



A National Conference on Pro Se Litigation Florida Team Report

Office of the State Courts Administrator
Florida Supreme Court
January 3, 2000

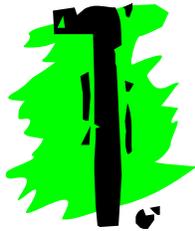
A National Conference on Pro Se Litigation Florida Team Report

In November 1999, the American Judicature Society, with the support of the State Justice Institute, and the Open Society Institute, presented a national conference on pro se litigation. Forty-nine states and all the territories sent a team to the conference. Florida's team included the following people: The Honorable Barbara J. Pariente, team leader; Ms. Jo Haynes Suhr, OSCA; Mr. Ky Koch, Ms. Jeannie Etter; Mr. Richard West; The Honorable Judith Kreeger; Mr. Kent Spuhler, and Mr. Tom Genung. The following is the report from the Florida team.

Agenda

The conference include a plenary session, a showcase of model pro se assistance programs around the country, concurrent sessions on a wide variety of topics, and time for state teams to meet and develop an action plan. (See the team action plan overview and the team action plan in Appendix C and D.)

What We Learned . . .



We are not alone.

Florida's experience with the pro se phenomena is consistent with other states' experiences. Other states are experiencing similar numbers of pro se litigants. California's family law facilitators are helping more than 30,000 unrepresented litigants each month. Before opening its self-help center, Maricopa County documented over 5,000 calls per month from self-represented litigants, each call taking at least 10-12 minutes.

Local trial courts have responded in a variety of creative and thoughtful ways, from informal, ad hoc operations to system-wide initiatives. While many states address the issue in more than one manner, it appears that a majority of solutions include a court-based service of some type. Many programs include services for family cases, as well as small claims, housing, traffic, misdemeanor, and probate/guardianship. Appendix A includes a description of some of the programs and initiatives we learned about, including a mobile self-help center!

The general consensus among those courts operating pro se programs is that the programs are not causing pro se filings to increase.



The judicial system did nothing to start the pro se litigant trend and it is unlikely that we can turn it around.

A 1991 ABA study found that 20% of self-represented litigants said that they could afford an attorney but that they did not want one. As one of the speakers at the conference noted, many pro ses are acting rationally, not contemptuously, when they decide to represent themselves. Only a small minority refuse to make any effort to play by the rules. Additionally, litigants who represent themselves are more likely to be satisfied with the judicial process than those represented by lawyers.

To resist or be ambivalent for too long is to risk obsolescence. . .

“Disintermediation,” a term credited to the urban anthropologist, Dr. Jennifer James, refers to the trend away from utilizing the services of professionals. What began with individuals pumping their own gas in the 1970s has mushroomed into a “do-it-yourself” trend impacting many traditional professionals including home repairmen, stock brokers, real estate agents, and travel agents. Even doctors are finding themselves competing with Internet sites providing medical information and pharmaceutical advertising promoting specific drugs. While currently the trend is being felt in domestic relations, it is likely to progress to other areas of law as well.

Our society is changing and institutions resist change, but to resist or be ambivalent for too long is to risk obsolescence. As old values and institutions are challenged, we are unsure of what will replace them. As the Chief Justice of Arizona explained it - we must understand the “necessity of doing this to avoid becoming irrelevant.” While we must accept that it is not possible to go back, we should recognize that much of the future is still within our control. When the stakeholders are informed about the scope of the issue - both as a management issue for effective administration of the courts, and, even more importantly, as affording meaningful access to justice - the team believes that we should not underestimate the combined creative energy they can generate to create a solution that will truly benefit the public.



Pro ses are not a “problem,” they are our customers.

Every court has a “pro se program” whether they know it or not - it is called the judicial assistant, the bailiff, or the clerk at the front counter. Without a well organized program, it is the judges and the judicial assistant who end up fielding questions from the self-represented litigants, often resulting in frustration to the judicial assistant, the judge, the litigants, and attorneys. The question is how we should rearrange our existing resources to achieve better results.

Family cases have a unique characteristic in that the law requires spouses to go to court to obtain a dissolution of marriage. The judicial system’s “monopoly” on dissolutions seems to demand

that courts facilitate access to the system. Additionally, does the court have a greater obligation to assist in minimizing their psychological problems associated with break-up, particularly in cases involving minor children, who are adversely affected by families experiencing high conflict?¹

Many courts, recognizing that they have an obligation to explain court processes and procedures and inform litigants or potential litigants how to bring their problems before the court for resolution, are actively striving to facilitate a customer-service commitment among judges and court staff. A large number of jurisdictions do not view pro se litigants as a problem, but rather as taxpayers/customers who deserve quality service, meaningful access to justice, and respect. One California court's slogan is "Our Court is Here for the People We Serve." In Hawaii, the office that provides assistance is called the "court concierge." As one judge answering a pre-conference survey explained: "From the outset they must be accorded respect and a fair opportunity to be heard. Judges and court staff must not treat them as a nuisance and a waste of time. Pro se litigants are the symptoms of a lack of access to justice, the seeds of future revolution."

