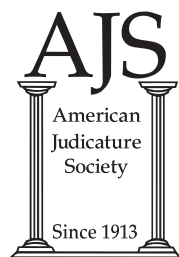




LESSONS FROM THE COUNTRY

Serving Self-Represented
Litigants in
Rural Jurisdictions

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Founded in 1913, the American Judicature Society is an independent, nonprofit organization supported by a national membership of judges, lawyers, and other members of the public. Through research, educational programs and publications, AJS addresses concerns related to ethics in the courts, judicial selection, the jury, court administration, judicial independence, and public understanding of the justice system.

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My thanks to all.
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Executive Summary

Over the last several years, many jurisdictions have established pro se assistance programs to help meet the needs of self-represented litigants as well as to provide effective relief to court personnel as they process the cases that pro se litigants bring. This study focuses on the particular concerns of rural jurisdictions in meeting the challenges of pro se litigation. Twenty-five pro se assistance programs, serving rural or predominately rural jurisdictions in seventeen states, were examined. The findings are drawn from survey data and from phone interviews conducted with program coordinators, court clerks, court administrators, judges, and program partners.

Like the state judiciaries and local court systems of which they are a part, the programs examined in this study are characterized by wide variety. Some provide assistance to litigants on an individual basis, while others work with litigants in a clinic, workshop, or group-session format. Programs also differ with respect to budgets, caseload, location and hours of operation, services, staffing, and use of technology. Nearly all of the programs, however, contend with problems caused by lack of transportation and the distances that litigants must travel to access services. Moreover, in many rural areas, there are a limited number of attorneys who have the substantive expertise, the time, or the inclination to volunteer their services to pro se assistance programs.

Court clerks and administrators indicated that the existence of the pro se assistance programs makes it easier for them to maintain appropriate ethical boundaries when dealing with self-represented litigants, an issue that is particularly salient in rural communities since court personnel know many of the people who bring cases. Court clerks and judges also reported that, for the most part, litigants are now better prepared, files are more complete, and cases move more smoothly through the system because pro se litigants have been assisted by program staff. Nevertheless, judges still experience some frustration with unprepared litigants during court proceedings, and several clerks reported that they are still spending a significant amount of time dealing with the pro se litigants.

There was widespread agreement among all those who were interviewed that assistance programs provide valuable services—not only for pro se litigants, but for the courts as well. Program coordinators, court clerks and administrators, judges, and program partners were also quick to offer practical advice about designing pro se assistance programs and building support for them.

Several key findings are drawn from this examination of rural pro se assistance programs. They focus on the role of technology in providing assistance; the utility of standardized forms and instructions; the lack of and need for program evaluation; the concerns expressed by attorneys, court clerks, and judges regarding their work with pro se litigants; and the importance of coordination and collaboration in designing and operating pro se assistance programs. Based on the key findings, recommendations are provided on pages 57–59.

Examining Rural Pro Se Assistance Programs

STUDY PURPOSE

By all accounts, the number of self-represented litigants in courts nationwide continues to grow. Over the last several years, efforts have been undertaken on many fronts to understand why pro se litigation is on the rise, to chronicle legislative and judicial responses to pro se litigation, and to develop guidelines for providing assistance to pro se litigants. Many jurisdictions around the country have also established pro se assistance programs to help meet the needs of the self-represented as well as to provide effective relief to court personnel as they process the cases that pro se litigants bring.

In 1999, with funding from the State Justice Institute and Open Society Institute, the American Judicature Society convened the National Conference on Pro Se Litigation. Among the ideas to come out of this conference was the notion that rural court jurisdictions face particular obstacles and have unique concerns when creating programs to help the self-represented. At a concurrent session on “Serving Self-Represented Litigants in Rural Areas,” participants shared their experiences in dealing with pro se litigants in the context of limited resources, geographic and professional isolation, and rural neighborliness. The anecdotal evidence suggested the need for a systematic examination of the particular concerns of rural jurisdictions in meeting the needs of pro se litigants.

STUDY DESIGN

This study was designed to further our understanding about the way in which pro se assistance programs in rural jurisdictions operate and to delineate key findings that might help policymakers and court planners as they develop and refine

rural pro se assistance programs. Twenty-five programs, identified by program staff as serving rural or predominately rural jurisdictions, were selected for examination. These programs were drawn from a survey conducted by the American Judicature Society before the 1999 conference and in consultation with the project advisory committee. The twenty-five programs are located in seventeen states, reflecting the regional diversity of the nation.

The study employs a multi-method design, incorporating quantitative and qualitative data. Data sources include:

1999 Preconference Survey on Local Pro Se Programs. A contact person in each program completed the survey. Survey data include information on program services and substantive areas covered; program caseload, budget, funding, and administration; hours of operation and program location; program clients; program staffing; and partnering organizations (see appendix).

2001 Update/Verification Form. Contact persons—usually the program coordinators—in each program were sent a letter describing the study and a form highlighting key program data reported in the 1999 survey. They were asked to verify and update the data and to provide a demographic description of their jurisdictions (see appendix). Contact persons were also asked to identify three to six individuals (key informants) from the court and the community who could provide varying perspectives about the assistance programs. These individuals typically included judges, court clerks or court administrators, and representatives of community organizations that partner with the assistance program.

Key Informant Interviews. The lists returned by the contact persons yielded a total of 120 key informants. The research team was able to schedule interviews with 105 these key informants. During the spring and summer of 2001, structured phone interviews were conducted with 29 program coordinators and program staff; 16 court clerks and court administrators; 23 judges; and 37 program partners. Each interview lasted thirty to sixty minutes, and covered a broad range of topics, including the impact of the rural context on program operation and resources; program development over time; and assessments of program success (see appendix for interview protocols).

Program Beginnings

THE DECISION TO ESTABLISH A PRO SE ASSISTANCE PROGRAM

The programs under examination are relatively new; most were established in the mid-1990s. Jurisdictions reported that several factors contributed to the decisions to undertake programmatic assistance to pro se litigants. Among the most frequently mentioned reasons:

- **Lack of access to pro bono/legal aid services or reduced funding for legal services to the poor.** Rural jurisdictions are often without access to the legal services that law schools provide or other types of pro bono or legal aid programs. Where legal services organizations do exist, staff could no longer handle all of the demands for representation that came to them. Pro se assistance programs were developed to address the needs of those who are self-represented.
- **Burden on courts.** Courts could no longer handle the increasing number of pro se litigants. Court clerks were overwhelmed by questions from pro se litigants. Judges and judicial assistants faced incomplete paperwork and spent significant time going through files to gather necessary information. Judges and magistrates found it difficult to conduct hearings with litigants who lack an understanding about how to proceed.
- **Desire to assist pro se litigants.** Court clerks were unhappy about not being able to help pro se litigants, and it was difficult to maintain appropriate ethical boundaries when dealing with them. It was also frustrating for litigants to be sent away from a hearing to gather more information, fill out more forms, or address additional issues. In some jurisdictions, litigants were going to office supply stores to purchase generic packets that did not have everything required by court rules. In others, pro se litigants were using domestic violence petitions to resolve issues such as support

and visitation in order to obtain what might be called a “poor man’s divorce,” leaving litigants unable to move beyond temporary measures to permanent solutions.

- **State mandated.** In some states, legislative action created offices to provide assistance to pro se litigants in some matters. In others, legislative commissions or task forces issued recommendations to local courts to provide assistance to pro se litigants.
- **Directed or strongly encouraged by the judiciary.** Chief justices of the states’ highest courts often played an important role, making it a goal to establish some type of pro se assistance program. The support of chief administrative judges or presiding judges of the districts or circuits was also critical to the development of pro se assistance programs in a number of jurisdictions.
- **People were demanding access to justice.** As one judge put it, “Pro se assistance is a natural evolution of the judicial system. People need access to the court and either cannot afford attorneys or do not want to fight with them.” In some jurisdictions, in fact, judges encouraged the development of pro se assistance programs because attorneys were taking too much time in simple cases and raising the level of conflict in hearings. In other jurisdictions, providing pro se assistance was seen as a reflection of local culture to “do the right thing.”

PROGRAM PLANNING

While some of the programs under examination were planned solely by a legal services organization or a bar association pro bono group, most programs had a number of actors involved in the planning process. Typically, participants included the chief judge or other judges or magistrates, the court administrator, the court clerk and/or deputy clerks, and members of the bar. One judge reported that his role was “to complain to the chief clerk about unprepared litigants” coming into his courtroom. A few jurisdictions included relevant community organizations or nonprofit agencies. In those instances in which the pro se assistance program was mandated by the state, the state judicial council was involved in planning at the state level, and the local program coordinator shaped the program to fit local needs.

OBSTACLES

Not surprisingly, program planners met with some resistance. Concerns were raised about funding and staffing, as well as the need to develop forms and materials in language accessible to pro se litigants. Some jurisdictions noted the lack of community support and the perception that a new program was not needed. Many jurisdictions indicated that a primary obstacle to the establishment of a pro se assistance program was opposition from the bar. In most instances, the obstacles have been overcome, often because judges and court administrators spoke out about the need for such programs, and attorneys involved in planning the programs spoke to their colleagues at meetings of the bar association. As one attorney noted, it was important to get the most respected attorneys in the area on board so that the others paid attention. Time has also helped. One respondent succinctly described the process of overcoming obstacles in his jurisdiction: “We outlived the bastards.”

Program Profiles

Like the state judiciaries and local court systems of which they are a part, the twenty-five pro se assistance programs examined in this study are characterized by wide variety. Some programs serve thousands of pro se litigants a year; others see fewer than one hundred. Some programs operate in a single county; others are in jurisdictions encompassing several counties and covering thousands of square miles. Some programs serve areas that are very remote; others operate in areas in which a town center is accessible to nearly all of the population. Some programs are administered by the local trial court and are located at the courthouse; others are managed by statewide legal services organizations. Attorneys staff some programs; in others, assistance is provided by trained lay volunteers. Some programs are mandated by state legislation; others were put into place at the prompting of a single judge. Some programs cover only a few areas of family law; others are fairly comprehensive in their reach. Some programs include required classes or clinics; others limit their services to providing packets of forms and instructions. Some programs are open only to those below a certain income level, some are based on a sliding fee scale, and some are open to all at no charge. Some programs rely heavily on Web-based materials; other programs operate without aid of computers. All of the programs are staffed by people who are committed to providing access to justice for those who may not be able to afford the services of an attorney and who see the need to enhance the efficiency and effectiveness with which the courts operate. To that end, the programs are dynamic in nature, changing, adapting, improving to meet the needs of pro se litigants and to address the challenges they pose for the judicial system.

While the development of the programs has been shaped by geography, state priorities, and local legal culture, two general models can be identified. Of the twenty-five programs included in this analysis, eighteen can be characterized as primarily serving litigants in individual meetings; seven work with litigants in a clinic, workshop, or group-session format. It should be noted that these distinctions are not hard and fast. Some programs that provide services primarily in one-on-one set-

tings may also offer or require classes on a particular topic, such as co-parenting. Similarly, programs that provide pro se assistance primarily in a group setting often offer follow-up services to individual litigants as they negotiate the court process. However, to the extent that there are meaningful differences in the ways that these two types of programs operate and utilize resources, these models may be a useful way for policymakers to think about how to structure pro se assistance programs.

The following profiles describe the general contours of the pro se assistance programs examined in this study. It should be noted that, beyond the primary activities outlined here, many of the programs also work with partnering organizations that provide additional assistance, such as help for victims of domestic violence or legal assistance over a telephone helpline.

INDIVIDUAL MODEL PROGRAMS

Family Law Facilitator

Imperial County, California

California law requires the superior court in each county to maintain an Office of the Family Law Facilitator to provide, at no charge, education, information, and assistance to parents with child support issues. The family law facilitator in Imperial County meets individually, by appointment, with persons requiring assistance in filling out forms in connection with child support, spousal support, and related health insurance issues. The program is staffed by an attorney, part-time, during the day.

