

November 18 - 21, 1999 Scottsdale, Arizona

November 18 - 21, 1999

Scottsdale, Arizona

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**State
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Institute**

 OPEN SOCIETY INSTITUTE

Cosponsored by

*ABA Standing Committee
on Delivery of Legal Services*

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This symposium was made possible by a grant from the State Justice Institute (SJI-99-N-042), with additional funding from the Open Society Institute. Points of view expressed herein do not necessarily represent the official position or policies of the American Judicature Society, the State Justice Institute, or the Open Society Institute.

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- *Inquiry Concerning Judge Fred L. Heene, Jr.*, Decision and Order Imposing Public Censure, California Commission on Judicial Performance, October 13, 1999

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Resources of Special Interest to Court Personnel

- Greacen, "The Distinction between Legal Information and Legal Advice: Developments since 1995" (includes as appendices New Mexico Supreme Court Order concerning use of a legal information notice in all state courts and the approved notice; New Jersey Court System guidelines on legal information; Florida Supreme Court Family Law Rule of Procedure (Self-Help); draft Guidelines for Clerks Who Assist Pro Se Litigants in Iowa's Courts; and Boston Bar Association Sample Staff Guidelines; and the Michigan Judicial Institute's "Legal Advice v Access to the Courts")
- Superior Court, County of Ventura, Self-Help Legal Access Center: How To Draw the Line Between Legal Advice and Legal Information

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Resources of Interest to Judges and Court Personnel

- Summary of Trial Court Performance Standards on Access to Justice; Expedition & Timeliness; Equality, Fairness and Integrity; Independence and Accountability; and Public Trust and Confidence
- Goldschmidt, "How are courts handling pro se litigants?" 82 *Judicature* 1, 13-22, July-August 1998
- "Self-Assessment Questionnaire" from the American Bar Association's *One Customer at a Time* educational package; "Customer Focused Organization" handouts
- "Pro Pers Find Help in Family Matters, " from the newsletter of the California Judicial Council
- "Family Law Facilitator Program, " Fact Sheet, Judicial Council of California, Administrative Office of the Courts

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Resources of Special Interest to Lawyers

- Changes to Colorado Rules of Civil Procedure and Colorado Rules of Professional Conduct on various aspects of limited representation; includes an administrative order from the United States District Court for the District of Colorado, which says that the changes to the Colorado Rules of Professional Conduct are not applicable in that court (1999)
- *Ricotta v. State of California*, 4 F.Supp.2d 961, U.S.D.C. SD California 1998 (excerpt on ghostwriting)
- Washington State Bar Association, Committee to Define the Practice of Law: Final Report (1999); Proposed New Rule 22: Definition of the Practice of Law (submitted to the Washington State Supreme Court November 1, 1999)

A National Conference on Pro Se Litigation

Acknowledgments

We gratefully acknowledge the funding for this conference from the State Justice Institute and the additional support from the Open Society Institute. Their financial commitment has made this conference possible.

Thanks, too, to the members of the conference advisory committee and project consultants. During two all-day planning meetings and in many subsequent subcommittee conference calls they worked diligently to identify appropriate conference topics and faculty, design the participant mix for the conference, prepare the preconference surveys of statewide and local pro se assistance programs, select participants in the program showcase, and develop the state team action plan. They have been actively involved in planning the conference, and have been a tremendous resource for conference staff. We value their commitment and contributions. Their names are listed on the next page.

We wish to thank the conference cosponsor—The ABA Standing Committee on Delivery of Legal Services. Their liaison to the advisory committee, Mary K. Ryan of Nutter, McClennen & Fish, LLP, in Boston brought to the planning process the bar perspective on pro se litigation. The Committee's staff director, Will Hornsby, provided valuable background materials and advice.

We take notice that this conference is based on the seminal work of the authors of *Meeting the Challenge of Pro Se Litigation: A Guidebook for Judges and Court Managers*. Jonathan Goldschmidt, Barry Mahoney, Harvey Solomon and Joan Green's guidebook stands as the initial compilation of what we know about pro se litigation. It is the foundation on which we built this conference.

We thank Cheryl Reynolds, our SJI program manager, for her ongoing encouragement, support and advice, as well as Kathy Schwartz, Deputy Director of SJI, for her interest and assistance.

Finally, we are grateful to West Group for donating canvas tote bags for the convenience of conference participants.

Conference Advisory Committee and Consultants

Martha Bergmark, Vice President for Programs, National Legal Aid and Defender Association, Washington, DC

Frank Broccolina, Acting State Court Administrator, Maryland Administrative Office of the Courts, Annapolis

Nancy Dodson, Judicial Study Chair, League of Women Voters—Metro Tulsa, Tulsa, OK

Victoria B. Garcia, Administrative Staff Attorney, Pro Se Services Offices, Second Judicial District Court, Albuquerque, NM

Thomas A. Genung, Family Court Administrator, 17th Judicial Circuit, Fort Lauderdale, FL

Michael A. Genz, Director, Office of Program Performance, Legal Services Corporation, Washington, DC

Gordon M. Griller, Court Administrator, Superior Court of Maricopa County, Phoenix, AZ

Honorable Sophia H. Hall, Member, SJI Board of Directors; Administrative Presiding Judge, Resource Section, Juvenile Justice and Child Protection Department of the Circuit Court of Cook County, Chicago, IL

Barry Mahoney, Project Consultant; president, Justice Management Institute, Denver, CO

Florence Prushan, Assistant Executive Officer, Superior Court of California, County of Ventura

Richard Reaves, Conference Evaluator; executive director, Institute of Continuing Judicial Education, Athens, GA

Mary K. Ryan, Esq., Liaison, ABA Standing Committee on Delivery of Legal Services, Nutter, McClennen & Fish, Boston, MA

John Stanoch, Chief Deputy Attorney General, State of Minnesota, St. Paul; past president, Minnesota District Judges Association

Art Thompson, Dispute Resolution Coordinator, Kansas Supreme Court, Topeka

Richard Zorza, Consultant, New York, NY

Conference Overview

This is an invitation-only conference developed for state teams designated by chief justices in their respective states, territories or commonwealths. The State Justice Institute identified the following conference goals:

- Develop a clearer understanding of the proportion and nature of litigants who choose to represent themselves in court;
- Obtain and share information about the nature and effectiveness of programs, procedures and materials developed by the various jurisdictions to address the challenges and meet the needs of self-represented litigants;
- Identify problems and develop action plans to address them; and
- Prepare action plans and recommendations on how to meet the challenges of pro se litigation at the local, state and national levels.

In order to accomplish those goals, the planning committee organized the conference around three major questions. The first is, "Why should courts and judges assist pro se litigants, and what benefits accrue if they do?" The second is, "What programs can serve as models for adoption or adaptation?" The third is, "What key elements should be considered when designing a program to assist self-represented litigants?" All sessions have been designed to allow members of state teams to gather information and ideas to apply to their action plans.

Why help? The general sessions on Friday address this question. The opening vision statement about courts' mission, stewardship and accountability, the court and bar perspectives on pro se litigation, and the afternoon discussion explore reasons why courts should address the pro se litigation phenomenon. The general sessions conclude with a peer-group exercise asking appellate judges, trial judges, state court personnel, local trial court clerks, bar representatives, etc., to identify, from their varying perspectives, two significant barriers to assisting self-represented litigants.

Program models. The showcase of model assistance programs on Saturday morning, November 20, presents an array of possible solutions to the challenge of pro se litigation. Some are rural, some urban; some are technology based, others face to face; some are part of a statewide initiative, some locally designed and implemented; some have numerous partners, some have none; some cost a lot of money, some very little. See Tab 4 for profiles of the showcase programs; presenters will have more details and handouts for you.

Another programming resource is the set of tables in Tab 6. These tables distill information about 20 statewide and 152 local programs that were reported in the preconference surveys. Table 1 summarizes key elements of the statewide programs. Tables 2-4 encompass a wealth of detail about local programs—including budget,

funding source, partners, services provided, staffing, caseload, use of volunteers and technology. Table 5 is a list of local program contact persons.

Together the showcase and tables present a wide range of programming options.

How to do it. The concurrent sessions on Saturday afternoon, November 20, offer participants many opportunities to learn in depth about specific aspects of developing programs to assist self-represented litigants. Customer service, challenges that face judges and court staff, the unique challenges of serving pro se litigants in rural areas, building partnerships, the role of the bar, unauthorized practice of law concerns, and evaluating and maintaining the assistance program are some of the topics covered. The concurrent sessions are keyed to the action plans, and we urge state teams to split up and attend as many of them as possible.

State team meetings. Prior to the conference we sent team leaders a detailed action plan template to be returned shortly after (or possibly at the end of) the conference. We asked the leaders to take advantage of various conference sessions—especially the showcase and concurrent sessions—to learn more about planning issues addressed in the template.

However, at the conference, teams will be asked to work on a shorter action-plan overview that addresses questions that are more broad and conceptual than those in the template. Teams are scheduled to meet on Friday and Saturday afternoons to complete their overviews; team leaders will meet with conference staff late Saturday afternoon to identify themes common to the overviews and select a few presenters to summarize the themes at the closing session Sunday morning.

Closing general session. The conference will close Sunday morning with a discussion of the common themes, and a response by Judge Veronica McBeth, Presiding Judge of the Municipal Court of Los Angeles County. Judge McBeth is well known for her work in the areas of court and community collaboration and building public trust and confidence in the courts.

News of this conference generated widespread interest across the country, with the result that the number of participants is one-third larger than anticipated. This first national conference on pro se litigation offers an unparalleled opportunity for participants to speak with and learn from each other. Our goal is that everyone goes home with new ideas and a determination to better address the challenges of pro se litigation.

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A National Conference on Pro Se Litigation

November 18 - 21, 1999 Scottsdale, Arizona

AGENDA

THURSDAY, NOVEMBER 18

2:00-8:30 p.m. **Registration**
Convention Registration/Foyer

2:30-4:30 p.m. **Faculty Meeting**
Chaparral Room

State Team Leaders Meeting
Rio Verde Room

6:00-7:00 p.m. **Cash Bar Reception**
Grand Ballroom

FRIDAY, NOVEMBER 19

BREAKFAST ON YOUR OWN

9:00-11:00 a.m. **Registration**
Convention Registration/Foyer

10:30-10:45 a.m. **Welcome**
Grand Ballroom North
Honorable Thomas A. Zlaket, Chief Justice
Supreme Court of Arizona
Honorable Sophia H. Hall
Member, State Justice Institute
Board of Directors
Catherine Samuels, Director
Program on Law and Society, Open Society Institute

Overview of the Conference
Jean Reed Haynes, President
American Judicature Society

10:45 a.m.-Noon **Morning General Session**
Moderator: Barry Mahoney, J.D., Ph.D., President
Justice Management Institute

a. Why Are We Here?

Noreen L. Sharp, Division Chief Counsel
Division of Child and Family Protection
Arizona Attorney General's Office

b. Court and Bar Perspectives on Pro Se Litigation

Honorable Barbara Pariente, Associate Justice
Supreme Court of Florida
John Skilton, Chair
ABA Standing Committee on Delivery of Legal Services
Elisabeth Steinbring, Pro Se Services Coordinator
Hennepin County, MN

c. Overview of Results of Surveys Conducted by State Teams

Honorable Sophia H. Hall
Member, State Justice Institute
Board of Directors

d. Questions and Answers

Noon-1:00 p.m. **Lunch**
Forum East (lower level)

1:15-2:30 p.m.

**Afternoon General Session
Grand Ballroom North**

Because of the Peer Group Exercise in Part B of this general session, please be seated at a table with a sign that best describes either your occupation or role at the conference (e.g., trial court judge, representative of a national organization, legal services provider, pro se program staff, etc.).

Part A. Why Should Courts and Judges Assist Self-Represented Litigants? From their varying perspectives, speakers will discuss such issues as addressing the tension between dealing with the delays caused by pro se litigation while not encouraging more of it; the importance of judicial leadership and the need to convince judges, court staff, lawyers and others of the need to assist self-represented litigants; and some benefits that accrue to judges, court personnel and litigants when an assistance program is in place.

Moderator: *John M. Stanoch, Chief Deputy Attorney General*
Minnesota Attorney General's Office

Bonnie R. Hough, Senior Attorney
Administrative Office of the California Courts

L. Dew Kaneshiro, Project Director
Equality and Access to the Courts
Administrative Office of the Hawaii Courts

Honorable Robert D. Myers,
Presiding Judge
Superior Court of Maricopa County,
Arizona

2:30-3:00 p.m.

Part B. Peer Group Exercise. After the speakers finish, those seated at each peer-group table (e.g., trial court judges, trial court clerks, chief justices, etc.) should, *as a group*, identify the two most significant barriers to providing or improving service to self-represented litigants. Please ask for a volunteer at each table to record the group's choices on the form provided; leave the form on the table and conference staff will collect. The recorded barriers from each group will be compared and contrasted in the post-conference report.

3:00-3:15 p.m.

**Break
Foyer**

3:15-5:00 p.m.

State Teams Meet To Work on Action-Plan Overview (to be provided to team leaders at the conference.) See Tab 3 for state team meeting room assignments.

EVENING FREE

SATURDAY, NOVEMBER 20

7:15-8:45 a.m.

**Continental Breakfast
Forum East (lower level)**

7:55 a.m.

First group leaves for tour of Maricopa County Self-Service Center; SEE TAB 3 FOR TOUR ASSIGNMENTS. Buses leave from hotel entrance. Subsequent groups leave at 8:55 and 9:55 a.m. Please stay with your assigned group.

8:30 a.m.

Introduction to Showcase of Model Pro Se Assistance Programs
Victoria B. Garcia, Administrative Staff Attorney,
2nd Judicial District Court,
Albuquerque, NM, and member, Pro Se Conference Advisory Committee

9:00 a.m.-Noon

**Showcase of Pro Se Assistance Programs—A Menu of Options
Forum West (lower level)**

The following programs will be showcased. See Tab 4 for program profiles. Presenters will answer questions, hand out additional information, and, in some cases, offer a demonstration of their computer-access programs.

Ventura County, CA, Superior Court Programs

Tina Rasnow, Presenter

- Self-Help Legal Access Centers
- Family Law Self-Help Centers
- Mobile Self-Help Center (follow signs on lobby level to mobile unit)

Connecticut Court Service Center

Priscilla Arroyo, Presenter

Broward County, FL, Family Court Services Pro Se Self-Help Unit

Thomas A. Genung, Presenter

Idaho Court Assistance Office Project

Professor Patrick Costello, Presenter

Pine Tree Client Education Project (Maine)

Nan Heald, Presenter

Quickfile Program, Jackson County, Missouri

Judge Peggy Stevens McGraw, Presenter

Montana Legal Services Association Programs

Neil Haight, Presenter

- State Law Library Advice Clinic, Helena
- Yellowstone County Bar Association Family Law Project, Billings
- Family Law Advice Clinic, Missoula

Volunteer Attorneys for Rural Nevadans Self-Help Divorce Clinic

Charles J. Short, Presenter

New Mexico 11th Judicial District Court Pro Se Clinic

Judge Grant Foutz, Presenter

Housing Court Initiative, Civil Court of the City of New York

Judge Fern Fisher-Brandveen, Administrative Judge

Kitsap County, Washington, Courthouse Facilitator Program

Janet Skreen, Presenter

Legal Aid Society of Charleston (WV) Chapter 7 Bankruptcy Clinic

Bruce Perrone, Presenter

Family Court of Australia Website

Justice John Faulks, Presenter

12:00-1:00 p.m.

Lunch

Forum East

1:15-2:30 p.m.

CONCURRENT SESSIONS—HOW TO DESIGN AND IMPLEMENT A PRO SE ASSISTANCE PROGRAM

All concurrent sessions will be presented twice, once at 1:15 p.m. and again at 2:45 p.m.

**1. How To Develop a Customer-Service Attitude in the Courts.
Sonora (lobby level)**

Speakers will discuss a number of questions, including what the term *customer service* means in the court context; what is required to build a customer-focused organization; characteristics of first-class organizations whether public or private; and what customers expect. See Tab 9 for some related materials.

Gordon Griller, Court Administrator Superior Court of Maricopa County, Arizona

Hon. Cathy R. Silak, Associate Justice

Idaho Supreme Court

2. Mistakes We Made and What We Learned

Chaparral (lobby level)

Court managers who designed, implemented and are responsible for sustaining a pro se assistance program discuss mistakes made, barriers encountered and overcome, and lessons learned. Mr. James' experience is county-based, while Ms. Hutton's is statewide.

Robert G. James, Judicial Services Administrator

Maricopa County Superior Court
Self-Service Center

*Charisse E. Hutton, Deputy
Director of Program Operations*
Connecticut Judicial Branch

3. Using Technology To Assist Self-Represented Litigants

Sedona (lobby level)

Using technology to serve pro se litigants is a practice in a number of jurisdictions. In this session, faculty will discuss some technology-driven assistance programs, and demonstrate some computer systems that give pro se litigants access to legal information relevant to their cases, generate ready-to-file forms, etc.

Richard Zorza, Consultant
New York City

*Martha Bergmark, Vice President
for Programs*
National Legal Aid & Defender
Association, Washington, DC

4. Addressing the Challenges Confronting Court Staff

San Carlos (lobby level)

Faculty will lead a discussion on challenges faced by court staff and some possible solutions. This will be followed by an exercise in action planning, in which participants will be given an analytical framework for implementing strategies to address the challenges. See Tabs 8 and 9 for related materials.

*N. F. Jackson, Commissioner/
Administrator/Clerk*
Whatcom County Superior Court,
Bellingham, WA

*Duane B. Delaney, Clerk of the
Court*

Superior Court of the District of
Columbia

5. Addressing the Challenges Confronting Judges

Chambers Lecture Hall (lobby level)

Faculty will address such issues as whether judges should support the development of "front end" pro se assistance programs, whether and to what extent judges should assist self-represented litigants in the courtroom, and, if they support "front end" programs and assisting litigants in the courtroom, what are the special challenges confronting judges in high-volume courts such as housing court, domestic relations court, etc. See Tab 7 for related materials.

Professor Jona Goldschmidt
Department of Criminal Justice,
Loyola University of Chicago
Honorable Angela J. Jewell
Second Judicial District Court,
Albuquerque, NM

6. Evaluating and Maintaining the Pro Se Assistance Program

Rio Verde Room (lobby level)

Faculty will address who should conduct the evaluation, how often the program should be evaluated, what the measures for evaluation should be, using evaluation results to refine and maintain the program, etc.; strategies for maintaining the program, such as involving representatives of community groups and key policymakers; and institutionalizing the program so it is not personality dependent.

Professor Brian Borys
School of Policy, Planning and
Development
University of Southern California,
Los Angeles

*Chelle Uecker, Deputy Court
Administrator, Hennepin County*
Minneapolis, Minnesota

7. The Role of the Bar in Assisting Self-Represented Litigants

Bouchon (lobby level)

Speakers will discuss a number of issues, including resistance from the bar; benefits to lawyers of supporting and/or participating in pro se assistance programs; how courts and the bar can cooperate by, for example, removing barriers to limited representation; ethical concerns related to limited representation; and how the organized bar can work with legal services providers to assist pro se litigants. See Tab 10 for relevant materials.

Mary K. Ryan, Member, ABA Standing Committee on Delivery of Legal Services

Art Thompson, Dispute Resolution Coordinator,

Kansas Supreme Court

Mike Genz, Program Counsel

Legal Services Corporation, Washington, DC

8. Developing Partnerships to Implement Low-Cost Programs

Prescott (lobby level)

Ms. Prushan begins with the assumption that you do not need a lot of money to implement a pro-se assistance program, and that the right partnerships can greatly enhance program services. This session will address such issues as identifying appropriate partners (e.g., bar associations, law schools, public and private social service agencies, legal-secretary and paralegal organizations; senior-citizen groups; local foundations); recruiting them; and nurturing and maintaining partnerships through, for example, volunteer recognition ceremonies.

Florence Prushan, Assistant Executive Officer

Superior Court of Ventura County, California

9. Securing Political Support and Financial Resources for an Assistance Program

Palomas (lobby level)

Faculty will discuss common issues such as the importance of judicial leadership; the need to work with the bar, legislators, court staff, community representatives and others to build a broad base of support; and identifying possible funding sources. They also will explore who should advocate the program to various constituents.

Honorable Kathryn Foster

Wisconsin Circuit Court, Waukesha, WI

Honorable Juanita Bing Newton, Deputy Chief Administrative Judge for Justice Initiatives (New York State)

10. Serving Self-Represented Litigants in Rural Areas

Coronado (lobby level)

A judge and court manager from rural jurisdictions will describe challenges judges and court personnel face in rural jurisdictions, such as professional isolation, staff turnover, working in communities where judges and court staff are likely to know litigants, and lack of resources such as local pro bono programs and large law libraries. However, remedies are available. For example, in some states the local court system provides well-paying jobs in the community, email can help overcome isolation, and resources can be pooled to help assist pro se litigants. See Tabs 7, 8 and 9 for relevant materials.

Hon. John W. White, Chief Judge 31st Judicial District, Iola, Kansas

John DeNault, Trial Court Administrator

LaGrande, Oregon

11. Addressing Concerns about Unauthorized Practice of Law Rattlers (lobby level)

Faculty will approach the issue of unauthorized practice of law from several perspectives: UPL concerns of nonlawyer court staff; how UPL issues affect court staff attorneys; how those concerns affect pro bono, volunteer attorneys and those on referral lists who are not court employees; and the UPL considerations in the technological delivery of legal services to pro se litigants. They also will discuss courts' responses to staff UPL concerns, along with ethical considerations confronting lawyers who offer unbundled legal services. An overview of state UPL regulations will be presented. See Tab 10 for relevant materials. *Will Hornsby, Staff Director, ABA Standing Committee on Delivery of Legal Services*
Professor John S. Jenkins, George Washington University School of Law; ABA Standing Committee on Delivery of Legal Services
John M. Greacen, Director Administrative Office of the New Mexico Courts

2:30-2:45 p.m.

Break
Foyer

2:45-4:00 p.m.

Repeat Concurrent Sessions

4:15-5:30 p.m.

State Teams Meet To Work on Action-Plan Overview

See Tab 3 for meeting room assignments

Teams meet to finish overview; if time permits, teams may work on the detailed planning portion of the action plan. Team leaders turn in overviews (and any completed detailed action plans) to conference staff, who copy and return them.

5:45 p.m.

Team Leaders and Staff Meet
Bouchon

Purpose of this meeting is to identify themes common to all or most overviews; leaders selected to report on various themes at closing session Sunday morning. Closing plenary speaker will participate.

6:45 p.m.

Cash Bar Reception
Forum Southwest

7:30 p.m.

Dinner
Forum East

SUNDAY, NOVEMBER 21

7:30-8:45 a.m.

Buffet Breakfast
Forum East

State teams may meet at breakfast to continue working on their detailed action plans. Any that are completed should be given to staff, who will copy and return them.

9:00-10:30 a.m.

Closing General Session
Grand Ballroom North

1. Selected team leaders report on common themes in state action plans (9:00-9:45 a.m.)

2. *Judge Veronica McBeth, Presiding Judge of the Municipal Court of Los Angeles County*, will respond to the reported themes. She will reiterate the importance of courts' serving customers, including self-represented litigants, and will charge participants to implement their action plans. (9:45 until 10:15 or 10:30 a.m.)

10:30-11:00 a.m.

Open Mike: Final Comments and Questions from Participants

Adjourn

National Conference on Pro Se Litigation

Faculty Biographies

Martha Bergmark is Vice President for Programs of the National Legal Aid and Defender Association in Washington, DC. In 1997, as director of the Project for the Future of Equal Justice, she launched a major effort to expand and strengthen the nationwide partnership of responsibility for equal justice and to promote the development in every state of a comprehensive, integrated system to provide low-income people with the information and assistance they need to resolve their civil legal problems. She is former President and Executive Vice President of the Legal Services Corporation. She is a member of the planning committee for this conference.

Professor Bryan Borys is the Administrator of Organizational Learning and Development for the Los Angeles Superior Court, as well as an Assistant Research Professor at the School of Policy, Planning and Development at the University of Southern California. His scholarly research and consulting practice focus on organization design, quality improvement, and process reengineering. For the past three years, Professor Borys has been the Co-Director of the Los Angeles Superior Court Improvement Initiative, a partnership among the Los Angeles Superior Court, the Los Angeles County Bar Association, and USC. His recently acquired responsibilities as Administrator of Organizational Learning and Development include strategic planning, court-community relations, and trial court governance.

Duane B. Delaney, a native Washingtonian, received his bachelor's degree, magna cum laude, from Howard University, a master's degree in administration of justice from American University, and his JD degree from Georgetown University Law Center. He joined the Superior Court of the District of Columbia in 1981 and has held several top-level management positions. He has been the Clerk of the Court since 1994. In addition, he is a member of the Board of Directors of NACM.

John DeNault, the Trial Court Administrator of the Circuit Court of Oregon for Union and Wallowa Counties, is the coordinator of his court's pro se assistance program. He joined Alaska Legal Services in 1968 and served as a staff attorney in the Anchorage office. In 1990, he joined CACI International, a litigation support contractor for the U.S. Department of Justice. He managed litigation support document centers for the Exxon Valdez oil spill litigation and the WPPSS bond default cost sharing litigation in Oregon. He received a JD from the UCLA School of Law.

Judge Kathryn W. Foster has been a Circuit Court Judge in Waukesha County, Wisconsin since 1988. She served as an Assistant District Attorney for Waukesha County from 1977 until her election. She served in children's court as a circuit judge from 1988-1990 and again in 1995-1997. She also served on the criminal bench from 1990-1995 and has been on the civil bench since 1997. She is Associate Dean of the Judicial College, Deputy Chief Judge for the Third Judicial District and a member of the Governor's Juvenile Justice Commission. She graduated from the Marquette University Law School.

Victoria B. Garcia, a member of the planning committee for this event, is Administrative Staff Attorney to the Chief Judge for the Second Judicial District Court in Albuquerque, New Mexico. Her responsibilities include supervision of the Pro Se Division and responding to all pro se issues within the court. Previously, she was Director, Court Alternatives of the same court. She also serves as an attorney/consultant for the U.S.-Mexico Conflict Resolution Center at New Mexico State University. She earned a JD degree and a master's degree in rehabilitation and community counseling from the University of Utah.

Michael Genz is the Director of the Office of Program Performance of the Legal Services Corporation which is responsible for the competition process, for state planning and for field technology. Pro se activities are encouraged in all three areas of OPP's work. He came to the organization in 1995 after 15 years of work in legal services programs. As Chief Attorney of the Southern Maryland office at the Legal Aid Bureau, he was instrumental in starting a pro se clinic in Charles County. He is author of "Technology and Client Community Access to Legal Services—Suggestive Scenarios on CLE, Intake and Referral and Pro Se." He is a member of the conference planning committee.

Dr. Jona Goldschmidt is an associate professor in Loyola University Chicago's Department of Criminal Justice. Formerly, he was the Assistant Executive Director for Programs of the American Judicature Society. He has also taught at Arizona State University and Northern Arizona University. A member of the Illinois and California bars, he received his law degree from DePaul University and his Ph.D. in Justice Studies from Arizona State University. His areas of research and publication include pro se litigation, unauthorized practice of law, alternative dispute resolution, sociology of the professions, judicial selection, and judicial ethics.

John M. Greacen has been Director of the Administrative Office of the Courts for New Mexico since 1996. Before that, he was Clerk of the U.S. Bankruptcy Court for the District of New Mexico and a Clerk of the U.S. Court of Appeals for the Fourth Circuit. He has been a chair of the ABA Section of Criminal Justice and ABA Judicial Division Lawyers Conference. He has published many articles including "How fair, fast and cheap should courts be? Instead of letting lawyers and judges decide, New Mexico asked its customers" in a 1999 issue of *Judicature*, and "No legal advice from court personnel: What does that mean?" in a 1995 issue of *Judges Journal*. He earned a bachelor's degree from Princeton University and a JD degree from University of Arizona.

Gordon M. Griller is the Court Administrator for the Superior Court of Arizona in Maricopa County. Prior to this appointment in 1987, he was the Judicial District Administrator, Second Judicial District of Minnesota. He is a Graduate Fellow of the Institute for Court Management and serves on the Boards of the Justice Management Institute and the National Center for State Courts. In 1988, he received the Warren E. Burger Award for outstanding contributions to the development of court administration from the Institute for Court Management of the National Center for State Courts. He has a bachelor's degree in political science and a master's degree in public affairs from the University of Minnesota. He is a member of the conference planning committee.

Judge Sophia H. Hall is the Administrative Presiding Judge of the Resource Section of the Juvenile Justice and the Child Protection Divisions of the Circuit Court of Cook County. Previously, she served for three years as Presiding Judge of the Juvenile Division before it was divided into two divisions and the Resource Section in 1995. Judge Hall was appointed by President Clinton to the Board of SJI and confirmed by the U.S. Senate in 1998 for a three-year term. She is past President of the National Association of Women Judges and a past President of the Illinois Judges Association. She received her JD degree from Northwestern University School of Law. She serves on the conference planning committee.

Jean Reed Haynes is the current President of the American Judicature Society. A partner at Kirkland & Ellis in New York City, she is a trial lawyer, an international arbitrator and a mediator. She is the U.S. member of the Advisory Committee of the Centre for International Arbitration and Alternative Dispute Resolution of the Institute for Advanced Legal Studies at the University of London, a member of the Arbitration Committee of the U.S. Council for International Business and a member of the Advisory Board of The Institute for Transnational Arbitration. She is a graduate of Pembroke College, Brown University and the University of Chicago Law School.

William E. Hornsby, Jr. serves as staff counsel in the ABA Division for Legal Services where he staffs the Standing Committee on the Delivery of Legal Services. He has been involved in the research and analysis of innovations in the delivery of legal services to poor and moderate income people since 1990, coordinating research on pro se litigation, unbundled legal services and the use of technology to expand the reach of those services. He has participated in several national conferences addressing delivery issues including the National Equal Justice Conference. He also serves on the faculty of the Arizona Superior Court workshop, "Litigants Without Lawyers."

Bonnie Rose Hough is Senior Attorney for the Judicial Council of California, Administrative Office of the Courts. In this position, she implements and evaluates the family law facilitator and child support commissioner programs on a statewide basis, providing training, technical assistance, development of legal forms and instructions for unrepresented litigants in the areas of child support, domestic violence and family law. She is also responsible for creating new Family Law Information Centers that provide self-help assistance for low-income self-represented litigants in family law. She is the founder and first executive director of the Family Law Center, a legal services program designed to assist low and moderate income persons with family law programs in Marin County.

Charisse E. Hutton is Deputy Director of Program Operation with the Court Operations Division of the Connecticut Superior Court. For the past three years she has directed the planning effort for Connecticut's Court Service Center initiative. She received her JD from New York University School of Law in 1985. Prior to her current position, she directed Connecticut child support enforcement activities while serving as Deputy Director of the Support Enforcement Division of the Judicial Branch. For three years, she oversaw more than \$100 million in social service grants programs as Deputy Commissioner of the Department of Human Resources.

N.F. Jackson, Whatcom County Clerk and Superior Court Administrator in Bellingham, Washington, earned his law degree at the University of Texas. He practiced general law for many years before entering corporate practice. He began public service employment in 1984, and was appointed County Clerk in 1987. He has served as faculty for the Institute of Court Management, teaching courses in Trial Court Performance and Trial Court Judicial Leadership. His court was one of the first in Washington to employ a family law courthouse facilitator and centralized multi-court domestic violence protection processing. His court is seeking to expand those services to include landlord/tenant, probate and guardianship assistance to pro se litigants.

Robert G. James serves as a Judicial Services Administrator with the Superior Court of Arizona in Maricopa County. His current duties include direct management of the Self-Service Center, the Intensive Collections Management Program, and the Court's Call Center. He joined the Court in 1992 as a Public Information Officer and assisted in the initial design and development of the Self-Service Center in 1994. He is a member of the Communication Advisory Committee and the Consumer Protection Committee of the State Bar of Arizona. He has been appointed by the Chief Justice of the Arizona Supreme Court to serve on its statewide Commission on the Impact of Domestic Violence and the Courts. He holds an MBA from Arizona State University.

John S. Jenkins, Associate Dean for Administrative Affairs and Professorial Lecturer in Law at George Washington University Law School, joined the staff in 1982 after a 28-year career in the U.S. Navy. He is a member of the bars of the Supreme Court of the United States, the Supreme Court of Virginia, and the U.S. Court of Appeals for the Armed Forces. Dean Jenkins teaches professional responsibility and ethics, and is a member of the ABA Standing Committee on Delivery of Legal Services. He currently is chair of the Advisory Board of the National Institute of Military Justice.

Judge Angela J. Jewell has been District Court Judge of the Second Judicial District Court in Albuquerque, Domestic Violence Division, since 1996. From 1988 to 1996 she was Special Commissioner to that division. A graduate of New Mexico School of Law, she practiced law primarily in Domestic Relations since 1981. During that time, she also was a part-time attorney with the Legal Aid Society of Albuquerque and Albuquerque Pro Bono Project—Domestic Violence.

L. Dew Kaneshiro has been the Project Director for the Hawaii State Judiciary's Office on Equality and Access to the Courts (OEAC) since 1992. OEAC designs and implements programs to promote equality in the courts, increase access to the courts, and improve court interpreting services. Addressing the needs of pro se litigants as well as non-English speaking court users are among OEAC's highest priorities. Ms. Kaneshiro is a graduate of New York University School of Law. Prior to joining the Hawaii Judiciary, she was a litigator in a New Jersey law firm specializing in First Amendment, privacy rights and commercial litigation.

Dr. Barry Mahoney is President of the Justice Management Institute (JMI) where he is responsible for overall management and program development. Previously, he was Assistant Attorney General of the State of New York and a lawyer in private practice. He is the author of

many articles and monographs on justice system issues and frequently serves as faculty for the National Judicial College, NACM and other organizations. He is the 1999 recipient of the ABA Lawyers Conference Award of Excellence in Judicial Administration. He is a graduate of Harvard Law School and holds a Ph.D. in political science from Columbia University.

Judge Veronica Simmons McBeth is Presiding Judge, Los Angeles Municipal Court, the second largest court in California. She has been Chair of the Special Task Force on Court/Community Outreach of the California Judicial Council since 1997, and in 1998 was Co-Chair of the Community Focused Court Planning Implementation Committee. She is a 1999 recipient of the Franklin N. Flaschner Award from the American Bar Association and the Gertrude E. Rush Award from the National Bar Association. In 1998, she was awarded the Chief Justice William Rehnquist Award for Judicial Excellence.

Judge Robert D. Myers was appointed to the Superior Court of Arizona in July of 1989. He was appointed to the position of Presiding Judge of the Superior Court in Maricopa County for a five-year term beginning in June of 1995. He is current president of the National Conference of Metropolitan Courts and a member of the Steering Committee of the Violence Prevention Initiative. Judge Myers is an adjunct professor at Arizona State University School of Law and a faculty member of the Arizona College of Trial Advocacy. He graduated from Boston University and the University of Massachusetts.

Judge Juanita Bing Newton has been Deputy Chief Administrative Judge for Justice Initiatives in New York State since July of 1999. Before that, she was Administrative Judge of Supreme Court—Criminal Branch, First Judicial District in New York City, and from 1987 to 1995, she was Judge of the New York Supreme Court of Claims and Acting Justice of the New York State Supreme Court. She earned a JD degree from Catholic University of America.

Justice Barbara J. Pariente was appointed to the Florida Supreme Court in 1997 after serving as an appellate court judge since 1993. After graduating from George Washington Law School, she entered private practice with a large litigation firm and then co-founded her own firm. She has been chair of the local bar grievance committee and a member of the Board of Directors of the Legal Aid Society. She was also named by the Florida Supreme Court to the Florida Bar Foundation Board of Directors. Since her appointment to the Supreme Court, Justice Pariente has been involved with promoting partnerships between the schools and the judiciary; she was recently appointed to the Governor's State Advisory Committee on Character Education.

Florence Prushan is Assistant Executive Officer of the Superior Court of Ventura County, California. She also is a member of the conference planning committee.

Mary K. Ryan is a partner in the litigation department at Nutter, McClennen & Fish in Boston. One of her special interests has been fostering her support for access to justice for low income persons. She has been a member of the Massachusetts Supreme Judicial Court's Pro Bono Committee on Legal Services and the Massachusetts Commission on Equal Justice. She has just been appointed to chair the Massachusetts Supreme Judicial Court's Standing Committee on Pro Bono Legal Services. She is a member of the ABA House of Delegates and the

ABA's Standing Committee on Delivery of Legal Services, as well as a member of the conference planning committee.

Catherine Samuels is Director of the Program on Law and Society at the Open Society Institute. Previously, she was a litigation partner at Schulte Roth & Zabel in New York City. During her last five years as a partner there, she founded and headed its employment law group and co-chaired its ERISA litigation group. She graduated with honors from Hofstra Law School in 1979. She has served on and chaired several boards of directors including NOW Legal Defense and Education Fund, and currently, the Howard Samuels State Management and Policy Center.

Noreen Louise Sharp, Division Chief Counsel of the Child and Family Protection Division in Phoenix, Arizona, is responsible for the coordination of the work of more than 100 attorneys who represent the State of Arizona in matters related to child abuse and neglect, child support, welfare assistance, and related job programs, developmental disabilities, services for the blind and protective services for adults. From 1994 to 1998, she was an administrator at the Superior Court in Maricopa County where she designed and developed the Self-Service Center. She graduated from the University of California Hasting College of Law and currently serves as a member of the State of Arizona Commission on Appellate Court Nominations.

Justice Cathy R. Silak, Vice-Chief Justice of the Idaho Supreme Court, was appointed a justice of the Idaho Supreme Court in 1993. Before that, she served as Judge of the Idaho Court of Appeals. She chairs the Supreme Court's Civil Rules Committee and is a member of the Supreme Court's Access to the Court Committee. She volunteers in the YMCA Youth Government, The Learning Lab, and Project Safe Place. She has received the Joyce Stein Award from the YMCA, the Soroptimist International "Women Helping Women" Award, the March of Dimes White Rose Award and the Service to Youth Award from the Boise Family YMCA.

John S. Skilton is a partner in Foley & Lardner's Madison, Wisconsin office and co-chair of the firm's intellectual property litigation practice group. He has practiced as a trial lawyer for more than 29 years and has extensive experience in the management of large, complex cases. He is chair of the ABA Standing Committee on the Delivery of Legal Services and president of Wisconsin's Equal Justice Coalition as well as past president of the State Bar of Wisconsin. He received his bachelor's and JD degrees from the University of Wisconsin.

John M. Stanoch is Chief Deputy Attorney in the Office of Minnesota Attorney General. He was appointed to the Hennepin County district court bench in 1991 and served as a trial court judge until January 1999. He served in the juvenile division of the court from 1995 to 1998 and was the presiding judge in Hennepin County juvenile court from 1997 to 1998. He is past president of the Minnesota District Judges Association, and a past member of the Minnesota Conference of Chief Judges and the Minnesota State Bar Association Board of Governors. He also was chair of the Minnesota Conference of Chief Judges Committee on the Treatment of Litigants and Pro Se Litigation and the Pro Se Implementation Committee. He serves on the conference planning committee.

Elisabeth Steinbring has been the coordinator of pro se and community justice initiatives for Hennepin County District Court, Fourth Judicial District of Minneapolis since 1995. Previously, she worked as an administrative hearing officer in the probate division. In her current position, she designed and implemented the pro se services delivery plan for the Fourth Judicial District. These services include a self-help service center, a legal advice clinic, a family law facilitator program, a small claims mediation program and a self-help collection for the Hennepin County Law Library. In 1998, she began coordinating the Community Justice Project. She holds a communications degree from Texas Lutheran University.

Art Thompson is the Dispute Resolution Coordinator with the Kansas Supreme Court Office of Judicial Administration. In this position, he works with courts and other non-profit organizations to establish mediation programs and other alternative methods of resolving disputes. He is also staff to the Supreme Court's Committee on Interpreters. Previously, he spent sixteen years with the Kansas Bar Association and managed their private bar involvement program, the Lawyer Referral Service and the law related education program. He has also served on two Kansas Supreme Court committees concerning alternative dispute resolution and a Kansas Legislature Authorized Council on Dispute Resolution. He is a member of the conference planning committee.

Richelle "Chelle" Uecker, the Deputy District Administrator for the Fourth Judicial District in Hennepin County, Minnesota, has worked in courts for 25 years. She has been active in developing TQM programs for the last six years and is a member of the district's Quality Steering Team that oversees internal and external customer service programs for the court's quality improvement initiatives. She was instrumental in planning and developing the court's Public Service Level program which provides improved customer service to litigants, the community and bar association. She has also been a key player in creating the court's Community Speakers Bureau.

Judge John M. White is Chief Judge of the 31st Judicial District of Kansas. He graduated from the University of Kansas Law School and practiced law until his appointment to the District Court bench in 1979. Since 1987, he has served on the executive committee of the Kansas District Judges Association and was president of the association in 1997-98. He has also served as chair of the Kansas Supreme Court's Alternative Sanctions Committee and the Court/Education/SRS Liaison Committee and vice-chair of the Kansas Advisory Committee on Juvenile Offender Programs.

Chief Justice Thomas A. Zlaket has been Chief Justice of the Arizona Supreme Court since 1997. He was appointed as Justice of the Arizona Supreme Court in 1992 and was Vice Chief Justice in 1996. Before this appointment, he practiced law since 1968. He is a member of the Board of Directors of the Conference of Chief Justices and received the 1981 Member of the Year Award from the State Bar of Arizona.

Richard Zorza is an independent consultant who helps non-profit and government organizations use technology to carry out their strategic and service visions. He is currently engaged with Chicago-Kent Law School and the Open Society Institute in a needs assessment and planning process that focuses on legal information needs of low and middle income people

and the legal advocacy organizations that serve them. Past projects include the Midtown Community Court Computer System, the Neighborhood Defender Service of Harlem Litigation Support System and the Internet Based Domestic Violence Court Preparation System. He has also facilitated the technology envisioning process for the Legal Services Corporation and the legal services advocacy community. A graduate of Harvard Law School and Harvard College, he is a former public defender.

INSERT AT TAB 2

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November 18 – 21, 1999

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A National Conference on Pro Se Litigation

November 18 – 21, 1999

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INSERT AT TAB 3

Assignments to Tours of Maricopa County Self-Service Center

Meeting Room Assignments for State Teams

Maricopa County Self-Service Center Tour
Bus Schedule
November 20, 1999

Scottsdale Paradise Valley Doubletree Resort
5401 North Scottsdale Road
Scottsdale, AZ 85250

Maricopa County Self-Service Center
101 West Jefferson, 4th Floor
Phoenix, AZ 85003

Group # 1 (bus 1)

8:00 - depart hotel
8:30* - arrive at the center
9:25 - depart center
9:55 - arrive back at the hotel

Group # 2 (bus 2)

9:00 - depart hotel
9:30* - arrive at the center
10:25 - depart center
10:55 - arrive back at the hotel

Group # 3 (bus 1)

10:00 - depart hotel
10:30* - arrive at the center
11:25 - depart center
11:55 - arrive back at the hotel

TEAM MEMBERS (names are alpha by state)

Group # 1

Mark Regan (AK)
Vicki Rima (AR)
Ken Torre (CA)
Priscilla Arroyo (CT)
Sandra Vilardi-Lehney (CT)
Jean Jones (DC)
William Johnston (DE)
George Lange (GA)
Lois Leary (IA)
David Coleman (IN)
John White (KS)
Monte Mollere (LA)
Joseph Field (ME)
James Nolan (MD)
Bruce Newman (MI)
Patrick Diaz (MP)
Linda Catalano (ND)
Johanna Antonacci (NJ)
Pamela Minzner (NM)
Juanita Bing Newton (NY)
Anne Thompson (OK)
Camencita Burgos-Pabon (PR)
Janine Kern (SD)
David Mower (UT)
N. F. Jackson (WA)
Stephen Booker (WV)

Group # 2

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John Ward (AS)
Judy Vanderleest (CO)
Michael Kokoszka (CT)
Duane Delaney (DC)
Julie Dvorak (DE)
Sandy Karlan (FL)
Arthur Barcinas (GU)
Cary Pierce (IL)
Myra Selby (IN)
James Deckard (KY)
Susan Ponder (LA)
Nan Heald (ME)
Larry Shipley (MD)
Paul Fox (MO)
John Manglona (MP)
Burt Riskedahl (ND)
Kenneth Levy (NJ)
Rebecca Thomas (NM)
Tom Weeks (OH)
Paul Lipscomb (OR)
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Beverly Snukals (VA)
John Voelker (WI)

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Richard Reaves (Adv Com)
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* Bus will remain at the center while group tours the facility; group takes same bus back to hotel.

STATE TEAM MEETING ROOM ASSIGNMENTS

FRIDAY, NOVEMBER 19

3:15-5:00 p.m.

Grand Ballroom North

- Alabama
- Alaska
- American Samoa/Guam
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Florida
- Georgia
- Hawaii
- Idaho
- Illinois
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan

Arizona Parlor 1118 (lobby level)

- Minnesota

Canyon Parlor 1109 (lobby level)

- Missouri

Canyon Parlor 8109 (lobby level)

- Northern Mariana Islands

Arizona Parlor 1218 (second level)

- Mississippi

Arizona Parlor 2220 (second level)

- Montana

Arizona Parlor 2209 (second level)

- Nebraska

Rattlers

- Nevada
- New Hampshire
- New Jersey
- New Mexico

Bouchon

- New York
- North Carolina
- North Dakota
- Ohio

Flagstaff

- Oklahoma
- Oregon
- Pennsylvania

4 Peaks

- Puerto Rico
- Rhode Island
- South Dakota

Sedona

- Tennessee
- Texas
- Utah

Coronado

- Vermont
- Virginia
- Washington

Palomas

- West Virginia
- Wisconsin
- Wyoming

Executive Room (18)

- National Organizations

SATURDAY, NOVEMBER 20
4:15-5:30 p.m.

NOTE: SOME ROOM ASSIGNMENTS ARE DIFFERENT FROM FRIDAY'S.

Grand Ballroom Center

- Alabama
- Alaska
- American Samoa/Guam
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Florida
- Georgia
- Hawaii
- Idaho
- Illinois

Coronado

- Indiana
- Iowa
- Kansas

Chapparal

- Kentucky
- Louisiana

Prescott

- Maine
- Maryland

Flagstaff (upper level)

- Massachusetts
- Michigan

Arizona Parlor 1118 (lobby level)

- Minnesota

Canyon Parlor 1109 (lobby level)

- Missouri

Canyon Parlor 8109 (lobby level)

- Northern Mariana Islands

Arizona Parlor 1218 (second level)

- Mississippi

Arizona Parlor 2220 (second level)

- Montana

Arizona Parlor 2209 (second level)

- Nebraska

Rattlers

- Nevada
- New Hampshire
- New Jersey
- New Mexico

Bouchon

- New York
- North Carolina
- North Dakota
- Ohio

San Carlos

- Oklahoma
- Oregon
- Pennsylvania

Sonora

- Puerto Rico
- Rhode Island
- South Dakota

Sedona

- Tennessee
- Texas
- Utah

Rio Verde

- Vermont
- Virginia
- Washington

Palomas

- West Virginia
- Wisconsin
- Wyoming

Executive Room

- National Organizations



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**SHOWCASE OF PRO SE ASSISTANCE PROGRAMS
PROGRAM PROFILE**

Name of Program: Ventura County Superior Court's Self-help Legal Access (SHLA) Centers
Mobile Self-help Center
Family Law Self-help Centers

City, State, Zip: Ventura, CA 93009

Date Established: Family Law Self-help Program (clinics first held in 1996 and Center opened in 1998)
SHLA Center in the Hall of Justice, January 5, 1998
Second SHLA Center in Oxnard, December 1, 1998
Mobile Self-help Center, October 28, 1999

Program Sponsor(s): Ventura County Superior Court

Partnerships: Ventura County Bar Association
Mexican American Bar Association
Tri-Counties Regional
Ventura College of Law
Pepperdine University School of Law
Ventura County Legal Assistants
Oxnard College Paralegal Program
Greater Los Angeles Area Agency on Deafness
Catholic Charities
Channel Counties Legal Services Association
Jewish Family Services
Grey Law
Interface

Target Group(s)/Clients Served per Year: Self-represented litigants in civil matters and infractions. Approximately 12,000 people served per year, excluding family law, which serves an equal or greater number in that field alone.

Cost/Funding Source(s): Court annual budget for Family Law Self-help Center is \$343,300 of which \$225,900 comes from AB 1058 State Funding. Court annual budget for SHLA Centers is \$339,500 ongoing per year, plus a private \$40,000 grant toward purchase of mobile center.

Staffing: 2 attorneys and 1 document examiner in the Family Law Self-help Center.
1 attorney and bilingual court clerk in each SHLA Center.
Staff rotate in the Mobile Self-help Center.
Volunteers augment staff in all centers.

Contact Person: Tina L. Rasnow
805/654-3879



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**SHOWCASE OF PRO SE ASSISTANCE PROGRAMS
PROGRAM PROFILE**

Name of Program: Connecticut Court Service Center

City, State, Zip: New Britain, CT 06051

Date Established: December 14, 1998

Program Sponsor(s): Connecticut Judicial Branch, Court Operations Division (includes clerks offices, child support enforcement program and court reporters)

Partnerships: Legal Assistance Resource Center (Legal Aid)
New Britain Bar Association
New Britain Market Collaborative
Catholic Family Services
Human Resources Agency of New Britain
Infoline (Social Service Information and Referral)

Target Group(s)/Clients Served per Year: All court customers, with a focus on self-represented litigants. January 1, 1999 – September 30, 1999 served 6700 customers. Based on current data, expect to serve 12,000 – 15,000 per year.

Cost/Funding Source(s): \$395,000 Bond Funds (construction, equipment, furniture)
\$132,141 Grant – SJI (software development, evaluation planning)
\$193,000 Operating funds (staff salaries)

Staffing: 1 project director/supervisor
.3 FTE technology director
.4 FTE legal counsel
1 bilingual administrative assistant (paralegal experience)
1 part-time (39 hr/wk) bilingual office clerk

Contact Person: Priscilla Arroyo
Court Services Center, Room 210
New Britain Superior Court
20 Franklin Square
New Britain, CT 06051
860/515-5154
priscilla.arroyo@jud.state.ct.us



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SHOWCASE OF PRO SE ASSISTANCE PROGRAMS

PROGRAM PROFILE

Name of Program: Family Court Services Pro Se Self-Help Unit

City, State, Zip: Fort Lauderdale, Florida 33302

Date Established: 1994

Program Sponsor(s): 17th Judicial Circuit, Court Administration

Partnerships: None at present

Target Group(s)/Clients Served per Year: Unrepresented litigants

Over 7000 per year for Family Court issues

Over 7000 per year for Domestic/Repeat Violence
Injunctions

Cost/Funding Source(s): Funding Source is primarily county, with a limited
portion of the funding from the State of Florida

Staffing: 2 attorneys; 2 paralegals, 2 administrative assistants

Contact Person: Thomas A. Genung, Family Court Administrator
201 S. E. 6th Street, Room 565
Fort Lauderdale, FL 33301
954/831-6782
Fax: 954/831-6061
email: tgenung@17th.flcourts.org



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**SHOWCASE OF PRO SE ASSISTANCE PROGRAMS
PROGRAM PROFILE**

Name of Program: Court Assistance Office Project

City, State, Zip: Moscow, ID 83844-2321

Date Established: July 1, 1999

Program Sponsor(s): Idaho Supreme Court

Partnerships: University of Idaho College of Law
Idaho Department of Health and Welfare
Idaho State Bar
Idaho Legal Aid Services Corporation
Council on Domestic Violence
Idaho Volunteer Lawyers Program

Target Group(s)/Clients Served per Year: Unrepresented ("Pro Se") Civil Litigants

Cost/Funding Source(s): \$240,000
State Justice Institute
Idaho Department of Health and Welfare
Idaho Supreme Court
Idaho State Bar
Ten Counties

Staffing: 1 full-time paralegal
3 part-time attorneys
4 part-time court clerks
1 part-time interpreter
2 part-time law students

Contact Person: Professor Patrick Costello
University of Idaho College of Law
Sixth and Rayburn
Moscow, ID 83844



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**SHOWCASE OF PRO SE ASSISTANCE PROGRAMS
PROGRAM PROFILE**

Name of Program: Pine Tree Client Education Project

City, State, Zip: Portland, ME 04112

Date Established: Pine Tree began providing written legal education materials as early as 1968. Use of the internet for this purpose began in 1996.

Program Sponsor(s): Pine Tree Legal Assistance

Partnerships: Maine Courts
Maine Bar Foundation
Private Bar

Target Group(s)/Clients Served per Year: 107,000 pieces of client education will be downloaded this year. The new interactive District Court forms can be used by private attorneys and pro se litigants with Internet access anywhere in Maine.

Cost/Funding Source(s): Pine Tree now funds a 60% dedicated Client Education position (cost \$50,000). Creation of the interactive District Court forms was possible for less than \$5,000 of programmer time, plus additional staff time on overall implementation issues.

Staffing: Pine Tree has a dedicated part-time Client Education Coordinator to develop materials. Pine Tree also funds a part-time Director of Training & Litigation who supports the Pine Tree web site and develops new tools for deployment on the Internet.

Contact Person: Nan Heald, Executive Director
Pine Tree Legal Assistance
Post Office Box 547
Portland, ME 04112



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SHOWCASE OF PRO SE ASSISTANCE PROGRAMS

PROGRAM PROFILE

Name of Program: Quickfile

The Quickfile System was developed by the Missouri State Court Administrator's Office.

City, State, Zip: Jackson County Circuit Court- Pilot Site
415 E. 12th Street
Kansas City, Mo 64106

Date Established: January, 1999

Program Sponsor(s): Missouri State Court Administrator's Office
Jackson County Circuit Court- Pilot Site

Partnerships: Jackson County Circuit Court
Rose Brooks Shelter
Hope House Shelter
NEW HOUSE Shelter
Missouri Court Administrator's Office

Target Group(s)/Clients Served per Year: Since November 1, 1999 = 44 filings
Target groups are women and children who are victims of domestic violence. Quickfile allows women to file for an ex parte order of protection from the safety of any one of the three shelters listed above.

Cost/Funding Source(s):

STOP Grant (STOP Violence Against Women Grant Program)
administered by the Missouri Dept. of Public Safety

Staffing: The advocates at the shelters help victims complete the paperwork and the clerks process the paperwork at the court.

Contact Person: Cindy A. Cook
Jackson County Circuit Court
415 E. 12th St., Room 303 B
Kansas City, MO 64106



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SHOWCASE OF PRO SE ASSISTANCE PROGRAMS

PROGRAM PROFILE

Name of Program: State Law Library Advice Clinic (SLLAC)

City, State, Zip: Helena, MT 59601

Date Established: June 1998

Program Sponsor(s): Montana Legal Services Association
Montana State Law Library

Partnerships: First Judicial District Court
State of Montana

Target Group(s)/Clients Served per Year: Low income clients who are able to understand and follow through in the legal process pro se. Participants are carefully screened for complexity of their family law case. Served 25 clients in the first year.

Cost/Funding Source(s): All costs are absorbed by Montana Legal Services Association and the Montana State Law Library.

Staffing: 1 part time staff attorney at Montana Legal Services Association, 1 part time administrative person at Montana Legal Services Association, and 1 volunteer attorney at the State Law Library.

Contact Person: Susan Gobbs; Montana Legal Services Association
801 N. Last Chance Gulch
Helena, MT 59601
(406) 442-9830



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SHOWCASE OF PRO SE ASSISTANCE PROGRAMS

PROGRAM PROFILE

Name of Program: Yellowstone County Bar Association Family Law Project

City, State, Zip: Montana Legal Services Association
P.O. Box 3093
Billings, MT 59103-3093

Date Established: 1997

Program Sponsor(s): Yellowstone County Bar Association

Partnerships: Volunteer lawyers and paralegals with the support of the District Court Judges and the Clerk of Court.

Target Group(s)/Clients Served per Year:
Low income persons.

Cost/Funding Source(s): In kind help by Montana Legal Services Association. United Way provides funding for a paralegal to assist victims of domestic violence.

Staffing: Montana Legal Services Association and United Way paralegal, 1 volunteer lawyer committee for policy, 1 volunteer lawyer committee to select referral lawyers.

Contact Person: Bob LaRoche
(406) 248-7113



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SHOWCASE OF PRO SE ASSISTANCE PROGRAMS

PROGRAM PROFILE

Name of Program: Family Law Advice Clinic

City, State, Zip: 304 North Higgins
Missoula, MT 59802

Date Established: 9/96

Program Sponsor(s): Montana Legal Services Association
304 N. Higgins
Missoula, MT 59802

Partnerships: Western Montana Bar Association
Montana Legal Services Association
Missoula County

Target Group(s)/Clients Served per Year:

Low income persons needing dissolution assistance and establishment of child support orders; serves approximately 180 per year.

Cost/Funding Source(s): Approximately \$10,000⁺/year
Western County Bar Association - \$2500
Missoula County - \$4000
Montana Legal Services Association - remainder

Staffing: One program director, Jesuit Volunteer Corps member - full time.

Contact Person: Klaus Sitte; Montana Legal Services Association
(406) 543-8344



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**SHOWCASE OF PRO SE ASSISTANCE PROGRAMS
PROGRAM PROFILE**

Name of Program: 11th Judicial District Court Pro Se Clinic, San Juan & McKinley Counties

City, State, Zip: Aztec, NM 87410
Gallup, NM 87301

Date Established: March 1998

Program Sponsor(s): 11 Judicial District Court

Partnerships: McKinley County Bar Association
New Mexico Child Support Enforcement Bureau
San Juan County
New Mexico Motor Vehicle Department
Process Servers
Private Mediators

Target Group(s)/Clients Served per Year: "Family Law" Divorce, Domestic Violence, but we assist anyone regardless of income. Clients served in 1 year = 795.

Cost/Funding Source(s): There is no appropriation for this program. Costs for copies and labor are supplied by the District Court and McKinley County. The cost is estimated at \$20,000 per year.

Staffing: 11 clerks (part-time)
4 child support enforcement caseworkers (part-time)
2 volunteer lawyers (part-time)
1 victim's advocate (part-time)
Many volunteers from MVD, mediators and process servers

Contact Person: Francisca P. Palochak, Court Clerk IV
11th Judicial District Court
201 West Hill Street, Room 21
Gallup, NM 87301

Linda E. Pruitt, Court Clerk V
11 Judicial District Court
103 South Oliver
Aztec, NM 87410



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**SHOWCASE OF PRO SE ASSISTANCE PROGRAMS
PROGRAM PROFILE**

Name of Program: Housing Court Initiative
Civil Court of the City of New York

City, State, Zip: New York, NY 10013

Date Established: January 5, 1998

Program Sponsor(s): New York State Office of Court Administration
Hon. Judith S. Kaye, Chief Judge of the State of New York

Partnerships: Association of the Bar of the City of New York
Citywide Task Force on Housing
Rent Stabilization Association
New York City Department of Housing Preservation and Development
YIP of Staten Island and Community Mediation Center of Queens

Target Group(s)/Clients Served per Year: Landlords and tenants with housing concerns.
Approximately 52,400 clients served yearly.

Cost/Funding Source(s): Cost \$1,067,350

Sources: New York State Legislature
Office of Court Administration
New York City Department of Housing Preservation
Association of the Bar of the City of New York

Staffing: 5 supervising judges (part-time)
9 housing court counselors
2 programs coordinators
2 video managers (part-time)
90 volunteer attorneys
30 mediators (20 paid)

Contact Person: Hon. Fern Fisher-Brandveen, Administrative Judge
Civil Court of the City of New York
111 Centre Street
New York, NY 10013

Ernesto Belzaguy, Esquire, First Deputy Chief Clerk
Civil Court of the City of New York
111 Centre Street
New York, NY 10013



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**SHOWCASE OF PRO SE ASSISTANCE PROGRAMS
PROGRAM PROFILE**

Name of Program: Kitsap County Courthouse Facilitator

City, State, Zip: Port Orchard, WA 98366

Date Established: August 1995

Program Sponsor(s): The Facilitator Program is a division of the Office of the Kitsap County Clerk

Partnerships: Superior Court
Local Bar Association
Volunteer Attorney Services
YWCA
Prosecuting Attorney
Dispute Resolution Center
US Navy Legal Services

Target Group(s)/ Clients Served per Year: Pro se family law litigants
1200 per year (at .75 FTE)

Cost/Funding Source(s): Salary/Benefits	= \$44,612*
5% Overhead	= <u>\$2,230*</u>
Total cost	= \$46,842
 IV-D Grant	 = \$13,525
Filing Fee	
Surcharge	= \$19,588
Pro Se Kit	= <u>\$13,750</u>
Total Recv'd.	= \$46,863*

*At .75 FTE, Clerk's Office General Fund subsidizes coverage in staff absence, clerical support and supplies.

Staffing: .75 FTE county attorney (possibly increasing to 1.0 FTE)
.103 FTE citizen volunteer

Contact Person: Janet Skreen, Courthouse Facilitator
Kitsap County Clerk's Office
614 Division Street, Mail Stop 34
Port Orchard, WA 98366-4692

Dean C. Logan, County Clerk



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**SHOWCASE OF PRO SE ASSISTANCE PROGRAMS
PROGRAM PROFILE**

Name of Program: Chapter 7 Bankruptcy Clinic

City, State, Zip: Charleston, WV 25301

Date Established: 1989

Program Sponsor(s): Legal Aid Society of Charleston

Partnerships: Legal Aid Society of Charleston
Pro Bono Referral Project

Target Group(s)/Clients Served per Year: 230

Cost/Funding Source(s): Legal aid dollars

Staffing: 5 volunteer attorneys (part-time)
2 full-time staff work part-time on this project approximately 25 hours per month

Contact Person: Jean Audet, Pro Bono Coordinator
Legal Aid Society of Charleston
922 Quarrier Street, Suite 400
Charleston, WV 25301

MEETING THE CHALLENGE OF PRO SE LITIGATION

*AN UPDATE OF LEGAL AND ETHICAL ISSUES**

by Nancy Biro¹

The number of cases involving pro se litigants has steadily increased in recent years, and courts are taking steps to implement procedures to effectively deal with pro se cases. This essay supplements the American Judicature Society's recent publication *Meeting the Challenges of Pro Se Litigation*. Specifically, it updates the chapter concerning the legal and ethical issues involved in pro se litigation and discusses significant new cases and developing trends since 1997, the year the research for the guidebook was completed. This essay is divided into three sections. Part I discusses the issues facing inmates who proceed pro se and the right of criminal defendants to proceed pro se at the trial and appellate level. Part II examines the role judges play in a pro se litigant's case. Part III considers the extent to which court staff may legally assist pro se litigants.

I. ISSUES FACING PRO SE INMATES

Inmates find it very difficult to proceed pro se, but often do. Within the confines of the prison, their access to legal materials is rather limited. They often face an uphill battle, working within restrictive prison rules and regulations, as well as trying to properly follow court rules. The United States constitution provides guarantees that protect inmates' rights.

Access to the Courts

State officials cannot enact regulations that "abridge" or "impair" an inmate's right of access to the courts. They cannot, for example, interfere with the right of inmates to file petitions in court. In the frequently cited case *Ex Parte Hull*, the United States Supreme Court struck down a regulation that prohibited state prisoners from filing petitions for habeas corpus unless they were determined to be "properly drawn" by the parole board's legal investigator. *Ex Parte Hull*, 312 U.S. 546 (1941). The Court determined that the regulation denied inmates' access to the courts because the parole board determined which petitions would be filed. The *Hull* case continues to be cited in reference to this right, most recently by the Court of Criminal Appeals of Oklahoma in *Braun v. State of Oklahoma*, 937 P.2d 505, 509 (Okla. Crim. App. 1997).

An inmate's right of access to the courts also mandates that prisons provide inmates with adequate law libraries or adequate assistance from persons trained in the law, such as parale-

*This report was prepared under a grant from the State Justice Institute (SJI-99-N-042). Points of view expressed herein do not necessarily represent the official positions or policies of the State Justice Institute or the American Judicature Society.

