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A Navigator Program for Philadelphia's Debt Collection Court

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I. Background on the Access to Justice Gap in Philadelphia's Debt Collection Court

"A navigator is a gap filler"

According to the Pew Charitable Trusts, from 2013 to 2018, 95% of about 45,000 debt collection cases adjudicated in Philadelphia's Municipal Court resulted in default judgments against the defendant due to nonappearance. Failing to appear for debt collection cases results in an almost automatic award to the plaintiff of the full amount of damages sought – which often includes court costs and fees and accrued interest.

There are a variety of reasons why defendants do not show up to court. Some issues include not receiving the complaint packet or not realizing that it is a legal document; being confused about why one is being sued; not recognizing the creditor's name; and misunderstandings caused by incorrect information in the complaint – such as a wrong name and address. Defendants may also be overwhelmed by the reality of the situation – especially defendants who cannot afford counsel and are unaware of other, more affordable forms of legal representation.¹

Confusion even follows those defendants who do make it to court. Presenting one's debt case unrepresented can exacerbate defendants' already precarious financial situations. According to Reinvestment Fund's 2021 study of debt collection in Philadelphia, defendants with representation garner more favorable outcomes than their unrepresented counterparts. Thirty-one percent of cases studied by the fund where the defendant had representation ended in a judgment for the defendant, compared to 1% for unrepresented defendants.

¹Pew Charitable Trusts, "How Debt Collection Works in Philadelphia's Municipal Court," (2022), <https://www.pewtrusts.org/en/research-and-analysis/reports/2022/10/how-debt-collection-works-in-philadelphias-municipal-court>.

Further, about 70% of observed cases where the defendant did not have representation ended in a default judgment, whereas only 14% of cases with counsel ended similarly.²

The harm that arises from the access to justice gap present in Philadelphia's debt collection court disproportionately affects Black Philadelphians who are overrepresented among defendants in debt collection cases. The average claim amount in a case involving Black defendants represented 8% of the median income of a Black Philadelphian's household.³ Debt collection judgments also represented over 10% of the median household annual income in zip codes that house some of Philadelphia's highest concentration of low-income Black and Hispanic defendants.⁴

There is a demonstrated need to provide more information and resources (both legal and non-legal) to defendants in Philadelphia's debt collection court. This proposal sets forth the parameters for a potential consumer debt court navigator program that can fill existing access to justice gaps. The goal of this program is to place navigators in debt collection court and increase fairness by, among other things: (1) clarifying courtroom procedure; (2) providing documents and guidance to unrepresented parties on their rights and legal options; (3) providing unrepresented parties with a friendly face; and (4) referring parties to the appropriate court personal and legal aid organizations. In addition to reducing defendants' confusion and anxiety about appearing in court and, thereby, reducing the amount of default judgments, we hope the program will empower unrepresented parties to advocate for themselves and increase public confidence in the Philadelphia court system.⁵

² Reinvestment Fund, "Policy Brief: Debt Collection in Philadelphia," (2021), https://www.reinvestment.com/wp-content/uploads/2021/03/ReinvestmentFund_2021_PHL-Debt-Collection.pdf.

³ Reinvestment Fund, "Policy Brief: Debt Collection in Philadelphia," (2022), https://www.reinvestment.com/wp-content/uploads/2021/03/ReinvestmentFund_2021_PHL-Debt-Collection.pdf

⁴ Reinvestment Fund, "Policy Brief: Debt Collection in Philadelphia," (2022), https://www.reinvestment.com/wp-content/uploads/2021/03/ReinvestmentFund_2021_PHL-Debt-Collection.pdf

⁵ Because it is typically defendants who are unrepresented, this proposal primarily focuses on ways in which defendants could benefit from a navigator program. However, navigator services can extend to unrepresented plaintiffs as well.

II. A Navigator Program for Philadelphia's Debt Collection Court

a. A Navigator's Day-to-Day Responsibilities

Our proposed debt collection court navigator program will consist of one or two people who will be physically present in Philadelphia's Municipal Courtroom five days a week. The navigators will provide defendants with courtroom guidance, navigational direction and information, legal and procedural information, options guidance and referrals, as well as – when applicable – language assistance. In all, navigators will be useful in allaying defendants' unfamiliarity with and apprehension concerning debt collection court.