**Our Court is
Here for the
People We Serve.**



There is no single way to achieve meaningful access to justice.

Dr. James' thoughts on how best to approach change were described in terms of keeping "perspective." A core skill for understanding change is to see it in perspective - to understand the past, comprehend the present, and envision the future. It allows us to think clearly, sort out the positives and negatives and perceive how the pieces or parts relate to one another and to the whole. By keeping our goal (meaningful access to justice) in perspective, we can accurately interpret change and welcome it as an opportunity to reassess what is right, who we are and what we believe in, and build a system of services that will work well into the future.

A comprehensive multi-faceted approach must be developed by: 1) determining what unmet legal and non-legal needs of the public courts *should* address to assure meaningful access to justice; and 2) building a system of services to address those needs. Through education, court services, legal aid, pro bono, unbundled legal services, effective referral to attorneys for traditional representation and more, our courts will operate more efficiently, public trust, respect for, and confidence in our legal system will strengthened, and access to justice will be better assured.

**Determine what
the needs are –
then build a
system of services
to address those
needs.**

¹ Andrew Schepard, "Parental Conflict Prevention Programs and the Unified Family Court: A Public Health Perspective." 32 Family Law Quarterly, 1,95-130 (Spring 1998).

What did they suggest could be done?

The conference facilitators identified numerous “possible” choices (both realistic and unrealistic). They can be categorized under the following headings:

1. Get more lawyers involved

- a. **Address the affordability issues**
 - < authorize and encourage “unbundled” legal services (Unbundled legal services will not only make legal services more affordable to more people, but will lead to more informed agreements and, hopefully, less case “recidivism.” Availability of unbundled legal services is a fundamental element of a successful system – it allows the bar to provide services that the court should not.)
 - < provide accurate and accessible information about actual lawyer rates
 - < foster more competitive fee rates by providing accessible information about lawyers and their fees
- b. **“Force” litigants to have lawyers**
 - < unconstitutional
 - < unpopular
- c. **Give them “free” lawyers**
 - < cost prohibitive (California estimated \$360 million for family cases.)
 - < more funding for legal aid so that they can offer services to more people
 - < volunteer lawyers to take the cases or come to the court and advise the litigants without charge
 - < give credit under mandatory pro bono rules for advising litigants in court-sponsored programs
 - < allow supervised law students to advise litigants in court-sponsored programs

2. Give them the resources to be their own lawyers²

- a. **Provide better information**
 - < provide more understandable, user-friendly forms, information, guides, and checklists
 - < establish court rules or orders authorizing court staff to provide information and providing guidance for court staff³

² See Appendix B for further discussion on Unauthorized Practice of Law and court staff.

³ A conference presenter referenced Florida’s self-help rule and stated that we had “sliced the ham just right.”

- < customer service training for court staff
- < court interpreters
- b. **Provide information through multiple media**
 - < paper
 - < in person
 - < Internet
 - < 800 numbers for those who would have to call long distance
 - < automated attendant phone systems
 - < video
 - < CD Rom/interactive
 - < take the information to the users by mobile units

A System of Interrelated Services

Court-based self-help

Pro bono

Legal aid

Comprehensive and effective lawyer referral systems

Unbundled legal services

Law schools

Internet

3. Turn the process into one that does not require the use of lawyers⁴

(Question: Why do we continue to embrace a process that was designed for two litigants who are each represented by attorneys, when we know that both parties have representation in only 20% of the cases?)

- < simplify the law
- < write it in English
- < eliminate/modify the rules of evidence for cases involving pro se
- < explain the trial process and the rules before trial commences
- < use non-adversarial dispute resolution techniques and process, which litigants seem to prefer

⁴ See Appendix B for further discussion on re-examining the adversarial system in light of the needs of pro se litigants.

Action Plan: What Issues Do We Need to Address in Florida?