¹ Ms. Biro is a project attorney with the American Judicature Society

gals or law students. Until recently, the leading case concerning the adequacy of prison law libraries or legal assistance was *Bounds v. Smith*, 430 U.S. 817 (1977). Now, however, the leading case is *Lewis v. Casey*, 518 U.S. 343 (J. Stevens dissenting 1996), which expanded *Bounds*' holding. In *Lewis*, an inmate claimed that his prison's law library and legal assistance program was inadequate and thus "abridged" or "impaired" his access to the courts. But the United States Supreme Court disagreed, holding that an inmate cannot bring a general challenge to the adequacy of a prison's law library or the legal assistance program. Instead, an inmate must show that he has suffered "actual harm" to a legal claim that involved his criminal conviction or the conditions of his incarceration and that the cause of the injury must be the method of access (i.e., the inadequacy of the law library or the legal assistance program). *Id.* at 351. The *Lewis* case has been accepted and cited by several courts. See *Triestman v. Peo*, 1997 WL216251 at 7 (N.D.N.Y. 1997); *Prisoner's Legal Association v. Roberson*, 1997 WL 998592 at 2 (D.N.J. 1997); *Ex-parte Coleman*, 728 So.2d 703, 706 (Ala. Crim. App. 1998); *Hadix v. Johnson*, 173 F.3d 958, 963 (6th Cir. 1999); *Smith v. Armstrong*, 968 F.Supp. 50, 51 (D. Con. 1997).

Although an inmate's right of access to the courts includes access to some combination of legal assistance, legal materials and/or a law library, inmates do not have a constitutional right to engage in legal writing for other inmates. This means that an inmate's right of access to the courts is specific to the inmate who is seeking to bring a claim before the court. *Sizemore v. Lee*, 20 F. Supp.2d 956, 958 (W.D.Va. 1998). For example, an inmate cannot argue that his right of access to the courts was "abridged" or "impaired" because he was prohibited from assisting other inmates, or was prohibited from receiving help from other inmates.

An inmate's right of access to the courts must, at a minimum, be "meaningful" (i.e., allow the defendant an adequate opportunity to present his claims fairly.) *Ross v. Moffitt*, 417 U.S. 600 (1974). However, this does not mean that courts are required to be more lenient when reviewing inmates' petitions. A recent case held that inmates who neglect to follow formal court rules and procedures when they are readily available to them should not receive special consideration for review of their cases. *Braun v. State of Oklahoma*, 937 P.2d 505, 510 (Okla. Crim. App. 1997). In *Braun*, the court properly denied an inmate's motion to file a supplement to his brief-in-chief since the court rules clearly stated that all of his arguments must be filed in the brief-in-chief and the rules were readily available to him. *Id.*

Right to Proceed Pro Se

At the trial court level, defendants in criminal cases have a constitutional right to proceed pro se, and counsel may not be imposed on them over their objection. *Faretta v. California*, 422 U.S. 806 (1975). This right of self-representation at the trial level stems from the Sixth Amendment. However, most courts hold that there is no right to proceed pro se on appeal since the due process and equal protection clauses of the Fourteenth Amendment do not require it. A few courts, though, have extended the Sixth Amendment right of self-representation to state criminal appeals. *People v. Scott*, 64 Cal.App.4th 550, 554 (Cal. App. 1998). The state and federal courts that permit self-representation on appeal are: Indiana, Michigan, Texas, Arkansas, Pennsylvania, Louisiana, New Mexico, Oklahoma, the Eighth Circuit Court of Appeals, the Fifth Circuit Court of Appeals, the Ninth Circuit Court of Appeals, and the Sev-

enth Circuit Court of Appeals. *Id.* at 576-578. Also, the Sixth Amendment right of self-representation only applies to criminal cases, so the question whether this right extends to civil cases remains unanswered.

Pursuing Unrelated Civil Actions

Inmates may file civil actions in court that are unrelated to the legality of their convictions. An inmate has a state constitutional right to institute and prosecute a civil action that seeks redress for an injury or damage to his personal property, or for the vindication of any other legal right. *Whisnant v. Byrd*, 525 S.W.2d 152, 153 (Tenn. 1975). However, this right is "qualified and restricted." *Id.* Inmates who file civil actions unrelated to the legality of their convictions will not under usual circumstances be given the opportunity to appear in court to present their cases during their prison terms. Trial courts should hold such matters in abeyance until the inmate is released from prison, unless an appropriate directive is issued requiring the inmate's attendance. *Id.*

Although Tennessee courts still follow the holding and rationale of *Whisnant*, the Supreme Court of Tennessee recently revisited its decision and overruled *Whisnant* to the extent that it could be interpreted as mandating an automatic stay for incarcerated persons who file civil actions unrelated to the legality of their convictions. *Sanjines v. Ortwein and Associates*, 984 S.W.2d 907, 911 (Tenn. 1998). See also *Knight v. Knight*, 1999 WL 145002 (Tenn. Ct. App. 1999) and *Thompson v. Hammond*, 1999 WL 188292 (Tenn. Ct. App. 1999).

II. JUDGES AND PRO SE LITIGANTS

Treatment of Pro Se Litigants

The California Commission on Judicial Performance publicly censured a judge for failing to respect the rights of pro se litigants. *Inquiry Concerning Judge Fred L. Heene, Jr.*, No. 153, October 13, 1999. This seems to be the only case in which a judge has been disciplined for the judge's treatment of unrepresented individuals.

The judge's actions violated several canons of the code of judicial conduct including: Canon 1, "A judge shall uphold the integrity and independence of the judiciary"; Canon 2A "A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary"; and, Canon 3B "A judge shall perform the duties of judicial office impartially and diligently."

In deciding whether to discipline the judge, the Commission noted that the judge's nine incidents of improper treatment of unrepresented individuals in slightly less than two years were not isolated, unrelated incidents of misconduct, but "in every instance, [the] Judge failed to respect the rights of unrepresented individuals." (See Tab 7 for the full text of the Heene decision and order.)

Ghostwriting

Ghostwriting is the practice of attorneys assisting self-represented litigants by drafting pleadings that a litigant files with the court, without the acknowledgment that the pleadings were prepared by an attorney. Although courts condemn the practice of ghostwriting, they are still reluctant to discipline attorneys for engaging in ghostwriting.

In the most recent case, *Ricotta v. State of California*, 4 F.Supp.2d 961, 986 (S.D. Cal. 1998), the court explained that previous cases addressing ghostwriting were reluctant to discipline attorneys because there were no specific rules dealing with ghostwriting, and the issue was only recently addressed by various courts and bar associations. *Id.* The *Ricotta* court was persuaded by the reasoning of these earlier decisions and determined that the circumstances justifying such a conclusion have yet to change. It held that the attorney's actions were not nearly egregious enough to take the unprecedented step of holding an attorney and a pro se party in contempt for giving and receiving assistance in drafting documents. *Id.* (See Tab 10 for excerpt from full decision.)

Interestingly, though, Colorado recently adopted several new rules addressing the limited representation of clients in litigation matters. The changes require attorneys who draft documents for pro se litigants to include the attorney's name, address, telephone number, and registration number on the document. See *Colorado Rules of Civil Procedure (C.R.C.P.)* 11 (1999); *C.R.C.P.* 311(1999); *C.R.C.P.* 121, section 1.1 (comment) (1999); *Colorado Rules of Professional Conduct (Colo.RPC)* 1.2(1999);, *Colo.RPC* 4.2 (comment) (1999) and *Colo.RPC* 4.3 (comment) (1999). Providing limited representation to a pro se litigant in accordance with these rules does not constitute an entry of appearance by the attorney in the case. And assisting a pro se litigant in filling out pre-printed and electronically published forms issued by the court does not constitute limited representation, and an attorney is not required to disclose such assistance. (See Tab 10 for full text of Colorado rules.)

Procedural and Technical Errors

Judges who try to assist a self-represented litigant may be perceived as being biased toward that litigant. On the other hand, a judge who makes no effort to prevent a self-represented litigant from making errors that jeopardize the litigant's defense or claim may deny that litigant "meaningful" access to the courts.

To a certain extent, courts can protect pro se litigants against the consequences of procedural and technical errors. For example, one court held that a sentencing court's failure to advise a pro se defendant of his right to appeal was error per se, and warranted remand. *United States v. Sanchez*, 88 F.3d 1243, 1250-1251 (D.C. Cir. 1996). However, if a sentencing court fails to advise a pro se defendant of his right to appeal and the defendant knew of his right, the defendant is not entitled to relief. *Peguro v. United States*, 119 S.Ct. 961 (1999), *United States v. Allgood*, 48 F.Supp.2d 554 (E.D. Va. 1999).

Although courts do not have a duty to inform a pro se litigant of the need to respond to a motion for summary judgment, litigants are entitled to at least be warned that when con-

fronted with a motion for summary judgment they must obtain counter-affidavits or other evidentiary material to avoid the entry of judgment against them. *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975). However, this does not apply to pro se inmates filing habeas corpus actions under 28 U.S.C. § 2254. *Tesack v. Trent*, 22 F.Supp.2d 540, 542 (S.D.W. Va. 1998).

A 1997 advisory opinion issued by the Indiana Commission on Judicial Qualifications provides judges with guidance on ways to handle pro se litigants. *Indiana Advisory Opinion I-97 (1997)*. The commission warns that judges sometimes take an unnecessarily strict approach in order to maintain their neutrality and impartiality, when pro se litigant's pleadings or presentations are deficient in some minor way. The opinion provides two examples to illustrate its point.

In one example, when a pro se litigant seeking a name change pays the required fees, submits proof of publication, and establishes the basis for the request, but inadvertently or for lack of experience does not state an element that the judge requires, such as that the name change is not sought for a fraudulent purpose, the judge should make that simple inquiry during the litigant's presentation to the court rather than simply deny the petition on that basis alone. Neither the interests of the court nor the litigant are served by rejecting the petition on the basis of this type of deficiency.

Similarly, for example, a married couple seeking a divorce, each acting pro se, with no contest or issues in dispute, might unknowingly omit from their pleadings their county of residence. A judge should ask the parties to establish this element in their petition, and proceed appropriately, rather than deny the petition, and excuse the parties from the courtroom on the basis of their omission. The opinion stresses that a judge does not have an obligation to cater to a disrespectful or unprepared pro se litigant, or to make any effort on behalf of any citizen that might put another at a disadvantage.

This opinion aside, there have been no additional recent ethics advisory opinions advising judges how to handle pro se litigants.

Obstructionist Behavior

Courts are not obligated to allow defendants to proceed pro se when, in doing so, they abuse the dignity of the courtroom. The Supreme Court of Kansas held that a defendant's Sixth Amendment right of self-representation was not violated by the trial court's termination of that representation in response to the defendant's "obstructionist" behavior. *State v. Plunkett*, 261 Kan. 1024, 1029 (Kan. 1997). The defendant maintained a surly, disrespectful attitude throughout the proceeding. He became belligerent, used profanity, refused to stand when addressing the court, and refused to answer the judge's questions. *Id.* at 1029. The court held him in contempt and terminated his self-representation, finding that his conduct was "obstructionist."

A defendant also engages in "obstructionist" behavior when the defendant refuses court-appointed counsel and then voluntarily absents himself from the trial. The Supreme Court of Minnesota held that a defendant's constitutional rights were not violated by conducting the

defendant's trial without the defendant present and by re-appointing court counsel who did not present a defense. *State v. Worthy*, 583 N.W.2d 270, 275 (Minn. 1997).

Behavior that is disruptive but does not rise to the level of being abusive, disrespectful, obscene, or likely to obstruct the progress of the trial is not "obstructionist." In one case, a defendant laughed continually during a witness's testimony, nodded when a witness asked him a question while the witness was testifying, and repeated words that were spoken by a witness that were apparently not understood by counsel or the court reporter. *Tatum v. United States*, 703 A.2d 1218, 1224 (D.C. 1997). In this case, the defendant was entitled to be present during the proceedings, because although his actions were distracting, they were not intended to impede or disrupt the proceedings and did not rise to the level of "obstructionist."

III. ASSISTANCE FROM COURT STAFF

Pro se litigants often make the most demands on court staff. These demands can range from requesting the proper form to file in court to asking court clerks their opinion of a litigant's case. Court staff must respond carefully to ensure they do not engage in the unauthorized practice of law. To help guide court staff, the Florida Supreme Court issued a new court rule that defines what court staff at family court self-help centers may do to assist pro se litigants. *Florida Family Law Rule 12.750* (1998). According to this rule, self-help personnel may:

- ◆ encourage self-represented litigants to obtain legal advice;
- ◆ provide information about available pro bono legal services, low cost legal services, legal aid programs, and lawyer referral services;
- ◆ provide information about available approved forms, without providing advice or recommendation as to any specific course of action;
- ◆ provide approved forms and approved instructions on how to complete the forms;
- ◆ engage in limited oral communications to assist a person in the completion of blanks on approved forms;
- ◆ record information provided by a self-represented litigant on approved forms;
- ◆ provide, either orally or in writing, definitions of legal terminology from widely accepted legal dictionaries or other dictionaries without advising whether or not a particular definition is applicable to the self-represented litigant's situation;
- ◆ provide, either orally or in writing, citations of statutes and rules, without advising whether or not a particular statute or rule is applicable to the self-represented litigant's situation;
- ◆ provide docketed case information;
- ◆ provide general information about court process, practice, and procedure;
- ◆ provide information about mediation, required parenting courses, and courses for children of divorcing parents;
- ◆ provide, either orally or in writing, information from local rules or administrative order;
- ◆ provide general information about local court operations;
- ◆ provide information about community services; and
- ◆ facilitate the setting of hearings.

Self-help personnel may not:

- ◆ provide legal advice or recommend a specific course of action for a self-represented litigant;
- ◆ provide interpretation of legal terminology, statutes, rules, orders, cases, or the constitution;
- ◆ provide information that must be kept confidential by statute, rule, or case law;
- ◆ deny a litigant's access to the court;
- ◆ encourage or discourage litigation;
- ◆ record information on forms for a self-represented litigant, except as otherwise provided by this rule;
- ◆ engage in oral communications other than those reasonably necessary to elicit factual information to complete the blanks on forms except as otherwise provided by this rule;
- ◆ perform legal research for litigants;
- ◆ represent litigants in court; and
- ◆ lead litigants to believe that court staff are representing them as lawyers in any capacity or induce the public to rely upon them for legal advice.

By enacting this rule the court hopes to clarify the boundaries court staff must observe when assisting pro se litigants. (See Greacen article in Tab 8 for full text of Florida rule.)

Conclusion

As evidenced by the new Colorado and Florida rules, courts are increasingly adopting new guidelines to make the courts more accessible and "user-friendly." The developing case law is also reshaping how courts deal with pro se litigation and is changing court rules and procedures as new issues arise. Much of the new case law deals with inmates' right of access to the courts and criminal defendants' right to proceed pro se. Nevertheless, new case law is gradually developing in other areas as well. As pro se litigation becomes more and more widespread, courts can anticipate more guidance from new case law, court rules and advisory opinions.

RESULTS OF A NATIONAL SURVEY OF PRO SE ASSISTANCE PROGRAMS: A PRELIMINARY REPORT*

Beth Lynch Murphy¹

State teams invited to the 1999 National Conference on Pro Se Litigation responded overwhelmingly to a pre-conference survey about pro se assistance programs. Two sets of questionnaires were designed to gather information about both statewide initiatives by state supreme courts or state judicial councils to establish statewide programs to assist self-represented litigants, and about local pro-se assistance programs delivering services at the state court trial level.

The pre-conference survey was sent to state court administrators in the 51 states and to Puerto Rico, Guam and the Northern Mariana Islands to elicit the statewide information. Thirty-seven had responded by September 24, 1999. Another set of questionnaires was sent to each state team leader seeking information about at least three local pro se programs in their respective states. As of September 27, 1999, 45 states responded with detailed information about 152 programs.

STATEWIDE INITIATIVES

The survey identified twenty statewide initiatives that, with the exception of North Dakota whose statewide program began in the 1980's, are relatively recent phenomena. Responding to the ever-increasing number of self-represented litigants, the remaining 19—California, Connecticut, Delaware, Florida, Hawaii, Idaho, Indiana, Maine, Maryland, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, Oregon, Pennsylvania, Utah and Vermont—have initiated during the 1990s a range of programs to assist pro se litigants. Though each state initiative is unique, most programs are sponsored by the state supreme court, and have as one of their major goals developing uniform policies and practices governing legal assistance and maximizing access to justice for persons who choose to represent themselves in local state trial courts. See Table 1 for profiles of statewide programs.

Legal Authority

Some state initiatives are the direct result of legislation, like the Family Law Facilitator Act in California that created an Office of a Family Law Facilitator in every superior court in all California counties, and the Florida Supreme Court Family Law Rule of Procedure that governs the activities of self-help programs under the auspices of local courts. Others are

*This report was prepared under a grant from the State Justice Institute (SJI-99-N-042). Points of view expressed herein do not necessarily represent the official positions or policies of the State Justice Institute or the American Judicature Society.

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established by supreme court order, as in Vermont, Idaho, Indiana, Maryland, and Michigan, for example. Other states like North Dakota and New Mexico authorize a broad range of activities through their state's administrative office of the courts. Realizing that there is no one way to enhance access to the courts, most state initiatives are the result of the combined efforts of the state legislature, the state supreme court and the state court administrative office.

Local Implementation

Sponsors of statewide initiatives recognize the importance of maintaining local control of assistance programs to coincide with the legal environment and the population of self-represented litigants specific to each court jurisdiction. Accordingly, the majority of state initiatives manifest themselves at the local trial court level and provide varied services extending from providing standard forms and instructions, to court concierge desks and self-help booths, to fully staffed offices of pro se personnel. Only a handful of states operate and manage a program through the supreme court or the administrative office of the courts, and filter it through local trial courts. For example, the state court administrator in North Dakota develops and provides written materials to state trial courts, while a steering committee of the Florida Supreme Court has developed and recommended over 500 pages of self-help forms for use at the local trial level. The state of Utah operates 5 kiosks throughout the state for the electronic preparation of court documents. Otherwise, the state initiative is a directive to the local courts to establish a pro se assistance program that matches the needs of the particular jurisdiction while addressing the more compelling statewide problems of self-representation.

Funding Source

The funding of the programs is varied and reflects the sponsorship of the program. The majority of programs authorize some state funds to partially support the local programs, but primarily rely upon local court and/or county financing for most services and activities. Five of the reporting states, Connecticut, Delaware, Idaho, Michigan and New Mexico, have received State Justice Institute grants to establish pilot projects to test and evaluate innovative programs. Only two states, Delaware and Pennsylvania, report receiving funding from their state bar associations.

The issue of providing services to self-represented litigants is extremely complex, for it falls within the broader context of providing equal access to the courts for all a state's citizenry. Realizing this, several states report the establishment of committees to study, in general, the delivery of legal services with a special emphasis on the needs of pro se litigants. For example, Indiana has formed regional committees to draft plans to provide local pro bono services to indigent clients, and Pennsylvania has created a task force on the delivery of legal services to indigent persons that invariably will encompass the issue of self-represented litigants. In addition to SJI support, Idaho pilot projects have received funding from the state department of health and social services to help accommodate the pro se litigant with a full range of services. Collaboration with other agencies concerned with legal access, e.g., legal services programs, law school clinics, and community outreach centers, is a priority among our state respondents.

LOCAL PRO SE ASSISTANCE PROGRAMS

Over 95% of the respondents report that there has been an increase in pro se litigation in their courts in the last five years.² Although the majority said that the increase is moderate, about twenty percent indicate that the increase has been dramatic. According to our respondents, family law matters have witnessed the greatest increase in pro se litigants and, with the creation of unified family courts, more individuals are seeking to resolve multi-issue disputes in child custody, support, and related domestic problems. We, therefore, see most of these local pro se programs originating in the 1990s with the majority after 1997. One hundred and six of the programs started after 1995. Those programs that have been around the longest are remnants or spin-offs from the earlier legal services programs of the 1960's. In addition, some programs are organizational components of a larger court system, such as the small claims court in Chicago that deals primarily with pro se litigants. Many of the most recent programs, including a 1999 startup date in Idaho, and a year 2000 startup in Hawaii, are pilot projects that will be evaluated to determine their effectiveness in responding to the needs of pro se litigants and the courts before further funding is authorized.

The average annual caseload reported by our respondents is about 11,485, with some programs reportedly handling as many as 72,000 cases and as few as 110. The figures are somewhat misleading though, because some of the reporting programs are full service legal assistance programs, whereas others are small operations in rural jurisdictions. How the program keeps its statistics is, likewise, relevant in reporting caseloads since many programs count each contact with each individual as a "case," and we know that family law matters are intertwined so that each client can have multiple issues to resolve. It should also be noted that these caseload figures represent the respondents' estimates rather than actual statistics kept by the program. Nonetheless, the figures suggest the extraordinary numbers of persons seeking pro se assistance and the multiple issues pro se litigants bring to court.

Again, based on estimates rather than on official statistics, our respondents provide a profile of the individuals who use their programs. The typical person is a woman with at least a high school diploma who is seeking assistance for the first time in matters related to divorce. Excluding the domestic violence assistance programs that report a total female clientele, over 50% of the programs reporting said that well over 60% of their clients are women, with many programs reporting a rate of as high as 95%. Similar figures emerge when estimating the educational level of the programs' clients. Most of our respondents indicate that at least 80% of their clients have a high school diploma; however, many thought that one-fifth of their clients had some college, though few report any more than 10% with a college degree or more. Over 70% of the respondents estimate that three quarters of their clients are first time users of their program and only a handful said that the majority of their clients regularly use their services.

Local trial court jurisdictions have responded in a variety of creative and thoughtful ways to these reported increases in persons who elect to represent themselves in court. State teams have identified 152 local pro se assistance programs that run the gamut from informal, ad hoc

² These data are based on the respondents' best estimates, since most of the programs do not keep official statistics.

operations to system-wide responses. These responses reflect the justice system's efforts to provide quality assistance to self-represented litigants. From these survey results we have developed a national composite of pro se assistance programs to help planners devise their own programs to assure that pro se litigants have access to the necessary information and services to enable them to use the courts effectively and efficiently. Tables 2 through 4 provide detailed information on the organization, staffing and funding of each of these programs.

Why Help Self-Represented Litigants?

Before describing these pro se programs, we report responses to the question, "What triggered the establishment of the program?" Without exception, respondents indicate that it is the increase in the numbers of pro se litigants in their respective jurisdictions that has caused them to initiate some action to relieve the noticeable pressures on the judges, court personnel and other litigants. Our respondents indicate that nowhere is this more apparent than in the family courts that handle the full range of family law matters, including divorce, domestic abuse, child support and child custody. In fact, one respondent indicated that in his/her jurisdiction over 70% of the litigants in family law represent themselves.

Other factors reported to trigger the initiation of pro se programs include delays in courtroom proceedings, overburdened clerks' offices and poorly prepared pleadings and papers, frustrated judges attempting to remain neutral and impartial while attending to the legal needs of the pro se litigants, and disgruntled attorneys who have had to deal with opposing parties not represented by counsel. Several programs, in Michigan and Massachusetts, for example, said that the enactment of new legislation creating "new crimes," e.g., stalking, and granting jurisdiction to local courts in matters heretofore not handled by local trial courts, such as the issuance of restraining orders, have increased the burden upon the courts to adjudicate disputes in which litigants are typically not represented by counsel. In contrast, a couple of jurisdictions report the lack of enabling legislation as a major hindrance, because they have had to rely upon local resources to engender support and generate funds for the development of assistance programs.

Major Barriers to Assisting Self-Represented Litigants

Despite the obvious obstacles to initiating pro se programs in local trial courts, i.e., funding and personnel, our respondents describe other barriers, like the lack of physical space. But they also cite some less tangible reasons, like the lack of support from the bar and the judiciary, as major impediments to getting a pro se program up and running. These respondents said that the bar's perception that the assistance program would deprive private attorneys of clients, and the judiciary's own reluctance to accept pro se programs for fear of promoting the concept of "self-representation" were equally disadvantageous to program development. A couple of programs in states where the judges are elected even mentioned the judiciary's fear of losing bar support if they promoted and administered a pro se program in their court.

Addressing the Barriers

For some states, overcoming these obstacles has been ongoing and indigenous to program development and operation. Bar involvement, judicial sponsorship and public education are necessary to the initiation and continued existence of pro se assistance programs. Most states report that outreach and personal contact with the bar and the judiciary assured the necessary support by providing information to allay the fears of each constituent. For example, many states have provided statistics to the private bar to illustrate that the majority of pro se litigants cannot, in fact, afford representation. Similarly, reluctant court personnel, including judges, have become advocates of the pro se programs once they see actual reductions in court delays, in poorly prepared litigants and in denied access to the courts. Education and training of all persons involved in providing pro se assistance are likewise high priorities in assuring acceptance of the program. But none is more important than the determination and perseverance reported by our respondents in the planning and implementation stages of program development.

Common Case Types

The programs we surveyed demonstrate the range of services provided. The vast majority provide assistance to litigants in the full panoply of family law matters, including child support and custody, divorce and domestic abuse. While most of our respondents provide services in divorce cases—77 % of them said they do so—only a handful of these programs handle divorce matters to the exclusion of other matters, and very few report they handle no divorce cases.

The next most frequently mentioned areas of assisting pro se litigants by our respondents are child custody and support, which naturally are related to divorce cases. What becomes evident from our respondents is that it has become exceedingly important to provide multiple services to these litigants in family court because of the myriad of issues accompanying divorces where children are involved. Our respondents report providing services in a variety of divorce-related cases, such as guardianship, health insurance issues, visitation, name change, and so on.

Over half of the programs provide assistance in domestic abuse cases. These same programs help petitioners obtain orders of protection, and most work closely with related social service agencies to resolve the many problems associated with domestic abuse. Many programs report that they provide assistance in related areas of parental kidnapping, visitation, spousal support, and paternity. Our respondents made it very clear that there are endless areas of disputes requiring assistance in the family courts, and that these same litigants often need additional help in resolving administrative issues, such as driver's license restoration, and birth certificate corrections.

Eight of the programs indicate that they provide pro se assistance only in nonfamily law matters. Most of these programs operate out of specialized courts, for example, housing and small claims courts, and in some instances are part of a larger legal services program in the area.

Geographical Areas Served

Approximately half of the assistance programs reported serve areas with mixed urban, rural and suburban populations. This is not surprising since many of the local programs reported in our survey serve geographical areas that are coterminous with county populations with varying mixes of metropolitan and rural/suburban areas. Another quarter of the programs provide assistance exclusively to rural areas, and about twenty percent to only urban areas. Very few of the programs represented in our survey provide assistance only in suburban areas.

Program Costs and Funding

Although the budget figures provided by the respondents may be inflated because the scope of services offered by each program is so varied, they nevertheless illustrate the range of funds available for pro se assistance programs. The average reported budget for our survey respondents is \$150,455 with reported extremes of a 1.3 million dollars for the Family Law Facilitator in Los Angeles County, to as low as \$750 for the Friend of the Court program in rural Caro, Michigan. That results in an average cost per case for the programs represented in our survey of \$13.10.

The source of funds for these pro se programs is varied. About twenty-eight local programs receive their funding exclusively from the local trial court's budget as well as another twenty-four entirely from the state. The remaining programs receive funding from multiple sources including the federal government, private grants and foundations, other state agencies, like the departments of health and human resources, and the Interest on Lawyers' Trust Accounts. In California, the state provides partial funding to each county superior court and the local court provides supplementary funds for the Family Law Facilitator program. Several programs operate with funds from the local bar associations and law schools to conduct legal clinics, like the Volunteer Attorneys for Rural Nevadans, and to provide volunteer attorneys, like the Volunteer Lawyer for the Day Program in Suffolk, Massachusetts. Eight programs rely upon the fees they charge their clients, (e.g., purchasing forms and pleadings), or upon "tuition" charged for clinics and other self-help education programs for the pro se litigants.

Few pro se programs are exclusively administered by the state—the statewide respondents indicated the importance of local control of the programs—and often are run by a combination of partners. Only seven programs report that the state—usually the administrative office of the court—administers the local program; four programs are run exclusively by the bar association and three are administered by one of the local law schools. Ninety-three local trial courts are reported to be in charge of their pro se programs and among these programs, 11 are assisted by their local bar association and one by the local law school.

Partnerships

Local trial court control of the day-to-day operations of the pro se assistance program does not exclude the participation of other groups, such as bar associations, law schools, social service agencies, and nonprofit groups. Many pro se programs collaborate with these other constituents to assure visibility and support for the program, and to promote and expand

the services they offer. Many programs collaborate with community social service agencies so that they can serve the multi-faceted problems of their clients. For instance, The New York Office of the Self-Represented works closely with a network of service agencies for women to serve the multiple needs that arise in the course of a domestic violence case. As Table 2 illustrates, very few programs, twenty-three, report having no partners, while the majority of programs report having multiple partners. The nature of the services provided and the source of a program's funding tend to facilitate partnerships with other agencies. This is especially true in multi-issue cases. So programs that assist persons in domestic violence actions tend to partner with social service agencies assisting battered women, for example, as well as with shelters and welfare agencies.

Services Provided

Our respondents provide detailed information about the services that they offer to pro se litigants (see Tables 3 and 4). The programs range from minimal assistance—providing forms and instructions for completion—to elaborate offices staffed with full-time legal and nonlegal staff. Some programs rely primarily upon volunteers—law school clinical assistance and pro bono programs—while others utilize the already existing staff of a clerk's office and still other programs employ outside staff, such as paralegals, court coordinators, and lawyers, to mention a few.

Although the vast majority of programs provide a wide range of services, the following categories generally describe the nature and scope of the programs in our survey:

◆ **Self-Help Centers**—These centers typically provide core services —distributing educational materials, brochures and informational packets; assisting in filling out forms and drafting pleadings; providing access to computer terminals with Website connections; and making referrals to other resources for legal and social services. Several centers also offer seminars and workshops in specialized areas to explain the procedural aspects of cases or to walk clients through the filing of a complaint. Some centers are staffed with lawyers, some provide volunteer lawyers at a reduced fee, and others rely upon trained clerical and paralegal staff to operate the center.

The Self-Service Center operated by the Superior Court of Maricopa County is probably the most notable. In addition to providing forms and instructions to users, it makes extensive use of technology, especially providing access to an interactive website for clients to fill out forms. In a pilot project in Hawaii, the center is referred to a Customer Service Center where court users can obtain brochures and forms off the racks and obtain personalized information regarding procedures and forms. Another is the Arapahoe County Resource Center in Colorado that is equipped with computers and a vast array of reference materials, community resources manuals, and legal aid listings. Here, videos, e.g., "A Guide to Pro Se Divorce," are available for viewing in both English and Spanish.

◆ **Family Law Facilitators**—Each superior court in California is equipped with a family law facilitator—some are attorneys—who provides assistance to litigants in a range of issues arising in family court. Authorized legislatively, these offices not only offer a variety of ser-

vices—including assistance with child support, spousal support, and health insurance issues—but they expedite the processing of cases through the family court. Other jurisdictions have developed similar family law facilitator programs, alternately referred to as court coordinators, which provide a whole host of services including the collection of statistics for effective case management.

In Washington State, courthouse facilitators provide direct assistance to the self-represented in family law cases and act as guides to justice system procedures. In Illinois, facilitators volunteer to staff a desk near the post decree divorce courtrooms. The facilitator is an experienced matrimonial attorney who will listen to both parties and make recommendations to the judge.

◆ **Bar, Pro Bono and Lawyer-Referral Programs**—As the number of the pro se litigants increases and the issues they need to resolve become more complex, assistance programs have incorporated pro bono services and lawyer referrals. In collaboration with legal services programs, law school clinics and bar associations, our respondents describe an array of pro bono programs designed to meet the needs of pro se litigants. These programs range from simple referrals to organized legal services programs to well-structured bar and law school programs that operate offices at the local court or through clinics and “advice desks” located elsewhere.

For example, the Baton Rouge Bar Foundation Pro Bono Project has a panel of 4300 volunteer attorneys who provide legal assistance. The project also includes a divorce workshop and a docket preference for pro bono attorneys. The project coordinates and staffs an “Ask a Lawyer Clinic” in the community and helps with referrals to local social service agencies. Similarly, in Maine, the Pine Tree Legal Assistance Courthouse Assistance Project provides phone assistance in family law matters that do not meet the requirements for referral to the private bar, and provides on site assistance to pro se litigants.

Several programs utilize clinics and/or video technology to convey information to the self-represented litigant. For instance, the Toledo Bar Association offers a two-hour program with a video to guide clients through filling out the proper forms and then provides assistance in the actual preparation of the forms. The Black Women Lawyers Pro Bono Clinic in Tarrant County, Texas, offers a divorce clinic that encompasses intake, lawyer-client interviews, and drafting and filing of divorce suits for uncontested divorces. Later, pro bono attorneys prove the case up and volunteer clerks certify and confirm the pleadings.

Some programs screen cases and make appropriate referrals to lawyers and/or social service agencies. In Utah, a “Tuesday Night Bar” group meets in five areas throughout the state to provide one-half hour of free legal assistance from volunteer attorneys and referral information in cases requiring additional assistance. There is a pro bono hotline operated by Central Virginia Legal Aid that permits clients to talk to pro bono attorneys by telephone and to receive legal advice. Sometimes they are later scheduled for office appointments and if they are found to not be eligible for their free legal services, they are given advice on how to proceed pro se.

◆ **Pro Se Clinics**—Many of the full service assistance programs offer clinics in conjunction with other services to educate the litigants,—including filling out, serving and responding to pleadings and court orders. In contrast, some of the reported pro se programs in our survey offer clinics exclusively to litigants without any other attendant services. The overwhelming majority of clinics described by our respondents are concerned with conveying sufficient information to the attendees so that they can obtain their own divorce.

Many clinics rely upon volunteer attorneys to conduct the classes, and in some instances, require the attorneys to attend specialized training in the area covered. In one case, the Montana State Law Library Advice Clinic gives continuing legal education credits to the participating attorneys, who are employed by the state. The Family Law Clinic of the Legal Aid Society of Charleston provides a step-by-step walk through the entire process of obtaining a divorce, after which the participants fill out their own forms and file them in the clerk's office. Interestingly, the program mails a "satisfaction survey" to about 10% of its clinic's customers. Local law firms host divorce clinics in the Baton Rouge City Court, and the local bar holds clinics twice a month to answer questions about filing dissolution, custody and support actions in the El Paso, Colorado, Combined Court.

◆ **Technology-Based Assistance**—Several of our respondents report innovative programs using technology to service the needs of pro se litigants. Respondents report only one program using kiosks for litigants to fill out forms and initiate actions. In Utah, a statewide project has placed five kiosks throughout the state to assist the pro se civil litigant in the preparation of documents through electronic means in uncontested divorces and landlord/tenant actions. However, Utah has begun to develop a web-based automated system that will allow greater geographical access and will phase out the kiosks in 2000. Missouri is pilot testing a remote electronic filing system for adult abuse matters. Called "Quickfile," it enables shelter advocates to help victims complete petitions on-line, through a designated Internet homepage, and submit them to court. Judges receive the information through email and respond through this medium regarding approval/denial of the ex-parte order of protection. If the project is successful, there are plans to implement it statewide.

Telephone hotlines also can provide needed access to persons seeking information on how to proceed with pro se matters. A Court Information Line in Utah provides a toll free phone line that is answered during business hours by the trained staff in the state administrative office of the courts, who have computer access to docket information in all general jurisdiction trial court cases. The availability of this phone line is prominently posted in all court-houses throughout the state. Another interesting hotline, operated by Hamilton County, Ohio, Pro Seniors, Inc., provides information to senior citizens in matters of special interest, e.g., health-care directives, wills and estates, and Medicare and Medicaid issues.

Summary and Reported Benefits of Pro Se Assistance Programs

What we have learned from the respondents to our survey is that the majority of pro se assistance programs are relatively recent developments responding to the ever-increasing number of self-represented litigants in our courts. These reported increases in pro se litigants are most visible in the family courts, especially in areas of divorce and related issues such as child

custody and support. Though our survey notes primarily the emergence of programs to handle these family law matters, there appears to be program development in other areas like landlord/tenant actions and small claims civil courts. What we see in this survey are new and exciting assistance programs that provide help across a broad range of issues, offer a variety of services, and serve the multiple needs of its clientele. A number of these assistance programs are full service agencies providing one-stop access to the justice system with linkages to other community based agencies to serve the legal, social and psychological needs of the self-represented litigant.

All of our respondents report that public access to the courts, especially for indigent and low-to-medium income litigants has increased as a result of their pro se assistance programs. The availability of court-approved forms and instructions, informational services and free legal clinics, and referrals to legal and social service programs has improved the delivery of information to the public and the quality and uniformity in the pleadings filed, according to our respondents. Many respondents also report that their program relieves judicial assistants and clerks from dealing with the needs of pro se litigants, thus allowing them to concentrate on their regular duties. Similarly, our program reporters indicate that there are now fewer documents being rejected by the court, which reduces the litigants' frustration with the court system, and further eases judges' and court staff's workload. Many said that the litigants are "profoundly grateful" for the assistance that permitted them to see their case through to completion. Counter staff are likewise grateful because now they have a "place" or a "person" to refer the pro se litigants to for advice and assistance.

An unexpected benefit to the court system, according to our respondents, is that pro se assistance programs provide case management assistance, especially in family courts. The assistance programs help move cases expeditiously through the system by providing one person(s) to shepherd the case to its conclusion. The litigant need not go to different courts or courtrooms in the same facility to obtain assistance on the multiple issues related to his/her case. This case management benefit assures that cases are moved through the system in a timely manner and has reduced the need for cases to be continued or, in some cases, dismissed without relief. For the litigants, who are now advised of problems with their case, this means fewer rescheduled hearings due to missed or incomplete pleadings and documents and the prompt resolution of their case. For the court, there is the assurance that self-represented litigants are properly informed, prepared, and readied for the resolution of their case. Everyone in the system benefits.

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Table 1: *Statewide Pro Se Assistance Programs**

State	Start Date	Sponsor	Budget	Funding Source	Program Description
California	1996	Legislature Administrative Office of the Courts	Not available	State AB 1058	The Family Law Facilitator Act, Family Code Section 10000 et seq. created the Office of the Family Law Facilitator in the superior courts of all California counties. The offices are staffed with attorneys and related staff to provide assistance to self-represented litigants in family law cases involving issues in child support, spousal support and health insurance. For a complete description of these programs see Tables 2-4.
Connecticut	1997	Court Operations Division and Chief Court Administrator's Office	Not available	State Justice Institute and judicial branch budget for court operations	The statewide program has created public information booths in courthouse lobbies, regional court service centers to provide information, published the <i>Do It Yourself Divorce Guide</i> , created a software program for easy electronic access to civil and family case information, and developed a judicial branch website to provide electronic court forms.
Delaware	1997	Supreme court and the state bar association	None	Individual courts and State Justice Institute grant	A state Family Court Committee on Self-Represented Litigants seeks to maximize access to justice for persons who choose to represent themselves. "User friendly" brochures and forms in English and Spanish are available on the Internet. Court centers, staffed with pro se assistance personnel, help litigants understand the judicial process and answer questions. The state supreme court is promoting the adoption of statewide uniformity in pro se assistance and the evaluation of these services.
Florida	1999	Supreme court	Unavailable	The initiative is funded primarily through local county commissions. Limited funding and positions are available to the circuits' family courts from Florida's Family Courts Trust Fund. Funding was provided by the legislature for pilot projects in two circuits.	Florida's Family Court Steering Committee, appointed by the supreme court, developed and recommended the adoption of Florida's Family Law Rule of Procedure 12.750 that governs the activities of self-help programs operating under the auspices of local courts. So far, in 19 of Florida's 20 circuits, self-help programs provide a wide range of services. In addition, the steering committee developed and recommended over 500 pages of family law forms that were adopted by the supreme court.

*In summer 1999 AJS surveyed all states, the District of Columbia, and the territories and commonwealths about the existence of statewide pro se assistance programs. This table reflects positive responses received as of September 24, 1999. Existing programs reported after that date will be included in an updated table to be printed in the post-conference report.

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State	State Date	Sponsor	Budget	Funding Source	Program Description
Hawaii	2000	Hawaii state judiciary and Supreme Court Committee on Equality and Access to the Courts	\$250,000	The legislature, the judiciary and grants	The statewide initiative has established court concierge desks and customer service centers at the family and district courts in Oahu.
Idaho	1999	Supreme court	\$174,398	The State Justice Institute, the Idaho Department of Health and Welfare and state matching funds	The Court Assistance Offices Project, a 6- month pilot project in 5 locations, is a one step clearinghouse to access legal services and other resources. The project provides information, forms, refers litigants to mediators and attorneys, helps obtain copies and court forms, and helps low income individuals apply for direct legal services.
Indiana	No data	Supreme court	In kind	Attorney trust account interest and bar foundation	The state has formed 14 regional committees that draft plans to provide local pro bono services to indigent clients. Each committee is headed by a supreme court appointed judicial designee. The committee brings together the local pro bono providers, defines a plan, and submits funding requests to the Indiana Pro Bono Commission.
Maine	1995	Judicial Branch's Performance Council	Under \$5,000	Judicial branch	The judicial branch has produced packets with forms and instructions for several case types and videos on starting a divorce action, mediation and post-judgment motions in family cases. They have also printed pamphlets on various court processes including protection from abuse and small claims. All of these materials are available in courts throughout the state.
Maryland	1996	Supreme court	\$1,000,000	State judiciary	The state's efforts are directed primarily at domestic and family law cases. Forms and information are provided on a toll-free, statewide hotline. At the local level, a variety of legal services organizations provide legal information to litigants. Protective order advocacy and representation projects provide legal assistance to victims of domestic violence and pro se clinics provide legal information and advice.
Michigan	1990	Supreme court	No data	Supreme court, the State Justice Institute and private foundations	The supreme court is addressing the needs and concerns of pro se litigants in a variety of ways. It is developing brochures and other printed materials on court process/operations. It is developing a public education program about the courts including the Telecourt Program. It is also developing pro se forms and instruction packets. To carry out its mission, it is providing customer service training programs for court managers and clerical support staff.

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State	State Date	Sponsor	Budget	Funding Source	Program Description
Minnesota	1996	Supreme court	\$4,000	Minnesota state court administration	The Minnesota Supreme Court's Conference of Chief Judges established committees on the treatment of pro se litigants. These committees directed each of the 10 judicial districts to design and implement their own delivery plans. They further proposed recommendations for each of the 10 judicial districts, including self-help centers, family facilitators, legal advice programs, small claims mediation, law library self-help collections, etc. Another committee, made up of the pro se services coordinators, monitors and oversees the state's ongoing activities.
Missouri	1996	Supreme court	None	Local courts	The Missouri Supreme Court issued guidelines for judicial availability for orders of protection. Court clerks provide assistance in completing family access forms and adult abuse forms. In a pilot county, the adult abuse forms are available on Quickfile, a remote, electronic filing system which permits victims to file a petition for an order for protection from a shelter. The shelter staffs are trained to assist in filing these forms. Funding is being sought to expand this Quickfile system statewide.
New Hampshire	1993	Superior court	No costs		The Superior Court Orientation Program and Education (SCOPE) conducts an informational session for pro se litigants on court rules, forms and pleadings. These sessions are conducted by a member of the clerk's office and a volunteer attorney once a month in every court location throughout the state.
New Jersey	2000	Supreme court; administrative office of the courts	No funding	No	The state is developing uniform written materials to distribute to self-represented litigants in family and small claims courts. These forms will be made available in English and Spanish and on the Internet.
New Mexico	1999	Supreme court; administrative office of the courts	\$274,000	State Justice Institute and the Administrative Office of the Courts	The AOC has created standard legal forms for pro se litigants, available in English and Spanish in both hard copy and on the New Mexico Supreme Court's website. The forms are for use in uncontested domestic relations cases. The forms are currently being pilot tested in five judicial districts. Additionally, the forms are being placed on the Internet in an "interactive format" so that litigants will be able to either print out a blank form, or answer a series of questions and the computer will generate a completed form.
North Dakota	1980's	Office of State Court Administrator	Very minimal	State appropriation	The state court administrator, through a state appropriation, provides written materials in probate and small claims cases.

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State	State Date	Sponsor	Budget	Funding Source	Program Description
Oregon	1999	Legislature and supreme court	All local funding	Local courts	The Oregon Task Force on Family Law created a Family Law Legal Services Commission to evaluate and report on how courthouse facilitation and unbundled legal services might enhance the delivery of family law legal services to low and middle income individuals. The final report of the commission emphasizes several themes. First, the commission accepts, but does not encourage pro se litigation. Second, for courthouse facilitation to be successful, attorney support and oversight is essential. The commission also, to preserve the tradition of local decision-making for counties, recommended that local courts and related bodies assess the need for pro se assistance and design programs accordingly. The full report to the Oregon Legislative Assembly was released in January, 1999.
Pennsylvania	Under study	Supreme court, Pennsylvania Bar Association, law schools, and the executive and legislative branches.			The chief justice has created a task force on the delivery of legal services to study legal services funding and the delivery of services to indigent people.
Utah	1995	Administrative Office of the Court	\$150,000	State	5 Kiosks are located throughout the state to assist pro se civil litigants in the preparation of pro se court documents through electronic means in uncontested divorces and landlord/tenant actions
Vermont	1990	Supreme court		The state judiciary and the executive branch's human services budget	The supreme court has authorized and supported a range of activities to assist pro se litigants. Informational pamphlets and forms are available, classes on self-representation are conducted by local attorneys, attorneys conduct clinics for general advice, video tapes on court processes and litigant's responsibilities are available, customer service classes for court staff are available, and litigants are referred to alternative dispute resolution agencies and other community evaluative services.

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Table 2: Local Program Organizational Characteristics^{*}

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
Arizona						
Self-Service Center Phoenix	1995	Urban	\$250,000	Court operations	Local trial court	Legal services group Local bar association
California						
Alameda County Family Law Facilitator	1997	Mixed, large county	\$300,000	State	Local trial court	Legal services group Law school Bar association
Amador County Family Law Facilitator	1997	Rural	\$40,800	State	Local trial court	None
Los Angeles County Family Law Facilitator	1998	Large urban	\$1,300,000	Federal/state	Local trial court	Legal services group Bar association Parents' rights groups District attorney's office
Calaveras County Office of the Family Law Facilitator	1997	Rural	\$52,100	State	Local trial court	None
Colusa County Family Law Facilitator Program	1998	Rural	\$52,130	State Judicial Council	Local trial court	None
Contra Costa County Family Law Facilitator Self-Help Assistance Program	1997	Mixed	\$260,000	State and county court funds	Local trial court	Bar association Law school

^{*} In summer 1999, AJS surveyed members of state teams who would be attending the National Conference on Pro Se Litigation. The surveys asked for information about local pro se assistance. Tables 2-5 reflect information received by September 27, 1999. Replies received after that date will be added to updated tables that will appear in the post-conference report.

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
California						
Fresno County Family Law Facilitator	1997	Urban/rural	Unknown	State and federal Title IV-D	Local trial court	None
Glenn County Family Law Facilitator	1997	Rural	\$52,000	State	Judicial Council of California	Legal services group Law school Bar association CATALYST (Domestic violence help) Related governmental agencies
Humboldt County Family Court Self-Help Center	1997	Rural	Unknown	State	Local trial court	Legal services group Non-profit groups
Imperial County Family Law Facilitator	1998	Rural	Unknown	State	Local trial court	None
Kern County Family Law Facilitator	1998	Urban/rural	\$330,159	State	Local trial court and the Judicial Council	Law school Bar association
King County Family Law Facilitator	1997	Rural	Unknown	State	Staff attorneys	None
Lake County Family Law Facilitator	1997	Rural	\$52,130	Federal and state reimbursement to county	Local trial court	None
Marin County Family Law Facilitator	1997	Suburban	No data	No data	Local trial court	None
Mariposa County Family Law Facilitator	1998	Rural	Unknown	State and federal	Local trial court	Legal services group Domestic violence crisis center

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
California						
Mendocino County Family Law Facilitator	No data	Rural	Unknown	State	State Judicial Council	Legal services groups Bar association Nonprofit groups – Project Sanctuary and the District Attorney Family Support Unit
Merced County Facilitator Program	1997	Rural	\$80,000	Trial court	Local trial court	None
Mono County	1997	Rural	\$50,000	State	Local trial court	Practicing attorneys
Napa County Family Law Facilitator – Enhanced Program	1997	Rural	\$155,166	State	Local trial court	Community Challenge Grant Non-custodial parent emergency grant Women's services; health services District attorney's family support division
Sierra/Nevada Counties Family Law Facilitator	1997	Rural	\$97,440	State and federal	Local trial courts	Legal services group receives the program grant proceeds and pays the bills, but the court oversees the program
Orange County Family Law Facilitator	1997	Urban	\$486,550	State and federal	Local trial court	Legal Aid Society of Orange County Local law schools
Plumas County Family Law Facilitator	Unknown	Rural	\$52,000	State and federal	Local trial court	None

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
California						
Riverside County Family Law Facilitator	1997	Mixed metropolitan suburban and rural	No data	State/federal and Riverside County Superior Court	Local trial court	None
San Benito County Family Law Facilitator	1997	Rural	\$70,000	1/3 state and 2/3 federal	Local trial court and Judicial Council of California	Local law school
San Bernadino County Family Law Facilitation Center	1998	Mixed-4 large urban areas and rural	\$278,029	State	Local trial court	Legal Aid Society, Inc.
San Diego County Family Law Facilitator	1997	Mixed urban and suburban	\$602,500	State/federal Trial court	Local trial court	Law schools Bar association
San Francisco Superior Court Office of the Family Law Facilitator	1997	Urban	\$250,000	75% state 25% county	Local trial court	Many legal services groups Bar association

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
California						
San Joaquin County Family Law Facilitator	1997	Mixed	\$208,500	State and federal	Local trial court	Bar association
Santa Barbara County Family Law Facilitator	1997	Mixed urban and rural	\$139,014	80% state 20% county	Local trial court	None
Santa Maria County Family Law Facilitator	1997	Mixed	Not available	80% state and federal 20% local	Local trial court	None
Santa Clara County Office of the Family Law Facilitator	1997	Mixed, urban sprawl, suburban and rural	\$400,294	Title IVD Trial court	Local trial court	Legal services group Bar association
Santa Cruz County Family Law Facilitator	1997	Suburban	Not known	2/3 federal 1/3 state	Local trial court State Judicial Council	No data

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
California						
Shasta/Trinity Counties Family Law Facilitator	1997	Rural	\$160,000	State Title IV	Local trial court	No data
Solano County Family Law Facilitator	1998	Mixed	\$150,000	2/3 state 1/3 local court	Local trial court	No data
Sonoma County Family Law Facilitator	1997	Mixed rural	\$121,500	2/3 federal 1/3 state	Local trial court	No data
Sutter County Family Law Facilitator	1998	Mixed	\$52,130	State	Local trial court	None
Tulare County Family Law Facilitator	1997	Rural	\$176,000	State and federal	Local trial court	No data
Tuolumne County Office of the Family Law Facilitator	1997	Rural	\$52,130	State	Local trial court	No data
Yuba County Family Law Facilitator	1998	Rural	\$52,130	State	Local trial court	No data
Colorado						
Arapahoe County Justice Center Pro Se Resource Center	1996	Suburban	\$23,000 - \$25,000	State legislature	State and local bar association	Local bar associations

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
Colorado						
Denver County District Court Information and Referral Office	Unknown	Urban	Unknown	Grants	Local trial court and the bar	Bar association
Jefferson County Combined Court Self-Help Center	1998	Suburban	\$36,805	State court administrator	Local trial court	None
El Paso County Combined Court Pro Se Clinic	1993	Urban	\$80,000	District funds and state court administrator	Bar association and state court administrator	Legal services groups Bar association
Mesa County Combined Court Court Assistance Project	1998	Mixed urban and rural	\$32,500	State judicial budget	Local trial court	Legal services groups Bar association Pro Bono Resource Center
Delaware						
Justice of the Peace Court	No data	Statewide	No data	Grants from the Delaware Supreme Court and the State Justice Institute	No data	No data
New Castle County Superior Court Information Booth	1998	Mixed	No data	No data	Local trial court	None
Family Court of Delaware	In progress	Mixed	No data	General operating budget	State family court	Legal services Law school Bar associations Nonprofit groups
Delaware Volunteer Legal Services	1989	Mixed	\$179,234	Lawyers' trust grants in aid Individual contributions	Legal services	Law School Bar association
Community Legal Aid Society, Inc.	No data	Mixed	No data	Federal, state and private grants	Legal Aid Society	Legal services groups

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
Florida						
4 th Judicial Circuit Court Clay, Duval and Nassau Counties Family Court Services	1993	Mixed	\$450,000	State and county	Local trial court	Legal services group Bar association
4 th Judicial Circuit Court County Court Mediation	1995	Mixed	\$76,000	Court filing fees	Local trial court	Bar association Interested citizen groups
11 th Judicial Circuit Family Division Dade County Courts Family Court Self-Help	1997	Urban	\$285,000	Sales of forms and manuals In-kind from Legal Aid and the court	The Legal Aid Society of the Dade County Bar Association	Legal services; court
6 th Judicial Circuit Court Pinellas and Pasco Counties Pro Se Office	1998	Mixed	No data	State	State administrative office of the court	Pro Se Advisory Committee established by Chief Judge
1st Judicial Circuit Escambia, Okaloosa, Santa Rosa, and Walton Counties Self-Help Center	1994	Mixed	\$206,176	Family Court Trust Fund and County	State administrative office of the court	Legal services
Hawaii						
Ho'okele Court Navigation Pilot Project	2000	Mixed	\$460,000	State Legislature Judiciary Courts and Grants	Local trial courts	Legal services Bar association
Family Court, First Circuit Honolulu	1997	Mixed	No data	No data	Family court	No data

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
Idaho						
Court Assistance Offices in: Latah County, Bannock County, Gooding County and Idaho Falls	July, 1999	Mixed	Statewide funding to each of these 5 counties as a 6 month pilot project. Total of \$174,398	State Justice Institute; State Dept of Health; Idaho Supreme Court; and local county matching funds	State supreme court	Legal services Law school Bar association
Illinois						
18 th Judicial Circuit Court DuPage County Court advocates	1997	Suburban	\$280,000	Grants	Family Shelter Service	DuPage County Domestic Violence Advisory Board Court support
Circuit Court of Cook County Probate Division Unified Family Court Pilot Project Guardianship Assistance	1995	Urban and suburban	No separate budget	NA	Local trial court Bar Volunteers	Bar association Juvenile probation department Court clerk's office Adult probation office
Adoption Assistance Circuit Court of Cook County	1996	Urban	\$35,000-\$40,000	Contract payments per case from the state, attorneys are advancing actual costs until reimbursement	Chicago Bar Foundation Volunteers	Bar association State Department of Children and Family Service
Unified Family Court Family Safety Case Management Circuit Court of Cook County	1998	Suburban	No separate funding; Research grant	Grant from the Chicago Bar Foundation	Local trial court	Bar association Local area networking groups Local police department
Coordinated Advice and Referral Program for Legal Services (CARPLS) Circuit Court of Cook County	1993	Urban	\$51,230	Grants and Lawyers Trust Fund	CARPLS	Legal service groups Law school Bar association
Advice Desk Tenant Pre-Judgment Program Circuit Court of Cook County	1996	Urban	\$550,154	Court Law school/university Private grants	Local trial court IIT/Chicago-Kent College of Law	Law school Local court

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
Illinois						
Court Facilitation Program Circuit Court of Cook County	1997	Urban	No separate budget	Regular court budget	Volunteers	Law trial court Volunteer attorneys
Pro Se Court for Small Claims Circuit Court of Cook County	1992	Urban	Unknown	County court	Local trial court	Legal services Law school
Indiana						
Tippecanoe County Court Small Claims Mediation	1993	Urban	10% of one staff person's time	County general fund	Local trial court	None
Porter Superior Court Small Claims Mediation	1998	Mixed	None	NA	Law school	Law school and trial court
Madison County Court Introduction to Small Claims Court	1997	Mixed	\$5 - \$15 per workshop (photocopy cost)	Court budget and small fee charged by local university when hosting individuals	Individual judge	None
Bartholomew Circuit County Legal Aid	1980's	Rural	No data	United Way	Legal Aid	Bar association
Posey Circuit Court	1983	Rural	No data	County and the Bar	Local trial court	Bar association
Louisiana						
Baton Rouge City Court Pro Se Divorce Clinic	1993	Suburban and rural	Unknown	Interest on Lawyers Trust Accounts (IOLTA), Legal Services Corporation	Bar Volunteers	Bar association
Baton Rouge Bar Foundation Pro Bono Project	1984	Urban and suburban	\$105,500	Federal grants Bar association Filing fees Interest on Lawyers Trust Accounts	Baton Rouge Bar Foundation	Law school Non-profit agencies Legal services corporation
Capital Area Legal Services Baton Rouge	No data	Mixed	No data	National, state and local grants	Legal Services Corporation	No data

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
Maine						
Pine Tree Legal Assistance Courthouse Assistance Project	1967	Mixed	Not available	Federal, state, grants	Legal Assistance	Law school Legal services
Portland District Court Courthouse Assistance Project	1991	Mixed	None	Grants Pine Tree Legal Assistance	Pine Tree Legal Assistance	Local court Pine Tree Legal Assistance
Pine Tree Legal Assistance Courthouse Assistance Project	1967	Mixed	Not available	Federal State Grants	Legal Assistance	Law school Legal services
Portland District Court Courthouse Assistance Project	1991	Mixed	None	Grants Pine Tree Legal Assistance	Pine Tree Legal Assistance	Local court Pine Tree Legal Assistance
Maine District Court-Bath Lawyer for the Day Program	1994	Mixed	\$8,640	Judicial department Appointed counsel account	Local trial court	No data
Maryland						
University of Maryland School of Law Family Law Assisted Pro Se Project	1994	Mixed, 3 counties	\$120,00 over 2 years	One year grants to law schools from Court of Appeals and Circuit Courts	Law school	Judges; domestic case masters Supervising faculty members Clerk's office Maryland rules committee Women's Law Center Local bar associations Pro bono attorneys
Circuit Court for Carroll County Court House Advice Clinic	1997	Rural	\$12,000	State AOC	Local trial court MD Volunteer Lawyers Service Family Law Assistance Program	Legal service group Bar association

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
Maryland						
Somerset County Circuit Court Pro Se Litigants Assistance Program	1999	Rural	\$3,000	State AOC	Family Support Services	Bar association States attorneys office Social services
Montgomery County Circuit Court Pro Se Project	1994	Suburban	\$129,400	State AOC	Local trial court	Bar association
Massachusetts						
East Boston Court Harvard Defenders	1984	Urban	Unknown	Harvard Law School	Harvard Law School	Law school
Harbor Communities Overcoming Violence	1982	Urban	\$500,000	State and federal governments	Volunteers and Government	Greater Boston Legal Services
Housing Court Department Boston Division	1999	Urban	In Kind	Local court	Local housing court	Boston Bar Association Law school
Housing Court Department Hampden Division	1998	Mixed	No data	No data	Local housing court and bar	Boston Bar Association
Suffolk Probate and Family Court Volunteer Lawyer for the Day	1990	Urban	Unknown	Bar association	Local trial court Bar	Bar association
Boston Municipal Court Informal Program	No data	Urban	No data	No data	No data	No data
Michigan						
17 th Circuit Court Personal Protection Office	1995	Mixed	Unknown	General county fund	Local trial court	None
54 th Judicial District Friend of the Court	1993	Rural	\$750	Friend of the Court fund, user fees of \$5 for program and \$20 for purchase of Pro Per packet	Friend of the Court	None
Wayne County Probate Court Pro Se Court	No data	Urban	Don't Know	Court budget	Local trial court	No data
Minnesota						
Third Judicial District Pro Se Program	No data	Mixed 11 counties	Unknown, each of 11 counties has its own budget	County funds	Local trial court	No data

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
Mississippi						
Hinds County Chancery Court Pro Se Divorce Clinic	1999	Urban	Unknown	Court; in-kind donations; ad hoc donations; Volunteer lawyers assistance program	Local trial court	Legal services group Bar association
Missouri						
Jackson County Circuit Court Quickfile	1999	Urban	\$30,964	Grant from Missouri Department of Public Safety	Local trial court	Legal aid; shelters; Local law enforcement; Prosecutor's office Community councils
Montana						
Legal Services Association Dissolution Clinic	1995	Suburban	Unknown	Unknown	Volunteer attorneys	Unknown
13th Judicial District Court Yellowstone Co. Bar Association Family Law Project	1995	Mixed	Unknown	Montana Legal Services	Bar Legal services	Legal services Bar association
1 st Judicial District Court State Law Library Advice Clinic	1998	Mixed	Unknown	Montana Legal Services State law library	Volunteers Montana Legal Services	Legal services Bar association State law library
4 th Judicial District Court Family Law Advice Clinic	1996	Mixed	\$14.00 +	Montana legal Services - 1/3 county government - 1/3 local bar - 1/3	Montana Legal Services	Bar association County government
Nebraska						
Lancaster County Court Lincoln/Lancaster Mediation Center	1992	Mixed, mostly urban	\$161,000	Legislature - 30% Non-profits - 3% Service fees - 67%	Private, nonprofit group	State court administrative office

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
Nevada						
First Judicial District Court Self Help Divorce Clinic	1999	Rural	No data	Bar association Legal services Nonprofit groups	Volunteer Attorneys for Rural Nevadans	None
Second Judicial District Court Family Facilitator	1998	Urban	\$66,432	General fund	Local trial court	None
Seventh Judicial District Appointed Counsel	No data	Mixed	No data	Filing fees	Local trial court	Local bar
Fourth Judicial District Court Access to Justice	1995	Mixed	No data	Grants and court	Local trial court	Bar association
Eighth Judicial District Court • Self Help Legal Classes	1995	Urban	\$85,000	Grants Law school Private donations	Legal Services and law school	Legal services; Law school; Local court
• Legal Services	1960	Urban	\$1,000,000+	County and state legal services	Legal services	No data
• Family Law Self-Help Center Clark County	1999	Urban	\$760,000	County	Court administration	Legal services; Law school; State bar
New Hampshire						
Portsmouth Family Division Court Pilot Project	1996	Suburban	Not available	NH Judicial budget	Local trial court	No data
New Jersey						
Superior Court-Essex Vicinage Office of the Ombudsman Information and Community Relations Center	1998/1997	Mixed Urban and suburban	\$135,000	Local trial court	Local trial court	Law schools
Superior Court-Camden Vicinage • Family Part Pro Se Assistance Program	1989	Urban and suburban	No separate budget	Trial court budget	Local trial court Rutgers Law Project	Legal services group Bar association Law school
• Ombudsman Program	1996	Urban and suburban	\$79,000	Local trial court	Local trial court	Nonprofit groups
New Mexico						
Third District Court Pro Se Service Center	1998	Mixed	No data	Local court funds	Local trial court	Bar association

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
New Mexico						
Eleventh District Court Pro Se Divorce Program	1996	Rural	No data	No data	Local trial court	Legal services group County and state governments
Eleventh District Court Pro Se Clinic	1999	Mixed	\$20,000	General court funds	Local trial court	Legal services group
Second District Court Pro Se Division	1995	Primarily urban	\$46,000 approximately	District Court Legislative appropriation	Local trial court	Bar association
New York						
Civil Court, City of New York Resource Center	1969	Urban	Not a separate budget	Court operations	Local trial court Bar	Law school Bar association
Supreme Court - Civil Office of the Self Represented	1997	Mixed	No data	Court budget	Local trial court	Legal services group Bar association Network for Women's Services
North Carolina						
26 th Judicial District Self-Serve Center	1999	Mixed	\$167,00+	State; county; city Grants	Local trial court	No data
Ohio						
Northeast Ohio Legal Services Volunteer Advocacy Legal Unit	1991	Mixed	Not available	Ohio Legal Assistance Foundation	Legal services	Junior League Court of Common Pleas
Wooster Legal Aid Society "Do It Yourself Divorce Clinic"	1994	Rural	\$400 - \$500 in materials	General grant income and program application fees	Local legal services/aid programs	Local judges Court clerks
Athens Legal Services Poverty Prevention Legal Clinic	1997	Rural	Donations	County Department of Human Resources, Ohio Legal Assistance Foundation, and Southeastern Ohio Legal Services	Bar	Legal services groups County Department of Human Resources Ohio Legal Assistance Foundation