Arriving at 8:30 a.m., the navigators will be present prior to the commencement of the first session to greet the defendants on the first floor of Municipal Court and direct them to Room 5 on the sixth floor. Closer to the 9 a.m. start, a navigator will stay in Room 5 to explain the trial commissioner's initial speech in laymen's terms to interested defendants and identify any defendants arriving later than 9 a.m. If defendants arrive late, navigators will be able to locate the creditor's attorney and inform them of the debtor's arrival; we can expect the attorneys to welcome this announcement as they would prefer some stipulation over a default judgment. The navigators will also then be available to inform defendants of their available legal and non-legal options.

Because ignorance of the debt collection process is a large barrier that prevents defendants from tackling their cases, a navigator will provide defendants with a condensed overview of courtroom procedure and their rights as defendants, and will provide guidance as questions arise. To help accomplish this, navigators will be equipped with multiple one-page fact sheets which will outline, among other things, an explanation of terms, defendants' rights, and a list of organizations defendants can call for legal representation or financial counseling.

With defendants' consent, navigators may also be involved in stipulation in lieu of judgment meetings by being present in the room while discussions take place. During these conversations, there can be significant confusion on the part of the defendant regarding whether they will be speaking in front of a judge, what room they are being shepherded into, and what consequences flow from the agreement

made. Navigators can also help by reminding defendants of their rights in that room (for example, that they can take 10 minutes to think about the decision), providing defendants with the opportunity to schedule an appointment with a financial counselor, and informing defendants of their other legal options.

Navigators can also help defendants procure accommodations for disabilities and language barriers. Access to such services can make all the difference in helping a defendant understand and participate in the legal process. A navigator can be available to advocate for the defendant by, for example, securing an interpreter, translating legal documents into the defendant’s preferred language, getting assistive listening devices, and more. If a defendant’s needs cannot be met right away, the navigator can suggest that the defendant request a continuance until the necessary resources are available.

b. *Logistics of Debt Collection Court Navigators*

There are multiple services that navigators could provide.⁶

Navigator Duties
<ul style="list-style-type: none">• Court Assistance• Legal & Procedural Information• Language Assistance• Assistance with Documents• Options Guidance / Referrals

To effectuate these services, navigators will be equipped with several fact sheets. The fact sheets will be available to both unrepresented defendants and plaintiffs and guide the navigators on what information may be conveyed to the parties.

⁶The terminology used in the “Navigator Duties” box is based on terminologies used in the *Nonlawyer Navigators in State Courts: Part II — An Update* report by Mary E. McClymont of Georgetown Justice Lab (see n. 7, below).

Possible Navigator Fact Sheets May Include:
<ul style="list-style-type: none"> • Information on what plaintiffs must prove during the hearing and a list of the most frequently used defenses. • Guidance on how to log into and use CODI (the court’s Consumer Debt Collection Information Bot) • Information on: <ul style="list-style-type: none"> ○ How to apply for a continuance ○ How to file a petition to open ○ Available legal aid organizations and financial services ○ Relevant courtroom procedure and vocabulary • A one-page summary of the Trial Commissioner’s script • Guidance on how to interpret a judgment and accompanying paperwork

Informing defendants of their right to assert defenses, request a continuance, and file for an appeal of the final judgment are of particular importance, as legal defenses and continuances are among the most common ways defendants can advocate for themselves. The defenses a defendant can invoke include, but are not limited to: (1) requiring the stated creditor to prove ownership of the debt (an issue most prevalent when the debt is sold off to a collection agency); (2) proving that the stated debt amount is incorrect; (3) proving the case has been brought beyond its statute of limitations; (4) asserting fraud or identity theft; and (5) highlighting to the court that the plaintiff has not presented required documentation.

Continuances allow defendants to reschedule their hearing with the court. Continuances may be requested both before and on the trial date. They are exceptionally useful for defendants and plaintiffs who need, among other things, time to get their documents in order, form defenses, speak to an attorney or a financial counselor, procure childcare, or take time off work. For unrepresented parties seeking a continuance, the navigator will clarify the process by providing information on how to complete a request and accompanying the defendant to the trial commissioner to facilitate it.

