtors' Rights Clinic every six to eight weeks, giving priority to those who are disabled or 55 years of age or older, and provides individual representation where needed. The [Legal Aid Foundation of Los Angeles](#) also holds regular clinics and assists debtors in preparing their cases for filing on their own.

In 2011, Bet Tzedek helped over 1,000 clients with various consumer debt problems. The majority of these clients requested bankruptcy assistance because they were facing delinquent consumer debt, collection harassment, or judgment enforcement actions. Many of these clients were encouraged to attend Bet Tzedek's Debtors' Rights Clinic, which includes a 90 minute presentation. During the presentation, a Bet Tzedek attorney provides an overview of fair debt collection rules, credit reporting, lawsuits, judgment enforcement actions, exemptions, and bankruptcy. The overview helps debtors determine for themselves if filing bankruptcy is necessary. Because most who attend the clinic are elderly or disabled, and have little income and no assets, a high number of clients decide to forego bankruptcy once they understand how lawsuits, collection, and exemptions work. Following the presentation, clients who need additional assistance are able to schedule a consultation. To protect exempt assets and avoid bankruptcy, legal services include assisting clients with claims of exemptions and with the administrative discharge of student loans. In addition, clients

avoid bankruptcy by receiving assistance and resolving debts arising from identity theft and government overpayments. Bet Tzedek held seven clinics onsite in 2011, and approximately 35 people attended each one. Those who were not able to attend were referred to an outreach site, which include senior centers throughout Los Angeles County, SOVA food pantries, St. Francis Medical Center, and legal clinics in collaboration with the Los Angeles Gay & Lesbian Center.

The chapter 7 clinics held by these organizations also helped homeowners decide whether chapter 13 bankruptcy was more appropriate for them. Individuals who needed to file chapter 13 bankruptcy were referred to the private bar. At the Bet Tzedek clinics, homeowners were also referred to an in-house foreclosure prevention team to determine if a loan modification was viable.

In the Santa Ana Division, the [Public Law Center](#) provides *pro bono* representation in chapter 7 cases with attorneys from the local bar, when available. [Orange County Legal Aid](#) also holds a weekly chapter 7 clinic and assists debtors in filing no-asset cases on their own. In the Riverside Division, the [Public Service Law Corporation](#) coordinates volunteer attorneys at the clinic discussed below, and, in some cases, provides direct representation to litigants with volunteers from the Inland Empire Bankruptcy Forum.

## 2. Objections to Discharge Complaints

The district's first program to assist self-represented debtors began in 1997, when Public Counsel placed debtors with *pro bono* counsel to represent them in adversary proceedings seeking to deny a discharge. Public Counsel locates *pro bono* attorneys for non-dischargeability adversary proceedings in both the Los Angeles and San Fernando Valley Divisions. The Court sends a notice with each summons, advising the debtor to contact Public Counsel if they need assistance. Income screening is performed by Public Counsel before a volunteer attorney is assigned.

The Public Law Center has provided non-dischargeability defense in the Santa Ana Division on an *ad hoc* basis when it can locate volunteer attorneys. This program has been in place since November of 1999. The [Inland Empire Bankruptcy Forum](#) has also provided non-dischargeability defense on a limited, *ad hoc* basis when it can locate volunteer attorneys.

### 3. Reaffirmation Clinics

Public Counsel, in the Los Angeles and San Fernando Valley Divisions, and the Public Law Center, in Santa Ana, provide clinics to self-represented debtors before each reaffirmation calendar. In the Northern Division, volunteers recruited by the [Legal Aid Foundation of Santa Barbara County](#) attend reaffirmation hearings to assist debtors. This program began in 1997 with Public Counsel's leadership, following discovery of abusive reaffirmation practices nationwide. Reaffirmation agreement hearings for participating judges at a particular division are scheduled together on the same day and time. This enables *pro bono* attorneys, coordinated by Public Counsel, the Public Law Center, or the Legal Aid Foundation, to offer debtors information about their rights in a consultation that takes place outside the courtroom before the hearing. Public Counsel also made arrangements in 2011 for students from the California State University, Los Angeles and California State University, Northridge Court Interpreters Program to provide Spanish translation services, both during the attorney consultation and in court.

In 2011, 1,576 self-represented debtors in the Los Angeles Division were assisted before their reaffirmation hearings, while 680 self-represented parties in the San Fernando Valley Division received aid. In the Santa Ana Division, 304 debtors received assistance from the Reaffirmation Agreement Clinic. Riverside did not offer a reaffirmation clinic in 2011.