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
Ohio						
Toledo Bar Association Pro Bono Legal Services Program	1994	Urban	About \$6,500	Toledo Bar Association	Bar	Bar association
Hamilton County Pro Seniors, Inc. Legal Hotline	1992	Mixed	Cannot separate budget out	Privately funded	Staff of Pro Seniors, Inc.	Council on Aging
Oklahoma						
District Court of LeFlore County Informal Program	No data	Rural	No data	Local court	Local trial court	No data
Oregon						
Deschutes County Circuit Court Pro Se Dissolution	1997	Mixed	No data	Local court budget	Local trial court	Legal services group Bar association Domestic relations mediation group
Union County Circuit Court (No name)	1998	Rural	No data	Court filing fees; grant	Local trial court	Legal services group Bar association County
Marion County District Court Dissolution Resource Services	1996	Mixed	No data	Absorbed in court budget	Local trial court Bar Volunteers	Legal services group Bar association
Pennsylvania						
Allegheny County Pro Se Family Law Motions Project	1997	Mixed	No data	Absorbed in court budget	Local trial court Bar Volunteers	Legal services Bar association
Texas						
Bexar County Civil District Courts (San Antonio) Staff Attorney and SABA Pro Bono Referral Program	1999	Urban	\$60,000	County	Local trial court Bar	Bar association for referrals
Tarrant County Family Court Black Women Lawyers Pro Bono Clinic	early 1990's	Mixed	None	West Texas Legal Services	Bar Volunteers Black Women Lawyers	Legal services Bar association

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
Utah						
Automated Pro Se Legal Assistance Project	1995	Statewide	\$150,000	State legislature	State AOC and a policy board established by rule	Legal service group Bar association
Court Information Line	1998	Statewide	Unknown	State general fund	State AOC	No data
Third District Court Domestic Violence Assistance Program	1998	Urban	\$50,000	Court budget	Local trial court	Legal services Bar association Nonprofit groups
Tuesday Night Bar	1988	Statewide	Self-sufficient	None	Bar	Bar association
Vermont						
Washington County Family Court Mandatory Pro Se Education Class	1995	Mixed rural and small town	No data	Grants and court budget	Local trial court	Bar association
Washington County Family Court Domestic Violence Educational Program	1992	Mixed	All volunteers	Not applicable	Local trial court	No data
Virginia						
Central Virginia Legal Aid Pro Bono Hotline	1992	Mixed	No data	Bar association United Way	Bar volunteers Central Virginia Legal Aid	Legal services group
Legal Services of Northern Virginia Court Outreach	1997	Suburban	No data	No data	Legal services	Legal services Bar association
Washington						
Whatcom County Superior Court Family Law Facilitator Protection Orders	1986	Rural	\$42,000 – Facilitator \$50,000 – Protection orders	Facilitator-Filing fees Protection orders – General fund	Local trial court Bar	Bar association Nonprofit groups
Washington State Office of Administrative Hearings First in Touch (FIT)	1998	Mixed	No separate program costs	State Office of Administrative Hearings	Office of Administrative Hearings	Legal services group Law school Bar association Client agencies

State	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners
Washington						
Kitsap County Superior Court Courthouse Facilitator	1995	Mixed	\$60,000	Filing fee surcharge Sale of materials State	County clerk	Legal services group Bar association YWCA and other nonprofits
West Virginia						
Kanawha County Circuit Court Family Law Clinic Legal Aid Society of Charleston	1988	Mixed	Not determined	Legal Aid Society	Legal Aid Society	Legal services groups
Bankruptcy Court Southern District Legal Aid Society of Charleston	1990	Mixed	Not determined	Legal Aid Society	Legal Aid Society	Legal services groups
Circuit Court of 3 Counties WV Legal Services Plan	1992	Rural	Not determined	WV Legal Services Plan	WV Legal Services Plan	Legal services groups
Wisconsin						
Richland County Circuit Court The Resource Center, Inc.	1998	Rural	\$4,000	State bar grant; Family preservation funds; Local labor unions; Nonprofit organizations	Nonprofit organization – The Resource Center, Inc.	Bar association
Milwaukee County Circuit Court Pro Se Form Assistance Center Family Justice Clinic	1998	Urban and suburban	No data	No data	Volunteers	Bar association Law school Domestic violence task force
Eau Claire County Circuit Court Informal program	No data	Mixed	No data	No data	No data	Legal clinic of bar association Women's shelter group
Wyoming						
State Bar Pro Bono Volunteer Program Legal Services, Inc.	1997	Rural	No data	No data	Wyoming Legal Services Bar	WY State Bar Foundation WY Legal Services
Wyoming Legal Services	1997	Statewide	No data	National Legal Services	Wyoming Legal Services	Legal services
4 th Judicial District Sheridan County Bar Pro Bono	1997	Rural	No data	No data	Bar Volunteers	Bar association

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Table 3: Local Program Descriptions

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Arizona			
Self-Help Center Phoenix	Child custody; support; divorce; domestic abuse; guardianship; juvenile; orders of protection; and wills and estates	This in-court service center provides court information, court forms, and instructions. The center has more than 430 forms and instructions grouped in packets by process-and professional service rosters, including lists of lawyers and mediators. On-site attorneys provide ½ hour of advice through the Family Lawyers Assistance Project – a joint effort of the Maricopa County Bar Association and Community Legal Services	Forms and instructions Informational brochures and videos Staff answer questions Pro bono assistance; legal referrals; mediation Library access Office machines
California			
Alameda County Family Law Facilitator	Child custody; support divorce; domestic abuse	In two locations, Oakland and Hayward, program assists the court on calendars with large numbers of pro se litigants; provides several workshops per week on starting dissolution and paternity actions; responds to district attorney support cases; and brings motions for child support, custody, etc.	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance; domestic violence assistance Pro bono assistance; legal referrals; mediation Legal clinics; self-help desk
Almador County Family Law Facilitator	Child support; paternity; health insurance issues	The office assists pro se litigants regarding child support, health care issues, and paternity establishment	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance; domestic violence assistance Legal referrals

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
California			
Los Angeles County Office of Family Law Facilitator	Child custody, spousal support and health insurance issues	Assists parties with child support, spousal support and health insurance issues. The staff meets with parties individually to attempt to resolve their support issues. The staff does not give legal advice nor does it represent a party in an action. The office serves parties referred by the courts, through appointments at most court locations and walk-in parties. The office refers parties to the district attorneys office, Family Court Services, and other community agencies. It screens parties to receive a court appointed attorney and mediates child support, spousal support and health insurance issues.	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance; legal referrals; mediation Conducts community education programs for local parents' groups, bar associations and legal aid organizations
Calaveras County Office of the Family Law Facilitator	Child support; divorce; and paternity	This program was originally available to participants two six-hour days per week. Services have been expanded to five days a week utilizing trained support staff. Individual appointments are available to persons with matters pertaining to child support, spousal support, day care reimbursement and health care reimbursement, and paternity. Service is offered over the phone, by mail and fax and in a classroom format. Referrals are made to other community programs and services.	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance; legal clinics; legal referrals Mediation support
Colusa County Family Law Facilitator Program	Child custody and support Divorce Domestic abuse	The facilitator is a contract attorney who on a part time basis provides assistance to pro se litigants. The court clerk is available to answer questions and make referrals.	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance; legal clinics; legal referrals
Contra Costa County Family Law Facilitator Self-Help Assistance Program	Child custody and support Divorce Domestic abuse Orders of protection	This center is a multi-faceted program established for self-representing litigants to provide educational materials; to distribute and help fill out court forms; to provide computer generated child and spousal support calculations; to prepare orders after hearing; and to refer parties to community agencies and other resources for legal advice.	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance re proper completion of forms Domestic violence assistance Self-help assistance workshops Legal referrals; mediation services Self-help center; law library

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
California			
Fresno County Family Law Facilitator	Child custody and support Divorce Domestic abuse	The facilitator assists unrepresented litigants in family law matters related to child support, spousal support and health insurance. The staff gives information and helps litigants prepare and file paperwork. The staff also acts as a liaison between the district attorney family Support unit, the clerk's office and other community agencies.	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance Domestic violence assistance
Glenn County Family Law Facilitator	Child custody and support Divorce Domestic abuse Social security	The facilitator conducts weekly workshops on how to file a divorce, how to conclude a divorce, how to establish paternity and modify custody, visitation and support orders. The facilitator also runs child support calculations, provides handouts, brochures and referrals to other agencies.	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance Domestic violence assistance Pro bono legal assistance Legal clinics and referrals Self-help center
Humboldt County Family Court Self-Help Center	Adoption Child custody and support Divorce; Guardianship Domestic abuse Orders of protection	The center makes available instruction manuals on substantive law and procedure in family law and provides research materials and a full service library. The center also conducts instructional workshops and refers parties to governmental agencies and community based organizations.	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance Domestic violence assistance Pro bono legal assistance; mediation Legal clinics and referrals Self-help center and law library
Imperial County Family Law Facilitator	Child support Spousal support Health insurance issues	The family law facilitator meets individually with persons requiring assistance in choosing and filling out forms in connection with child support, spousal support and health insurance. Assistance is provided in Spanish to the many Spanish-speaking parties.	Forms and instructions Staff to answer questions Pro bono legal assistance Legal referrals Self-help center and law library
Kern County Family Law Facilitator	Adoption (minimal) Child and spousal support Divorce Domestic abuse Guardianship (minimal) Orders of protection DA child support UIFSA cases	The facilitator assists parties with forms and procedures on how to access the court and obtain orders. The services are delivered one on one in the Bakersfield office and by appointment in other rural sites in the county. Referrals are made by the clerk, judges, and attorneys. Typewriters, word processors, judicial council forms software, and child support software are available in a self-help area. Sample packets, check lists and blank forms are available in the outlying areas.	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance Domestic violence assistance Legal referrals Self-help center and law library

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
California			
King County Family Law Facilitator	Child custody and support Divorce; guardianship Domestic abuse Landlord/tenant	The facilitator operates a clinic with scheduled appointments and walk-ins. Spanish speaking parties are asked to bring their own interpreters.	Forms and instructions Staff to answer questions Paralegal volunteer assistance Legal referrals; Self-help area Attorney assistance
Lake County Family Law Facilitator	Child support; divorce; health insurance issues; voluntary declarations of paternity	The facilitator, under Title IVD of the Social Security Act, helps parties with matters involving child support, spousal support, voluntary declarations of paternity and health insurance problems. The office works closely with the district attorney's family support division to resolve issues of current and past due child support payments.	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance Pro bono legal assistance Legal referrals; mediation
Mariposa County Family Law Facilitator	Child custody and support Divorce Domestic abuse Guardianship	Office provides assistance to self-represented litigants in family law matters, particularly in child support matters.	Forms and instructions Informational brochures and videos Staff to answer questions Minimal paralegal assistance Self-help center Office machine use
Mendocino county Family Law Facilitator	Child custody and support Divorce Domestic abuse Guardianship Orders of protections	The program assists pro se litigants in family law matters by preparing pleadings, explaining court procedures, and by assisting parties in resolving child support disputes informally with the district attorney's family support unit.	Forms and instructions Informational brochures and videos Staff to answer questions Domestic violence assistance Legal referrals; mediation Law library Office machine use
Marin County Family Law Facilitator	Child custody and support Divorce Domestic abuse	The program assists pro se litigants with procedural and legal information regarding child support. Sample forms are provided and help provided in completing legal forms for dissolution, custody, visitation and support, parental relationships, modification of orders and domestic violence restraining orders. The facilitator does outreach to the county jail, domestic violence organizations, schools and local community groups.	Forms and instructions Informational brochures and videos Staff to answer questions Domestic violence assistance Legal clinics; mediation Office machine use

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
California			
Merced County Facilitator Program	Adoption Child custody and support Divorce Domestic abuse	The program provides attorneys to give technical assistance to pro se litigants. No legal advice is given and there is no confidentiality	Staff to answer procedural questions Law library
Mono County Family Law Facilitator	Child custody Divorce Wills and estates	The Superior Court contracts with a Center for Settlement Services and its executive director, who is an attorney with special training in mediation and family law matters. This facilitator assists parents in resolving child and spousal support and health insurance issues that arise when parents separate. Priority is given to parents who cannot afford to hire an attorney.	Forms and instructions Informational brochures and videos Staff to answer questions Self-help center in progress Mediation Office machine use
Napa County Family Law Facilitator – Enhanced Program	Child custody and support Divorce Domestic abuse	The program helps all pro se litigants represent themselves in family law matters. These include child custody/visitation, child support initial orders and modifications. These matters are handled at a workshop. When family issues are complex, the facilitator schedules individual appointments. The office also offers a jail outreach project to provide information and legal assistance to the jail population concerning their parental rights and responsibilities.	Forms and instructions Informational brochures and videos Staff to answer questions Domestic violence assistance Self-help center Mediation; paralegal assistance Pro bono legal assistance Legal clinics; legal referrals; law library
Sierra and Nevada Counties Family Law Facilitator	Child and spousal support Health insurance for children Paternity and time share	The facilitator offers assistance in all family related matters by explaining court procedures and helping prepare documents. Upon referral from a judge the facilitator mediates other family law issues and refers parties to attorneys upon need.	Forms and instructions Informational brochures and videos Staff to answer questions Domestic violence assistance Self help center; mediation; paralegal assistance; pro bono legal assistance Legal clinics; legal referrals; law library Travel to rural pockets to provide assistance

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
California			
Orange County Family Law Facilitator	Child custody and support; divorce; parental relationship	The office prepares and provides "How To" packets of forms for restraining orders, dissolutions, paternity and orders to show cause. Workshops are conducted, including a video on preparation of pleadings and the court process. One day is devoted to Spanish-speaking litigants. Facilitators regularly participate in workshops conducted by the Legal Aid Society. This is a full service office that prepares documents, filings, sets dates for hearings and serves papers. The facilitator is developing a public kiosk.	Forms and instructions; informational brochures and videos; staff to answer questions; domestic violence assistance, self-help center; mediation; paralegal assistance; volunteer attorneys provide legal assistance and make referrals of unbundled services to attorneys; legal clinics; legal referrals; interpreters
Plamas County Family Law Facilitator	Child support; paternity	No data	Forms and instructions; informational brochures and videos; staff to answer questions; paralegal assistance; legal referrals; mediation; office machine use
Riverside County Family Law Assistance Center	Child custody and support Divorce Domestic abuse	Attorneys are available in each family law court in the county to assist unrepresented parties in selecting and completing the necessary forms to put their issues in court. The attorneys help them to represent themselves. This assistance is given in appointment and workshop settings. The family law clerks, judicial office assistants and examiners review forms prepared and assist the parties in getting their documents ready for filing and serving	Forms and instructions Informational brochures and videos Staff to answer questions Domestic violence assistance Legal clinics Self-help center Mediation
San Benito Family Law Facilitator	Child support Spousal support Health insurance issues	The facilitator explains the law, helps parents complete forms, explains how to process forms and obtain a court hearing. The facilitator also refers parents to community agencies	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance Self-help center

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
California			
San Bernadino County Family Law Facilitation Center	Child custody and support Divorce Domestic abuse	This program operates full time in the central courthouse in San Bernadino and part time in outlying courthouses. The participants in the program come in on a drop-in basis. Individual help is provided, as well as forms and samples.	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance Domestic violence assistance Legal referrals; legal clinics Self-help center Mediation Legal consultation
San Diego County Family Law Facilitator	Child custody and support Spousal support Divorce and legal separation Domestic abuse Orders of protection Parentage actions	The office assists self-represented litigants in selecting appropriate forms, helps them complete the forms and instructs them in proper procedures.	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance Domestic violence assistance Legal referrals; legal clinics Legal assistance, not representation Self-help center
San Francisco Superior Court Office of the Family Law Facilitator	Child custody and support Divorce Domestic abuse Guardianship; juvenile law Orders of protection	The office provides assistance during 6 weekly support calendars and 3 weekly custody/visitation calendars. It provides individual assistance during drop-in hours and appointments in mediation of child and spousal support disputes. The office develops and distributes educational materials and conducts workshops on how to get a court date for custody and visitation issues. It also makes community referrals and does outreach.	Forms and instructions Informational brochures and videos Staff to answer questions and substantive questions Paralegal assistance Domestic violence assistance Legal referrals to pro bono attorneys Legal assistance, not representation Law library Mediation
San Joaquin County Family Law Facilitator	Child custody and support Divorce Domestic abuse Guardianship Orders of protection	The Family Law Facilitator is available 5 days a week on a walk-in basis or by appointment. The majority of time is spent helping both custodial and non-custodial parents in child support matters. In addition, there is a Family Law Pro Per Assistance program which is held daily from noon to 4:00 PM where unrepresented parties are assisted on a one-on-one basis with their forms.	Forms and instructions Informational brochures and videos Staff to answer questions Domestic violence assistance Legal referrals; legal clinics Self-help center

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
California			
Santa Barbara County Family Law Facilitator	Child custody and support Divorce Domestic abuse Orders of protection Spousal support Health insurance issues	The Family Law Facilitator is an attorney who assists parties with the completion of forms and provides them with information on how to prepare for hearings. The office does not provide legal representation.	Forms and instructions Informational brochures and videos Staff to answer questions Domestic violence assistance Pro bono legal assistance Lawyer referral service Law library Mediation
Santa Maria County Family Law Facilitator	Child support Spousal support Parentage Health insurance issues	The facilitator meets with pro per litigants by appointment to provide instructional materials required for initiating a hearing. New appointments are scheduled to review pleadings for accuracy and completeness. Periodic outreach programs are conducted.	Forms and instructions Informational brochures and videos Staff to answer procedural questions Domestic violence assistance Self-help center
Santa Clara County Office of the Family Law Facilitator	Child custody and support Domestic abuse Government child support issues	Beyond the mandated and optional services of the office, the facilitator maintains a connection to the welfare and support of children by assisting with emergency custody. The office has developed written and video resources to help parents in related areas where the office cannot directly assist, e.g. protection orders and divorce.	Forms and instructions Informational brochures and videos Staff to answer procedural questions Domestic violence assistance Legal clinics; Legal referrals; Self-help center; Mediation
Santa Cruz County Family Law Facilitator	Child support Spousal support Health insurance	The program helps litigants process forms, provides education in the law, and makes community referrals.	Forms and instructions Informational brochures Staff to answer procedural questions Paralegal assistance Legal referrals Mediation
Shasta/Trinity Counties Family Law Facilitator	Child support	The program offers informational assistance in family support cases including filling out forms and referral to other agencies.	Forms and instructions Informational brochures Staff to answer procedural questions Paralegal assistance
Solano County Family Law Facilitator	Child custody and support Divorce Domestic abuse	The program explains court procedures; assists in filling out papers; mediates differences of opinion; and helps prepare orders, but does not give legal advice.	Forms and instructions; informational brochures; staff to answer procedural questions; paralegal assistance; domestic violence assistance; legal clinics; legal referrals; self-help center mediation

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
California			
Tulare County Family Law Facilitator	Child custody and support; divorce; domestic abuse	The program teaches classes to pro se litigants on how to prepare form pleadings in cases related to child and spousal support. They meet with litigants to help research child support issues and create and distribute materials on how to establish paternity and child support orders. The program further helps non-custodial parents establish custody and visitation orders.	Forms and instructions Informational brochures Staff to answer procedural questions; Domestic violence assistance
Tuolumne County Office of the Family Law Facilitator	Child support Divorce Paternity	The office provides services four days a week using trained support staff. Individual appointments are available to persons with matters pertaining to child support, spousal support, day care reimbursement and health care reimbursement, and paternity. The office also offers assistance over the phone, by mail and fax and in a classroom format. The office makes every attempt to make appropriate referrals to other community agencies.	Forms and instructions Staff to answer procedural questions Paralegal assistance Legal clinics Legal referrals Mediation
Yuba County Family Law Facilitator	Child custody and support Divorce Domestic abuse Health insurance Paternity	The facilitator, an attorney, is available to explain court procedures, and how to establish, modify and enforce support orders. Assistance is also provided in selecting and completing the proper forms, calculating support amounts, in establishing paternity, and in making referrals to community agencies.	Forms and instructions Informational brochures Staff to answer procedural questions Domestic violence assistance Pro bono legal assistance Legal clinics and referrals Law library
Colorado			
Arapahoe County Resource Center Pro Se Resource Center	Child custody and support Probate (beginning FY2000)	The resource center is equipped with workspace, a computer and a vast array of reference materials, community resource brochures, and information on legal aid. Child support guidelines and software are available for calculating figures. The pro se coordinator assists with procedural information on dissolutions and post decree modifications and checks forms for accurate completion before filing. Videos entitled "A Guide to Pro Se Divorce" are available in English and Spanish. The center also provides divorce clinics through local bar associations.	Forms and instruction Informational brochures and videos Legal clinics Legal aid referrals Self-help center Mediation

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Colorado			
Denver County District Court Information and Referral Office	Child custody and support Divorce Domestic abuse	A paralegal is on site daily to assist pro se parties by selling appropriate forms, assisting in filling out forms and offering a pro se video for viewing. Volunteer attorneys provide 1 ½ hour divorce clinics twice a month at the court. Mediation assistance is also available.	Forms and instruction Informational brochures and videos Staff to answer procedural questions Paralegal assistance Legal clinics Self-help center Mediations
Jefferson County Combined Court Self-Help Center	Child custody and support Divorce Juvenile law Orders of protection Civil Debt collection Landlord/tenant	The center provides resource referrals; sets all of the non-contested dissolution hearings; checks forms for completeness; has daily contact with litigants; conducts workshops and clinics; and creates new forms, instruction sheets, and informational flyers.	Forms and instruction Informational brochures and videos Staff to answer procedural questions Legal clinics Law library Mediation Referrals to appropriate agencies
El Paso Combined Court Pro Se Clinic	Child custody and support Divorce	The local domestic bar holds two clinics a month to answer questions about the filing of dissolution, custody and support actions. An additional clinic has been added for those parties in the final stage of the dissolution process	Forms and instructions available for purchase, free on the Internet; informational brochures and videos; domestic case manager answers; procedural questions; domestic violence assistance; self-help center; law library; mediation
Mesa County Combined Court Court Assistance	Child custody and support Divorce Domestic abuse	The office is involved in the pro se family court case from the time it is filed until the time of the final orders hearing and post decree. The coordinator reviews the pleadings, answers procedural questions, and reviews requirements to ensure quick and efficient case resolution. Litigants are also helped with motions, child support worksheets, and are offered resource information about ADR, counseling, and other programs available. The coordinator answers questions about what to expect in the courtroom	Forms and instructions Informational brochures and videos Staff to answer procedural questions Send domestic violence cases to local daily clinic Legal assistance Referrals to legal services Legal clinics put on by rural legal services program Law library accessibility

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Delaware			
Justice of the Peace Court	General civil Landlord/tenant Criminal	The office prepares and distributes informational materials for pro se litigants. Most of the materials are free; nominal fees are charged on others.	Forms and instructions Informational brochures
New Castle County Superior Court Information Booth	All types	The booth, staffed by court employees, provides information and forms to pro se litigants.	Forms and instructions Informational brochures Staff to answer procedural questions
Family Court of Delaware	All types	Plans are underway to develop a center for self-represented litigants, an access center, with staff to answer questions, provide forms and instructions and to provide access to unbundled legal services	Forms and instructions Informational brochures Staff to answer questions Unbundled legal services Legal referrals
Delaware Volunteer Legal Services	Most family law matters Most civil, no criminal	The Delaware Volunteer Legal Services (DVLS), a nonprofit corporation provides pro bono legal services to indigent persons with meritorious legal problems.	Forms and instruction Staff to answer procedural questions Domestic violence assistance Pro bono legal assistance Legal clinics and referrals
Community Legal Aid Society, Inc.	Child custody Domestic abuse Landlord/tenant Door to door sales Assistive technology	The society develops and makes available several brochures providing information to pro se litigants	Informational brochures
Florida			
4 th Circuit Court Clay, Duval and Nassau Counties Family Court Services	Orders of protection	The program provides general resource information to unrepresented litigants involved in family law cases along with intake, screening, and case management services for all family law cases. Legal clinics are provided in cooperation with the Jacksonville Bar Association and Area Legal Aid.	Forms and instructions Staff to answer procedural questions, not legal information Paralegal assistance Limited pro bono services Legal clinics Legal referrals Self-help center Law library Mediation Case management

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Florida			
4 th Judicial Circuit Court County Court Mediation	Non-family small claims	The program provides pro se litigants with an opportunity to settle disputes with mediation during the pre-trial stage. The program holds public speaking engagements to increase awareness of the availability of the program	Informational brochures and videos Staff to answer procedural questions Mediation
11 th Judicial Circuit Family Division Dade County Courts Family Court Self Help	Child custody and support Divorce Name change post-divorce	This is a joint project between the Legal Aid Society and the court. The project reviews all initial pleadings of all pro se litigants filing cases in the family division. Litigants can purchase a packet of instructions and forms for \$35 or use forms in substantial compliance with the rules. Pleadings are reviewed to be sure they are complete and procedurally correct. All litigants must return to the project to set their final hearings. The litigant may access the unit for additional procedural assistance for a fee of \$20 per visit after the first two free visits. The project does not give legal advice.	Forms and instructions Staff to answer procedural questions Self-help center
6 th Judicial Circuit Court Pinellas and Pasco Counties Pro Se Office	Adoption Child custody and support Temporary custody Divorce Domestic abuse Orders of protection Paternity Visitation Name change	The office staff answers pro se phone calls and assists them in person with questions relative to family law matters. The staff assists with form selection, answers questions about general and specific court procedures and helps litigants obtain hearing time. The staff works closely with community law programs and routinely refers litigants for legal assistance. The Community Law Program provides volunteer lawyers at the courthouse twice a week.	Forms and instructions; informational brochures and videos; staff to answer procedural questions; legal clinics; legal referrals; self-help center; law library; mediation; courtesy telephone for litigants; semi-private workstations; childrens' play area
1 st Judicial Circuit Escambia, Okaloosa, Santa Rosa, and Walton Counties Self-help Center	Adoption Child support and custody Divorce Domestic abuse Orders of protection	The center staff answers pro se calls and assists walk-ins with filling out forms, scheduling hearings, and providing referrals. The staff assists the court by reviewing and summarizing files for judges.	Forms and instructions; informational brochures; staff to answer procedural questions; domestic violence assistance; legal referrals; law library; mediation

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Hawaii			
Ho'okele Count Navigation Pilot Project	Adoption Child custody and support Divorce Domestic abuse Guardianship Juvenile law Orders of protection Small and regular claims	This pilot project, which is yet to begin, has two components. One, the Court Concierge Desk receives court users as they enter the courthouse, identifies their need, directs them to the proper program or location, or refers them to an appropriate outside agency. Two, the Customer Service Centers are set-aside areas in select courts or programs, where court users can obtain brochures and forms off the racks or obtain personalized information regarding procedures and forms. The primary function of "counter" personnel will be processing documents and answering simple questions.	Forms and instructions Informational brochures and videos Staff to answer procedural questions Domestic violence assistance Legal referrals Self-help center Mediation referrals Reference materials
Family Court, First Circuit Honolulu	Adoption Child custody and support Divorce Domestic Abuse Guardianship Paternity	Court staff helps pro se litigants obtain uncontested divorces by providing packets of necessary forms and instructions. Staff checks to see that all necessary documents have been submitted. The same is done for guardianship and other family law matters.	Forms and instructions Staff to answer procedural questions
Idaho			
Court Assistance Office Gooding County	Child custody and support Divorce Domestic abuse Paternity Name change Small claims	The program provides assistance to unrepresented civil litigants by linking them to legal services or other resources. The office also provides court forms, instructions, brochures and videos.	Forms and instructions Informational brochures and videos Domestic violence assistance Legal assistance by phone Mediation referrals
Court Assistance Office Seventh District Court	Child custody and support Divorce Domestic abuse Orders of protection Paternity Name change Small claims	The program provides assistance to unrepresented civil litigants by linking them to legal services or other resources. The office also provides court forms, instructions, brochures and videos.	Forms and instructions Informational brochures and videos Domestic violence assistance Legal assistance by phone Mediation referrals

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Idaho			
Court Assistance Office Valley County	Child custody and support Divorce Domestic abuse Orders of protection Parental kidnapping Small claims Landlord/tenant; name change	The office provides forms for routine filings, instructions for completing forms and reviews forms upon completion. The office also refers litigants for additional resources.	Forms and instructions Informational brochures and videos Staff to answer procedural questions Domestic violence assistance Legal referrals Self-help center Law library
Court Assistance Office Bannock County	Child custody and support Divorce Domestic abuse Paternity; Orders of protection Landlord/tenant Small claims Name change	The program provides assistance to unrepresented civil litigants by linking them to legal services or other resources. The office also provides court forms, instructions, brochures and videos.	Forms and instruction Informational brochures and videos Domestic violence assistance Legal assistance by phone Legal referrals Self-help center Mediation referrals
Court Assistance Office Latah County	Child custody and support Divorce Domestic abuse Orders of protection Parental kidnapping Small claims	The office provides forms for routine filings, instructions for completing forms and reviews forms upon completion. The office also refers litigants for additional resources	Forms and instructions Informational brochures and videos Staff to answer procedural questions Domestic violence assistance Legal referrals Self-help center Law library
Illinois			
18 th Judicial Circuit Court DuPage County Court Advocates	Divorce; domestic abuse Orders of protection General civil Criminal Landlord/tenant DUI	The office advocates for those affected by domestic violence, by providing support, information, and assistance in a safe, positive, and non-judgmental environment. They develop inter-agency cooperation, community education, and outreach.	Forms and instructions Informational brochures and videos Staff to answer procedural questions Domestic violence assistance Legal referrals Self-help center Mediation

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Illinois			
Circuit Court of Cook County <ul style="list-style-type: none"> • Probate Division, Unified Family Court Pilot Project Guardianship Assistance Desk 	Child support Divorce; Domestic abuse Guardianship Orders of protection	Court service employees in downtown Chicago and one suburban court oversee the informational operations of the desk via telephone and handout. Clients are given directions and told what to bring. These employees also verify that attorneys are aware of their scheduled volunteer time. On guardianship or appointment, all paperwork is screened initially by court service staff in preparation for meeting with attorneys. Nonlegal issues and concerns are discussed as needed and referrals are made to social services. The clients meet with volunteer attorneys who prepare appropriate form pleadings and notices and set the case off in the next direction. The attorney does not appear in court.	Forms and instructions Staff to answer procedural questions Pro bono legal assistance Consultation with social worker/probation officer
Circuit Court of Cook County <ul style="list-style-type: none"> • Adoption Assistance 	Adoption	The Chicago Bar Foundation (CBF) receives a weekly group of cases. It assigns each case to a volunteer pro bono attorney for full representation. The CBF attorneys maintain a database to track and trigger case activity once a case has been assigned. All volunteers are trained. There is a contract fee paid by the referring agency that is used for administrative costs.	Full legal representation Clearinghouse assignment, supervision and problem-solving services
Circuit Court of Cook County <ul style="list-style-type: none"> • Unified Family Court Family Safety Case Management 	Domestic abuse Orders of protection	The program provides assistance with civil order of protection filings by escorting litigants through initial steps of procedure. Case management services are offered. Referrals to community domestic violence shelters, counseling services and other public service agencies are also made.	Forms and instructions Staff to answer procedural questions Domestic violence assistance Case manager assigned to case and an escort through the steps of the exparte process.

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Illinois			
Circuit Court of Cook County • Coordinated Advice and Referral Program for Legal Services (CARPLS)	Child custody and support Divorce; visitation Domestic abuse Guardianship; paternity General civil Public benefits; name change; Discrimination Criminal	CARPLS provides a hotline to answer legal questions from low income individuals seeking legal assistance. CARPLS resolves more than 60% of its cases without further referral. Individuals in need of extensive legal assistance are referred to other resources. CARPLS' Self Help Project provides written materials and attorney guidance to the growing number of pro se litigants. They are given guidance over the phone and sent easy to read instructions. CARPLS also serves as a clearinghouse and distribution center for the County's pro se materials. They draft their own materials and staff the Pro Se Task Force of the Legal Aid Committee of the Chicago Bar Association. Recently, CARPLS posted all of its self help materials on their website.	Forms and instructions Informational brochures and videos Staff to answer procedural questions Legal assistance via hotline Legal referrals
Circuit Court of Cook County • Advice Desk –Tenant Pre-Judgment Program	General civil Contract disputes Landlord/tenant Personal injury	The Advice Desk program is operated by the Kent College of Law and provides litigants with out-of-court legal services, including preparation of motions and other pleadings, general legal advice and assistance with settlement negotiations. The law school also runs a project to provide free legal advice in the eviction courtroom and provides full in-court representation to those in need.	Pro bono legal assistance Legal clinics Legal referrals
Circuit Court of Cook County • Court Facilitation Program	Divorce	Facilitators volunteer to staff a desk near the post-decree courtrooms at specific times. The judges, aware of this, refer appropriate cases to the facilitator. The facilitator is an experienced matrimonial attorney who will listen to both parties and make recommendations to the judge.	Mediation
Circuit Court of Cook County • Pro Se Court for Small Claims	General civil Contract disputes Debt collection Landlord/tenant Personal injury Property damage Warranty issues	The scope of this program is to provide free legal services to the working poor, indigent or disabled pro se litigant.	Forms and instructions Informational brochures Staff to answer procedural questions Legal referrals

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Indiana			
Tippecanoe County Court Small Claims Mediation	Small claims	Prior to a hearing, a court staff person meets with parties to determine status of case, possibly mediates a settlement, and explains courtroom procedures.	Forms and instructions Informational brochures or videos Staff to answer procedural questions Legal assistance Mediation
Porter Superior Court Small Claims Mediation	Civil Landlord/tenant	On all small claims contested matters, the litigants are advised of the availability of voluntary mediation. If the litigants are interested they are sent to the law school for mediation.	Forms and instructions Domestic violence assistance
Madison County Court Introduction to Small Claims Court	General small claims	The program is a two-hour workshop, presented quarterly, to interested citizens during an evening session in the courtroom or at the local university. Through the use of overhead transparencies and handouts, the small claims process is covered from filing to collecting a judgment. Questions and discussion are encouraged, and a pre-and post-test are used to determine the effectiveness of the workshop.	Forms and instruction Informational brochures and videos Judge's comments and personal experiences
Bartholomew Circuit County Legal Aid	Child custody and support Divorce Contract disputes Debt collection Landlord/tenant	The Bartholomew County Legal Aid provides representation to indigent clients.	Pro bono legal assistance Forms and instruction Staff to answer questions Paralegal assistance Legal referrals
Posey Circuit Court	All types	No data	Forms and instructions Staff to answer procedural questions
Louisiana			
Baton Rouge City Court Pro Se Divorce Clinic	Divorce	The Lafayette Volunteer Lawyers hold a clinic about every three-four months for parties needing a divorce without any ancillary issues such as support/custody. Local law firms host the clinics and the participants are usually referred to Acadiana Legal Services Corporation.	Forms and instructions Pro bono legal assistance Legal clinics

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Louisiana			
Baton Rouge Bar Foundation Pro Bono Project	Family; Adoption Child custody and support Divorce; Domestic abuse Guardianship; Juvenile law Orders of protection Wills and estates; General civil Contract disputes; Debt collection; Immigration Landlord/tenant	The project has a panel of 4300 volunteer attorneys to respond to the growing needs of the poor in the legal community. The project includes a divorce workshop, paid curatorships, and docket preference for pro bono attorneys. The project also coordinates and staffs Ask a Lawyer Clinics in the community and helps with referrals to local community social service agencies.	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance Domestic violence assistance Pro bono legal assistance Legal clinics and referrals Mediation
Capital Area Legal Services Baton Rouge	All types except criminal	The program provides counsel and advice to indigent litigants and gives brief services in completing small claims pleadings. It also advises clients of the procedures for filing appeals in selected cases.	Informational brochures Staff to answer procedural questions Paralegal assistance Domestic violence assistance Legal referrals
Maine			
Pine Tree Legal Assistance Courthouse Assistance Project	Child custody Divorce Landlord/tenant	Pine Tree Legal Assistance is a statewide program which provides legal services in civil matters to low income people. Volunteer Lawyers Project provides phone assistance in family law matters in cases which do not meet the requirements for referral to the private bar. The Courthouse Assistance Project provides volunteers to assist clients who are pursuing pro se family law cases in 7 district courts in the state.	Forms and instructions Informational brochures Staff to answer procedural questions Internet-based interactive court forms and assistance
Portland District Court Courthouse Assistance Project	Child custody and support Divorce Orders of protection	This program is a part of the statewide Pine Tree Legal Assistance, Inc. and provides general assistance to pro se litigants.	Forms and instructions Informational brochures Staff to answer procedural questions Domestic violence assistance Legal referrals
Maine District Court – Bath Lawyer for the Day Program	Juvenile law Criminal	Lawyers are appointed by the court, on a rotating basis from an eligible pool, for the day to represent all defendants requesting assistance that day.	Legal assistance for one day

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Maryland			
University of Maryland School of Law Family Law Assisted Pro Se Project	Divorce Child custody and support Visitation	This is a law school clinical project in which supervised law students practice pursuant to the state's student practice rule. The law students conduct diagnostic interviews, help unrepresented persons identify legal claims and defenses and refer them to attorneys or help them file the necessary legal papers.	Forms and instructions Legal assistance Legal referrals
Circuit Court for Carroll County Courthouse Advice Clinic	Child custody and support Divorce	The clinic helps litigants complete forms designed by the court and offers advice on how to present the case in court. The clerk's office makes forms available, provides space for the clinic and advises all pro se clients of the availability of the clinic.	Forms and instructions Informational brochures and videos Staff to answer procedural questions Legal assistance Legal clinics; and legal referrals
Somerset County Circuit Court Pro Se Litigants Assistance Program	Adoption Child custody and support Divorce; Visitation Domestic abuse Guardianship Orders of protection	The program assists litigants complete forms properly, advises them of court procedures and provides legal aid for indigent clients. A Family Support Coordinator facilitates these activities and collects statistics for effective case management.	Forms and instructions Informational brochures and videos Domestic violence assistance Pro bono legal assistance Referrals for mediation
Montgomery County Circuit Court Pro Se Project	Child custody and support Divorce Visitation	The project provides limited legal advice or general legal information in family law matters. The project helps pro se litigants complete pleadings, explains the process, pitfalls, costs, etc. When appropriate, the project supports other legal service providers.	Forms and instructions Staff to answer questions Paralegal assistance Access to law library
Massachusetts			
East Boston Court • Harvard Defenders	Criminal	A third year law student represents defendants charged with a crime at a show cause hearing before a clerk.	Flyers Pro bono legal assistance
East Boston Court Harbor Communities Overcoming Violence	Domestic abuse Orders of protection	Among its many activities, the program works to end domestic violence through education, organizing and community collaboration including a 24 hour emergency hotline, legal advocacy, and support groups.	Forms and instructions Informational brochures Staff to answer procedural questions Legal assistance Domestic violence assistance
Housing Court Department • Boston Division	Landlord/tenant	The Housing Court Department is designed to assist pro se litigants. Housing specialists are appointed to help resolve the case amicably. With the Boston bar, they provide legal advice to pro se litigants.	Forms and instructions Legal assistance Legal advice

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Massachusetts			
• Hampden Division	Landlord/tenant	Same as Boston Division	Pro bono legal assistance
Suffolk Probate and Family Court Volunteer Lawyer for the Day	Child custody and support Divorce Domestic abuse Guardianship; Advice of a minor	Attorneys volunteer on a daily basis to briefly advise and assist in the preparation of forms.	Forms and instructions Information brochures Staff to answer procedural questions Domestic violence assistance Volunteer legal assistance Legal referrals and brochures
Boston Municipal Court Informal Program	All types	The clerk's office assists pro se litigants both at the counter and as a result of telephone inquiries. The office offers forms and helps litigants walk through the procedural steps necessary to comply with the small claims statute and rules.	Forms and instructions Informational brochures Staff to answer procedural questions
Michigan			
17 th Judicial Circuit Personal Protection Office	Domestic abuse Orders of protection	The office provides assistance to parties wishing to petition the court for a personal protection order with form completion and document preparation. The office also helps respondents with the same service. In addition, the office provides preliminary screening of fact situations to ensure compliance with statute.	Forms and instructions Informational brochures Staff to answer procedural questions Paralegal assistance Domestic violence assistance
54 th Judicial Circuit Friend of the Court	Child custody and support Divorce	The office provides instructional packets to all new domestic relations cases. There is mandatory attendance of all new divorce cases with minor children to the Smile Program as well as an investigation by the Friend of the Court.	Forms and instructions Informational brochures Staff to answer procedural questions Paralegal assistance
Wayne County Probate Court Pro Se Court	Guardianship Wills and estate	The Probate Court is organized to support pro se litigants. The staff is trained to assist all users of the court, 75% of whom file in pro per. All but one clerk assists pro per litigants.	Forms and instructions Informational brochures Staff to answer questions Mediation

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Minnesota			
Third Judicial District Pro Se Program	All family matters All nonfamily matters	The state supreme court has mandated that each local county operate its own pro se program. Descriptions specific to each county are not available.	Forms and instructions Informational brochures and videos Staff to answer procedural questions Domestic violence assistance Pro bono and sliding fee scale legal assistance Legal clinic and referrals Self-help center and law library
Mississippi			
Hinds County Chancery Court Pro Se Divorce Clinic	Divorce Minority removal Birth certificate corrections Name changes Withholding orders	A pro se clinic is held every fourth Wednesday of each month. Persons are screened in terms of income, background, social status, etc. to determine if they qualify for the clinic. The Mississippi Bar Association has established a "Legal Line" for persons to get free advice from an attorney for basic legal services. Attorneys are available who work voluntarily with the clinic.	Forms and instructions Informational brochures Staff to answer questions Paralegal assistance Legal clinics
Missouri			
Jackson County Circuit Court Quickfile	Domestic abuse Orders of protection	Quickfile is Missouri's pilot project in Jackson County. It is a remote electronic filing system for adult abuse matters. Through a designated Internet homepage, shelter advocates assist victims in completing petitions on-line and in submitting them to court. Judges receive the information via email and respond through this medium regarding the approval/denial of the ex parte order of protection. If this project is successful, there are plans to implement it statewide.	Forms and instruction Staff to answer procedural questions Domestic violence assistance Legal assistance
Montana			
Legal Services Association Dissolution Clinic	Child custody and support Divorce	The clinic assists people with uncontested divorces to complete and submit paperwork to court. The clinic provides sample documents, explains the forms, and helps complete the forms. The clinic will soon provide a 130-page manual to each clinic participant.	Forms and instructions Attorneys to answer questions

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Montana			
13 th Judicial District Court Yellowstone Co. Bar Association Family Law Project	Child custody and support Divorce Domestic abuse Order of protection	The project provides advice and assistance to pro se litigants in dissolutions and parenting plans.	Forms and instructions Staff to answer procedural questions Paralegal assistance Domestic violence assistance Pro bono legal assistance Legal clinics and referrals Law library
1 st Judicial District Court State Law Library Advice Clinic	Child custody and support Divorce	This program assists carefully screened applicants by providing forms and pro bono attorneys to answer questions and provide advice in filing dissolutions of marriage, permanent parenting plans and other judicial relief matters. Attorneys who participate are required to attend training (which advances toward CLE credit) and are required to be employed by the state. Participants may return as often as necessary to complete their case.	Forms and instructions Pro bono legal advice Legal referrals, if necessary Law library
4 th Judicial District Court Family Law Advice Clinic	Child custody and support Divorce Domestic abuse	The clinic provides classes in family law and dissolution, individual client contact with volunteer lawyers, assistance from law students, education in family law problems, and forms and assistance with filling out forms.	Forms and instructions Informational brochures Staff to answer procedural questions Paralegal assistance Domestic violence assistance Legal clinics Legal referrals
Nebraska			
Lancaster County Court Lincoln/Lancaster Mediation Center	Adoption Child custody and support Divorce; Guardianship Juvenile law Wills and estates	The Mediation Center is a part of the dispute resolution system in Nebraska. It is a not-for-profit center dedicated to the concept of resolving a variety of conflicts through mediation, facilitation, collaborative problem solving and negotiated rule making. Through workshops and seminars the Center trains mediators and offers training in parenting to divorced people.	Forms and instructions Informational brochures and videos Staff to answer procedural questions Legal clinics Legal referrals Mediation
Nevada			
1 st Judicial District Court Self Help Divorce Clinic	Divorce	The Pro Se Divorce Clinic is a project of the Volunteer Attorneys for Rural Nevadans (VARN). Attorneys volunteer their time to assist with the divorce clinics by helping litigants prepare and file the proper forms. The First Judicial District has encouraged and supported the program	Forms and instructions Staff to answer procedural questions Legal clinics Legal referrals

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Nevada			
2 nd Judicial District Court Family Facilitator	All family matters	The facilitator serves as an information resource by providing packets of information with instructions. The facilitator also assists the court in preparation of orders and refers litigants to other community resources.	Forms and instructions Staff to answer procedural questions Legal referrals Access to law library
7 th Judicial District Appointed Counsel	Family law	The program offers six classes a week and teaches pro se litigants the basics in how to represent themselves. It offers an overview of the law and the procedures followed in the court. At the end of each class, the litigant can ask questions. The classes are taught by law students, under the supervision of a law school adjunct professor, or lawyer from legal services	Forms and instructions Staff to answer procedural questions Instructional legal classes
4 th Judicial District Court Access to Justice	Child custody and support Divorce	The program provides packets of forms that can be used to enforce or modify a court order. The program helps litigants schedule hearings and prepare documents to serve on the opposing parties	Forms and instructions
8 th Judicial District Court Self-Help Legal Classes	Child custody and support Divorce General civil Landlord/tenant	Clark County and the Nevada Legal Services provide legal information and advice to indigent clients.	Informational brochures Staff to answer questions Paralegal assistance Legal referrals
8 th Judicial District Court Legal Services	General civil Contract disputes Land/lord tenant	Upon application and a showing of indigence, the court will appoint counsel in family law matters. The court will pay up to \$1000 for his/her services and reimburse for expenses, as well. Informally, the court will answer questions and provide reading materials and forms to prison inmates.	No data
8 th Judicial District Court Family Law Self-Help Center Clark County	Child custody and support Divorce Guardianship Name change	The center provides access to legal information and resources to self-represented persons in family law matters. General services include: facilitating access to the state statutes and case law; providing information on the nature of family law procedures; formulating and producing current pleading packets with instructions; making community referrals; and conducting classes for the self-represented.	Forms and instructions Informational brochures Staff to answer procedural questions Self-help center Law library Referral to classes taught by law students

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
New Hampshire			
Portsmouth Family Division Court Pilot Project	Child custody and support Divorce	This pilot project in two counties provides assistance by identifying contested issues and exploring possible solutions that would allow the parties to reach an agreement. All cases where one or more party is pro se must meet with the case manager before going to court. At a one-hour conference the case manager explains the court process, assists the parties in completing forms and determines the issues that may be unresolved. The case manager monitors the case through to its completion.	Forms and instructions Informational brochures and videos Staff to answer procedural questions
New Jersey			
Superior Court - Essex Vicinage Office of the Ombudsman Information and Community Relations Center	All case types	The program is part of a statewide pro se assistance effort sponsored by the NJ Supreme Court. The ombudsman is a neutral staff person who works to clear up misunderstandings by providing confidential services to anyone with complaints about mistreatment or discrimination in the courthouse. The center responds to questions from the public, including pro se litigants, distributes informational literature, hosts court tours and public education programs, operates a speaker's bureau, coordinates pro bono law students and supports all community relations initiatives.	Informational brochures and videos Staff to answer procedural questions Legal referrals Law library
Superior Court - Camden Vicinage Family Part Pro Se Assistance Program	Child custody and support Divorce Orders of protection Post-divorce motions	The program provides law clerks to assist litigants in the areas of dissolution, non-dissolution and juvenile delinquency, by answering procedural questions about relief sought	Forms and instructions Informational brochures Staff to answer procedural questions Domestic violence assistance Legal referrals; mediation Self-help center
Superior Court - Camden Vicinage Ombudsman Program	All case types except criminal; Motions; enforcements Modifications of court orders	The program provides information on community resources and court procedures and investigates complaints about the judicial process at the court.	Forms and instructions Informational brochures Staff to answer procedural questions Domestic violence assistance Legal referrals; self-help center

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
New Mexico			
3rd District Court Pro Se Service Center	Child custody and support Divorce Domestic abuse Guardianship Wills and estates Name change Contract disputes Landlord/tenant	The center provides packets with forms and instructions. One to two days a week litigants can meet with a volunteer attorney to have questions answered.	Forms and instructions Informational brochures and videos Staff to answer procedural questions Paralegal assistance Domestic violence assistance Pro bono legal assistance Legal referrals; mediation Self-help center; law library
11 th District Court Pro Se Divorce Program	Child custody and support Divorce	The program conducts a pro se clinic and oversees a pro se day in divorce and family matters.	Forms and instructions Staff to answer procedural questions Legal clinics Mediation
11 th District Court Pro Se Clinic	Child custody and support Divorce; domestic abuse Guardianship Orders of protection	No information	Forms and instructions Staff to answer procedural questions Legal clinics Mediation Domestic violence assistance Transfer of land titles
2 nd District Court Pro Se Division	Child custody and support Divorce Orders of protection Grandparent visitation Modification/enforcement of court orders Name change Driver's license restoration	The Pro Se Division provides limited services to pro se litigants, including forms and instructions; samples and educational materials for specific court divisions; information on other community legal services; and procedural advice on the filing of documents.	Forms and instructions Staff to answer procedural questions Paralegal assistance

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
New York			
Civil Court, City of New York Resource Center	General civil Landlord /tenant	For years, it has been the policy of the Civil Court to assist pro se litigants by providing forms, instructions, and legal information. The Office of the Pro Se Attorney, located in each of the major counties of the city, provides procedural and legal information with an emphasis on pro se litigants in Housing Court. The resource center provides a library, forms, instructions, and a video for Housing Court cases. A staff attorney is assisted by volunteer law students to interview pro se litigants, determine their problems, provide information and pamphlets, and inform the housing court counselors as to the issues. Other activities include a volunteer lawyer project to provide legal advice to litigants, and a bar project to provide mediators.	Forms and instructions Informational brochures and videos Staff to answer questions Self help center Law library
Supreme Court – Civil Office of the Self- Represented	Child support Divorce Domestic abuse Guardianship Orders of protection Wills and estates Malpractice	There is a staff attorney on duty every day to assist the litigant in determining the nature of the action or special proceeding or if there are legal grounds for action. Four clerks dispense procedural information and sample forms and answer telephone calls. An office assistant makes copies of forms, answers mail inquiries. A clerk in charge makes policy in conjunction with the administration.	Forms and instructions Informational brochures and videos Staff to answer questions Referrals to bar groups Legal clinics Self-help center; law library
North Carolina			
26 th Judicial District Self-Serve Center	Child custody and support Divorce Domestic abuse Contempt	The center provides forms and instruction to ease litigants' access to the courts. The center also provides information about community services and attorneys. For now, the center only assists in family law matters.	Forms and instructions Informational brochures Staff to answer procedural questions Sliding fee scale legal assistance Unbundled legal services Legal clinics Legal referrals Self-help center

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Ohio			
Northeast Ohio Legal Services Volunteer Advocacy Legal Unit	Domestic abuse Orders of protection	Clients are referred to this program by domestic violence shelters, the court, and the police department (their phone # is on the back of police reports. There are no monetary eligibility requirements. The clinic staff consists of volunteers who are trained to complete forms and provide support and referrals. They inform clients of the procedure and legal requirements to obtain relief, assist them in completing the required forms, take them to file the forms, and accompany them to the court hearing. The volunteers are not allowed to advocate on the victim's behalf in court.	Forms and instructions Informational brochures Staff to answer procedural questions Domestic violence assistance Legal referrals Legal clinics
Wooster Legal Aid Society "Do It Yourself Divorce Clinic"	Divorce	The program consists of 6 general stages: 1. general application for services and eligibility screening 2. complete questionnaire and screening for admission 3. acceptance into clinic 4. attend 3 hour class 5. follow-up services (optional) 6. monitor program effectiveness with client satisfaction survey, data base study, bi-annual court docket study, and client grievances.	Forms and instructions Staff to answer procedural questions Legal clinics
Athens Legal Services Poverty Prevention Legal Clinic	All case types, except criminal	Legal Services has generated notebooks containing pro se forms and instructions in all substantive areas. Volunteer attorneys use these notebook when they meet with clients to assist them in filling out the appropriate forms. The attorneys also provide advice on how to proceed pro se. Through the bar association, these volunteer attorneys receive CLE approved poverty law training.	Forms and instructions Informational brochures Domestic violence assistance Pro bono legal assistance Legal clinics Legal referrals
Toledo Bar Association Pro Bono Legal Services Program	Divorce	The program offers a 2 hour program with a video to clients for a \$10 fee. During the program, the client is guided through filling out the proper forms and then is assisted in filing the pleadings. When the client is notified of the date of the hearing, the program prepares the proper materials which the client picks up on the way to court.	Forms and instructions Informational brochures and videos Staff to answer procedural questions Paralegal assistance Legal clinics
Hamilton County Pro Seniors, Inc. Legal Hotline	Health care directives, wills and estates, debt collection, landlord/tenant, medicaid/medicare	Pro Seniors, Inc. assists Ohio residents 60 and over with legal issues through our statewide legal hotline.	Informational brochures Legal assistance, sliding fee scale Legal referrals

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Oklahoma			
District Court of LeFlore County Informal Program	Small claims Protective orders	In small claims, the court clerk provides forms and assistance to pro se litigants pursuant to statute. These are civil cases, tort or contract excluding libel and slander. Also, on victim's protective orders most cases are pro se and the clerk or D.A. witness/victim coordinator assists the litigants.	Forms and instructions Staff to answer procedural questions Domestic violence assistance
Oregon			
Deschutes County Circuit Court Pro Se Dissolution	Child custody and support Divorce	The program provides telephone or in-person information on court procedures, availability of forms, and general information regarding processing their case through the court system.	Forms and instructions Informational brochures Staff to answer procedural questions Information about legal services, law library and mediation services Web page with forms
Union County Circuit Court (No name)	Child custody and support Divorce Debt collection Landlord/tenant	Program provides a parent education class for parents involved in divorce/custody cases. Funding for workshops for self-represented litigants in family law cases has lapsed, however, a volunteer attorney continues to present the workshop. A Public Resource Center contains computers to access the state's judicial information network; self-help reference materials, forms and instructions, etc.	Forms and instructions Informational brochures Staff to answer procedural questions Pilot legal clinics Legal referrals Self-help center; law library Mediation
Marion County District Court Dissolution Resource Services	Child custody and support Divorce Domestic abuse Orders of protection Will and estates Name changes Parenting time enforcement	The program provides court approved forms and instructions, refers litigants to community resources, reviews documents prior to filing with the court to ensure completeness, explains procedures, and provides pro bono unbundled legal services to litigants who meet required income qualifications.	Forms and instructions Informational brochures Staff to answer procedural questions Domestic violence assistance Volunteer pro bono clinic Legal referrals; law library Mediation Child support calculations
Pennsylvania			
Allegheny County Pro Se Family Law Motions Project	Child custody and support Divorce Domestic abuse Juvenile law Orders of protection	Attorneys volunteer to provide financially eligible litigants with information and forms for the relief they are seeking before the Family Motions Court and to explain procedures for filing for custody and modification of support.	Forms and instructions Staff to answer procedural questions Pro bono legal assistance Legal referrals Self-help center; law library

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Texas			
Bexar County Civil District Courts (San Antonio) Staff Attorney and SABA Pro Bono Referral Program	Adoption Child custody and support Divorce; Domestic abuse Orders of protection Extraordinary relief General civil; Contract disputes Debt collection Landlord/tenant	Bexar County operates a central docket for all district courts. Litigants who appear pro se in the Presiding Court are referred either to an associate judge when available, or to the staff attorney. The staff attorney may give litigants advice if the individual is eligible for the pro bono referral program.	Forms and instruction Informational brochures and videos Staff to answer questions Legal assistance and referrals Law library
Tarrant County Family Court Black Women Lawyers Pro Bono Clinic	Child support; Divorce	The divorce clinic meets the 1 st Thursday of each month and encompasses intake, lawyer-client interviews, drafting and filing of divorce suits for agreed divorces whose petitioners meet a certain financial scale. Later, pro bono attorneys prove the cases up and volunteer clerks certify and confirm the pleadings. The clinic does not and cannot accept any case where there is property involved.	Instructions; informational brochures Staff to answer procedural questions Paralegal assistance Legal assistance; legal clinics Clerks to file cases
Utah			
Automated Pro Se Legal Assistance Project	Divorce Landlord/tenant	This is a statewide project to assist the pro se civil litigant in the preparation of pro se court documents through electronic means in uncontested divorces and landlord/tenant actions. This is accomplished through the use of 5 kiosks located throughout the state. In geographically outlying areas non-automated assistance, including the preparation and distribution of self-help packets is available. Litigants using the materials are charged a \$10 fee. Development has begun on a web-based automated system that will allow greater geographical reach and will allow kiosk phase-out in 2000. In addition, representatives of Legal Services are available to answer litigants' questions and conduct seminars on topics related to divorce matters.	Forms and instruction Informational brochures and videos Legal referrals
Court Information Line	All case types	A toll free phone line is answered during business hours. The availability of the service is posted in all state courthouses. The person responsible for answering the calls is located at the Administrative Office of the Courts. This person has computer access to docket information in all general jurisdiction trial court cases	Staff to answer procedural questions Refers caller to other services

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Utah			
Third District Court Domestic Violence Assistance Program	Orders of protection	No description provided	Forms and instructions Informational brochures and videos Staff to answer questions Paralegal assistance Domestic violence assistance Pro bono legal assistance
Tuesday Night Bar	All case types	The Tuesday Night Bar groups meet in 5 areas throughout the state. Participants sign up for available time slots and receive one-half hour of legal assistance from volunteer attorneys.	Informational brochures and videos Staff to answer procedural questions Pro bono legal assistance Legal referrals
Vermont			
Washington County Family Court Mandatory Pro Se Education Class	Child custody and support Divorce Domestic abuse Post-judgment	A volunteer attorney teaches a monthly class with a standard curriculum outline. The class focuses on: how the court process works; how litigants should behave in court; what the court expects; what kinds of decisions need to be made; what types of situations require professional help – like attorneys, mediators, accountants- and what mediation is. After the presentation there is a question and answer session for litigants without minor children and a more elaborate session for litigants with minor children.	Forms and instructions Informational brochures Legal clinic information Mediation information
Washington County Family Court Domestic Violence Educational Program	Domestic abuse Elderly exploitation	The program provides a bi-monthly class with information and education about domestic violence and the cycle of abuse, the court process and what an order is, law enforcement and their role in serving and enforcing orders, alcohol and drug resources available and other community resources available.	Forms and instructions Informational brochures Staff to answer questions Legal clinics Domestic violence assistance

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Virginia			
Central Virginia Legal Aid Pro Bono Hotline	Child custody and support Divorce; Domestic abuse Guardianship; General civil Contract disputes Debt collection; Landlord/tenant Employment issues	The hotline permits clients to talk to pro bono attorneys by telephone and receive legal advice. Sometime they are later scheduled for office appointments for the program to consider representing them. In many cases, they are given advice on how to proceed pro se.	Pro bono legal assistance Forms and instructions Informational brochures
Legal Services of Northern Virginia Court Outreach	General civil Contract disputes Debt collection Landlord/tenant	Legal Aid attorneys are present at court to screen and interview litigants. If a case has merit, Legal Services will accept the case for trial. If a case has no legal defense, the attorneys will give counsel on how to proceed pro se if they choose. Blank form "Answers and Grounds for Defense" is made available.	Forms and instructions Informational brochures Staff to answer questions Paralegal assistance Legal assistance Legal clinics
Washington			
Kitsap County Superior Court Courthouse Facilitator Program	Child custody and support Divorce and legal separation Contempt of court	The facilitator explains court procedures, identifies and locates pleadings, assists in scheduling hearings, reviews documents for completeness, arranges interpreter services, makes referrals and calculates child support. The facilitator does not provide legal advice and does not appear in court with the litigant.	Forms and instructions Informational brochures Staff to answer procedural questions Legal referrals
Whatcom County Superior Court Family Law Facilitator Protection Orders	Child custody and support Divorce Domestic abuse Orders of protection General civil Harassment	These are two separate programs operated by the local court. The facilitator assists pro se family litigants with legal processes, using statewide mandated pleadings; and screens pro se files for completeness, prior to consideration by judicial officers. The protection order service provides walk-in civil protection orders for domestic violence and harassment victims.	Forms and instructions Informational brochures and videos Staff to answer procedural questions Domestic violence orders of protection Legal assistance Legal clinics and referrals Law library; Mediation
State Office of Administrative Hearings First in Touch (FIT)	Child support Public assistance Unemployment insurance	FIT provides guidance for pro se litigants about how the system works, how to effectively participate, and directs litigants to additional resources. The program also trains and develops manuals for the front line and phone staff to better acquaint them with proper procedures and advice giving.	Forms and instructions Informational brochures Staff to answer procedural questions Legal referrals

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
West Virginia			
Kanawha County Circuit Court Family Law Clinic Legal Aid Society of Charleston	Child custody and support Divorce	When applicants are found to be ineligible for legal aid services in divorce matters, they are referred to the family law clinic. The clinic provides a step by step walk through the entire process after which the participants fill out their own forms and file them in the clerk's office. If further problems arise, legal aid attorneys are available to assist litigants. "Satisfaction surveys" are mailed to about 10% of the clinic's customers.	Forms and instructions Informational brochures and videos Staff to answer procedural questions Pro bono volunteer as clinic teacher
Bankruptcy Court Southern District Legal Aid Society of Charleston	Bankruptcy	Pro bono attorneys teach a three-hour clinic explaining how to fill out forms and how to process the case to completion. Participants are to inform LAS upon completion of their case. "Satisfaction surveys" are given to the participants.	Forms and instructions Staff to answer procedural questions Pro bono interviews and attorney teachers
Circuit Court of 3 Counties WV Legal Services Plan	Child custody Divorce	Pro bono attorneys teach a three- hour clinic explaining how to fill out forms and how to process cases to completion. Participants are to inform LSP upon completion of their case. LSP keeps an open file on all participants until their case is disposed of.	Forms and instruction Informational brochures and videos Staff to answer procedural questions Paralegal assistance Legal assistance during clinic
Wisconsin			
Richland County Circuit Court The Resource Center, Inc.	Divorce	One afternoon a month a trained volunteer is available to assist individuals seeking uncontested divorces. The volunteer provides a packet of forms and instructions for a fee of \$50 that can be waived in poverty situations. The volunteer answers procedural questions and if legal questions arise a volunteer on-call attorney is available on the phone. The volunteer does not help in the completion of the forms.	Forms and instructions Staff to answer procedural questions
Milwaukee County Circuit Court Pro Se Form Assistance Center Family Justice Clinic	All types of cases	The Center provides a central repository for all forms and information relative to case dispositions.	Forms and instructions Staff to answer procedural questions Lawyer referrals Pro bono family clinic Law library Mediation

