

# SAN DIEGO LAWYER

## CIVIL SERVICE: APPELLATE SELF-HELP WORKSHOPS BEGIN



Back row (L-R): Hon. Pamela Parker,  
Lei Udell, Ed Silverman,  
Gina Catalano, Kevin Green,  
Sara Raffer Lee, Rupa Singh,  
George Schaefer; Middle row:  
Kimberly Stewart; Front row:  
Hon. Judith Haller, Hon. Joan Irion

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**PLUS** | State of the Courts  
Court Funding Update  
Richard Dreyfuss on Civics Education



Ed Silverman, Kimberly Stewart

# CIVIL/APPELLATE SELF-HELP WORKSHOPS

By Ray Huard

**M**ysterious, confusing and intimidating are words even some skilled lawyers use to describe what it's like to handle an appeal before the 4th District Court of Appeal.

Imagine what it must feel like to someone who goes it alone without a lawyer to represent them.

"The appellate court seems to be an aspect of the legal system that is shrouded in mystery," said San Diego County Superior Court Judge Pamela Parker, former president of the Legal Aid Society of San Diego Inc. Parker was a senior appellate attorney at the 4th District Court of Appeal Division One from March 2012 until September 2013, when she was appointed to the bench.

Some of that mystery is about to be removed, thanks to the collaboration of

the San Diego County Bar Association's Appellate Court Committee, the 4th District Court of Appeal Division One, the Legal Aid Society of San Diego and the San Diego Law Library.

The four groups have created a Civil Appellate Self-Help Workshop to help people who represent themselves in civil appeals.

"It's been a long time coming," said Kimberly Stewart, managing attorney of the 4th District Court of Appeal Division One and co-chair of the workshop subcommittee.

In an informal study Stewart did in 2010, she found that people represented themselves without lawyers in 29 percent of the cases before the 4th District Court of Appeal Division One in 2009 and in 35 percent of the cases in 2010.

The types of cases with people

representing themselves "ran the gamut," Stewart said, with family law cases accounting for the biggest single category of cases.

Although Stewart hasn't updated her study, anecdotally, she said her impression is that the numbers have stayed about the same or risen slightly.

"People just cannot afford lawyers," Parker said. "I've had many people - friends of mine, fellow congregants at my church who know I'm a lawyer and know I've become a judge - they have steady work and they say 'I just can't afford a lawyer.'"

The problem is that the appeal process has many steps, deadlines and procedures which can be difficult to follow. People sometimes think an appeal is a chance for them to retry a case they lost in the lower court, Stewart said.

"The Court of Appeal is not a redo of

what happens in the trial court," Stewart said. "There's a presumption that the jury, the judge did the right thing."

"There are all kinds of traps for the unwary," Parker said.

In her time as an appellate attorney with the court, "I could see the self-represented litigants really struggle with the rules and procedures the appellate court requires," Parker said. "A lot of appeals were being dismissed or rejected or denied because they didn't know how to present their issues."

That was troubling to the appellate justices, Stewart said.

"The court would rather resolve appeals on their merits than dismiss cases for non-compliance," Stewart said.

That's where the workshop comes in.

After the initial workshop presentation, one to two volunteer lawyers will meet with each person individually to go over any specific questions, Silverman said, but the lawyers won't help prepare the appeals.

"The workshop is to give information, not legal advice, because the court is one of the sponsors and the court can't give legal advice," Silverman said.

The group will meet at the San Diego Law Library, 1105 Front Street, San Diego, on the third Tuesday of each month at 4:00 p.m.

The law library got involved as a sponsor because that's where people went for information on filing and appeal, said assistant director Gina Catalano.

"It's really a natural fit," Catalano said. "We see a lot of self-represented litigants at the

Court of Appeal in Los Angeles.

"I was thinking about goals and projects and things we could do. I read about it and a light bulb went off," Green said. "If they can do it, why can't we?"

Although the Los Angeles clinic was the inspiration, Green and Rupa Singh, who chaired the Appellate Court Committee in 2013, said the San Diego plan turned out to be very different.

"Unlike the court in L.A., our court didn't want to get into the business of providing advice," Singh said. "We're just going to give information to help people."

Los Angeles also has a paid director and San Diego relies entirely on volunteers.

The San Diego workshop has drawn praise from California Chief Justice Tani Cantil-Sakauye, who said "self-help

PHOTOS BY DOUGLAS GATES PHOTOGRAPHY



Kevin Green, Lei Udell



Kimberly Stewart, Rupa Singh

Volunteer lawyers will meet for free for two hours with people who are filing or defending a civil appeal by themselves, said Ed Silverman, former chairman of the Bar Association's Appellate Court Committee and chairman of the committee's Civil Appellate Self-Help Workshop Subcommittee.

To attend the workshop, the participant should be a party to a pending civil appeal and should register by calling 619-471-2781, Silverman said.

The session will start in a seminar format with a recorded video message from Associate Justice Joan Irion and a power point presentation outlining the steps someone must follow, said Silverman, who will moderate the workshop.

law library."

The library has many resources from online information to how-to guides which are available free to the public, but people can easily get tripped up on something as simple as understanding the terms they come across.

"It makes such a big difference when they have someone who can talk to them and kind of walk them through it," Catalano said.

The idea for the workshop came from Kevin Green, who chaired the Bar Association's Appellate Court Committee in 2010, and others who were inspired by a newspaper article about an appellate self-help clinic for indigent civil litigants, which assists pro per litigants in the 2nd District

programs are critical to ensuring equal access to justice for low and middle-income Californians, especially in this era of limited fiscal resources."

She added, "I applaud the collaborative efforts of the Fourth Appellate District, the San Diego County Bar Association, the San Diego County Law Library and the Legal Aid Society of San Diego in establishing the Civil Appellate Self-Help Workshop, as well as the ongoing commitment of the many volunteers who have invested their collective time and energy to make this workshop a reality."

**Ray Huard (rayhuard@hotmail.com) is a freelance writer in San Diego.**



## CIVIL/APPELLATE SELF-HELP WORKSHOPS

Workshops will be open to the public  
from 4:00 – 6:00 p.m. on the third Tuesday  
of each month at the San Diego Law Library.

### Upcoming Workshop dates:

**August 19**

**September 16**

**October 21**

**November 18**

**December 16**

To learn more visit:

[www.sdcba.org/appellatevolunteer](http://www.sdcba.org/appellatevolunteer).

For more information, contact Ed  
Silverman at [esilverman@sllbv.com](mailto:esilverman@sllbv.com).

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## SAVE THE DATE

*D*IALOGUE ON  
*Diversity*

**September 17**

**5 p.m. - 8 p.m.**

**Dialogue on Diversity**

Explore the topic of diversity and inclusion  
challenges in the legal profession.



**September 23**

**5:30 p.m. - 7:30 p.m.**

**Law Student Welcome Reception and  
Section, Committee and Law Related  
Organization Fair**



**October 31**

**12 p.m. - 1:30 p.m.**

**Annual Bench-Bar Luncheon**

Discuss topics of mutual interest with  
members of the bench and bar.