Family Law Facilitator

Sierra and Nevada Counties, California

California law requires the superior court in each county to maintain an Office of the Family Law Facilitator to provide, at no charge, education, information, and assistance to parents with child support issues. The family law facilitator provides services to two counties that share resources. The facilitator meets with litigants individually to explain court procedures and to help them prepare documents in areas related to child support, spousal support, and related health insurance issues. The program is staffed by an attorney full time, and a part-time assistant facilitator. Services are provided full time, during the day.

Family Law Assistance and Self-Help Program

Third Judicial Circuit, Florida

The Family Law Assistance and Self-Help Program services seven counties, providing pro se assistance in a number of family-law related areas. The central program office is open daily for individual appointments and is staffed by an attorney full time, a paralegal full time (for case management), and a social worker full time

(for domestic violence coordination). Resources include a manual compiled by court administrative staff and court-approved forms. Program staff are also available in each county in the circuit once a month to meet with litigants.

Court Assistance Office

Sixth Judicial District, Bannock County, Idaho

The central Court Assistance Office is open daily and is staffed by a paralegal full time. The office provides court-approved forms, instructions, and videos to assist persons in representing themselves. The program also provides assistance by linking pro se litigants to legal services or other resources. Trained court clerks provide assistance to pro se litigants in the other counties of the district. The program covers family law-related issues and some additional substantive areas.

Court Assistance Office

Fifth Judicial District, Gooding County, Idaho

The Court Assistance Office in Gooding County is open two days a week, for two hours in the afternoon. The office provides court forms, instructions, and videos. The program also provides assistance to pro se litigants by linking them to legal services or other resources. Legal assistance, in the form of brief consultation, is available by phone. Two court clerks, on a part-time basis, staff the program, which primarily covers issues related to family law.

Bartholomew Area Legal Aid

Indiana

Assistance is provided by Bartholomew Area Legal Aid if a staff attorney determines that a case is appropriate for pro se litigation. Self-represented litigants are given help in filling out forms and in preparing what they will say in court. Pro se assistance is most frequently provided in divorce and support cases. The office is open daily.

Courthouse Assistance Project

Maine District Courts

Pine Tree Legal Assistance administers the Courthouse Assistance Project in several jurisdictions throughout the state. Assistance is provided at the courthouse to individual litigants on a “walk-in” basis. The intake process includes a determination of a litigant’s ability to handle a case pro se. Typically, a trained lay volunteer assists pro se litigants in filling out forms and in understanding the court processes that apply to their situations. Pine Tree attorneys review the completed forms and are also available to answer questions that the lay volunteer may have. Depending on the jurisdiction, assistance is available during the day, for a few hours every week or every other week.

Lawyer for the Day Program**District Court, Bath, Maine**

The Lawyer for the Day Program provides legal assistance in juvenile and criminal cases in limited jurisdiction courts. Depending upon caseload, one or two attorneys are taken from a pool of eligible attorneys on a rotating basis. They are appointed by the court for the day only, to represent all defendants/juveniles requesting assistance. Lawyers for the Day are present at arraignment/initial appearance. They consult with the “client,” speak with the district attorney, and then try to reach resolution of the case that day. Resolution may include plea agreement; dismissal; satisfaction and accord; filing; continuance for a stated goal; continuance for or provision of social services. For defendants/juveniles incarcerated in lieu of bail, the Lawyer for the Day provides representation at the bail/detention hearing. In those cases where resolution is not reached, the Lawyer for the Day may suggest that the defendant/juvenile seek retained or appointed counsel after entering a plea of not guilty. If appointed counsel is requested, the Lawyer for the Day assists in filing the appropriate motion. The Lawyer for the Day may also arrange for social services for a juvenile and/or the family.

Legal Education Materials**Pine Tree Legal Assistance, Maine**

This Internet-based program provides comprehensive legal education materials to pro se litigants. Forms can be completed online, printed, and taken to the court for filing. Pro se litigants who have questions regarding family law can call the Volunteer Lawyers Project HelpLine. Pine Tree Legal Assistance can provide help in other areas, such as housing.

Courthouse Advice Clinic**Circuit Court for Carroll County, Maryland**

The Family Law Administrator of the Circuit Court for Carroll County coordinates assistance for pro se litigants in several areas of family law. Forms are available in the clerk’s office, and pro se assistance is provided at the courthouse, on a “walk-in” basis, part-time during the day, and one night a week. Several family law attorneys take turns volunteering their time to meet individually with litigants to help them complete forms.

Pro Se Litigants Assistance Program**Circuit Court for Somerset County, Maryland**

The Coordinator of Family Support Services facilitates assistance to pro se litigants in a number of family-law related areas. After the coordinator completes the intake process, litigants meet individually with an attorney who volunteers to help complete forms and provide advice on court procedures. Services are available during the day, for three hours each week.

Friend of the Court**54th Judicial District, Michigan**

The Friend of the Court office provides instructional packets to all new domestic relations cases and works through divorce, custody, and child support issues. A kit of all required forms is available for pro se litigants, and full time program staff members, including a court manager and two social workers, are available to answer procedural questions. The Friend of the Court office is open on a daily basis.

Fifth Judicial District**Lyon County, Minnesota**

Court clerks, during regular courthouse hours, provide some procedural assistance to pro se litigants. Their work in this regard is guided by a statewide committee that is examining pro se issues and developing forms.

Pro Se Dissolution**Circuit Court, Jefferson and Crook Counties, Oregon**

The Pro Se Dissolution Program provides telephone or in-person information on the availability of forms, as well as general information on court procedures, in the areas of divorce and child custody/support. The program is staffed by the Family Court Specialist, and service is provided during regular court hours.

Pro Se Assistance**Circuit Court, Union County, Oregon**

Pro se litigants may use the Public Resource Center, which has self-help reference materials, forms and instructions, and computers to access the state's judicial information network. A facilitator provides information, legal referrals, and assistance in completing forms in certain family law areas during regular court hours and, once a month, takes materials on outreach visits to small communities in the jurisdiction.

Family Law Facilitator**Whatcom County Superior Court, Washington**

The Office of the Family Law Facilitator assists pro se litigants with legal processes involving family law issues, using statewide mandated pleadings. Pro se files are also screened to make sure that they are complete, prior to consideration by judicial officers. The program is staffed by two facilitators who meet with litigants by appointment. The program office is open on a daily basis.

Pro Se Services**Circuit Court, Eau Claire County, Wisconsin**

The court provides information to pro se litigants in several areas, including revision of child support, restraining orders, name change, and small claims.

Printed information and guidebooks are available from the court staff during regular court hours. Legal assistance is available one night a month through the county bar association.

Sheridan County Bar Pro Bono Program

4th Judicial District, Wyoming

The Sheridan County Bar Pro Bono Program provides legal assistance to indigent parents involved in divorce proceedings. When pro se litigants need help, the judge appoints an attorney who works with them to complete the forms provided in a packet, and, if necessary, represents them in court.

CLINIC MODEL PROGRAMS

Sutter Regional Family Law Information Center

Sutter County, California

California law requires the superior court in each county to maintain an Office of the Family Law Facilitator to provide, at no charge, education, information, and assistance to parents with child support issues. In conjunction with the Office of the Family Law Facilitator, the Family Law Information Center opened as a pilot project. The center is open all day, five days a week. Daily classes are offered on various family law and child support topics. A family law staff attorney is also available full time for individual appointments and “walk-in” assistance. In addition to answering procedural questions, staff can provide access to non-confidential court files and referrals to other community resources. The center includes a “self-help” computer lab and reference area with samples of routine legal documents.

Court Assistance Office

Seventh Judicial District, Idaho

The Court Assistance Office in the Seventh Judicial District serves ten counties and is staffed by an attorney part time. The program primarily covers family-law related areas. The staff attorney travels throughout the district, conducting workshops on divorce for pro se litigants. Workshop fees cover the program costs. The attorney also provides assistance to pro se litigants over the phone. Program hours are flexible.

Self-Help Divorce Clinic

Volunteer Attorneys for Rural Nevadans

First Judicial District, Nevada

The divorce clinic is a project of the Volunteer Attorneys for Rural Nevadans (VARN). Attorneys volunteer their time to assist with the clinics by helping pro se litigants prepare and file the proper forms. Before the clinics, a screening process

is used to collect information about particular issues relevant to litigants' cases so that the attorneys are prepared. VARN also follows up with clients after the clinics. Clinics are offered in the evening, once a month. The program is coordinated by a full-time paralegal.

Self-Represented Resource Centers

Eleventh District Court, New Mexico

Self-Represented Resource Centers operate in the evenings in San Juan County (once every six weeks) and McKinley County (once a month). At the resource centers, pro se litigants may speak with court clerks, personnel from the county clerk's office, a child support enforcement officer, and volunteer attorneys for help with their domestic relations cases. Court clerks receive "flex time" for working at the resource centers. The chief clerks in the counties coordinate the centers.

Poverty Prevention Legal Clinic

Athens Legal Services, Ohio

Athens Legal Services has developed notebooks containing pro se forms and instructions for a wide variety of family and other civil law areas. Volunteer attorneys use these notebooks when meeting with pro se litigants in monthly clinics. Litigants come before the clinics start to get an overview of what is going to take place, and they are divided into small groups, depending on the nature of their cases. An attorney works with each group of litigants, assisting them in filling out the appropriate forms and providing advice on how to proceed pro se. There is also an opportunity for litigants to discuss their cases privately with the attorneys conducting the clinics. A part-time staff attorney and an administrative assistant coordinate the program.

Pro Se Education Program

Vermont Family Court

All parties representing themselves are generally ordered by the court to attend a pro se education course, at no charge, before they appear in court to pursue their claims. Attorneys who regularly practice in the Family Court teach the class on a voluntary basis. A standard curriculum outline is followed. The purpose of the class is to educate litigants about their responsibilities when representing themselves; to explain courtroom etiquette and the general procedures affecting family cases; and to inform them of services that are available through outside agencies to help with problems affecting families. After a question and answer period, litigants with minor children stay for a second session to learn about issues relating to children, such as parental rights and responsibilities, parent/child contact, and child support. The Vermont Family Court Project Director

coordinates the classes, which are conducted in most of the state's counties once a month. Assistant court clerks schedule the attorney instructors, send out orders to those litigants who are required to take the pro se education course, and docket attendance. A court officer is present in the classroom.

Appalachian Legal Services Clinics

West Virginia

Appalachian Legal Services conducts a number of clinics for pro se litigants around the state. An intake process is used to determine the appropriateness of proceeding pro se; during this process, an attorney also takes note of any special issues the case presents that will require special forms for the litigant to complete. At the clinic, litigants are given an overview of the steps they will take during the legal process. After this general presentation, litigants are given a packet of appropriate forms, and they "fill in the blanks" with help from attorney volunteers. Appalachian Legal Services follows up with litigants after the clinics. Divorce clinics are offered most frequently, but clinics are also conducted for other areas of family law as well as bankruptcy.

Overview of Rural Pro Se Assistance Programs

GENERAL CHARACTERISTICS

All of the programs under examination operate in rural areas or in jurisdictions that are mostly rural in nature. The size of the jurisdictions the programs serve, however, varies widely. One-third of the programs serve single counties covering anywhere from 800 square miles to 2,100 square miles, with populations ranging from 24,000 to 161,000. An additional one-fifth of the programs serve a two-county area, covering 348 square miles to 11,000 square miles, with populations ranging from 67,000 to 170,000. One-third of the programs serve jurisdictions made up of 3 to 10 counties, the largest of which covers 24,000 square miles, with a population of 201,000. A couple of programs offer programming statewide.

About half of the programs offer their services during regular court hours; nearly all of the rest are staffed part-time during the day. Several programs, for example, operate once a week or once every other week for three hours. Not surprisingly, most of these are the individual model programs. The clinic model programs tend to be staffed on a part-time basis, with clinic sessions running once a month in some jurisdictions, and less frequently or on an as-needed basis in others. Several of the programs have experimented with different hours to better meet the needs of litigants. One pro se assistance office, for example, opens at 7:30 a.m., a time that proves particularly convenient for litigants on judges' motion day. Litigants can come in early and be ready with appropriate forms filled out by 8:30 a.m., saving them an additional trip to the courthouse. A few of the programs that are open during the day scheduled some after-court hours to accommodate litigants who wanted to come after work; most of those programs, however, reported that little use was made of the evening hours, so they have been discontinued. Most of the individual model programs have their offices at the courthouse. Some program coordinators also try to meet with litigants in outlying areas on a monthly

basis. Clinics, on the other hand, tend to be conducted at a site outside the courthouse, such as the offices of the sponsoring organization or community centers.