1. **Understand the consequences of doing nothing and the advantages of addressing the issue in a positive manner.** If we do nothing then the courts and the justice system will become irrelevant to most citizens. As the branch of government responsible for justice, how can we **not** help people in search of justice? We must seek to determine what their needs are and we must help them. (A search of the Internet reveals that pro ses are establishing their own organizations. Also, there are commercial sites selling forms and providing self-help assistance.) If this issue is addressed correctly and on multiple levels, the advantages are that the court users will love it, public trust and confidence in the judiciary will be increased as will the image of the legal profession.
2. **Develop consensus on our philosophy.** Conference presenters emphasized that we should not set out to replicate a program before determining what it is we are about and where we want to go. Can we agree that the right of access is meaningless absent sufficient information to enable a person to exercise that right? If so, then how will we determine how much assistance to provide? (Where should the assistance fall on the self-help vs. institutional help continuum?) What message do we want to send to the community? (“We will facilitate your self-representation but not to the extent that we encourage it?” or “We are your court system and we are here to help you achieve meaningful access to justice?”) Do we believe that the rules that apply in an adversarial system must be modified for pro se litigants?
3. **Address program scale and organizational structure.** Will it be a statewide program or should the focus be on local jurisdictions? Will it be limited to family court or expanded to other types of cases? Will the procedures/rules for pro ses be different? Can this be accomplished without impacting justice? What can be accomplished from the bottom up? From the top down?

At the statewide level: Initiate an “Access to the Courts Task Force” to outline the scope of the initiative and set the tone. This task force would plan and implement a statewide conference replicating the national conference. Teams from each circuit as well as legislators would participate.

Locally: The Chief Justice should direct the chief judges to form local access to justice committees. These committees should **include representatives from all stakeholders**, including legal system stakeholders, legislators, community representatives as well as members of the general public. (The team discussed utilizing the existing structure found in the pro bono committees.) While the court should provide leadership in establishing the committees, all members should be empowered to work toward consensus and building a positive solution.

4. **How will we involve all those who would be impacted?** At the state and local levels, we need to not only include all stakeholders in the legal community, but also the public. Talk to all involved to learn what their needs/concerns are.

5. **Address funding needs and obstacles.**

6. **How will we promote the solution, both internally within the legal system and externally?**

We need to demonstrate how everyone (courts, staff, lawyers, legislators, clerks, litigants, etc.) benefits when the courts meet the pro se challenge and fulfill their obligations to pro se litigants.

7. **How will we measure success/impact?**

Many courts are using user satisfaction surveys. In Kinsap County, Washington, they measured the percentage of pro se dissolution hearings that were granted. Before the courthouse facilitator program began, 56% of pro se dissolution hearings held were granted on their first court appearance. After the courthouse facilitator program began, that figure rose to 76%, a 36% increase. In the first year, average time from filing to dissolution decreased by a little more than one month. These statistics appear to verify what we have always known anecdotally. A court system that is not spinning its wheels seeing the same pro se litigants week after week is more effective. Court personnel are less frustrated and lawyers and other litigants spend less time waiting while persons representing themselves stumble through court processes.

8. **Obtain funding.**

Appendix A: Examples of what other jurisdictions are doing

These are just a few examples of family court programs. There are also numerous programs addressing probate, small claims, traffic, housing, and more.

Arizona

Maricopa County Self-Help Program

AKA “Home Depot meets a library.” The philosophy behind the Maricopa County program is “empowerment” for individuals so that they can represent themselves in family, probate and juvenile cases. The center, which is located in the courthouse, has an extensive array of forms with clear instructions. The self-help center also makes use of technology, including an interactive website for clients to fill out forms. Visitors to the Self-Help Center may review a book that contains information sheets provided by local attorneys. The information sheet include: the attorney’s credentials, area of practice, office location and professional fees. Additionally, volunteer attorneys on-site provide a half-hour of advice by appointment through the Family Lawyers Assistance Project.

California

Family Law Facilitator Act Offices

As a result of legislation creating a family law facilitator office in each county, California utilizes lawyers as facilitators in order to better assist those litigants who cannot get enough help from brochures or forms and as a way to screen for those issues requiring the assistance of an attorney. The program provides nearly \$11 million per year to offices staffed by attorneys and paralegal staff and assists 30,000 self-represented persons a month. **Prior to establishing this program, California determined that it would require \$360 million to provide litigants with attorneys.**

Equal Access Fund

The California Judicial Council and State Bar’s Legal Services Trust Fund will distribute \$1 million this year to legal services programs for the purpose of assisting low income persons with a variety of civil matters.

Small Claims Information Center

Small claims advisors orient litigants to court procedures and general law, while helping them prepare their petitions and responses. There is also a small claims web site to supplement the work of the advisors.