### 4. Self-Help Centers

In 2011, the Court achieved its goal of offering on-site self-help services to self-represented parties in all five divisions. Onsite self-help

desks help the Court and the public they serve by providing free legal advice and programs for visitors; reducing the burden on judges and staff from filers who cannot afford the legal service necessary to navigate a complicated bankruptcy process; reducing delays for all parties that result from unrepresented filers requiring additional time and assistance from judges and staff; improving access to the bankruptcy process for all parties, regardless of income; enabling referral by Court staff, who are prohibited from providing legal advice, to those at the Self-Help Desk that can provide it; and offering an alternative to non-attorneys that are known to provide illegal and/or overpriced services.

Self-represented parties have immediate access to *pro bono* programs, during their hours of operation, at all five of the divisional offices in the District. Because of space constraints, the Los Angeles Division's Self-Help Desk is located in a federal building next door to the Court. The Self-Help Desks in all other divisional offices are located either near or inside the Court's intake lobbies.

#### a. Los Angeles Division

The [Self-Help Desk](#) opened at the Los Angeles Division in 2009 and serves the public two days each week. The Self-Help Desk provides self-represented debtors and creditors with chapter 7 and 13 bankruptcy information, forms, access to reference material, and referrals for additional legal assistance. Income-eligible individuals interested in obtaining more information on filing for bankruptcy can also apply at the Self-Help Desk to participate in a clinic about the bankruptcy process. The Los Angeles Division's Self-Help Desk is operated by the Public Counsel Law Center.

#### b. San Fernando Valley Division

The San Fernando Valley Division opened its [Self-Help Desk](#) in 2007. It was started by and is operated by Neighborhood Legal Services of Los Angeles ("NLSLA"), and cosponsored by the Central District Consumer Bankruptcy Attorney Association (CDCBAA) and the



Debtors receiving assistance from Public Counsel at the Los Angeles Division  
 (Top left: Aimee Meraz; Bottom left: Staff Attorney Christian Cooper and volunteer Jeff Katz;  
 Bottom right: volunteer Shawn Mitchell)



Martha Castillo with Neighborhood Legal Services of Los Angeles County providing information to self-represented parties at the San Fernando Valley Self-Help Desk.

San Fernando Valley Bar Association. Self-represented debtors and creditors are assisted two days a week. *Pro bono* attorneys coordinated by NLSLA hold weekly seminars and provide free legal information on bankruptcy. Topics commonly covered include bankruptcy filing requirements, the difference between chapter 7 and chapter 13, and where to find a bankruptcy attorney. The Self-Help Desk also provides computers on which debtors can view the Federal Judicial Center’s “Bankruptcy Basics” videos, in addition to other videos about key principles of bankruptcy.

**c. Santa Ana Division**

The Legal Clinic was first established at the [Santa Ana Division](#) in 2001. In 2011, the clinic’s hours of operation increased from twice a month to weekly and are held every Friday. The weekly clinic is operated by the Public Law Center and provides free legal advice for self-represented parties solely in chapter 7 cases. In 2011, the clinic assisted

a total of 795 self-represented parties. The clinic is co-sponsored by the [Orange County Bar Association's Commercial Law and Bankruptcy Section](#) and the [Orange County Bankruptcy Forum](#).



Santa Ana Division: Karel Rocha (volunteer attorney), Ginger Marcos (volunteer attorney), Raihana Ninzi (volunteer attorney), Leigh Ferrin (staff attorney, PLC), Jina Kim (Equal Justice Works AmeriCorps Legal Fellow, PLC), Andrew Cho (volunteer attorney).

#### d. Riverside Division

The [Joint Federal Pro Se Clinic](#) opened at the Riverside Division in November 2011. Modeled after the Self-Help Desk at the Los Angeles Division, the clinic is operated by the Public Service Law Corporation (PSLC), a non-profit law firm operated by the Riverside County Bar Association. The clinic provides assistance to people who are representing themselves in bankruptcy cases and/or federal civil actions. Through the clinic, PSLC gives free legal aid and advice to qualifying self-represented parties two days each week.

The clinic is a joint effort of the U.S. Bankruptcy and District Courts. Currently, self-represented parties seeking aid with bankruptcy filings can attend a chapter 7 seminar which discusses how to complete a chapter 7 petition. Since the grand opening, the clinic has assisted 270 self-represented litigants for District and

Bankruptcy Court cases combined. Of those 270 assisted, approximately 82 percent of the self-represented parties assisted were bankruptcy litigants.