TABLE 1. GENERAL CHARACTERISTICS OF PROGRAMS			
Characteristic	All Programs	Individual Model Programs	Clinic Model Programs
Area Served			
Rural	14 (56%)	11 (61%)	3 (43%)
Mostly Rural	11 (44%)	7 (39%)	4 (57%)
Hours of Operation			
All Day	12	10	2
Part-Time Day	10	6	4
Evening Hours	3	1	2
Program Location			
Court Bldg.	12 (50%)	11 (61%)	1 (17%)
Other	8 (33%)	3 (17%)	5 (83%)
Court Bldg. & Other	4 (17%)	4 (22%)	0
Administered By			
Local Courts	14 (58%)	11 (65%)	3 (43%)
Supreme Ct.	3 (13%)	2 (12%)	1 (14%)
Legal Services/ Bar/Attorney Organizations	7 (29%)	4 (23%)	3 (43%)
Funding Sources			
Non-Governmental	4 (18%)	2 (12%)	2 (33%)
Governmental	14 (64%)	11 (69%)	3 (50%)
Mixed	4 (18%)	3 (19%)	1 (17%)
Court Jurisdiction			
General	23 (96%)	16 (94%)	7 (100%)
Limited	1 (4%)	1 (6%)	0
Pretrial Stage of Process	22 (100%)	16 (100%)	6 (100%)
Trial	17 (77%)	12 (75%)	5 (83%)
Post Trial	15 (69%)	11 (69%)	4 (67%)

* Note: There are 25 programs examined in the study (18 individual model programs; 7 clinic model programs). Not all programs, however, reported data for all categories; thus total Ns for individual cells may vary slightly.

A majority of pro se assistance programs are administered by the local courts. Legal services organizations, in addition to the bar or other attorney groups, also administer several programs. A number of other programs try to coordinate with legal services organizations in their areas, if they exist, though it can be problematic if the legal services organization doesn't handle family law cases.

A majority of pro se assistance programs operate with government funding, though non-governmental sources are important as well. Program budgets, however, vary widely. Seven of the programs reporting budget data have no separate budgets for pro se assistance, and one operates for under \$1,000 a year. Five of the programs reported yearly budgets of \$5,000 to \$18,000. The budgets of six programs range between \$40,000 and \$150,000.

Nearly all of the programs serve general jurisdiction courts, and a majority of the programs provide assistance to litigants at all stages of the judicial process. The range of services, however, varies by program.

SERVICES PROVIDED

Virtually all of the programs provide forms with instructions to pro se litigants and have staff available to answer procedural questions. Most programs provide legal assistance in individual meetings or in clinics; some also provide attorney review of forms or provide legal assistance by phone. A few programs also provide paralegal assistance. A majority of the programs make available assistance to victims

Service	All Programs	Individual Model Programs	Clinic Model Programs
Provides Forms w/Instructions	23 (92%)	16 (89%)	7 (100%)
Brochures/Videos	19 (76%)	14 (78%)	5 (71%)
Staff to Answer Procedural Questions	22 (88%)	16 (89%)	6 (86%)
Paralegal Assistance	6 (24%)	4 (22%)	2 (29%)
Legal Assistance	24 (96%)	17 (94%)	7 (100%)
Domestic Violence Assistance	13 (52%)	9 (50%)	4 (57%)
Legal Referrals	15 (60%)	13 (72%)	2 (29%)
Self-Help Center	5 (20%)	4 (22%)	1 (14%)
Law Library	5 (20%)	5 (28%)	0
Mediation	7 (28%)	5 (28%)	2 (29%)
Office Machines	6 (24%)	3 (17%)	3 (43%)
Foreign Language Assistance	13 (72%)	9 (69%)	4 (80%)

* Note: There are 25 programs examined in the study (18 individual model programs; 7 clinic model programs). Not all programs, however, reported data for all categories; thus total Ns for individual cells may vary slightly.

of domestic violence, and several are linked with mediation services. If foreign language assistance is needed, most programs typically call on the resources that the courts provide in this regard. Self-help centers and law libraries are made available to pro se litigants in a few jurisdictions.

PROGRAM STAFFING

As is the case with program services, the staffing arrangements and total number of staff connected to the pro se assistance programs vary. Eleven of the programs

Staff Position	All Programs that Have Staff Position	Individual Model Programs that Have Staff Position	Clinic Model Programs that Have Staff Position	Average Number of Staff if Program Has Staff Position
Staff Attorney				
Full Time	4 (17%)	3 (18%)	1 (14%)	1
Part Time	7 (29%)	4 (24%)	3 (43%)	1
Vol. Attorneys				
Full Time	1 (4%)	1 (6%)	0	1
Part Time	6 (27%)	4 (25%)	2 (33%)	6
Paralegals				
Full Time	4 (17%)	3 (18%)	1 (14%)	1
Part Time	1 (4%)	0	1 (14%)	1
Court Clerks				
Full Time	4 (17%)	3 (19%)	1 (14%)	6
Part Time	3 (13%)	2 (12%)	1 (17%)	5
Secretarial & Administrative Staff				
Full Time	1 (4%)	1 (6%)	0	1
Part Time	5 (21%)	2 (12%)	3 (43%)	1
Law Students				
Full Time	0	0	0	0
Part Time	0	0	0	0
Lay Advocates				
Full Time	0	0	0	0
Part Time	2 (8%)	2 (12%)	0	1
Lay Volunteers				
Full Time	0	0	0	0
Part Time	3 (13%)	2 (12%)	1 (14%)	4
Social Workers				
Full Time	2 (8%)	2 (12%)	0	2
Part Time	0	0	0	0

* Note: There are 25 programs examined in the study (18 individual model programs; 7 clinic model programs). Not all programs, however, reported data for all categories; thus total Ns for individual cells may vary slightly.

operate with full-time or part-time staff attorneys. Five programs employ paralegals, and two programs have social workers on staff. Volunteer attorneys also serve as staff to pro se assistance programs. Some programs include court clerks in their staffing line-up, and a few programs have administrative or secretarial support. Lay advocates or lay volunteers help staff some programs.

PROGRAM PARTNERS

Virtually all of the pro se assistance programs also have partners, broadly defined, who provide services or other support to the program. Most commonly, the partners (which typically range in number from one to four per program) are local bar associations, volunteer lawyers groups, and legal services organizations. In some jurisdictions, however, government agencies, law schools, or nonprofits such as women’s advocacy groups and victims of domestic violence organizations, also serve as partners to the pro se assistance programs. While a few of the partners who were interviewed were involved in planning the pro se assistance programs in their jurisdictions, most were approached about joining the programs after they were created.

Most of the program coordinators, court clerks, and court administrators did not think that partnering organizations were too far away from the location of the programs to be of value, though a few did indicate that in their jurisdictions, there were too few relevant organizations to serve as partners to the programs. Most of the partners thought that the appropriate organizations were involved with the pro se assistance programs in their jurisdictions. A few, however, indicated that more nonprofit and governmental social services agencies should be included as partners to assist in information outreach as well as coordination of services—part of the push toward “therapeutic jurisprudence,” as some called it.

The majority of program coordinators indicated that they had enough personnel to staff their programs, at least for now. In some jurisdictions, however, the coordinator, court clerks, and program partners all agreed that the program is understaffed, particularly given the travel that is necessary to reach all parts of the jurisdiction. In fact, several program coordinators noted how difficult it is to serve the extremely rural areas, where some people do not even have phones. In at least one instance, a program has stopped operating in some places where there were too few litigants using the program’s services to justify continuing. The coordinator of that program noted that there are political considerations to take into account, however, particularly if a statewide organization is offering the services and those services are not being offered in all parts of the state.

It is worth noting that nearly all of the program coordinators, court clerks and court administrators, and program partners affiliated with clinic model programs thought that program staffing was adequate. Moreover, not all of the concerns raised about staffing in the individual model programs had to do with insufficient staff time to meet the demands of the program. Of particular concern to one court clerk, for example, was the issue of fair representation. She noted that a program should have at least two attorneys involved with it so that both parties to a case can have access to the program and to attorney help.

SUBSTANTIVE ISSUES COVERED BY PROGRAMS

Most programs offer assistance to pro se litigants in family law-related areas, especially divorce, child support, and custody. Some jurisdictions cover areas in addition to those shown in Table 4, including paternity, name change, spousal support, health insurance issues, public benefits, small claims, harassment, and bankruptcy.

Issue	All Programs (N=25)	Individual Model Programs (N=18)	Clinic Model Programs (N=7)
Adoption	2 (8%)	1 (5%)	1 (14%)
Child Custody	20 (80%)	14 (78%)	6 (86%)
Child Support	21 (84%)	16 (89%)	5 (71%)
Divorce	21 (84%)	14 (78%)	7 (100%)
Domestic Abuse	12 (48%)	7 (39%)	5 (71%)
Guardianship	3 (12%)	1 (6%)	2 (29%)
Juvenile Law	4 (16%)	3 (17%)	1 (14%)
Orders of Protection	7 (28%)	4 (22%)	3 (43%)
Wills and Estates	1 (4%)	0	1 (14%)
General Civil	3 (12%)	2 (11%)	1 (14%)
Contract Disputes	2 (8%)	1 (6%)	1 (14%)
Criminal	1 (4%)	1 (6%)	0
Debt Collection	4 (16%)	3 (17%)	1 (14%)
Landlord/Tenant	5 (20%)	4 (22%)	1 (14%)
Personal Injury	1 (4%)	0	1 (14%)
Other	14 (56%)	10 (55%)	4 (57%)

USE OF TECHNOLOGY

In providing their services, the pro se assistance programs make varying use of technology. What is perhaps most striking is that one-fifth of the programs do not use technology at all. About one-third of the programs use the Internet to download forms, usually from a state or county court Website. Some programs also use the Internet for basic information or as a research tool. Most programs not currently using the Internet plan to do so in the future, particularly to make forms available online. If they have not already done so, many of the programs are planning to develop their own Websites. A few programs use computers to track client files and cases, and several programs use software technology to calculate child support.

Technology Use	All Programs (N=25)
None	5 (20%)
Computer	8 (32%)
Internet	1 (4%)
Computer & Internet	5 (20%)
Automated Phone	2 (8%)
Auto. Phone & Fax	2 (8%)
Computer, Internet & Auto. Phone	1 (4%)
Computer, Fax & Auto. Phone	1 (4%)

The work of some program staff is hampered by the lack of computers in the courthouses where they frequently meet with litigants. One program coordinator, for example, noted that because there are no computers at the courthouse for program use, paper records are taken and are later entered into the computer at the program office. The lack of computers at the courthouse also makes it difficult for volunteer attorneys to conduct conflicts of interest checks when meeting with litigants.

Only a handful of programs make technological resources available to litigants, and it is worth noting the ambivalence that characterized the program coordinators' views regarding the value of making technology available. A few programs have informational videos, but for the most part, program coordinators do not consider these videos very useful. One-fifth of the programs make computers available for litigant use. In one program, litigants have access to a computer lab that is open

daily. In another, a computer is available, but most litigants need assistance in using computers, and the program coordinator has limited time to help them. A third program makes computers available, but because the program's clients don't use them, the computers tend to be used by non-program personnel. One program is considering putting some extra computers that the court already owns in places where they could be used by litigants, and having volunteers available to provide technical assistance. A few program coordinators expressed concern about providing unsupervised computers at the courthouse for litigant use because there is no way to be certain that litigants are only downloading material related to their cases. About one-third of the program coordinators indicated that public computer access is available at the local libraries, but only a few thought that litigants have the ability to use computers effectively.