To better explain the navigators’ possible functions, we have broken down the debt collection court process step by step, linking each possible service a navigator can offer to the specific points along the adjudication timeline, while continually tying explanations back to the broader goal of improving clarity and fairness for the parties.

1	Defendant goes to court	<p>Goals: Provide a friendly face for defendants, inform defendants that navigators are available as non-legal resources, and give defendants pertinent information.</p> <table><tr><td>Court Accompaniment</td><td><ul style="list-style-type: none">• Navigators introduce themselves to defendants• Navigators explain what the program is and its purpose.• Navigators walk defendants to Room 5.</td></tr><tr><td>Legal and Procedural Information</td><td><ul style="list-style-type: none">• Verbally convey the content of the trial commissioner’s speech in layman's terms and provide an easy-to-understand one page translation.• Provide defendants with relevant fact sheets and oral explanations, which will include: (1) an explanation of what debt collection court is; and (2) a general overview of courtroom procedure and process.</td></tr><tr><td>Language Assistance</td><td><ul style="list-style-type: none">• Upon arrival, assess language or other accommodation needs (if any) of defendants and inform court staff.</td></tr><tr><td>Options Guidance /Referrals</td><td><ul style="list-style-type: none">• Present defendants with a list of resources defendants may call for legal representation or advice (listed below).• Preliminarily refer defendants to Clarifi’s financial counselors.• Inform defendants that they may request a continuance and explain how.</td></tr></table>	Court Accompaniment	<ul style="list-style-type: none">• Navigators introduce themselves to defendants• Navigators explain what the program is and its purpose.• Navigators walk defendants to Room 5.	Legal and Procedural Information	<ul style="list-style-type: none">• Verbally convey the content of the trial commissioner’s speech in layman's terms and provide an easy-to-understand one page translation.• Provide defendants with relevant fact sheets and oral explanations, which will include: (1) an explanation of what debt collection court is; and (2) a general overview of courtroom procedure and process.	Language Assistance	<ul style="list-style-type: none">• Upon arrival, assess language or other accommodation needs (if any) of defendants and inform court staff.	Options Guidance /Referrals	<ul style="list-style-type: none">• Present defendants with a list of resources defendants may call for legal representation or advice (listed below).• Preliminarily refer defendants to Clarifi’s financial counselors.• Inform defendants that they may request a continuance and explain how.
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2	Defendant gets called into “stipulation in	<p>Goals: Provide legal information to defendants before and during stipulation in lieu of judgment talks.</p>								

	lieu of judgment” talks	Court Accompaniment	<ul style="list-style-type: none"> Upon request, navigator will be present in stipulation room with defendants to provide a friendly face and remind defendants of the navigator’s availability.
		Legal and Procedural Information	<ul style="list-style-type: none"> Inform defendants what a stipulation in lieu of judgment is and explain that defendants have the right to: refuse a payment plan and go to trial, step out of the room to seek advice, have an advocate in the room with them, or pause negotiations. Inform defendants that a stipulation judgment is a legal document and that noncompliance with its terms can result in an adverse judgment against them.
		Options Guidance /Referrals	<ul style="list-style-type: none"> Refer defendants to Clarifi, allowing them to pause negotiations and assess the affordability of the proposed payment plan with a financial counselor prior to agreement.
3	Defendant either: (1) goes to see a judge; or (2) gets stipulation entered by trial commissioner	Goals: Providing information and guidance depending on whether defendants opted for a trial or a stipulation in lieu of judgment.	
		Court Accompaniment	<ul style="list-style-type: none"> If defendant opted for stipulation, accompany the defendant to the trial commissioner for an explanation of the stipulation payment plan. If defendant opted for trial, navigator will be available to observe and answer questions afterwards related to the proceedings.
		Legal and Procedural Information	<ul style="list-style-type: none"> Before trial, provide information about common defenses to defendants and the requisite