STATE	CLIENT GROUP (Type of Cases)	PROGRAM DESCRIPTION	SERVICES PROVIDED
Wisconsin			
Eau Claire County Circuit Court Informal program	Child custody and support Divorce Domestic abuse Juvenile law Criminal Small claims	The court offers a variety of services, informally, to pro se litigants. Information is provided about child support paperwork, name change, and domestic abuse restraining orders. A guide is available to small claims courts and referrals are made to attorneys providing unbundled legal services. A free legal clinic is offered 1 night a month. Also, staff from the local women's shelter assists in domestic violence issues.	Forms and instructions Informational brochures Staff to answer procedural questions Domestic violence assistance Legal clinics Mediation in small claims
Wyoming			
State Bar Pro Bono Volunteer Program Wyoming Legal Services	Divorce General civil Domestic abuse Wills and estates Debt collection Public benefits issues	In their annual dues statement, Wyoming Bar attorneys can either volunteer their services or make a financial contribution to the program. Referrals are made to these attorneys. The Legal Services program provides services to indigent clients and occasionally assists pro se litigants in court on an ad hoc basis.	Pro bono legal assistance
Wyoming Legal Services	Divorce	This is a standard legal services group offering representation to qualified indigent clients in most family law matters and general civil matters. The office refers people who do not qualify for its program to district courts for pro se packets on divorce and other family law matters.	Referrals for pro se assistance
4 th Judicial District Sheridan County Bar Pro Bono	Child custody and support Divorce	The program provides legal assistance to indigent parents, with children, involved in divorce proceedings.	Pro bono legal assistance Legal referrals



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Table 4 Local Program Operations and Use of Technology

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
Arizona						
Self Help Center Phoenix	1 PT attorney 1 FT court manager 5 FT court clerks 1 PT court clerk 1 FT secretary	65,000-70,000	8:00 – 5:00 PM 5 days a week Internet and phone service – 24 hrs. 7 days a week	Yes	Yes	Automated phone system Web page
California						
Alameda County Family Law Facilitator	2 FT attorneys 3 PT volunteer attorneys 2 FT paralegals 4 PT Paralegals 1 PT Law Student	15,000	8:30-5:00PM 7 days a week	Yes	Yes	Fax machine Web page Computers
Amador County Family Law Facilitator	1 PT attorney 1 PT secretary	480	9:00 – 5:00 PM 4 days a week	None	No	Fax machine Copy machine Computers
Los Angeles County Office of the Family Law Facilitator	3 FT attorneys 18 FT paralegals 2 FT secretaries	72,000	8:00 – 4:30 PM 5 days a week	None	Yes	Fax machine Computers
Calaveras County Office of the Family Law Facilitator	1 PT attorney	1,000	5 days a week with varying hours	Yes	No	Fax machines Computers
Colusa County Family Law Facilitator Program	1 PT attorney 1 PT court clerk	No data	TU 9:00-3:00 PM WE 9:00-12:00PM FR 8:30 – 12:00PM	None	Yes	Automated phone system Fax machine Computers
Contra Costa County Family Law Facilitator Self-Help Assistance Program	1 FT attorney 2 FT court clerks 2-3 PT law students per semester 4 FT document reviewers	10,675	8:00 – 5:00 PM 5 days a week	Yes	Yes	Automated phone system Web page in progress Fax machine Computers Overhead projector, screen, television, VCR and video

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	tape TECHNOLOGY
California						
Fresno County Family Law Facilitator	1 FT attorney 3 FT volunteer attorneys 1 FT secretary	3,300-3,500	8:00 – 4:00 PM 5 days a week	Yes	No	Fax machine Computer forms
Glenn County Family Law Facilitator	1 PT attorney 1 FT court clerk 3 PT volunteers	1,200	12 hours a week	Yes	Yes	Automated phone system Computers
Humboldt County Family Court Self Help Center	1 PT attorney 1 PT paralegal 3 PT volunteers	5,000	Center 10:00 – 2:00PM PT attorney – 30 hours per week	Yes	Yes	Automated phone system Computers
Imperial County Family Law Facilitator	1 PT attorney	2,800	9:00-4:00 PM 2 ½ days a week	No	No	Automated phone system Computers
Kern County Family Law Facilitator	1 Ft attorney 1 FT paralegal 1 PT court manager 1 FT court clerk 3 PT secretaries 1 PT law student	6,000-7,500	8:00 – 5:00 PM 5 days a week	No	No	Telephones and typewriter Fax machine Computers
King County Family Law Facilitator	1 PT attorney 1 PT secretary PT paralegal volunteers	1,500 – 2,000	8:00 – 6:00 PM 2 days a week	Yes	No	Computers
Lake County Family Law Facilitator	1 PT attorney 1 PT paralegal	782 office appointments 1447 phone calls	9:00 – 4:00 PM 2 days a week	No	Yes	Fax machine Computers
Marin County Family Law Facilitator	1 PT staff attorney	No data	9:00 – 4:30 PM 4 days a week	Yes	No	Automated phone system Fax machines Computers TV/Video
Mariposa County Family Law Facilitator	1 FT attorney 1 PT paralegal 1 PT secretary	800	8:30 – 5:00 PM 5 days a week	No	No	Automated phone system Fax machines Computers
Mendocino County Family Law Facilitator	1 FT attorney	2,000	8:00 – 5:00 PM 5 days a week	No	No	Automated phone system Fax machines

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	Computers TECHNOLOGY
California						
Merced County Facilitator Program	2 PT attorneys	3,600-4,000	Mon-Wed. 9:00-1:00 PM Thur. 8:00 – 1:00 PM Fri. 11:00-2:00 PM	Yes	No	Automated phone system Computers
Mono County Family Law Facilitator	1 FT attorney	500 individuals with multiple contacts	900 – 4:00 PM 2 days a week	No	No	Automated phone system Fax machine, computers
Napa County Family Law Facilitator Enhanced Program	1 FT attorney 1 PT attorney 1 PT court manager 2.5 PT court clerks 1 PT volunteer	9,600	8:00 – 5:00 PM	Yes	Yes	Automated phone system Fax machine, computers
Sierra and Nevada Counties Family Law Facilitator	1 FT attorney 1 PT court manager 1 Pt secretary 1 PT volunteer	2,500	All day, 5 plus days a week	Yes	Yes	Fax machine Computers Facilitator's car – travels 1200 miles per month to serve the rural population
Orange County Family Law Facilitator	2 FT attorneys 1 PT attorney 4 FT court processing specialists Law school interns	11/98-8/99 38,000 contacts	8:30-4:30 4 days a week	Yes	No	Automated phone system Fax machine Web page Computers
Plumas County Family Law Facilitator	1 PT attorney 1 PT paralegal	No data	8:30-5:00 PM 5 days a week	No	Yes	Computer Fax machine
Riverside County Family Law Assistance Center	3 FT attorneys 10 FT court clerks	10,000 seen by attorneys 50,000 seen by clerical staff	8:00-5:00 PM 5 days a week	No	Yes	Fax machine Web page Computers
San Benito County Family Law Facilitator	1 PT Facilitator 1 PT volunteer attorney 1 PT volunteer law student 8 PT volunteers	2,000	8:30-4:00 PM 2 ½ days a week	Yes, most of the staff are volunteers	No	Computers

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
California						
San Bernadino Family Law Facilitation Center	1 FT attorney 1 PT attorney 3 FT paralegals 1 PT paralegal Occasional law students and volunteers	8,400	8:30-4:30 pm 5 days a week	Occasionally	Yes	Fax machine Web page Computers
San Diego County Family Law Facilitator	6 FT attorneys 1 Volunteer attorney 4 FT court clerks 4 PT law students 1 PT student worker	23,000	8:30-4:30 PM 5 days a week	Yes	Yes	Automated phone system Fax machine Web page Computers
San Francisco Superior Court Office of the Family Law Facilitator	2 FT attorneys An occasional volunteer attorney 1 FT paralegal 2 PT law students	5,000	8:00 – 5:00 PM 4 days a week	Yes	Yes, informally	Automated phone system Fax machine Web page Computers
San Joaquin County Family Law Facilitator	1 FT attorney 2 PT paralegals 1 PT law student	5,500 – 6,000	8:00 – 5:00 PM 5 days a week	No	Yes	Automated phone system Computers
Santa Barbara County Family Law Facilitator	1 FT attorney 1 PT secretary	1,600	8:00-5:00 PM 5 days a week	No	No	Fax machine Computers
Santa Maria County Family Law Facilitator	1 FT attorney 1 PT secretary 1 PT law student	700 – 800	8:00-5:00 PM 5 days a week	Yes	Yes	Automated phone system Fax machine Computers
Santa Clara County Office of the Family Law Facilitator	3 FT attorneys 1 FT domestic violence specialist (paralegal clerk) 2 PT law students 4 PT lay advocates	13,000	8:00 – 6:00 PM 5 days a week	Yes	Yes	Automated phone system Fax machine Web page Computers
Santa Cruz County Family Law Facilitator	1 PT attorney 1 PT volunteer attorney	1,500	8:00 – 5:00 PM 2 ½ days a week	Yes	Yes	Computers

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
California						
Shasta/Trinity Counties Family Law Facilitator	1 FT attorney 1 FT secretary 1 FT volunteer	4,000	8:00 – 5:00 PM 5 days a week	Yes	Yes	Fax machine Computers
Solano County Family Law Facilitator	1 FT attorney 1 FT paralegal 1 PT paralegal 1 PT lay advocate	15,000	8:30 – 4:00 PM 5 days a week	Yes	Yes	Computers Automated phone system, pending
Sonoma County Family Law Facilitator	1 FT attorney 1 PT volunteer attorney	2,500	9:00 – 4:00 PM 4 days a week	Yes	In development	Automated phone system Computers
Sutter County Family Law Facilitator	1 PT attorney 1 PT court clerk	No data	9:00 – 5:00 PM 2 days a week	No	Yes	Automated phone system Fax machine Computers
Tulare County Family Law Facilitator	1 FT attorney 1 FT paralegal 1 FT secretary 3 PT volunteers	3,500	8:30 – 5:00 PM 5 days a week	Yes	Yes	Fax machine Computers
Tuolumne County Office of the Family Law Facilitator	1 PT attorney 1 PT paralegal	1,000	No data	No	Yes	Fax machine Computers
Yuba County Family Law Facilitator	1 PT attorney 1 PT court clerk	2,550	9:00 – 2:00 PM 4 days a week	No	No	Automated phone system Computers
Colorado						
Arapahoe County Resource Center Pro Se Resource Center	1 PT paralegal student	3,800	8:30 – 4:30 PM 4 days a week	Yes	Not applicable	Automated phone system Fax machine Computers
Denver County District Court Information and Referral Office	1 PT volunteer attorney 1 FT paralegal 1 PT lay advocate	500	10:00 – 5:00 PM 5 days a week	Yes	No	None
Jefferson County Combined Court Self-Help Center	1 FT Pro Se Coordinator 1 FT case manager	3,600	8:00 – 5:00 PM 5 days a week	No	No	Automated phone system Fax machine; web page; state computer

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
Colorado						
El Paso County Combined Court Pro Se Clinic	1 FT court manager 1 FT self-help center clerk	7,000 – 8,000	8:00 – 5:00 PM 5 days a week	Yes	Yes, conducted by the Legal Services Office	Automated phone system Web page
Mesa County Combined Court Court Assistance Project	1 FT court clerk	Unknown	8:00 – 5:00 PM 5 days a week	No	Not applicable	Web page Computers
Delaware						
Justice of the Peace Court	No data	No data	No data	No data	No data	No data
New Castle County Superior Court Information Book	No data	200 weekly	9:00 – 5:00 PM 5 days a week	No data	No data	No data
Family Court of Delaware	Not available yet	Not yet determined	8:30 – 4:30 PM 5 days a week	Yes	Yes	Web page Computers
Delaware Volunteer Legal Services	4 FT attorneys 750 volunteer attorneys 2 FT secretaries 20 FT clinical law students	1,237	9:00 – 4:30 PM 5 days a week	Yes	Yes	Automated phone system Fax machine Computers
Community Legal Aid Society, Inc.	No data	No data	No data	No	No data	No data
Florida						
4 th Judicial Circuit Court Clay, Duval and Nassau Counties Family Court Services	5 FT paralegals 3 FT secretaries 1 PT secretary	8,000 walk-ins 50,000 phone calls 5,000 letters	8:30 – 5:00 PM 5 days a week	Yes	Yes	Automated phone system Fax machine Web page – State and local Computers
4 th Judicial Circuit Court County Court Mediation	1 FT court manager 1 FT secretary 80 PT volunteers	No data	8:30 – 5:00 PM 5 days a week	Yes	Yes	Automated phone system Fax machine Computers Web page, in progress

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
Florida						
11 th Judicial Circuit Family Division Dade County Courts Family Court Self-Help Project	4 FT attorneys 3 FT paralegals 2 FT secretaries	13,000+	8:30 – 4:30 PM 5 days a week	No	No	Computer
6 th Judicial Circuit Court Pinellas and Pasco Counties Pro Se Office	1 FT court manager 5 FT secretaries	19,253	8:00 – 5:00 PM 5 days a week	Yes	Yes, on the job training for FT staff	Automated phone system Fax machine Web page Computers
1st Judicial Circuit Escambia, Okaloosa, Santa Rosa, and Walton Counties Self-Help Center	1 court administrator 4 pro se coordinators	21,600 voice mail messages 5,760 direct calls 3,800 walk-ins	8:00 – 5:00 PM 5 days a week	No	No	Automated phone system
Hawaii						
Ho'Okele Court Navigation Pilot Project	2-3 FT court clerks 1 FT volunteers	No services until 2000	8:00 – 4:00 PM 5 days a week	Yes	Yes	No data
Family Court, First Circuit Honolulu	4 FT law clerks 4 FT court document clerks	4,000 +	7:45 – 4:30 PM 5 days a week	No	No	Web page Computers
Idaho						
Court Assistance Office Latah County	1 PT attorney 13 PT law students	1300	9:00 – 11:30 AM 3 days a week 11:30 – 2:00 PM 2 days a week	No	Yes	Fax machine Web page Computers
Court Assistance Office Bannock County	1 PT paralegal	113	9:00 – 10:00 AM 2:00 – 3:00 PM 5 days a week	No	Yes	Computers Web page
Court Assistance Office Gooding County	2 PT court clerks	5	2:00 – 4:00 PM 2 days a week	No	Yes	Computers Web page
Court Assistance Office Seventh District	1 PT attorney 1 PT interpreter	No data	No data	No	Yes	Computers Web page

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
Idaho						
Court Assistance Office Valley County	1 PT court clerk 1 PT secretary	10	Must call to make appointment	No	Yes	Computers Web page
Illinois						
18 th Judicial Circuit Court DuPage County Court Advocates	5 FT lay advocates	1200	8:30 – 6:00 PM 5 days a week On call 24 hours 7 days a week	Yes	Yes	Automated phone system Fax machine Computers
Circuit Court of Cook County Probate Division Unified Family Court Pilot Project Guardianship Assistance Desk	1 FT attorney 30 FT volunteer attorneys 1 FT court manager 1 FT court clerk 1 FT secretary 2 FT Probate/court service case managers	No data	8:30 – 3:30 4 days a week in downtown Chicago 1 day a month in outlying suburban court	Yes	NA	Computers
Circuit Court of Cook County Adoption Assistance	2 PT attorneys 1 10 PT volunteer attorneys 1 PT secretary 2 PT social workers 1 FT expedited adoption coordinator	250 families about 750 children	NA	Yes	Yes	Fax machine Computers-data base, trigger system
Circuit Court of Cook County Unified Family Court Family Safety Case Management	3 FT court managers 1 FT court clerk 3 FT secretaries 1 FT court coordinator	155	8:30 – 4:30 PM 5 days a week	Yes	No	Fax machine Computers
Circuit Court of Cook County Coordinated Advice and Referral Program for Legal Services (CARPLS	1 FT attorney 21 PT attorneys 18 PT volunteer attorneys 1 FT secretary	16,368 cases Mailed 2,520 packets of information to 1,524 clients	9:30 – 4:00 PM 5 days a week 2 evenings a week	Yes	No	Automated phone system Fax machine Web page Computers

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
Illinois						
Circuit Court of Cook County Advice Desk-Tenant Pre-Judgment Program	1 FT attorney 2-3 PT volunteer attorneys 10-15 PT secretaries 1-2 PT law professors	4,500	8:30 – 4:30 PM 5 days a week	Yes	Yes	Fax machine Computers Printers, on-line legal research and law library resources
Circuit Court of Cook County Court Facilitation Program	100 volunteer attorneys in the pool 1 PT secretary	No data	10:00 – 12:00 PM 3 days a week	Yes	No	None
Circuit Court of Cook County Pro Se Court for Small Claims	2 FT court clerks 1 Ft secretary	4,000	8:30 – 4:30 PM 5 days a week	No	Yes	Fax machine Computers
Indiana						
Tippecanoe County Court Small Claims Mediation	1 FT court manager	2,000	8:45 AM – Noon 1 day a week	No	Yes	Web page Computers
Porter Superior Court Small Claims Mediation	None	About 40% of all contested matters	1 day a week in each of three courts	Yes	No	None
Madison County Court Introduction to Small Claims Court	1 PT judge	75 – 90	One two-hour workshop every three months	No	No	Computers
Bartholomew Circuit County Legal Aid	1 PT attorney 38 volunteer attorneys 1 PT paralegal 1 PT secretary	No data	No data	Yes	No data	No data
Posey Circuit Court	General court staff and bar	Hundreds	When court is in session	Yes	No	No data

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
Louisiana						
Baton Rouge City Court Pro Se Divorce Clinic	Number of volunteer attorneys varies	80	One clinic every 3-4 months	Yes	NA	None
Baton Rouge Bar Foundation Pro Bono Project	2 FT coordinators Varied paralegal interns 418 volunteer attorneys	500 – 700	9:00 – 4:30 PM 5 days a week	Yes	Yes and attendance at the annual ABA Pro Bono Conference	Fax machine Web page Computers
Capital Area Legal Services Baton Rouge	9 FT attorneys 1 PT attorney 5 FT paralegals 21 FT administrative staff 1 FT law student 5 paralegal interns	625	8:30 – 5:00 PM 5 days a week	No	Yes	Automated phone system Fax machine Computers
Maine						
Pine Tree Legal Assistance Courthouse Assistance Project	1 FT pro se coordinator 1 FT volunteer coordinator	10,000 50,00 pieces of pro se information are downloaded each year	5 days a week	Yes	Yes	Web page
Portland District Court	1 PT lay advocate 2 PT volunteers	400 – 450	1:30 – 4:30 PM 1 day a week	Yes	Yes	None
Maine District Court-Bath Lawyer for the Day Program	None	1800	Regular court hours 1 day a week	Yes	Not applicable	None
Maryland						
University of Maryland School of Law Family Assisted Pro Se Project	34 law students	4,400 in 2 years	No data	Yes	Yes, the law students receive intensive training	No data

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
Maryland						
Circuit Court for Carroll County Courthouse Advice Clinic	2 PT volunteer attorneys 8 FT court clerks (employees of court)	225	9:00 AM – Noon 1 day a week	Yes	No	None
Somerset County Circuit Court Pro Se Litigants Assistance Program	1 PT Md. Volunteer Lawyer Service 1 PT Family Support Services Coordinator	50 clients in first 6 months	9:00 AM – Noon 2 times a month	Yes	No	Copiers Computers, occasionally
Montgomery County Circuit Court Pro Se Project	1 FT attorney 1PT attorney 1FT paralegal	4,200	8:30 – 4:00 PM 5 days a week	No	No	Automated phone system Web page
Massachusetts						
East Boston Court Harvard Defenders	1 FT court clerk 1 FT secretary 1 FT law student	10	8:30 – 12:00 PM 5 days a week, if needed	Yes	Yes	None
Harbor Communities Overcoming Violence	1 FT court clerk 2 FT secretaries 2 PT volunteers	600	8:30 – 12:00 PM 3 days a week, if needed	Yes	Yes	None
Housing Court Department ♦ Boston Division	Housing specialists	No data	All day, one day a week	Yes	No data	No data
• Hampden Division	1 PT law student	No data	1 day a week	Yes	Yes	None
Suffolk Probate and Family Court Volunteer Lawyer for the Day	1 PT attorney 1 PT court clerk	over 1,500	9:30 – 4:00 PM 3-4 days a week	Yes	No	None
Boston Municipal Court Informal Program	No data	No data	No data	No data	No data	No data

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
Michigan						
17 th Circuit Court Personal Protection Office	1 FT paralegal 1 FT secretary	No data	8:00 – 5:00 PM 5 days a week	No	Yes	Automated phone system Fax machine Computers
54 th Judicial Circuit Friend of the Court	1 FT court manager 1 FT secretary 1 FT social worker	350	8:00 – 4:30 PM 4 days a week and some evenings	No	Yes	Overhead slide projector and transparencies
Wayne County Probate Court Pro Se Court	9 FT court managers 6 FT court clerks 6 FT secretaries 93 judges and staff	500,000	8:00 – 4:30 PM 5 days a week	No	Yes	Automated phone system Fax machine
Minnesota						
Third Judicial District Pro Se Program	All are court employees	Unknown	8:00 – 5:00 PM 5 days a week	No	No	Automated phone system Computers
Mississippi						
Hinds County Chancery Court Pro Se Divorce Clinic	1 PT attorney 1 PT volunteer attorney 1 PT secretary	No data	9:00 – 12:00 PM once a month	Yes	No	None
Missouri						
Jackson County Circuit Court Quickfile	1 FT attorney 2 FT court managers 9 FT court clerks 3 FT volunteers	It is anticipated that 40% of the 6800 annual filings will eventually use Quickfile	24 hours a day 7 days a week	Yes	Yes	Automated phone system Fax machine Web page Computers Pagers
Montana						
Legal Services Association Dissolution Clinic	1 FT volunteer attorney 1 PT law student during summer	Varids	8:00 – 3:30 PM 5 days a week Clinic is held on Saturdays, 8:00 AM – Noon	Yes	Not applicable no nonlawyers	Computers Fax machine

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
Montana						
13 th Judicial District Court Yellowstone Co. Bar Association Family Law Project	15 PT volunteer attorneys 6 PT Paralegals	No data	8:00 – 5:00 PM 5 days a week	Yes	Yes	Automated phone system Fax machine Computers
1 st Judicial District Court State Law Library Advice Clinic	1 PT attorney 1 PT volunteer attorney 1 PT secretary	25	10:00 – 2:00 PM 2 days a week	Yes	Yes	Fax machine
4 th Judicial District Court Family Law Advice Clinic	12 PT volunteer attorneys 1 FT lay advocate	140 +	10:00 – 4:00 PM 5 days a week and 2 evenings for classes	Yes	Yes	Fax machine Computers
Nebraska						
Lancaster County Court Lincoln/Lancaster Medication Center	30 volunteer attorneys 1 FT secretary 70 volunteers 4 FT mediators	3,000	Most of the mediation is done in the evening and on weekends	Yes	Yes	Automated phone system Fax machine Computers
Nevada						
First Judicial District Court Self-Help Divorce Clinic	11 PT volunteer attorneys 1 FT paralegal	No data	8:30 – 5:00- PM 5 days a week	Yes	No	Computers
Second Judicial District Court Family Facilitator	1 FT attorney Volunteer paralegals Other volunteers	3,600	8:00 – 5:00 PM 4 days a week	Yes	No	Automated phone system Fax machine Computers
Fourth Judicial District Court Access to Justice	No staff	156	8:00 – 5:00 PM 5 days a week	No	No	Computers
Seventh Judicial District Appointed Counsel	No data	No data	Regular court hours	No data	No data	No data

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
Nevada						
Eighth Judicial District Court • Self-Help Legal Classes	1 FT attorney 1 PT attorney 75 FT/PT law students 1 PT law professor	1,500	4, two hour classes a week	Yes	Not applicable	None
• Legal Services	86 FT attorneys 10 PT volunteer attorneys 6 FT paralegals 4 FT secretaries	2,500	8:30 – 5:00 PM 5 days a week	Yes	Yes	Automated phone system Web page-in progress
• Family Law Self-Help Center-Clark County	1 FT attorney 3 FT public information representatives	5745 phone calls in 5 months	8:30 – 4:30 PM 5 days a week	No	Yes	Web page
New Hampshire						
Portsmouth Family Division Court Pilot Project	4 FT case managers	1400 conferences with about 2500 people	8:00 – 4:00 PM 5 days a week	No	No	None
New Jersey						
Superior Court-Essex Vicinage Office of the Ombudsman Information and Community Relations Center	1 FT attorney 2 adm. assistants 1 clerk Pro bono law students and high school interns as needed	3,000	8:00 – 5:00 PM 5 days a week	No	Yes	Automated phone system Computers Fax machine Web page
Superior Court – Camden Vicinage • Family Part Pro Se Assistance Program	2-3 PT law students 2 PT volunteers 8 PT law clerks	5,500	8:30 – 4:30 PM 5 days a week	No	Yes	No data

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
New Jersey						
• Ombudsman Program	1 PT secretary 1 FT ombudsman	544	8:30 – 4:30 PM 5 days a week	No	No	Automated phone system Fax machine Computers
New Mexico						
Third District Court Pro Se Service Center	1 PT attorney 20 PT volunteer attorneys 3-4 PT paralegals per year	1000	2:00 – 5:00 PM 1 – 2 days a week	Yes	No	None
Eleventh District Court Pro Se Divorce Program	1 FT court manager 4 FT court clerks 1 FT secretary 5 FT volunteers 1 PT volunteer attorney	No data	8:00 – 5:00 PM 5 days a week	yes	No	None
Eleventh District Court Pro Se Clinic	2 PT court managers 9 PT court clerks 2 PT secretaries 6 PT volunteers	No data	5:00 PM – 7:00 PM 1 night a week	Yes	No	Computers
Second District Court Pro Se Division	1 FT paralegal 1 PT student intern	2,000	9:00 – 4:00 PM 4 days a week	No	No	Automated phone system Computers
New York						
Civil Court, City of New York Resource Center	8 FT attorneys 1 PT attorney 2 FT secretaries Volunteer attorneys, managers and clerks	Thousands, hard to say	9:00 - 5:00 PM 5 days a week	Yes	Yes	Computers
Supreme Court-Civil Branch Office for the Self- Represented	1 FT attorney 1 PT volunteer attorney 1 FT court manager 4 Ft court clerks 1 FT secretary	12,295	9:00 – 5:00 PM 5 days a week	Yes	No	Fax machine Web page Computers

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
North Carolina						
26 th Judicial District Self-Serve Center	1 FT paralegal 1 FT volunteer	Over 2000 have used center since it opened in June, 1999	9:00 – 4:30 PM 4 days a week	Yes	Yes	Automated phone system Web page Computers
Ohio						
Northeast Ohio Legal Services Volunteer Advocacy Legal Unit	1 PT attorney 1 FT paralegal 16 PT volunteers	650	9:00 – 3:30 PM 5 days a week	Yes	Yes	Automated phone system Computers
Wooster Legal Aid Society “Do It Yourself Divorce Clinic”	Varies, clinic is taught by volunteer attorneys	110	Clinic taught monthly	Yes	No	Telephones Computers
Athens Legal Services Poverty Prevention Legal Clinic	1 PT attorney 35 PT volunteer attorneys 1 PT secretary 2 PT county employees	192	3:00 – 5:00 PM 3 rd Thursday of every month	Yes	Yes	Automated phone system Fax machine Computers
Toledo Bar Association Pro Bono Legal Services Program	PT attorney PT paralegal	250	Intake is every day Clinic runs one day a week for two hours	Yes	No	Computers

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
Ohio						
Hamilton County Pro Seniors, Inc. Legal Hotline	1 FT attorney 6 PT attorneys 1 PT secretary 2 PT volunteers	over 5,000	8:30 – 4:30 PM 5 days a week	Yes	No	Automated phone system Fax machine Web page Computers
Oklahoma						
District Court of LeFlore County Informal Program	No data	No data	No data	No data	No data	No data
Oregon						
Deschutes County Circuit Court Pro Se Dissolution	1 FT court clerk	370	8:00 – 5:00 PM 5 days a week	No	Yes	Automated phone system Web page Computers
Union County Circuit Court (No name)	2 PT volunteer attorneys 1 PT court clerk 3 PT secretaries 8 PT volunteers 4 domestic mediators	No data	No data	Yes	Yes, for volunteer mediators	Computers
Marion County District Court Dissolution Resource Services	1 PT attorney, plus a volunteer lawyer Clinic staffed by an attorney, on a rotating basis, for two hours every week 1 PT court manager 1 FT court clerk	3,600	9:00 – 5:00 PM 5 days a week	Yes	No	Web page

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
Pennsylvania						
Allegheny County Pro Se Family Law Motions Project	1 PT attorney 3 volunteer attorneys/day 6 volunteer law students/semester	Over 3,000	1:30 – 3:30 PM 2 days a week	Yes	No	None
Texas						
Bexar County Civil District Courts Staff Attorney and SABA Pro Bono Referral Program	1 FT attorney 1 PT court manager 1 PT secretary 1 PT associate judge	2,500	8:00 – 5:00 PM 5 days a week	No	No	Automated phone system Fax machine Computers
Tarrant County Family Court Black Women Lawyers Pro Bono Clinic	All attorneys, paralegals, secretaries etc. are volunteers on a need basis	No data	6:00 PM until all clients have been served One night a month	Yes	Yes	Computers
Utah						
Automated Pro Se Legal Assistance Project	2 PT secretaries	4800	8:00 – 5:00 PM 5 days a week	No	No	Electronic kiosk
Court Information Line	1 PT attorney 1 PT secretary	1,500	8:00 – 5:00 PM 5 days a week	No	No	Computer used by person answering the phone
Third District Court Domestic Violence Assistance Program	Attorneys are available as needed 2 FT paralegals 3 FT court clerks	33,000	8:00 – 5:00 PM 5 days a week	Yes	Yes	Automated phone system Fax machine Computers
Tuesday Night Bar	20 PT volunteer attorneys	No data	No data	Yes	No	None

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
Vermont						
Washington County Family Court Mandatory Pro Se Education Class	PT volunteer attorneys PT court officer PT assistant court clerks	280-300	9:00 AM class once a month	Yes	Not applicable	None
Washington County Family Court Domestic Violence Education Class	2 Ft court clerks 4 FT volunteers	450	7:45 AM – 8:30 Am 2 days a month	Yes	Yes	None
Virginia						
Central Virginia Legal Aid Pro Bono Hotline	1 PT attorney 70 PT volunteer attorneys 2 PT paralegals	1,500	1:30 – 5:30 PM 4 days a week	Yes	No	Automated phone system Fax machine Computers
Legal Services of Northern Virginia Court Outreach	3 PT attorneys 1 PT paralegal 1 PT law student	200 +	9:30 – 11:30 AM 5 days a week	No	No	None
Washington						
Whatcom County Superior Court Family Law Facilitator Protection Orders	1 PT attorney 14 FT volunteer attorneys 2 FT court clerks 1 FT Facilitator	9,000	8:30 – 4:30 PM 7 days a week	Yes	Yes	Computers
State Office of Administrative Hearings First in Touch (FIT)	No separate staff	46,00 request hearings	7:30 – 5:00 PM 5 days a week	No	Yes	Fax machine Web page, in development Computers
Kitsap County Superior Court Courthouse Facilitation Program	1 FT attorney 1 PT clerk 1 PT volunteer	1,300	8:30 – 4:30 PM 4 days a week	Yes	No	Automated phone system Fax machine Web page Computers

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
West Virginia						
Kanawha County Circuit Court Family Law Clinic Legal Aid Society of Charleston	1 PT attorney 3 PT volunteer attorneys 1 PT paralegal 1 PT secretary	250- 300 attend clinic each year	Clinic held once a month	Yes	No	None
Bankruptcy Court Southern District Legal Aid Society of Charleston	5 PT volunteer attorneys 1 PT paralegal 1 PT secretary	100-125 attend clinic each year	Clinic every 6 weeks	Yes	No	None
Circuit Court of 3 Counties WV Legal Services Plan	1 PT attorney 1 PT paralegal 1 PT secretary	60 - 70 attend clinic each year	Clinic held once a month	Yes	No	None
Wisconsin						
Richland County Circuit Court The Resource Center, Inc.	6 PT volunteer attorneys 1 PT secretary 1 PT volunteer 1 PT District Attorney	40	1:00 - 4:00 PM 1 day a month	Yes	Yes	None
Milwaukee County Circuit Court Pro Se Form Assistance Center Family Justice Clinic	1 FT attorney 1 FT paralegal About 35 volunteer attorneys	No data	1:00 - 2:00 PM 5 days a week	Yes	No	Nonoe
Eau Claire County Circuit Court Informal program	Regular court staff	No data	Regular court hours	No	Not applicable	Terminal to court information

STATE	STAFFING	CASELOAD (Annual)	HOURS OF OPERATION	VOLUNTEERS	TRAINING (Nonlawyers)	TECHNOLOGY
Wyoming						
State Bar Pro Bono Volunteer Program Legal Services, Inc.	Varies	Don't know	8:30 – 4:30 PM 5 days a week	Yes	No	Fax machine Computers
Wyoming Legal Services	None specific to pro se	No data	8:30 – 4:30 PM 5 days a week	Yes	Not applicable	Fax machines Computers Toll free phone number
4 th Judicial District Sheridan County Bar Pro Bono	Volunteer attorneys	15	Not applicable	Yes	Not applicable	None



Preliminary Draft. Do not cite or circulate without permission.

Table 5 Local Program Contact Persons

Programs by State	Address	Telephone Number	Fax Number	EMail
Arionza				
Self Service Center Maricopa County	Bob James Superior Court of Arizona Maricopa County 201 West Jefferson Phoenix, AZ 85003	602/506-6314	602/506-6050	
California				
Alameda County Family Law Facilitator	No information			
Amador County Family Law Facilitator	No information			
Los Angeles County Family Law Facilitator	Julie S. Paik Family Law Facilitator 111 North Hill Street Los Angeles, CA 90012	213-974-5004	213-633-4687	jpaik@co.la.ca.us
Calaveras County Office of the Family Law Facilitator	Julie Kirke Rowe Family Law Facilitator P.O. Box 1406 Murphys, CA 95247	209-728-8880	209-728-2037	
Colusa County Family Law Facilitator Program	Nancy A. Southworth Attorney at Law 430 market Street Suite B Colusa, CA 95932	530-458-3508	530-458-3509	nasflf@aol.com
Contra Costa County Family Law Facilitator Self-Help Assistance Program	Cheryl A. Lebow Family Law Facilitator 725 Court Street P.O. Box 911 Martinez, CA 94553	925-646-1207	925-646-1191	clebo@sc.co.contra-costa.ca.us
Fresno County Family Law Facilitator	Elias Amador Family Law Facilitator 432 East Clinton Fresno, CA 93701	559-497-2797	559-497-2793	eamador@fresno.ca.gov

Programs by State	Address	Telephone Number	Fax Number	EMail
California				
Glenn County Family Law Facilitator	Lorie Brooks Superior Court Facilitator 526 W. Sycamore Willows, CA 95988	530-934-6380	530-934-6449	
Humboldt County Family Court Self Help Center	No information			
Imperial County Family Law Facilitator	Diane Altamirano Family Law Facilitator P.O. Box 237 Brawley, CA 92227	760-344-4134		
Kern County Family Law Facilitator	Theresa Gary Facilitator 1415 Truxtun Avenue Bakersfield, CA 93301	661-868-5433	661-868-4609	garyt@co.kern.ca.us
Kings County Family Law Facilitator	Jennifer Giuliani Family Law Facilitator 566 W. Orangeville Hanford, CA 93230	559-582-8838	559-584-5241	
Lake County Family Law Facilitator	James F. Dawson Family Law Facilitator 485 N. Main Street Lakeport, CA 95453	707-263-9024	707-263-4319	
Marin County Family Law Facilitator	Judith Beck Family Law Facilitator 20 North San Pedro Rd. #2010 San Rafael, CA 94903	415-499-3062	415-499-3063	jbeck@marin.org

Programs by State	Address	Telephone Number	Fax Number	EMail
California				
Mariposa County Family Law Facilitator	F. Dana Walton Family Law Facilitator P.O. Box 1907 Mariposa, CA 95338	209-966-3007	209-742-6353	
Mendocino County Family Law Facilitator	Deborah Demarch Family Law Facilitator P.O. Box 996 Ukiah, CA 95482	707-463-5666	707-463-6850	
Merced County Facilitator Program	Cindy R. Morse Facilitator 1901 G Street Merced, CA 95340	209-725-3822		
Mono County Family Law Facilitator	No information			
Napa County Family Law Facilitator Enhanced Program	Jessica Lorina Family Law Facilitator 825 Brown Street P.O. Box 880 Napa, CA 94559	707-253-4481 Ext. 231	707-253-4229	
Sierra/Nevada Counties Family Law Facilitator	Gretchen Serrata Family Law Facilitator 207 North Pine Street Nevada City, CA 95959	530-265-5402 530-265-9023	530-265-3561	Serrata@jps.net
Orange County Family Law Facilitator	Amy Silva, Director Family Law/Probate Operations 341 The City Drive Orange, CA 92868	714-935-7919	714-935-7963	asilva@orange.co.ca.us
Plamas County Family Law Facilitator	David L. Adrian Family Law Facilitator P.O. Box 809 Quincy, CA 95971	530-283-2090	530-283-1846	
Riverside County Family Law Assistance Center	Dr. Ronald Hulbert Court Services Director Larson Justice Center 46-200 Oasis Street Indio, CA 92201	760-863-8935	760-863-8173	rhulbert@co.riverside.ca.us

Programs by State	Address	Telephone Number	Fax Number	EMail
California				
San Benito County Family Law Facilitator	Christine Copeland Family Law Facilitator 440 5 th Street Room 109 Hollister, CA 95023	831-636-4070	831-636-2046	copeland@hollinet.com
San Bernadino County Family Law Facilitator Center	Sherri M. Quapri Family Law Facilitator 351 North Arrowhead Avenue Room 326 San Bernardino, CA 92415	909-387-3154	909-387-3927	
San Diego County Family Law Facilitator	Frances L. Harrison Family Law Facilitator 2201 West Broadway San Diego, CA 92101	619-685-6254	619-685-6242	fharrison@co.san-diego.ca.us
San Francisco Superior Court Office of the Family Law Facilitator	Kristen Hoadley Family Law Facilitator 400 McAllister Street San Francisco, CA 94102	415-551-3992	415-551-4002	khoadley@sftc.org
San Joaquin County Family Law Facilitator	Herb Horstmann Family Law Facilitator 222 E. Weber Avenue Stockton, CA 95202	209-468-8280	209-468-0539	
Santa Barbara County Family Law Facilitator	Deborah K. Mullin Family Law Facilitator 1100 Anacapa Street Santa Barbara, CA 93101	805-568-3133	805-568-3144	dmullin@gte.net
Santa Maria County Family Law Facilitator	James Beatty Family Law Facilitator 210 So. Miller Suite 208 Santa Maria, CA 93454	805-346-1476	805-346-7584	
Santa Clara County Office of the Family Law Facilitator	Constance E. Jimenez, Director Family Court Clinic 170 Park Center Plaza San Jose, CA 95113	408-299-8567	408-292-4070	cjimenez@scst.co.santa-clara.ca.us
Santa Cruz County Family Law Facilitator	Christine Copeland Family Law Facilitator 701 Ocean Street, Room 110 Santa Cruz, CA 95060	831-454-2422		

Programs by State	Address	Telephone Number	Fax Number	E-Mail
California				
Shasta/Trinity Counties Family Law Facilitator	David Golde Family Law Facilitator 1640 West Street Redding, CA 96001	530-245-6901	530-245-6985	djgolde@counsellor.com
Solano County Family Law Facilitator	Bill Reustle Facilitator 600 Union Avenue Fairfield, CA 94533	707-432-1898	707-421-7817	k6tf@prodigy.net
Sonoma County Family Law Facilitator	Louise Bayles-Fightmaster Family Law Facilitator 600 Administration Drive Room 223J Santa Rosa, CA 94503	707-565-3324	707-565-2223	lbayles@sonoma-county.org
Sutter County Family Law Facilitator	Nancy A. Southworth Attorney at Law 430 Market Street Suite B Colusa, CA 95932	530-458-3508	530-458-3509	nasflf@aol.com
Tulare County Family Law Facilitator	Carla Khal Family Law Facilitator 1612 W. Mineral King Suite C Visalia, CA 93291	559-737-4422	559-737-4009	carla5864@aol.com
Tuolumne County Office of the Family Law Facilitator	Julie Kirke Rowe Family Law Facilitator P.O. Box 1406 Murphys, CA	209-728-8880	209-728-2037	
Yuba County Family Law Facilitator	Laura Grossman Family Law Facilitator 215 Fifth Street Marysville, CA 95901	530-749-7650	530-634-7687	lgrossman@yuba.org

Programs by State	Address	Telephone Number	Fax Number	EMail
Colorado				
Arapahoe County Justice Center Pro Se Resource Center	Petra Tallman Arapahoe District Court 7325 South Potomac Englewood, CO 80112	303/645-1755	303/792-2041	
Denver County District Court Information and Referral Office	Chris Hardaway Denver County District Court 5353 E. Dartmouth Avenue #301 Denver, CO 80227	303/989-5293	303/716-2813	Hardaway@idcomm.com
Jefferson County Combined Court Self Help Center	Shannon Fuller, Clerk of Court Traci Worthan, Self-Help Coordinator 100 Jefferson County Parkway Golden, CO 80401	303/271-6175 303/271-6102	303/271-6238 303/271-6188	Shannon.fuller@judicial.state.co.us
El Paso County Combined Court Pro Se Clinic	Lila M. Cooper El Paso Combined Court 20 East Vermijo Colorado Springs, CO 80903	719/448-7783	719/227-5160	
Mesa County Combined Court Court Assistance Project	Jackie Eidinger Mesa County Combined Court P.O. Box 20,000-5032 Grand Junction, CO 81502	970/257-8764		
Delaware				
Justice of the Peace Court	No data			
New Castle County Superior Court Information Booth	Sharon Agnew New Castle County Superior Court Daniel L. Herrman Courthouse 1020 N. King Street Wilmington, DE 19801	302/577-6485	302-577-6212	Sagnew@state.de.us
Family Court of Delaware	Edward G. Pollard, Jr. Court Administrator Family Court of the State of Delaware 704 King Street Suite 214 Wilmington, DE 19801	302/577-2222	302-577-3092	Epollard@state.de.us

Programs by State	Address	Telephone Number	Fax Number	EMail
Delaware				
Delaware Volunteer Legal Services	Dana Harrington, Managing Attorney P.O. Box 7306 Wilmington, DE 19803	302/478-8680 Ext. 209	302-477-2227	
Community Legal Aid Society, Inc	James G. McGiffin, Jr. Community Legal Aid Society, Inc. 913 Washington Street Wilmington, DE 19801	302/575-0660 Ext. 221	302-575-0840	Mcgiffin@diamond.net.udel.edu
Florida				
4 th Judicial Circuit Court Clay, Duval and Nassau Counties Family Court Services	Mia Heiney Duval County Courthouse 333 East Bay Street Jacksonville, FL 32202	904/630-7682	904/630-4790	Mheiney@coj.net
4 th Judicial Circuit Court County Court Mediation	Carol Tyson County Mediation 330 East Bay Street Room 407 Jacksonville, FL 322023	904/630-7155	904-630-2979	Ctyson@coj.net
11 th Judicial Circuit Family Division Dade County Courts Family Court Self-Help	Sharon L. Langer, Director 123 N.W. First Avenue Miami, FL 33128	305/579-1024	305/372-7693	Dcbala@bellsouth.net
6 th Judicial Circuit Court Pinellas and Pasco Counties Pro Se Office	Cathy Fullerton, Operations Manager Administrative Office of the Courts 150 Fifth Street North St. Petersburg, FL 33701	727/582-7805	850/922-9185	
1st Judicial Circuit Escambia, Okaloosa, Santa Rosa, and Walton Counties Self-Help Center	Traci Paterson Supreme Court of Florida 500 South Duval Street Tallahassee, FL 32399-1900	850/414-8867	850/922-9185	Paterson@flcourts.org

Programs by State	Address	Telephone Number	Fax Number	EMail
Hawaii				
Ho'okele Court Navigation Pilot Project	L. Dew Kaneshiro Office on Equality and Access to the Courts P.O. Box 2560 Honolulu HI 96804-2560	808/522-6475	808/522-6440	Ldkaneshiro@hotmail.com
Family Court, First Circuit Honolulu	Kenneth K.M. Ling Family Court, First Circuit P.O. Box 3498 Honolulu, HI 96811-3498	808/539-4400	808/539-4402	
Idaho				
Court Assistance Office Latah County	Frances H. Thompson Attorney at Law P.O. Box 8489 Moscow, ID 83843	208/883-8580 Ext. 500	208/883-2259	Fthompson@moscow.com
Court Assistance Office Bannock County	Penny Brown Bannock County Paralegal P.O. Box 4847 Pocatello, ID 83205	208/236-7067		Pennyb@co.bannock.id.us
Court Assistance Office Gooding County	Leslie Renner/Becky Tanner Gooding County Deputy Clerks P.O. Box 477 Gooding, ID 83330	208/934-4261	208/934-4408	
Court Assistance Office Seventh District	James B. Comstock 310 N. 2 nd East, Ste#143 Rexburg, ID 83440	208/390-0256		Jmcbilingual@nstep.net
Court Assistance Office Valley County	Debra Gaither Valley County Deputy Clerk P.O. Box 737 Cascade, ID 83611	208/382-4150	208/382-3098	Tamaraprobst@hotmail.com
Illinois				
18 th Judicial Circuit Court DuPage County Court Advocates	Daniel Amati/Joy Drennan DuPage County 505 N. County Farm Road Wheaton, IL 60187	630/682-7325	630/682-7706	

Programs by State	Address	Telephone Number	Fax Number	EMail
Illinois				
Circuit Court of Cook County Probate Division -Unified Family Court Pilot Project Guardianship Assistance Desk	Anne Sheldon Case Manager 10220 South 76 th Avenue Bridgeview, IL 60455	708/974-6595	708/974-6615	
Adoption Assistance	Linda Rio, Director Chicago Bar Foundation 321 South Plymouth Court Chicago, IL 60604-3912	312/554-1206	312/554-1203	
Unified Family Court Family Safety Case Management	Michael K. Karpowicz Case Manager 10220 South 76 th Avenue Bridgeview, IL 60455	708/974-6579	708/974-6615	
Coordinated Advice and Referral Program for Legal Services (CARPLS)	Leslie Corbett, Executive Director 910 West Van Buren, #700 Chicago, IL 60607	312/738-9494	312/738-9487	Lcorbett@carpls.org
Advice Desk/Tenant Pre-Judgment Program	H. Brennan Holmes, Esq. Field Supervisor 565 W. Adams, Suite 600 Chicago, IL 60661	312/603-3579	312/906-5299	
Court Facilitation Program	Jeff Brand, Program Coordinator 20 North Wacker, Suite 3400 Chicago, IL 60606	312/726-4440	312/726-0029	
Pro Se Court for Small Claims	Judge Edna M. Turkington 50 West Washington Richard J. Daley Center Room 1410 Chicago, IL 60601	312-603-4871	312/603-5911	

Programs by State	Address	Telephone Number	Fax Number	EMail
Indiana				
Tippecanoe County Court Small Claims Mediation	Judy Bridwell, Bailiff County Court # 1 Courthouse Lafayette, IN 47901	765/423-9266	765/423-9155	
Porter Superior Court Small Claims Mediation	No information			
Madison County Court Introduction to Small Claims Court	Hon. David W. Hooper Madison County Court, Div.1 16 East 9 th Street Anderson, IN 46016	765/641-9490	765-648-1364	Hooperdw@lquest.net
Bartholomew Circuit County Legal Aid	Tammy Sparks 1971 State Street Columbus, IN 47201	812/378-0358		
Posey Circuit Court	Jim Redwine Posey Circuit Court Mt. Vernon, IN	812/838-1302		
Louisiana				
Baton Rouge City Court Pro Se Divorce Clinic	Rebekah Huggins Chair, Pro Se Clinic 300 Stewart Street Lafayette, LA 70503	318/233-1471	318/233-5655	
Baton Rouge Bar Foundation Pro Bono Project	Ann Scarle, Executive Director Baton Rouge Bar Foundation 850 North Blvd. Baton Rouge, LA 70802	225/344-4803	225/344-4805	Ann@brba.org
Capital Area Legal Services Baton Rouge	Marian E. White PAI/Pro Bono Coordinator 200 Third Street Baton Rouge, LA 70801	225/387-5173 Ext. 270	225/387-3109	

Programs by State	Address	Telephone Number	Fax Number	E-Mail
Maine				
Pine Tree Legal Assistance Courthouse Assistance Project	Nan Heald Pine Tree Legal Assistance P.O. Box 547 Portland, ME 04112	207/774-4753	207/828-2300	Nheald@ptla.org
Portland District Court Courthouse Assistance Project	Nan Heald. Pine Tree Legal Assistance P.O. Box 547 Portland, ME 04112	207/774-4753	207/828-2300	Nheald@ptla.org
Maine District Court – Bath Lawyer for the Day Program	Hon. Joseph H. Field Maine District Court R.R. #1, Box #310 Bath, ME 04530-9704	207/442-0200	207/442-0208	
Maryland				
University of Maryland School of Law Family Law Assisted Pro Se Project	Michael Millemann, Director Clinical Law Program University of Maryland School of Law 500 West Baltimore Street Baltimore, MD 21201-1786	410/706-7214	410/706-4045	Mmillem@law.umab.edu
Circuit Court for Carroll County Court House Advice Clinic	Bobbie Erb Circuit Court Administrator Courthouse Westminster, MD 21157	410/386-2330		
Somerset County Circuit Court Pro Se Litigants Assistance Program	Karen R. Brimer, Coordinator Family Support Services P.O. Box 279 Princess Anne, MD 21853	410/651-4718	410/651-1878	
Montgomery County Circuit Court Pro Se Project	Avi Sickel Managing Attorney 50 Maryland Avenue Rockville, MD 20805	240/777-9148	240/777-9104	

Programs by State	Address	Telephone Number	Fax Number	EMail
Massachusetts				
East Boston Court Harvard Defenders	Naomi Cotter, Director Harvard Law School Austin Hall, Room 102 Cambridge, MA 02138	617/495-4413		
Harbor Communities Overcoming Violence	Laurie Holmes, Director HARBORC P.O. Box 505754 Chelsea, MA 02150	617/884-9799		
Housing Court Department Boston Division	Harvey J. Chopp Court Administrator Boston Housing Court 24 New Chardon Street Boston, MA 02114	617/788-6506	617/788-8980	
Hampden Division	Christina Sanchez, Program Director Western Mass Legal Services 127 State Street Springfield, MA 01103	413/781-7815		
Suffolk Probate and Family Court Volunteer Lawyer for the Day	Angela M. Syrbick Suffolk Probate and Family Court 24 New Chardon Street Boston, MA 02114	617/788-8385	617/788-8962	
Boston Municipal Court Informal Program	Michael J. Coleman Clerk for Civil Business Boston Municipal Court Department Room 375 Old Court House Boston, MA 02108			

Programs by State	Address	Telephone Number	Fax Number	EMail
Michigan				
17 th Circuit Court Personal Protection Office	Kim Foster, Administrator Circuit Court 333 Monroe Avenue NW Grand Rapids, MI 49503	616/336-3621	616/336-2932	Kfoster@justice.co.kent.mi.us
54 th Judicial District Friend of the Court	Mary Lou Burns, Administrator Friend of the Court 449 Green Street Caro, MI 48723	517/673-4848	517/673-4898	Tuscolafofoc.op.mail@centurryinter.net
Wayne County Probate Court Pro Se Court	No information			
Minnesota				
Third Judicial District Pro Se Program	Sonjia M. Lien Third Judicial District 2200 2 nd Street SW #101 Rochester, MN 55902-4125	507/285-7483	507/285-7476	Sonjia.lien@courts.state.mn.us
Mississippi				
Hinds County Chancery Court Pro Se Divorce Clinic	Phyllis Thornton Program Director Pro Bono Project P.O. Box 2168 Jackson, MS 39225	601/948-4471	601/355-8635	www.msbar.org
Missouri				
Jackson County Circuit Court Quickfile	Cindy Cook Assistant Legal Counsel 415 East 12 th Street Kansas City, MO 64106	816/881-3716 or 4521	816/881-3164	cindy.a.cook@osca.state.mo.us

Programs by State	Address	Telephone Number	Fax Number	EMail
Montana				
Legal Services Association Dissolution Clinic	Ali Moulton Volunteer Vista Attorney 100 ½ South Merrill Glenaire, MT 59330	406/365-4816	Same	
13th Judicial District Court Yellowstone Co. Bar Association Family Law Project	Robert LaRoche 2442 1 st Avenue North Billings, MT 59101	406/248-7113	406/248-7763	
1 st Judicial District Court State Law Library Advice Clinic	Susan Golius Montana Legal Services 801 North Last Chance Gulch Helena, MT 59601	406/442-9817	406/442-9817	mlsa@rci.sys
4 th Judicial District Court Family Law Advice Clinic	Klaus Sitte, Deputy Director Montana Legal Services 304 North Higgins Missoula, MT 59802	406/543-8343	406/543-8314	mlsa@mssl.uswest.net
Nebraska				
Lancaster County Court Lincoln/Lancaster Mediation Center	Elizabeth R. Kosier, Executive Director Lincoln/Lancaster Mediation Center 1033 "O" Street Suite 316 Lincoln, NE 68508	402/441-5740		

Programs by State	Address	Telephone Number	Fax Number	EMail
Nevada				
First Judicial District Court Self-Help Divorce Clinic	Jeri Mihelic Volunteer Attorneys for Rural Nevadans P.O. Box 365 Carson City, NV 89702	775/883-0404	775/883-7074	varn-cc@excite.com
Second Judicial District Court Family Facilitator	Cathy Krolak, Court Administrator Second Judicial District Court P.O. Box 30083 Reno, NV 89520	775/328-3119	775/328-3188	
Fourth Judicial District Access to Justice	Christian M. Knox Fourth Judicial District Court 571 Idaho Street Elko, NV 89801	775/753-4601	775/753-4611	Fourjdel@cyberhighway.net
Seventh Judicial District Appointed Counsel	Hon. Dan L. Papez District Judge Seventh Judicial District Court Department 2 P.O. Box 149 Ely, NV 89301	702/289-1546	702/289-1541	
Eighth Judicial District Court Self-Help Legal Classes	Barbara Buckley Eighth Judicial District Court 701 East Bridger #101 Las Vegas, NV 89101	702/366-1070 Ext 105	702/366-0569	bbuckely@wizard.com
Legal Services	Barbara Buckley Eighth Judicial District Court 701 East Bridger #101 Las Vegas, NV 89101	702/366-1070 Ext. 105	702/366-0569	bbuckely@wizard.com
Family Law Self-Help Center	Rachelle Resnick, Esq. Eighth Judicial District Court 601 North Pecos Road Las Vegas, NV 89101	702/455-1505	702/382-1090	
New Hampshire				
Portsmouth Family Division Court Pilot Project	Rhonda Scully Portsmouth Family Division 111 Parrott Avenue Portsmouth, NH 03801	603/433-8518	603/433-7154	

Programs by State	Address	Telephone Number	Fax Number	E-Mail
New Jersey				
Superior Court-Essex Vicinage Office of the Ombudsman Information and Community Relations Center	Michele Bertran, Esq. Ombudsman Superior Court of New Jersey 50 West Market Street Room 101 Newark, NJ 07102	973/693-5728	973/693-5726	
Superior Court-Camden Vicinage Family Part Pro Se Assistance Program	Louis LaSelva, Administrative Assistant Hall of Justice, Second Floor Camden, NJ 08103	856/225-7465	856/2257004	Louislaselva@judiciary.state.nj.us
Ombudsman Program	Dunia L. Quezada, Ombudsperson Superior Court of New Jersey 101 South 5 th Street Hall of Justice, Suite #101 Camden, NJ	856/225-7177	856-225-8321	Dunia-quezada@judiciary.state.nj.us
New Mexico				
Third District Court Pro Se Service Center	Melissa Reeves Third District Court 201 W Picacho Suite A Las Cruces, NM 88005	505/523-8200	505/523-8290	Lcrdmjp@jdmail.nmcourts.com
Eleventh District Court Pro Se Divorce Program	William C. Birdsall Eleventh District Court, Division I 103 South Oliver Aztec, NM 87410	505/334-4893	505/334-1940	Aztdwcb@jdmail.nmcourts.com
Pro Se Clinic	Gregory T. Ireland Eleventh District Court 103 South Oliver Aztec, NM 87410	505/334-6151	505/334-1940	Aztdgti@jdmail.nmcourts.com
Second District Court Pro Se Division	Victoria B. Garcia Administrative Staff Attorney P.O. Box 488 Albuquerque, N 87103	505/841-7599	505/841-6785	Albdvbg@nmcourts.com

Programs by State	Address	Telephone Number	Fax Number	E Mail
New York				
Civil Court, City of New York Resource Center Supreme Court – Civil	Ernesto Belzaguy Civil Court, City of New York 111 Centre Street New York, NY 10013	212/374-2866	212/374-5709	
Office of the Self Represented	Gloria Smyth-Godinger Supreme Court-Civil Branch 60 Centre Street New York, NY 10007	212/374-5628	212/748-5984	
North Carolina				
26 th Judicial District Self-Serve Center	Yvonne McGhee, Director Pro Se Programs 26 th Judicial District Mecklenburg County 800 East 4 th Street #311 Charlotte, NC 28202	704/417-1816	704/342-5466	Yvonnem@mail-hub.aoc.sstate.nc.us
Ohio				
Northeast Ohio Legal Services Volunteer Advocacy Legal Unit	Jackie Tate, Coordinator Northeast Ohio Legal Services 11 Federal Plaza Central, 7 th Floor Youngstown, OH 44503	330/742-5857	330/744-2503	
Wooster Legal Aid Society “Do It Yourself Divorce Clinic”	Frank G. Avellone, Executive Director 121 W. North Street Suite 100 Wooster, OH 44691	330/264-9454	330/262-2379	Woolegal@bright.net
Athens Legal Services Poverty Prevention Legal Clinic	Tim Foran, Managing Attorney Athens Legal Services 490 North Richland Avenue Athens, OH 45701	740/594-3558	740/594-3791	Tforan@frognet.net
Toledo Bar Association Pro Bono Legal Services Program	Pat Short Intagliata Toledo Bar Association 311 North Superior Toledo, OH 43604	419/242-9363	419/242-3614	pintagliata@toledobar.org

Programs by State	Address	Telephone Number	Fax Number	EMail
Ohio				
Pro Seniors, Inc. Legal; Hotline	Garlinn Story, Executive Director Pro Seniors, Inc. 105 East 4 th Street Cincinnati, OH 45202	513/345-4160	513/621-5613	Proseniors@proseniors.org
Oklahoma				
District Court of LeFlore County Informal Program	Hon. George H. McBee District Judge LeFlore County District Court P.O. Box 1056 Poteau, OK 74956	918/647-3350	918/647-7374	
Oregon				
Deschutes County Circuit Court Pro Se Dissolution	Ernest Mazarol Trial Court Administrator Deschutes County Circuit Court 1164 NW Bond Bend, OR 97701	541/388-5300 Ext. 269	541/388-5309	
Union County Circuit Court (No name)	John DeNault Trial Court Administrator 1008 K Avenue La Grande, OR 97850	541/962-9500 Ext. 232	541/963-0444	John.denault@ojd.state.or.us
Marion County District Court Dissolution Resource Services	Elaine Martin/Megan Hassen Third Judicial District P.O. Box 12869 Salem, OR 97309	503/588-5368	503/589-3239	
Pennsylvania				
Allegheny County Pro Se Family Law Motions Project	Susan Fagan Weber Allegheny Court of Common Pleas Family Division 621 City-County Building Pittsburg, PA 15219	412/350-4151	412/350-5967	
Texas				
Bexar County Civil District Courts (San Antonio) Staff Attorney and SABA Pro Bono Referral Program	Amber M. Liddell Bexar County Civil District Courts 100 Dolorosa San Antonio, TX 78205	210/335-2123	210/335-2843	Aliddell@co.bexar.tx.us

Programs by State	Address	Telephone Number	Fax Number	EMail
Texas				
Tarrant County Family Court Black Women Lawyers Pro Bono Clinic	Pam Allen, Assistant Manager Family Law Section 100 North Houston Fort Worth, TX	817/884-2575	817/884-3242	Pallen@tarrantco.com
Utah				
Automated Pro Se Legal Assistance Project	Kim Allard, Web Publisher Administrative Office of the Courts 450 South State Salt Lake City, UT 84114	801/578-3988	801/578-3968	Kima@email.utcourts.gov
Court Information Line	Dan Becker State Court Administrator P.O. Box 140241 Salt Lake City, UT 84114	801/578-3800	801/578-3843	
Third District Court Domestic Violence Assistance Program	Larry Gobelman Trial Court Executive P.O. Box 140331 Salt Lake City, UT 84114-0331	801/238-7315	801/238-7397	
Tuesday Night Bar	Kim Allard Web Publisher Administrative Office of the Courts 450 South State Salt Lake City, UT 84114	801/578-3988	801/578-3968	Kima@email.utcourts.gov

Programs by State	Address	Telephone Number	Fax Number	EMail
Vermont				
Washington County Family Court Mandatory Pro Se Education Class	M. Kadie Schaeffer, Director Family Court Project Washington County Family Court 255 N. Main Street Barre, VT 05641	802/479-4205	802/479-4423	Maxine@washdis.crt.state.vt.us
Domestic Violence Educational Program	Ruth Hovey Assistant Clerk Washington Family Court 255 North Main Street Barre, VT 05641	802/479-4205	802/479-4423	Ruth@washdis.crt.state.vt.us
Virginia				
Central Virginia Legal Aid Pro Bono Hotline	James W. Speer Central Virginia Legal Aid 101 West Broad Street, Suite 101 Richmond, VA 23220	804/648-1012	804/225-8197	Jayspeer@hotmail.com
Legal Services of Northern Virginia Court Outreach	Karen Zeinedoin Legal Services of Northern Virginia 6400 Arlington Boulevard #630 Falls Church, VA 22042	703/534-4343	703/532-3990	Lsnvmain@aol.com
Washington				
Whatcom County Superior Court Family Law Facilitator Protection Orders	Cheryl Boal, Director LAW Advocates P.O. Box 937 Bellingham, WA 98227	360/671-6079		
Washington State Office of Administrative Hearings First in Touch (FIT)	Barbara Boivin, Administrator OAH 1904 third Avenue, Suite 722 Seattle, WA 98101-1100	206/464-7272	206/587-5136	Bboiv@oah.wa.gov
Kitsap County Superior Court Courthouse Facilitator	Janet Skreen Office of the Kitsap County Clerk 614 Division Street Mailstop 34 Port Orchard, WA 98366-4692	360/337-7246	360/337-4927	Jskreen@co.kitsap.wa.us

Programs by State	Address	Telephone Number	Fax Number	EMail
West Virginia				
Kanawha County Circuit Court Family Law Clinic Legal Aid Society of Charleston	Bruce Perrone Legal Aid Society of Charleston 922 Quarrier Street 4 th Floor Charleston, WV 25301	304/343-3013	304/345-5934	Brperrone@aol.com
Bankruptcy Court, Southern District Legal Aid Society of Charleston	Bruce Perrone Legal Aid Society of Charleston 922 Quarrier Street 4 th Floor Charleston, WV 25301	304/343-3013	304/343-5934	Brperrone@aol.com
Circuit Court of 3 Counties WV Legal Services Plan	Bruce Perrone Legal Aid Society of Charleston 922 Quarrier Street 4 th Floor Charleston, WV 25301	304/343-3013	304/343-5934	Brperrone@aol.com
Wisconsin				
Richland County Circuit Court The Resource Center, Inc.	Henk Newenhouse 330999 Slow Lane Lone Rock, WI 53556	608/583-3542	608/647-6225	
Milwaukee County Circuit Court Pro Se Form Assistance Center Family Justice Clinic	Beth Bishop Perrigo, Deputy Court Administrator 901 9 th Street #609 Milwaukee, WI 53233	414/278-5025		
Eau Claire County Circuit Court Pro Se Services	Gregg Moore District Court Administrator 405 South Barston Eau Claire, WI 54703	715/839-4826	715/839-4891	

Programs by State	Address	Telephone Number	Fax Number	EMail
Wyoming				
State Bar Pro Bono Volunteer Program Legal Services, Inc.	Cyndy Harnett Wyoming State Bar C/O Office of the Attorney General 123 Capitol Building Cheyenne, WY 82002	307/777-7196	307/777-3687	Charne@missc.state.wy.us
4 th Judicial District County Bar Pro Bono Program	Hon. John Brackley District Court Judge 224 South Main Street Sheridan, WY 82801	307/674-4478		
Wyoming Legal Services, Inc.	Jodi Dorrough Wyoming Legal Services, Inc. P.O. Box 1160 Lander, WY 82520	307/332-6626	307/332-5763	

MATERIALS ON PRO SE LITIGATION

AND RELATED ISSUES

*Prepared for the National Conference on Pro Se Litigation
Scottsdale, Arizona*

November 18-21, 1999

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I. Introduction

A. Historical roots of the tradition of self-representation

"The Sixth Amendment does not provide merely that a defense shall be made for the accused; it grants to the accused personally the right to make his defense. It is the accused, not counsel, who must be 'informed of the nature and cause of the accusation,' who must be 'confronted with the witnesses against him,' and who must be accorded 'compulsory process for obtaining witnesses in his favor.' Although not stated in the Amendment in so many words, the right to self-representation--to make one's own defense personally--is thus necessarily implied by the structure of the Amendment. The right to defend is given directly to the accused; for it is he who suffers the consequences if the defense fails." *Faretta v. State of California*, 95 S.Ct. 2525, 2532 (1975).