A few of the program coordinators thought that technology (most notably access to forms online and e-mail) was helpful in conducting the business of the program and bridging the distances of rural areas. In these jurisdictions, some litigants download forms and try filling them out before coming to see program staff; others use e-mail to ask questions or obtain information. One coordinator, for example, recalled the time when a party who lived out of state wanted to object to a recommendation; she told him to go the Website and get the form to request a telephone hearing. The litigant was able to file the request before the deadline, and he e-mailed her a thank you for making the task so easy. Other coordinators reported that technology could be useful, if it was available or further developed in their jurisdictions. There were some coordinators, however, who did not think that technology was particularly useful, rural context or otherwise, either because most litigants do not have the requisite computer skills or because litigants prefer personal contact with program staff or court clerks.

PROGRAM MEETINGS

A majority of the program coordinators reported that there are regularly scheduled meetings (semiannually, quarterly, or monthly) to discuss the pro se assistance program and to address concerns that have arisen. In some jurisdictions, discussions about the program take place in the larger context of pro se task force or pro se committee meetings, Family Court meetings, or family law committee meetings. Such meetings afford an opportunity for program coordinators, court clerks, judges, program partners, and other relevant personnel to share information and to resolve problems. Over one-third of the jurisdictions provide training sessions for program personnel, court clerks, or volunteer attorneys who conduct clinics. Having held an initial round of meetings to establish their pro se assistance programs, the rest of the programs meet only on occasion or when it is necessary

to resolve particular problems. In most programs, participants communicate informally via the phone or e-mail as needed.

THE EFFECT OF GEOGRAPHIC DISTANCE ON PROGRAM OPERATION

Only a very few of the program coordinators, court clerks, and partners thought that the geographic distances in their jurisdictions created difficulty for maintaining their working relationships with one another. In many instances, program partners are in fairly close proximity to the program offices and/or the courthouse; in almost all cases, program participants stay connected through program meetings or via phone and e-mail. Moreover, as one partner put it, in rural areas, “people just deal with things like distance and bad weather because they’re used to them.” That is not to say that distance isn’t an issue. As one court clerk noted, “Distance does have an influence on the nature of the program.” Several jurisdictions have arranged program and court schedules to minimize the difficulties posed by distance. To facilitate the participation of child support enforcement personnel (who work over one hundred miles away) in one evening clinic program, for example, the judge sets child support hearings for the afternoon of the clinic, and intake for new child support cases takes place the following morning.

For every court clerk, court administrator, judge, or program partner who thought that the rural nature of their jurisdictions presented particular obstacles in establishing and operating a pro se assistance program, there was an equal number who took the view that the rural character of their areas made it easier to do so. The following statements reflect these differing perspectives.

FIGURE 1. WHEN A JURISDICTION IS RURAL, IT IS . . . TO ESTABLISH A PRO SE ASSISTANCE PROGRAM	
More Difficult...	Easier...
Distances pose problems. In sparsely populated areas, having a program in a single physical space is problematic. Travel time is a problem, as is lack of transportation, mountains, and severe weather.	In smaller counties there is less bureaucracy to contend with. Not as many people are involved in decision-making.
Rural courts have fewer resources than their urban counterparts. There is often limited funding for such programs, limited staff, and fewer organizations with whom to partner or refer litigants.	It's easier to work together; there is more community in smaller numbers. Court personnel work in proximity. It's easy to get the clerk's office involved. Because there are fewer resources, judges are more open to pro se assistance.
People in rural areas are generally more conservative and less receptive to providing services to someone else.	Helping people is easier in rural areas because we know each other. Poverty is easier to identify with because everyone knows someone who is poor.
There are fewer attorneys to help with the program, and, in some jurisdictions, there are no legal aid programs with which to collaborate.	It's easier to get attorneys to volunteer when you're on a first-name basis with family law practitioners.
Literacy rates are lower, and litigants have less familiarity with courts and the legal process.	It's important to have a pro se assistance program because so few people can afford attorneys and there is little or no legal aid.
Rural areas have very traditional ways of doing things. There is not much accountability or collaboration.	There is amazing collaboration in some rural areas and states, and a culture of innovation.

While there were conflicting views about whether the rural nature of the jurisdictions made it easier or more difficult to establish pro se assistance programs, there was fairly widespread agreement among program coordinators, court clerks and court administrators, and program partners that there is not a sufficient pool of attorneys in their areas available or willing to volunteer their services to the pro se assistance programs. Some counties have no attorneys, and in other counties there are very few attorneys who practice family law. Those who do are either too busy to volunteer, or are struggling to make a living themselves and do not want to give up business to assist pro se litigants.

Conflicts of interest concerns also prevent some attorneys from volunteering their time. Attorneys who work with the programs must keep good records about the pro se litigants they have seen. They or other lawyers in their firms may have represented a spouse at one time, thus raising conflicts of interest. In some jurisdictions,

attorneys who have met with one spouse and provided advice in the context of the pro se assistance program may only answer general questions for the other spouse who seeks pro se assistance.

Clearly, having more lawyers involved with the programs would alleviate some of these conflicts of interest concerns, though it is a problem that may be difficult to address in areas where there are few attorneys. It should be noted, however, that a few jurisdictions reported a culture of high participation in pro bono work, and attorneys are quite willing to volunteer their time to pro se litigants. Other jurisdictions are experimenting with ways to increase the number of available attorneys to serve pro se litigants. In one jurisdiction, for example, a mentoring program encourages attorneys to help pro se litigants in areas of law they don't normally practice in by connecting them with a mentor who has substantive experience in that area.

Some of the program coordinators and partners observed that issues surrounding the unbundling of legal services would have an impact on pro se assistance. One coordinator, for example, noted that she has a dozen attorneys willing to help with the program if a rule allowing unbundled legal services were to be adopted. Until that happens, malpractice concerns keep them from volunteering. One program partner worried that a state bar initiative requiring attorneys to put their names and bar numbers on pro se pleadings could, if implemented, have a chilling effect on attorneys' willingness to provide unbundled legal services. Another partner noted that there are plenty of attorneys who are willing to provide unbundled legal services, and went on to say that pro se litigants are more important to her now than they used to be. "Lawyers are often willing to help if they are given a discrete task. Pro se assistance is a problem they can help fix."

PROFESSIONAL ISOLATION

In addition to discussing the effect of the rural context on program development and operation, program participants also considered the extent to which the rural nature of their jurisdictions contributes to feelings of professional isolation. For the most part, program coordinators, court clerks and administrators, and program partners indicated that they did not feel isolated from their professional counterparts in other jurisdictions. They reported that they are able to stay connected in formal ways through meetings and professional conferences, and they communicate with colleagues often via phone and e-mail. A few program coordinators did say that they would like to meet more of their counterparts in other jurisdictions, not only to find out how other programs work but also to get to know some people who could serve as sounding boards. One program partner noted

that she feels a bit isolated because she hasn't had much contact with people doing pro se work in other rural areas; for the most part, her professional contacts work in urban settings. A couple of program partners also commented on the insularity of the courts in rural areas. People who work in the courthouses have long-term relationships, and sometimes the justice system becomes a "good old boys club."

In contrast to the program coordinators, court clerks and administrators, and program partners, nearly one-third of the judges indicated that at times they feel professionally isolated. Though several mentioned that monthly judges meetings, judicial conferences, and phone and e-mail communication keeps them connected with colleagues, others noted that they have very little contact with other judges. Distances within and across jurisdictions, and the lack of time, make it difficult for some to keep in touch with other judges. While some noted that there is a bond among the judges in the jurisdiction, perhaps because there are so few of them, at times they wished there were more judges in the county or district or circuit to bounce ideas off of.

While acknowledging that all judges, no matter where they work, probably feel a bit isolated within their own communities and have to "keep things separate," a few were quite reflective about the special concerns of rural judges in this regard. Given the small communities in which they live and work, familiarity with litigants and counsel can be a problem. As one judge observed, "Judges, lawyers, and litigants attend the same churches, our children go to school together, and we shop at the same supermarket. This familiarity can create problems, or at least the perception of a problem." He went on to say, "Some judges tend to offer more informal advice to pro se litigants they know, and hold the line about not being able to give legal advice more tightly with pro se litigants they don't know." Another judge pointed out that there are very few professionals of any kind where he lives; his neighbors are often the same people he sees before him in his courtroom. "The judge," he said, "must be polite—always. If you get too haughty with a pro se litigant in court, you may find that the person you were haughty with is the person you need to fix your car." Another judge commented that the greatest difficulty in working in a rural community "is being recognized wherever you go. Church is worse than anywhere, because people think you share a spiritual bond. Pro se litigants ask advice on the street, at the tire shop, in a restaurant, at your house. Because judges are elected, they have to be nice. But if the judge is courteous when he gets stopped and litigants ask him questions, they think they are going to get a favorable ruling."

Litigants: Who Uses Pro Se Assistance Programs?

PROGRAM CASELOAD

The range in the number of litigants that rural pro se assistance programs serve is extraordinary. Programs reported caseloads ranging from 15 to 9000 people per year. The distribution of caseload is shown below.

Annual Caseload	Number of Programs
10-99	3
100-499	6
500-999	6
1000-2500	5
4000-9000	2

CLIENT CHARACTERISTICS

Not surprisingly, most of the litigants who use the services of the assistance programs are first time users of the courts. A majority are female, relatively young, and have no education beyond high school. See Table 6 on next page.

TABLE 6. DEMOGRAPHIC CHARACTERISTICS OF PROGRAM CLIENTS: MEAN PERCENT REPORTED BY PROGRAMS			
Characteristics	All Programs	Individual Model Programs	Clinic Model Programs
Experience in Court:			
First Time	77.4	78.7	73.6
Occasional	17.1	15.7	20.8
Regular	5.3	5.5	4.5
Gender:			
Female	64.4	61.2	72.8
Male	35.6	38.8	27.2
Age:			
Under 18	6.0	3.6	10.8
18-25	27.6	29.3	23.8
26-40	38.7	36.5	44.2
41-55	21.8	22.3	20.4
56-65	6.4	6.3	6.8
Over 65	1.7	1.6	2.0
Education:			
No High School	35.8	33.5	42.0
High School Diploma	43.4	49.3	27.6
Some College	10.6	6.5	21.7
College Degree	4.9	5.1	4.3
Post-Graduate	2.8	3.8	.3
Language Spoken:			
English	92.2	90.0	97.8
Spanish	7.0	6.0	1.8
Other	.8	1.0	.4

* Note: Not all programs reported data for all categories. In most instances, survey respondents reported these data based on their best guess of program client characteristics. Totals in some cells do not add to 100% due to rounding error.

FINDING OUT ABOUT THE PROGRAM

Pro se litigants learn about the assistance programs in a variety of ways, and almost all of the programs reported using similar mixes of techniques to publicize their services.

Posters /Brochures /Court Information Packets

Posters are located at the courthouse, brochures are available at the clerk of courts office and at social service agencies, and information packets are available in court hallways or given to those who file.

Referrals

Court clerks and judges frequently refer litigants to the assistance programs. Social services agencies also make referrals, as do legal services organizations as part of their intake and screening processes. On occasion, the local bar also makes referrals.

Media/Community Outreach

Most programs were initially publicized in newspaper articles; some programs also used television and radio announcements to let the public know that a program had been established. Several program coordinators speak to community organizations about the services that are provided to pro se litigants.

Word of Mouth

Many litigants hear about the pro se assistance programs from family members, friends, and neighbors. As one program coordinator put it, “Because they are rural, information is circulated easily.”

In addition to the techniques listed above, one-fifth of the programs have Websites that describe their services. A pro se education course is mandatory in one jurisdiction; litigants without lawyers must attend if ordered by the court. Anyone else may also come and, in fact, litigants who have attorneys will occasionally attend to get additional information. In another jurisdiction, referral to the assistance program is included on the rejection slip that is attached by the clerks to documents that are rejected. In short, getting the word out about pro se assistance is typically not a problem, though one coordinator did note that because of bar resistance, the program is not widely publicized.

GETTING TO THE PROGRAM

While finding out that a pro se assistance program exists is not an issue for most self-represented litigants, getting to the program office does appear to be problematic in a number of jurisdictions. Two-thirds of the program coordinators and program partners, as well as several of the court clerks and court administrators, indicated that transportation is a problem for litigants who want to use the services of the program. Most of the areas have no public transportation, and the distances can be great. Some people live an hour or more from the county seat.