			<p>procedure behind each defense.</p> <ul style="list-style-type: none">• Provide defendants with fact sheet(s) about: continuances, appeals process, and other rights within debt collection court.	
		Assistance with Legal Forms and Documents	<ul style="list-style-type: none">• After defendants’ stipulation discussion with the trial commissioner, review documents to ensure accuracy of agreement.	
		Options Guidance / Referrals	<ul style="list-style-type: none">• After defendant has either entered stipulation or opted for trial, refer defendant to Clarifi’s financial counselors and legal aid organizations.	
4	Defendant leaves the courtroom	Goals: After trial and/or stipulation talks, make sure defendants understand the result(s), and their next steps or options.		
		Court Accompaniment	<ul style="list-style-type: none">• Navigator may direct defendants, and/or accompany them, to the 10th floor to ensure that defendants ask the right questions and get helpful answers from Municipal Court staff.	
		Legal and Procedural Information	<ul style="list-style-type: none">• If defendants have been referred to the 10th floor, navigators can explain what the 10th floor is and what services are available there.• Navigators can clarify any remaining questions related to their judgment, including what it means and what is contained in the judgment packet.	
		Options Guidance / Referral	<ul style="list-style-type: none">• Inform defendants of their right to appeal.• Provide defendants with a list of legal aid organizations that can provide them with legal advice	

			and representation for next steps.	
5	Navigator waits in the courtroom for other defendants	Goals: Provide help to defendants who come late or early for their hearing.		
		Court Accompaniment	<ul style="list-style-type: none">For late-arrival defendants with a default judgment already entered against them, direct/accompany them to the 10th floor if they wish to file a petition to open the default judgment.For early-arriving defendants, inform them of courtroom procedure and navigators’ availability and role.	
		Legal and Procedural Information	<ul style="list-style-type: none">Explain to defendants what just happened, <i>i.e.</i> that the defendant missed their case and a judgment has been entered against them.Explain to defendants what a default judgment means.Explain to defendants what a petition to open is and how to file one.	
		Options Guidance / Referrals	<ul style="list-style-type: none">Provide defendants with all available fact sheets and referrals, detailed below.	
6	Navigators make referrals to organizations throughout	<ul style="list-style-type: none">- Financial Services<ul style="list-style-type: none">BenePhillyClarifi- Legal Aid Organizations<ul style="list-style-type: none">CLSPLAUnion lawyersSenior Law Center		

Navigators will only be available as non-legal advocates and sources of legal information. Navigators will inform defendants of their defensive options but will not advise defendants on which defense works best. Navigators will also inform defendants of their procedural options, such as applying for a continuance or filing a petition to open. Navigators will not fill out any forms for defendants. The purpose of the navigator, and the purpose of a navigator program in debt collection court, is to provide unrepresented parties with relevant information that will allow those parties to make informed decisions which will help achieve more equal, balanced, and fair judgments.

III. Necessary Additions to the Implementation of a Navigator Program: Amended Complaint Packet and Financial Counselor Relationships

The following two suggestions – (1) establishing a relationship between Clarifi and BenePhilly and debt collection court, and (2) clarifying the complaint packet – are additional steps that would make the navigator program more effective by getting debtors into court and reducing the default judgment rate. We believe that the navigator program must be part of a system of larger reforms in order to fully achieve fairness and equity in debt collection court.

a. Clarifi and BenePhilly Partnerships

1. Clarifi

Clarifi is one of the largest providers of financial empowerment services to low-income and moderate-income residents of Pennsylvania, New Jersey, and Delaware. They assist residents in three key areas: financial stability, wealth building, and wealth preservation. The organization's services (which can be rendered either virtually or in-person) include debt reduction, budget and credit review, individualized financial planning, asset and liability review, and a thorough analysis of clients' financial situations. Clarifi's office (which is only a seven-minute walk from Municipal Court) is ADA accessible and has interpreters available for clients with language barriers.

Members of the Clarifi office have expressed a willingness to provide debt collection defendants with specialized financial counseling services. In conversation with Kimberly Rogers and Tyler Young of Clarifi, we bifurcated possible financial interventions into pre and post hearing slots. To extend pre-hearing financial counseling services to defendants, efforts must focus on utilizing the complaint packet – in clear and accessible language – to alert defendants that financial counseling from Clarifi is available to them. How and where the information can be placed within the packet is detailed in section III.B. Such notice will necessarily include Clarifi’s number to call for appointments.