Ventura County Self-Help Centers

The self-help centers operate on a “drop-in” basis and provide information on adoption, conservatorship, civil harassment, guardianship, eviction, name change, small claims, appeals, general civil cases, jury service, traffic, juvenile and family law. Information is available in book, video, forms, instructions, brochures and legal sites on the internet. It was established to help people representing themselves; inform litigants and the public about alternatives to civil litigation in resolving conflict; and provide information about other community social service agencies. Trained staff are available for information about the court process and how to research the law and prepare pleadings. There is no fee for using the facilities. Court forms are sold at a nominal charge.

Ventura County Mobile Self-Help Center

The mobile self-help center, housed in a 35' motor home and modeled after the public library "book mobile," was established in October 1999 to bring court information and assistance to members of the community who could not come to the self-help centers.

Education and Training

Enabling court staff to effectively assist pro se litigants, CJER, the educational arm of the Judicial Council, address pro se issues in many classes and seminars.

Connecticut

The Court Service Center in New Britain, Connecticut appear to be some of the more resource intensive programs. With 2300 square feet of space, the program is equipped with 14 personal computers, a coin-operated copy machine, a public fax, 4 public telephones, a change machine, TV/VCR, seating for 44 with four semi-private consultations booths, individual computer workstations, or reading tables, public meeting space for 20, and a children's area. Thirty-four percent of the center's users are attorneys, who use the computers to look up cases, meet with clients, prepare settlement agreements, make copies and send faxes.

Customers may access the Internet, word processing and "Court Buddy," a software program providing easy access to active civil and family cases. Court Buddy has over 120 forms that may be completed online and printed for filing, a glossary of common legal words, and responses to frequently asked questions. Court Buddy was originally designed to include a lawyer locator feature, however the bar didn't want them to undercut the referral fee system and so that feature was disabled.

Hawaii

The Hawaii court has developed a three-pronged approach. The first contact that litigants have is a "court concierge," located on the entry floor of the courthouse. The concierge provides directions, assists with problem identification, and provides referrals. The second level interface is the self-help center, where litigants can learn about the court process and obtain information and assistance. The third place where litigants are assisted is at the counters where they file their papers. Counter assistance is limited to quick questions.

Iowa

The Court Assistance Office is a one-stop clearinghouse to access legal services and other resources for litigants in civil matters. Litigants can learn about the importance of retaining an attorney, receive information and referrals to mediators and attorneys, apply for legal services for low-income persons, receive copies of court forms in domestic relations cases, use interactive computer software for assistance in filling out court forms, and access other resources.

Montana

Montana State Law Library Advice Clinic In Helena, the capital city, over half the attorneys in the community are employed by government agencies. These attorneys face barriers to their participation in traditional pro bono programs since they are not allowed to use governmental resources in conjunction with pro bono activities. The library legal clinic was developed in 1997 to meet the needs of individuals who needed legal assistance but could not access Legal Services or pro bono attorneys. Each clinic participant is given a forms folder and screened for financial eligibility and issue suitability for the clinic. If approved for the clinic, they are given forms to complete prior to their meeting with

the participating attorney. If more than three meetings are necessary, the file is red flagged for review by MLSA staff to determine whether the participant needs direct representation by a pro bono attorney. The government employed attorneys are provided malpractice coverage through the Montana Legal Services Association. There is a manual in the library with the frequently asked questions and answers as well as other information (forms, tax information, checklists, worksheets.) In addition the managing attorney in the local MLSA office is available to the participating attorneys for individual questions on cases.

YCBA Family Law Project The Yellowstone County Bar Association Family Law Project provides services to persons meeting Legal Services guidelines. Participants attend a quarterly class, taught by a volunteer lawyer who gives them general information about legal and emotional issues. Participants who need more information are screened by volunteer lawyers or paralegals who assess the participants needs and abilities and recommends referral to a pro se clinic or volunteer lawyer. (Exception: Respondents who have been served are referred directly to volunteer lawyers.) At the pro se clinic, both lawyers and paralegal volunteers provide information, advice and considerable assistance with the pleadings and other documents.

Family Law Advice Clinic The clinic coordinates volunteers, pro bono attorneys, and human service organizations to provide access to the legal system through education and legal advice. The only employee is a program coordinator, a member of the Jesuit Volunteer Corps who works full time for the clinic. All participants must qualify as being below 125% of the federal poverty level. A basic two-hour class is taught by a volunteer lawyer twice a month. Each is provided a manual and forms and asked to complete the forms as much as possible. Following the class, each participant is scheduled to meet with a volunteer attorney and a volunteer intern from the law school. Ideally the participant leaves this meeting with complete forms and his or her questions answered. Following the attorney meeting, the participant meets with the intern or program coordinator who draws up their documents. Later, they also prepare the final decree.