Staff Attorney Katherine Hardy providing assistance at the Joint Federal *Pro Se Clinic* in Riverside



Volunteer attorney Manfred Schroer and staff paralegal Michelle Lara providing assistance at the Joint Federal *Pro Se Clinic* in Riverside



Volunteer Attorney Carissa Horowitz providing assistance at the Northern Division Self-Help Clinic

### e. Northern Division

In 2009, a [consumer debt clinic](#) serving Santa Barbara, San Luis Obispo, and Ventura Counties began operation in Lompoc before moving to the Northern Division in 2010. The Bankruptcy Self-Help Clinic, operated by the Legal Aid Foundation of Santa Barbara County (LAFSBC), assisted 215 self-represented debtors in 2011. Volunteer staff attorneys are available twice each month to answer questions about individual consumer debt issues. Volunteer staff attorneys also answer questions by parties who attend the Self-Help Clinic.

### E. Honor Roll

To acknowledge the important service provided by the *pro bono* organizations and the volunteer attorneys that run the Self-Help Desks and seminars at each division, the Court now publishes an Honor Roll of *Pro Bono* Volunteers. The [Honor Roll](#) was first published at the end of October 2011 in support of the American Bar Association's [National Pro Bono Celebration Week](#) and is maintained on the Court's website. The Court accepts email submissions of nominees, added on a quarterly basis, from each *pro bono* organization. Chief Judge Peter H. Carroll introduced the Honor Roll with a letter of acknowledgement that was also featured as a model letter on the resource web page for National *Pro Bono* Celebration

Week participants. The Court appreciates the substantial contributions volunteers provide to improving the bankruptcy process for all parties involved.

### F. Recruitment and Training of Volunteers

In order to staff the programs discussed above, the recruitment and training of volunteer attorneys is of critical importance. The nonprofit groups and bar associations primarily serve this need, and the judges of the district regularly volunteer to speak at seminars.

#### 1. Open Letter to the Bankruptcy Bar

In 2011, on behalf of the bankruptcy judges of the Central District of California, Chief Judge Peter H. Carroll published an [open letter](#) to the bankruptcy bar urging attorneys to consider volunteering for one of the *pro bono* opportunities available in their area. Former Chief Judge Vincent P. Zurzolo sent out a similar letter in 2009. The letter noted the dramatic rise in the number of low-income self-represented individuals in the Central District over the past three years, and that organizations assisting low-income people in bankruptcy were seeing hundreds of families on the brink of foreclosure or in other economic distress. The letter emphasized the ease of volunteering and the range of volunteer opportunities. Attached to the letter was a list of organizations and their contact information.

#### 2. Training for Volunteer Attorneys

Public Counsel has organized several training programs and co-sponsored many of these programs with local bar associations throughout the Central District of California. The local bar associations have provided participants with continuing legal education credit. These sessions have been critical in educating volunteer attorneys and soliciting them to volunteer at the self-help desks, seminars, and reaffirmation clinics. More than 80 people

have attended each program. The Court provided meeting rooms and a team of technical people to run sound and film the training.

In December 2011, Public Counsel and CDCBAA offered “Bankruptcy Basics” training, in which a panel of bankruptcy experts provided an introduction to chapter 7 consumer bankruptcy law. This three-hour training program is generally provided to attorneys once or twice each year, free of charge. Registration requires a two-hour *pro bono* commitment.

The Public Law Center, in conjunction with the Orange County Bar Association, also conducted training for attorneys on basic chapter 7 cases in May 2011. The volunteers who facilitated clinics in Santa Ana in 2011 underwent various training programs including the “Chapter 7 Basics” training. In Riverside, the experienced volunteers who facilitate the newly opened clinic did not complete any sort of training; however, some volunteers had attended Public Counsel’s training program.

The most prevalent training is the ongoing “on the job” training provided to volunteers by the organizations that run the self-help clinics and reaffirmation agreement clinics. New attorneys are required to shadow more experienced attorneys before they assist parties on their own.

## G. Funding Sources for Non-Court Services

One of the greatest challenges to the network of free services for self-represented parties is maintaining funding for the nonprofit organizations that provide the services. The hundreds of volunteer attorneys provide most of the legal assistance needed, but each organization must provide staff to set up programs, train new attorneys, and coordinate volunteers. The organizations involved also provide essential umbrella malpractice insurance. The Court is not involved in any of these fundraising efforts, but recognizes the efforts of the bar and the nonprofits in finding ways to continue funding

such essential services. Some of the ways in which the bar and these groups have come together are described below.