The pro se assistance programs have tried to overcome the difficulties posed by the lack of transportation in a number of ways. Forms and basic instructions are sometimes placed at locations outside the program office, most typically at the court-

house and at public libraries, but also in community centers or stationery stores. It is because transportation is a significant issue that one program has placed so much reliance on online technology; other jurisdictions have also put materials online. One program does a large share of its work with litigants over the phone. A couple of programs mail materials to litigants upon request. In a handful of jurisdictions, program personnel try to travel to outlying counties or towns once a month to meet with litigants, though they are sometimes constrained from doing so by lack of staff and inclement weather. One jurisdiction recently purchased videoconferencing equipment, though the program coordinator is reluctant to use it for meetings with litigants because litigants tend to prefer a more personal approach. Another jurisdiction schedules hearings on the same days that the program coordinator is available, in order to reduce the number of trips litigants need to make.

Having acknowledged that transportation is a problem in some instances, several of the program coordinators, court clerks, and partners noted that it is simply a part of rural life. People accept the fact that they will have to drive long distances to access services of many kinds and have learned to cope. In addition, most people are glad for the help and find a way to the program location.

LOOKING AHEAD TO THE NEEDS OF PRO SE LITIGANTS

In 1999, one hundred percent of those responding to the preconference survey on pro se litigation reported that the number of pro se litigants in their jurisdictions had increased during the preceding five years, and a majority indicated that the increase had been significant. Whether a program's caseload is 9000 or 40 litigants per year, virtually all of the program coordinators, court clerks and court administrators, and judges interviewed in 2001 thought that the numbers would increase over the next five years. When asked what will account for the increase, the following reasons were most frequently given:

Access to Legal Services

- There are not many lawyers in the jurisdiction, and there are very few who specialize in family law.
- Lawyers are too expensive, even for a growing number of people in the middle-income bracket.
- There are either no legal services organizations in the jurisdiction or the resources of legal services organizations that do exist are limited, contributing to a growing number of pro se litigants.
- People want to stay in control of their cases. They mistrust attorneys or think that attorneys raise the level of conflict.
- Some people are better off pro se than with unqualified counsel.

Provision of Assistance Affects Demand

- More people are learning that they can come to the courthouse and get the help they need.
- More people who learn about the programs want to represent themselves, even if they can afford an attorney. They think (sometimes mistakenly) that handling their own cases will be easy. In some instances, people who have counsel come to see the pro se program attorney for a “second opinion.”
- As programs expand, both with respect to staff and the substantive areas covered by the program, the number of program clients will also grow. Now that there are pro se assistance programs for some areas of law, people are expecting pro se help in other areas of litigation, including misdemeanors and felonies.
- As people become more familiar with technology, they do not want to wait for attorneys to take action.
- The programs save time and effort. Judges and clerks are finding the programs beneficial and are referring litigants to the programs.

Social Factors

- Population growth and economic decline will contribute to growing numbers of pro se litigants.
- Family law-related cases continue to grow; parental rights and responsibility cases (unmarried parents) are on the rise. There is an increase in domestic violence, and there are more juvenile law cases. There are also more people who want to handle their own cases in a growing number of substantive areas of law, especially general civil.
- As some areas of family law are becoming more streamlined, more cases are being litigated pro se; litigants are gaining more knowledge about the court system.

Program coordinators, court personnel, and partners in about one-third of the jurisdictions also noted that changing demographics over the next five years will necessitate greater outreach and sensitivity to the language needs of a growing Spanish-speaking population and, to a lesser extent, new Asian immigrants. Sensitivity to cultural norms regarding family situations and the assertion of rights will also be necessary. A couple of program coordinators noted that they are seeing an increase in the number of persons with mental health disabilities seeking assistance, though typically such persons are not good candidates for pro se, and a few court clerks noted that illiteracy is still a problem that they have to contend with when dealing with pro se litigants.

NEW SUBSTANTIVE AREAS

When asked if there were additional substantive areas that should be addressed by the pro se assistance programs, program coordinators, court clerks and court administrators, judges, and program partners listed a variety of issues. Among the most frequently mentioned were:

Landlord/Tenant. Twenty-five percent of the coordinators, court clerks and court administrators, and judges, as well as several partners, noted that pro se assistance should be provided in this area.

Guardianship. This area was frequently mentioned by program coordinators, as well as by partners, who noted that, in many instances, grandparents are raising children and need to establish guardianship. Along with assistance in emergency/temporary custody cases, pro se assistance in this area would facilitate school registration, among other things. And, as one judge noted, assistance in this area would also meet the needs of the court, since pro se litigants are very disorganized in guardianship cases.

Name Change, Paternity, Adoption. Several program coordinators, court clerks and administrators, judges, and partners saw a need for pro se assistance in these in these areas.

Consumer Issues. Several program coordinators and partners thought that consumer issues, including debt relief, bankruptcy, disclosure, and collection after winning judgments, should be covered by the assistance programs.

Civil Matters. Several judges as well as court clerks and court administrators thought that some civil matters, including civil appeals, should be included in the pro se assistance programs.

Judges, in particular, had mixed views regarding the expansion of program assistance into areas beyond family law. Some judges noted that they are seeing pro se litigants in civil cases such as personal injury, landlord/tenant, and medical malpractice involving \$10,000 or more and they are frustrated by the litigants' lack of preparedness. These judges see no reason that assistance should not be given in such areas, since it would facilitate the processing of pro se litigation. Other judges predicted that when the middle class begins taking more cases pro se, courts will see an increase in pro se litigation in civil law areas, though they

wouldn't recommend it. As one judge put it, "We want people to have access, but we need to be careful about complex legal issues. Fifty percent of the lawyers don't get them right." Another judge responded that "family law is probably best suited to pro se litigation, because litigants know the facts—it's their lives." In other civil matters, on the other hand, "It would be difficult for pro se litigants to spin out a legal theory."

It should be noted that court clerks, too, are not without differing views on how far assistance to pro se litigants should go. Some clerks mentioned that they would at least like to have forms covering more substantive case types available for pro se litigants. When no forms exist, one court clerk noted, her office has to find an existing case covering that issue area, white out names and other confidential material, and tell litigants that they will have to draft their own pleadings. Repeated requests for appropriate forms, which need to be approved by the state supreme court, have gone unheeded. Contrast this with another court clerk's observation: "It would be difficult to cover all the areas that are necessary. And, even if forms were provided, litigants still would not read the instructions or fill the forms out properly."

In a few jurisdictions, there are on-going discussions about adding new substantive areas to the program coverage. In most instances, however, programs will have to wait for additional resources and/or statewide directives to bring about change.

Program Impact

MAINTAINING ETHICAL BOUNDARIES

In the 1999 preconference survey, about one-third of the jurisdictions noted that the issue of unauthorized practice of law had been raised when the programs were first being discussed. Jurisdictions addressed these concerns in a number of ways as the programs were being developed. Some utilize attorney supervision and attorney review of cases and documents. Others train program staff to avoid giving opinions and/or advice, and encourage litigants to seek legal counsel for answers to questions that program staff cannot address. In one jurisdiction, the program coordinator operates under the direction of an oversight judge and is authorized to provide procedural advice. Another jurisdiction reported that legislation allows court employees to assist self-represented litigants in the selection and completion of forms in domestic proceedings; this type of assistance is deemed not to be the practice of law. Finally, in some instances, discussions with the bar association and the participation of the chief judge and trial judges helped to ease concerns about the unauthorized practice of law. Indeed, one jurisdiction reported that it established a pro se assistance program in part to address concerns about the unauthorized practice of law by the clerk's office and to eliminate demands on court clerks to provide assistance that could be interpreted as the giving of legal advice.

A number of jurisdictions reported that the unauthorized practice of law was not an issue raised in conjunction with establishing their pro se assistance programs, since these programs were to be staffed by members of the bar, and services were to be provided by or supervised by attorneys. In one case, the parallel issue of "unbundled legal services" was raised as the program was being planned; the local bar accepted the concept of "one day" representation after the court made it clear that there would be no continuing obligations on the part of program attorneys save that of confidentiality.

Maintaining appropriate ethical boundaries, however, is a constant concern for most court personnel, and it can be particularly difficult in rural communities. Many of the program coordinators and court clerks reported that they know pro se litigants as acquaintances or run into them at various places around the community, though they indicated that it doesn't affect their work or the services they provide. A couple of coordinators noted that if an acquaintance of a staff member comes in for help, that staff member leaves and someone else is called in to answer the question. Another coordinator suggested that should this situation arise, a litigant might be referred to a telephone helpline, where the interaction is more anonymous.

Most of the court clerks and court administrators reported that the existence of the pro se assistance program has made it easier for them to maintain appropriate ethical boundaries when dealing with self-represented litigants. The following comments were typical.

- “Now that there is a place to send pro se litigants, I don't have to feel so bad about not being able to help them.”
- “It's a small county; court personnel are bound to know many of the litigants. The litigants think that you are going to do the paperwork for them, but of course you can't. The program has made it much easier to deal with litigants in this regard. By being able to refer them to the pro se program, the clerks haven't let the litigants down, but they also haven't crossed the ethical boundaries.”
- “Court staff and clerks can sidestep sticky issues by referring litigants to the clinic.”
- “The program has made the ethical boundaries easier to maintain because there are no more mixed signals.”
- “In a rural community, we know everybody. It does make it easier to be able to say that forms and assistance are available in the program office.”

But there were also notes of caution. One court administrator responded that the existence of the program has made it more difficult to maintain the appropriate ethical boundaries, because in the past they didn't spend as much time “explaining things” to pro se litigants. Now they spend “more time and there are more details that come close to advice, and so the line becomes more difficult to see.” One court clerk noted, “Every clerk's office gives legal advice, even though they

know they're not supposed to. The litigants are in front of the clerks in tears; it's pretty difficult not to try to help."

A majority of the judges also thought that the existence of the pro se program had made it easier for the court staff to maintain appropriate ethical boundaries when dealing with pro se litigants, and, in fact, many of them noted that the program had made it easier on the judges as well. "It's easier on everyone to be able to say that there are forms available and a person in the program office to answer questions," one judge noted. Another said that when litigants approach him in a restaurant, he is now able to say, "We have forms in the courthouse and there is someone who will be able to show you how to fill them out." There were some judges, however, who noted that while it has made it easier for them, because pro se litigants don't need as much guidance from the court after they've been given assistance through the program, in reality people still approach the court staff and ask questions. It's tempting for "people pleasers" to cross the "legal advice" line. Some judges suspected that clerks are still overstepping ethical boundaries. As one judge put it, "It does make it easier for the clerks to be able to say 'I can't answer those questions, but there will be a person here on Thursday who can help you with all of your questions and you'll be better off waiting until then.' However, remember that clerks are elected, and they think that if they tell litigants that they can't help them and to come back when the pro se coordinator is available, the litigants will get mad. Clerks worry about that."

CHANGES IN TRAINING

While some of the jurisdictions reported that the creation of the pro se assistance programs had not necessitated any changes in the way in which court personnel are trained, because clerks now simply refer pro se litigants to the program, most of the jurisdictions indicated that additional training had occurred. In general, court staff needed to learn about the available services and how to direct litigants to the program staff. In some instances, this involved learning how to be a bit more "customer-oriented" and to behave professionally and courteously with pro se litigants, explaining to them that while the court staff cannot provide advice, forms and help are available in the pro se assistance program office. In several jurisdictions there are also on-going discussions about the line between information and advice. One court clerk noted that she had to talk with her staff about changing their habits. They were accustomed to giving litigants the forms and trying to help them. After the assistance program was established, "they didn't want to seem to be giving litigants the run-around by sending them to a different place [the pro se assistance program office]." While some training has been provided to program partners in a limited number of jurisdictions, it has not been necessary for most of them.

TIME SPENT WITH PRO SE LITIGANTS

Because court clerks are on the “front lines,” dealing with pro se litigants constitutes a significant portion of their workload. As one clerk observed, “Pro se is a huge part of the clerk’s business; it is some of the most important, rewarding, most frustrating work that clerks do. It’s an emotional time for the litigants. Clerks have to be part social worker, part psychologist.”