"The Founders believed that self-representation was a basic right of free people. Underlying this belief was not only the antilawyer sentiment of the populace, but also the 'natural law' thinking that characterized the Revolution's spokesmen . . . Thomas Paine, arguing in support of the 1776 Pennsylvania Declaration of Rights, said: 'either party . . . has a natural right to plead his own case; this right is consistent with safety, therefore, it is retained; but the parties may not be able . . . therefore the civil right of pleading by proxy, that is, by counsel, is an appendage to the natural right of self-representation . . .'" *Faretta, supra*, 95 S.Ct. at 2539, n. 39.

B. Anti-lawyer sentiment in American and English history

Roscoe Pound, *THE LAWYER FROM ANTIQUITY TO MODERN TIMES* (St. Paul, MN: West Publishing Co., 1953).

Michael Birks, *GENTLEMEN OF THE LAW* (London: Stevens & Sons, 1960).

C. Origins and evolution of unauthorized practice of law (UPL) restrictions

Jona Goldschmidt, *A Brief History of the Unauthorized Practice of Law*, in 1994 SURVEY AND RELATED MATERIALS ON THE UNAUTHORIZED PRACTICE OF LAW/NONLAWYER PRACTICE (Chicago: Am. Bar Assoc., 1996).

Barlow F. Christensen, *The Unauthorized Practice of Law: Do Good Fences Really Make Good Neighbors--Or Even Good Sense?*, 1980 AM. BAR FOUND. J. 159 (1980).

Deborah L. Rhode, *Policing the Professional Monopoly: A Constitutional and Empirical Analysis of Unauthorized Practice Prohibitions*, 334 STAN. L. REV. 1 (1981).

II. Extent of Pro Se Litigation

Bruce D. Sales, et al., *SELF-REPRESENTATION IN DIVORCE CASES* (Chicago: Am. Bar Assoc., 1993).

Steven K. Smith, et al., *Tort Cases in Large Counties--Special Report* (Washington, DC: Bureau of Justice Statistics, 1995).

Institute for Survey Research, *REPORT ON THE LEGAL NEEDS OF THE LOW- AND MODERATE-INCOME PUBLIC* (Chicago: Am. Bar Assoc., 1994).

III. The Ripple Effect of Pro Se Litigation

A. Growth of nonlawyer practice

James Podgers, *Legal Profession Faces Rising Tide of Non-Lawyer Practice*, 30 ARIZ. ATTY. 24 (March, 1994).

Daniel Jordan, *Unauthorized Practice of Law in Administrative Proceedings*, 48 J. MO. BAR ASSOC. 539 (November, 1992).

Deborah L. Rhode, *The Delivery of Legal Services by Non-Lawyers*, 4 GEO. J. LEG. ETHICS 209 (1990).

Sperry v. Florida, 373 U.S. 379 (1963) (U.S. Patent Office may allow nonlawyer practitioners despite fact that it constitutes UPL under state law).

B. Professionalization by nonlawyer practitioners as a response to UPL enforcement

Stephanie J. Johnson, *Legal Technicians: Should Non-lawyers Be Allowed to Practice Law?*, 18 BAR LEADER 17 (1993).

Kathleen E. Justice, *There Goes the Monopoly: The California Proposal to Allow Nonlawyers to Practice*, 44 VAND. L. REV. 179 (1991).

Meredith A. Munro, *Deregulation of the Practice of Law: Panacea or Placebo?*, 42 HAST. L. J. 203 (1990).

C. Continuing struggle to define the practice of law

There are eight definitions of the "practice of law" reflected in state case law:

1. The *requires the knowledge and application of legal principles* test

As the Oklahoma Supreme Court stated in using this approach, "Our decisions definitely spell out the concept of the practice of law: the rendition of services requiring the knowledge and the application of legal principles and techniques to serve the interests of another with his consent. This is a concept applied over and over again in other jurisdictions . . . [I]t was unnecessary that we should otherwise have defined 'practice of law' to include specific acts as a prerequisite to the exercise of the proper jurisdiction of the judicial department." *R.J. Edwards, Inc. v. Hert*, 504 P.2d 407, 416 (Okla. 1972). The court went on to hold that "the preparation for money consideration of legal instruments to be shaped from a mass of facts and conditions involving the application of intricate principles of law which can only be applied by a mind trained in existing laws in order to ensure a specific result and to guard against other undesirable results comes within the term 'practice of law'." *Id.*

The Supreme Court of Utah accepted the rule in *R.J. Edwards* adding "[the practice of law] not only consists of performing services in the courts of justice throughout the various stages of a matter, but in a larger sense involves counseling, advising, and assisting others in connection with their legal rights, duties, and liabilities." *Utah State Bar v. Summerhayes & Hayden, Public Adjusters*, 905 P.2d 867 (Utah 1995). In addition, the court in *Summerhayes* found that the practice of law includes the preparation of contracts and other legal instruments by which legal rights and duties are fixed. *Id.*

An Illinois court approved a definition of the practice of law that included the giving of advice, when the rendition of such services requires the use of any degree of legal knowledge or skill. This includes the preparation of pleadings and other papers incident to actions and special proceedings, the management of such actions and proceedings on behalf of such clients before the court, conveyancing, the preparation of legal instruments of all kinds, all advice to clients,

and all actions taken for them in matters connected with the law. *People ex rel. Illinois State Bar Assoc. v. Peoples' Stock Yards State Bank*, 176 N.E. 901 (Ill. 1931).

2. The activities lawyers have traditionally performed test

Under this definition, the practice of law is defined as activities that have always been traditionally performed by an attorney. As an Arizona court held, "[I]t is impossible to lay down an exhaustive definition of the 'practice of law' by attempting to enumerate every conceivable act performed by lawyers in the normal course of their work. We believe it sufficient to state that those acts, whether performed in court or in the law office, which lawyers have customarily have carried on from day to day through the centuries must constitute the 'practice of law'." *State Bar of Arizona v. Arizona Land Title and Trust Co.*, 366 P.2d 1, 8-9 (Ariz. 1961).

A court in Maryland held that the practice of law includes "utilizing legal education, training, and experience [to apply] the special analysis of the profession to a client's problem." *Attorney Grievance Comm'n v. James*, 666 A.2d 1246 (Md. 1995). The court in *James* added "depending on the circumstances, meeting prospective clients may constitute the practice of law ... the very acts of interview, analysis and explanation of legal rights constitute practicing law." *Id.*

3. The service incidental to principal business test

This definition of the practice of law considers activities performed by nonlawyers that are not part of their principal business as the practice of law. For example, "It is said that while conveyancing may be considered to be the practice of law, the real question is whether, conceding that it is, it should be deemed unlawful when solely incidental to a lawful business." *Ingham County Bar Assoc. v. Walter Neller Co.*, 69 N.W.2d 713 (Mich. 1955).

An Arkansas court held that "Many activities fall within the ambit of the practice of law, for instance, a merchant collecting his own bills is not practicing law. . . . [T]he filling in of the simple standardized forms here involved is a necessary incident of his business just as the collection of the merchant's bills is a necessary incident of his business. . . . [A] real estate broker . . . may be permitted to fill in the blanks in simple printed standardized real estate forms . . ." *Creekmore v. Izard*, 367 S.W.2d 419, 422-23 (1963).

4. The knowledge beyond the average citizen test

As the New Mexico Supreme Court held, "[W]henever, as incidental to another transaction or calling, a layman, as part of his regular course of conduct resolves legal questions for another at his request and for consideration by giving him advice or taking action for and in his behalf, the layman is 'practicing law,' but only if difficult or doubtful legal questions are involved, which, to safeguard the public, reasonably demand the application of a trained legal mind. . . What is a difficult or doubtful question of law demanding the application of a trained

legal mind is not to be measured by the comprehension of a trained legal mind but by the understanding thereof which is possessed by a reasonably intelligent layman who is reasonably familiar with similar transactions. The test must be applied in a common-sense way which will protect primarily the interest of the public and not hamper or burden such interests with impractical and technical restrictions which have no reasonable justification." *State Bar of New Mexico v. Guardian Abstract and Title Co.*, 575 P.2d 943, 948 (NM 1978)

"When an accountant or other layman who is employed to prepare an income tax return is faced with difficult or doubtful questions of the interpretation or application of statutes . . . or general law . . . it is his duty to leave the determination of such questions to a lawyer." *Gardner v. Conway*, 48 N.W.2d 788 (Minn. 1951). "What is a difficult or doubtful question of law is not to be measured by the comprehension of a trained legal mind, but by the understanding thereof which is possessed by a reasonably intelligent layman who is reasonably familiar with similar transactions." *Agran v. Shapiro*, 273 P.2d 619 (Calif. 1954).

A court in Florida sets forth criterion for determining what constitutes the practice of law as follows: "We think that in determining whether the giving of advice and counsel and the performance of services in legal matters for compensation constitute the practice of law it is safe to follow the rule that if the giving of such advice and performance of such services affect[s] important right of person under the law, and if the reasonable protection of the rights and property of those advised and served requires that the persons giving such advice possess legal skill and knowledge of the law greater than that possessed by the average citizen, then giving of such advice and the performance of such services by one for another as course of conduct constitute the practice of law. *State v. Foster*, 674 So.2d 747 (Fla. 1996).

5. The *balancing of interests* test

Under this approach, courts weigh the relative interests of the public against those of the individual accused of UPL. In one case involved realtors, it was held that "Reason, public convenience and welfare appear to be on the side of the defendants. We feel that to grant the injunctive relief requested, thereby denying to the public the right to conduct real estate transactions in the manner in which they have been transacted for over half a century, with apparent satisfaction, and requiring all such transactions to be conducted through lawyers, would not be in the public interest; that the advantages, if any, to be derived by such limitation are outweighed by the convenience now enjoyed by the public in being permitted to choose whether their broker or their lawyer shall do the acts or render the services which plaintiffs seek to enjoin." *Conway-Bogue Realty Investment Co. v. Denver Bar Assoc.*, 312 P.2d 998, 1007 (Colo. 1957).

6. The *activities which are incidental to appearance in court* test

The Supreme Court of Ohio found that the practice of law includes the conduct of litigation and those activities which are incidental to appearance in court. *Akron Bar Ass'n v.*

Greene, 673 N.E.2d 1307 (Ohio 1997). The court in *Greene* held that "The practice of law . . . embraces the preparation of pleadings and other papers incident to actions and special proceedings and the management of such actions and proceedings on behalf of clients before judges and courts . . ." *Id.* The court in *Greene* concluded that the practice of law also "includes legal advice and counsel, and preparation of legal instruments and contracts by which legal rights are secured...." *Id.*

A court in Connecticut pronounced the practice of law to "consist in no small part of the work performed outside of any court and having no immediate relation to proceedings in court. *Statewide Grievance Comm v. Patton*, 683 A.2d 1359 (Conn. 1996). The court in *Patton* held the practice of law embraces the giving of legal advice on a variety of subjects and the preparation of legal instruments covering an extensive field . . . although such transactions have no direct connection with court proceedings, they are always subject to subsequent involvement in litigation . . . [t]hey require in many aspects a high degree of legal skill and great capacity for adaptation to difficult and complex situations." *Id.*; see also *State v. Despain*, 460 S.E.2d 576 (S.C. 1995) (finding preparation of legal documents for court constitutes practice of law when such preparation involves giving advice, consultation, explanation, recommendations on matters of law).

7. The professional judgment of a lawyer test

Under this test, an Ohio court recently suggested that the practice of law includes any act that requires "the professional judgment of a lawyer." *In re Burson*, 909 S.W.2d 768 (Tenn. 1995). The court in *Burson* further noted that "the essence of the professional judgment is the lawyer's educated ability to relate general body and philosophy of law to specific legal problem of a client." *Id.*; see also *Old Hickory Engineering & Machine Co., Inc., v. Henry*, 937 S.W.2d 782 (Tenn. 1996) (holding preparation and filing of a compliant require the professional judgment of a lawyer and is, therefore, the "practice of law").

8. The fair intendment of the term ["practice of law"] test

A court in Maryland held: "[t]his court has always found it difficult to craft an all encompassing definition of the 'practice of law.' *Attorney Grievance Comm'n v. Hallmon*, 681 A.2d 510 (Md. 1996). "To determine what is the practice of law we must look at the facts of each case and determine whether [the acts] fall within the fair intendment of the term." *Id.* The court in *Hallmon* concluded "where trial work is not involved but the interpretation, the giving of legal advice, or the application of legal principles to problems of any complexity, is involved, these activities are still the practice of law." *Id.*

9. See also, Am. Bar Assoc., ANNOTATED CODE OF PROFESSIONAL RESPONSIBILITY, Ethical Consideration 3-5 (1983):

"It is neither necessary nor desirable to attempt the formulation of a single, specific definition of what constitutes the practice of law. Functionally, the practice of law relates to the rendition of services for others that call for the professional judgment of the lawyer. The essence of the professional judgment of the lawyer is his educated ability to relate the general body and philosophy of law to a specific legal problem of a client; and thus, the public interest will be better served if only lawyers are permitted to act in matters involving professional judgment."

IV. The Legal Profession's Response to Pro Se Litigation

A. Use of multiple approaches

Report of the Commission on the Delivery of Legal Services of the State Bar of Wisconsin (Madison, WI: State Bar of Wisconsin, 1996).

David Long, et al., *The Pro Per Crisis in Family Law* (Memorandum to the State Bar of California Board Committee on Courts and Legislation. August 15, 1995).

Standing Committee on the Delivery of Legal Services, *Responding to the Needs of the Self-Represented Divorce Litigant* (Chicago: Am. Bar Assoc., 1994).

Steven R. Cox, et al., *A Report on Self-Help Law: Its Many Perspectives* (Chicago: Am. Bar Assoc. Special Comm. On the Delivery of Legal Services, undated)

B. Unbundled legal services and the ghostwriting issue

Forrest S. Mosten, *Unbundling of Legal Services and the Family Lawyer*, 28 FAM. L. Q. 421 (1994).

Ghostwriting (1) "causes the court to apply the wrong tests in its decisional process and can very well produce unjust results"; (2) it is "a deliberate evasion of the responsibilities imposed on counsel by Rule 11, F.R.Civ.P."; and (3) a "an undisclosed counsel who renders extensive assistance to a pro se litigant is involved in the litigants' misrepresentations contrary to the Model Code of Professional Responsibility." *Johnson v. Bd. of Comm'rs for the County of Fremont*, 868 F.Supp. 1226 (D. Colo. 1994), *aff'd on other grounds* 85 F.3d 489 (10th Cir. 1996); *Somerset Pharmaceuticals v. Kimball*, 168 F.R.D. 69 (M.D. Fla. 1996) (ghostwriting an act that "taint[s] the legal process and create[s] disparity between the parties").

Note, "Ethical and Procedural Implications of 'Ghostwriting' For Pro Se Litigants: Toward Increased Access to Civil Justice," LXVII FORD. L. REV. 2687 (1999).

C. Litigators' scrutiny of judicial assistance to pro se litigants.

Robert M. Daniszewski, *Coping with the Pro Se Litigant*, N.H. BAR J. (March, 1995, p. 46).

V. Court Managers' Response to Pro Se Litigation

A. The Trial Court Performance Standards

Standard 1 : "Trial courts should be open and accessible . . . Accessibility is required not only for those who are guided by an attorney but also for all litigants . . . (Commentary); Standard 1.3: "All who appear before the court are given the opportunity to participate effectively without undue hardship or inconvenience"; Standard 1.4: Judges and other trial court personnel are courteous and responsive to the public and accord respect to all with whom they come into contact." This is particularly important "in the understanding shown and assistance offered by court personnel to . . . those unfamiliar with the trial court and its procedures" (Commentary); Standard 5.1: "The trial court and the justice it delivers are perceived by the public as accessible" and "A trial court not only should be accessible to those who need its services, but it also should be so perceived by those who may need its services in the future" (Commentary).

B. The specter of UPL and limits on assistance to the public

"Clerks of the court who are involved in assisting the public with forms and pleadings must be careful not to advise the public as to its legal rights and responsibilities. Careful attention must be given to avoid the unauthorized practice of law. However, this does not mean that clerks of the court may not assist the public in the routine filling out of forms. . . [A] judge should promote public confidence in the integrity and impartiality of the judiciary. . . If clerks of the court were prohibited from lending assistance to the public, the result would be a judiciary that is only accessible to those individuals able to afford counsel. Clearly, such an effort would not be desirable nor constitutional. Furthermore, assistance in filling out forms is desirable by allowing for an efficient flow of an individual's case through the system." *Opinions of the Arizona Judicial Ethics Advisory Committee*, No. 88-5 (May 11, 1988)

"Providing sample pleadings to individuals upon request also appears to violate the prohibition against practicing law [by clerks of the court]. Establishing a master file of sample pleadings and papers copied from ones filed in the clerk's office requires the exercise of judgment as to which pleadings and papers are good and sufficient. Making copies of such pleadings and papers available, on request, to pro se individuals requires the exercise of further judgment in order to determine which sample best suits the legal needs of the individual. . . Providing the sample is tantamount to helping in the preparation of papers that are to be filed in court." *Opinions of the Maryland Attorney General* (October 22, 1991)

"[A] clerk [who] . . . identifies and describes options and provides the appropriate forms and assistance in completing them" is not engaged in the practice of law. "[Providing assistance with filling out forms and offering procedural advice clearly do not run afoul of the prohibition on the practice of law." *Opinions of the Massachusetts Advisory Committee on Ethical Opinions for Clerks of the Courts*, No. 95-6 (November 8, 1995).

"Furnishing forms to a person would not constitute the practice of law. However, filling out or helping the person fill out the forms or assisting in the execution of the forms would constitute the practice of law." *Opinions of the Legal Ethics Committee of the Indiana State Bar Assoc.*, No. 4 (1992).

"[T]he practice of law includes the drafting or selection of documents and the giving of advice in regard thereto any time an informed or trained discretion must be exercised in the selection or drafting of a document to meet the needs of the persons being served. The knowledge of the customer's needs obviously cannot be had by one who has no knowledge of the relevant law." *Ore. State Bar v. Security Escrows, Inc.*, 377 P.2d 334, 338 (1962).

C. The Graecan Guidelines for clerks' assistance

John M. Graecen, "No Legal Advice From Court Personnel." *What Does That Mean?*, JUDGES' JOURNAL (Winter, 1995, p. 10)

D. Development of pro se assistance programs

Jona Goldschmidt, Barry Mahoney, Harvey Solomon & Joan Green, *Meeting the Challenge of Pro Se Litigation: A Report and Guidebook for Judges and Court Managers* (Chicago: American Judicature Society, 1998).

Eleanor Landstreet, et al., *Developing Effective Procedures for Pro Se Modification of Child Support Awards* (Washington, DC: U.S. Dep't of Health and Human Services, 1991).

Michigan State Court Administrative Office, *Pro Se Forms and Instruction Packets: Providing Improved Access to Michigan Courts: Final Report* (Lansing, MI: Michigan Supreme Court, 1994).

Alexandra B. Stremmler, et al., *Florida Pro Se Clinics: Representation for the Poor* (Gainseville, FL: University of Florida College of Law, 1994).

James G. Apple, et al., *Manual for Cooperation Between State and Federal Courts* (Washington, DC: Federal Judicial Center, 1997).

Resource Guide for Managing Prisoner Civil Rights Litigation--with Special Emphasis on the Prisoner Litigation Reform Act (Washington, DC: Federal Judicial Center, 1996).

How to Process an Appeal in the New Mexico Court of Appeals (Albuquerque, NM: State Bar of New Mexico, 1995).

First Circuit's [Florida] Pro Se Litigant System Delivers Results, FULL COURT PRESS (July-August, 1994, p.2).

Margaret Barry, "Accessing Justice: Are Pro Se Clinics a Reasonable Response to the Lack of Pro Bono Legal Services and Should Law School Clinics Conduct Them?" LXVII FORD. L. REV. 1879 (1999).

E. Nonlawyer practice

Commission on Nonlawyer Practice, *Nonlawyer Activity in Law-Related Situations: A Report with Recommendations* (Chicago: Am. Bar Assoc., 1995).

Jane C. Murphy, *Access to Legal Remedies: The Crisis in Family Law*, 8 BYU J. PUB. L. 123 (1993).

Alex Hurder, "Non-Lawyer Legal Assistance and Access to Justice," LXVII FORD. L. REV. 2241 (1999).

Derek Denckla, "Nonlawyers and the Unauthorized Practice of Law: An Overview of the Legal and Ethical Parameters," LXVII FORD. L. REV. 2581 (1999).

VI. The Judicial Response to Pro Se Litigation

A. The right of access to the court and the "meaningful hearing" requirement of due process

Prisoners, "and indeed every person has a right of access to the courts which is protected by the United State Constitution." *White v. Lewis*, 804 P.2d 805, 815 (AZ 1991), citing *Ex Parte Hull*, 61 S.Ct. 640 (1941); *Johnson v. Avery*, 89 S.Ct. 747 (1969), and *Wolff v. McDonnell*, 94 S.Ct. 2963 (1974).

"Due process" requires a meaningful opportunity to be heard, granted at a meaningful time, and in a meaningful manner: *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982); *Little v. Streater*, 452 U.S. 1 (1981); *Armstrong v. Manzo*, 380 U.S. 545 (1965).

Howard M. Rubin, *The Civil Pro Se Litigant v. The Legal System*, 20 LOY. U. CHI. L. J. 999 (1989).

Julie M. Bradlow, *Procedural Due Process Rights of Pro Se Litigants*, 55 U. CHI. L. REV. 659 (1988).

Helen B. Kim, *Legal Education for the Pro Se Litigant: A Step Towards a Meaningful Right to Be Heard*, 96 YALE L. J. 1641 (1987).

B. The traditional role of the judge

Judges also have a duty under Canon 3 of the Code to "be patient, dignified and courteous to litigants . . ." (Sec. B4) However, "The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate." (Commentary, Sec. B4) Further, judges "shall accord to every person who has a legal interest in a proceeding . . . the right to be heard according to law." (Sec. B7) "Law" includes court rules, statutes, constitutional provisions and decisional law. (Code, Terminology) In addition, judges also "must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay." (Commentary, Sec. 8) Finally, judges have a duty to assure that court officials "refrain from manifesting bias or prejudice in the performance of their official duties." (Canon 3, Sec. C2) The latter provision suggests a duty upon judges generally, and especially administrative judges, to assure their court staff provide assistance in an impartial manner.

C. The acrobatic judge

Several judicial ethics requirements are relevant to judges' treatment of pro se litigants. Canon 2 of the ABA MODEL CODE OF JUDICIAL CONDUCT (1990) requires that judges "avoid impropriety and the appearance of impropriety" in all judicial activities; this includes acting "in a manner that promotes public confidence in the integrity and impartiality of the judiciary." (Sec. A). "The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired." (Commentary, Sec. A)

D. Managing the pro se litigant

1. Case Law

Pro se litigant's complaint must be held to "less stringent standards than formal pleadings drafted by lawyers. *Haines v. Kerner*, 92 S.Ct. 594 595 (1972). "Pleadings" is defined by *Black's Law Dictionary* (5th ed. 1979) as: "The formal allegations by the parties of their respective claims and defenses." It is not clear whether "pleadings" includes letters, motions, or other written submissions to the court. Moreover, it is not clear whether the *Haines* rule applies to pleadings in state courts, or whether the ruling was merely an interpretation of the federal pleadings rule.

"A defendant does not have a constitutional right to receive personal instruction from the trial judge on courtroom procedure. Nor does the Constitution require judges to take over chores for a pro se defendant that would normally be attended to by trained counsel as a matter of course." *McKaskle v. Wiggins*, 465 U.S. 168, 183-84 (1984).

"The trial court is under no obligation to become an 'advocate' for or to assist and guide the pro se layman through the trial thicket." *U.S. v. Pinkey*, 548 F.2d 305, 311 (10th Cir. 1977). The judge who "unduly" aids the pro se litigant in his defense is, it is argued, wrongfully acting as an advocate for one side of the dispute.

Courts must accord "special attention" to pro se litigants faced with summary judgment motions. *Ham v. Smith*, 653 F.2d 628 (D.C.Cir. 1981). At the very least, a litigant is entitled to be warned that when he is confronted by a summary judgment motion, he must obtain counter-affidavits or other evidentiary material to avoid the entry of judgment against him. *Timms v. Frank*, 953 F.2d 281 (7th Cir. 1992); *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975); *Hudson v. Hardy*, 412 F.2d 1091 (D.C.Cir. 1968). Some circuits have limited this rule to prisoners. *Brock v. Hendershott*, 840 F.2d 339 (6th Cir. 1988); *Jacobsen v. Filler*, 790 F.2d 1362 (9th Cir. 1986) ("[a] litigant who chooses himself as legal representative should be treated no differently" than one with counsel, and requiring notice to non-prisoners of Rule 56 requirements "implicates the court's impartiality and discriminates against opposing parties who do have counsel.") However, *Timms*, 953 F.2d at 285, held that "the attempted distinction between prisoners and other pro se litigants with regard to this issue is unconvincing. . . [T]he idea that non-prisoners do not deserve notice because they have chosen to proceed pro se ignores the fact that most litigants who sue without a lawyer do so because they cannot afford one."

In regards to compliance with evidentiary rules, per se, one supreme court has commended a trial judge for his conduct in "relax[ing] the rules of evidence and mak[ing] a special effort to facilitate the [pro se] plaintiff's presentation of his case." *Austin v. Ellis*, 119 N.H. 741, 743 (1979). The court in *Austin* followed a recommendation of an ABA committee in declining to set any firm parameters regarding how far a judge should go to assist a pro se litigant: "The court is confronted by an especially difficult task when one of the litigants chooses to represent himself. The court's essential function to serve as an impartial referee comes into direct conflict with the concomitant necessity that the pro se litigant's case be fully and completely presented."

"[We] believe the trial judge should inform a pro se litigant of the proper procedure for the action he or she is obviously trying to accomplish." *Breck v. Ulmer*, 745 P.2d 66, 75 (Alaska, 1987). But, the court will not "require judges to warn pro se litigants on aspects of procedure when the pro se litigant has failed to at least file a defective pleading." *Bauman v. State*, 768 P.2d 1097, 1099 (Alaska, 1989).

"[W]e conclude the superior court must inform a pro se litigant of the specific defects in his notice of appeal and give him an opportunity to remedy those defects. We conclude that

failure to do so is manifestly unreasonable and thus constitutes an abuse of discretion. . . . [W]e recognize a distinction between a pro se litigant who fails entirely to file required materials and one who files defective materials." *Collins v. Arctic Builders*, 957 P.2d 980, 981-82 (1998).

The proper scope of the court's responsibility [to a pro se litigant] is necessarily an expression of careful exercise of judicial discretion and cannot be fully described by a specific formula [citing ABA STANDARDS, COMM. ON STANDARDS OF JUDICIAL ADMINISTRATION, Sec. 2.23, at 45-47 (1976)].

"A judge's official obligation to treat all litigants fairly obligates the judge to ensure that a pro se litigant in a nonadversarial setting is not denied the relief sought only on the basis of a minor or easily established deficiency in the litigant's presentation or pleading." Advisory Opinion #1-97, Indiana Commission on Judicial Qualifications (undated).

2. Literature

FJC Directions: Special Issue on Pro Se Litigation--New Legislation, New Challenges (Washington, DC: Federal Judicial Center, June, 1996).

Report of the Minnesota Conference of Chief Judges Comm. On the Treatment of Litigants and Pro Se Litigation (1996).

Report on Pro Se Litigation (Chicago: Pro Se Advisory Committee of the First Municipal District, Circuit Court of Cook County, 1995).

Judge Robert Gottsfield, *Let's Talk About It--A Superior Court Pro Se Division*, ARIZ. ATTY. (May, 1992, p. 49).

Russell Engler, "And Justice For All--Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators and Clerks," LXVII FORD. L. REV. 1987 (1999).



Indiana Judicial Nominating Commission
Indiana Commission on Judicial Qualifications

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ADVISORY OPINION

Code of Judicial Conduct
Canon 3B

#1-97

The Indiana Commission on Judicial Qualifications issues the following advisory opinion concerning the Code of Judicial Conduct. The views of the Commission are not necessarily those of a majority of the Indiana Supreme Court, the ultimate arbiter of judicial disciplinary issues. Compliance with an opinion of the Commission will be considered by it to be a good faith effort to comply with the Code of Judicial Conduct. The Commission may withdraw any opinion.

ISSUE

At issue are a judge's duties under the Code of Judicial Conduct with regard to pro se litigants in non-adversarial cases.

ANALYSIS

Neutrality and impartiality are virtues which are essential to the integrity of the judiciary. Perhaps because those virtues so often are extolled, it appears to the Commission that, from time to time, judges who have before them pro se litigants whose pleadings or presentations are deficient in some minor way, sometimes take an unnecessarily strict approach to those deficiencies, turn the litigants away on those grounds, and, in the name of strict neutrality, violate other sections of the Code of Judicial Conduct.

Fairness, courtesy, and efficiency also are hallmarks of an honorable judicial system. Canon 3B(4); Canon 3B(9), Code of Judicial Conduct (1993). The Commission members believe that in presiding in a case with a pro se litigant in a non-adversarial setting, where the litigant has failed in some minor or technical way, or on an uncontroverted or easily established issue, to submit every point technically required or which would be required from an attorney, the judge violates the Code by refusing to make any effort to help that litigant along, instead choosing to deny the litigant's request or relief.

For example, if a pro se litigant seeking a name change pays the required fees, submits proof of publication, establishes the basis

for the request, but inadvertently or for lack of experience does not state an element which the judge requires, such as that the name change is not sought for a fraudulent purpose, the judge should make that simple inquiry during the litigant's presentation to the court rather than simply deny the petition on that basis alone. Neither the interests of the court nor of the litigant are served by rejecting the petition on the basis of this type of deficiency. Similarly, for example, a married couple seeking a divorce, each acting pro se, with no contest or issues in dispute, might unknowingly omit from their pleadings their county of residence. A judge should make inquiry of the parties to establish this element of their petition, and proceed appropriately, rather than deny the petition and excuse the parties from the courtroom on the basis of their omission.

The Commission stresses the obvious here that a judge in no way has an obligation to cater to a disrespectful or unprepared pro se litigant, or to make any effort on behalf of any citizen which might put another at a disadvantage. Of course, normally a judge should not "try a case" for a litigant who is wholly failing to accomplish the task. However, on the occasion where a citizen has the simplest kind of matter to bring before the court, with no adversarial context, and no indication of any untoward motive or disrespect for the court, the judge has a duty and a responsibility to not simply turn that citizen away on the basis of a minor failure to establish every pertinent detail.

CONCLUSION

A judge's ethical obligation to treat all litigants fairly obligates the judge to ensure that a pro se litigant in a non-adversarial setting is not denied the relief sought only on the basis of a minor or easily established deficiency in the litigant's presentation or pleadings.

BALDWIN'S OHIO ADMINISTRATIVE CODE, APPROVED EDITION
4146. UNEMPLOYMENT COMPENSATION REVIEW COMMISSION
CHAPTER 4146-7. CONDUCT OF HEARINGS AND OTHER PROCEEDINGS
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Rules are current through August 30, 1999

4146-7-02 PROCEDURE; EVIDENCE; RIGHTS OF PARTIES

The Board and Referees shall conduct hearings and other proceedings in a case in such order and manner and shall take any steps consistent with the impartial discharge of their duties which appear reasonable and necessary to ascertain all relevant facts and to render a fair and complete decision on all issues which appear to be presented. To the end that all facts relevant to a fair and complete decision shall be received as directly and simply as possible, the proceedings shall be informal, and the Board and Referees shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The Board or Referee conducting a proceeding may examine the interested parties and other witnesses, and each interested party and his representative shall have all rights of fair hearing, including the right of examination and cross-examination of witnesses, the right to present testimony and other evidence, the right to inspect and examine documents, files, reports and records received in evidence, the right to present testimony and other evidence in explanation and rebuttal, the right to subpoenas for witnesses and documentary evidence and the right to present argument. Where a claimant or employer is not represented by counsel, the Board or Referee conducting the proceeding shall advise such party as to his rights, aid him in examining and cross-examining witnesses, and give him every assistance compatible with the discharge of the official duties of the Board or Referee.

(A) Stipulations by the Parties.

Interested parties may submit stipulations or any other agreed statement respecting all or any part of the facts involved in the case and may also waive the hearing. The Board or Referee conducting such proceeding shall require or obtain such additional evidence as may be necessary to render a fair and complete decision.

(B) Securing Witnesses and Documents; Special Investigations.

The attendance of witnesses and the production of books, papers and other documents, files and records may be required by the Board or Referee as they are deemed necessary to present fully and adequately any issue to be determined. Whenever an investigation, payroll audit or other examination is necessary to present fully and adequately any issue to be determined in a case, the Board or Referee shall require or authorize that same be made and submitted in evidence.

(C) Public Hearings.

All hearings under these Rules of Procedure shall be open to the public, but the Referee or Board conducting a hearing may close the hearing as to other than interested parties to the extent necessary to protect the interests and rights of the claimant or employer to a fair hearing.

(D) Adjournment or Continuance.

On its own motion, or upon the showing of good cause by an interested party, or whenever it appears that such action is necessary to afford the claimant or employer a reasonable opportunity for a fair hearing, the Board or Referee may adjourn or continue a hearing to another time or place. Notice of the time and place of the adjourned or continued hearing shall be given to the interested parties as provided in 4146-5-04(A).

**WEST'S MAINE RULES OF COURT
MAINE RULES OF SMALL CLAIMS PROCEDURE**

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Current with amendments received through 5-15-1999

RULE 6. HEARING

(a) **Recording.** Any hearing for which one of the parties has requested a recording shall be recorded as provided in Rule 76H of the Maine Rules of Civil Procedure. The request for recording may be made at the time of the hearing.

(b) **Evidence.** The rules of evidence, other than those with respect to privileges, shall not apply. The court may receive any oral or documentary evidence, not privileged, but may exclude any irrelevant, immaterial, or unduly repetitious evidence. The court shall assist in developing all relevant facts. The hearing shall be conducted in a manner designed to provide the parties with full opportunity to present their claims and defenses.

(c) Consolidation: Separate Hearings.

(1) **Consolidation.** When small claims actions involving a common question of law or fact are pending either in the same division or different divisions, the court may order a joint hearing of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

(2) **Separate Hearings.** The court in furtherance of convenience or to avoid prejudice may order a separate hearing of any small claim or of any separate issue, or of any number of claims or issues.

(3) **Convenience and Justice.** In making any order under this rule, the court shall give due regard to the convenience of parties and witnesses and the interests of justice.

[Amended effective March 1, 1988.]

Small Claims Procedure Rule 6

ME R SM CL P Rule 6

END OF DOCUMENT

**APPENDIX G
PROPOSED PROTOCOL TO BE USED BY JUDICIAL OFFICERS
DURING HEARINGS INVOLVING PRO SE LITIGANTS
PRO SE IMPLEMENTATION COMMITTEE
CONFERENCE OF CHIEF JUDGES**

Judicial officer should use the following protocol during hearings involving pro se litigants:

1. **Verify that the party is not an attorney, understands that he or she is entitled to be represented by an attorney, and chooses to proceed pro se without an attorney.**
2. **Explain the process.** "I will hear both sides in this matter. First I will listen to what the Petitioner wants me to know about this case and then I will listen to what the Respondent wants me to know about this case. I will try to give each side enough time and opportunity to tell me their side of the case, but I must proceed in the order I indicated. So please do not interrupt while the other party is presenting their evidence. Everything that is said in court is written down by the court reporter and in order to insure that the court record is accurate, only one person can talk at the same time. Wait until the person asking a question finishes before answering and the person asking the question should wait until the person answering the question finishes before asking the next question."
3. **Explain the elements.** For example, in OFP cases: "Petitioner is requesting an Order for Protection. An Order for Protection will be issued if Petitioner can show that she is the victim of domestic abuse. Domestic abuse means that she has been subject to physical harm or that she was reasonably in fear of physical harm or that she was reasonably in fear of physical harm as a result of the conduct or statements of the Respondent. Petitioner is requesting a Harassment Restraining Order. A Harassment Restraining Order will be issued if Petitioner can show that he is the victim of harassment. Harassment means that he has been subject to repeated, intrusive, or unwanted acts, words, or gestures by the Respondent that are intended to adversely affect the safety, security, or the privacy of the Petitioner."
4. **Explain that the party bringing the action has the burden to present evidence in support of the relief sought.** For example, in OFP cases: "Because the Petitioner has requested this order, she has to present evidence to show that a court order is needed. I will not consider any of the statements in the Petition that has been filed in this matter. I can only consider evidence that is presented here in court today. If Petitioner is unable to present evidence that an order is needed, then I must dismiss this action."

5. **Explain the kind of evidence that may be presented.** "Evidence can be in the form of testimony from the parties, testimony from witnesses, or exhibits. Everyone who testifies will be placed under oath and will be subject to questioning by the other party. All exhibits must first be given an exhibit number by the court reporter and then it must be briefly described by the witness who is testifying and who can identify the exhibit. The exhibit is then given to the other party who can look at the exhibit and let me know any reason why I should not consider that exhibit when I decide the case. I will then let you know whether the exhibit can be used as evidence."
6. **Explain the limits on the kind of evidence that can be considered.** "I have to make my decision based upon the evidence that is admissible under the Rules of Evidence for courts in Minnesota. If either party starts to present evidence that is not admissible, I may stop you and tell you that I cannot consider that type of evidence. Some examples of inadmissible evidence are hearsay and irrelevant evidence. Hearsay is a statement by a person who is not in court as a witness; hearsay could be an oral statement that was overheard or a written statement such as a letter or an affidavit. Irrelevant evidence is testimony or exhibits that do not help me understand or decide issues that are involved in this case."
7. **Ask both parties whether they understand the process and the procedure.**
8. **Non attorney advocates will be permitted to sit at counsel table with either party and provide support but will not be permitted to argue on behalf of a party or to question witnesses.**
9. **Questioning by the judge should be directed at obtaining general information to avoid appearance of advocacy.** For example, in OFP cases: "Tell me why you believe you need an order for protection. If you have specific incidents you want to tell me about, start with the most recent incident first and tell me when it happened, where it happened, who was present, and what happened."
10. **Whenever possible the matter should be decided and the order prepared immediately upon the conclusion of the hearing so it may be served on the parties.**

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IL R 20 CIR Rule 2.03

Twentieth Judicial Circuit Court Rule 2.03

**WEST'S ILLINOIS COURT RULES AND PROCEDURE--VOLUMES I AND II
RULES OF THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT,
STATE OF
ILLINOIS [Monroe, Perry, Randolph, St. Clair, and Washington Counties]
PART 2. CLERK OF THE CIRCUIT COURT**

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Current with amendments received through 4-15-1999.

RULE 2.03 GUIDELINES FOR COURT PERSONNEL IN ASSISTING PRO SE LITIGANTS

A pro se litigant is a person who does not retain an attorney and appears in court on his own behalf. A pro se litigant, under the law, is held to the same standards and duties of an attorney. Pro se litigants are expected to know what the law requires and how to proceed in accordance with applicable statutes and court rules.

In the performance of their official duties, court personnel, including the law library staff and the staff of the Circuit Clerk, are prohibited from counseling a pro se litigant as to a specific case. This includes providing assistance to a pro se litigant in the completion of forms. Court personnel, however, may with the approval of the Chief Judge or his designee issue written procedural guidelines or instructions for general use.

Court personnel or law library staff may assist pro se litigants by directing them to any standard reference materials in the law library or elsewhere, and may show persons how to use such reference materials, but such personnel and staff are not required to give extensive instruction in the use of legal materials.

It shall be the duty of the Circuit Clerk to enforce the provisions of this rule among the Clerk's personnel. It shall be the duty of the Chief Judge to enforce the provisions of this rule among other court personnel.

[Adopted eff. Dec. 12, 1991.]

Twentieth Judicial Circuit Court Rule 2.03

IL R 20 CIR Rule 2.03

**WEST'S INDIANA RULES OF COURT
LOCAL RULES OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF
INDIANA
GENERAL RULES**

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Current with amendments received through 2-1-99

L.R. 56.1 SUMMARY JUDGMENT PROCEDURE

• • •

(i) If a party is proceeding pro se and an opposing party files a motion for summary judgment, counsel for the moving party must submit a notice to the unrepresented opposing party that:

(1) briefly and plainly states that a fact stated in the moving party's Statement of Material Facts and supported by admissible evidence will be accepted by the Court as true unless the opposing party cites specific admissible evidence contradicting that statement of a material fact; and

(2) sets forth the full text of Fed.R.Civ.P. 56 and S.D.Ind. L.R. 56.1; and

(3) otherwise complies with applicable case law regarding required notice to pro se litigants opposing summary judgment motions.

(j) The Court may, in the interests of justice or for good cause, excuse failure to comply strictly with the terms of this rule.

[Adopted effective February 1, 1992; amended effective January 1, 1999.]

U. S. Dist. Ct. Rules S.D.Ind., L.R. 56.1

FILED

OCT 13 1999

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

Commission on
Judicial Performance

Inquiry Concerning Judge Fred L. Heene, Jr.

No. 153

DECISION AND ORDER IMPOSING
PUBLIC CENSURE

This is a disciplinary matter concerning Judge Fred L. Heene, Jr., of the San Bernardino County Superior Court. Formal proceedings having been instituted, this matter is before the Commission on Judicial Performance pursuant to rule 127 of the Rules of the Commission on Judicial Performance (discipline by consent).

APPEARANCES

Trial Counsel for the Commission on Judicial Performance are Jack Coyle and William Smith. Counsel for Judge Heene is James E. Friedhofer of Lewis, D'Amato, Brisbois & Bisgaard.

PROCEDURAL HISTORY

Formal proceedings were instituted in this matter by a Notice of Formal Proceedings dated February 26, 1999. The Notice set forth nine counts of misconduct pursuant to article VI, section 18 of the California Constitution. On April 29, 1999, Judge Heene filed a response to the Notice of Formal Proceedings. As provided for by rule 121(b) of the Rules of the Commission on Judicial Performance, the Supreme Court appointed three special masters to conduct an evidentiary hearing and to prepare a written report.¹

CONSENT AGREEMENT

Following the holding of a prehearing conference by the special masters and the scheduling of an evidentiary hearing,² Judge Heene submitted a proposed disposition by consent. The "Proposed Disposition" recites the following factual stipulations.

¹ The special masters are Justice Marcel Poché of the Court of Appeal, First Appellate District, Division Four (presiding), Judge Barbara A. Lane of the Superior Court of Ventura County and Judge Jerry E. Johnson of the Municipal Court of Los Angeles County.

² In light of the commission's disposition of the matter, the hearing scheduled to commence November 1, 1999 is cancelled.

COUNT ONE*People v. Fullerton*

On the morning of July 30, 1996, Judge Heene presided over the preliminary hearing in the rape case of *People v. Fullerton*. The alleged victim (referred to as Ms. Doe) testified inconsistently with what she had told police. Ms. Doe testified that she had given the police information that was not true. At the conclusion of her testimony, Judge Heene ordered that she be taken into custody, stating:

Okay, ma'am, you are not allowed to leave. The bailiff is ordered to take her into custody and I am going to set bail in the amount of \$25,000 and ask that charges be filed ... She has admitted to this Court a crime.

Deputy District Attorney Friedman, who was prosecuting the preliminary hearing, asked that Judge Heene take a recess before taking the witness into custody; Judge Heene refused. When Friedman noted that there were no charges pending against Ms. Doe, the judge stated that she had admitted a crime in court and again ordered her remanded. Shortly thereafter, Deputy District Attorney Hansen, Friedman's supervisor, appeared in court and expressed concern that the witness had been taken into custody under such circumstances. The judge again stated that the witness had admitted a crime. When Hansen noted that the district attorney's office had not made a determination as to whether a crime had been committed, the judge responded that Ms. Doe had admitted on cross-examination that she had filed a false police report.

Shortly thereafter, Judge Heene released Ms. Doe from the custody of the bailiff to her attorney upon the condition that she was not free to leave the courthouse. Ms. Doe had been in the custody of the bailiff for approximately 10 minutes. The preliminary hearing was thereafter concluded. After the lunch recess, Judge Heene had Ms. Doe brought into the courtroom, and told her that he was ordering a transcript to be prepared for the district attorney's office to review to possibly file criminal charges. Judge Heene stated that he was going to order a day for Ms. Doe to return to court, then withdrew that order at Friedman's request. He then told Ms. Doe that she was free to leave.

COUNT TWO*People v. Reis*

On February 10, 1997, Judge Heene presided over the court trial on a speeding ticket in the case of *People v. Reis*. After the police officer testified, Judge Heene asked defendant Reis, who was representing himself, to tell his side of the story. The following then occurred:

MR. REIS: Do I get to cross-examine the officer?

THE COURT: No, sir. You tell me your side of the case.

MR. REIS: Oh. I thought -- I misunderstood. I thought we got to cross-examine the officer also.

THE COURT: Sir, it is early on Monday morning.

MR. REIS: I don't want to offend you.

THE COURT: Okay. All right. I asked you to tell me your side of the case.

THE COURT: Okay.

THE COURT: Now, for the third time, would you please tell me your side of the case?

Judge Heene did not allow the defendant to cross-examine the officer. The defendant then explained that he was going 55 mph, not 58 as testified to by the officer, and explained why he believed that his speed was safe for the conditions at the time. Judge Heene told the defendant that the speed limit was 45, and that he was going to impose a fine. The case was then concluded. The conviction was reversed by the Appellate Department of the Superior Court, on the basis that the defendant should have been allowed to cross-examine the officer.

COUNT THREE

People v. Boykin

On December 1, 1997, Judge Heene presided over the case of *People v. Boykin*. Defendant Boykin was charged with the infraction of driving a vehicle with expired registration. Boykin had entered a not guilty plea on November 13, 1997, and the matter was set for a court trial on December 15, 1997. Boykin appeared on December 1, 1997, because he had been unable to pay the \$200 bail set on November 13. Boykin was representing himself.

Judge Heene stated as follows:

THE COURT. Okay. Tell you what. Get rid of the car, that will get you some money, and then we will get rid of the ticket, okay? Then you will solve my problem because you won't be driving. You will solve everybody else's problem because the car is gone and you will have some money; right?

THE DEFENDANT: Yes, sir.

THE COURT: Okay.

THE DEFENDANT: Hopefully I can get some money now that I am working.

THE COURT: Be back here December 11, okay, December 11th showing that the car is sold, okay.

THE DEFENDANT: Well, if I can't sell it by then, I mean, I can't make people buy it, sir. I don't –
...

THE COURT: Do you know how to determine the sale price of something?

THE DEFENDANT: No, sir.

THE COURT: You start at a nickel and you work up. And when you are down to the last person, then that's the sale price. All right? I guarantee you, offer that thing up for a hundred dollars, you are going to have some buyers, aren't you?

THE DEFENDANT: Not necessarily on the car, if you seen the car.

THE COURT: Then a tow company will buy it.

THE DEFENDANT: For 20 dollars or so.

THE COURT: Right. You be back here with that car gone on December 11th. Because one of the two of you is going to be gone on December 11th, all right? All right. We have been playing around with this since July. Make it happen. December 11th you are here, either you have a sale that's been registered with DMV showing the car is gone, or we will give you some vacation time to think about it.

THE DEFENDANT: What if I get it registered by then?

THE COURT: Did you hear me? Was I not clear? Make the car gone on December 11th or you will get some vacation time. Is that clear?

THE DEFENDANT: Yes, sir.

Defendant Boykin appeared before Judge Heene on December 11 and stated that he had sold his car. Judge Heene imposed court costs of \$10, and the case was dismissed.

COUNT FOUR*People v. Lopez*

On December 30, 1997, Judge Heene presided over the misdemeanor case of *People v. Lopez*. Defendant Lopez had been previously ordered by another judge to do community service in lieu of a fine, as part of a sentence for driving on a suspended license and two vehicle code infractions. Lopez had not completed the community service work before the due date of December 13, 1997, and came to the courthouse on December 30, 1997, to request an extension. Lopez had not been scheduled to appear in court on December 30. (No notification of failure to complete the hours had been filed with the court.) She was sent to Judge Heene's department.

She appeared without an attorney. Judge Heene inquired whether she had completed the community service or paid the fine, and she said that she had not. The following occurred:

THE COURT: Have a seat right there ma'am (pointing). All right. Ms. Lopez, stand up, please. This Court has tried 16 different - well, three different ways to try to help you get it paid. It is \$1,314, we divide that by 30, and that's 44 days in the county jail. You will be remanded into custody. Okay. Good luck to you.

MS. LOPEZ: Your Honor, can I say something?

THE COURT: Sure. What do you want to say?

MS. LOPEZ: I just had a baby. And when I was pregnant, I was on bed rest from two months on and I couldn't do my community service.

THE COURT: Did you come into court and tell them that?

MS. LOPEZ: No, I didn't, your Honor.

THE COURT: Okay. Good luck.

MS. LOPEZ: I have a seven-day old baby at home.

THE COURT: Ma'am, you should have thought about that a long time ago.

Judge Heene did not inform the defendant that he was conducting a violation of probation hearing, nor otherwise advise her of her rights in connection with a probation violation hearing.

COUNT FIVE*People v. Hillmann*

In January 1998, Judge Heene presided over a jury trial in the case of *People v. Hillmann*. The trial was completed and the jury began deliberations. On January 13, 1998, a juror was late to court. He was replaced with an alternate juror. When the late juror appeared, Judge Heene asked for his explanation for being late, then found him in contempt and remanded him. Judge Heene did not cite the juror for contempt or otherwise inform the juror that he was conducting a contempt hearing before finding him in contempt.

COUNT SIX*People v. MacLeod*

On February 19, 1998, a defendant charged with speeding and a related misdemeanor for failure to attend traffic school appeared before Judge Heene for arraignment on the misdemeanor in the case of *People v. MacLeod*. Defendant MacLeod appeared without an attorney. She had not entered a plea on the traffic ticket; criminal proceedings had been stayed pending the completion of traffic school. MacLeod had not entered a guilty or no contest plea (or a not guilty plea) on the misdemeanor. The following occurred:

THE COURT: ...What seems to be the problem?

THE DEFENDANT: Well, I came to court once and I got an extension to January 1st.

THE COURT: Yeah, I know that. You got actually two extensions.

THE DEFENDANT: And I did lose my job. I wasn't able to pay the fine in full.

I do have the original money for the original fine, I just don't have the additional fine.

THE COURT: Well, ma'am, it is \$589 at the present time.

THE DEFENDANT: Uh-huh.

THE COURT: Okay. Can you pay that today?

THE DEFENDANT: No, I only have \$329, the original -

THE COURT: Well, it will be \$589 or 20 days in the county jail. Okay. You are remanded into custody. Good luck to you.

Judge Heene sentenced the defendant in the absence of a plea of guilty or no contest or conviction at trial. The defendant then paid the fine of \$589 and was released.

COUNT SEVEN

People v. Howell

On March 24, 1998, Judge Heene presided over a pretrial hearing in the misdemeanor case of *People v. Howell*. Defendant Howell appeared without an attorney and requested that the public defender be appointed. Howell stated that he had been unemployed since February 1998 and had almost depleted his other resources. The following occurred:

THE COURT: How do you expect to eat next week?

THE DEFENDANT: I just received an income tax return of one thousand dollars.

THE COURT: Okay.

THE DEFENDANT: And in the meantime I expect to be looking for employment.

THE COURT: Okay. Now we are getting to the real crux of the situation. When was the last time that you filled out an employment application for work?

THE DEFENDANT: That would be prior to my employment with the City of Chino Hills.

THE COURT: Yeah. Okay. I strongly suggest, sir, that (a) you use that tax return money to get an attorney; and (b) that you go out and find a job right away, okay?

THE DEFENDANT: I intend to do that.

THE COURT: The Court will not appoint the Public Defender at this point in time. You are an able-bodied person. You can get a job, okay? There is lot [sic] of jobs out there. I would suggest you go find one. All right. Now based on all of that, you want to go back and talk to the D.A. in earnest about the case?

THE DEFENDANT: Yes, sir.

THE COURT: Good. Okay.

The case was continued to April 7, when the defendant appeared without an attorney and asked for a continuance. The case was continued until April 28. On April 21, the defendant appeared on a new felony charge and stated that he had not worked for two months. Judge Heene appointed the public defender on both cases.

COUNT EIGHT

People v. Anderson

On May 6, 1998, Judge Heene presided over a probation revocation hearing in the misdemeanor case of *People v. Anderson*. Defendant Anderson appeared without an attorney. Without advising Anderson of his constitutional rights regarding revocation of probation (e.g., the rights to an attorney, a hearing, and to subpoena and examine witnesses), Judge Heene reinstated and modified the terms of Anderson's probation by adding 30 days to the jail sentence, and remanded him.

COUNT NINE

People v. Aguilar

On May 6, 1998, Judge Heene presided over a probation revocation hearing in the misdemeanor case of *People v. Aguilar*. Defendant Aguilar appeared without an attorney. Without advising Aguilar of her constitutional rights regarding revocation of probation (e.g., the rights to an attorney, a hearing, and to subpoena and examine witnesses), Judge Heene reinstated and modified the terms of Aguilar's probation by imposing community service hours in lieu of a fine.

* * *

In the "Proposed Disposition" Judge Heene and Trial Counsel also stipulated that the commission may impose discipline for any or all of the allegations in the Notice of Formal Proceedings, not to exceed a public censure.

The "Proposed Disposition" is signed by Judge Heene, his attorney and by Trial Counsel. It is accompanied by an affidavit of consent for discipline signed by Judge Heene admitting the truth of the charges as alleged in the Notice of Formal Proceedings, stating that he freely and voluntarily consents to the imposition of discipline up to and including a public censure, and waiving review by the Supreme Court.

DISCIPLINE

The commission adopts the factual stipulations set forth in the "Proposed Disposition" and finds that in these stipulations Judge Heene has admitted all of the factual allegations set forth in the Notice of Formal Proceedings.

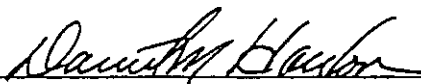
The commission finds that Judge Heene's actions constitute misconduct under article VI, section 18(d) of the California Constitution. His actions on each count violated the Code of Judicial Ethics, canon 1 ("a judge shall uphold the integrity and independence of the judiciary") and canon 2A ("a judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary"). In addition, Judge Heene's actions on all the counts, other than count seven, violated several subsections of canon 3B ("a judge shall perform the duties of judicial office impartially and diligently").

The commission, in accepting the "Proposed Disposition," carefully reviewed the Notice of Formal Proceedings and determined that Judge Heene's misconduct does not rise to a level that recommends his removal from office. The commission concludes that public censure is the appropriate disposition for this case. The nine incidents in slightly less than two years are not isolated unrelated incidents of misconduct. In every instance, Judge Heene failed to respect the rights of unrepresented individuals. The "Proposed Disposition" recites no mitigating factors. The commission notes, however, that Judge Heene has not been previously disciplined and that his entry into the "Proposed Disposition" implicitly signals appreciation of his misconduct.

Commission members Justice Daniel Hanlon, Mr. Mike Farrell, Judge Madeleine Flier, Mr. Michael Kahn, Mr. Patrick Kelly, Mrs. Crystal Lui, Judge Rise Jones Pichon, and Ms. Ramona Ripston voted to impose a public censure. Commission members Ms. Lara Bergthold and Ms. Julie Sommars did not participate in this matter. There is one vacancy.

This decision and order shall constitute the order of public censure.

Dated: October 13, 1999



Honorable Daniel M. Hanlon
Chairperson

The Distinction between Legal Information and Legal Advice:

Developments Since 1995

by John M. Greacen¹

Five years ago *The Judges Journal* published my article entitled, "No Legal Advice From Court Personnel" What Does That Mean?² That article was the first published attempt to examine critically the standard court instruction to its staff not to give "legal advice." It explored legal and practical definitions of the term "legal advice" and suggested practical guidelines a court could give its staff members on what answers they can and cannot provide in answer to court users' questions. The National Conference on Pro Se Litigation provides an opportunity to review the article's discussion and recommendations in light of developments during the past five years. I begin with a short review of the article.

The article. Five years ago I argued that the phrase "legal advice" had no inherent meaning to the courts or to court staff who were required to interpret it. The use of a vague term has negative consequences for the courts and the public; it causes staff to limit unnecessarily the flow of information to the public about court operations and it creates opportunities for discrimination among different categories of court users. I addressed the concerns that cause courts to prohibit their staffs from providing information about court processes to the public -- concerns about their "practicing law," about their giving incorrect information, and about their

¹ John M. Greacen is Director of the Administrative Office of the Courts for the state of New Mexico.

²*The Judges Journal*, Vol. 34, No.1, at page 10 (American Bar Association, Winter 1995)(hereafter referred to as "Legal Advice Article." A slightly different version appeared contemporaneously in *The Court Manager* (cite?)

binding the judge by such incorrect information. I articulated five general principles that court staff should keep in mind in answering questions:

- 1 Court staff have an obligation to explain court processes and procedures to litigants, the media, and other interested citizens.
- 2 Court staff have an obligation to inform litigants, and potential litigants, how to bring their problems before the court for resolution.
- 3 Court staff cannot advise litigants whether to bring their problems before the court, or what remedies to seek.
- 4 Court staff must always remember the absolute duty of impartiality. They must never give advice or information for the purpose of giving one party an advantage over another. They must never give advice or information to one party that they would not give to an opponent.
- 5 Court staff should be mindful of the basic principle that counsel may not communicate with the judge *ex parte*. Court staff should not let themselves be used to circumvent that principle, or fail to respect it, in acting on matters delegated to them for decision.³

Finally, the article suggested eleven guidelines for staff to use in responding to questions.

The first six are positive statements.

All staff are expected to perform the following tasks:

- 1 Provide information contained in docket reports, case files, indexes and other reports.
- 2 Answer questions concerning court rules, procedures, and ordinary practices. Such questions often contain the words "Can I?" or "How do I?"
- 3 Provide examples of forms or pleadings for the guidance of litigants.
- 4 Answer questions about the completion of forms.
- 5 Explain the meaning of terms and documents used in the court process.

³ Legal Advice Article, *id.* at 14.

6 Answer questions concerning deadlines or due dates.

The last five are negative statements.

In providing information, staff will not:

- 1 Give information when you are unsure of the correct answer. Transfer such questions to supervisors.
- 2 Advise litigants whether to take a particular course of action. Do not answer questions that contain the words "Should I?" Suggest that questioners refer such issues to a lawyer.
- 3 Take sides in a case or proceeding pending before the court.
- 4 Provide information to one party that you would be unwilling or unable to provide to all other parties.
- 5 Disclose the outcome of a matter submitted to a judge for decision, until the outcome is part of the public record, or until the judge directs disclosure of the matter.⁴

Responses to the article. Many judges and court managers report that they have used the article and its recommendations in creating policies and training for court staff. A court manager from Canada reported that it is the standard reference point for the courts of Canada as well. I have conducted training sessions for court administrators and court staff based upon the principles set forth in the article in both federal and state courts throughout the country. The guidelines have been included in the curriculum of the "Litigant Without Lawyers" seminars presented by the Maricopa County Superior Court. They have been included in educational sessions at conferences of the National Association for Court Management and its Mid Atlantic Association for Court Management.

⁴Legal Advice Article, *id.* at 15.

The Michigan Court Support Training Consortium, under a grant from the Michigan Judicial Institute, developed an interactive training program using compact disk interactive technology, called the Legal Advice CD-i program, based upon the principles set forth in the article. That training program has been widely used by courts in other states. It received the Justice Achievement Award from the National Association for Court Management in 1998.

Several states have adopted their own guidelines derived from those suggested in the article. In 1997, the Michigan Judicial Institute prepared and distributed a booklet entitled, *Legal Advice v. Access to the Courts: Do YOU Know the Difference?* The booklet provides general guidelines, together with specific applications of those guidelines through the use of questions and answers. The booklet was “endorsed by the Michigan Supreme Court as a model for providing information to the public and access to the Michigan court system.”⁵ The booklet is reproduced in full at the end of this article.

In June 1998, the New Mexico Supreme Court adopted a standard notice entitled “Information Available from the Clerk’s Office.” It requires all courts to post that notice “in lieu of any other notices pertaining to the topic of information or advice that court staff may or may not provide.” The notice sets forth the information that court staff can and cannot provide and includes information on how to find a lawyer. The notice is set forth on the next page.

New Jersey has created a similar notice. It is reproduced in full, following the New Mexico notice.

⁵*Legal Advice v. Access to the Courts: Do YOU Know the Difference?* See disclaimer inside front cover. Michigan Judicial Institute (Lansing, MI 1997).

The Supreme Court of Florida , with one dissent, has adopted a rule of court, Florida Family Law Rule 12.750, entitled "Family Self Help Programs,"⁶ that sets forth the services that court "self help" staff can and cannot provide. The Florida rule and accompanying commentary are set forth following the New Jersey notice.

A Customer Service Advisory Committee for the Judicial Branch, created by order of the Iowa Supreme Court, has developed *Guidelines for Clerks Who Assist Pro Se Litigants in Iowa's Courts*. The Committee plans to submit its guidelines to the Iowa Supreme Court for approval by the end of 1999. The Advisory Committee is also developing a guidebook for clerks containing 25 pages of model responses to frequently asked questions. The draft Iowa guidelines follow Florida Rule 12.750.

A Task Force on Unrepresented Litigants of the Boston Bar Association conducted a comprehensive study of the needs of self-represented litigants in all levels of courts in Massachusetts. Its August 1998 *Report on Pro Se Litigation* is one of the most thorough treatments of the topic, including extensive recommendations to the courts and the bar for improving their programs. Exhibit F of that report is a set of "Sample Staff Guidelines" for Massachusetts courts.⁷ Those sample guidelines follow the Iowa guidelines.

Critiques of the article and its recommendations. Jona Goldschmidt and his colleagues, writing for the American Judicature Society, have criticized the suggested guidelines on two

⁶In re: Amendments to the Florida Family Law Rules of Procedure (Self Help), No. 93,319 (December 3, 1998)(revised opinion).

⁷Boston Bar Association Task Force on Unrepresented Litigants, *Report on Pro Se Litigation*, at 73 (Boston Bar Association, Boston, MA 1998).

INFORMATION AVAILABLE FROM THE CLERK'S OFFICE

Court staff can provide:

- The status of a specific case, unless the case (or information in the case) is "sequestered" (not available for public inspection because of state law or a judge's decision)
- The court file on a specific case, unless the case is "sequestered," for you to review
- General information on court rules, procedures and practices
- Court-approved forms (Forms are not available for all legal proceedings.)
- Guidance on how to compute deadlines and due dates
- Court schedules and information on how to get matters scheduled

Court staff do not know the answers to all questions about court rules, procedures and practices. They have been instructed not to answer questions if they do not know the correct answer.