### 1. Fundraisers by Nonprofit Groups

#### a. Holiday Party

Each December in Los Angeles, the [Financial Lawyers Conference](#), Los Angeles Bankruptcy Forum, [Federal Bar Association](#), LACBA Commercial Law and Bankruptcy Section, CDCBAA, and [Beverly Hills Bar Association](#) Bankruptcy Committee jointly host a holiday party for all bankruptcy and insolvency professionals in the area. Proceeds are donated to the nonprofit organizations Public Counsel, Neighborhood Legal Services of Los Angeles County, Bet Tzedek Legal Services, and the Legal Aid Foundation of Los Angeles.

#### b. Golf Tournament

The Third Annual [Earle Hagen Golf Tournament](#) was held in September 2011. Sponsored by the Los Angeles Bankruptcy Forum and CDCBAA, the tournament is held in memory of Earle Hagen, a well-respected and beloved bankruptcy attorney in this district for over 40 years. Bankruptcy judges and staff participated, joining more than 90 attorneys, trustees, and other members of the legal community. All proceeds from the tournament support *pro bono* programs.



Roksana D. Moradi, Raymond H. Aver, Magdalena Reyes Bordeaux, and M. Jonathan Hayes at Annual Golf Tournament

## 2011 Run for Justice participants



From left to right: Jennifer Paro, Robin Beacham, Anthony Gonzalez, and Arturo Arellano from the Central District of California Bankruptcy Court at Run for Justice

## c. Run For Justice

In March 2011, the eighth annual [Run for Justice](#) 5K race was held at Dodger Stadium, in conjunction with the Los Angeles Marathon. Each year, teams from law firms, corporations, government agencies, and nonprofit organizations come together to help raise money for Public Counsel Law Center. A group from the Court participates each year to show appreciation for Public Counsel's assistance to the Court.

## d. Attorney Admissions Fund

The Attorney Admissions Fund (AAF), administered by the District Court, is funded by fees from new and pro hac vice admissions to the District Court. The AAF Board for the Central District of California allocates these funds for projects that will benefit attorneys and litigants in our Court, but that cannot be funded with appropriated funds. A number of the *pro bono* organizations administering self-help desks received grants to establish their programs. For example, a grant from the Attorney Admission Fund in 2011 helped to support the continued operation of the Los Angeles Self-Help Desk and *Pro Se* Clinic, and to allow the Self-Help Desk and *Pro Se* Clinic to maintain one full-time attorney position and one part-time paralegal position. Also in 2011, AAF gave Public Service Law Corporation the funds to help equip and staff the newly opened Riverside Joint Federal *Pro Se* Clinic with one part-time staff attorney and an intake secretary. The funding helps in the operation of the clinic by covering some of the costs and providing any training that may be required for the clinic to run effectively and efficiently.

Because of the limited amount of funding available, the AAF funding is intended to start the program and then be supplemented and gradually replaced through other fundraising efforts. For example, in 2008, the AAF funded the opening of the Self-Help Desk in the San Fernando Valley Division.

Although funding could not be renewed, Neighborhood Legal Services of Los Angeles County has been able to support the self-help services in the Valley.

#### e. County Bar Associations

There are many different bar associations providing financial support for the programs discussed above. In the Los Angeles and the San Fernando Valley Divisions, support is received from the Los Angeles County Bar Association and the San Fernando Valley Bar Association. The Federal Bar Association also supports the Riverside *Pro Se* Clinic.

The various free legal services afforded to the self-represented parties in the Santa Ana Division are funded by a variety of organizations. These organizations include [Equal Justice Works AmeriCorps](#), [Equal Access Fund](#), the Orange County Bar Association's Commercial Law & Bankruptcy Section, the Orange County Bankruptcy Forum, and Public Law Center.

#### f. Justice Ball

Since 1996, Bet Tzedek has held a [Justice Ball fundraiser](#) to support all of its services, including bankruptcy assistance. The Justice Ball, typically a sold-out event, includes live music from well-known performers, as well as a silent auction.



## VI. CURRENT PROJECTS “UNDER CONSTRUCTION”

### A. Pathfinder Electronic Filing Project

The Pathfinder Electronic Filing Project is a software module that allows self-represented debtors to electronically prepare and submit their own Chapter 7 and 13 bankruptcy petitions. The module is being developed by the Administrative Office of the United States Courts (AO) and is initially being tested by three bankruptcy courts: the Central District of California, New Jersey, and New Mexico. The projected release of the test module is scheduled for late spring 2012.

