

IT TOOK A VILLAGE: MARIN'S NEW RESOURCE ON CIVIL APPEALS FOR THE SELF-REPRESENTED

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The Marin County Bar Association has an important partnership with the Marin County Law Library. For several years now, they have jointly operated a “Lawyers in the Library” program offering free monthly consultations to self-represented litigants in Marin. And just a few months ago, they added a new subject for such consultations: civil appeals. Because of the uniqueness and importance of this new resource, the Law Library board asked me to write up a brief explanation and history to make sure all bar association members are aware of it.

Civil appeals present challenges even for experienced trial lawyers, who often turn to specialists for guidance or co-counseling. Arcane subjects abound, including but hardly limited to appealability, stays of judgments, the effects of amended judgments, defining and preparing the appellate record, and the standards of appellate review. Unlike trial lawyers, however, the only real hope for self-represented litigants is a trial or appellate court clerk, a self-help center or website, or a law librarian. These resources are limited by institutional constraints or simply a lack of experience with the issues presented.

Your reporter knew very little about this problem until a year ago. I was on the phone with Ms. Joy Robinson, who at the time was the appeals clerk at the Marin County Superior Court. We were discussing a minor technical issue, but when I mentioned my civil appeals specialty, she explained that many unrepresented litigants cannot find needed help with their own civil appeal or opposing their opponent's. She also cited the pressures court clerks face from requests for such help.

Naturally I offered to explore possible solutions, and with her guidance I began that process several weeks later. She had advised that the best place to start was the Self-Help Center at the Marin County Superior Court, and she kindly facilitated an introduction to their staff through the court's administration group. Soon enough I met by Zoom with Ms. Abby Lucha at the Center, who first confirmed Joy Robinson's point that the staff there had too little familiarity with civil appeals to offer useful guidance on that subject. But Ms. Lucha then made a suggestion that eventually was implemented: adding a civil appeals resource to the Lawyers in the Library program.

Established in 2016, the program offers consultations with local attorneys on a variety of subjects, with the bar association recruiting and assigning the volunteer attorneys, and the library coordinating the consultations and providing the space and later the Zoom facilities.

Civil appeals, however, had never been a subject offered for consultations. One likely reason is that many fewer attorneys in Marin than San Francisco, for example, are certified specialists in the field or even devote significant time to it. So there was no guarantee it could be

effectively added to the Lawyers in the Library program along with its mainstays: employment, family, landlord-tenant, personal injury, estate planning/probate, and general civil law.

The planning meetings that followed thus focused on the need to recruit enough attorneys with sufficient appellate experience to make the new program work. MCBA and the Law Library organizations readily gave their approval pending recruitment, and once again our legal community came forward to provide support for the self-represented. Another partner, the Bar Association of San Francisco, put out a recruitment email to the many members of its Appellate Section from around the Bay Area. And the California Academy of Appellate Lawyers authorized me to send a similar email to our members. I also did some selective recruiting on my own.

The recruitment campaign was helped by a persuasive endorsement of the new program. Joy Robinson, the Marin appeals clerk who first raised this subject, subsequently moved to the First District Court of Appeal as a Legal Assistant. So when she learned of our progress in adding a civil appeals resource to the Lawyers in the Library program, she mentioned it to Ms. Beth Robbins, the Assistant Clerk at the First District. And Ms. Robbins not only promptly mentioned it to the court's Administrative Presiding Justice Jim Humes, who promptly thanked me for the effort by email, Ms. Robbins also set up a meeting with herself and two other officials at the court. It turned out they strongly supported our new program for the same reasons Joy Robinson had cited to me at the outset: not only the need itself, but also the pressures it placed on the clerks being asked for help.

As a result of all the foregoing support, the recruitment campaign produced eight experienced appellate lawyers willing to join me as volunteers for the new program. Deeming that number sufficient, the library and bar association boards authorized commencement of the program on February 23, 2023. The first consultation on civil appeals took place that very day.

It took a devoted legal community in Marin and regionally to respond to a demonstrable need for self-represented litigants. And there's reason to believe the new program here will stimulate the development of similar programs elsewhere. For example, when a board member at the San Francisco Law Library heard about our new program she promptly invited me to attend her next board meeting to discuss the idea with her colleagues. I'm happy to report that they were strongly supportive.

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