Court staff can not:

- Give advice about whether you should file a case or whether you should take any particular action in a case
- Fill out a form for you or tell you what words to put in a form
- Advise you what to say in court
- Speculate about what decision the judge might make or what sentence the judge might impose

Legal advice: Court staff provide information, not legal advice. If you need legal advice, please contact a lawyer. If you do not have a lawyer, you may wish to call the Statewide Lawyer Referral Program of the New Mexico State Bar, at 1-800-357-0777, for the name of a lawyer practicing in the area of law in which you need advice.

Remember -- The court, including the judge and all court staff, must remain impartial. They do not take sides in any matter coming before the court.

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 98-8500

IN THE MATTER OF THE APPROVAL OF
THE USE OF THE LEGAL INFORMATION FORM IN
ALL COURTS IN THE STATE OF NEW MEXICO

ORDER

JUN 11 1998

Kathleen J. Gibson

WHEREAS, the Supreme Court is committed to improving the level of service provided to persons using the courts;

WHEREAS, the Court recognizes that, although the principle that court staff cannot give legal advice has been longstanding throughout the state judiciary, standards are unclear to give court staff or court users an adequate understanding of the types of questions that court staff can and cannot properly answer; and

WHEREAS the Court having considered said continuing commitment and being sufficiently advised, Chief Justice Gene E. Franchini, Justice Joseph F. Baca, Justice Pamela B. Minzner, Justice Patricio M. Serna, and Justice Dan A. McKinnon, III, concurring;

NOW, THEREFORE, this Court hereby promulgates the attached notice entitled "Information Available from the Clerk's Office," which shall be posted in all courts in the state of New Mexico in lieu of any other notices pertaining to the topic of information or advice that court staff may or may not provide;

IT IS ORDERED that the attached notice shall be posted in each court in all courts in the state of New Mexico as soon as the staff have completed the customer service training provided by the Administrative Office of the Courts and the Judicial Education Center;

IT IS FURTHER ORDERED that all courts hereby are authorized to add to the bottom portion of the attached notice directions to a specific office or location within the court where such information is available; and

IT IS FURTHER ORDERED that the Administrative Office of the Courts shall provide information sheets, handouts, and staff manuals to equip court staff with the knowledge needed to answer the full range of questions that they may properly answer.

DONE at Santa Fe, New Mexico, this 11th day of June, 1998.


Chief Justice Gene E. Franchini

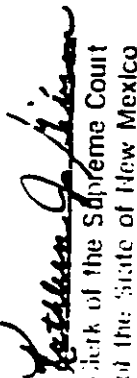

Justice Joseph F. Baca

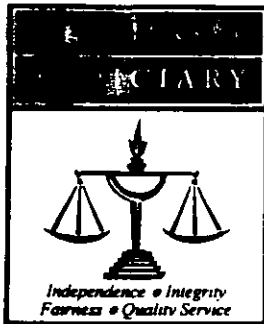

Justice Pamela B. Minzner


Justice Patricio M. Serna


Justice Dan A. McKinnon, III

ATTEST: A TRUE COPY


Kathleen J. Gibson
Clerk of the Supreme Court
of the State of New Mexico



WELCOME TO THE NEW JERSEY STATE COURTS.

WE WILL BE HAPPY TO HELP YOU IF WE CAN. HOWEVER, WE ARE ALLOWED TO HELP YOU ONLY IN CERTAIN WAYS, SINCE WE WANT TO BE FAIR TO EVERYONE IN A CASE.

THIS IS A LIST OF SOME THINGS THE COURT STAFF *CAN* AND *CANNOT* DO FOR YOU. PLEASE READ IT CAREFULLY BEFORE ASKING THE COURT STAFF FOR HELP.

WE CAN explain and answer questions about how the court works.

WE CAN tell you what the requirements are to have your case considered by the court.

WE CAN give you some information from your case file.

WE CAN provide you with samples of court forms that are available.

WE CAN provide you with guidance on how to fill out forms.

WE CAN usually answer questions about court deadlines.



WE CANNOT give you legal advice. Only your lawyer can give you legal advice.

WE CANNOT tell you whether or not you should bring your case to court.

WE CANNOT give you an opinion about what will happen if you bring your case to court.

WE CANNOT recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.

WE CANNOT talk to the judge for you about what will happen in your case.

WE CANNOT let you talk to the judge outside of court.

WE CANNOT change an order issued by a judge.

**WE LOOK FORWARD TO HELPING YOU IN ACCORDANCE
WITH THESE GUIDELINES.**

NEW JERSEY COURT SYSTEM MISSION STATEMENT

We are an independent branch of government constitutionally entrusted with the fair and just resolution of disputes in order to preserve the rule of law and to protect the rights and liberties guaranteed by the Constitution and laws of the United States and this State.

APPENDIX

Rule 12.750. - FAMILY SELF-HELP PROGRAMS

(a) **Establishment of Programs.** A chief judge, by administrative order, may establish a self-help program to facilitate access to family courts. The purpose of a self-help program is to assist self-represented litigants, within the bounds of this rule, to achieve fair and efficient resolution of their family law case. The purpose of a self-help program is not to provide legal advice to self-represented litigants. This rule applies only to programs established and operating under the auspices of the court pursuant to this rule.

(b) **Definitions.**

(1) "Family law case" means any case in the circuit that is assigned to the family law division.

(2) "Self-represented litigant" means any individual who seeks information to file, pursue, or respond to a family law case without the assistance of a lawyer authorized to practice before the court.

(3) "Self-help personnel" means lawyer and nonlawyer personnel in a self-help program.

(4) "Self-help program" means a program established and operating under the authority of this rule.

(5) "Approved form" means (A) Supreme Court approved forms or (B) forms that have been approved in writing by the chief judge of a circuit and that are not inconsistent with the Supreme Court approved forms, copies of which are to be sent to the Chief Justice, the chair of the Family Law Rules Committee of The Florida Bar, the chair of the Family Law Section of The Florida Bar, and the chair of the Family Court Steering Committee. Forms approved by a chief judge may be used unless specifically rejected by the Supreme Court.

(c) **Services Provided.** Self-help personnel may:

- (1) encourage self-represented litigants to obtain legal advice;
- (2) provide information about available pro bono legal services, low cost legal services, legal aid programs, and lawyer referral services;
- (3) provide information about available approved forms, without providing advice or recommendation as to any specific course of action;
- (4) provide approved forms and approved instructions on how to complete the forms;
- (5) engage in limited oral communications to assist a person in the completion of blanks on approved forms;
- (6) record information provided by a self-represented litigant on approved forms;
- (7) provide, either orally or in writing, definitions of legal terminology from widely accepted legal dictionaries or other dictionaries without advising whether or not a particular definition is applicable to the self-represented litigant's situation;
- (8) provide, either orally or in writing, citations of statutes and rules, without advising whether or not a particular statute or rule is applicable to the self-represented litigant's situation;
- (9) provide docketed case information;
- (10) provide general information about court process, practice, and procedure;
- (11) provide information about mediation, required parenting courses, and courses for children of divorcing parents;
- (12) provide, either orally or in writing, information from local rules or administrative orders;

- (13) provide general information about local court operations;
- (14) provide information about community services; and
- (15) facilitate the setting of hearings.

(d) **Limitations on Services.** Self-help personnel shall not:

- (1) provide legal advice or recommend a specific course of action for a self-represented litigant;
- (2) provide interpretation of legal terminology, statutes, rules, orders, cases, or the constitution;
- (3) provide information that must be kept confidential by statute, rule, or case law;
- (4) deny a litigant's access to the court;
- (5) encourage or discourage litigation;
- (6) record information on forms for a self-represented litigant, except as otherwise provided by this rule;
- (7) engage in oral communications other than those reasonably necessary to elicit factual information to complete the blanks on forms except as otherwise authorized by this rule;
- (8) perform legal research for litigants;
- (9) represent litigants in court; and
- (10) lead litigants to believe that they are representing them as lawyers in any capacity or induce the public to rely upon them for legal advice.

(e) **Unauthorized Practice of Law.** The services listed in subdivision (c), when performed by nonlawyer personnel in a self-help program, shall not be the

unauthorized practice of law.

(f) **No Confidentiality.** Notwithstanding ethics rules that govern attorneys, certified legal interns, and other persons working under the supervision of an attorney, information given by a self-represented litigant to self-help personnel is not confidential or privileged.

(g) **No Conflict.** Notwithstanding ethics rules that govern attorneys, certified legal interns, and other persons working under the supervision of an attorney, there is no conflict of interest in providing services to both parties.

(h) **Notice of Limitation of Services Provided.** Before receiving the services of a self-help program, self-help personnel shall thoroughly explain the "Notice of Limitation of Services Provided" disclaimer below. Each self-represented litigant, after receiving an explanation of the disclaimer, shall sign an acknowledgment that the disclaimer has been explained to the self-represented litigant and that the self-represented litigant understands the limitation of the services provided. The self-help personnel shall sign the acknowledgment certifying compliance with this requirement. The original shall be filed by the self-help personnel in the court file and a copy shall be provided to the self-represented litigant.

NOTICE OF LIMITATION OF SERVICES PROVIDED

THE PERSONNEL IN THIS SELF-HELP PROGRAM ARE NOT ACTING AS YOUR LAWYER OR PROVIDING LEGAL ADVICE TO YOU .

SELF-HELP PERSONNEL ARE NOT ACTING ON BEHALF OF THE COURT OR ANY JUDGE. THE PRESIDING JUDGE IN YOUR CASE MAY REQUIRE AMENDMENT OF A FORM OR SUBSTITUTION OF A DIFFERENT FORM. THE JUDGE IS NOT REQUIRED TO GRANT THE RELIEF REQUESTED IN A FORM.

THE PERSONNEL IN THIS SELF-HELP PROGRAM CANNOT TELL YOU WHAT YOUR LEGAL RIGHTS OR

REMEDIES ARE, REPRESENT YOU IN COURT, OR TELL YOU HOW TO TESTIFY IN COURT.

SELF-HELP SERVICES ARE AVAILABLE TO ALL PERSONS WHO ARE OR WILL BE PARTIES TO A FAMILY CASE.

THE INFORMATION THAT YOU GIVE TO AND RECEIVE FROM SELF-HELP PERSONNEL IS NOT CONFIDENTIAL AND MAY BE SUBJECT TO DISCLOSURE AT A LATER DATE. IF ANOTHER PERSON INVOLVED IN YOUR CASE SEEKS ASSISTANCE FROM THIS SELF-HELP PROGRAM, THAT PERSON WILL BE GIVEN THE SAME TYPE OF ASSISTANCE THAT YOU RECEIVE.

IN ALL CASES, IT IS BEST TO CONSULT WITH YOUR OWN ATTORNEY, ESPECIALLY IF YOUR CASE PRESENTS SIGNIFICANT ISSUES REGARDING CHILDREN, CHILD SUPPORT, ALIMONY, RETIREMENT OR PENSION BENEFITS, ASSETS, OR LIABILITIES.

___ I CAN READ ENGLISH.

___ I CANNOT READ ENGLISH. THIS NOTICE WAS READ TO ME BY {NAME} _____ IN {LANGUAGE} _____.

SIGNATURE

AVISO DE LIMITACION DE SERVICIOS OFRECIDOS

EL PERSONAL DE ESTE PROGRAMA DE AYUDA PROPIA NO ESTA ACTUANDO COMO SU ABOGADO NI LE ESTA DANDO CONSEJOS LEGALES.

ESTE PERSONAL NO REPRESENTA NI LA CORTE NI NINGUN JUEZ. EL JUEZ ASIGNADO A SU CASO PUEDE REQUERIR UN CAMBIO DE ESTA FORMA O UNA FORMA DIFERENTE. EL JUEZ NO ESTA OBLIGADO A CONCEDER LA REPARACION QUE USTED PIDE EN ESTA FORMA.

EL PERSONAL DE ESTE PROGRAMA DE AYUDA PROPIA NO LE PUEDE DECIR CUALES SON SUS DERECHOS NI SOLUCIONES LEGALES, NO PUEDE REPRESENTARLO EN CORTE, NI DECIRLE COMO TESTIFICAR EN CORTE.

SERVICIOS DE AYUDA PROPIA ESTAN DISPONIBLES A TODAS LAS PERSONAS QUE SON O SERAN PARTES DE UN CASO FAMILIAR.

LA INFORMACION QUE USTED DA Y RECIBE DE ESTE PERSONAL NO ES CONFIDENCIAL Y PUEDE SER DESCUBIERTA MAS ADELANTE. SI OTRA PERSONA ENVUELTA EN SU CASO PIDE AYUDA DE ESTE PROGRAMA, ELLOS RECIBIRAN EL MISMO TIPO DE ASISTENCIA QUE USTED RECIBE.

EN TODOS LOS CASOS, ES MEJOR CONSULTAR CON SU PROPIO ABOGADO, ESPECIALMENTE SI SU CASO TRATA DE TEMAS RESPECTO A NINOS, MANTENIMIENTO ECONOMICO DE NINOS, MANUTENCION MATRIMONIAL, RETIRO O BENEFICIOS DE PENSION, ACTIVOS U OBLIGACIONES.

_____ **YO PUEDO LEER ESPANOL.**
_____ **YO NO PUEDO LEER ESPANOL. ESTE AVISO**
FUE LEIDO A MI POR {NOMBRE}
_____ **EN {IDIOMA} _____.**

FIRMA

If information is provided by telephone, the notice of limitation of services provided shall be heard by all callers prior to speaking to self-help staff.

(i) **Exemption.** Self-help personnel are not required to complete Florida Family Law Form 12.900, Disclosure From Nonlawyer, as required by rule 10-2.1, Rules Regulating The Florida Bar. The provisions in rule 10-2.1, Rules Regulating The Florida Bar, which require a nonlawyer to include the nonlawyer's name and identifying information on a form if the nonlawyer assisted in the completion of a form, are not applicable to self-help personnel unless the self-help personnel recorded the information on the form as authorized by this rule.

(j) **Availability of Services.** Self-help programs are available to all self-represented litigants in family law cases.

(k) **Cost of Services.** Self-help programs, as authorized by statute, may require self-represented litigants to pay the cost of services provided for by this rule, provided that the charge for persons who are indigent is substantially reduced or waived.

(l) **Records.** All records made or received in connection with the official business of a self-help program are judicial records and access to such records shall be governed by rule 2.051, Florida Rules of Judicial Administration.

(m) **Domestic Violence Exclusion.** Nothing in this rule shall restrict services provided by the clerk of the court or family or domestic/repeat violence intake personnel pursuant to rule 12.610.

Commentary

1998 Adoption. It should be emphasized that the personnel in the self-help programs should not be providing legal advice to self-represented litigants. Self-help personnel should not engage in any activities that constitute the practice of law

or inadvertently create an attorney-client relationship. Self-help programs should consistently encourage self-represented litigants to seek legal advice from a licensed attorney. The provisions of this rule only apply to programs established by the chief judge.

Subdivision (b). This rule applies only to assistance offered in family law cases. The types of family law cases included in a family law division may vary based on local rule and it is anticipated that a local rule establishing a self-help program may also exclude types of family law cases from the self-help program. Programs may operate with lawyer personnel, nonlawyer personnel, or a combination thereof.

Subdivision (c)(2). The self-help program is encouraged to cooperate with the local bar to develop a workable system to provide this information. The program may maintain information about members of The Florida Bar who are willing to provide services to self-represented litigants. The program may not show preference for a particular service, program, or attorney.

Subdivision (c)(3). In order to avoid the practice of law, the self-help personnel should not recommend a specific course of action.

Subdivision (c)(5). Self-help personnel should not suggest the specific information to be included in the blanks on the forms. Oral communications between the self-help personnel and the self-represented litigant should be focused on the type of information the form is designed to elicit.

Subdivision (c)(8). Self-help personnel should be familiar with the court rules and the most commonly used statutory provisions. Requests for information beyond these commonly used statutory provisions would require legal research, which is prohibited by subdivision (d)(8).

Subdivision (c)(9). Self-help personnel can have access to the court's docket and can provide information from the docket to the self-represented litigant.

Subdivision (f). Because an attorney-client relationship is not formed, the information provided by a self-represented litigant is not confidential or privileged.

Subdivision (g). Because an attorney-client relationship is not formed, there is no conflict in providing the limited services authorized under this rule to both parties.

Subdivision (h). It is intended that self-represented litigants who receive services from a self-help program understand that they are not receiving legal services. One purpose of the disclosure is to prevent an attorney-client relationship from being formed.

In addition to the signed disclosure, it is recommended that each program post the disclosure in a prominent place in the self-help program. The written disclosure should be available and posted in the languages that are in prevalent use in the county.

Subdivision (i). This provision is to clarify that nonlawyer personnel are not required to use Florida Family Law Form 12.900 because the information is included in the disclosure required by this rule. Self-help personnel are required to include their name and identifying information on any form on which they record information for a self-represented litigant.

Guidelines for Clerks Who Assist Pro Se Litigants in Iowa's Courts

RATIONALE

The Iowa Supreme Court has stated that “[t]he Iowa judicial branch endeavors to provide accessible, responsive, timely, and high quality services to those who use the state courts.” Striving to achieve this important goal will “foster public trust and confidence in Iowa’s courts.” (See *In the Matter of the Appointment of the Customer Service Advisory Committee for the Judicial Branch*, Order of the Supreme Court of Iowa, December 4, 1998.)

For many reasons, an increasing number of litigants are bringing their civil disputes and other legal problems before the courts on their own, without the assistance of lawyers (i.e., *pro se*). Court users who are not attorneys are usually unfamiliar with the procedural and substantive laws, rules and processes that govern the proper initiation and pursuit of court actions to resolution. They typically approach court clerks for assistance, and often ask for advice that requires at least some legal expertise. Court staff know the maxim that they may not give “legal advice,” but it is difficult to discern the meaning of this phrase in every scenario involving *pro se* litigants. Discussions with district court clerks from around Iowa and articles on issues related to *pro se* litigation suggest that there is substantial variation in the extent to which clerks provide assistance to *pro se* litigants (including litigants who are represented by counsel but come into the clerk’s office without their attorneys). Due to fear of stepping over the line and providing legal advice, some clerks might be overly cautious in providing assistance and information. In these situations, some court users might leave the courts unnecessarily frustrated and may lose confidence in the court system. In an effort to provide an appropriate and more uniform level of assistance to *pro se* litigants in all of Iowa’s counties, the Iowa Supreme Court directed the Customer Service Advisory Committee (CSAC) to “develop written guidelines for clerks who provide assistance to *pro se* litigants . . .” *Id.*

In developing the guidelines set forth below, the CSAC drew extensively from an article by John M. Greacen, State Court Administrator in New Mexico. (See, “No Legal Advice From Court Personnel: What Does That Mean?” *The Judges Journal*, Winter 1995.). Greacen argues that court staff *do*, or at least *should*, have substantial knowledge of court processes and procedures. Moreover, Greacen asserts that court staff have an obligation to assist *pro se* court users. This obligation is derived from the judicial branch’s mission to enhance the public’s access to justice, to provide effective customer service, and to help resolve disputes in a civilized manner.

Informed by the Greacen article and research on what other state court systems have done in this area, the CSAC proposes a set of *Guidelines* to assist court and clerks' office staff who assist pro se litigants. The *Guidelines* provide both general policy principles and specific directions for staff in determining when and how to respond to requests for assistance or information. Subsection B.2 of the *Guidelines* may be of particular interest to clerk's office staff. It provides 14 specific examples of "legal advice" that court staff should avoid. The *Comments* following some of the guidelines clarify their meaning or discuss exceptions. Together, the *Guidelines* and *Comments* should enhance the confidence of court and clerks' office staff regarding the appropriate level of assistance to provide *pro se* litigants and should help reduce their fear about crossing the line into the realm of "legal advice."

Guidelines for Clerks Who Assist Pro Se Litigants in Iowa's Courts

A. The primary goal of court and clerks' staff is to provide high quality service to court users. Court staff strive to provide accurate information and assistance in a prompt and courteous manner. However, in many or most situations involving pro se litigants (or represented litigants who come to the clerk's office without their attorneys), the best customer service may be to advise the litigant to seek the assistance of an attorney.

B. Absolute duty of impartiality. Court staff must treat all litigants fairly and equally. Court staff must not provide assistance for the purpose of giving one party an advantage over another, nor give assistance to one party that they would not give to an opponent.

C. Prohibition against giving legal advice. Court staff shall not provide legal advice. (See *Guideline C.2* for examples of legal advice.)

1. If a court user asks for legal advice, court staff should advise the person to seek the assistance of an attorney.

2. Court staff should not apply the law to the facts of a given case, nor give directions regarding how a litigant *should* respond or behave in any aspect of the legal process. For example, court or clerks' staff **should not**:

- a. Recommend whether to file a petition or other pleading.
- b. Recommend phrasing or specific content for pleadings.
- c. Fill in a form for the pro se litigant. (**Exception:** If a litigant has a physical disability or is illiterate and therefore unable to fill in a form, and the litigant explains the disability to a clerk's staff member and requests appropriate assistance, then the staff member may fill in the form. However, the clerk's staff member must write down the *exact words* provided by the litigant, and another staff member must witness the action.)
- d. Recommend specific people against whom to file petitions or other pleadings.
- e. Recommend specific types of claims or arguments to assert in pleadings or at trial.
- f. Recommend what types or amount of damages to seek or the specific litigants from whom to seek damages.

- g. Recommend specific questions to ask witnesses or other litigants.
- h. Recommend specific techniques for presenting evidence in pleadings or at trial.
- i. Recommend which objections to raise to an opponent's pleadings or motions at trial or when and specifically how to raise them.
- j. Recommend when or whether a litigant should request (or oppose) a continuance.
- k. Recommend when or whether a litigant should settle a dispute.
- l. Recommend whether a litigant should appeal a judge's decision.
- m. Interpret the meaning or implications of statutes or appellate court decisions as they might apply to an individual case.
- n. Perform legal research.
- o. Predict the outcome of a particular case, strategy, or action.

3. If you are uncertain whether the advice or information constitutes "legal advice" -- seek the assistance of a supervisor. If a supervisor is not available, inform the litigant that you are not able to provide the information and that the litigant should seek help from an attorney.

Comments on Section C

C.2.: This list provides examples of prohibited types of assistance. It is not comprehensive. In general, clerks must avoid advising litigants that they *should* include specific content in what they write or say or that they should take a particular course of action.

C.2.b.: Clerks may inform litigants that some *general content* may be required in a pleading (e.g., identification of the other parties involved in the accident; a description of the facts surrounding the accident; and why a particular party is or is not responsible for the accident). But clerks may not tell a litigant whom to identify or which particular facts might be relevant in the pleading.

C.2.h.: Clerks should provide, or identify the place where someone can obtain, pamphlets or other documents that address this issue and that have been prepared for general distribution to the public (e.g., *How to Use Small Claims Court*, prepared by the Iowa State Bar Association).

C.2.n.: Clerks may refer litigants to sections of the Iowa court rules or Code of Iowa for rules or statutes that govern matters of routine administration, practice, or procedure; and they may give definitions of common, well-defined legal terms used in those Code sections. However, clerks may not *interpret* the meaning of statutes or rules.

D. Authorized information and assistance. When a pro se court user seeks help -- excluding legal advice -- court or clerks' staff should respond to questions to the best of her or his ability. Court and clerks' staff are authorized to:

- 1. Provide public information contained in:
 - a. dockets or calendars,
 - b. case files,
 - c. indexes, and
 - d. other reports.

2. Recite common, routinely employed:
 - a. court rules,
 - b. court procedures, and
 - c. administrative practices.
3. Show or tell the pro se litigant where to find pertinent statutes or rules of procedure.
4. Identify forms that might meet the needs of the pro se litigant, and provide forms that the supreme court has mandated for the guidance of *pro se* court users.
5. Answer questions about how to complete forms (*e.g.*, where to write in particular types of information), but **not** questions about how the litigant should phrase his or her responses on the forms.
6. Define terms commonly used in court processes.
7. Provide phone numbers for lawyer referral services.

Comments on Section D

D.2: Reciting a common rule is permissible, but court staff should not attempt to apply the rule to the facts in the litigant's case. Sometimes, after a clerk recites a rule (*e.g.*, "After a judge enters a judgment in your small claims case, you have 20 days to file an appeal."), a *pro se* litigant will ask whether or how the rule would apply, or if the rule might be applied differently, given the facts in his or her case. This calls for an *interpretation* of the law or rule of procedure. *Court and clerk's office staff must avoid offering interpretations of laws or rules.*

D. 4: When a clerk is reasonably certain about which form is most appropriate for use by a given litigant, the clerk should identify the appropriate form. However, clerks should avoid telling litigants that they *should* or *must* use a particular form. The appropriate approach in most situations is to tell the litigant:

- a) a particular form probably will meet the individual's needs;
 - b) clerks *cannot guarantee* that this is the correct form; and
 - c) the litigant should read the form very closely or consult an attorney to determine the appropriateness of the form for the litigant's purposes.
-

E. Prohibition against revealing the outcome of a case before the information is officially released to the litigants or public. Court or clerks' staff shall not disclose the outcome of a matter submitted to a judge for decision until the outcome is part of the public record, or until the judge directs disclosure of the matter.

F. Ex parte communications.

1. If a litigant or attorney submits an *ex parte* **written** communication that requests a judge to take some *action* (*e.g.*, to grant a continuance; to stop or limit a garnishment), court staff *must* deliver it to a judge who should decide what action, if any, is appropriate.

2. If a party makes a **verbal** request that a judge take some type of *action* in a case, the clerk should tell the litigant to *put the request in writing* and:

- a. address the request to the court;
- b. include the case number (if any) on the document;

- c. write the date on the document;
- d. sign the written document;
- e. print the person's name under the signature;
- f. deliver the written request to the clerk's office; and
- g. serve a copy of the document to opposing litigant or litigant's attorney.

3. Court or clerks' staff must *not* knowingly transmit an ex parte communication from a litigant, witness, or a litigant's attorney to a judge if the communication involves *only* statements regarding evidence or the merits of an issue or arguments in a case.

4. If the ex parte communication includes both a request for judicial action and assertions regarding evidence or the merits of a case, or the clerk is uncertain about whether it includes a request for judicial action, the clerk should deliver the communication to a judge.

5. If a party or attorney contacts a district court clerk by telephone with a request for judicial action and there is *insufficient time to deliver a written request* to the clerk's office, the clerk shall communicate the request to a judge (in accordance with rules established by the chief or presiding judge(s) for handling such communications). The clerk, however, should tell the caller that the clerk cannot guarantee that the judge will grant the request.

G. Effect of noncompliance with these guidelines. These guidelines are intended to be a tool for training court clerks and their staff to help them provide an appropriate level of assistance to all court users. Failure to comply with these guidelines, however, shall not be grounds for a cause of action against a clerk's office or staff.

If you have questions about these *Guidelines*, contact:

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Ph: (515) 242-0193
john.a.goerd@jb.state.ia.us

EXHIBIT F

SAMPLE STAFF GUIDELINES

Do's

Court staff are expected to perform these tasks:

1. Provide public information contained in docket reports, case file, indexes, and other reports.
2. Answer questions concerning court rules, procedures, and ordinary practices. Such questions often contain the words "Can I?" or "How do I?"
3. To the extent available, provide examples of forms or pleadings for the guidance of litigants.
4. Answer questions about the completion of forms.
5. Explain the meaning of terms and documents used in the court process.
6. Answer general questions concerning deadlines or due dates.

Don'ts

In providing information, the staff will not:

1. Give information when they are unsure of the correct answer. Staff should transfer such questions to supervisors.
2. Advise litigants whether to take a particular course of action.
3. Take sides in a case or proceeding pending before the court.
4. Provide information to one party that they would be unwilling or unable to provide to all other parties.
5. Disclose the outcome of a matter submitted to a judge for decision, until the outcome is part of the public record, or until the judge directs disclosure of the matter.

* * *

Adapted from J. Graecan, 'No Legal Advice from Court Personnel' What Does That Mean?, The Judges' Journal (Winter 1995), at 10. Cited in BJI Report at 41.

grounds. First, they believe that the article does not go far enough in its analysis of the court's obligation to provide information to the public. The United States Constitution, through the privileges and immunities clause, the First Amendment, or the due process or equal protection clauses of the Fourteenth Amendment, may create a fundamental right of access to the courts for persons representing themselves.⁸ The closest that any United States Supreme Court opinion has come in articulating such a broad right of access is Justice Brennan's concurring opinion in *Boddie v. Connecticut*,⁹ the court's decision finding that Connecticut's mandatory filing fee for divorce cases violated an indigent person's right to due process. Justice Brennan objected to language in the majority opinion limiting the reach of the decision to divorce proceedings -- "the exclusive precondition to the adjustment of a fundamental human relationship."¹⁰ Justice Brennan wrote:

I cannot join the Court's opinion insofar as today's holding is made to depend upon the factor that only the State can grant a divorce and that an indigent would be locked into a marriage if unable to pay the fees required to obtain a divorce. A State has an ultimate monopoly of all judicial process and attendant enforcement machinery. As a practical matter, if disputes cannot be successfully settled between the parties, the court system is usually the only forum effectively empowered to settle their disputes. Resort to the judicial process by these plaintiffs is no more voluntary in a realistic sense than that of the defendant called upon to defend his interests in court. . . . I see no constitutional distinction between appellants' attempts to enforce this statutory right and an attempt to

⁸See the discussion on pages 19 to 24 in Goldschmidt, Mahoney, Solomon and Green, *Meeting the Challenge of Pro Se Litigation: A Report and Guidebook for Judges and Court Managers* (American Judicature Society 1998) (hereafter referred to as "*Meeting the Challenge*")

⁹401 US 371 (1971).

¹⁰*Id.* at 383.

vindicate any other right arising under federal or state law. . . . The right to be heard in some way at some time extends to all proceedings entertained by courts.¹¹

If there is such a right of access to the courts, then, argues Goldschmidt and colleagues, the courts must provide information sufficient to enable self-represented persons to exercise that right.

The significant and as-yet-unanswered question is whether self-represented litigants' rights obligate the state to take affirmative steps to provide them with some form of "adequate" legal assistance. Until a definitive ruling on this question is made, courts should – if only for efficiency reasons – begin (or continue) to develop creative means of guiding the increasing number of self-represented litigants through the legal process.¹²

Second, Goldschmidt and colleagues argue that the guidelines are too general in nature. They believe that court staff need explicit direction on the answers to be given to specific questions, not just general direction differentiating legal information from legal advice.¹³ All courts owe their staff the support of an operating manual, describing basic court operations and instructing them how to handle routine matters. These materials, in turn, serve as a reference for staff in answering questions from the public. The most extensive manual of this sort that I have seen is the Clerk's Practice and Procedure Guide developed by the United States Bankruptcy Court for the District of New Mexico. The judges of the court instructed the clerk to develop the manual in order to give lawyers who did not specialize in bankruptcy law the basic information they would need to practice before the court. With the help of a committee of the local bankruptcy bar, the court prepared a manual detailing the court's procedures with respect to all

¹¹*Id.* at 387-88.

¹²*Meeting the Challenge*, *supra* note 3, at 24.

¹³*Meeting the Challenge*, *supra* note 3, at 24.

parts of the bankruptcy process. The manual is available to the public. It also serves as a resource for court staff in answering questions posed by the public.

However, my experience in providing training on this topic all over the country has convinced me that lack of staff knowledge of procedures is not a significant impediment to the ability of court staff to provide information to the public. In the training sessions I have conducted on this topic, I ask participants to write down the questions they have the most difficulty answering and use them as the basis for the discussion. I ask for volunteers to answer the questions, following my suggested guidelines. My experience in conducting training in this way has shown me that court staff are extraordinarily knowledgeable about court procedures, requirements and practices. With one exception, some participant in every seminar has always been able to provide the procedural or substantive information needed to answer a question posed. The exception was in Delaware, where all participants agreed that there was no answer to a particular question -- their case management information system did not provide the requested information. My experience suggests, therefore, that court staff throughout this country know the correct answers to the questions they are asked by the public. Consequently, courts should not delay authorizing their staff to provide procedural information until they develop detailed guidebooks or reference materials.

As additional courts develop rules and guidelines, they are becoming more detailed. So, for instance the elaboration provided by the Florida rule of court and the draft Iowa guidelines. In addition, the drafters of the Iowa guidelines plan to include a substantial number of standard answers to frequently asked questions. I suggest, below, some such standard answers, based upon the most common questions that recur in training sessions on this subject.

Russell Engler, Professor of Law and Director of Clinical Programs at the New England School of Law, has written a thought-provoking article arguing that judges, mediators, and court staff should provide legal advice to self-represented litigants.¹⁴ Professor Engler argues that most persons representing themselves in court do so because they cannot afford to retain counsel. Without competent advice concerning available options and their advantages and disadvantages, litigants cannot obtain a just outcome to their disputes. He argues that principles underlying the concept of the court's impartiality must be reconsidered. Instead of giving no advice to either side, Professor Engler believes that the court must give whatever help is needed to both sides, giving more help to one side than to the other where needed. He argues that true impartiality exists when both parties are fully informed of their rights, their procedural options, and the benefits and detriments arising from exercising them. The most obvious instance in which the court has an obligation to provide different levels of help to one side than to the other is when one side is represented by counsel and the other is not. In order for the courts to do justice, Engler argues, the courts must be prepared to provide whatever assistance is needed to both sides in order for them to understand their rights and remedies and make a reasoned, informed judgment of their best interests. Current restrictions on court staff, mediators, and judges inhibit their ability to do justice rather than ensure it. He poses the problem of the mediator who is prohibited from informing one party that his proposed settlement terms are foregoing a remedy to which he is clearly entitled by law. His article goes on to argue that the type of advice needed,

¹⁴Engler, *And Justice for All – Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators and Clerks*, 67 Fordham Law Review 1987 (1999).

and who should provide it, depends on the context -- the nature of the legal proceeding and the type of dispute.

Professor Engler's analysis is thought-provoking. He forcefully points out the injustices that can result from imbalances in the power and knowledge of self-represented parties. However, his view that a dispute cannot be resolved justly without fully informing both parties of every substantive and procedure right and option available is not one to which I am willing to subscribe. It is neither necessary, nor realistic, to expect the courts to serve not only as dispute resolvers but also as counselors and advocates for both sides of the dispute.

Unauthorized practice of law. Much of the concern about court staff providing information to court users arises from apprehension that they will be practicing law without a license. In my view, laws or court rules prohibiting the unauthorized practice of law do not apply to court staff performing tasks at the direction of the court. Preoccupation with the topic of unauthorized practice of law focuses attention on the wrong issues and provides either too much or too little guidance to the courts on what information their staff should and should not provide.

First, as a matter of law, when court clerks are providing information that the courts direct them to provide, they cannot be engaged in the unauthorized practice of law. The courts have authorized them to do what they are doing. When the authorization comes from the state court of last resort, which is the body responsible for deciding what constitutes the practice of law, there can be no doubt that court staff are insulated from any statute or rule prohibiting the unauthorized practice of law. The Supreme Court of Florida recognized this principle in its family court rule on self help programs. Section (e) of Rule 12.750 reads:

(e) Unauthorized Practice of Law. The services listed in subdivision (c), when performed by nonlawyer personnel in a self-help program, shall not be the unauthorized practice of law.

A committee of the Washington State Bar Association has reached the same conclusion. The Committee to Define the Practice of Law worked for almost a year and a half to develop a comprehensive definition of the practice of law for the State Bar Association to recommend to the state Supreme Court for adoption. Section (b)(2) of its Definition of the Practice of Law excludes "serving as a court house facilitator pursuant to court rule". . . "whether or not [it] constitute[s] the practice of law."¹⁵

The Attorney General of Vermont has applied this reasoning to court staff activities authorized by the trial court, not the court of last resort. In Vermont, the unauthorized practice of law is prohibited by rule of the state Supreme Court. An attorney wrote to the Vermont Attorney General asking that it commence a criminal contempt proceeding to enforce that rule, complaining about an advertized job description that included the following duties of a court case manager: "assist litigants to complete court documents and to understand the judicial process" and ensure "that all persons involved in child support actions understand the court process, their rights under the law and all documents that they are asked to file or agree to." The complaint also questioned the court's production and distribution of various booklets that define legal terms and discuss the divorce process. While expressing his opinion that the activities set forth in the job description did not constitute the practice of law, the Chief Assistant Attorney General

¹⁵Washington State Bar Association Committee to Define the Practice of Law, Final Report, at 5 (Washington State Bar Association, Seattle, WA, July 13, 1999)(available on the Internet at www.wsba.org/c/cdpl/report.htm).

William Griffin noted that "[e]ven if they did, since the activities are authorized by the Court and performed on its behalf, the Attorney General would be hard pressed to argue that they are unauthorized."¹⁶

Analyzing this issue in terms of the unauthorized practice of law focuses attention on what lawyers do, not on what courts must, and must not, do.

First, courts must provide self-represented litigants with the information they need to bring their cases before the court. Whether or not there is a constitutional right to access to the courts, there are overwhelming policy reasons for the courts to provide effective access. That is what courts are for – to serve as the forum for resolving disputes. For the courts to enjoy the public trust and confidence of the people, they must make their services practically, as well as theoretically, available to the public. So, the focus of the courts must be on providing the information that citizens need in order to avail themselves of the courts' dispute resolving services.

The limitations on the court staff in answering questions from the public arise not from what lawyers do, but from the principle of impartiality central to public trust and confidence in the courts. Court staff should not advise a person accused of crime whether to plead guilty – not because lawyers give such advice, but because that advice causes the court staff, and hence the court itself, to be taking sides in the outcome of the case.

An example where courts are misled by looking to unauthorized practice of law principles, rather than to the needs of the courts, is with respect to court forms. Some courts

¹⁶Letter from William Griffin, Assistant Attorney General, to Jan Rickless Paul, Esq., dated August 8, 1994.

consider the choice of the appropriate form for a litigant to use to be a function that lawyers perform for their clients and therefore restrict the role that staff can play in pointing out the correct form to a litigant requesting assistance. See for instance the discussion of this issue by Goldschmidt and colleagues.¹⁷ As a practical matter, court staff are fully competent to direct litigants to the correct form. This service constitutes an essential part of the information a litigant needs in order to be able to present his or her case to the court. And, because the court provides equal services to all litigants – e.g., to petitioners as well as respondents – the court does not depart from its impartial role in providing forms and directing litigants to their proper use.¹⁸

By focusing on the issue of the unauthorized practice of law, courts may not go far enough in limiting the role that staff can play. For instance, does the fact that a particular court staff member is a lawyer free the court from concerns arising from the court's need to remain impartial? Or, in Arizona, where there is no unauthorized practice of law statute, can the courts decide that there are no limitations on the role that their staff should play in assisting litigants?

Despite the flurry of activity by courts in developing new programs to assist self-represented litigants, there have been no new opinions or cases raising unauthorized practice of law objections to court staff practices or programs over the past three years. It appears that the

¹⁷*Meeting the Challenge*, *supra* note 3, at 43.

¹⁸It is clear that the New Mexico Supreme Court, the state in which an ethics opinion questioned the propriety of a judge's providing litigants with forms he drafted, finds it acceptable for court staff to provide approved court forms to litigants. See the New Mexico legal information form.

courts. as a practical matter, are not considering this issue in the context of the unauthorized practice of law.

Finally, it is ironic that the ethical opinions analyzing the functions that clerks can and cannot perform from the standpoint of the unauthorized practice of law draw the same line in the same place as does my analysis based upon the principle of maintaining the court's impartiality. The Massachusetts Advisory Committee on Ethical Opinions for Clerks of the Court reviewed five scenarios that regularly occur, approving clerk conduct in three and disapproving it in the remaining two. In summarizing its opinion, it stated:

[P]roviding assistance with filling out forms and offering procedural advice clearly do not run afoul of the prohibition on the practice of law. Drafting documents, taking over a case and becoming an advocate on behalf of a litigant would clearly violate the prohibition.¹⁹

Suggested answers to recurring questions.

Here are some of the most common questions presented by participants in seminars on this topic:

Do I need a lawyer? Suggested answer: You are not required to have a lawyer to file papers or to participate in a case in court. You have the right to represent yourself. Whether to hire a lawyer must be your personal decision. You may want to consider how important the outcome of this case is to you in making that decision. A lawyer may not cost as much as you think. I have information on the Lawyer Referral Service if you want help in finding a lawyer who specializes in your kind of case. [Lawyers participating in the Albuquerque Bar Association lawyer referral service offer one half ^{hour} of consultation for \$25.00 plus tax.]

¹⁹Opinion 95-6 (November 8, 1995)

Should I hire a lawyer? Suggested answer: Same as above.

Can you give me the name of a good lawyer? Suggested answer: The court cannot recommend a particular lawyer. I have information on the Lawyer Referral Service if you want help in finding a lawyer who specializes in your kind of case.

Should I plead guilty? Suggested answer: You need to decide that for yourself.

What sentence will I get if I plead guilty [or do not plead guilty]? Suggested answer: The judge will decide what sentence to impose based upon the facts and the law that apply to your case. I cannot predict what the judge will do.

What will happen in court? Suggested answer to a plaintiff in a small claims case: The judge will call on you to present your evidence first. Then [he][she] will call on the other side to present its evidence. The judge will ask questions if [he][she] needs clarification. When the judge has heard all the evidence, [he][she] will announce [his][her] decision.

What should I say in court? Suggested answer: You must tell the truth.

How do I get the money that the judge said I am entitled to? Suggested answer: You are responsible for taking the steps necessary to enforce a judgment (or an award of child support). Here is a pamphlet that describes the procedural options available to you. When you decide what option to pursue, I can provide you with the appropriate forms. [It may be appropriate to refer a litigant to an agency for help, e.g., with child support enforcement.]

What should I put in this section of the form? Suggested answer: You should write down in your own words what happened.

What should I put down here where it says "remedy sought"? Suggested answer: You should write in your own words what you want the court to do.

Would you look over this form and tell me if I did it right? Suggested answer: You have provided all of the required information. I cannot tell you whether the information you have provided is correct or complete; only you know whether it is correct and complete.

I am not able to read or write. Would you fill out the form for me? Suggested answer: In that case, I am able to fill out the form for you, but you have to tell me what information to put down. I will write down whatever you say and read it back to you to make sure what I have written is correct.

What do I do next? Suggested answer: Describe the next step in the court process.

I want to see the judge. Where is his office? Suggested answer: The judge talks with both parties to a case at the same time. You would not want the judge to be talking to the [police officer][landlord] about this case if you were not present. Your case is scheduled for hearing on ____ at _____. That is when you should speak with the judge.

The judge heard my case today but did not make a decision. When will he decide?
Suggested answer: There is no way for me to know when the judge will issue his decision in your case. In general, the judges try to reach a decision within 60 days of taking a case under advisement. But there is no guarantee that the judge will decide your case within that time.

Legal Advice

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Access to the Courts

Do YOU Know the Difference?

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Legal Advice

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Access to the Courts

Do YOU Know the Difference?

Introduction

Every day every clerk in every court in every state is bombarded with questions about courts, procedures, judges and cases. Most court clerks have been told they cannot give legal advice when answering questions. Many courts have posted signs informing the public that court clerks are not allowed to give legal advice. And probably every clerk in every court in every state has, at one time or another, repeated the phrase, "I'm sorry. I'm not allowed to give legal advice."

Do you know what information can be provided and what information would be considered legal advice?

- Can a clerk tell parties whom they should sue?
- Can a clerk tell a party what form to use?
- Can a clerk tell parties what their options are?

Purpose of this Training:

If you don't know the answers, don't worry because you are not alone. Clerks in courts across the country have questions about what is and isn't legal advice.

Purpose of this Training:

This training is designed to help court staff understand the types of information they can provide. It is specifically designed for court support staff who provide telephone and counter assistance as a major part of their job duties.

This training will cover three areas:

- The reasons court clerks cannot provide legal advice;
- Guidelines for determining what is and is not legal advice; and
- Commonly asked questions

Why Court Clerks Are Not Allowed To Give Legal Advice

Although court clerks are told that they cannot give legal advice, they usually do not know why. There are several reasons:

1. **Neutrality¹:** Court clerks must remain neutral and cannot promote or recommend a particular course of action. Even though a clerk may have processed hundreds of similar types of cases, he or she is not in a position to know what is in a litigant's best interest. Only litigants or their attorneys can make that determination.
2. **Impartiality²:** Court clerks have an "absolute duty of impartiality". A court employee can "never give advice or information for the purpose of favoring one court user over another." This is very important because court clerks have considerable knowledge about the way in which their court functions. That knowledge must be shared fairly and in a manner that does not involve the disclosure of confidential or ex parte communication. "Advising a party 'what to do' rather than 'how' a party might do what it has already decided crosses the line from impartiality to partiality, from providing permissible information to giving prohibited 'legal advice' or engaging in the unauthorized practice of law."
3. **Unauthorized practice of law:** Every state has laws prohibiting the unauthorized practice of law. Only attorneys licensed by the state are permitted to practice law and give legal advice. Since court clerks are generally not attorneys, they cannot give legal advice because giving legal advice is considered the unauthorized practice of law. If a court clerk were an attorney, he or she should still not give legal advice as an employee of the court because it would violate the concepts of neutrality and impartiality.

¹ *The Ethics Field Book: Tools for Trainers*, Cynthia Kelly Conlon, J.D., Ph.D. Funded by a grant from the State Justice Institute, ©American Judicature Society, 1995.

² *The Ethics Field Book: Tools for Trainers*, *ibid.*

The Importance of Understanding What Is and Is Not Legal Advice

Every day court clerks are bombarded with questions about courts, procedures, judges, and cases. Their job involves providing information to the different people that request or require it, including the general public, attorneys, parties, legal secretaries and paralegals. Each has different levels of understanding and different needs. Court clerks must help all of them while staying impartial and neutral and without giving legal advice. How they respond to the questions they are asked affects how the public views the court system. How they respond will most certainly affect the attitude of the public during their court involvement. And, how they respond could affect the outcome of a case. An accurate understanding of a court clerk's primary functions makes it clear that it is important to know what is and is not legal advice.

1. **Providing Access:** Most people are not familiar with courts and court procedures and must depend to a large degree on court clerks for information on the court system. As a result, court clerks play a very important role as a "gatekeeper" providing access into the court system. If people do not know how to use the system and court clerks do not tell them, they are being denied access.
2. **Providing Service:** An important duty of all court employees is to provide service to the public. Providing information is a very important part of providing service. Therefore, it is important to understand what information can be provided and what information cannot.
3. **Pro Per Litigation:** An increasing number of people are representing themselves and are not being represented by attorneys. The burden will fall on court support staff to be able to assist these parties without crossing the legal advice line.

**Guidelines for
Determining
What Is and Is Not
Legal Advice**

"How do I know what is and isn't considered legal advice?" This is perhaps the number one question asked by court clerks, and there is no easy answer. Court clerks have a tremendous amount of knowledge about the court system and are supposed to provide information as part of their duties. But how are they supposed to know what information they can provide and what information they cannot? How can they know when they are crossing the invisible legal advice line?

Unfortunately there is never going to be a book or manual that clearly identifies every question court clerks get asked and what questions they can or cannot answer. However, there are some very specific guidelines that can be used to help define the legal advice line.

TABLE 1.

Legal advice guidelines for court clerks

Can Provide:	Cannot Provide:
Legal definitions	Legal interpretations
Procedural definitions	Procedural advice
Cites of statutes, court rules and ordinances	Research of statutes, court rules and ordinances
Public case information	Confidential case information
General information on court operations	Confidential or restricted information on court operations
Options	Opinions
Access	Deny access, discourage access or encourage litigation
General referrals	Subjective or biased referrals
Forms and instructions on how to complete forms	Fill out forms for a party

TABLE 2.

Legal definitions		v	Legal interpretation	
Can Provide:			Cannot Provide:	
<i>Reason:</i> Legal terminology can be confusing and difficult. Providing definitions of legal terms or procedures helps the public understand the court system and does not involve the unauthorized practice of law.			<i>Reason:</i> Court clerks cannot provide legal interpretations because it would be considered the unauthorized practice of law and would violate the concepts of neutrality and impartiality.	
<i>Example:</i> What is child abuse?			<i>Example:</i> My neighbors leave their kids home all day without supervision. Is that child abuse?	
<i>Response:</i> According to this dictionary of legal terms, child abuse is "the mistreatment of a minor by an adult legally responsible for the minor."			<i>Response:</i> I am not an attorney and cannot make a legal interpretation. However, I can refer you to someone that can help you.	
<i>Tip:</i> Resources for providing legal definitions include statutes, court rules and a dictionary of legal terms.				

TABLE 3.

Procedural definitions & explanations		Procedural advice	
Can Provide:		Cannot Provide:	
<i>Reason:</i>	Court procedures can be confusing. Explaining various procedures increases the public's understanding of the system and does not violate the concept of neutrality.	<i>Reason:</i>	Court clerks cannot give procedural advice, because in doing so they may favor one party over another or may encourage or discourage a party from a particular course of action. Court clerks must remain impartial and neutral at all times. Clerks can, however, point out various factors that individuals can consider to make the decision themselves.
<i>Example:</i>	What happens at an arraignment?	<i>Example:</i>	Whom should I sue?
<i>Response:</i>	The arraignment is the first appearance before the court. Defendants are notified of the charges and informed of their rights, including the right to an attorney, bond is set, and a plea may be entered.	<i>Response:</i>	I cannot tell you whom to sue because I cannot give you legal advice. If you aren't sure who to sue, who do you feel owes you the money?
<i>Tip:</i> Whenever you hear the word "should", it is a tip that you are being asked for advice.			

TABLE 4.

Cites for statutes, court rules & ordinances v	Research of statutes, court rules & ordinances
Can Provide:	Cannot Provide:
<p><i>Reason:</i> A court clerk may cite the legal authority for a specific procedure.</p> <p><i>Example:</i> An employer asks if the employer has to file a disclosure with the court every time an employee's paycheck is garnished.</p> <p><i>Response:</i> No. The court rules only require a disclosure to be filed within 14 days after the date the writ was served.</p>	<p><i>Reason:</i> Court clerks cannot research statutes, court rules and ordinances for parties because it would be considered the unauthorized practice of law and violates the concepts of impartiality and neutrality.</p> <p><i>Example:</i> Please provide me with a copy of all of the laws regarding stalking.</p> <p><i>Response:</i> I'm sorry, but I am not allowed to do legal research.</p>
<p><i>Tip:</i> Have copies of court rules and most commonly used statutes available. In determining what is considered research, consider whether the material or information requested is something that should be known as a part of the clerk's job and whether the information is readily available or would require compilation.</p>	

TABLE 5.

Case information that is a matter of public record v		Confidential case information
Can Provide:		Cannot Provide:
<i>Reason:</i> Court clerks can provide case information that is public. Most court records are considered public records and, therefore, are available to the public.		<i>Reason:</i> Court clerks cannot disclose non-public or confidential information. It is very important that clerks understand what information is confidential.
<i>Example:</i> Is there an estate file open for Beth Hall?		<i>Example:</i> May I see the Kramer adoption file?
<i>Response:</i> Yes, there is. It is a public record. Would you like to see it?		<i>Response:</i> I'm sorry. Adoption files are confidential and not able to be viewed by the public.
<i>Tip:</i> If asked about a confidential record, a court clerk may confirm its existence but cannot provide any other information.		
<i>Note:</i> If you are not sure what records are public and which records are confidential in your court, check with your supervisor.		

TABLE 6.

General information about court operations		Confidential information about court operations	
Can Provide:		Cannot Provide:	
<i>Reason:</i>	Court clerks have considerable knowledge and information about how a court functions. Sharing this knowledge of general court operations is not considered legal advice.	<i>Reason:</i>	Court clerks cannot disclose confidential information about court operations or ex parte communications because it can give one side an unfair advantage.
<i>Example:</i>	How long before I become the guardian?	<i>Example:</i>	How do I get a particular judge assigned to my case?
<i>Response:</i>	Hearings generally are scheduled in four to six weeks, and a determination is made at that time.	<i>Response:</i>	I'm sorry, I can't give you information about the court's internal assignment procedures.
<i>Tip:</i> Is the information sought for the purpose of having knowledge of the court's policies and/or procedures, or is the client hoping to get an advantage through the information? For example, if parties have confidential information about a court's case assignment procedures, they could "judge shop".			

TABLE 7.

Options	v	Opinions
Can Provide:		Cannot Provide:
<p><i>Reason:</i> Court clerks can provide information on the various procedural options available and can explain how to do something.</p> <p><i>Example:</i> How can I collect my judgment?</p> <p><i>Response:</i> You have several options. If you know where the defendant is employed or has a bank account, you can file a writ of garnishment. If you know of property that they own, you can file a writ of execution. Otherwise, you can file a discovery subpoena to determine what assets, if any, they have.</p>		<p><i>Reason:</i> Court clerks cannot give an opinion on or otherwise advise parties to use a particular procedure or remedy.</p> <p><i>Example:</i> Should I file a writ of garnishment or a writ of execution?</p> <p><i>Response:</i> I can explain the difference between the two types of writs, but I cannot tell you what to do or give you an opinion on which option to select. That's a decision you have to make.</p>
<p><i>Tip:</i> Telling someone "how" to do something does not usually cross the legal advice line. Telling someone what he/she "should" do, does cross the legal advice line.</p>		

TABLE 8.

Facilitate access	v Deny access, discourage access or encourage litigation
Can:	Cannot:
<p><i>Reason:</i> Most people are not familiar with the court system. They often cannot describe their problem in legal terms. Court clerks are the gatekeepers to the system. It is their job to ensure that the court system is accessible. The information that is presented, and the manner in which it is presented, can affect how accessible the system is.</p>	<p><i>Reason:</i> Most people are not familiar with court procedures or terminology. Legal advice should not be used as an excuse not to provide service. If the question is not asked in the right way, take the time to clarify what is being asked.</p>
<p><i>Example:</i> How do I <i>convict</i> my renter?</p>	<p><i>Example:</i> How do I take care of a <i>civil infection</i>?</p>
<p><i>Response:</i> Do you want to evict your renter? The court that handles landlord/tenant disputes is down the hall.</p>	<p><i>Response:</i> Civil infections are handled by the health department.</p>

Tip: In the examples above, the client was using incorrect terminology. Often it is necessary for a court clerk to ask questions to determine what the client is really asking rather than make an inappropriate referral.

(Examples include the mistake of identifying Mr. Pro Per as an attorney rather than realizing it is an indicator that a party is acting on his/her own behalf, incorrect usage of guardian vs. custodial parent, etc.)

TABLE 9.

General referrals		Subjective or biased referrals	
Can Provide:		Cannot Provide:	
<i>Reason:</i>	General referrals can be made to agencies and associations that can provide additional information and assistance. Sometimes people call the court when they don't know whom to call.	<i>Reason:</i>	Court clerks must remain neutral and impartial and cannot make referrals to specific individuals.
<i>Example:</i>	I'm not sure I'm calling the right place, but I need to talk to someone about my birth certificate.	<i>Example:</i>	Can you give me the name of a good criminal attorney?
<i>Response:</i>	Let me give you the phone number for the county records division.	<i>Response:</i>	I can't refer you to a specific attorney, but you might want to check the yellow pages. Some attorneys list their areas of specialty there.
<i>Tip:</i> Good general referrals include yellow pages and local bar associations.			

TABLE 10.

Distributing forms & instructions on how to complete forms		Filling out forms <i>unless</i> there is a handicap or physical disability that prevents the person from filling out the form	
Can:		v	
Can:		Cannot:	
<i>Reason:</i> Court clerks must facilitate access to the court system.		<i>Reason:</i> Court clerks should not fill out forms for parties because it violates the principles of neutrality and impartiality. However, there may be some situations where it is appropriate for clerks to record information on a form. Some examples include language barriers (illiteracy or foreign language) and physical handicaps (blindness or deafness).	

Tip: The following is a recommendation for handling these situations:

1. Exhaust all other possibilities first. Is there someone with them who can assist? Is there a literacy council that provides volunteers, or is an interpreter available?
2. If there are no other alternatives, the clerk must record exactly what is said, confirm the information with the party, make a notation on the document, and have the party sign the form.
3. If possible, it is recommended that a witness, such as another clerk, be present to witness.

Note: This is a very difficult issue. Although courts have an obligation to facilitate access and are required under the Americans with Disabilities Act to accommodate individuals with disabilities, courts also have an obligation to remain neutral and impartial.

Conclusion

When court clerks realize that most of the questions they are asked fall into the nine categories we have discussed, it is much easier for them to accurately draw the "legal advice" line and understand what is and what is not legal advice. With that understanding, clerks can provide access to the courts and service to the public while remaining impartial and neutral.

**SUPERIOR COURT, COUNTY OF VENTURA
SELF-HELP LEGAL ACCESS CENTER**

**HOW TO DRAW THE LINE BETWEEN
LEGAL ADVICE AND LEGAL INFORMATION**

One of the most difficult challenges we face is providing self-represented litigants with the vital information they need, without rendering "legal advice." As representatives of the court, we must remain ever mindful of our absolute duty of impartiality. We must not give information or advice for the purpose of giving one party an advantage over another. We must not give information to one party, which we would not give to another party.

Advising a party *what* to do, as opposed to *how* to do what the party desires to do, crosses the impartiality line. Communications and explanations should always be rendered in an impartial manner, so as not to advantage or disadvantage any litigant. The following guidelines may help in differentiating between providing "legal advice" and "legal information":

Information we CAN provide:

1. Information contained in docket reports, case files, indexes, and other reports.
2. Answers to questions concerning court rules, procedures and ordinary practices. These questions are frequently phrased as "can I . . ." or "how do I . . ."
3. Examples of forms or pleadings to help guide litigants.
4. Answers to questions about completing forms.
5. Explanations as to the meaning of terms and documents used in the court process.
6. Answers to questions concerning the computation of deadlines or due dates.

Information we CANNOT provide:

1. Information we are unsure about.
2. Advising a litigant whether to take a particular course of action. Questions phrased as "should I . . ." must be referred to private legal counsel, or we can direct people to various books in the law library where they can read about the law and form their own opinion.

3. **Taking sides in a case or proceeding pending before the court.**
4. **Information to one party that we would be unwilling or unable to provide to all other parties.**
5. **Disclosing the outcome of a matter submitted to a judge for decision, until the outcome is made public, or the judge directs disclosure of the matter.**

John M. Greacen, a Clerk of the United States Bankruptcy Court, District of New Mexico, has written articles on the subject of legal advice versus legal information. He suggests the following five points be followed in dispensing information to the public:

1. **We have an obligation to explain court processes and procedures to litigants, the media and other interested persons.** Court staff have a unique understanding of the way in which the court functions, which is often superior to the knowledge of attorneys who practice before the court. It works to everyone's advantage for court staff to share their knowledge, and the court will operate more efficiently when everyone is operating under the same expectations regarding the ground rules and procedures applied.

2. **We have an obligation to inform litigants, and potential litigants, how to bring their problems before the court for resolution.** It is entirely appropriate for the court staff to apply their specialized expertise to go beyond providing generalized information, such as answering a question, "How do I file a lawsuit?" to giving detailed procedural guidance on how to request a hearing. We can also answer questions about what the court looks for in an application for award of attorneys fees, a request to enter default judgment, a child enforcement order, etc. We can also refer people to applicable statutes and rules, published case decisions, and sample pleadings. It is entirely appropriate to inform people as to the reason behind the rules, such as explaining due process requirements in relation to a proof of service. We want the public to understand that the rules are not there to thwart them, or make things difficult for non-lawyers; the rules are there to ensure due process and allow disputes to be decided on their merits.

3. **We cannot advise litigants whether to bring their problem before the court, or what remedies to seek, although we can inform about alternatives to litigation, and we can direct litigants to sources of information about potential remedies.** We cannot advise litigants whether to avail themselves of a particular procedural alternative, since we cannot possibly know enough about a litigant's personal position to know what is in the litigant's best interest. This is uniquely the role of private legal counsel, where a confidential attorney/client relationship exists.

4. **We must always remember the absolute duty of impartiality. We must never give advice or information for the purpose of giving one party an advantage over another. We must never give advice or information to one party which we would not give to an opponent.** Giving procedural information, or suggestions on where to access legal information,

apply to all sides. Having informed litigants helps the process for all concerned. Advising a party *what to do*, as opposed to *how to do* something the party has already chosen, crosses the line from impartiality to partiality. We owe equal duties to both sides.

5. We should be mindful of the basic principle that counsel may not communicate with the judge *ex parte*. We should not let ourselves be used to circumvent that principle. We must not allow ourselves to be used as *ex parte* "messengers" to the judge or court clerk who will decide a particular matter. Some court clerks can enter judgment, and perform other functions traditionally relegated to a judicial officer. We must be careful not to advocate on behalf of a litigant in our communications with decision makers in the court.

Knowing where to draw the line is one of the most difficult challenges we face in helping people to help themselves. Practical considerations sometimes blur the lines, but we must remember, above all else, not to give information if we are uncertain about its accuracy, and to treat all persons and all parties to a controversy with the same level of respect, and with equal assistance.

Any questions about whether a question involves legal advice vs. legal information should be referred to the center coordinator.



TRIAL COURT PERFORMANCE STANDARDS

ACCESS TO JUSTICE—

- 1.1 The court conducts its proceedings and other public business openly.
- 1.2 Court facilities are safe, accessible and convenient to use.
- 1.3 All who appear before the court are given the opportunity to participate effectively without undue hardship or inconvenience.
- 1.4 Judges and other court personnel are courteous and responsive to the public and accord respect to all with whom they come into contact.
- 1.5 The costs of access to the court's proceedings and records—whether measured in terms of money, time, or the procedures that must be followed—are reasonable, fair, and affordable.

EXPEDITION & TIMELINESS—

- 2.1 The court establishes and complies with recognized guidelines for timely case processing while, at the same time, keeping current with its incoming caseload.
- 2.2 The court disburses funds promptly, provides reports and information according to required schedules, and responds to requests for information and other services on an established schedule that assures their effective use.
- 2.3 The court promptly implements changes in law and procedure.

EQUALITY, FAIRNESS, AND INTEGRITY—

- 3.1 Court procedures faithfully adhere to relevant laws, procedural rules, and established policies.
- 3.2 Jury lists are representative of the jurisdiction from which they are drawn.
- 3.3 Courts give individual attention to cases, deciding them without undue disparity among like cases and upon legally relevant factors.
- 3.4 Decisions in the court unambiguously address the issues presented to it and make clear how compliance can be achieved.

- 3.5 The court takes appropriate responsibility for the enforcement of its orders.
- 3.6 Records of all relevant court decisions and actions are accurate and properly preserved.

INDEPENDENCE & ACCOUNTABILITY—

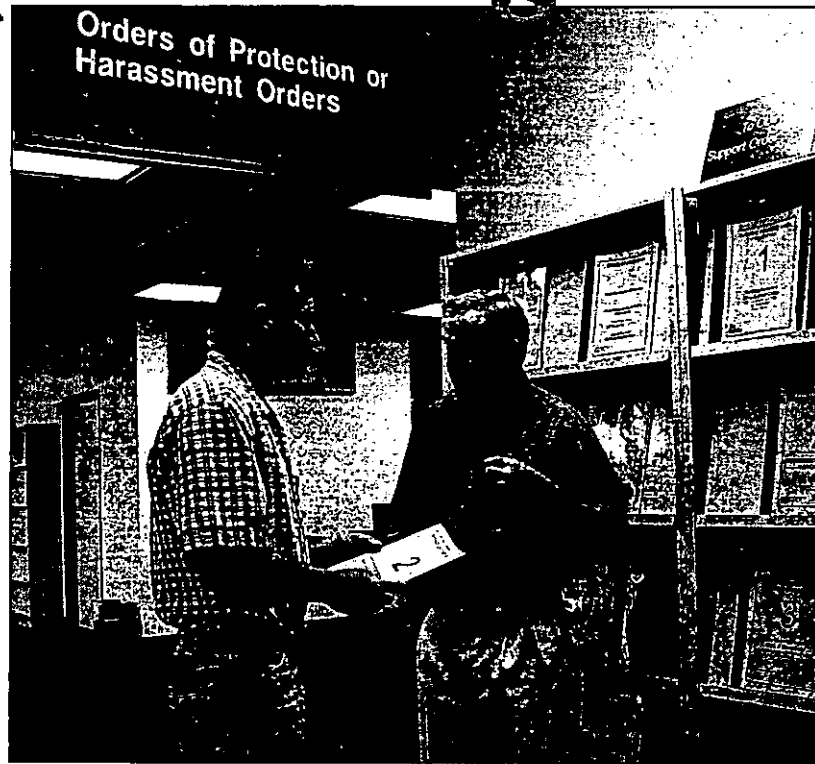
- 4.1 The court maintains its institutional integrity and observes the principle of comity in its governmental relations.
- 4.2 The court responsibly seeks, uses and accounts for its public resources.
- 4.3 The court uses fair employment practices.
- 4.4 The court informs the community of its programs.
- 4.5 The court anticipates new conditions or emergent events and adjusts its operations as necessary.