For the most part, court clerks and court administrators reported that because they can now direct pro se litigants to an assistance program, court personnel are spending less time with them. It is worth noting, however, that a few clerks said that they are still spending quite a bit of time with pro se litigants. Some court clerks, for example, reported that after litigants pick up the information packets that are now available, they come to the clerks to ask how to fill out the forms. Posted signs detailing the information court staff can and cannot give do not necessarily deter litigants from asking questions that clerks should not answer. As one clerk observed, “Even when I tell them I can’t provide legal advice, they ask, ‘Can’t you just answer this one question?’” Another clerk noted that even after receiving assistance from the program, some pro se litigants simply want to tell clerks their entire stories, or they want additional help, because the time they have with pro se program coordinators or volunteers is limited. Moreover, if pro se services are offered only on a part-time basis, some litigants do not want to wait to have their questions answered. As one clerk put it, “Once they’ve decided to take action, they want to do it now!”

Most judges reported that, since the establishment of the pro se assistance programs, they are spending less time with individual cases involving pro se litigants. Paperwork is now completed thoroughly and accurately, and cases run more smoothly. Many of the judges noted that there are now more settlements before trial and/or fewer continuances. One judge noted that the time he spends with pro se litigants has increased, but that is because he is doing a better job with them and is working harder to accommodate them. Another noted that while the time spent has not decreased, since more information often leads to more contested cases, access to justice has increased.

PROGRAM IMPACT ON THE COURT AND RELATED PERSONNEL

Most of the judges indicated that the assistance pro se litigants are receiving through the programs has made their jobs easier. Litigants are now more prepared, and they are better able to get where they want to go in terms of resolving the issues. One judge noted that if litigants come before him with incomplete paperwork, he sends them to the program office for help and then has them come back on the

same day so that the case is over. Several judges also reported that their approaches to dealing with pro se litigants had changed as a result of the program. One indicated that he now holds pro se litigants to a higher standard because they get assistance. Another reported that his frustration level has gone down. A third judge noted that he is now more tolerant when dealing with pro se litigants. At first, he resisted the program; once he accepted the fact that pro se litigants were “here to stay,” he worked to make the assistance program effective. For example, pro se cases used to be scattered throughout the daily docket. Now all pro se cases are scheduled on a particular morning twice a month, allowing the case manager time to plan things out well in advance and to be there to help with final judgments.

Most court clerks were also quick to say that that the pro se assistance programs made their jobs easier. They are no longer helping to fill out forms; it is now more clear what they can and cannot tell litigants; and it is a relief to have a place to send people for help. The comments of one clerk are illustrative:

Our job is now easier; we can refer people to a program rather than just hand them general instructions which are not easy to understand. Before, the only help that was available was a hotline, but it was difficult for litigants to get through and they were frustrated. The forms are now filled out correctly and completely, and wrong or inappropriate filings are avoided. People used to file cases for which there were no grounds. The clerks would know that the case would get thrown out, but they couldn't say anything. After the judge dismissed the case, some people would come back to the clerk's office to ask for a refund of the filing fee. Of course, refunds can't be given, so the litigants would leave unhappy.

Some court administrators echoed the views of the clerks. One remarked that his job was easier “because there are fewer frustrated clients, less chaos in the courtroom, calendars proceed more quickly and effectively, and there is less time spent correcting paperwork.” Others noted that their approaches to dealing with pro se litigants had changed because they now have a heightened awareness of litigants' needs. Many of the court administrators, however, noted that while the pro se assistance programs make the clerks' jobs easier and provide important services to the litigants, their own jobs have been made more difficult. They now have to coordinate the court's work with the work of the program, oversee a larger budget, manage a new set of responsibilities, and work with the program coordinator to determine how to proceed when novel issues arise. One administrator commented that at first, his job was more difficult “because he was getting the program going and dealing with staff, the community, and the bar.” He went on to say that “Now it's eas-

ier, and staff and judges' jobs are easier, and the community feels better about the system and the courts."

Most of the program partners also reported that their jobs had been made easier by the pro se assistance programs, primarily because they can now refer their own clients or others to the programs for help. Several partners also indicated that their perceptions of pro se litigants had changed as a result of their involvement with the assistance programs. A few mentioned that they found pro se litigants to be more realistic and less demanding than they had anticipated, while others noted that they understood better the value of the services that pro se litigants receive through the programs. Another partner commented that it has been instructive for him to learn when a litigant is telling half a story or is being genuine. There are times, he said, when he needs to adjust his first impressions. One partner observed that working with the program had solidified her view that many people are organized and intelligent, and with just a little guidance, can handle simple legal matters themselves. Another was surprised at how difficult it is for people to fill out forms. Finally, a couple of partners noted that they had not expected that working with pro se litigants would be so difficult emotionally. "Many litigants don't handle life very well," one observed. "They have a number of problems and are frustrated by what they see as hopeless situations. Helping them requires more than giving legal assistance; the job requires a holistic approach."

In most instances, the pro se assistance programs have not created any unforeseen difficulties for their jurisdictions, but a few court clerks, court administrators, judges, and program partners did raise some concerns that had not necessarily been anticipated:

- When there are intersecting pro se assistance programs or pro se services are provided in different substantive areas by different entities, it can cause some initial confusion for court personnel as well as litigants.
- Finding the right person to assist pro se litigants is sometimes a problem, as is finding physical space for the program, and funding.
- Attorney volunteers with some programs have ethical concerns as well as concerns about lawsuits resulting from their work with the programs. In addition, attorneys must be aware of potential conflicts of interest when dealing with pro se litigants. Members of their firms or they themselves may have represented the opposing party in a different case.

- Some pro se litigants may be placing too much reliance on the program and not coming to court as prepared as they should be.
- Some pro se litigants are confused about whether they are being given representation.
- Sometimes program staff are perceived as being an advocate for one side of a case, and that causes resentment on the other side.
- There still is resistance from some clerks; the one anticipated difficulty—attorney resistance—did not materialize.
- The popularity of the program and the demand for services was not anticipated.

PROGRAM EVALUATION

Very few of the pro se assistance programs ask litigants in any formal way how satisfied they are with program services. Most programs rely on informal feedback or the lack of complaints to assess program success. An overwhelming majority of program coordinators, court clerks and administrators, judges, and partners reported that litigants are happy to get assistance and seem quite satisfied with the help they have received. One program partner, in fact, noted that even the “most diehard, obnoxious individuals,” express some satisfaction with the program. Typically, any dissatisfaction that is expressed stems from having to wait too long to see an attorney or program staff member; frustration that the program office is only open for a limited time; a misunderstanding of the program’s purpose and the type of help they will receive; or unhappiness with the way the legal system works.

For the most part, coordinators also rely on informal feedback to determine how well the program is working from the perspectives of court personnel. Most reported positive feedback from court clerks and judges. In a few jurisdictions, additional means are used to evaluate the effectiveness of the program. In one jurisdiction, for example, the judge meets with the program coordinator each week to report whether litigants who have received assistance are prepared when they come to the courtroom. Others have used unobtrusive measures. One program coordinator, for example, noted that attorneys are now referring litigants to the program. When attorneys have a full caseload or determine that a person who has come to them is not going to be able to pay, they feel better knowing that there’s a place to send people for help. Another coordinator reported that as judges rotated into the

counties where the pilot pro se project was in operation, they said that they were going to take ideas back to their own counties and implement them. She noted that a county that had resisted mightily the notion of pro se assistance now accepts and likes the program.

Several of the program coordinators said that they planned to do some kind of formal evaluation of litigant satisfaction in the near future. Those that have tried, however, did point out some difficulties that need to be taken into account. Litigants tend to be very grateful immediately after receiving assistance and are inclined to be too polite when completing customer surveys at that time. On the other hand, if questionnaires are mailed to litigants at a later date, the response rate tends to be very low. A few respondents noted that program evaluation is also difficult if litigant use of program services consists primarily of accessing forms and instructions online.

PROGRAM CHANGES

Although the pro se assistance programs in most jurisdictions are of fairly recent vintage, several of them have undergone changes as program coordinators and court personnel recognized the need to do some things differently. Many of the changes have been relatively minor, reflecting the normal evolution of a program as it becomes better organized, redesigns its physical space, or upgrades its equipment. In other instances, more significant changes have occurred as a result of experience.

- Several programs have developed additional forms, added substantive areas to program coverage, or increased the number of clinics that are offered. Other programs have added post-clinic follow-up with litigants to make sure that cases are moving along smoothly and to answer any additional questions that litigants may have.
- Data collection and program user questionnaires have been instituted in some jurisdictions, while another jurisdiction has stopped collecting demographic information because it was too time consuming.
- To handle the demand for assistance, one program has limited its workshops to the first thirty-five litigants who arrive, while another has switched from walk-ins to appointments.
- A few programs have received increased funding for additional staff. One program now uses lay volunteers instead of legal services staff attorneys to

meet with litigants. Other programs have attracted more volunteer attorneys to provide services.

- Some programs have changed their original formats. One program, for example, began with set hours to meet with litigants; when few people came, the program coordinator started providing assistance primarily by phone and appointments. In addition, one person now assists litigants in completing forms through workshops rather than having several people provide services as originally designed. Another program began with individual appointments, but switched to classes in order to handle the volume of litigants. The class schedule is published at the courthouse so that judges know when litigants can attend relevant classes. A third program changed its format from one-on-one assistance to meeting with litigants in small groups, with opportunity for private discussion about individual cases.
- Communication among program participants has improved, particularly with respect to court clerks. Several programs reported that most of the clerks, many of whom had been reluctant about the programs when they started, are now seeing them as helpful, rather than as a hindrance. There is now more networking with the clerks, and now that they understand what the program does, they are more cooperative. As one program coordinator observed, “A two-way sharing of information is important. Pro se programs must learn what the clerks need, too.” One court administrator noted that her personal attitude about the program has changed; she thought it would be a waste of time but now sees the value in it.

Assessing Rural Pro Se Assistance Programs

Pro se litigants continue to present unique challenges for the courts. When asked to describe his greatest challenge or frustration when dealing with pro se litigants, the comment of one judge is telling: “Any judge who is not frustrated with pro ses is not human.” The comments of other judges, noted below, are also instructive for jurisdictions that are working to meet the needs of pro se litigants as well as to improve the efficiency with which pro se litigation is handled by the judicial system.

- Pro se litigants want to be heard. It’s difficult to find the time to deal with them and to help them.
- Pro se litigants are generally not focused on the legal issues before the court; the moving papers usually deal in emotions rather than legal issues. They lack understanding about rules of evidence, their rights, and the legal requirements governing what they want to do.
- Pro se litigants often fail to provide information the court needs to make the best decision possible. It’s especially difficult when one side is represented; it’s an uneven match.
- Pro se litigants are not prepared for oral or in-court activities. In the past, making the forms available and having them filled out correctly was the biggest problem. Now pro se litigants think getting forms and doing preparation work is enough. Developing a meaningful in-court record, however, is difficult. Pro se litigants want to tell their stories or make arguments instead of questioning witnesses. It’s not easy to be a judge and assist pro se litigants in court.

- Pro se litigants are distrustful of opposing counsel; they don't have enough understanding about what the other side's attorney is doing.
- Pro se litigants have no attorneys to act as buffers or facilitators of communication between them. It's difficult to get them to follow the rules, and they get angry when things don't go their way.
- Pro se litigants can't address enforcement of judgment, and some pro se litigants don't comply with orders or judgments.
- Pro se litigants don't understand that the power of the court is limited, that the court can't solve dysfunction. And some pro se litigants are crazy.

Program coordinators, court clerks and administrators, judges, and program partners tended to agree on the most valuable aspects of the pro se assistance programs. Among the most frequently mentioned:

- The pro se assistance program provides information and answers in plain language. Pro se litigants benefit from the personal contact they have with someone who can help them fill out forms and who can provide some insight into the legal process. They have more confidence about going to court, and they are better prepared to tell their stories. Some programs also facilitate communication between litigants and social services agencies.
- The pro se assistance program makes standardized forms and instructions available for pro se litigants. In addition, Web-based materials provide twenty-four hour access and allow litigants to preserve their anonymity; this is especially valuable for victims of domestic violence.
- The pro se assistance program helps people get cases started and resolved. Litigants are no longer frustrated, thinking that it requires money to go to court. They can see an attorney or get results for little or no cost. Litigants can go on with their lives, and many experience satisfaction in handling cases themselves.
- The pro se assistance program saves courts time and money. The clerks are relieved of some of the burden of dealing with pro se litigants, and the processing of cases is more efficient. More justice is happening.