Extending post-hearing services to defendants would involve helping defendants schedule appointments with financial counselors in real time. In addition to guiding defendants during this process and helping them book a convenient appointment time, navigators will also highlight the value of Clarifi’s services. There are several referral pathways that could be specially crafted for this program, *e.g.*, (1) a dedicated phone number available exclusively to debt collection defendants; (2) a Microsoft Office form (available to the navigators) which solicits defendants’ name, phone number, and availability and feeds this information directly to financial counselors who would reach out within 24 to 48 hours; or (3) a separate email inbox for debt collection defendants. This would work to ensure that all requests for appointments are received and answered. The efficiency and efficacy of a navigator-Clarifi partnership is already evident in Philadelphia’s Eviction Prevention Program, where navigators frequently refer defendants to Clarifi for financial counseling.

By partnering with Clarifi, navigators can ensure the availability of financial counseling services for debt collection defendants that would empower them to have a deeper understanding of their financial position. The partnership with Clarifi would also serve as a proactive measure that would ensure that debt collection defendants receive continual financial support. Finally, if defendants are informed of the availability of financial counselors who can help them, they should be more inclined to appear in court and resolve their case, reducing default judgment rates.

2. BenePhilly

BenePhilly is a Philadelphia-sponsored nonprofit that helps Philadelphians apply for, access, and understand the more than 20 public benefits assistance programs they may be eligible for. Currently, access to BenePhilly’s services begins with a phone call to the BenePhilly Helpline at Clarifi. Clarifi staff receive the call, evaluate the request, and then direct callers to the appropriate BenePhilly Center.

Since assuming responsibility for the helpline, Clarifi has experienced an exceptionally high call volume as Philadelphians seek out these valuable services. Clarifi is uniquely situated to refer clients to BenePhilly, as while reviewing client budgets and finances, Clarifi counselors can identify programs for which the client may be eligible (e.g., SNAP, CHIP, WIC, and LIHEAP). BenePhilly then helps clients apply for these programs.

We believe that partnering with BenePhilly, in addition to Clarifi, is essential to addressing the full needs of defendants. BenePhilly's support can help tackle the root cause of Philadelphians' financial hardships by connecting individuals with counselors who can help them apply for money-saving public programs. We also believe that BenePhilly's services would be particularly useful to defendants after initial meetings with Clarifi's financial counselors. The navigators' fact sheet will include referral information for BenePhilly and, upon request, explain the benefits of using their services.

b. Simplifying and Amending the Service of Process Packet

The primary purpose of a complaint packet is to alert defendants that a lawsuit has been filed against them and inform them of both the nature of that lawsuit and what next steps to take. As it stands now, a debt collection complaint packet can be as long as 34 pages and, as confirmed by several stakeholders, is overly complex.



PHILADELPHIA MUNICIPAL COURT FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

1339 Chestnut Street, 10th Floor, Philadelphia, PA 19107

T. Francis Shields, President Judge John J. Joyce, Deputy Court Administrator

STATEMENT OF CLAIM

Code: Commercial Paper/Loans - (7)

SC/CP: #

PCA Acquisitions V, LLC
1002 Justison Street
Wilmington, DE 19801

Plaintiff(s)

Defendant(s)

Service Address (information) if other than above:

To the Defendant: Plaintiff is seeking a money judgment against the Defendant(s) based on the following claim:
Plaintiff is the assignee and successor in interest to the original creditor, Sears Mastercard issued by CITIBANK N.A.. The defendant was the holder of a credit card issued by the original creditor and accepted and used the aforesaid credit card under the terms and conditions. The defendant utilized the credit card issued by the original creditor. A true and correct copy of the last statement sent to the Defendant is referenced herein and will be filed separately along with the Confidential Document Form prepared by Plaintiff's counsel. All credits to which the defendant is entitled have been applied and there remains a balance due as of February 23, 2024 in the amount of \$8,338.77. Plaintiff has made demand upon the defendant for payment of the balance due but the defendant has failed and refused to pay the same or any part thereof. Defendant's last payment on account was made on 3/25/2021. WHEREFORE, plaintiff claims of the defendant(s) the sum of \$8,338.77 plus applicable costs.