PUBLIC TRUST & CONFIDENCE—

- 5.1 The court and the justice it delivers are perceived by the public as accessible.
- 5.2 The public has trust and confidence that the basic court functions are conducted expeditiously and fairly and that its decisions have integrity.
- 5.3 The court is perceived to be independent, not unduly influence by other components of government, and accountable.



How are courts handling pro se litigants?



Help for court users is available at the Arizona Superior Court's Self-Service Center in Phoenix.

Litigation by people who represent themselves is a growing phenomenon that presents a variety of challenges to court staff and judges.

by Jona Goldschmidt

Pro se litigation (litigation by self-represented persons) is a growing phenomenon in American courts about which we know very little. Judges and court staff in general jurisdiction courts, accustomed to an adversarial procedure in which every litigant is represented by counsel, must now cope with growing numbers of unrepresented individuals who have little or no knowl-

edge of legal substance or procedural requirements. As their presence in court increases, self-represented litigants are making increased demands for services from court staff, and the types of legal cases in which they appear are expanding.

***JONA GOLDSCHMIDT**, an associate professor of criminal justice at Loyola University Chicago, was the project consultant for the study on which this article is based.*

The extent of the phenomenon

To learn more about the phenomenon of pro se litigation, the American Judicature Society and the Justice Management Institute, with funding from the State Justice Institute, conducted a national survey of judges and court managers. The survey collected information regarding attitudes of judges about pro se litigants, existing pro se assistance programs, policies regarding court staff assistance, and strategies judges use to handle self-represented litigants.

Previous data on the extent of pro se litigation indicate it is prevalent in certain types of cases. For example, a 1990 study for the American Bar Association of the domestic relations court in Maricopa County (Phoenix), Arizona, found that in 88 percent of these cases one party appeared pro se, and in 52 percent both parties appeared pro se. A study conducted by the National Center for State Courts of case data from 16 large urban trial courts during 1991 to 1992 found that, for all domestic relations cases, one party appeared pro se in 53 percent of the cases, and both parties appeared pro se in 18 percent of the cases. In contested domestic relations cases, one party appeared pro se in 19 percent of the cases, and both parties appeared pro se in 7 percent of the cases. The courts reported ranges from between 0 to 15 percent in which one party appeared pro se in general civil litigation. In tort cases, an average of 3 percent of the cases involved at least one self-represented litigant.

A report from the State Bar of California based on 1991 and 1995 data indicates that in California one party appeared pro se in 67 percent of all domestic relations cases and in 40 percent of all child custody cases. Courts reported a range of 10 to 58 percent for the proportion of pro se litigants in divorce cases. A 1996 report from the Circuit Court of Cook County (Chicago), Illinois, states that 30 percent of all new civil actions for less than \$10,000 damages in 1994 were filed pro se, and that 28 percent of litigants in forcible entry and detainer cases appeared pro se. A report by the Minnesota Conference of Chief Judges acknowledged "the increased number of pro se litigants" in that state.

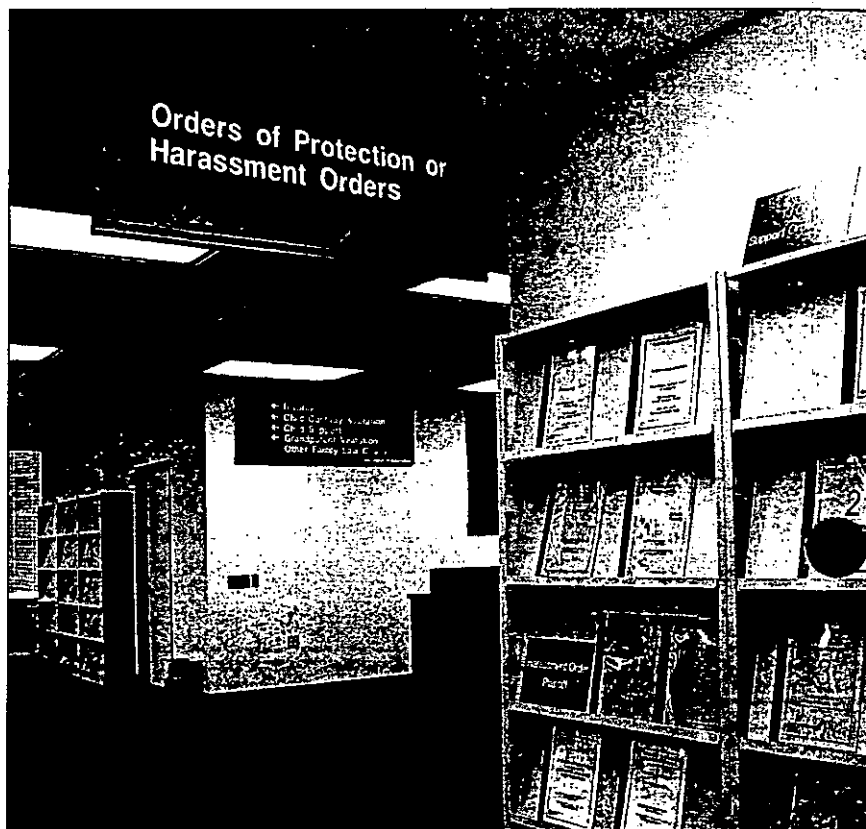
The Federal Judicial Center, in a study of data from 10 U.S. district courts during 1991 to 1994, reports that 21 percent of all filings were by pro se litigants. Nonprisoner pro se cases constituted 37 percent of all cases filed. Data from the Administrative Office of the U.S. Courts show that, between 1991 and 1993, the number of pro se litigants in the federal courts of appeals increased by 49 percent. In 1993, pro se appeals constituted 37 percent of all open and closed cases.

Previous writings

The literature regarding pro se litigation consists primarily of commentaries in law reviews, judicial journals, and bar journals. The popular press is also increasingly aware

of the new challenge of pro se litigation.

Early writings merely focused on the benefits of procedures such as small claims courts, "where the little man has his day" in court, as one 1977 *Judicature* article's subtitle notes. The late 1980s, however, spawned a series of law review commentaries touching upon legal issues affecting the processing of cases involving pro se litigants. One commentator argued that the right to be heard in federal and state courts has little value to those who lack the knowledge to exercise their right in a meaningful or skillful way: "Provision of counsel need not be the only solution to the pro se litigant's dilemma: Lawyers and



SCOTT PHOTOGRAPHY

paralegals can assist the pro se litigant by educating her about her legal situation."¹ She recommended classroom instruction to "help the pro se litigant understand and effectively present her legal position in court."

1. Kim, *Legal Education for the Pro Se Litigant: A Step Towards a Meaningful Right To Be Heard*, 96 YALE L. J. 1641-1660 (1987).
2. Bradlow, *Procedural Due Process Rights of Pro Se Civil Litigants*, 55 U. CHI. L. REV. 659-683 (1988).
3. McLaughlin, *An Extension of the Right of Access: The Pro Se Litigants' Right to Notification of the Requirements of the Summary Judgment Rule*, 55 FORD. L. REV. 1109-1137 (1987).
4. Woo, *More People Represent Themselves in Court. But is Justice Served?*, Wall Street Journal 1, 7 (August 17, 1993).
5. 404 U.S. 519, 520, 92 S.Ct. 594, 595 (1972).
6. Courts must accord "special attention" to pro se litigants faced with summary judgment motions. *Ham v. Smith*, 653 F.2d 628 (D.C.Cir. 1981). At the very least, a litigant is entitled to be warned that when he is confronted by a summary judgment motion, he must obtain counter-affidavits or other evidentiary material to avoid the entry of judgment against him. *Timms v. Frank*, 953 F.2d 281 (7th Cir. 1992); *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975); *Hudson v. Hardy*, 412 F.2d 1091 (D.C.Cir. 1968).

Arguments for a greater recognition of the constitutional dimensions of pro se litigation, insofar as a "meaningful hearing" is required by the due process clause, have also been made.² Some commentaries focus on specific litigation contexts in which unfairness to self-represented litigants has been found, such as the granting of a summary judgment motion against a pro se plaintiff who is unaware of the obligation to respond to such motions.³

More recently, the popular press's attention has been drawn to the subject. *The Wall Street Journal* noted that pro se litigant "numbers are exploding.... As these hordes of non-lawyers stumble along, they clog systems that aren't designed to accommodate amateurs, creating a host of new challenges for court administrators."⁴

Judges and attorneys have also begun to acknowledge the reality of the situation and are struggling to address it within the existing boundaries of the adversary process. Some courts and bar associations have begun to address

pro se litigation by forming task forces or committees consisting of representatives from the bench and bar. They have issued reports reflecting a sense of urgency regarding the pro se phenomenon.

This review of the literature would be incomplete without references to materials contained on the Internet. A search using the term "pro se" reveals some interesting items. For example, it appears pro ses are establishing their own organizations. The "Utopia Foundation" publishes a "Texas Pro Se's Creed" (an oath describing the pro se's obligations to "our legal system," "to him/herself," "to opposing counsel," and the "judge"), a long diatribe against attorneys, and materials from Texas law governing domestic relations cases. This and other sites, such as the American Pro Se Association, appear to have been developed by disgruntled litigants. There are also commercial sites, such as the one advertising "The Video Library for Self Litigation" ("You Can Be A Pro Se Litigant" for only \$79), and sites that sell legal forms. In addition, courts and law schools, such as the Superior Court of Arizona in Maricopa County and the University of Maryland School of Law, are using the Internet to assist pro se litigants with court forms and other information.

Judges are naturally concerned that if they unduly aid a pro se litigant they may be perceived as being an advocate for that litigant.

Some circuits have limited this rule to prisoners. *Brock v. Hendershott*, 840 F.2d 939 (6th Cir. 1988); *Jacobsen v. Filler*, 790 F.2d 1362 (9th Cir. 1986) ("[a] litigant who chooses himself as legal representative should be treated no differently" than one with counsel, and requiring notice to non-prisoners of Rule 56 requirements "implicates the court's impartiality and discriminates against opposing parties who do have counsel.") However, *Timms*, 959 F.2d at 285, held that "the attempted distinction between prisoners and other pro se litigants with regard to this issue is unconvincing.... [T]he idea that non-prisoners do not deserve notice because they have chosen to proceed pro se ignores the fact that most litigants who sue without a lawyer do so because they cannot afford one.... Indigent plaintiffs have no more 'freedom of choice' as to legal representation than do prisoners. Also, even though non-prisoner plaintiffs may often be more educated than prisoners, that is no guarantee that a layman will understand the effects of a failure to respond to a summary judgment motion."

7. 465 U.S. 168, 183-84 (1984). In another criminal case, a federal court held that "[t]he trial court is under no obligation to become an 'advocate' for or to assist and guide the pro se layman through the trial thicket." *U.S. v. Pinkey*, 548 F.2d 305, 311 (10th Cir. 1977). See also, *Faretta v. California*, 422 U.S. 806, 835, n. 46, 95 S.Ct. 2525, 2540, n. 46 (1975) ("the right of self-representation is not a license to abuse the dignity of the courtroom. Neither is it a license not to comply with relevant rules or procedural and substantive law").

Treatment of pro se litigants

Until recently, the U.S. Supreme Court's 1972 decision in *Haines v. Kerner*⁵ was the only case that addressed the question of the extent of leniency that should be granted to a civil pro se litigant. *Haines* held that, in the case of a pro se prisoner, a complaint must be held "to less stringent standards than formal pleadings drafted by lawyers." Subsequently, the issue arose whether nonprisoner pro se litigants who had erred procedurally could also benefit from some liberality to excuse their oversight or ignorance of procedural rules not involving pleadings. Some of these cases arose in the context of summary judgment motions, in which the pro se litigant had not submitted a timely response to such a motion. While some courts found such noncompliance should be excused and held the court is required to instruct the pro se regarding the duty to respond, others have held to the contrary, limiting such rules to prisoner pro ses.⁶

Some courts in civil cases quote the following passage from 1984's *McKaskle v. Wiggins*, in which the Supreme Court refused to relieve a criminal defendant of his obligation to follow all applicable procedural and evidentiary rules: "A defendant does not have a constitutional right to receive personal instruction from the trial judge on courtroom procedure. Nor does the Constitution require judges to take over chores for a pro se defendant that would normally be attended to by trained counsel as a matter of course."⁷ Judges are naturally concerned that if they unduly aid a pro se litigant they may be perceived as being an advocate for that litigant.

Although there are some exceptions, the general rule in the state case law is that pro se litigants are bound by the same procedural and evidentiary rules as are those with representation. For example, one court held:

A pro se litigant must comply with the rules and orders of the court, enjoying no greater rights than those who employ counsel.... Although pro se pleadings are viewed with tolerance...., a pro se litigant, having chosen to represent himself, is held to the same standard of conduct and compliance with court rules, procedures, and orders as are members of the bar.... [a party's] pro se status does not require us or the trial court to assume he must be led by the hand through every step of the proceeding he initiated.⁸

If, however, procedural errors arise that "threaten to impinge upon the substantive legal rights of others, whether committed by seasoned counsel or pro se litigants, the court is compelled to act to prevent injustice."⁹

Some courts, however, extend the principle of leniency announced for review of pro se pleadings in *Haines v. Kerner* to compliance with procedural rules. For example, one court held, "Once a pro se litigant has done everything possible to bring his action, he should not be penalized by strict rules which might otherwise apply if he were represented by counsel."¹⁰ Other courts have held that failure to adhere to technical rules of procedure should be ignored to ensure that claims made by pro se litigants are given "fair and meaningful consideration."¹¹ Judge Posner has written, "It is unfair to deny a litigant a lawyer and then trip him up on technicalities."¹² And, as one court stated, "Courts will go to particular pains to protect pro se litigants against the consequences of technical errors if injustice would otherwise result."¹³ For example, the sanction of dismissal cannot be exercised lightly with pro ses.¹⁴

Only one state supreme court apparently commended a trial judge for his conduct in "relax[ing] the rules of evidence and mak[ing] a special effort to facilitate the [pro se] plaintiff's presentation of his case."¹⁵ In that case, the court followed a recommendation of an American Bar Association committee in declining to set any firm parameters regarding how far a judge should go to assist a pro se litigant:

The court is confronted by an especially difficult task when one of the litigants chooses to represent himself. The court's essential function to serve as an impartial referee comes into direct conflict with the concomitant necessity that the pro se litigant's case be fully and completely presented.

The proper scope of the court's responsibility [to a pro se litigant] is necessarily an expression of careful exercise of judicial discretion and cannot be fully described by a specific formula.¹⁶

A recent judicial ethics opinion addresses the issue of whether a judge may assist a pro se litigant in the context of a nonadversarial case. The Indiana Commission on Ju-

dicial Qualifications noted that judges often preside over cases such as default divorces or name changes in which a pro se litigant has not complied with a technical requirement of pleading or proof (for example, failure to allege and prove the county of residence, or that the name change petition is not brought for a fraudulent purpose). Some judges, the commission found, take an "unnecessar-

The survey

The American Judicature Society and the Justice Management Institute conducted a national survey of judges and court administrators regarding pro se litigation. The judges' survey was sent by mail to 612 judges non-randomly chosen from among all state court judges at all levels of courts in urban, rural, and suburban jurisdictions. Of the surveys mailed, 133 (22 percent) were completed and returned. Another mailed survey was sent to a sample of 237 court administrators in all levels of state trial courts who are members of the National Association for Court Management. Of these, 98 (41 percent) were returned. Although the judges' survey was not randomly administered and therefore not generalizable to the population of all judges, it did provide compelling information about this new phenomenon, illuminating the issues facing judicial policy makers and court managers.

ily strict" approach to these deficiencies. The commission held that a judge in such cases "violates the Code [of Judicial Conduct] by refusing to make any effort to help that litigant along, instead choosing to deny the litigant's request for relief.... Neither the interests of the court nor of the litigant are served by rejecting the petition on the basis of this type of deficiency.... A judge should make

8. *Newsome v. Farer*, 708 P.2d 327, 331 (NM, 1985).

9. *Cassell v. Shellenberger*, 514 A.2d 163 (PA 1986) (dismissal proper where complaint lacks factual basis).

10. *Ortiz v. Cornetta*, 867 F.2d 146, 147 (2d Cir. 1989).

11. *Matzker v. Herr*, 748 F.2d 1142, 1146 (7th Cir. 1984).

12. *Merritt v. Faulkner*, 697 F.2d 761 (7th Cir. 1983) (Posner, concurring and dissenting).

13. *United States v. Sanchez*, 88 F.3d 1243 (D.C. Cir. 1996).

14. "There are of course a wide variety of other sanctions short of dismissal.... The [trial court], however, need not exhaust them all before finally dismissing a case. The exercise of his discretion to dismiss requires only that possible and meaningful alternatives be reasonably explored." *Von Poppenheim v. Portland Boxing and Wrestling Comm.*, 442 F.2d 1047, 1053-54 (9th Cir. 1971), cert. denied, 92 S.Ct. 715 (1972), cited with approval in *Newsome v. Farer*, supra. Dismissal for noncompliance with rules permissible where parties have "neglected their cases" or for "refusal to obey court orders." Factors to be considered are: (1) degree of actual prejudice to adverse party; (2) degree of interference with judicial process by the noncompliance; and (3) the culpability of the pro se litigant. *Green v. Dorrell*, 969 F.2d 915 (9th Cir. 1992) (dismissal for noncompliance not appropriate where "the infringement of the local rule was a single, unintentional incident, making the sanction of dismissal inappropriately severe").

15. *Austin v. Ellis*, 119 N.H. 741, 743 (1979).

16. Citing ABA Standards, Comm. On Standards of Judicial Administration, Sec. 2.23, at 45-47 (1976).

inquiry of the parties to establish this element of their petition, and proceed appropriately, rather than deny the petition and excuse the parties from the courtroom on the basis of their omission."

The latter opinion, it is hoped, will be a harbinger of a new perspective on the need to balance the judicial duty to provide a meaningful opportunity to be heard for all

tiary rules, and they are unaware of the necessary substantive elements of legal causes of action (or criminal defenses). The American Judicature Society/Justice Management Institute survey asked judges whether they handled pro se cases in which one party was represented differently from those in which both parties appeared pro se. Many of the judges cited the ethical duty of main-

taining judicial impartiality as the primary problem in cases where one party appears pro se. According to one judge, "Pro se litigants feel they are not being treated fairly if they are required to comply with rules of procedure with which they are not familiar. On the other hand, they are perceived as having an advantage if the procedural rules are not strictly enforced as they are against counseled parties." Judges struggle with the question, "How much should I help the pro se litigant to completely present his case?" At the same time, some judges are concerned with the obvious power and knowledge imbalance between a self-represented litigant and his or her attorney adversary. As one judge put it, "The lack of ability of the pro se requires the judge to be certain that the lawyer does not take advantage of the pro se, and still remain neutral."

Many judges make an effort to deter litigants from proceeding pro se. They draw a variety of analogies from other occupations when making their plea: "I tell them they have the same right to represent themselves in court as I have to the handling of my personal plumbing problems, i.e., I don't, they shouldn't." Another cautions pro se litigants that "doing your own legal work is like doing your own mechanic work. Most of us could do it if we had the time and the patience. But, you need to recognize that if it still doesn't run, you have to look at

who did the work." Another judge asks pro se litigants, "Would a person elect to perform major medical surgery on themselves? Likewise, most pro se litigants should not be representing themselves."

Some judges have experienced some agonizing moments during the course of trials where one party is represented and one is pro se. One judge cited as problematic, "My own discomfort when it appears a different legal re-

State Justice Institute honors project

The American Judicature Society/Justice Management Institute project on which this article is based has been honored with the State Justice Institute's third annual Howell Heflin Award. The award recognizes an innovative SJI-supported project that has a high likelihood of significantly improving the quality of justice in state courts nationwide. The award will be presented at a ceremony October 26 at the U.S. Supreme Court.

The complete report of the project is found in *Meeting the Challenge of Pro Se Litigation: A Report and Guidebook for Judges and Court Managers*, by Jona Goldschmidt, Barry Mahoney, Harvey Solomon, and Joan Green. The book offers a detailed description of programs in 11 states designed to help self-represented litigants, a summary of the pro se-related legal and ethical issues that face judges and court staff, results of surveys of judges and court managers about their attitudes toward and treatment of self-represented litigants, and 14 policy recommendations for providing pro se litigants greater access to the justice system. Appendices provide relevant constitutional and statutory provisions and an annotated bibliography.

Copies of *Meeting the Challenge of Pro Se Litigation* are \$15 each (less 15 percent discount for AJS members), plus \$3.50 postage for one copy or \$5 for two or more copies up to 10. Volume discounts are available. To order, send your name, address, and phone number with a check or money order payable to the American Judicature Society to AJS Publications Orders, 180 N. Michigan Ave., Suite 600, Chicago, IL 60601. Visa/Mastercard orders (include card number and expiration date) can be faxed to (312) 558-9175. For volume discounts or further information, call Rodney Wilson at (312) 558-6900.x147.

litigants with the obligation to maintain impartiality. Judges would benefit from further guidance of this nature from other judicial conduct organizations.

The judiciary's challenge

The challenges for courts presented by pro se litigation are well known. As non-lawyers, pro se litigants obviously have no knowledge of relevant procedural and eviden-

sult could (likely would) occur if the pro se party took appropriate action." Another stated, "The principal problem is the unfairness of a pro se party who is not familiar with the law facing an adversary situation against an attorney. Usually [I] offer a continuance to allow [the] pro se party to obtain counsel."

The judges also commented on the feelings they perceived on the part of the pro se litigants. One observed that the "pro se person has [a] feeling of isolation—require[s] time to dispel," while another noted a "sense of unfairness, helplessness and futility by the pro se." One judge said that "the pro se feels the system is fixed." Another explained, "The overwhelming greatest problem is the inability of most pro se litigants to comply with the rules of evidence, which leads to a failure of proof in most cases, and an embittered pro se litigant." The perception of "the unrepresented party [is that] the court will come to his/her aid in prosecuting the case. Of course, this is not really true. This causes difficulty."

Some judges expressed concern regarding the conduct of attorneys toward pro se litigants. One judge was concerned with "the attorney attempting to take control, and overkill by the attorney. This is usually with younger lawyers." Another remarked that "attorneys want to assert technical objections; at bench trials. The pro se litigant doesn't understand the objection. I spend time trying to explain why I cannot admit pro se's evidence so as not to appear that the court is a railroad. Attorneys get impatient and act as if the court is trying to represent the pro se—which I am not trying to do—but I want the pro se to feel they got a fair trial and the attorney too."

Attorneys are not, however, always trying to take advantage of the pro se litigant. There are times when pressing one's advantage may be counterproductive. As one judge observed, "Counsel for the opposing party often feels reluctant to press his/her advantage, especially in front of a jury, because it looks bad."

Surprisingly, some judges feel the rules of evidence become more of a hindrance in certain cases, as do the attorneys themselves. Several judges suggested a "need to relax the rules so that justice can be done." Sometimes, "the lawyer whines and complains that the other side doesn't follow the rules. That is true to a point, but the rule often gets in the way of the truth." One judge explained, "It's amazing how much evidence can be presented without attorneys. Much more effective. Lawyers try to hide evidence much of the time."

Where both parties appear pro se, some judges said the problems "just doubled." Others, in contrast, believe that this situation is "actually easier." As one judge put it, "I can ask questions of each sides' witnesses and conduct proceedings less formally and still get at the evidence so as to be able to make a fair ruling." Another observed: "When all the parties are pro se, I find it easier to resolve. We can usually handle domestic relations issues informally. The parties are usually willing to work it out."

Some judges mentioned the problems of the court having to do all the research for the parties, the time that is necessary to teach the parties court procedures, and the difficulty of controlling litigants. The latter includes keeping parties in some cases from getting into arguments. ("Emotions sometimes get out of hand.") These proceedings, as one judge wrote, "are very difficult to control. Also, it is difficult to shape the issues without acting as an attorney for either side and risk losing impartial-

ity. These hearings tend to take longer and be more emotional." Sometimes judges are faced with the problem of "keeping the parties from getting into arguments with the witness such as calling the witness a liar." In addition, some cases are more volatile than others: "The potential for violence rises when lawyers are not present in domestic cases and spousal abuse cases."

Judges occasionally must deal with what they characterize as a "pest," a "nut," or a "kook." Some

of these might be "frequent filers," or the self-described "constitutionalists." The latter are litigants who often have a militia-oriented, right-wing political agenda that includes non-recognition of the court's jurisdiction. Some of these individuals have gone so far as to establish their own "common law courts." Others often delay court proceedings with non-meritorious claims and contentions, or "irrelevant and incomprehensible positions," and some have been known to file suits or liens against judges who ruled against them.

The judges' suggestions reflect the seriousness with which they are taking these litigants. Their suggestions include: (1) have the sheriff present, "who is ready to place the obstructionist in jail"; (2) clear explanations as to when the contempt power will be utilized; (3) use of "extreme patience"; (4) "give them enough time to 'vent' and then politely, but firmly, shut them off"; (5) "keep them focused on the issues in the case and away from political issues"; (6) rule on the "barrage of motions brought"; (7) provide extra time for their trials; (8) "address each issue raised, no matter how farfetched";

Some judges are truly sensitive to the "pro se's dilemma" and acknowledge the need to provide access to the court for the self-represented.

(9) "Get the guns before they get into the courtroom"; and (10) "always take the matters under advisement, and then promptly rule by written order."

Handling pro ses

Given these responses, it was not surprising to learn from 91 percent of the judges that their courts had no general policy addressing the manner in which pro se litigants should be handled in the courtroom or in the litigation process generally. When asked to describe their individual policies, their responses fell into the following categories reflecting traditional, liberal, and reform philosophies toward pro se litigants:

- I do not give them legal advice or act as their attorney; I enforce the rules of procedure and evidence and give them no preferences; I give them cautionary admonitions regarding the necessity of legal counsel.

- I generally follow the rules of procedure or evidence, but the "reality" of the situation is such that I relax some rules in certain cases in order to do justice.

- I treat all litigants fairly and impartially. In order to ensure a fair hearing for all parties, I assist pro se litigants with the presentation of their claim or defense, and "protect" the pro se litigant who is being taken advantage of by an attorney.

As to handling pro se litigants during trial, many judges said they briefly explain trial procedures to self-represented litigants before the hearing, including the manner of presentation of evidence, the hearsay rule, marking exhibits, and other procedural matters. Some provide this explanation a week or more before trial. Other judges' policy is to presumptively admit all evidence, subject to stated objections. Judges themselves sometimes raise objections.

To take testimony, some judges ask questions of the witnesses themselves. One judge swears in both pro se parties and asks questions of each, "sometimes at the same time." Another judicial strategy is "nudging them along by asking if they want 'x' to be admitted." One judge described his procedure as follows: "If the pro se litigant testifies, I have him/her make a statement and dispense with questions and answers." Still others take a firmer approach: "I expect the rules of evidence will be enforced. I point out to the litigant that the rules must be the same for each side. Retain counsel or suffer the consequences."

The responses discussed to this point are interesting in that they denote a clear lack of uniformity across courts and judges with respect to the handling of pro se litigants, raising questions about the consistency and quality of justice administered to them. Some judges are truly sensitive to the "pro se's dilemma" and acknowledge the need to provide access to the court for the self-represented: "Most people need the courts for the ordinary things of life (adoption, divorce, child custody, minor civil damages, minor disputes, etc.). The courts should be able to help them without the necessity of expending large sums of money on attorneys' fees and still not being satisfied with the process." According to one judge, "Most of the

Table 1 Types of questions pro se litigants pose to court staff

	%
Requests for appropriate court forms	39
Requests for information regarding legal remedies	28
Logistical questions (e.g., directions)	27
Requests for assistance in filling out forms	3
Other requests	3

pro se litigants have been honest and well-intentioned people who cannot afford an attorney. We should simplify our procedures in virtually all cases." Another progressive view was expressed by the judge who wrote: "From the outset they must be accorded respect and a fair opportunity to be heard. Judges and court staff must not treat them as though they are a nuisance and a waste of time. Pro ses deserve the same courteous, prompt, and fair service as those represented by the finest counsel." Or, as one judge succinctly put it, pro se litigants are "the symptoms of a lack of access to justice, the seeds of future revolution."

In addition to these progressive views, the judges' survey revealed some contrary, negative attitudes toward self-represented litigants. For example, when asked for their view regarding the "ideal" pro se assistance program, several judges expressed the view of one who said such programs would "open the floodgates and attorneys would revolt." Another stated that "we have already addressed the pro se litigants as far as possible." Other judges also feared that "soon virtually every litigant would seek to be included in it." If "too much attention" is given to pro se litigation, wrote one judge, "there will be a tremendous increase in pro se litigation, much of which will be by non-indigent parties."

Some judges went beyond the "floodgates" argument, evidencing a genuine anti-pro se litigant sentiment. One judge flatly objects to "babysitting the pro ses." Another bluntly stated: "No one likes pro se litigants—the jury does not have much sympathy for them at all—they put a real burden on the court staff, especially the clerk post verdict. They tend to think they are 'unique' and frequently call and pester staff long after the case is concluded."

As to whether specific rules should be developed for pro se litigation, one judge cautioned: "I would not suggest any rule changes which would only encourage more pro se activity and the added burdens attached thereto." One judge must have interpreted the question asking for

Table 2 Areas of law
inquired about by
pro se litigants

	%
Domestic relations	59
Traffic	12
Prisoner/civil rights	9
Small claims	8
Criminal	7
Post-trial/appeal	3
Landlord-tenant	1
Probate	1

suggestions for rule changes "relating to pro se litigation" as including a rule restricting it somehow: "I could not establish rules to eliminate pro se [litigation] until the problem is eradicated—that is, until a program is instituted to provide competent, legal assistance for those who cannot pay for counsel. Then if the reason for pro se representation is simply refusal to hire a lawyer despite his/her ability to pay on a sliding scale—I would make a rule outlawing pro se representation." The attitude of some judges frustrated with pro se litigants may be reflected by the comment, "I would do away with pro se representation altogether." The attitude of one judge is so negative that he even finds disturbing what pro se litigants do after leaving the courthouse: "Pro se litigants are an increasing problem because they get the ear of the media who then report inaccurate information that makes the judiciary look bad."

Court managers' views

The court managers surveyed were from a wide range of courts and jurisdictions. For the five years prior to administration of the survey, they observed, the overall proportion of pro se litigants increased either greatly (45 percent) or moderately (39 percent). Only 13 percent believe pro se litigation stayed about the same during that time, and only 2 percent believe it has decreased. Despite the dramatic growth of such litigation, only 23 percent of the court managers surveyed currently collect data on it in their court.

The growth of pro se litigation directly affects court staff functions. Traditionally, court staff are reluctant to answer many questions about litigation posed by pro se litigants due to the specter of an unauthorized practice of law charge. Only about half of the court managers' courts have a policy to guide court staff in rendering assistance to the public. Of those, only 38 percent are in writing. It

appears that courts have done little by way of policy and training of court staff in anticipation of the rising tide of pro se litigation.

When asked about the average daily proportion of their staff time that is devoted to providing pro se assistance, 66 percent of the responding court administrators said that this proportion was from 1 to 25 percent; 23 percent said that it was 26 to 50 percent; and 11 percent said it took up between 51 to 100 percent of their time. Table 1 presents the types of assistance most frequently sought from court staff.

Overwhelmingly, pro se litigants are requesting court forms for the matters they wish to bring to the court's attention. However, many of these litigants are seeking information about their legal rights and remedies, for which court clerks are undeniably not suited, and for which there may be no form. Additionally, it is interesting to note that (at least according to the court managers surveyed) few pro se litigants request assistance in filling out forms, and that these litigants are not asking for attorney referrals.

Table 2 lists the areas of law most commonly inquired about, according to the court administrators surveyed. It is not surprising that domestic relations is the area of law about which pro se litigants ask the most questions. Nor is it surprising that traffic, prisoner matters, and small claims follow. What is surprising is that, with the exception of some inquiries about landlord-tenant and probate, so few other civil law areas are represented in Table 2. We had anticipated that pro se litigants would be asking questions in many other civil law areas, including torts, contracts, and injunctions, given the anecdotal data regarding the growth of pro se litigation in general jurisdiction courts.

Services

Of the 98 responding court administrators, 44 (45 percent) have established some form of pro se assistance program or service. These programs take a variety of forms that go beyond the counter assistance described above. They can be broadly categorized as taking the following forms, all of which are—to varying degrees—designed to educate the pro se litigant, but which differ by the degree of comprehensiveness of the services provided:

Informational. This basic, low-cost form of assistance consists of instructional brochures, kits with instruction sheets and accompanying court forms, and videotape programs. Some courts, especially in the domestic relations area, provide such materials in "plain English," in a bilingual format, or both. The Denver District Court's Information and Referral Office is an example of this type of program. It provides packets of "user friendly" forms, paralegal assistance from court staff in filling out the forms, and a videotape program on "How to Handle a Divorce."

Technology. Some programs consist of the use of technological devices such as a computer kiosk or the Internet. Arizona was one of the first states to utilize a

Policy recommendations

The following recommendations appear in further detail in *Meeting the Challenge of Pro Se Litigation: A Report and Guidebook for Judges and Court Managers*.

General recommendations

Courts should provide self-represented litigants with information and services to enable them to use the court.

Courts should study the composition and greatest needs of the self-represented litigants they serve, and design services to effectively meet those needs.

Development of programs to assist self-represented litigants should be a collaborative effort of the bench, court staff, the bar, and the public.

Courts, in conjunction with the bar, should establish policies to guide court staff in assisting self-represented litigants.

State court systems and local courts should train court staff on how to assist self-represented litigants.

Simplified court forms should be developed for cases involving self-represented litigants, and judges should have the authority to relax procedural and evidentiary rules when necessary to ensure fairness.

For judges

Judges should provide reasonable assistance to self-represented litigants in the courtroom.

Each state should establish judicial protocols to guide judges assisting self-represented litigants.

State court systems and national judicial education providers should develop educational programs for judges on methods of handling self-represented litigants.

For the bar

The legal profession should assist the court in developing pro se assistance programs.

Rules governing the unauthorized practice of law should take into consideration the necessary assistance provided by court staff to self-represented litigants.

The bar should enhance the delivery of pro bono and unbundled or limited legal services, especially in family law.

For legislatures and local governments

Court staff should be protected by qualified immunity for acts taken to assist self-represented litigants.

Court funding at the state and local levels should be provided to establish programs to assist self-represented litigants.

computer kiosk ("QuickCourt") that went beyond the early uses of such kiosks for paying traffic and parking tickets. QuickCourt consists of a touch-screen computer with accompanying (bilingual) audio instructions that walk a pro se litigant through the steps needed to produce pleadings in such case types as small claims, child support, and landlord-tenant. A user fee for some of the services supports the vendor's maintenance of the 25-kiosk system statewide.

Clinics. These programs instruct pro se litigants on court procedures and appropriate court forms through instructional sessions led by pro bono attorneys, law students, paralegals, or court staff. They generally focus on a specific case type, usually domestic relations. Some clinics, such as the Family Law Pro Per Clinic in Ventura, California, enhance their accessibility by conducting evening

sessions. That program conducts weekly clinics for up to 75 litigants. The session includes an orientation regarding the operations of the family court, followed by instructions for filling out forms presented through the use of an overhead projector by an attorney hired by the court as a "family court facilitator." Those who need no individualized assistance are directed to self-help binders that contain appropriate forms and further instructions, and are assisted by volunteer family law attorneys, law students, and paralegals. A court clerk is available to review and file completed pleadings, eliminating the need for another trip to the courthouse during the workday.

Self-service centers. The best example of this comprehensive approach to pro se assistance is the well-known Maricopa County (Phoenix) Self-Service Center. This program, initiated by a State Justice Institute grant, is a

multilevel program that combines all of the features of the previously described programs. In addition, it includes a web site that contains court forms and instructions, an automated telephone information service, a data bank containing names of mediators as well as attorneys who have agreed to provide unbundled legal services (i.e., assistance in discrete tasks, such as petition drafting or consultation only, at a modest fee), and personalized assistance from pro bono attorneys on site at the courthouse. In addition to the grant startup funds, a partnership including the court and the state court administrator's office, the state and county bar associations, legal services, the county lawyer referral service, the business community, domestic violence advocacy groups, and others supports the program through additional funds and services.

Most pro se assistance programs are targeted toward a particular population and case type. Fifty-five percent of the court managers reported that the predominant area of law for such programs was domestic relations, including divorce, child support, paternity, visitation, and domestic violence. Additional case types include small claims, probate (e.g., guardianship, conservatorship, etc.), landlord-tenant, traffic, criminal, and civil case ap-

peals from limited jurisdiction court judgments.

The court administrators noted that they had considered other pro se assistance programs, but, due to various obstacles, these plans were abandoned. The following barriers to pro se assistance program development were reported: funding (25 percent); the bar (16 percent); lack of personnel, equipment, or space (13 percent); the bench (12 percent); the line between legal advice and procedural advice (11 percent); untrained staff or staff resistance (8 percent); internal problems or coordination (8 percent); the difficulty of satisfying the pro se litigant (4 percent); and language barriers (3 percent).

The court administrators reported that funding for pro se assistance programs came from the following sources: the court (35 percent), state government (20 percent), local government (16 percent), the bar (12 percent), and other sources (such as pro bono services, grants, federal funds, United Way) (17 percent). Management of the programs primarily rests with the court (68 percent), but includes the bar (12 percent), volunteers (5 percent), or some combination thereof (15 percent). Staffing for the programs is provided by the court (60 percent), the bar (15 percent), volunteers (10 percent), or a combination thereof (15 percent).

Maintaining public confidence in the courts and the constitutional right to due process requires that all litigants, whether represented or appearing pro se, be afforded a meaningful opportunity to be heard. Courts must be accessible to those with the funds to hire counsel, those who have the means to do so but elect not to retain counsel, and those who cannot afford counsel. Just as correctional institutions are required to afford adequate legal assistance to prisoners seeking judicial remedies, so do courts have an obligation to provide adequate legal assistance—by way of information, at a minimum—to all litigants. This is not to argue for a guarantee of legal representation (a "civil *Gideon*"), as such, but rather for a multifaceted approach to the establishment of pro se assistance programs like those described for litigants with varying levels of literacy and skill.

The data gathered in this study evidence current judicial attitudes toward pro se litigants ranging from an acknowledgement of the courts' obligation to provide access to justice to firm opposition to any form of pro se litigation itself. The judges holding the latter view have forgotten Thomas Paine's observation that self-representation is a natural right. Nevertheless, judges, charged with providing pro se litigants meaningful hearings, need guidance to carry out the "meaningful hearing" obligation consistent with their ethical duty of impartiality. The difficulty of balancing these obligations will be lessened to the extent that out-of-court programs are established that educate pro se litigants to negotiate the labyrinth of litigation, thus reducing the necessity for the proactive judicial assistance that many pro se litigants expect from the court. ☞



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ONE CUSTOMER AT A TIME

SELF ASSESSMENT QUESTIONNAIRE

This questionnaire is designed to draw out ideas for improved customer service in a court. It approaches the issue from four different perspectives. The perspectives are not intended to be mutually exclusive. Rather, they are intended to look at the same question, "How can we provide better service to court users?" from four different, overlapping points of view. Part V provides an opportunity to summarize the most useful insights produced from all four perspectives. The questionnaire can be completed individually, by a group, or by individuals followed by group discussion and consensus.

PART I.

WHO ARE THE COURT'S CUSTOMERS?

List the court's customers and state each customer's three most important needs (as you best understand them, or assume them to be). We have included some common customers. Strike through the ones that do not apply to your court. Add others that do apply. "Internal customers"--units or officers within the court family to whom you provide services--are also important, but for purposes of this exercise please limit your focus to persons and organizations not on the court payroll.

Customer	Need #1	Need #2	Need #3
Litigants	_____	_____	_____
Private Lawyers	_____	_____	_____
Prosecutors	_____	_____	_____
Public Defenders	_____	_____	_____
Other Public Lawyers	_____	_____	_____
Jurors	_____	_____	_____
Witnesses	_____	_____	_____
Victims	_____	_____	_____
Media	_____	_____	_____
Citizens Needing Documents	_____	_____	_____

PART I. (continued)

Customer	Need #1	Need #2	Need #3
Police			

PART II.

RESPONDING TO MODERN DAY SERVICE EXPECTATIONS

Ten frequently recurring consumer expectations are listed below. Complete Column A first. Put yourself in the place of a particular court customer listed in Part I. (If you are completing the questionnaire in a group, each member of the group might choose a different customer.) Complete Column A first. Ask yourself what the court might do to meet or exceed this customer expectation. After you have completed all of Column A, return to the top of the section and complete Column B. Is there a practical, inexpensive action the court could take to produce, or come closer to, the result that you identified in Column A?

	Column A. What result would meet or exceed the customer's expectation?	Column B. What practical action might you take to produce this result?
Prompt resolution of each case		
Minimum personal inconvenience		

PART II. (continued)

	Column A. What result would meet or exceed the customer's expectation?	Column B. What practical action might you take to produce this result?
Respect and courtesy from all court employees	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
Adequate information about what to expect, in understandable terms	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
Assistance in under- standing and using the courts	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
Inexpensive, or at least fairly priced, services	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

PART II. (continued)

	Column A. What result would meet or exceed the customer's expectation?	Column B. What practical action might you take to produce this result?
Flexibility (user's being able to ask that court procedures adapt to his or her needs)	<hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/>
A sense of personal caring and concern	<hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/>
Attention to personal amenities--clean, attractive, smoke free, quiet facilities; access of refreshments, restrooms	<hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/>

PART III.

THE THREE "P'S -- PLACES, PROCESSES AND PEOPLE

This section focuses on a number of specific issues raised in the "One Customer at a Time" videotape--areas and issues to which some courts have directed their efforts and attention. The issues are divided into three categories: places, processes and people. After each item, note whether your court needs improvement, and if so, in what way.

	Currently Adequate?	Improvement needed
Places		
Parking:		
a) Availability	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
b) Information on parking for court users	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Signs (directions to destinations and to emergency exits)	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Availability of telephone or teleconference hearings	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Special services available for:		
a) Mobility-impaired persons	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
b) Hearing-impaired persons	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
c) Visually-impaired persons	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
d) Non-English speakers	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Amenities:		
a) Clean, modern safe public restrooms	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
b) Adequate comfortable seating in courtrooms	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
c) Adequate comfortable seating in waiting areas	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
d) General building cleanliness	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
e) Adequate lighting	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
f) Smoking regulation	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
g) Food and water available	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
h) Plants, artwork, other decorations	<input type="checkbox"/> yes <input type="checkbox"/> no	_____

PART III. (continued)

	Currently Adequate?	Improvement needed
Places		
Comfortable clean jury assembly rooms, with access to magazines, food, sodas	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Separate waiting room for crime victims/witnesses	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Public access to court library	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Drop box for after hours filings	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Processes		
Information packets available	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
--written in all common local languages	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Understandable court forms	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Assistance available in completing forms and understanding court procedures	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Courtroom protocol clearly communicated	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Scheduling of trials and hearings attuned to needs of litigants, witnesses	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Notice of continuances to avoid unnecessary appearances	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Jury Service:		
a) One trial/one day term of service	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
b) Automatic postponements to date certain at juror request	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
c) Juror phone message system	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
d) Juror handbook and full, clear orientation	<input type="checkbox"/> yes <input type="checkbox"/> no	_____

PART III. (continued)

Processes	Currently Adequate?	Improvement needed
Day care services or children playroom	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Court fees:		
a) Reasonable filing fees	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
b) Reasonable copy and search fees	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
c) Ability to accept checks and credit cards	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
 d) Ability to make change	<input type="checkbox"/>yes <input type="checkbox"/>no	_____
Inexpensive, timely copy service	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Public counter:		
a) Full hours of service	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
b) Short or no lines, even at peak hours	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
c) Staff training to answer procedural questions	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Courtroom:		
a) Elimination of jargon	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
b) Thorough explanation of rulings	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
c) Racial, ethnic and gender bias training	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
People		
Public counter training in courtesy and dealing with difficult customers	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Telephone		
a) Answering procedures that give good first impression	<input type="checkbox"/> yes <input type="checkbox"/> no	_____

PART III. (continued)

	Currently Adequate?	Improvement needed
People		
Telephone (contd)		
b) Telephone etiquette training	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
c) Prompt answers to questions	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
Giving "legal advice":		
a) Avoid overly restrictive definition of "legal advice"	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
b) Special staff assignment to answer questions about court procedures and requirements	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
c) Volunteer lawyer program to answer legal questions	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
d) Mechanism to refer customers to lawyer referral service	<input type="checkbox"/> yes <input type="checkbox"/> no	_____
General staff training on customer service	<input type="checkbox"/> yes <input type="checkbox"/> no	_____

Other

Note below other areas of court operations warranting review from the customer's point of view, and the sorts of improvements that the court should consider.

Other Areas Warranting Attention	Possible Improvements
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PART IV.

OBTAINING BETTER INFORMATION ABOUT CUSTOMER OPINIONS, NEEDS AND EXPECTATIONS

This section asks you to think about the information you might want to obtain from court users.

Information Source	Currently Used?	Desirable in Future?
Public opinion survey	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Focus groups of:		
a) litigants	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
b) lawyers	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
c) jurors	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
d) witnesses	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
e) others	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Exit questionnaires for:		
a) litigants	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
b) lawyers	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
c) jurors	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
d) witnesses	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Follow up questionnaires after a few weeks	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
"How are we doing" questionnaires on public counter	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Suggestion box	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no

PART V.

This section is designed to help summarize and prioritize the ideas developed above. In the spaces below, enter the three ideas that you think should have highest priority for immediate action.

Immediate Action

Action Item 1. _____

Steps needed to put it in place. _____

PART V. (continued)

Action Item 2. _____

Steps needed to put it in place. _____

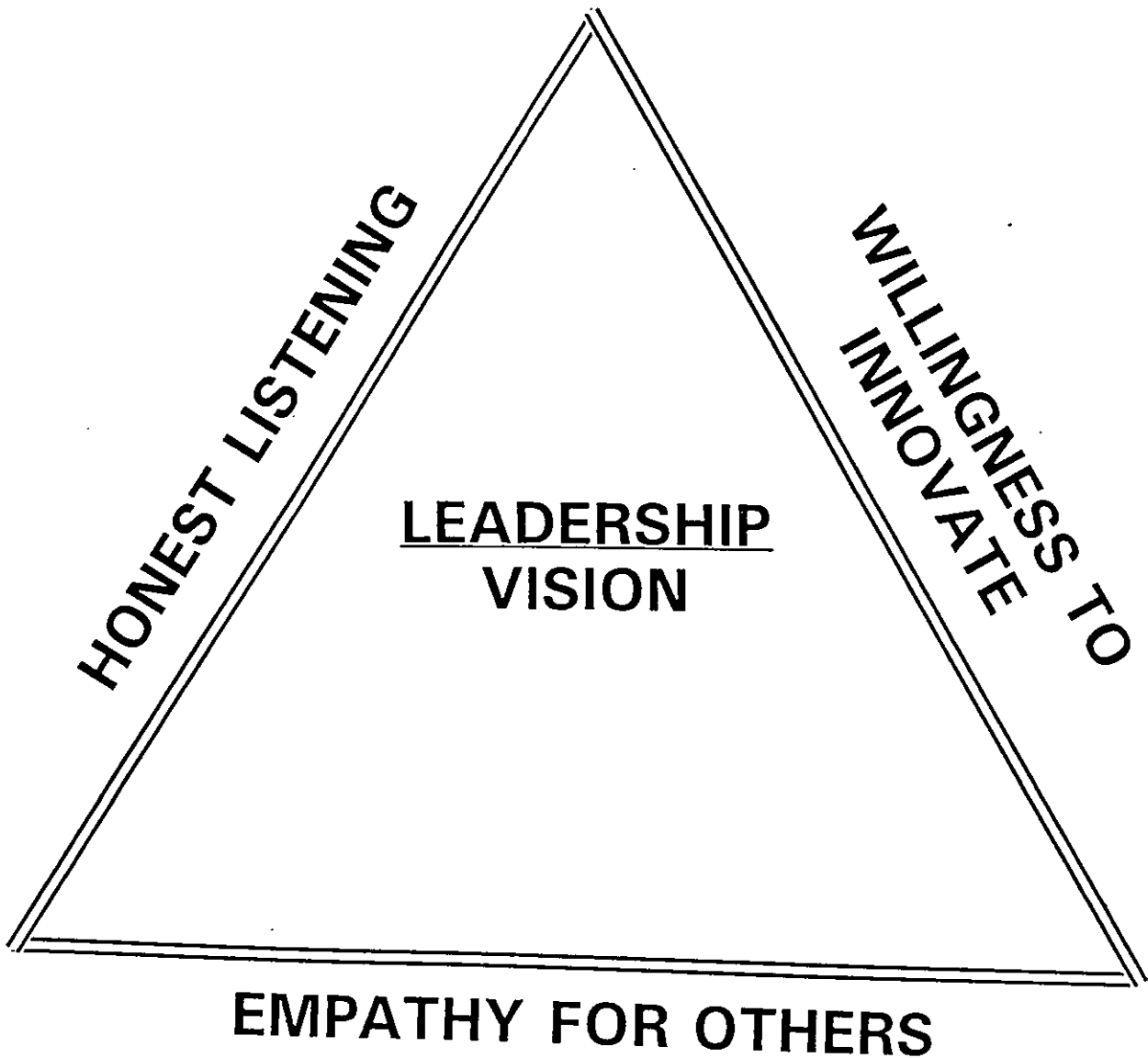
Action Item 3. _____

Steps needed to put it in place. _____

Long Term Action

What steps should the court take to make customer service a continuing focus of attention and improvement?

CUSTOMER FOCUSED ORGANIZATION



"STUPAKISMS"

**PEOPLE (CUSTOMERS) MUST BE
"EMPOWERED." HAVE A FEELING
THEY ARE IMPORTANT, VALUED.**

**POWER → DIGNITY
(SENSE OF SELF-WORTH)**

**POWERLESSNESS → A B U S E S ,
DIFFICULTIES**

**HIGH PERFORMING ORGANIZATIONS
ARE MORE SIMILAR THAN DISSIMILAR**

NEED IMAGINATION/CREATIVITY, NOT
NOSTALGIC MEMORY ("GOOD OLD
DAYS")

AS FAR AS GOOD SYSTEM
SOLUTIONS, THERE ARE NO REAL
DIFFERENCES BETWEEN PUBLIC &
PRIVATE

ALL 1st CLASS ORGANIZATIONS
ARE CUSTOMER DRIVEN
CLIENT
USER
TAXPAYER

SOME TRENDS DRIVING CUSTOMER DEMAND

- **GOOD TECH AS OPPOSED TO HIGH TECH**
- **QUALITY - PEOPLE WANT IT DONE RIGHT THE FIRST TIME.**
- **COURTESY**
- **EMPATHY**
- **CHOICES**
- **SAFETY**
- **CONVENIENCE**

- **I N F O R M A T I O N A S T O
E X P E C T A T I O N S - W H A T T O E X P E C T**
- **U S E F U L H E L P**
- **E C O N O M Y (O R A T L E A S T F A I R L Y
P R I C E D)**
- **F L E X I B I L I T Y / A D A P T I O N**
- **A T T E N T I O N T O P E R S O N A L
A M E N I T I E S (S M O K E F R E E , Q U I E T ,
E T C .)**
- **F I N A L I T Y**

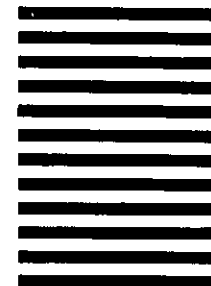
STORE LOCATION

T 0936

R 300



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 9948 MINNEAPOLIS, MN

POSTAGE WILL BE PAID BY ADDRESSEE

GUEST RELATIONS, CC-08C
TARGET STORES
PO BOX 1392
MINNEAPOLIS MN 55440-9905



GUEST COMMENT CARD

**"WE'RE
LISTENING"**

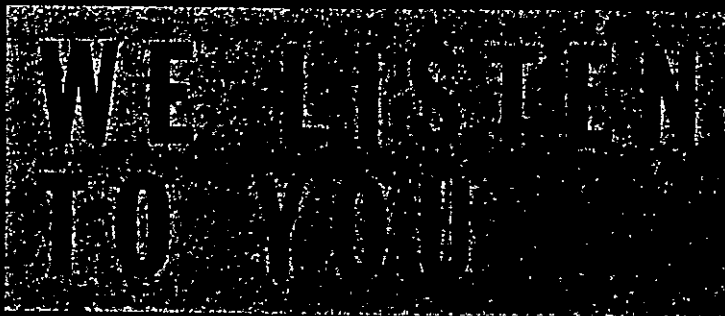


Larry Gilpin
Executive Vice
President
Team, Guest &
Community Relations

**TELL US WHAT
YOU THINK**

○ TARGET





"Because our guests and their comments are so important to us, Target has created a Guest Relations team at our headquarters office. A fast, fun and friendly team dedicated to quickly review and respond to your questions, comments and suggestions. Tell us what you think. We appreciate your time and thank you for sharing your ideas."

Larry Gilpin,
Executive Vice President
Team, Guest & Community Relations

To talk to
someone in person,
call us toll free between
the hours of 7am - 6pm CST
at 1-800-440-0680.

For hearing impaired services call
TDD 1-800-755-5852.

Here's your opportunity to be heard.

Either call 1-800-440-0680 or write to us below.

Comments

Please rate Target's team members by circling one number for each of the following:

	Very Satisfied			Very Dissatisfied	
	5	4	3	2	1
1. Friendliness					
2. Offering Help					
3. Responding quickly					

← Tear Here →

Is there a Target team member who exceeded your expectations with their "can-do" attitude?

(Team member name) _____

Guest Name _____

Address _____

City/State _____ Zip _____

Date _____

Phone (____) _____ Daytime (____) _____ Evening

Would you like Target Headquarters/Guest Relations to contact you?

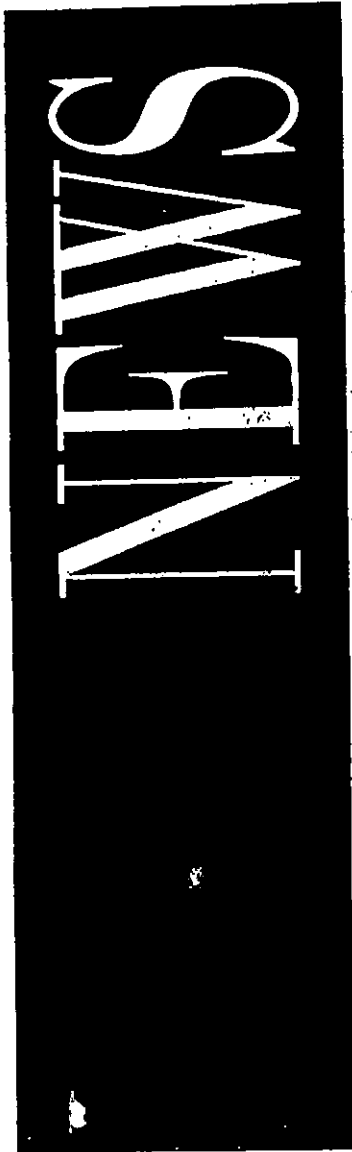
☐ Yes ☐ No

How would you like to be contacted?

☐ Phone ☐ Letter



JULY - AUGUST
1 9 9 8



Contact: George Nielsen, (415) 865-7670;
Lee Morhar, (415) 865-7666;
or Bonnie Hough, (415) 865-7668 all in the
Center for Children and the Courts
455 Golden Gate Avenue
San Francisco, CA 94102
(415) 865-7739 unit line

Pro Pers Find Help In Family Matters

BY JANET BYRON

It's 9:15 a.m., and the line has already formed outside room 203 in the stately Contra Costa County courthouse in Martinez.

Cheryl Lebow, Family Law Facilitator for the Superior Court of California, County of Contra Costa, directs a distraught gentleman, quite eager to end his marriage, to a sign-up sheet and a bench. An intake clerk will be with him shortly and will most likely recommend that he attend a "How to Start Your Divorce" workshop next Wednesday.

Inside room 203, intake clerk Lillian Payne sits beside a youngish blond woman, carefully leafing through a thick stack of divorce and child support papers, highlighter in hand. "She's wonderful," the woman enthuses. "You won't see me back in here again."

The job of Lebow and her staff is to help pro pers—people

without lawyers—navigate the courts. "These people desperately need assistance," Lebow observes. "Our philosophy is, they are their own attorney and we're here to help."

IMMEDIATE SUCCESS

Since the Child Support Commissioner and Family Law Facilitator Program (AB 1058) was signed into law in September 1996, California counties have hired family law facilitators to guide pro pers in child support cases and added child support commissioners to their judicial rosters. Most of the facilitator offices opened their doors less than a year ago. And unlike many new programs, which can take time to bear fruit, the AB 1058 program has had immediate and overwhelmingly positive benefits.

Nearly half of all case filings in many California counties involve family law matters. As many

Continued on page 3



Intake clerk Lillian Payne at the Superior Court of California, County of Contra Costa, helps a pro per client wade through a stack of divorce and child support papers. Photo: Janet Byron.

Tens of thousands of litigants without lawyers are taking advantage of the first legislatively mandated effort to provide procedural guidance to families involved in child support cases.

Pro Pers

Continued from page 1

as 75 percent of those litigants arrive in court without lawyers and are grateful for any assistance they can get. Tens of thousands of pro pers have received help since the AB 1058 program was initiated, and thanks to the program family law judges and commissioners are breathing a collective sigh of relief.

"AB 1058 has enabled us to provide assistance in a way that works for everybody," says Josanna Berkow, Contra Costa County Family Law Commissioner and a member of the Family Law Subcommittee of the Judicial Council's Juvenile and Family Law Advisory Committee. "The process has improved a great deal."

The Family Law Facilitator's office in Martinez is a bright room with a row of worktables facing the desks of intake clerks Lillian Payne and Angela Jenkins. Room 203 is a resource center for pro pers; there are large, laminated sample forms posted on the walls as well as guidebooks and fliers referring people to pro bono programs and parenting classes. A children's play area in the corner is stocked with little chairs, books, and stuffed animals.

In a room down the hall, four legal technicians are poring over emergency child support case files in between meetings with pro pers and trips down the hall to the courtroom. They check the in-box outside room 203 every 15 minutes or so.

Karen Olson, who worked on restraining orders for nine years in Contra Costa County before joining the facilitator's staff, welcomes the opportunity to expand her job responsibilities and "help the people in little ways. We can give them a little more quality time," she explains. A number of counties, including Contra Costa, have supplemented state funds to expand the AB 1058 programs. By working with family law litigants before their cases get to court the legal technicians relieve a lot of the stress family law judges used to experience.

IMPACT OBVIOUS

Family Law Commissioner James H. Libbey says the facilitator's office has helped litigants focus on their legal, rather than personal, disagreements so they are ready to either mediate their disputes or resolve them in court. "You know there's an impact. You just see it," he notes. "We get things processed more quickly."

Across the hall from the technicians, Commissioner Donald J. Liddle is preparing for tomorrow morning's calendar. After 19 years in private practice specializing in family law, he was appointed in January to fill Contra Costa's AB 1058 child support commissioner position.

Commissioner Liddle works full time on child support matters, including paternity, back support cases, wage garnishments, and license revocations. "There were more pro per than attorney filings, and they were clogging the system," he observes. By ensuring forms are filled out properly the facilitator's office has significantly reduced the number of repeat court appearances, he says.

MEDIATION ENCOURAGED

Lebow, who practiced family law for about 10 years, states that one of her primary goals is to promote mediation and settlement, rather than confrontation, in family law matters. Mediation "decreases the blow-ups and the negative comments, and the need for additional court contacts and restraining orders," explains Lebow. "We often get comprehensive agreements. We can save the judges a lot of time."

Commissioner Berkow's wish list for Contra Costa County includes a real child-care facility, more trained attorney mediators, and funding to "use the waiting time more constructively." The facilitator's office has received a grant to make a video "road map to the court process," and a voice mail information system is in the works.

'THRILLED TO DEATH'

Contra Costa is not the only county excited about the family law facilitator program. "I'm thrilled to death," says Carolyn Stieler, Executive Officer of the

Tuolumne County Coordinated Courts.

The program has allowed small, rural county courts to assist people in ways that were impossible just last year. "The staff had been frustrated because they didn't have anyone to refer people to," Stieler observes.

Facilitator Julie Rowe, previously a family law attorney for eight years, works part-time for Tuolumne and Calaveras Counties, devoting 12 hours per week to each. "There are few legal resources up here," she says. "I'm the last gasp for a lot of people." Each facilitator and county has developed their own approach. Facilitators may arrange one-on-one appointments with pro pers, open their offices to drop-ins, establish telephone consultation hours, or take referrals from judicial officers. Several counties have supplemented state and federal funds to open family law self-help centers.

EXPERIENCED ATTORNEYS

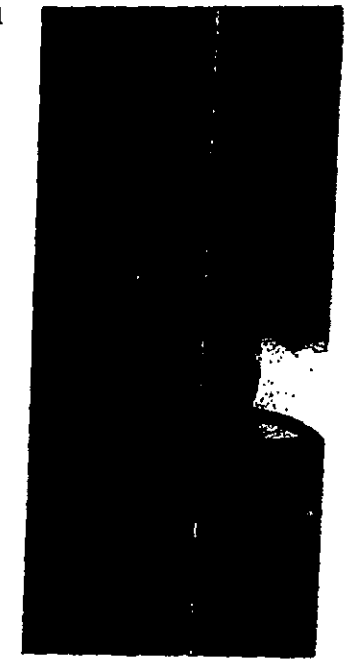
Many of the new facilitators are veteran family law attorneys who worked as client advocates for years. Now they are promoting mediation and education to resolve child support disputes. They are organizing workshops and clinics, recruiting and training volunteer attorneys, streamlining forms, and creating fact sheets and brochures.

Deborah Chase and Tom Surh share the facilitator's position in the Administratively Con-

Tens of thousands of litigants without lawyer advantage of the first legislatively mandated provide procedural guidance to families involved in support cases.

solidated Trial Courts of Alameda County. Both have practiced family law for years in the San Francisco Bay Area. "Any legal services provided on a private basis are terribly expensive," Surh says. "Most people are priced out of the system."

The two currently spend most mornings shuttling between courtrooms in Oakland and Hayward, assisting pro pers on the spot and preparing orders after the hearings. With the as-



Intake clerk Lillian Payne at the California, County of Contra Costa client intake desk through a stack of support papers. Photo: Janet By.

sistance of seven interns from Bay Area law schools, they offer as many as nine workshops each week and four drop-in clinics. A family law self-help center is under construction in the Oakland courthouse.

RURAL CHALLENGE

Gretchen Serrata, Family Law Facilitator for Nevada and Sierra Counties, considered the job at the urging of colleagues and friends.