New Mexico

Eleventh District Court The Pro Se Clinic recognizes the rights and abilities of individuals to process their cases through the District Court. It makes no distinction on income. Like most court-sponsored programs, it provides services regardless of the user's income. No legal advice is provided. The clinic provides *facilitated self-help*, exposing family litigants to a wide array of services that they will likely need by condensing many agencies and services into one place and time where litigants can fully prepare for their hearing. The clinic is held in the evening. When individuals arrive at the clinic they are greeted and given a checklist of "booths" that may be important for them. The checklists are based on three common cases: divorce, divorce with children, and post-judgment. The parties then avail themselves of the "booths" based on their individual needs.

- a. forms booth
- b. mediator booth where parties are assisted in defining issues of child custody and preparing a parenting plan or make additional appointments with the mediator
- c. clerk booth for those who have land to divide or to change title or need to file pleadings
- d. DMV booth will assist in changing title of vehicles
- e. copy booth provides low cost copies
- f. child support booth provides child support enforcement staff to assist with completing the child support worksheet

- g. private process servers rotate on a schedule and provide low cost service
- h. private attorney booth
- i. judicial assistant booth, where the packet is evaluated as to completeness so that a hearing can be set approximately 8 days later.

After litigants have been to the clinic, they should either be fully prepared or know what they need to do in order to prepare. This system allows the agencies involved to assign personnel to the clinic for a couple of hours a week and save frustration and multiple problems when these litigants appeared at their respective departments. All of this was accomplished without additional staff or money.

Washington

Courthouse Facilitator Program

The Legislature adopted enabling legislation for user fees or surcharges of up to \$10 on domestic relations filings. Each county operates its program in a manner best suited for the needs of that county. An equal number of programs operate under the court administrator and independent county clerks. Twenty percent operate through volunteer attorney programs. All programs assist in identifying forms to be used, provide some assistance in completing the forms and review forms for completeness. None provide legal advice. Differences among the programs include how the parties access the program, either by appointment or walk in, program location, and whether the program provides assistance in-person, by telephone, or by mail. Some counties did not enact the \$10 filing fee, but elected to charge a user fee. Some receive Title IV-D reimbursement for child support cases.

Appendix B: Additional Discussion

Re-examining the adversarial system in light of the needs of pro se litigants. We need to re-examine the roles of judges, and court staff in cases involving unrepresented litigants. These roles were developed in the context of an adversarial system where the parties are represented by counsel. The adversarial system has erected barriers to self-represented persons making informed decisions. Courts should protect pro se litigants against the consequences of procedural and technical errors. Where the rules frustrate the goal of achieving fairness and justice, the rules should be modified. One law professor has recently asserted that court staff *should* give legal advice to self-represented litigants. He argues that true impartiality exists when both parties are fully informed of their rights and options; the notion of fairness and impartiality should compel courts to assist pro ses, rather than prevent it.⁵ While apparently few conference participants were prepared to subscribe to the notion that the courts should serve as counselors and advocates for both sides, there was a consensus that if litigants received more complete information from other sources, the need for proactive judicial assistance would be reduced. (Indiana’s Commission on Judicial Qualifications provides judges with guidance on ways to handle pro se litigants and warns that judges sometimes take an unnecessarily strict approach in order to maintain their neutrality and impartiality.)

Unauthorized Practice of Law. The right of access is meaningless absent sufficient information to enable a person to exercise that right. Is the prohibition against court staff giving legal advice to protect the litigant from receiving advice from someone not qualified to give it? Or is it to protect the impartiality of the judicial system? John Greacen, argues that the preoccupation with the topic of unauthorized practice of law focuses attention on the wrong issue. The laws or rules prohibiting the unauthorized practice of law do not apply to court staff performing tasks at the direction of the court; when providing information that the courts direct them to provide, they *cannot* be engaged in the unauthorized practice of law.⁶ As Greacen explains it, focusing on the unauthorized practice of law focuses on what lawyers do, not on what courts must do. The limitations on 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. For example, court staff should not advise a person to plead guilty - not because that is what lawyers should do but because that advice causes the court staff to take sides in the outcome of the case.