The Pathfinder Electronic Filing Project seeks to:

- Provide an online option for self-represented parties to file bankruptcy.
- Increase the number of resources available to self-represented parties (e.g., literature, website, onsite computer terminal support, etc.) and ensure that the public is made aware of the resources.
- Broaden customer service to assist and complement *pro bono* organizations and their self-represented debtor clinics.
- Reduce fraud by BPPs.
- Provide outreach to educate self-represented parties, while reassuring attorneys that their client base is not being targeted.

In addition to participation on regular conference calls of the national Pathfinder implementation group, the Central District has also conducted meetings with local agencies such as CDCBAA, Public Counsel, and bar associations, in order to



educate them on the project and to ensure that their perspective is considered.

## **B. Proof of Service**

One of the regular challenges faced by Chambers staff in self-represented cases is the inability to determine if the proper parties have been served by the litigant seeking relief. This occurs regularly in both bankruptcy and adversary cases with self-represented debtors and creditors alike. Some chambers have simply required the Court serve the appropriate documents, but this is not always possible, for many reasons. Many times, hearings are continued or relief is denied because of a self-represented party's failure to provide proper proof of service. These situations make it impossible to evaluate a request on its merits, sometimes cause denial of appropriate relief, and take up valuable court time.

To address this situation, the Court has written, and is in the process of approving and disseminating, easy instructions that can be given to self-represented parties on how properly to serve a pleading. "How to Prepare the Proof of Service" is an instructional booklet that will provide detailed instructions on how to prepare and serve a Proof of Service. It discusses what it is, why it is needed, when it should be used, and, most importantly, who can sign it and how it should be served. We also provide the Court's website information, in addition to a phone number for free or low cost bankruptcy help in the event that additional assistance is needed. "How to Prepare the Proof of Service" will be made available at the Court's self-help desks and at the intake areas in each division.

## **C. Video Instruction**

Our analysis of the Pathfinder Electronic Filing Project testing and in-depth discussions with our *pro bono* providers have led us to conclude that the extensive written material we have developed to assist self-represented filers is still insufficient. The enormity of the task, language barriers, and literacy issues prevent many self-represented parties from reading or understanding the website, handouts, and local rules. These parties need basic instruction and guidance even before

any legal advice becomes necessary. While full representation by an attorney has been and continues to be the option that best addresses these situations, the Court is still faced with the reality that this population either will not or cannot obtain the services of an attorney when the Court's written materials are insufficient for their needs.

In addition, volunteer attorneys must repeatedly give the same instruction to different groups in seminars, when their time could be better spent answering specific questions and guiding individual litigants. When an attorney needs to cancel a scheduled seminar, attendees may not be able to reschedule, therefore missing out on valuable information. Court staff is working with Public Counsel to film seminars on chapter 7.

In order to increase effective access to the Court, we are pursuing more instructional videos that cover the basics of bankruptcy for the self-help desks and the Court website. Videos will be short and address specific, narrow topics. The local bar and nonprofit groups have been quite enthusiastic and supportive. The equipment and technical needs to support these efforts, along with accurate and appropriate scripts, will be developed over the next year.

## **D. Future Surveys**

While we were able to conduct some surveys this year to learn more about the impact of self-represented parties on Court resources, we know that we still need more information. Most importantly, we need to survey the self-represented parties seeking access to the Court. Designing this survey has been more difficult than most. First of all, at least 50 percent of our self-represented parties do not appear personally at the Court, either to file a case or in response to an Order to Show Cause. Those that do often do not speak English fluently or are in a hurry. We continue to explore ways of gathering more information from the people seeking Court services.

## **E. Call Center/Internet Live Chat**

Several courts have implemented live chat systems on their websites. We are reviewing these systems with plans to possibly implement one in

our district. We are also contemplating a central toll-free call center which would allow specially trained staff to answer bankruptcy questions from the public throughout the Central District, providing more efficient and high quality service.

## **VII. GOALS/CONCLUSION**

The Court, with enormous support from the bar and nonprofit organizations, has greatly expanded access for the self-represented. We have a number of targeted programs for self-represented parties. Those who seek assistance are generally able to find at least some guidance, either through the self-help desks or a clinic. Despite these efforts, the indisputable conclusion is that it is better to be represented by qualified counsel. The disparity in outcomes between self-represented debtors and those who have an attorney is vast. While many gaps have been plugged and many debtors are able to succeed without counsel, the Court's goal is still to encourage attorney representation wherever possible.