"I thought, 'This could be the job from hell,'" Serrata says. While suburban-urban counties like Alameda and Contra Costa can draw on the expertise of practicing attorneys, law students, and community service organizations, small rural counties like Sierra and Nevada have very few lawyers or support agencies (Sierra has no practicing attorneys), making the term pro per all the more meaningful.

Continued on page 4

Extending the Reach

The newest addition to California court-houses, family law facilitators are finding innovative ways to assist pro pers in child support matters. Santa Clara County launched a Web site (claraweb.co.santa-clara.ca.us/scf), and the Amador County facilitator gives talks at local high schools. San Francisco County has translated its Informational materials into Spanish, Vietnamese, Chinese, and Russian.

Here are a few other examples:

- **Domestic violence:** Alameda County Family Law Facilitators Deborah Chase and Tom Surh are developing a workshop on how to use the Domestic Violence Prevention Act (DVPA) in child support matters. "We both believe DVPA is underused," Chase explains. "Domestic violence victims may be afraid to ask for child support."

- **"Deadbeat dads":** Gretchen Serrata, Family Law Facilitator for Nevada and Sierra Counties, refers to fathers who can't pay support as "payers in a pickle." The men come through her door with files three inches thick, "begging for help straightening out their cases," Serrata notes. Many don't realize that child support orders can be modified to reflect the payer's current re-

ality. "The public perceives them as deadbeats," Serrata says. "They come in with the saddest little collection of efforts to settle with the district attorney.... You can't tell someone who owes \$15,000 to put down \$7,000 when they make \$7,000 per year," Serrata says. "It's better to have them pay some than none."

- **Educational materials:** Christine Copeland, Family Law Facilitator for San Benito and Santa Cruz Counties, has developed some 35 informational handouts. These include brochures on child support, spousal support, health insurance, and paternity. Other handouts walk pro pers through the process of filing "initiating" and "responsive" papers. "I am always developing new handouts and editing existing handouts to make them more accessible to pro pers," she reports.

- **Rural assistance:** While urban and suburban counties have no trouble finding pro pers to assist, rural areas have faced a challenge in locating people needing services. "We have fewer non-profit agencies, pro bono legal aid programs, and newspapers that would alert people to the fact that I exist," says

Julie Rowe, Family Law Facilitator for Tuolumne and Calaveras Counties.

To aid in the process, the local district attorney's offices have agreed to provide notices about the family law facilitator when they serve complaints.

Pro Pers

Continued from page 3

As a result, Serrata emphasizes alternative dispute resolution and mediation. Parties to child support cases "so often think of that as an odd idea, cause they're not talking to other side," Serrata comments. "They often leave the mediation session more amicable than when they came in."

Serrata drives 920 to 1,500 miles a month to serve the population centers in the two counties. She has an administrative assistant 20 hours per week and works closely with the child support commissioner. "It's been very rewarding. People often ask where this project was 10 or 15 years ago."

The recently hired child support commissioners also view the work as an exciting new direction for the courts. Cyndi Denenholz, Family Law Commissioner for Sonoma County, was a deputy district attorney in the family support division for 12 years. "I like having the discretion to make the decision that's best for the case," Denenholz says. "There's not such a feeling among pro pers that they're in a child support mine. They have been given a place to voice their concerns."

Center for Children and the Courts

455 Golden Gate Avenue
San Francisco, CA 94102
(415) 865-7739 unit line

Janet Byron is a Berkeley-based writer.

Unification

Continued from page 3

At the Superior Court of California, County of Butte, Presiding Judge Steven J. Howell says a concern was the issuance of municipal court judges' paychecks, for which there are now interim procedures. One still-unresolved question is how to assign elector departments because each court has its own Departments 1 and 2. The court has solved the problem of municipal court filings by continuing to accept everything with a municipal court name on it.

"Our attitude is 'Hang loose; don't worry about it. It will be worked out,'" says the presiding judge confidently, at ease with the single court concept. "We had no doubts about voting to consolidate," he remarks. "We've been coordinated for two years [before Prop. 220]. We've been a completely classless court. All the decisions are made by judges, not based on whether they are municipal or superior court judges."

NEW CHALLENGES

Despite some uncertainties, at least these judges find comfort in their past experience and look

forward to the challenges of the new unified environment.

"Our big issues were addressed when we coordinated," reflects Presiding Judge Sawyer. "That was more difficult than this [unification] was. We've been living with coordination for a couple of years, and we've seen the value of it. We've already gone through our growing pains."

In Imperial County, Presiding Judge Harmon says, "There is no question that the major challenges pertain mainly to our substantial caseload. The implementation of Prop. 220 will help rather than hinder. We welcome unification; we are pleased that

we are all superior court judges. We had great working relationships with the municipal court judges."

Prop. 220 is "an opportunity for us to see how judicial business can best be conducted," states Presiding Judge Spinetti. "We have more resources, more facilities, more judicial officers. We have an opportunity to translate this into a more efficient use of our resources. We have no hesitation about doing this." ■

FAMILY LAW FACILITATOR PROGRAM

Concerned that the paper work and court appearances for child support cases are often daunting and confusing experiences for pro per litigants, the Judicial Council, through its Center for Children and the Courts now manages a program that places at least one Family Law Facilitator in each of the 58 superior courts throughout the state. Each Family Law Facilitator is a neutral attorney who does not represent either party during proceedings, but is available to answer questions, help fill out paperwork and help any party involved in a case support case navigate through the process at no charge.

Based upon recommendations made by the 1996 Governor's Task Force on Child Support in California, the Family Law Facilitator is part of a comprehensive effort to make child support cases more accessible and efficient. The Governor's Task Force represented a broad spectrum of interests, including family law judges and commissioners, private and public attorneys and representatives from the Judicial Council of California, the California Department of Social Services and various community groups. In 1996, the Task Force drafted and submitted Assembly Bill 1058 to the California Legislature. With shared financial support from the federal and state governments, \$8.7 million has been provided for the Family Law Facilitator program.

Within this new program, the Judicial Council plays an integral role by adopting the rules and forms that make up the mechanics of the program, adopting minimum standards, providing training and technical assistance for the facilitators and acting as a clearinghouse of information for innovative programs and solutions. It is the

individual attorneys – the facilitators – however, who truly deliver the program.

Among other duties, the Family Law Facilitators offer help with mediating child support issues between parents, help each parent prepare necessary court documents, explain court proceedings and assist parents to navigate through courtroom procedures. For the involved litigants, facilitators provide a valuable resource to demystify courtroom procedures. For presiding judges and courtroom personnel, the pay-off is large. Facilitators serve as liaisons and help improve communication between all parties – judges, attorneys, and litigants. When the parents understand how child support guidelines work, and have assistance with their paperwork, their case can be decided much more efficiently and effectively. Because the facilitator is a neutral party – and available to all parties involved in the litigation – no attorney-client relationship is formed. As such, the facilitator is available to all involved parties and can help ease the interchanges between the parties.

Over the past year, the Family Law Facilitator program has made very real changes in the manner by which parties interact with California's family courts, and has helped to humanize the court system. Thousands of parents have received assistance in reaching agreements regarding obtaining, modifying or collecting support orders for their children. The facilitators have helped, and will continue to help, parents to focus on the goal of the child support case – that is, the proper care for the child.

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Rule Change 1999(10)

The Colorado Rules of Civil Procedure

Chapter 2. Pleadings and Motions

C.R.C.P. 11. Signing of Pleadings

Chapter 17A. Practice Standards and Local Court Rules

C.R.C.P. 121, Section 1-1. Entry of Appearance and Withdrawal

Chapter 25. Colorado Rules of County Court Civil Procedure

C.R.C.P. 311. Signing of Pleadings

Appendix to Chapters 18 to 20. Colorado Rules of Professional Conduct

Colo.RPC 1.2. Scope and Objectives of Representation

Colo.RPC 4.2. Communication with Person Represented by Counsel

Colo.RPC 4.3. Dealing with Unrepresented Person

C.R.C.P. 11. Signing of Pleadings

(a) OBLIGATIONS OF PARTIES AND ATTORNEYS

[Reletter existing text of Rule 11 as subsection (a) with no change to original text.]

(b) LIMITED REPRESENTATION

AN ATTORNEY MAY UNDERTAKE TO PROVIDE LIMITED REPRESENTATION IN ACCORDANCE WITH COLO.RPC 1.2 TO A PRO SE PARTY INVOLVED IN A COURT PROCEEDING. PLEADINGS OR PAPERS FILED BY THE PRO SE PARTY THAT WERE PREPARED WITH THE DRAFTING ASSISTANCE OF THE ATTORNEY SHALL INCLUDE THE ATTORNEY'S NAME, ADDRESS, TELEPHONE NUMBER AND REGISTRATION NUMBER. THE ATTORNEY SHALL ADVISE THE PRO SE PARTY THAT SUCH PLEADING OR OTHER PAPER MUST CONTAIN THIS STATEMENT. IN HELPING TO DRAFT THE PLEADING OR PAPER FILED BY THE PRO SE PARTY, THE ATTORNEY CERTIFIES THAT, TO THE BEST OF THE ATTORNEY'S KNOWLEDGE, INFORMATION AND BELIEF, THIS PLEADING OR PAPER IS (1) WELL-GROUNDED IN FACT BASED UPON A REASONABLE INQUIRY OF THE PRO SE PARTY BY THE ATTORNEY, (2) IS WARRANTED BY EXISTING LAW OR A GOOD FAITH ARGUMENT FOR THE EXTENSION, MODIFICATION OR REVERSAL OF EXISTING LAW, AND (3) IS NOT INTERPOSED FOR ANY IMPROPER PURPOSE, SUCH AS TO HARASS OR TO CAUSE UNNECESSARY DELAY OR NEEDLESS INCREASE IN THE COST OF LITIGATION. THE ATTORNEY IN PROVIDING SUCH DRAFTING ASSISTANCE MAY RELY ON THE PRO SE PARTY'S REPRESENTATION OF FACTS, UNLESS THE ATTORNEY HAS REASON TO BELIEVE THAT SUCH REPRESENTATIONS ARE FALSE OR MATERIALLY INSUFFICIENT, IN WHICH INSTANCE THE ATTORNEY SHALL MAKE AN INDEPENDENT REASONABLE INQUIRY INTO

THE FACTS. ASSISTANCE BY AN ATTORNEY TO A PRO SE PARTY IN FILLING OUT PRE-PRINTED AND ELECTRONICALLY PUBLISHED FORMS THAT ARE ISSUED THROUGH THE JUDICIAL BRANCH FOR USE IN COURT ARE NOT SUBJECT TO THE CERTIFICATION AND ATTORNEY NAME DISCLOSURE REQUIREMENTS OF THIS RULE 11(b).

LIMITED REPRESENTATION OF A PRO SE PARTY UNDER THIS RULE 11(b) SHALL NOT CONSTITUTE AN ENTRY OF APPEARANCE BY THE ATTORNEY FOR PURPOSES OF C.R.C.P. 121, SECTION 1-1 OR C.R.C.P. 5(b), AND DOES NOT AUTHORIZE OR REQUIRE THE SERVICE OF PAPERS UPON THE ATTORNEY. REPRESENTATION OF THE PRO SE PARTY BY THE ATTORNEY AT ANY PROCEEDING BEFORE A JUDGE, MAGISTRATE, OR OTHER JUDICIAL OFFICER ON BEHALF OF THE PRO SE PARTY CONSTITUTES AN ENTRY OF AN APPEARANCE PURSUANT TO C.R.C.P. 121, SECTION 1-1. THE ATTORNEY'S VIOLATION OF THIS RULE 11(b) MAY SUBJECT THE ATTORNEY TO THE SANCTIONS PROVIDED IN C.R.C.P. 11(a).

C.R.C.P. 121, SECTION 1-1. ENTRY OF APPEARANCE AND WITHDRAWAL

[No Change]

COMMITTEE COMMENT

[No change to first paragraph of existing comment]

AN ATTORNEY MAY PROVIDE LIMITED REPRESENTATION TO A PRO SE PARTY IN ACCORDANCE WITH THE REQUIREMENTS OF C.R.C.P. 11(b) OR C.R.C.P. 311(b) AND COLO.RPC 1.2. PROVIDING LIMITED REPRESENTATION TO A PRO SE PARTY IN ACCORDANCE WITH C.R.C.P. 11(b) OR 311(b) AND COLO.RPC 1.2 DOES NOT CONSTITUTE AN ENTRY OF APPEARANCE EITHER UNDER C.R.C.P. 121, SECTION 1-1, OR IN THE COUNTY COURT. SUCH LIMITED REPRESENTATION DOES NOT REQUIRE OR AUTHORIZE THE SERVICE OF A PLEADING OR PAPER UPON THE ATTORNEY PURSUANT TO C.R.C.P. 5(b) OR C.R.C.P. 305.

C.R.C.P. 311. Signing of Pleadings

(a) OBLIGATIONS OF PARTIES AND ATTORNEYS

***[Reletter existing text of Rule 311 as subsection (a) with no change to original text.] ***

(b) LIMITED REPRESENTATION

AN ATTORNEY MAY UNDERTAKE TO PROVIDE LIMITED REPRESENTATION IN ACCORDANCE WITH COLO.RPC 1.2 TO A PRO SE PARTY INVOLVED IN A COURT PROCEEDING. PLEADINGS OR PAPERS FILED BY THE PRO SE PARTY THAT WERE PREPARED WITH THE DRAFTING ASSISTANCE OF THE ATTORNEY SHALL INCLUDE THE ATTORNEY'S NAME, ADDRESS, TELEPHONE NUMBER AND REGISTRATION NUMBER. THE ATTORNEY SHALL ADVISE THE PRO SE PARTY THAT SUCH PLEADING OR OTHER PAPER MUST CONTAIN THIS STATEMENT. IN HELPING TO DRAFT THE PLEADING OR PAPER FILED BY THE PRO SE PARTY, THE ATTORNEY CERTIFIES THAT TO THE BEST OF THE ATTORNEY'S KNOWLEDGE, INFORMATION AND BELIEF, THIS PLEADING OR PAPER IS (1) WELL-GROUNDED IN FACT BASED UPON A REASONABLE INQUIRY OF THE PRO SE PARTY BY THE ATTORNEY, (2) IS WARRANTED BY EXISTING LAW OR A GOOD FAITH ARGUMENT FOR THE EXTENSION, MODIFICATION OR REVERSAL OF EXISTING LAW, AND (3) IS NOT INTERPOSED FOR ANY IMPROPER PURPOSE, SUCH AS TO HARASS OR TO CAUSE UNNECESSARY DELAY OR NEEDLESS INCREASE IN THE COST OF LITIGATION. THE ATTORNEY IN PROVIDING SUCH DRAFTING ASSISTANCE MAY RELY ON THE PRO SE PARTY'S REPRESENTATION OF FACTS, UNLESS THE ATTORNEY HAS REASON TO BELIEVE THAT SUCH REPRESENTATIONS ARE FALSE OR MATERIALLY INSUFFICIENT, IN WHICH INSTANCE THE ATTORNEY SHALL MAKE AN INDEPENDENT REASONABLE INQUIRY INTO THE FACTS. ASSISTANCE BY AN ATTORNEY TO A PRO SE PARTY IN FILLING OUT PRE-PRINTED AND ELECTRONICALLY PUBLISHED FORMS THAT ARE ISSUED THROUGH THE JUDICIAL BRANCH FOR USE IN COURT ARE NOT SUBJECT TO THE CERTIFICATION AND ATTORNEY NAME DISCLOSURE REQUIREMENTS OF THIS RULE 311(b).

LIMITED REPRESENTATION OF A PRO SE PARTY UNDER THIS RULE 311(b) SHALL NOT CONSTITUTE AN ENTRY OF APPEARANCE BY THE ATTORNEY FOR PURPOSES OF C.R.C.P. 121, SECTION 1-1 OR C.R.C.P. 305, AND DOES NOT AUTHORIZE OR REQUIRE THE SERVICE OF PAPERS UPON THE ATTORNEY. REPRESENTATION OF THE PRO SE PARTY BY THE ATTORNEY AT ANY PROCEEDING BEFORE A JUDGE, MAGISTRATE, OR OTHER JUDICIAL OFFICER ON BEHALF OF THE PRO SE PARTY CONSTITUTES AN ENTRY OF AN APPEARANCE PURSUANT TO C.R.C.P. 121,

SECTION 1-1. THE ATTORNEY'S VIOLATION OF THIS RULE 311(b) MAY
SUBJECT THE ATTORNEY TO THE SANCTIONS PROVIDED IN C.R.C.P. 311(a).

Colo.RPC 1.2. Scope AND OBJECTIVES of Representation

(a) A lawyer shall abide by a client's decisions concerning the SCOPE AND objectives of representation, subject to paragraphs (c), (d), and (e), and shall consult with the client as to the means by which they are to be pursued. A lawyer shall abide by a client's decision whether to accept an offer of settlement of a matter. In a criminal case, the lawyer shall abide by the client's decision after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) * * * [No change] * * *

(c) A lawyer may limit the SCOPE OR objectives, OR BOTH, of the representation if the client consents after consultation. A LAWYER MAY PROVIDE LIMITED REPRESENTATION TO PRO SE PARTIES AS PERMITTED BY C.R.C.P. 11(b) AND C.R.C.P. 311(b).

(d) * * * [No change] * * *

(e) * * * [No change] * * *

(f) * * * [No change] * * *

COMMENT

Scope AND OBJECTIVES of Representation

(INSERT FOLLOWING NEW MATERIAL TO BEGIN THE COMMENT AND THEN
PROCEED WITH THE EXISTING COMMENT WITHOUT CHANGE)

THE SCOPE OR OBJECTIVES, OR BOTH, OF THE LAWYER'S
REPRESENTATION OF THE CLIENT MAY BE LIMITED IF THE CLIENT
CONSENTS AFTER CONSULTATION WITH THE LAWYER.

IN LITIGATION MATTERS ON BEHALF OF A PRO SE PARTY,
LIMITATION OF THE SCOPE OR OBJECTIVES OF THE REPRESENTATION IS
SUBJECT TO C.R.C.P. 11(b) OR 311 (b) AND C.R.C.P. 121, SECTION 1-1, AND,
THEREFORE, INVOLVES NOT ONLY THE CLIENT AND THE LAWYER BUT
ALSO THE COURT. WHEN A LAWYER IS PROVIDING LIMITED
REPRESENTATION TO A PRO SE PARTY AS PERMITTED BY C.R.C.P. 11(b) OR
311(b), THE CONSULTATION WITH THE CLIENT SHALL INCLUDE AN
EXPLANATION OF THE RISKS AND BENEFITS OF SUCH LIMITED

REPRESENTATION. A LAWYER MUST PROVIDE MEANINGFUL LEGAL ADVICE CONSISTENT WITH THE LIMITED SCOPE OF THE LAWYER'S REPRESENTATION, BUT A LAWYER'S ADVICE MAY BE BASED UPON THE PRO SE PARTY'S REPRESENTATION OF THE FACTS AND THE SCOPE OF REPRESENTATION AGREED UPON BY THE LAWYER AND THE PRO SE PARTY.

A LAWYER REMAINS LIABLE FOR THE CONSEQUENCES OF ANY NEGLIGENT LEGAL ADVICE. NOTHING IN THIS RULE IS INTENDED TO EXPAND OR RESTRICT, IN ANY MANNER, THE LAWS GOVERNING CIVIL LIABILITY OF LAWYERS.

[No change to balance of existing comment]

Colo.RPC 4.2. Communication with Person Represented by Counsel

[No change]

COMMENT

[No change to first two paragraphs]

This rule also covers any person, whether or not a party to a formal proceeding, who is represented by counsel concerning the matter in question. A PRO SE PARTY TO WHOM LIMITED REPRESENTATION HAS BEEN PROVIDED IN ACCORDANCE WITH C.R.C.P. 11(b), OR C.R.C.P. 311(b), AND COLO.RPC 1.2 IS CONSIDERED TO BE UNREPRESENTED FOR PURPOSES OF THIS RULE UNLESS THE LAWYER HAS KNOWLEDGE TO THE CONTRARY.

COMMITTEE COMMENT

[No change]

Colo.RPC 4.3. Dealing with Unrepresented Person

[No change]

COMMENT

An unrepresented person, particularly one not experienced in dealing with legal matters, might assume that a lawyer is disinterested in loyalties or is a disinterested authority on the law even when the lawyer represents a client. During the course of a

lawyer's representation of a client, the lawyer should not give advice to an unrepresented person other than the advice to obtain counsel. THE LAWYER MUST COMPLY WITH THE REQUIREMENTS OF THIS RULE FOR PRO SE PARTIES TO WHOM LIMITED REPRESENTATION HAS BEEN PROVIDED, IN ACCORDANCE WITH C.R.C.P. 11(b), C.R.C.P. 311(b), COLO. RPC 1.2, AND COLO.RPC 4.2. SUCH PARTIES ARE CONSIDERED TO BE UNREPRESENTED FOR PURPOSES OF THIS RULE.

COMMITTEE COMMENT

[No change]

Amended and adopted by the Court, En Banc, June 17, 1999, effective July 1, 1999.

BY THE COURT:

Gregory J. Hobbs, Jr.
Justice, Colorado Supreme Court

(Notice and Comment Accompanying Colorado Supreme Court's
Announcement of Limited Representation Rules for Litigation)

Notice: Limited Representation Rules ("litigation unbundling") have been adopted effective July 1, 1999, amending C.R.C.P. 11, C.R.C.P. 311, Colo.RPC 1.2, C.R.C.P. 121, section 1.1 (comment), Colo.RPC 4.2 (comment) and Colo.RPC 4.3 (comment). Please Read Text of Rule Change and the Notice of its effect.

Notice of Limited Representation "Unbundling" Rules for Litigation In Effect July 1, 1999

The Colorado Supreme Court has adopted new rules for limited representation of clients in litigation matters. They address the obligations of attorneys to pro se parties and Colorado state courts in litigation that is being pursued by the pro se party with the drafting assistance of the attorney who is

not making an entry of appearance in the case before a judge, magistrate, or other judicial officer.

The new rules authorize limited representation of pro se parties by attorneys in litigation, pursuant to Colo. RPC 1.2. Under Colo.RPC 1.2 the attorney and the client as a result of consultation with each other may limit the objectives and scope of litigation representation. As the comment to this professional rule sets forth, the attorney shall explain to the client the risks and benefits of limited representation. The attorney providing limited representation must provide meaningful legal advice to the client but it may be based upon the pro se party's representation of the facts and the scope of the representation agreed upon between the attorney and the client.

New comment to Colo.RPC 4.2 and Colo.RPC 4.3 explains that a pro se party to whom such limited representation is being provided is considered to be unrepresented from the standpoint of other lawyers who must contact the pro se party in the course of the litigation. Such lawyers contacting the pro se parties may not give legal advice to them but do not have to proceed through the lawyer who has provided the limited representation.

C.R.C.P. Rules 11 and 311 now contain a new subsection (b), that addresses limited litigation representation. An attorney who provides drafting assistance to a pro se party who files a pleading or paper in court thereby certifies to the court that it, to the best of the attorney's knowledge, information and belief, it is (1) well grounded in fact based on a reasonable inquiry of the pro se party by the attorney, (2) is warranted by existing law or good faith argument for the extension, modification or reversal of existing law, and (3) is not interposed for any improper purpose. The attorney may rely on the pro se party's representation of the facts unless he or she has reason to believe that such representations are false or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts.

The attorney must advise the pro se party that a pleading or paper for which the attorney has provided drafting assistance must include the attorney's name, address, telephone number and registration number. The attorney certification and name disclosure requirements do not apply to attorneys who assist pro se parties in filling out pre-printed and electronically published forms that are issued through the judicial branch for use in court. This

includes forms that are prepared and released through the State Court Administrator's Office and having been derived from the Colorado Judicial Branch are republished by print or electronically by services such as Bradford (marked "JDF" on Bradford forms), West, or Lexis. This also includes forms approved by rule of the Colorado Supreme Court and those available through the Colorado Judicial Branch web page. Forms that are derived from sources other than the Colorado Judicial Branch are considered pleadings or papers whose assistance in drafting must meet the attorney certification and name disclosure requirements of C.R.C.P. 11(b) and C.R.C.P. 311(b).

As set forth in C.R.C.P. 121, Section 1-1, providing limited representation in litigation in accordance with Colo.RPC 1.2, C.R.C.P. 11(b) and C.R.C.P. 311(b) does not constitute entry of appearance by the attorney in the case and does not require or authorize the service of a pleading or paper upon the attorney pursuant to C.R.C.P. 5(b) or C.R.C.P. 305. However, under rules 11(a) and 311(a) representation of the pro se party at any proceeding before a judge, magistrate, or other judicial officer on behalf of the pro se party constitutes an entry of appearance.

Violation of C.R.C.P. 11(b) or C.R.P.C. Rule 311 (b) subjects the attorney to the sanctions of C.R.C.P. 11(a) or C.R.C.P. 311(a).

Gregory J. Hobbs, Jr.
Liaison Justice, Civil Rules Committee

COPY

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

IN THE MATTER OF) ADMINISTRATIVE ORDER 1999-6
RULES OF PROFESSIONAL CONDUCT)

Under D.C.COLO.LR 83.6, the rules of professional conduct, as adopted by the Colorado Supreme Court, are adopted as standards of professional responsibility applicable in this court. On June 17, 1999, the Colorado Supreme Court, en banc, adopted Colo.R.P.C. 1.2 Scope and Objectives of Representation; Colo.R.P.C. 4.2 Communication with Person Represented by Counsel; Colo.R.P.C. 4.3 Dealing with Unrepresented Person and C.R.C.P. 11 Signing of Pleadings as new rules. Those rules were adopted to permit limited representation by counsel. These changes are not consistent with Fed. R. Civ. P. 11 and are also inconsistent with the view of the judges of this court concerning the ethical responsibility of members of the bar of this court. Accordingly, it is now

ORDERED that the above described changes to the Colorado Rules of Professional Responsibility are not applicable in this court.

Dated this 30th day of June, 1999, at Denver, Colorado.

BY THE COURT:
RICHARD P. MATSCH
Chief Judge
DANIEL B. SPARR
LEWIS T. BABCOCK
WILEY Y. DANIEL
EDWARD W. NOTTINGHAM
WALKER D. MILLER
Judges

CO ORDER 99-505

224-177-100 44

It has not even been found that the term "United States" is defined in the law of 1932. The law of 1932 is silent on the subject of the definition of the term "United States" by him.

An excerpt of this case that specifically discusses ghostwriting appears below. This section provides a detailed history of ghostwriting, as well as the court's analysis and decision not to discipline an attorney for engaging in ghostwriting because of the lack of court rules that address the issue.

***RICOTTA v. STATE OF CALIFORNIA*, 4 F.Supp.2d 961**
(United States District Court S.D. California 1998)

ORDER

JONES, District Judge.

B. The History Of Ghost-Writing

The issue of whether an attorney who ghost-writes for a Plaintiff can be held in contempt is one of first impression in the Ninth Circuit. In fact, there are only three reported cases in which courts have directly tackled this question. *Ellis v. State of Maine*, 448 F.2d 1325 (1st Cir.1971); *Johnson v. Board of County Comm'rs for County of Fremont*, 868 F.Supp. 1226 (D.Colo.1994); *aff'd in part and disapproved in part*, 85 F.3d 489 (10th Cir.1996), cert. denied sub nom, *Greer v. Kane*, --- U.S. ---, 117 S.Ct. 611, 136 L.Ed.2d 536 (1996); *Laremont-Lopez v. Southeastern Tidewater Opportunity Center*, 968 F.Supp. 1075, 1077 (E.D.Va.1997).

Beginning in 1971, the First Circuit with "an eye on the future," explained its concern about the problems of pro se Plaintiffs appearing before courts asserting complete ignorance *986 of the law and then presenting a brief that was "manifestly written by someone with some legal knowledge." *Ellis*, 448 F.2d at 1328. The court explained its fear, "that in some cases actual members of the bar represent petitioners, informally or otherwise, and prepare briefs for them which the assisting lawyers do not sign, and thus escape the obligation imposed on members of the bar, typified by F.R.C.P. 11" *Id.* The court went on to state that "we cannot approve of such a practice. If a brief is prepared in any substantial part by a member of the bar, it must be signed by him [her]." *Id.* (emphasis added).

In 1994, a District Court in Colorado addressed this issue and concluded that even if it found it inappropriate conduct for an attorney to ghost-write for a pro se party, the lack of clearly defined rules prohibiting such a practice rendered sanctions inappropriate. *Johnson*, 868 F.Supp. at 1232. In *Johnson* the Plaintiff admitted that documents he filed with the court, although signed by him, were drafted by an attorney. The court explained that ghost-writing raised three areas of concern. First, the court described the standard practice of federal courts is to interpret filings by pro se

litigants liberally and to afford greater latitude as a matter of judicial discretion. The court felt that allowing a pro se litigant to receive such latitude in addition to assistance from an attorney would disadvantage the nonoffending party. *Id.* at 1231. Second, the court explained that ghost-writing is a deliberate evasion of the responsibilities imposed on counsel by Fed. R. Civ. P. 11. Rule 11 obligates members of the bar to sign all documents submitted to the court, to personally represent that there are grounds to support the assertions made in each filing. *Id.*

Third, the court explained that such behavior implicated the Rules of Professional Responsibility, specifically the ABA's Model Code of Responsibility DR I-102(A)(4), providing that an attorney should not engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Additionally, the court asserted that "[h]aving a litigant appear to be pro se when in truth an attorney is authoring pleadings and necessarily guiding the course of the litigation with an unseen hand is ingenuous to say the least; it is far below the level of candor which must be met by members of the bar." *Id.* at 1231.

Finally, the court articulated that "[a] Judge is constrained by Canon 3 of the Code of Conduct for the United States Judges to initiate appropriate action when he or she becomes aware of the likelihood of unprofessional conduct by lawyers." *Id.* at 1232. The Judge held that publishing a memorandum was sufficiently appropriate action since:

I am confident that none of the offending conduct referred to was thought of as such by the lawyer or lawyers involved. Further the rules of Professional Conduct adopted by the Colorado Supreme Court and perforce [sic] by this court as well as existing ethics opinions of the Colorado Bar Association have not given adequate attention to the ethical considerations implicit in the practice of ghost-writing. *Id.* at 1232.

In 1997, a District Court in Virginia was faced with a plaintiff appearing pro se who had an attorney ghost-write his complaint. Similar to the reasoning in *Johnson*, the court held that ghost-writing unfairly exploits the mandate that pleadings of pro se litigants be held to a less stringent standard than pleadings drafted by lawyers, as well as nullified the certification requirement of Fed. R. Civ. P. 11; and circumvented the local rules concerning the withdrawal of attorneys. *Laremont-Lopez*, 968 F.Supp. at 1077. The court recognized, however, that there was no specific rule prohibiting ghost-writing and concluded that:

[w]hile the Court believes that the attorneys should have known that this practice was improper, there is no specific rule which deals with such ghost writing. Therefore the Court FINDS that there is insufficient evidence to find that the Attorneys knowingly and intentionally violated its Rules. In the absence of such intentional wrongdoing, the Court FINDS that disciplinary proceedings and contempt sanctions are unwarranted.

Id. at 1079.

Analysis:

The threshold issue that this Court must address is what amount of aid constitutes ghost-writing. Ms. Kelly contends that she acted as a "law-clerk" and provided a draft of sections of the memorandum and assisted Plaintiff in research. Implicit in the three opinions addressing the

issue of ghost-writing, is the observation that an attorney must play a substantial role in the litigation. For example, in *Ellis*, the Court stated that its concern was directed at petitions that were "manifestly written" by someone with some legal knowledge and briefs that were prepared in "any substantial way" by a member of the Bar. 448 F.2d at 1328.

In *Johnson*, the ghost-writing attorney in question drafted the documents entirely. The Court asserted that it was concerned with attorneys who "authored pleadings and necessarily guided the course of the litigation with an unseen hand." 868 F.Supp. at 1231. Finally, in *Laremont* the allegations were that the Plaintiff actually paid attorneys who secretly drafted the complaints, tried to resolve the dispute, and paid the court filing fees out of their law firm's account. Id. at 1231.

In light of these opinions, in addition to this Court's basic common sense, it is this Court's opinion that a licensed attorney does not violate procedural, substantive, and professional rules of a federal court by lending some assistance to friends, family members, and others with whom he or she may want to share specialized knowledge. Otherwise, virtually every attorney licensed to practice would be eligible for contempt proceedings. Attorneys cross the line, however, when they gather and anonymously present legal arguments, with the actual or constructive knowledge that the work will be presented in some similar form in a motion before the Court. With such concealed participation the attorney guides the course of litigation while standing in the shadows of the Courthouse door. This conclusion is further supported by the ABA Informal Opinion of 1978 that "extensive undisclosed participation by a lawyer that permits the litigant falsely to appear as being without substantial professional assistance is improper." ABA Informal Opinion (1978) (quoted in Elizabeth, J. Cohen, "Afraid of Ghosts: Lawyers May Face Real Trouble When they 'Sort of' Represent Someone, 80 ABA JOURNAL (Dec. 1997)).

In the instant case it appears to the Court that Ms. Kelly was involved in drafting seventy-five to one hundred percent of Plaintiff's legal arguments in his oppositions to the Defendants' motions to dismiss. The Court believes that this assistance is more than informal advice to a friend or family member and amounts to unprofessional conduct.

However, even though Ms. Kelly's behavior was improper this Court is not comfortable with the conclusion that holding her and/or Plaintiff in contempt is appropriate. The courts in *Johnson* and *Laremont* explained that because there were no specific rules dealing with ghost-writing, and given that it was only recently addressed by various courts and bar associations, there was insufficient evidence to find intentional wrongdoing that warranted contempt sanctions.

This Court is persuaded by such reasoning and finds that the circumstances justifying such a conclusion have yet to change. The parties were unable to point the Court to any local, state or national rule addressing ghost-writing. By no means does this Court condone unprofessional conduct. This Court strongly believes that professional rules of conduct are extremely necessary, and are often both too lenient in substance and under enforced. But, the facts of this case are not nearly egregious enough for this Court to take the unprecedented step of holding an attorney and a pro se party in contempt for giving and receiving assistance in the drafting of documents. There is nothing in the record to indicate that Ms. Kelly thought her behavior was offensive and improper, and it is clear that she had no intention to mislead or harm this Court and the other parties.

parties involved. Quite the contrary she was quick to admit the nature and extent of her involvement.

Further, like the Court in Johnson this Court believes that per the requirement of the Code of Judicial Ethics, this Opinion is sufficient because it admonishes the attorney that her behavior is questionable, despite the failure of the professional rules of conduct and local court rules to provide clear guidelines on the subject. This case illustrates the *988 need for local courts and professional bar associations to directly address the issue of ghost-writing and delineate what behavior is and is not appropriate. The issue is not only interesting and complex, but surely touches and concerns all attorneys currently practicing law in this Country.

Thus, for the foregoing reasons this Court denies the Individual Defendants' motion for holding the Plaintiff and/or Lois Brown Kelly in contempt of court.

STAYING ORDER

IT IS SO ORDERED.

we have entered the judgment of the Court.

noted for the record.

10/10/08

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Washington State Bar Association

Committee to Define the Practice of Law Final Report

The Committee to Define the Practice of Law was established by the Board of Governors of the Washington State Bar Association in February 1998. A revised draft definition was finalized July 13, 1999 for presentation to the Board on July 30, 1999.

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I. Preamble

Defining "the practice of law" lies at the heart of any effort to protect the public from untrained and unregulated persons who hold themselves out as able to offer advice and counsel in matters customarily performed by lawyers that affect individuals' legal rights, property, and life. When licensed and regulated lawyers perform these functions, they are required to meet extensive educational requirements to become lawyers, required to maintain continuing legal education to stay current in the law, required to follow standards of ethical behavior with respect to their clients and others, and are subject to discipline up to and including suspension and disbarment. Nonlawyers are not required to meet any of these standards. The public has no recourse for poor, illegal or negligent performance of these functions by nonlawyers.

A definition of the practice of law is an important step in protecting the public from unqualified and unlicensed practitioners. A more specific definition than those current attempts to provide definition by case law and criminal statute may enable the enactment of consumer protection legislation; it may aid in securing funding for legal services; it may assist the criminal prosecution of unlawful practitioners; and it will eliminate uncertainty for persons working in law-related areas about the propriety of their conduct.

The Washington Supreme Court has struggled with defining the practice of law for most of

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The Washington Supreme Court has struggled with defining the practice of law for most of this century. In an early case,¹ the Supreme Court said:

While we lack an authoritative definition of practicing law, we may say here that, so far as this jurisdiction is concerned, it means doing or practicing that which an attorney or counselor at law is authorized to do and practice.

The Courts have attempted over the years to go beyond saying that the practice of law is what lawyers practice. There has never been any comprehensive definition, but certain activities have been identified as included in "the practice of law":

- performing services in court^{2, 3, 4, 5, 8}
- legal advice and counsel^{2, 3, 4, 8}
- selection, drafting, and completion of legal documents^{2, 3, 4, 5, 6, 7, 8, 9}
- settling claims, legal research, assisting with *pro se* legal filings² (dicta)

Along with the need to protect the public, there is a need to provide legal services for persons of limited means. The need for legal services is growing and in many cases does not appear to be met. There are many efforts to meet these needs, some sanctioned by the profession, the courts or the legislature, and others not sanctioned in any way. The growing presence of legal services by nonlawyers presents a dilemma for those who are concerned with both the protection of the public from unqualified persons offering legal services and with the need to provide legal services to persons otherwise disenfranchised from the legal system.

The Board of Governors of the Washington State Bar Association established this Committee to Define the Practice of Law. The Committee has attempted to draft a workable definition of the practice of law that both identifies what the practice of law is, and provides for sanctioned exceptions to the general rule that only lawyers may provide legal services to the public.

The Committee proposes that the Board of Governors of the Washington State Bar Association recommend this rule for adoption by the Supreme Court as the standard by which issues of delivery of legal services may be judged.

II. Methodology

The Committee to Define the Practice of Law was established by the Board of Governors of the Washington State Bar Association in February 1998. Earlier, an ad hoc Committee on the Unauthorized Practice of Law had been established to review the delivery of legal services by lawyers and nonlawyers. That ad hoc committee concluded that before attempting to deal with the unauthorized practice of law, it is necessary to define what is "the practice of law."

The ad hoc committee recommended that after a definition had been adopted, it would be appropriate for the WSBA and the Supreme Court to review how legal services are delivered and whether they fall within or without the definition. It was recommended that a committee should be established to advise the Supreme Court on a consistent philosophical basis as to whether any exception should be granted to the general rule that only lawyers may provide legal services.

Ten persons were originally appointed to the Committee: 2 former Supreme Court Justices, one former Superior Court Judge, the Solicitor General from the Office of the Attorney General, and 6 lawyers in private practice, including 4 former members of the Board of Governors. An additional 3 members were later appointed to the Committee, including one member of the Board of Governors, a representative from the Family Law Section, and a representative from the Washington Young Lawyers Division.¹⁰

The Committee reviewed a large quantity of written material, including an extensive history of the Washington State Bar Association in relation to the unauthorized practice of law, two reports from the former WSBA Unauthorized Practice of Law Committee (1988 and 1989); the ABA Report on Nonlawyer Practice in the United States (1994); and the WSBA Report of the Task Force on Nonlawyer Practice of Law (1995).

The Committee reviewed definitions of the practice of law from other jurisdictions, including Alabama, the District of Columbia, Maryland, New Jersey, North Carolina, Rhode Island, Tennessee, Virginia, a 1998 Report to the Board of Governors of the Oregon State Bar from the Definition of the Practice of Law Subcommittee; a 1999 Report to the Oregon Assembly from the Oregon Family Law Legal Services Commission (on courthouse facilitators); the Preliminary Report of the American Bar Association Commission on Multidisciplinary Practice. The Committee reviewed materials from the UTOPIA Foundation by Andrew Carlan, Esq., and "Lawyer Fees Too High: The Case for Repealing Unauthorized Practice of Law Statutes" from *Regulation*, *The Cato Review of Business and Government*. In addition, as discussed below, the Committee solicited and reviewed information from numerous interested parties.

Finally, the Committee reviewed various court opinions from Washington and elsewhere on this subject, as well as opinions from the Office of the Attorney General.

The Committee met 14 times.¹¹ Upon completing a draft definition, the Committee considered various methods of submitting it for comment from members of the legal profession, members of other professions, and consumers. After exploring various options, and seeking the advice of a consultant, the Committee disseminated the draft definition broadly and invited comment either in writing or by personal testimony before the Committee. This information was mailed to various individuals and groups.¹² It was also posted at the WSBA web site and was published in the May, 1999 issue of *Washington State Bar News*.

Numerous responses were received by letter, and 14 persons made oral presentations to the Committee at a public hearing held on May 21, 1999.¹³ The Committee met three times after that hearing to consider the comments received. A revised draft definition was finalized July 13, 1999, and was provided to all persons and entities who had commented on the earlier draft, and others.

III. Proposed Definition of the Practice of Law

Approved by the Board of Governors for submission to the Supreme Court

DEFINITION OF THE PRACTICE OF LAW

(a) General Definition: The practice of law is the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) which require the knowledge and skill of a person trained in the law. This includes but is not limited to:

(1) Giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration.

(2) Selection, drafting, or completion of legal documents or agreements which affect the legal rights of an entity or person(s).

(3) Representation of another entity or person(s) in a court, or in a formal administrative adjudicative proceeding or other formal dispute resolution process or in an administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review.

(4) Negotiation of legal rights or responsibilities on behalf of another entity or person(s).

(b) Exceptions and Exclusions: Whether or not they constitute the practice of law, the following are permitted:

1. Practicing law authorized by a limited license to practice pursuant to Admission to Practice Rules 8 (special admission for: a particular purpose or action; indigent representation; educational purposes; emeritus membership; house counsel); 9 (legal interns); 12 (limited practice for closing officers), or 14 (limited practice for foreign law consultants)
2. Serving as a court house facilitator pursuant to court rule.
3. Acting as a lay representative authorized by administrative agencies or tribunals.
4. Serving in a neutral capacity as a mediator, arbitrator, conciliator, or facilitator.

5. Participation in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements.
6. Providing assistance to another to complete a form provided by a court for protection under RCW chapters 10.14 (harassment) or 26.50 (domestic violence prevention) when no fee is charged to do so.
7. Acting as a legislative lobbyist.
8. Sale of legal forms in any format.
9. Activities which are preempted by Federal law.
10. Such other activities that the Supreme Court has determined by published opinion do not constitute the unlicensed or unauthorized practice of law.

(c) Nonlawyer Assistants: Nothing in this rule shall affect the ability of nonlawyer assistants to act under the supervision of a lawyer in compliance with Rule 5.3 of the Rules of Professional Conduct.

(d) General Information: Nothing in this rule shall affect the ability of a person or entity to provide information of a general nature about the law and legal procedures to members of the public.

(e) Governmental agencies: Nothing in this rule shall affect the ability of a governmental agency to carry out responsibilities provided by law.

(f) Professional Standards: Nothing in this rule shall be taken to define or affect standards for civil liability or professional responsibility.

IV. Philosophy Behind Proposed Definition

The definition proposed by the Committee to Define the Practice of Law has three distinct parts. The first part sets out the broad definition of the practice of law. The second part identifies exceptions to the general rule that only lawyers may practice law. The third part distinguishes activities which do not constitute the practice of law, and notes that nothing in the rule shall be taken to define or affect standards for civil liability or professional responsibility.

The Committee had philosophical differences in the second part of the proposed rule. Whether nonlawyers should be authorized to engage in any practice of law is a controversial and complex issue, involving many important and sometimes conflicting factors, such as competence to practice, consumer protection, access to justice for the indigent, customer convenience, and others. Some members of the Committee believe that any definition of the practice of law ought to be limited to an aspirational statement defining what lawyers do. Others, the majority of Committee members, believe that the definition must reflect the reality that, in some areas, the practice of law by nonlawyers has been authorized by

competent authority; and the Supreme Court of Washington has the exclusive responsibility and the inherent power

The Supreme Court of Washington has the exclusive responsibility and the inherent power to establish the qualifications for admission to practice law, and to admit persons to practice law in this state. Admission to Practice Rule 1(a). The Committee is unanimous that any exceptions to allow nonlawyers to engage in the practice of law must come from the Supreme Court, and must be grounded in well-established historical practice which provides for protection of the public.

Definition of the Practice of Law:

Part (a) defines the practice of law. The general definition is **"The practice of law is the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) which require the knowledge and skill of a person trained in the law."** The phrase, "which require the knowledge and skill of a person trained in the law" was included to address concerns expressed to the Committee that not all activities of the kind described in the definition require that they be done by lawyers, and that they ought to be deemed the practice of law only when it is necessary that the individual performing the act have the knowledge and skill of a lawyer. For example, many administrative agencies utilize nonlawyers in representing parties, and government agencies and labor unions frequently rely upon lay persons with particularized skill and training in areas other than the practice of law. Similarly, many professions, such as banking, real estate, and others utilize nonlawyer employees to perform ministerial functions that do not affect legal rights.

The subparagraphs under part (a) further describe the types of activities deemed to be the practice of law. Those subparagraphs provide as follows:

1. this subparagraph includes, for purposes of this definition, that the practice of law includes giving legal advice or counsel for a fee or other consideration. The Committee recognizes that a lawyer's professional obligations to clients and others do not depend upon whether or not the lawyer is paid a fee. However, for purposes of this definition, it is a way of distinguishing between practicing law and engaging in informal conversation on legal rights and obligations. That this is not intended to define or affect standards for civil liability or professional responsibility is specifically stated in part (g).

2. this subparagraph simply restates a definition of the practice of law as frequently enunciated by the Washington Supreme Court.

3. this subparagraph was modified by the Committee in response to comments received to make clear that the practice of law in administrative proceedings only arises on formal proceedings which require the skill and training of a lawyer or which are intended to establish a record for possible subsequent judicial review.

4. this subparagraph also restates a definition of the practice of law as frequently enunciated by the Washington Supreme Court.

Exceptions and Exclusions:

The Committee believes that determining what ought and ought not to be exceptions from the rule that only lawyers may practice law should be keyed to protection of the public. Specifically, consideration should be given in any grant of authority to nonlawyers to practice law to consumer protection issues such as insurance, bonding, educational qualifications,

continuing legal education, regulatory oversight, and the like.

The Committee believes that any exceptions should be identified by the tasks to be performed rather than the person performing them.

Part (b) identifies exceptions to and exclusions from the definition of the practice of law. The Committee had articulate reasons for the exceptions it proposes, and believes that any future exceptions ought to be based on similar clearly expressed reasons.

1. Reflects grants of authority already made by the Supreme Court.

2. "Serving as a court house facilitator pursuant to court rule" recognizes the existing court house facilitator programs. The Committee recommends that the Supreme Court should adopt a rule establishing and regulating facilitators. A draft General Rule regarding courthouse facilitators has been prepared by a Supreme Court study group.

3. "Acting as a lay representative authorized by administrative agencies or tribunals" reflects the fact that the Administrative Procedures Act provides for lay representation, and they are regulated by the administrative body before whom they appear.

4. "Serving in a neutral capacity as a mediator, arbitrator, conciliator, or facilitator" was added in response to comments received by the Committee and reflects the fact that, as neutrals, persons acting in this capacity are not engaged in the practice of law.

5. "Participation in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements" was added to allay concerns raised regarding labor negotiations and union representatives.

6. "Providing assistance to another to complete a form provided by a court for protection under RCW chapters 10.14 (harassment) or 26.50 (domestic violence prevention) when no fee is charged to do so" was added in response to comments received by the Committee and acknowledges the assistance of social service agencies in assisting unrepresented persons in completing court-approved forms.

7. "Acting as a legislative lobbyist" grows out of the right to petition the government and acknowledges that lobbying activities are regulated by the legislature.

8. "Sale of legal forms in any format" recognizes that this involves First Amendment issues.

9. "Activities which are preempted by Federal law" recognizes that there are limits in the authority of the Supreme Court over federally regulated activities.

10. Recognizes that the definition of the practice of law remains the sole and exclusive province of the Supreme Court.

The Committee concluded that there should not be any exception for independent paralegals because they are practicing law, and if any independent paralegal practice were to be authorized, it should be based on a regulatory system as recommended in the 1995 WSBA Report of the Task Force on Nonlawyer Practice of Law. However, as paragraph (d) states, this rule does not affect the ability of nonlawyer assistants to act under the supervision of a lawyer in compliance with Rule 5.3 of the Rules of Professional Conduct. This was also clarified in response to comments received by the Committee.

In addition, paragraph (e) recognizes the difference between the giving of individualized legal advice and the giving of general legal information, as is provided by many civic and social service entities.

Paragraph (f) was included to recognize that there are certain functions of government provided by law that are necessary for government to carry out its purposes and duties. As

one Committee member expressed it, governance is not the practice of law.

The Committee also agreed that the proposed definition should specifically state in paragraph (g) that it is not intended by this definition to depart from established standards for civil liability or professional responsibility.

V. The Future

As discussed above, future considerations of additional exceptions to this rule ought to be made with care and deliberation. The Committee recommends the establishment of some form of ongoing advisory committee. Such a committee is beyond the mandate given to this Committee. If this proposed rule is adopted, the Committee recommends that further consideration be given to establishment of some form of committee or board.

VI. Appendices

These will be posted later.

A. MINUTES OF COMMITTEE MEETINGS

B. PERSONS AND GROUPS SOLICITED FOR COMMENT

C. WRITTEN COMMENTS RECEIVED BY COMMITTEE

Footnotes

¹ *State v. Chamberlain*, 132 Wash. 520, 232 Pac. 332 (1925).

² *State v. Hunt*, 75 Wn. App. 795 (1994).

³ *In re Droker & Mulholland*, 59 Wn.2d 707 (1962).

⁴ *WSBA v. Great Western Federal*, 91 Wn.2d 48 (1978).

⁵ *Hagan and Van Camp v. Kassler Escrow, Inc.*, 96 Wn.2d 443 (1981).

⁶ *Bowers v. Transamerica Title Insurance*, 100 Wn.2d 581 (1983).

⁷ *Cultum v. Heritage House Realtors*, 103 Wn.2d 623 (1985).

⁸ *Hecomovich v. Nielsen*, 10 Wn. App. 563 (1974).

⁹ *Perkins v. GTX Mortgage Corp.*, 137 Wn.2d 93, 969 P.2d 93 (1999).

¹⁰ See introductory page for a complete listing of Committee members.

¹¹ Minutes of all Committee meetings are at Appendix A.

¹² A full list of persons and groups invited to comment is at Appendix B.

¹³ A summary of all written responses is at Appendix C. A transcript of the May 21,

1999 is available from the Washington State Bar Association.

Submitted to the Washington State Supreme Court November 1, 1999

The Committee also agreed that the proposed definition should be adopted only if it is not intended to depart from established precedent. (g) that it is not intended to depart from established precedent.

GR 9 COVER SHEET

Proposed Amendment GENERAL RULES (GR)

Rule 22: DEFINITION OF THE PRACTICE OF LAW

(new rule; hearing recommended)

Submitted by the Board of Governors of the Washington State Bar Association

1. Background: The Committee to Define the Practice of Law was established by the Board of Governors of the Washington State Bar Association in February 1998. (Earlier an ad hoc Committee on the Unauthorized Practice of Law had been established, to review the delivery of legal services by lawyers and nonlawyers. That ad hoc committee concluded that before attempting to deal with the unauthorized practice of law, it is necessary to define what is "the practice of law.")

2. Purpose: Defining the practice of law lies at the heart of any effort to protect the public from untrained and unregulated persons who hold themselves out as able to offer advice and counsel in matters customarily performed by lawyers that affect individuals' legal rights, property, and life. When licensed and regulated lawyers perform these functions, they are required to meet extensive educational requirements to become lawyers, required to maintain continuing legal education to stay current in the law, required to follow standards of ethical behavior with respect to their clients and others, and are subject to discipline up to and including suspension and disbarment. Nonlawyers are not required to

meet any of these standards. The public has no recourse for poor, illegal or negligent performance of these functions by nonlawyers.

A definition of the practice of law is an important step in protecting the public from unqualified and unlicensed practitioners. A more specific definition than those current attempts to provide definition by case law and criminal statute may enable the enactment of consumer protection legislation; it may aid in securing funding for legal services; it may assist the criminal prosecution of unlawful practitioners; and it will eliminate uncertainty for persons working in law-related areas about the propriety of their conduct.

The Washington Supreme Court has struggled with defining the practice of law for most of this century. In an early case, the Supreme Court said:

While we lack an authoritative definition of practicing law, we may say here that, so far as this jurisdiction is concerned, it means doing or practicing that which an attorney or counselor at law is authorized to do and practice.

The Courts have attempted over the years to go beyond saying that the practice of law is what lawyers practice. There has never been any comprehensive definition, but certain activities have been identified as included in "the practice of law":

■ performing services in court^{2, 3, 4, 5, 8}

- ¹ *State v. Chamberlain*, 132 Wash. 520, 232 Pac. 337 (1925)
- ² *State v. Hunt*, 75 Wn. App. 795 (1994)
- ³ *In re Droker & Mulholland*, 69 Wn.2d 707 (1962)
- ⁴ *WSBA v. Great Western Federal*, 91 Wn.2d 48 (1978)
- ⁵ *Hagan and Van Camp v. Kessler Escrow, Inc.*, 96 Wn.2d 443 (1981)
- ⁶ *Bowers v. Transamerica Title Insurance*, 100 Wn.2d 581 (1983)
- ⁷ *Cultum v. Heritage House Realtors*, 103 Wn.2d 623 (1985)
- ⁸ *Hecomovich v. Nielsen*, 10 Wn. App. 563 (1974)
- ⁹ *Perkins v. CTX Mortgage Co.*, 137 Wn.2d 93, 969 P.2d 93 (1999)

■ legal advice and counsel^{2,3,4,8}

■ selection, drafting, and completion of legal documents^{2,3,4,5,6,7,8,9}

■ settling claims, legal research, assisting with pro se legal filings²

Along with the need to protect the public, there is a need to provide legal services for persons of limited means. The need for legal services is growing, and in many cases does not appear to be met. There are many efforts to meet these needs, some sanctioned by the profession, the courts or the legislature, and others not sanctioned in any way. The growing presence of legal services by nonlawyers presents a dilemma for those who are concerned with both the protection of the public from unqualified persons offering legal services and with the need to provide legal services to persons otherwise disenfranchised from the legal system.

The Board of Governors of the Washington State Bar Association established this Committee to Define the Practice of Law. They asked two retired Supreme Court Justices; one retired Superior court judge; five present or former members of the Board of Governors; the state Solicitor General; the chairperson of the Consumer Protection Committee; representatives of the Family Law Section and the Washington Young Lawyers Division; and two practicing lawyers; to serve on the committee.

The Committee has attempted to craft a workable definition of the practice of law that both identifies what the practice of law is, and provides for sanctioned exceptions to the general rule that only lawyers may provide legal services to the public.

Determining what ought and ought not to be exceptions from the rule that only lawyers may practice law should be keyed to protection of the public. Specifically, consideration should be given in any grant of authority to nonlawyers to practice law to consumer protection issues such as insurance, bonding, educational qualifications, continuing legal education, regulatory oversight, and the like. The Committee concluded that there should not be any exception for independent paralegals because they bare practicing law, and that if any independent paralegal practice were to be authorized it should be based on a regulatory system as recommended in the 1995 WSBA Report of the Task Force on Nonlawyer Practice of Law. However, as paragraph (c) states, this rule does not affect the ability of nonlawyer assistants to act under the supervision of a lawyer in compliance with Rule 5.3 of the Rules of Professional Conduct.

The Committee and Board recognize that any definition of the practice of law will be criticized. So long as there are persons who want to practice law without the necessity of studying and learning the law, meeting some form of entrance requirements, subscribing to a code of ethical conduct, and submitting to regulation and discipline, there will be critics of any attempts to curtail their activities.

There will never be a "perfect" definition of the practice of law – but the Board agreed with that Committee that at some point the Board must recommend the best definition that it can craft at that time. It is expected that this definition will be modified over time as the need arises.

3. Washington State Bar Association Action: The Committee to Define the Practice of Law published working drafts of its definition and solicited comment from lawyers, legal organizations, other professional organizations, and the public. More than 70 responses were received. The Committee held a public hearing on May 21, 1999, at which 14 individuals or representatives of organizations gave testimony. The Board of Governors established an Internet listserv which solicited and received additional comments. Copies of those responses and a transcript of the May 21 hearing are submitted with these materials. The Board of Governors reviewed the Final Report of the Committee to Define the Practice of Law at its meetings on July 30 and August 10, 1999. The Board of Governors unanimously proposes that the Supreme Court approve this definition of the practice of law and adopt it as General Rule 21.

4. Supporting Materials:

- a. Proposed General Rule 21
- b. Final Report of the Committee to Define the Practice of Law.
- c. Written comments on draft definition of the practice of law.
- d. Transcript of Hearing, May 21, 1999.
- e. E-mails submitted to WSBA list server on Committee to Define the Practice of Law.

5. Spokespersons:

- Stephen R. Crossland, Chairperson, Committee to Define the Practice of Law, P. O. Box 566, Cashmere, WA 98815-0566 (telephone 509-782-4418).

- M. Wayne Blair, Past-president, Washington State Bar Association, 701 Fifth Avenue, Ste. 5800, Seattle, WA 98104-7016 (telephone 206-682-7090).
- M. Janice Michels, Executive Director, Washington State Bar Association, 2101 Fourth Avenue, 4th Fl., Seattle, WA 98121-2330 (telephone 206-727-8244).
- Robert D. Welden, General Counsel, Washington State Bar Association, 2101 Fourth Avenue, Fourth Floor, Seattle, WA 98121-2330 (telephone 206-727-8232).

(6) **Hearing:** Because of the importance of this issue to the public and the bar, a hearing is recommended.

Pro Per Projects: Helping Litigants Help Themselves

California courts are facing an ever-increasing number of litigants who go to court without legal counsel, largely because they cannot afford representation. The unfamiliarity of these self-represented (in propria persona, or pro per) litigants with court procedures and forms, as well as with their rights, leaves them disadvantaged in court and consumes a significant amount of court resources. As such, pro per litigants present a direct challenge to the Judicial Council's goal of improving access to the courts. The council is answering this challenge through the following comprehensive outreach programs, under way at all court levels.

FAMILY LAW FACILITATORS

In 1996, Family Code §10002 established an Office of the Family Law Facilitator in each of the state's 58 counties (Stats. 1996, ch. 957; AB 1058). The Judicial Council administers the program, providing nearly \$11 million per year to offices staffed by licensed attorneys and paralegals. Facilitators work for the superior court to guide litigants through child support, spousal support, and health insurance issues. Many courts have also enlisted the help of volunteer attorneys or provided additional funding to assist pro pers in a wider variety of family law matters. Family law facilitators offer pro pers one-on-one assistance with forms and procedures, help with child support calculations, workshops, and referrals to community resources. At last count, facilitators were helping more than 30,000 unrepresented

litigants each month.

EQUAL ACCESS FUND

The Judicial Council is working in partnership with the State Bar's Legal Services Trust Fund to establish self-help centers in California courts. To that end, the council and bar are distributing nearly \$1 million this year to legal services programs throughout the state. When they open their doors in January 2000, the centers will assist low income persons with a variety of civil matters.

FAMILY LAW INFORMATION CENTERS

In January 2000, the Judicial Council plans to establish family law information centers in three of the California counties most in need of services. Center staff will work closely with the family law facilitators in these counties to help self-represented litigants fill out court papers, understand the legal process, and learn about other resources available to them, including private attorneys.

PRO PER INFORMATION CENTERS

In July 1997, the trial courts of Alameda, Sacramento, San Diego, Santa Clara, and Ventura Counties each received from the Judicial Council \$25,000 to develop pro per centers that serve as models for the state's other courts. The variety



of programs pursued by the courts in these counties tested different approaches to improving court access. San Diego's court collaborated with that county's family law facilitator to develop and distribute statewide a four-part video series that guides litigants through court procedures and form preparation. Ventura County added a mobile office to serve pro pers throughout its jurisdiction. Santa Clara developed Web site materials that can be viewed statewide.

CHILD CUSTODY

An estimated 94,500 child custody mediation cases are handled yearly by California's courts. At least half of the litigants in these cases are pro pers. Through materials like the award-winning video "Focus on the Child," self-represented parents are oriented to court procedures, mediation, child custody evaluation, effective presentation of child custody information to the courts, parenting plans, and supervised visitation.

SMALL CLAIMS

The Judicial Council, working with the San Mateo court, has developed the California Small Claims Information Center, a Web site accessible at <http://www.courtinfo.ca.gov/courts/trial/smallclaims>. The site provides background information on how the small claims process works and some of the legal issues commonly resolved in small claims cases. It also offers instructions for filing and serving a claim, appealing a decision, and collecting a judgment. It is designed to supplement the work of the courts' small claims advisors, who orient litigants to court procedures and general law, while helping them prepare their petitions and responses.

JUDICIAL MEDIATION AND ARBITRATION

These options, including those stipulated by Code of Civil Procedure § 114.1 et seq., offer less formal and less adversarial settings for pro pers to settle their disputes.

ADDITIONAL PRO PER INFORMATIONAL PUBLICATIONS

• **You Don't Have to Sue**: The Judicial Council, in conjunction with the State Bar, offers for distribution by the courts this pamphlet about Alternative Dispute Resolution options.

• **Domestic Violence Restraining Orders Instruction Booklet, DV-150**: Gives victims comprehensive guidance through completion of restraining order requests.

• **Summary Dissolution Handbook**: Provides detailed instructions on how to complete forms for a summary dissolution and how to write a marital settlement agreement for cases involving a summary dissolution.

• **What's Happening in Court**: This activity book for children who have come to court explains court procedures and vocabulary common to family law and juvenile cases.

ADDITIONAL FORM PREPARATION AND PROCEDURAL ASSISTANCE

The Judicial Council offers answers to frequently asked questions, rules of court, and court forms on its Web site, at <http://www.courtinfo.ca.gov>, and in informational book-lets. Pro pers dealing with

small claims and family law issues, including domestic violence, child support, summary dissolutions, and civil harassment cases. The AOC provides information through these media. Most large courts also offer onsite domestic violence programs that help victims prepare restraining order requests.

EDUCATION AND TRAINING

Enabling court staff to effectively assist self-represented litigants is as important to the council's mission as empowering pro pers to help themselves. CJER, the educational arm of the Judicial Council, addresses pro per issues in many of its classes and seminars. The AOC sponsors an annual conference on domestic violence that informs and trains advocates, law enforcement, and judicial officers on updated assistance models. At least twice annually, support commissioners, family law facilitators, and court clerks convene to share ideas about how best to assist unrepresented litigants. And, finally, the Council's Civil and Small Claims Advisory Committee has prepared for small claims court judges a training videotape on fair and impartial adjudication of small claims issues, all of which proceed in pro per. That advisory committee will release by January 2000 a "Model Program for Recruiting, Selecting, and Evaluating Temporary Judges for Small Claims Court."

ADDITIONAL FORM PREPARATION AND PROCEDURAL ASSISTANCE

The Judicial Council offers answers to frequently asked questions, rules of court, and court forms on its Web site, at <http://www.judicialcouncil.org> and in informational booklets. Pro pers dealing with

The Judicial Council of California, chaired by the Chief Justice, is responsible for improving the administration of justice in California. Established by the state Constitution in 1926, the council adopts rules of court and provides policy direction to the courts and recommendations to the Governor and Legislature about court practice, procedure, and administration. The council performs its constitutional and other functions with the support of its staff agency, the Administrative Office of the Courts.

Small claims court is a part of the judicial system that provides a simple, fast, and inexpensive way for people to resolve disputes. It is designed to handle cases involving small amounts of money, typically up to \$10,000. The process is simplified, with no need for lawyers or complex legal arguments. Small claims court is available in all counties in California. The Judicial Council of California provides information and resources to help people understand and use small claims court. This includes a booklet titled "Small Claims Court: A Guide for Pro Per Litigants" which explains the process and provides forms. The council also offers training and support to court staff and judges to ensure the system works effectively. For more information, visit the Judicial Council's website at <http://www.judicialcouncil.org>.