Example of a complaint packet's Statement of Claim page.

Because defendants often feel too overwhelmed to make sense of the complaint packet, some effort must be made to craft a packet that is decipherable and more defendant friendly. This can be done by: (1) making the first page of the packet an easily readable “information page” that clarifies immediately necessary information, such as: hearing date, location, and time; claim amount; plaintiff’s name; claim explanation; and the list of documents the defendant should bring; and (2) adding a one-page document, in both English and Spanish, which lists the legal aid organizations defendants can contact for advice, Clarifi and BenePhilly’s contact information, and notice that non-legal navigators will be present at court to assist them when they arrive and throughout the proceedings.

iv. Importance of Navigators Through the Lens of Comparable Navigator Programs

a. Other Navigator Programs in Philadelphia

Philadelphia’s Municipal Court is familiar with court navigator programs, as evidenced in landlord-tenant court. There, navigators serve many of the same functions laid out above. Landlord-tenant navigators also provide additional services, such as guiding defendants to the available “lawyer of the day.” These navigators illustrate the importance of providing a lifeline to defendants, many of whom are unrepresented. Olga, a navigator employed by the Tenant Union Representative Network (TURN), described her role as “the last resort” for confused defendants who do not understand what options or rights they have in the intimidating setting that is landlord-tenant court.

Navigators, like those in Philadelphia’s landlord tenant court, give a voice to defendants and ensure that they know help is available. These navigators are proactive and approach defendants to introduce themselves and ask defendants, “what is your issue?” or “how can I help you?” The landlord-tenant navigators are busy and often move between the courtroom, the backroom (where mediations are held and the lawyer of the day can be found), and other areas of the court. The navigators also speak with defendants one-on-one before they are called by the judge and hand out flyers directing defendants to the landlord-tenant hotline, all

while cases move accordingly. The landlord-tenant navigators serve as an ideal model that can and should be initiated in debt collection court.

b. Addressing Funding, Staffing, and Supervisory Needs – Examples of Navigator Programs Around the Country

Attorneys across the country have introduced navigator programs to their courts to assist defendants in need of knowledge and support. Examining navigator programs nationally may help provide a framework for developing a navigator program in Philadelphia’s debt collection court.⁷

1. Structure

Two approaches taken by advocates engaged in developing navigator programs in state courts are establishing the program as a separate division of a non-profit legal organization, such as a justice center, or a project of the court. Navigator programs – such as the Justice Court Navigator Program in Mississippi – have found the former structure beneficial in establishing a reputable navigator program with adequate attorney supervision and training. On the other hand, Ohio’s Student Navigator Program assumes the latter approach and is a court department run by a court employee. Developing a navigator program as a project of the court is, arguably, the most effective approach because the main challenge that many navigator programs face is gaining buy-in from the courts.

In some rare cases, attorneys have chosen not to wait for support from legal aid organizations or the courts and started a navigator program by themselves. For example, a navigator program in Maine was developed by a single attorney with a passion for advancing diversity in the legal profession. However, this approach has proved challenging when attempting to gain credibility with institutional stakeholders for programs not directly affiliated with the judiciary.

2. Funding

Navigator programs have taken different approaches to funding their programs as well. One approach has been to apply for funding through federal and

⁷ McClymont, Mary E. *Nonlawyer Navigators in State Courts: Part II – An Update*. Georgetown Justice Lab. October 2023. (Available at <https://www.law.georgetown.edu/tech-institute/wp-content/uploads/sites/42/2025/01/Nonlawyer-Navigators-in-State-Courts.pdf>)

state grants. Another approach has been to secure funding from the court. Navigator programs have also secured funding from major corporations, private foundations, donors, and fundraising efforts. Lastly, various navigator programs have been made possible via AmeriCorps funding.⁸ AmeriCorps is a federal organization that funds programs addressing social problems through people-powered interventions. To apply for funding through AmeriCorps, applicants must provide a theory of change, strategies to approach the change, actions that will be taken to effect the change, and outcomes that will be achieved because of those actions. All of these forms of funding can be beneficial to sustain the operation of a successful navigator program.