The Court's knowledge about BPPs' role in our self-represented cases has increased, but is still not as comprehensive as we would like. It remains difficult to distinguish between "the good, the bad and the ugly." There are still far too many debtors who never take advantage of the legitimate free legal advice services available to them, or who fall prey to fraud and exorbitant charges. Of approximately 38,000 self-represented parties in 2011, less than 25 percent were able to take advantage of the free legal assistance available. A substantial number of the rest obtain assistance from BPPs.

We have made significant progress in understanding the specific challenges of Court staff in addressing the issues of the self-represented population. Understanding what training the staff needs, and how to be most effective in responding to inquiries, is an ongoing initiative. We have provided appropriate resources physically and online to assist litigants in seeking relief at the Court properly and competently. Our ongoing initiatives should continue to reduce staff time spent processing incorrect filings, allowing staff to focus efforts on offering services providing the greatest benefit to litigants.

We will continue to measure whether our existing systems and programs are effective in addressing the needs of self-represented litigants, to evaluate whether the Court is utilizing ever-shrinking resources cost-effectively, and to target programs and services more precisely in the future. Very simply, the U.S. Bankruptcy Court for the Central District of California must serve the largest self-represented population of any bankruptcy court in the country. We will continue to look for the best way to do this with the resources available.

Attached Exhibits:

- A. Language Assistance Summary from U.S. Trustee
- B. Details of Those Assisted by Public Counsel
- C. Details of Woodland Hills Self-Help Desk
- D. List of 2011 *Pro Bono* Volunteers Honored
- E. Divisional Breakdown of BPP Filings

**EXHIBIT A**

**Table 4**

**United States Trustee Program - Fourth Quarter of 2011  
(October - December 2011)**

Division						
Language	LOS ANGELES	RIVERSIDE	SANTA ANA	WOODLAND HILLS	SANTA BARBARA	Total
Arabic	2	4	1	1		8
Armenian	38			11		49
Burmese	1					1
Cambodian	1	1				2
Cantonese	9					9
Farsi	7		1	4		12
Hindi	2					2
Hmong		1				1
Hungarian		2				2
Ilocano		1				1
Indonesian		2				2
Japanese	2					2
Karen			1			1
Korean	97	13	23	4	2	139
Laotian					1	1
Mandarin	17	4	2			23
Portuguese		1	1			2
Punjabi	1	1	1			3
Russian	2			3		5
Spanish	1056	590	169	141	88	2044
Tagalog	7	2	1			10
Thai	4	1	1	1		7
Turkish		1				1
Vietnamese	12	3	36	1		52
<b>Grand Total</b>	<b>1258</b>	<b>627</b>	<b>237</b>	<b>166</b>	<b>91</b>	<b>2379</b>

**EXHIBIT B**

<b>Table 5</b>	
<b>LOS ANGELES</b>	
Public Counsel Debtor Assistance Project January 1, 2011 – December 31, 2011	
DAP SERVICES	
HOTLINE CALLS AND DEBTOR INQUIRIES	<b>648</b>
HOTLINE CALLBACKS and INTAKE PROVIDED	508
REFERRALS/COUNSEL & ADVICE/GENERAL QUESTIONS/ DOCUMENT AND CASE REVIEW	133
CLINIC BY MAIL	93
Ch.7 PLACEMENTS ( <i>Pro bono</i> and in-house )	59
LOS ANGELES SELF-HELP DESK AND <i>PRO SE</i> CLINIC	
LOS ANGELES SELF-HELP DESK	<b>1316</b>
CH. 7 <i>PRO SE</i> CLINICS	<b>296</b>
REAFFIRMATION HEARINGS	
SELF-REPRESENTED DEBTORS ASSISTED: Los Angeles	<b>1576</b>
<b>Total</b>	<b>4516*</b>

<b>Table 6</b>	
<b>WOODLAND HILLS</b>	
Public Counsel Debtor Assistance Project January 1, 2011 – December 31, 2011	
REAFFIRMATION HEARINGS	
SELF-REPRESENTED PARTIES ASSISTED: Woodland Hills	<b>680</b>

\*The total in table 5 is the sum of the numbers in bold in tables 5 and 6.