In addition, some respondents noted the importance of the collaboration and coordination that pro se assistance programs have fostered with court clerks, court

administrators, and judges. Others mentioned aspects that were more unique to their individual programs, including screening litigants before clinics to assess their capabilities and needs; case management; and follow-up services.

When asked which aspects of the program haven't worked well, judges, court clerks, court administrators, and program partners had very few comments. Some noted that limited funding is a real hardship. In a couple of jurisdictions, judges or court administrators said that even though program services are needed and effective, resource constraints may make it difficult to justify maintaining the programs, particularly if the caseload is low or the demand for services levels off. Court personnel in other jurisdictions, on the other hand, said that they weren't prepared for the numbers of litigants seeking assistance. Some would like to have the program office open more hours or have enough space at the courthouse for program volunteers to see litigants more often. A few noted that it would be beneficial to have a lawyer available to speak with litigants. One court administrator noted that the self-help reference library is not used as much as anticipated.

Program coordinators were more likely to point out aspects of their programs that haven't worked well.

- Some coordinators observed that locating programs outside the courthouse is a drawback, either because program staff need to see litigant files or because they don't have daily interaction with judges. A few programs also experienced some difficulty when the program location kept changing to different areas around the courthouse. One day the person providing assistance might be located in a hallway, for example, while on another day he or she might use the jury room. It was confusing for litigants and court personnel alike to know where pro se assistance was being provided on a given day. One coordinator also pointed out, however, that her program probably avoided some criticism early on from those who were skeptical about providing pro se assistance and who would have begrudged the program the permanent space it now has.
- A few coordinators noted that their programs suffer from lack of staff, time to provide follow-up services, pro bono help from attorneys, training, and communication among partners. Some also mentioned that more mediation services would be helpful.
- Several coordinators reported that as the programs were being developed, not much effort was made to involve the clerks and deputy clerks, though they are the first ones to see litigants. Networking with the local clerks has been very important.

- Some coordinators noted that the assistance programs have made it easier for pro se litigants to enter disputes, but the programs have not necessarily prepared litigants for following through. Others noted that some pro se litigants are overwhelmed by the process and become frustrated, particularly if a matter becomes contested.
- A few coordinators noted that, in large measure, the pro se process is dependent on a judge's attitude. Having observed the way some judges treat pro se litigants, they are more cautious about recommending that litigants represent themselves.

The coordinators also shared some observations about the effects or consequences of the programs that had not necessarily been intended.

- One coordinator noted that “when people hire attorneys for a divorce, they are often dissatisfied and come back to court for a modification of the decree. Often they choose to do that without an attorney. Those who choose to do their divorces pro se typically don't come back for modifications, perhaps because they have to talk with each other more to work things out.” Another coordinator offered a similar observation. “Litigants without attorneys are almost always able to negotiate, to work something out. They compare notes with their friends who have attorneys and discover that, more often than not, the represented litigants have not been able to negotiate a settlement.”
- One coordinator reported that after taking a pro se class, some litigants decide to hire an attorney, or to take advantage of the state bar association's referral service that connects litigants to attorneys for a brief consultation at minimal cost. Another noted that the program had improved the image of attorneys in the community. Some coordinators reported that while attorneys thought they would lose business to the assistance programs, they now admit it hasn't happened. Moreover, some attorneys who were adamantly opposed to the establishment of a program now want to volunteer their time to it.
- Administering the pro se assistance program has led to a change in focus for at least one legal services organization—from landlord/tenant issues to family law. The program coordinator reported that if the intake worker determines that a client is not a good candidate for pro se litigation, legal services feels a responsibility, in many cases, to provide full representation. On the other hand, legal services personnel in another jurisdiction noted

that because some simple cases can now be handled pro se, legal services organizations have more time for other, more complex cases. In a third jurisdiction, the local legal aid office started referring people to the pro se assistance program, and discontinued its divorce class.

- Pro se assistance has sparked collaboration between legal services organizations and the courts in several jurisdictions, and in one instance, may have resulted in the court adopting a filing fee surcharge to support legal services programs.
- A few coordinators suggested that they were surprised the pro se assistance programs had worked so well. They are more successful than anticipated.

Advice from the Country

Jurisdictions considering the establishment of pro se assistance programs can benefit from the perspectives and practical suggestions of those who work with such programs on a regular basis. Here, in their own words, is the advice that program coordinators, court clerks and administrators, judges, and program partners gave about various aspects of program development and operation.

Assess the Environment

- Identify the “access to justice” issues for people in rural areas. Determine need before starting a program. Take a good, hard look at how you do business.
- Review what other jurisdictions have done. Find out what works, and adapt to local needs. Attend conferences on serving pro se litigants.
- Get resources in place before you start. Collect accurate data on case-loads for adequate funding, because rural programs are often ignored in statewide funding. You don’t need a lot of money to operate a pro se assistance program; use some existing resources to cut costs.

Build Support

- Get the support of the judiciary. Leadership at the highest level is critical, since attorneys will often follow the judges’ lead.
- Get the support of the local bar, or at least defuse its opposition. Explain the need for pro se assistance. Remind attorneys that if pro se litigants are prepared, court dockets will be less clogged and private attorney cases won’t be delayed.
- Don’t assume judges and attorneys will say “no.” On the other hand, don’t underestimate the resistance you’ll encounter or the amount of set-up time that’s necessary. Recognize the pay-off will be worth it.
- Involve court clerks and deputy clerks at the outset. Get their support and their buy-in early.

Design the Program Carefully

- Involve all key participants in initial discussions regarding the design of the program. Cast a wide net, and include judges, court clerks, court administrators, attorneys, domestic violence personnel, social and human services providers, mediation programs, and any other relevant partnering organizations. Foster good communication among the relevant players and incorporate their perspectives into the design of the program so that there is a common goal. Collaboration is important in addressing political issues. Get over existing conflicts before trying to cooperate on a pro se assistance program. Foster a noncompetitive atmosphere.
- Make sure you know what judges need and want from pro se litigants.
- Go to the clerk's office and observe for a day or two; get a sense of the kinds of questions clerks are asked and the nature of litigants' needs.
- Clarify the purpose of the program and carefully define the duties of the person providing the assistance.
- Address attorneys' ethical issues, liability concerns, confidentiality issues, and conflicts of interest concerns up front.
- Consider how best to handle cases when one side is represented by counsel and the other side is not.

Put the Program in Place

- Personnel issues are critical. Finding the right person to coordinate the program is important.
- Attorneys who work with the program should be experienced in the relevant areas of the law, and they should have the appropriate attitude and demeanor to work with pro se litigants. Encourage well-liked, well-respected attorneys to staff the program. They, in turn, will be able to bring other members of the bar on board in support of the program. If volunteers are used, involve as many as you can so that each person does not have to give too much time to the program.
- Develop standardized forms that are easy to understand and free of legal jargon.
- Don't assume technology will replace human interaction. Staff the program to provide help in filling out forms.
- Have a designated room for the program, and a predictable time when assistance is provided. Attorneys must have what they need when meeting with litigants. Provide, for example, a calendar, office supplies, phone and phone book, resource books or pamphlets describing relevant agencies and services, and a list of attorneys for referral. A computer for downloading forms, calculating child

support, tracking files, and checking on conflicts of interest is also helpful. Provide a place to park baby strollers and have an area for children to play with toys and books.

Keep Working

- Publicize the program well. Speak to relevant agencies so that they know the program exists and can refer people to it if appropriate. Involve well-known attorneys in spreading the news about the program.
- Provide training for all participants—program coordinators, judges, court clerks, attorneys, and other program partners.
- Develop a culture directed toward solving problems. Focus on taking care of business rather than the rituals of the courtroom.
- Remember that letting litigants have their say in court is often the missing piece in discussions about “access to justice.” Litigants will think judges are fair if judges let them talk and if judges listen to them. The court needs a change of attitude—start thinking of pro se litigants as consumers rather than as problems or nuisances.
- Be willing to change and adapt to the current legal culture; be flexible.
- Don’t give up. Don’t feel defeated before you start, and don’t even look at the first month’s statistics. Keep providing assistance at predictable times.

Do It

- You will save hundreds of hours of judicial time a year if you have a pro se assistance program.
- Before a pro se program was established, everyone was losing—court staff, judges, litigants. Creating a program is about the best thing you can do.

Key Findings and Recommendations

The twenty-five pro se assistance programs examined in this study vary in several important ways, including hours of operation, staffing arrangements, and the kinds of services that are offered. Thus policymakers in other rural jurisdictions have a number of examples to draw on as they develop or refine their own procedures for assisting pro se litigants. Some notable similarities, however, emerge across programs in this study, and those who work most closely with pro se litigants in the context of these programs—coordinators, court clerks and court administrators, judges, and program partners—share some important perspectives. These perspectives provide the basis for the following key findings and accompanying recommendations.

1. Finding. Technology can be a useful tool in providing assistance to pro se litigants and in overcoming some of the obstacles posed by distance and lack of transportation in rural areas, but technology cannot replace human interaction. While putting standardized forms and instructions online facilitates the work of program staff in a number of ways, litigants, for the most part, do not have the requisite level of education and/or computer skills to download forms and complete them without assistance. In many instances, computers and other self-help resources that are made available to pro se litigants go unused.

Recommendation. If resources are limited, it is more beneficial for pro se assistance programs to provide staff to help pro se litigants than to provide computers and other self-help tools.

2. Finding. There is widespread agreement among program coordinators, court clerks, court administrators, judges, and program partners that pro se litigants seem quite satisfied with the assistance they receive. Similarly, program coordinators report positive feedback from court clerks and judges regarding the programs. Very few jurisdictions, however, have taken steps to evaluate their pro se assistance programs in more formal ways.

Recommendation. Appropriate evaluation instruments should be developed so that jurisdictions can effectively measure program outcomes. Such evaluation will allow for program improvement and provide information that can prove useful when making funding decisions.

3. Finding. Because court clerks are on the “front lines,” dealing with pro se litigants constitutes a significant portion of their workload. Clerks are quick to say that the pro se assistance programs have made their jobs easier. They appreciate having a place to send litigants for help, not only because it relieves them of some of the burden of answering questions and of helping to complete forms, but also because it is easier to maintain appropriate ethical boundaries when dealing with pro se litigants. This is particularly helpful in rural jurisdictions where the clerks often know the litigants who come to the courthouse. Nevertheless, clerks still have concerns about dealing with pro se litigants. Clerks are frequently put in the position of having to answer questions, especially when pro se assistance is available only on a part-time or limited basis.

Recommendation. Courts must continue to recognize the impact that increasing numbers of pro se litigants have on the offices of the court clerk and provide guidance to clerks about how to deal appropriately with the self-represented.

4. Finding. In many rural areas, there are a limited number of attorneys who have the substantive expertise, the time, or the inclination to volunteer their services to pro se assistance programs. Of those attorneys who are willing to volunteer, however, many are reluctant to do so because of concerns about liability, confidentiality, and conflicts of interest.

Recommendation. The judiciary and the bar must address the ethical concerns that attorneys have about working with pro se assistance programs. The codes of professional responsibility need to be clarified with respect to attorney assistance to pro se litigants.

5. Finding. Pro se assistance programs have made it easier for litigants to get started, but they have not necessarily prepared them for following through. With the assistance that litigants receive, forms are now being completed properly, but often litigants are not prepared to present their cases in court. Thus judges still experience some frustration with pro se litigants, and indicate that it is especially difficult to find the proper balance when handling cases in which one side is represented by counsel and the other is not.

Recommendation. State supreme courts should address concerns judges have about their role in managing cases involving pro se litigants. Any such guidelines could form the basis for judicial education programs that would provide judges with techniques for managing pro se cases in the courtroom and ensuring meaningful access to justice.