While the court does not have an obligation to cater to a disrespectful or unprepared pro se litigant, or to make any effort that might put another litigant at a disadvantage, the duty to be impartial should not be used as an excuse for being unhelpful. Another example Grecean uses to support his argument that courts are misled by looking at unauthorized practice of law principles rather than the impartiality principle, is with respect to court forms. Some courts consider the choice of the appropriate form to be a function of lawyers performed on behalf of their clients. Grecean asserts that, as a practical matter, court staff are fully competent to direct a litigant to the correct

⁵ Engler, *And Justice for All - Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators, and Clerks*, 67 Fordham Law Review 1987 (1999).

⁶ John M. Greacen, *The Distinction Between Legal Information and Legal Advice: Developments Since 1995*, National Conference on Pro Se Litigation.

form. Because the court provides equal service to all litigants, the court does not depart from its impartial role in providing forms and directing litigants to their proper use. (Grecean expressed a great deal of confidence in the knowledge of court staff but he also emphasizes that court staff should be specifically prohibited from providing information about which they are unsure.)

Appendix C: State Team Action Plan Overview

The following was submitted by the Florida team at the end of the conference:

1. **What are the three most important strengths supporting your planned changes or initiatives?**

1. Established history of courts, the Bar, and legal services/legal aid working collaboratively to tackle access to justice issues.

2. Developing consensus that family law issues need a different more holistic approach to resolution of domestic disputes.

3. Existing local planning and program implementation structure that can offer a successful base upon which to build a new approach to the resolution of domestic disputes, including pro se's disputes.

2. **What are the three most challenging obstacles you expect to encounter?**

1. Achieving consensus about the new mission for the resolution of domestic disputes and quality access to justice for pro ses.

2. Maintaining focus on the overall mission through the local planning process and overcoming normal resistance to change and innovation.

3. Obtaining sufficient resources, through reallocation of existing resources and acquisition of new resources, to implement new quality access to justice in domestic relations disputes.

3. **Name three groups (or individuals) you expect will resist your planned pro se assistance program.**

1. Some members of the Bar.

2. Some in the judiciary.

3. Legislature.

4. **Discuss the strategies you will employ to address the opposition you noted in 2 and 3 above.**

Statewide task force that includes both nay-sayers and cheerleaders.

Data collection.

Hold a kick-off conference for stakeholder leadership to build understanding, consensus and commitment. Promote through Bar media, Bar meetings, judicial conferences, legal services/legal aid leadership meetings, etc. Provide ongoing technical assistance at the local level for the planning and implementation process.

5. **List the three most important things you must do in the first 30 days after the conference in order to sustain the momentum.**
 1. Confirm mission statement and develop planning process outline and local plan report form.
 2. Obtain commitment from the Court, the Steering Committee, the Family Section leadership, the Clerk's leadership, and the Legal Services/Legal Aid leadership to go forward.
 3. Begin planning for kick-off conference.
 4. Re-appointment of task force.

6. **Imagine that you are writing a press release to inform the public of you plans for meeting the challenge of pro se litigation in your jurisdiction. Assuming you have enlisted the support of (or addressed possible opposition from) court staff, judges, and the bar, what would you say in your press release?**

New Help in Resolving Family Problems

The Court, the Bar, Legal Services and human services programs have joined together to provide the help families need to resolve their family disputes through a new consumer oriented, effective and multi-service collaborative program. The Meaningful Access Initiative will facilitate litigants' use of the justice system by providing early identification of issues, education and forms for unrepresented litigants, and referral to legal and community resources.

Under the warm Arizona sun, one Seminole, some Gators and Hurricanes came together at the first National Conference on Pro Se Litigation, sponsored by the State Justice Institute. Less than 40 days from the millennium, teams from 49 states and the territories, and Australia met to discuss how the courts can best respond to the increasing number of unrepresented litigants. In this era of do-it-yourself, the justice system finds itself impacted by this phenomena. If we do not address this piece of the justice system, it [the justice system] will become irrelevant.

Florida's state team, selected by Chief Justice Harding, developed an action plan that will be implemented by circuit leadership by convening collaborative implementation teams. Be on the lookout for your circuit's implementation team and plan to actively participate!

Appendix D: State Team Action Plan

The following is the post-conference report to be submitted to the American Judicature Society by December 13.

ACTION PLAN TO ASSIST PRO SE LITIGANTS

A. Getting Started

State: Florida

Team Leader:

Justice Barbara J. Pariente

- 1. What is the scope of your proposed program? That is, will you expand an existing program, establish one or more new local programs, or undertake a statewide initiative?**

Florida already has over 20 different programs operating under the general scope of a self-help rule. Our plan is to provide the impetus for establishing a more coordinated and uniform approach to meeting the needs of our pro se litigants and ensuring that they have meaningful access to justice. We will accomplish this by developing guidelines for the circuits to use in considering what needs to be done to accomplish our goal.