EXHIBIT C

Table 7

**Neighborhood Legal Services of Los Angeles County  
Self-Represented Assistance Provided in Woodland Hills  
(January - December 2011)**

	Total Visitors	Ch. 7 Seminars	Ch. 7 Attendees	Question & Answer	Q&A Attendees	Creditors
Jan-11	257	7	76	6	56	2
Feb-11	185	5	44	3	34	7
Mar-11	195	7	55	5	43	5
Apr-11	215	6	62	6	67	8
May-11	213	6	51	4	46	20
Jun-11	185	4	30	4	29	4
Jul-11	151	5	42	4	29	2
Aug-11	161	6	37	5	28	1
Sep-11	155	6	22	4	24	4
Oct-11	147	3	23	4	33	2
Nov-11	143	3	23	4	32	1
Dec-11	158	3	22	5	25	1
<b>2011 TOTAL</b>	<b>2165</b>	<b>61</b>	<b>487</b>	<b>54</b>	<b>446</b>	<b>57</b>

## EXHIBIT D

United States Bankruptcy Court  
Central District of California

### 2011 Honor Roll of *Pro Bono* Volunteers



National Pro Bono Celebration  
October 23 - 29, 2011

#### Debtors Assistance Project Pro Bono Volunteers Chapter 7 & Reaffirmation Hearings

Faye Barta  
Ethel Bennett  
Nan Blitman  
Cliff Bordeaux  
Chris Cantore  
Corey Carter  
Jason Derman  
Jeremy Faith  
Douglas Flahaut  
Faith S. Ford  
Michael I. Gottfried  
Patrick T. Green  
Daniel Greenbaum  
David S. Hagen  
Stella Havkin  
Marisa H. Hawkins  
Jon Hayes  
Marlene Hemmings

Keith Higginbotham  
Gail Higgins  
David Jacobs  
Travis Kasper  
Jeff Katz  
Kari Keidser  
Jim King  
Ilyse Klavir  
Nancy Korompis  
Annie Michelle Krikorian  
Michael D. Kwasigroch  
Mary Lenahan  
Jonathan Leventhal  
Jennifer Li  
Peter Lively  
Susan I. Montgomery  
Roksana D. Moradi  
Sandra Nutt

Philomena Nzegge  
Yvette Ochoa  
Shai Oved  
Leonard Pena  
Arsen Pogosov  
Todd Roberts  
R. Grace Rodriguez  
Daniela Romero  
Lauren Ross  
Natalie Ryan  
Allan Sarver  
Darren Schlecter  
Salvatore Sciortino  
Tyson Takeuchi  
Susana Tolchard  
Kamal Virk  
Steven Wolvek  
Aleksandra Zimonjic

#### Los Angeles Bankruptcy Self-Help Desk & Clinic Volunteers

Francisco Acosta  
Paul Allen  
Armen Avidissian  
James Beirne  
Nan Blitman  
Magdalena Bordeaux  
Clifford Bordeaux  
Raffy Boulgourjian  
Henry Broome  
Nick Brovko  
Chris Cantore  
J. Jay Chang  
Joseph Collier  
Jason Derman  
Sheldon Eskin  
Charles Evans  
Matt Evans

Ed Figaredo  
Clemente Franco  
Curt Harrington  
David Jacob  
Travis Kasper  
Jeffrey Katz  
Bert Kawahara  
Sujin Kim  
Anna Korte  
Annie Krikorian  
Mary Lenahan  
Jennifer Li  
Jeff Love  
Erika Luna  
Mando Macayaon  
John Manley  
Kim McReynolds Bell

John Melissinos  
Jack Nguyen  
Sandra Nutt  
Robert Reganyan  
Veronica Rojas  
Natalie Ryan  
Sal Sciortino  
Armen Shaghzo  
Elizabeth Sutlian  
Cameron Totten  
Joshua Valero  
Stephen Vokshori  
Justin Wilson  
Ime Wolin  
Nathanial Wood

**San Fernando Valley Division Self-Help Desk Volunteers**

Anil Bhartia  
 Nan Bitman  
 Mark Brenner  
 Daniel Greenbaum  
 David Handel  
 Jonathan Hayes

Marlene Hemmings  
 Gail Higgins  
 James King  
 Ilyse Klavir  
 Jonathan Leventhal  
 Rosksana Moradi

Jennifer Phan  
 Natalie Ryan  
 Pat Said  
 Larry Webb  
 Joel Wilde

**Legal Aid Foundation of Santa Barbara County Consumer Debt Clinic Volunteers**

Carissa Horowitz  
 Jean Lynn

Casey Nelson  
 Reed Olmstead

Monica Robles  
 Randy Sutter

**Santa Barbara County Bar Association Reaffirmation Hearing Volunteers**

William Beall  
 Eric Burkhardt  
 David Commons  
 Karen Grant

Jonathan Gura  
 Carissa Horowitz  
 Robert Hurlbett  
 Janet Lawson

Reed Olmstead  
 Susan Salehi  
 Peter Susi

**Orange County Bar and Public Law Center**

Anerio Altman  
 Michael Bartlett  
 Lewis Belfer  
 Shilpa Bhalan  
 Sergio Chaidez  
 Randy Chang  
 Lee Wei Chen  
 Joan Chyun  
 Robert Driessen  
 Doug Ecks  
 Henry Ezzati  
 Michael Feeney  
 Julia Fendorff  
 Parisa Fishback  
 Ian Flatley  
 Wayne Fong  
 Bernard Frimond  
 Selene Geoppo  
 Rob Goe  
 Kathleen Goldberg  
 Erik Graeff  
 Richard Green  
 John Grieffendorf  
 Mark Hamilton  
 Kate Heidbrink