3. Staffing

Navigator programs across the country also take different approaches to fulfilling staffing and recruitment needs. Some navigator programs hire pre-law undergraduate students and law students and advertise the role as an unpaid experiential opportunity. Selection is based on an interview, interest, and availability. Hiring students has been a cost-effective way to staff and provide basic assistance to *pro se* litigants. Students also benefit from their roles as navigators by being able to familiarize themselves with the court and build relationships with courtroom staff. For example, the Cleveland County Courthouse Navigator Project incentivizes student participation by advertising lunch-and-learns where students meet with judges, attorneys, and courtroom staff to discuss the legal profession and ask questions.

In other programs, community members serve as volunteer navigators. These programs expose community members to the legal profession as a means of diversifying the legal profession while also aiding *pro se* litigants. Programs with sufficient funding may even provide stipends to volunteer navigators. For example, navigators in the Maine AmeriCorps Legal Access Navigators program are paid with a stipend and receive housing assistance, mileage reimbursement, and health insurance.

⁸ It should be noted that the current Administration has taken steps to cut AmeriCorps funding, so this may not be an immediately viable option for funding Philadelphia's Debt Court Navigator program.

4. Supervision

Navigators are often supervised by attorneys, courtroom staff, or passionate volunteers who assume a navigator coordinator role within the program. While navigator programs around the country differ in their organizational structure, most navigator programs follow a standard protocol when training their navigators. First, navigators are acclimated to the legal system – the court structure, the relevant area of law and its framework, typical case timelines within that area, the specific issue the navigator program is attempting to address, and the current laws related to that issue. Next, navigators are taught the importance of being able to distinguish between providing legal information versus giving legal advice. The navigators work through hypotheticals to gain proficiency in speaking to individuals who need information and guidance, without crossing the line into legal advice. Finally, before their first official shift as a navigator, the navigators tour the courtroom and meet the bailiffs, clerks, and judges.

5. Reflections

While these programs have been successful, many of them noted the challenges in building relationships with judges and the court, which is necessary to advance advocacy efforts and ensure the community's awareness of the services provided by the programs. To address these challenges, navigator programs have attempted to connect with judges who recognize the need to bridge the gap between themselves and the community and develop creative forms of outreach. To address challenges associated with court relations, navigator programs have focused on making efforts to prove to judges that the presence of navigators improves the efficiency of dockets, increases community trust in the legal system, and makes attending court less intimidating for people coming in. Additionally, to address challenges associated with community awareness, navigator programs have focused their resources on building outreach efforts. Some innovative outreach efforts include placing large banners that state "Do you need help?" in the lobbies of courthouses, tabling, and traveling to areas in the community where there are low-income people to inform them of the services offered by the navigator program.

v. Potential Issues and Their Proposed Solutions

Our navigator program faces three main challenges: (1) securing adequate funding; (2) ensuring there are enough staff members; and (3) establishing a reliable supervisory structure. Based on conversations with other navigator programs in Philadelphia and around the country, what follows suggests some solutions to these needs.

a. Funding

The implementation of a navigator program in debt collection court would require significant funding. Funding affects various facets of this proposal, including supervisory and staffing needs. For our navigator program, a portion of that funding might be acquired from the City's budget. After several conversations with Sara Lepori from the Philadelphia Office of Community Empowerment, we understand that there is interest in supporting a debt collection court navigator program and other initiatives to help Philadelphians build wealth and thrive financially. Although the amount that could be allotted to our navigator program is still unknown, it is a promising indication of the city's interest and the strong possibility of securing reliable, steady, and local financing for the project.

b. Staffing

If sufficient funding can be secured, we propose utilizing that funding to cover staffing and supervisory needs. The monies would go towards hiring some full-time navigator staff from affected communities and providing a stipend for student navigators. However, if adequate funding is unavailable, we propose seeking a wide breadth of community members and students to serve as volunteer navigators.