- 2. In which jurisdiction(s) will the program(s) be sited? Explain your choice of jurisdiction(s).**

Our first efforts will be directed to domestic relations cases statewide.

- 3. What are the top three goals of the proposed program(s)?**

A. Access to a fair, timely, meaningful resolution by well informed litigants.

B. Create a system of services that would be available statewide to meet all pro se needs. This system would include easy to understand forms and instructions, educational classes/video tapes regarding general information on family law and procedure, and information about available legal services, including unbundled legal services, legal aid, pro bono, or private representation. This system would also meet litigants' non-legal needs via referral to community services.

C. Differentiated case management to direct cases to the most appropriate resources for resolution.

4. What target group(s) will be served?

All family law litigants.

5. What kinds of services will be offered?

Court-based self-help with forms, instructions, procedural and legal information.
Interactive Internet site for information, instructions, and forms.
Educational clinics taught by local attorneys to provide legal information.
Comprehensive referral services to legal aid, pro bono, and family law practitioners.
Differentiated case management by a law trained staff member and social science trained staff member.

6. A. Which key decision makers do you need to approve your proposed program(s)? B. How will you convince them?

1. Members of the Florida Supreme Court
Members of The Florida Bar, especially the Family Law Section
Members of the Florida Legislature and County Commissions
Trial court judges
Law schools - they need to teach family law differently
Public - they need to understand the limitations of what the court can provide.
2. Education is the key . Our society is changing and institutions resist change, but to resist or be ambivalent for too long is to risk obsolescence. As old values and institutions are challenged, we are unsure of what will replace them. While we must accept that it is not possible to go back, we should recognize that much of the future is within our control. When informed about the scope of the issue - both as a management issue for effective administration of the courts, and, even more importantly, as affording litigants meaningful access to justice - the team believes that we should not underestimate the creative energy that those involved will put toward helping solve the problem.

7. Assuming you will expand your state team to further plan and implement the pro se assistance program(s), who else will be included in the implementation team? (e.g., other judges, court administrators and clerks, community representatives, legal services providers, bar leaders, domestic violence advocates, law librarians, directors of law school clinics, etc. Depending on the scope of your proposed program, you may wish to ensure that urban,

suburban and rural perspectives are included.) Please list names and titles of potential implementation team members below.

1. Clerks of Court
2. Legislators and County Commissioners
3. Presidents of Local Bar Associations and The Florida Bar
4. Social services providers
5. Ethics council
6. Law school professors
7. Mediators
8. Librarian
9. Legal Aid Offices
10. Trial Court Judges

8. Resource Issues

A. Is there a way to re-engineer existing court programs to limit the need for new funds? (Often, re-thinking pro se service delivery engenders ideas on how current resources or programs can be remade to minimize massive needs for new resources. Such an orientation helps immeasurably with funding bodies, too.)

Note below some ideas for doing this.

Establish a revenue flow by charging a nominal fee for copies of court forms. Also, use of a video produced by the bar and OSCA and recorded telephonic information to educate court users will lessen the amount of court staff time presently used to answer pro se questions.

B. What will it cost to establish your program(s)? How will it be funded?

Uncertain. We have some self-help resources in place. The greatest need is for legal and social service staff to assist with case management.

C. How will you promote the program to funding sources?

i. At the state level?

We understand that since some of a Legislative member's most frequent constituent calls concern family law matters; they should be aware of the problem. If we can help the Legislature recognize the benefits to their constituents, they should be eager to fund programs that increase access to the justice system and provide for more timely and

appropriate resolution of cases. We can provide them with data demonstrating how existing self-help resources have already increased access to the courts.

ii. At the local level?

As a result of a recent constitutional revision, Florida is in the process of eliminating funding for the judicial system from local resources. There is a small possibility that local governments may volunteer to fund court programs, but it would have to be “sold” at the local level. We should be prepared with information about the effect and outcomes of programs that may no longer be funded by the state.

iii. Others? (E.g., grant-making groups, private/public foundations)

We intend to apply for an SJI grant to replicate the National Pro Se Conference in a state-wide conference. We believe that this is the best way to educate all the players on the scope of the issue and to explore collaboratively the possibilities for creating solutions.

D. What will be the required level of staffing, and what skills and training will staff require?

We need to ensure that all programs have an attorney on staff who can triage cases to identify the cases that should be directed to a source of legal advice.

E. What kinds of technology will you utilize (e.g., personal computers, Internet, interactive voice-telephone response systems, informational videos that explain court procedures, etc.)?