Halli Heston  
 Richard Heston  
 Christina Ho  
 Tina Hoover  
 Jeffrey Hsu  
 Xipeng Huang  
 Jeffrey Jackson  
 Michael Jones  
 Bridget Kelly  
 Jai Kim  
 Andrew Klimkowski  
 Uliana Kozeychuk  
 Christopher Langley  
 Jessica Lee  
 Ed Malpass  
 Keith Maneet  
 Jame Mascaro  
 Craig McLaughlin  
 Harlene Miller  
 Neda Mobassery  
 Erin Moriarty  
 Jeffrey Mulford  
 Anthony Patrick Munoz  
 Alison Murdock  
 Rami Nabi

Paul Nash  
 Barbara Su-Yin Ngo  
 Hieu-Tony Ngo  
 Michelle Prescott  
 Peter Rasla  
 Peter Recchia  
 David Revolinks  
 Sinae Han Robbins  
 Celia Robles  
 Veronica Rojas Munoz  
 Paula Schaefer  
 Mary Schewatz  
 Link Schrader  
 Bethany Schramm  
 Kristin Smith  
 Christian Spaulding  
 Bill Steele  
 Arthur Stockton  
 Michael Stoltzman  
 Fermin Valencia  
 Hieu Vu  
 Peter Vu  
 William John Wall  
 Kerry Zeiler  
 Pamela Zylstra

**Public Service Law Corporation (Riverside)**

Jacqueline Carey-Wilson

Jennifer Loflin

Dennis Wagner



## EXHIBIT E

### Table 8

#### BPP Flag Report Results - Los Angeles Division

Period	Ch. 7	Ch. 13	Total cases filed with BPP disclosed	Incomplete	Dismissed	Dismissed w/ Bar	Closed	Total Filings	Total Pro Se Filings
11/1/11 - 11/30/11	277	24	301	62	44	4	20	3701	1145
12/1/11 - 12/31/11	249	18	267	42	18	1	4	3799	1147
Total:	526	42	331	104	62	5	24	7500	2292

### Table 9

#### BPP Flag Report Results - Riverside Division

Period	Ch. 7	Ch. 13	Total cases filed with BPP disclosed	Incomplete	Dismissed	Dismissed w/ Bar	Closed	Total Filings	Total Pro Se Filings
11/1/11 - 11/30/11	169	8	177	19	24	2	19	2579	690
12/1/11 - 12/31/11	196	10	206	17	18	4	7	2561	669
Total:	365	18	383	36	42	6	26	5140	1359

### Table 10

#### BPP Flag Report Results - San Fernando Valley Division

Period	Ch. 7	Ch. 13	Total cases filed with BPP disclosed	Incomplete	Dismissed	Dismissed w/ Bar	Closed	Total Filings	Total Pro Se Filings
11/1/11 - 11/30/11	49	13	62	15	17	0	10	1107	354
12/1/11 - 12/31/11	30	3	33	5	2	0	0	1001	282
Total:	79	16	95	20	19	0	10	2108	636

**Table 11****BPP Flag Report Results - Northern Division**

Period	Ch. 7	Ch. 13	Total cases filed with BPP disclosed	Incomplete	Dismissed	Dismissed w/ Bar	Closed	Total Filings	Total Pro Se Filings
11/1/11 - 11/30/11	54	0	54	0	1	0	0	385	113
12/1/11 - 12/31/11	54	0	54	0	1	0	0	377	102
Total:	108	0	8	0	2	0	0	762	215

**Table 12****BPP Flag Report Results - Santa Ana Division**

Period	Ch. 7	Ch. 13	Total cases filed with BPP disclosed	Incomplete	Dismissed	Dismissed w/ Bar	Closed	Total Filings	Total Pro Se Filings
11/1/11 - 11/30/11	27	3	30	2	2	0	0	1327	378
12/1/11 - 12/31/11	33	4	37	7	3	0	0	1351	359
Total:	60	7	67	9	5	0	0	2678	737