Allowing community members to volunteer would enable debt collection navigators to bring forth diverse backgrounds – such as social work, education, finance, and other relevant fields – that enhance their ability to support defendants. However, one disadvantage of adopting this volunteer-based approach is that, without monetary incentives, participants may be less likely to adhere to a regular schedule. In addition to jeopardizing staff retention, this would undermine the reliability of the program. A volunteer-based approach may also make gaining

stakeholder trust more difficult. In other words, stakeholders may be concerned about allowing community members to perform the functions of a navigator because of their lack of legal background. Additionally, stakeholders may also express concern about how lack of legal background might impede the navigators' ability to distinguish between giving legal information and legal advice. On the other hand, a volunteer-based staffing approach could expand the pool of available navigators, allowing for greater flexibility in scheduling and, in that way, potentially improving staff retention.

In addition to soliciting student volunteers, the debt collection navigator program could develop a for-credit practicum at Philadelphia-area law schools. Besides allowing law students to take an active role in debt collection court, support debt collection defendants, and obtain invaluable courtroom experience, such a practicum would also allow students to satisfy their experiential requirements or pro bono hours. The navigator-law school practicum would require each student to spend at least 10 hours a week at Municipal Court. By extending this opportunity to all Philadelphia area law-schools, we could anticipate daily coverage for the fall and spring semesters, with approximately 6 students serving as in-person navigators twice a week.

One challenge with this approach is meeting staffing needs during winter, spring, and summer breaks. To address this, students could be preliminarily informed about their responsibilities during these breaks and their option of rotating or swapping shifts accordingly. Alternatively, winter, spring, and summer break navigators could be offered work-study funding to incentivize their continued involvement. Although there may be a reduction in navigators during the summer, even two navigators employed during these slower months may be sufficient.

c. Supervisory Structure

There are several ways to create a reliable supervisory structure for the debt collection navigator program. If the debt collection navigator program is housed within a Philadelphia nonprofit legal organization, an attorney from that organization could be assigned to supervise navigator staff. Another option would be to offer attorneys pro bono hours to act as volunteer navigator supervisors. While rotating pro bono supervisors may lead to some supervisory inconsistency, it could ensure that adequate supervision and guidance is being provided to navigators by a licensed attorney, which would alleviate concerns about the unauthorized practice of law. Alternatively, the program could take a page out of other navigators'

playbook and allow a navigator with 2-3 years of experience to assume the role of supervisor.

d. Training

Effective navigators must be equipped with both knowledge of the law and soft skills. Knowledge of the debt collection process and its law would come from a series of external training workshops, ideally from an organization such as Community Legal Services. CLS has already expressed a willingness to provide this training. Such trainings would give navigators an overview of the relevant law in debt collection proceedings (such as burdens of proof and available defenses) and familiarize navigators with debt collection documents (such as the complaint, sample judgments, and petitions to open), while teaching navigators how to relay this complex information to laypeople without crossing the line into legal advice.

Training will also consist of a shadowing component. By shadowing experienced navigators, trainees can become familiar with the players and workings of Room 5 and learn the best methods for interacting with defendants without crossing the bounds of providing legal advice. Trainees will also have the opportunity to practice soft skills such as empathy and adaptability that will be important in interacting with people and to fully serving their purpose as a navigator.

Training times may be person specific. We expect all navigators to engage in approximately four to six weeks of training until they are able to speak with defendants alone in their capacity as a navigator.

vi. Conclusion

The navigator program will be an essential addition to debt collection court as a means to bridge the gap between debt collection defendants and the court. Navigators can relay legal information to defendants in a comprehensible manner; advocate for them in non-legal ways, such as by ensuring they receive proper accommodations; and serve as a friendly face. The legal system can be very intimidating. Many defendants decide to simply not face it at all due to the daunting nature of the process rather than try to resolve their legal matters. We expect that with the navigator program, changes to the complaint packet, and financial partnerships, debt collection court will operate more efficiently. Consequently, defendants will be more likely to appear in court, feel more empowered and have a

better understanding of their rights in the matter. From alerting defendants to possible defenses to explaining what the word “judgment” means, a navigator will be there every step of the way.