Although we currently have our Supreme Court Approved Family Law forms on the Internet, they are not presented in a user-friendly manner. We will redesign our forms, instructions and web page to be more user-friendly. We will also use telephone systems and videos to provide information to court users.

F. What amount of space will be needed? Will the program be housed in the courthouse or elsewhere? If in the courthouse, how will you ensure it is easily accessible?

This will be determined on a local level.

9. With whom can or should you develop partnerships?

A central component of the state-wide plan is to encourage local courts to create local teams that include all of those entities identified in question 7. above. Each

county/circuit should develop a plan that fits the needs and culture of that area. If all players are involved in developing the program there will be a greater likelihood of success.

10. What role will each partner play?

This will be determined on a local level.

11. Who will advocate your program to the following constituencies?

A. The courts (judges and court personnel)

Justice Pariente

B. The bar

Kent Spuhler, Ky Koch, Richard West, and Jeannie Etter

C. The public

Chief Justice Harding, through his Public Trust and Confidence Initiative.
All Chief Judges and Family Division Judges

D. The legislature

Chief Justice Harding

E. Others (specify)

Kent Spuhler will advocate the program with Legal Service providers.

B. Management Plan and Timeline

12. The projected time frame for planning and implementing the program is:

6, beginning December 13.
(no. of months) (start date)

13. List below the tasks to be completed to implement the program(s) and the person responsible for completing the task. Refer to questions 6, 8 and 11 for some key tasks to include.

Months 1-3 December - February

(insert dates)

Task	Person responsible
1. Prepare team report and action plan	Justice Pariente/Jo Suhr
2. Present team report and action plan to Ad Hoc Pro Se Committee (Dec 13) Achieve consensus.	Justice Pariente
3. Clarify role of Ad Hoc Pro Se Committee and adjust membership as necessary.	Justice Pariente
4. Apply for grant to replicate national conference, for a “readability” specialist, and look into possibilities for Title IV-D money for self-help.	Jo Suhr
5. Write articles for Bar publications	Ky Koch
6. Educate and obtain support of the Family Law Section	Ky Koch, Jeannie Etter, Richard West
7. Education and obtain support of the Court, if necessary	Justice Pariente, Ky Koch, Jo Suhr
8. Update chief judges on the plan and get them to initiate their local committees	Jo Suhr/ Justice Harding
9. Prepare press release re initiative	Jo Suhr/Justice Pariente/Kelly Layman
10. Work toward facilitating unbundling legal services	Family Law Section
11. Present ideas to the circuit judges at January conference.	Justice Pariente

Months 4-6 March - May
(insert dates)

Task	Person responsible
1. Hold initiative kick-off conference with all stakeholders and local teams attending	Jo Suhr
2. Plan legislative initiative for funding.	Jo Suhr/Elaine New/Justice Pariente/Ken Palmer
3.	
4.	
5.	

6.	
7.	
8.	
9.	

Months 7-9 June - August
(insert dates)

Task	Person responsible
1. Plan Family Court Summit and include the access initiative on the agenda to showcase exemplary programs.	Jo Suhr
2. Assess the pro se needs in other areas of law - other than family.	Kent Spuhler/Jo Suhr
3. Continue to provide technical assistance to the circuits in developing their programs.	
4.	
5.	
6.	
7.	
8.	
9.	

Months 10-12 September - December
(insert dates)

Task	Person responsible
1. Hold Family Court Summit to showcase success cooperative partnerships/programs and train court staff on customer service attitudes.	Jo Suhr
2.	

3.	
4.	
5.	
6.	
7.	
8.	
9.	

C. Post-Implementation Issues

14. What criteria will you use to evaluate the program’s effectiveness?

Study to determine if our greater cooperation with the Bar has impacted the number of people who receive legal advice from legal services/aid or members of the local bar. Measure the time to process cases, and also compare the time it takes for unrepresented litigants to establish child support before implementing a self-help program with the time it takes for unrepresented litigants to establish child support with the assistance of a self-help program.

Survey users to determine if their legal and non-legal needs are being met by this new system of services.

15. Who will conduct the evaluation?

Office of the State Courts Administrator

16. Since true institutional change transcends personalities and outlives its initial creators, what steps will you take to ensure that your program will be self-sustaining, and not dependent on a strong sponsor or other individual for its continuance? (Use other side if necessary.)

Education is the key. Once people understand the scope of the issue and the consequences of doing nothing the initiative will take on its own momentum. The statewide conference will go a long way to initiating important stakeholders into the process so that they will take it on as their own.