6. Finding. Providing assistance to pro se litigants involves coordination and collaboration, not only in establishing local programs, but also in making them work effectively and efficiently.

Recommendation. Incorporate the perspectives of a wide range of representatives from local court offices and community organizations into the design of a pro se assistance program. Develop a common goal. Facilitate continued communication and coordination between the pro se assistance program and court staff. Foster collaborative partnerships with the legal community and other community resources.

7. Finding. There is widespread agreement among program staff, court clerks, court administrators, judges, and program partners that one of the most valuable aspects of pro se assistance programs is that they provide standardized forms and instructions for pro se litigants to use. The development of uniform materials, complaint through judgment, enhances the ability of the judicial system to provide effective assistance to pro se litigants.

Recommendation. State supreme courts and state court administrative offices should work collaboratively with local courts to develop standardized forms and instructions, free of legal jargon, to be used by pro se litigants.

Concluding Observations

This examination of pro se assistance programs has furthered our understanding of the particular concerns of rural jurisdictions in meeting the needs of self-represented litigants. Contending with transportation issues, limited attorney availability, and the special wrinkles that “rural neighborliness” can present, these twenty-five programs offer useful insights into the ways that rural courts have addressed some important issues relating to pro se assistance.

Many of the issues these jurisdictions struggle with, however, are not limited to rural areas. The concerns that court clerks have about dealing appropriately with pro se litigants, the ethical and practical concerns attorneys have about helping pro se litigants, and the frustration that judges may experience when pro se litigants are before them in the courtroom are not necessarily the products of the rural context. These lessons from the country, therefore, may also prove useful for those who work with pro se litigants in urban and suburban jurisdictions.

Several of the findings of this study raise important questions warranting further examination. For example,

Why do litigants choose to represent themselves if they can afford legal counsel? Several program coordinators and judges mentioned that an increasing number of people who can afford to hire attorneys are choosing to represent themselves. They noted that some litigants view attorneys as unnecessarily raising the level of conflict, while others simply want to maintain control of their own cases. Learning more about why people choose to proceed pro se rather than being represented by counsel would be useful not only for those designing pro se assistance services, but for the bar as well.

What impact do pro se assistance programs have on other parts of the justice system? While this study produced some important findings regard-

ing the impact that providing pro se assistance has on the way in which court personnel work with self-represented litigants, further examination of the impact of pro se assistance programs on other parts of the court community is warranted. For example, some jurisdictions reported that with the establishment of a program that assists pro se litigants with issues related to child support, an increase in filings has generated more work for the district attorney's office. In other jurisdictions, mediation services have been revamped to make it easier for pro se litigants to use them, and linkages have been developed between the mediation and pro se assistance programs. Learning more about the impact pro se assistance programs have on other components of the justice system would be useful for court managers and administrators.

How does pro se assistance fit into system-wide changes in the way cases are processed? In the context of discussing their pro se assistance programs, some court personnel mentioned the importance of other changes that had taken place in the processing of cases. In one jurisdiction, for example, a part-time pro se hearing officer now hears cases in which both parties are self-represented, and provides additional assistance to the judge in other cases involving pro se litigants. More cases can be heard in less time, to the benefit of litigants as well as the court. In another jurisdiction, recent changes in the court's family law division included the addition of case managers who help direct cases through the judicial process. While this change was not adopted specifically for the purpose of assisting pro se litigants, the self-represented have benefited a great deal from having someone responsible for guiding cases through the system. Other jurisdictions could benefit from learning more about how such changes in case processing have served the needs of both pro se litigants and the courts.

How are successful collaborations created and maintained? Collaboration with partnering organizations that provide services to pro se litigants in cost-effective ways has been beneficial for many of the programs examined in this study. Yet several program coordinators reported that in their jurisdictions, there are too few organizations willing or able to collaborate in providing assistance to pro se litigants. Further examination of successful collaborations could prove useful in developing techniques for identifying potential program partners and encouraging their participation in pro se assistance efforts.

Pursuing these and other lines of inquiry that may suggest themselves to readers of this report will contribute to the capacity of courts and communities to address the continuing challenges of pro se litigation.

About the Author

Beth M. Henschen received her Ph.D. from Ohio State University in 1980, specializing in the study of judicial politics. She was a faculty member in the departments of political science at Purdue University and Loyola University Chicago, and now teaches occasionally in the Honors Program at Eastern Michigan University. She is also an independent policy consultant and member of the consulting consortium of Nonprofit Enterprise at Work in Ann Arbor, Michigan.

Dr. Henschen has published numerous scholarly articles on courts and the judicial process and has co-authored a book on American politics. She has directed research projects for the Institute for Community and Regional Development at Eastern Michigan University and has worked with government and nonprofit agencies in developing community boards, conducting needs assessments, and measuring program outcomes.

Appendix

Preconference Survey on Local Pro Se Programs

Update/Verification Form

Interview Protocols



A National Conference on Pro Se Litigation

November 18 - 21, 1999 Scottsdale, Arizona

STATE TEAM PRECONFERENCE SURVEY ON LOCAL PRO SE PROGRAMS

NAME OF PERSON COMPLETING SURVEY: _____
COURT: _____
ADDRESS: _____
CITY/STATE/ZIP _____
PHONE: _____
FAX: _____
EMAIL: _____

INSTRUCTIONS

The purpose of this survey is to gather information about a variety of pro-se assistance programs based in local trial courts. The programs you survey may be locally initiated, or they may be part of a larger statewide initiative sponsored by your state court of last resort or state judicial council. We offer the following instructions as a guide to completing the preconference surveys.

1. As a team, please identify **at least three** pro-se assistance programs in local trial courts that you wish to survey. The programs should differ—for example, in the geographic area they serve, the level of services they provide, the types of cases for which they offer assistance, etc. The programs may offer one or more of the following services:
 - Providing forms and instructions
 - Informational brochures or videos
 - Assistance filling out forms
 - Computer kiosks that help litigants prepare forms suitable for filing
 - Staff available to answer procedural questions
 - Paralegal assistance
 - Pro-bono legal assistance by volunteer lawyers
 - Staff attorney advice on available remedies
 - Clinics to educate self-represented litigants about the court process
2. Survey your selected programs, using a separate questionnaire for each. Ideally, an individual team member should use the survey questionnaire to conduct a face-to-face or telephone interview with a person knowledgeable about the program. If that is not feasible, please send the questionnaire to the appropriate person for each program and set a return date. You might consider assigning a team member to follow up on and collect each survey.



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3. If you have time to complete surveys for more than three programs, we encourage you to do so. The more comprehensive our information is, the more useful a resource it will be both during and after the conference.
4. If you cannot identify a pro-se assistance program in your state, select three diverse local trial courts and ask a knowledgeable staff person in each court to fill out only Part I of the survey (the General Information and Background Information sections on pages 1-2) to the best of his or her ability. Again, assign team members to follow up.
5. Make copies of the completed surveys for the team's use in writing an action plan, and **PLEASE RETURN THE SURVEYS TO AJS BY AUGUST 23, 1999.** Send to **Marc Wagner**, American Judicature Society, 180 North Michigan Avenue, Suite 600, Chicago, IL 60601-7401, or fax to Mr. Wagner at 312/558-9175. His telephone number is 312/558-6900 x127.

Note: **While this state team survey is intended to elicit information about *local* pro se assistance programs, we also have sent a questionnaire to your state court administrator for information about any *statewide* initiatives. The state court administrators' survey has no questions about local programs.**

I. General Information

Name of court: _____

City/state: _____

A. Background information on pro se litigation

1. The region this court serves is: Urban Rural
Suburban Mixed (specify) _____

2. Over the past five years, the number of pro se litigants in this court has:
 Increased Decreased Remained the same
 Don't know

3. If there has been some change, has the change been: Minor
 Moderate Dramatic Don't know

4. What are the principal types of cases in which you have seen this change?
Check all that apply.

Family

- Adoption
 - Child custody
 - Child support
 - Divorce
 - Domestic abuse
 - Guardianship
 - Juvenile law
 - Orders of protection
 - Wills and estates
 - Other (specify below)
- _____

Nonfamily

- Civil (general)
 - Contract disputes
 - Criminal
 - Debt collection
 - Immigration
 - Landlord/tenant
 - Personal Injury
 - Other (specify below)
- _____

5. The jurisdiction of this court is: General Limited
Other (specify) _____

6. Does this court have a pro-se assistance program?
Yes No

If yes, please turn to Section II on the next page.

If no, please answer only questions a-c below:

a. What (if any) factors indicate the need for a pro se program in this court?

b. If there appears to be a need for a pro se program, are there any barriers to implementing a pro se program in this court?

Yes No If yes, please specify.

c. What factors would facilitate establishing an assistance program?

II. Pro-Se Assistance Program Description

Name of program: _____

Nature of jurisdiction: Urban Suburban Rural Mixed

A. Overview of the program

1. Is this program part of a statewide pro-se assistance effort sponsored by the state supreme court or state judicial council? Yes No

2. What was the start-up date: _____

3. What are the program's publicly stated goals?

4. Briefly summarize the scope and activities of this program. (Use other side if necessary, or attach a separate sheet.)

5. What substantive case types does the program cover? **Check all that apply.**

Family

- Adoption
- Child custody
- Child support
- Divorce
- Domestic abuse
- Guardianship
- Juvenile law
- Orders of protection
- Wills and estates
- Other (specify below):

Nonfamily

- Civil (general)
- Contract disputes
- Criminal
- Debt collection
- Immigration
- Landlord/tenant
- Personal Injury
- Other (specify below):

6. What materials and services are provided? **Check all that apply.**

- Forms and instructions
- Informational brochures or videos
- Staff to answer procedural questions
- Paralegal assistance
- Domestic violence assistance (e.g., order of protection)
- Legal assistance (circle one: pro bono, sliding fee scale, other (specify) _____)
- Legal clinics
- Legal referrals
- Self-help center
- Law library
- Mediation
- Office machines (e.g., copier, computer, telephone)
- Other (specify) _____

7. What stages of litigation do these materials and services cover? **Check all that apply.** Pretrial Trial Post-trial

8. What triggered the establishment of the pro se assistance program?

9. What are the hours of operation? _____ a.m. to _____ p.m.
_____ days per week

B. Who uses the program?

We would like a profile of those who use the program. Please estimate the percentage for each category. Are your responses: Your best guess Based on collected data (If actual statistics are available please provide them.)

1. Experience with courts:
 % First time
 % Occasional
 % Regular
 Don't know
2. Gender:
 % Female
 % Male
 Don't know
3. Age:
 % Under 18
 % 18-25
 % 26-40
 % 41-55
 % 56-65
 % Over 65
 Don't know
4. Education level:
 % Less than high school diploma
 % High school diploma
 % Some college
 % College degree
 % Post-graduate
 Don't know
5. Language of users:
 % English
 % Spanish
 % Other (specify) _____
 Don't know

6. If you can, please estimate how many people use your program each year.

C. What resources do you use to run the pro se program?

1. Staffing (please indicate number of employees in each category):

	No. Full-time	No. Part-time
Staff attorney	_____	_____
Volunteer attorney	_____	_____
Paralegal	_____	_____
Court manager	_____	_____
Court clerk	_____	_____
Secretarial/administrative	_____	_____
Law student	_____	_____
Lay advocate	_____	_____
Volunteer	_____	_____
Social worker	_____	_____
Other (specify)	_____	_____
_____	_____	_____

2. Is the program located in the courthouse, or away from the court house?

- At the court house
 Away from the court house (specify)_____

3. What technology is used?

- Automated phone system Web page
 Electronic kiosk Computers
 Fax machine None
 Other (specify)_____

4. Are foreign-language interpreters available? Yes No

5. List any other resources used.

6. Is there a training program for nonlawyers and noncourt personnel who staff the program? Yes No

D. Program management and funding

1. Is the program administered by the:

- Local trial court
 Bar
 Volunteers
 Other (specify)_____

5. Has the issue of unauthorized practice of law been raised in connection with your program? If yes, how was it addressed?

6. Into what areas would you like to expand the program (e.g., substantive, geographical, types of litigants?)

7. Please provide the contact information for this program (if different from person filling out the survey):

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Fax : _____

Email: _____

**Examining Rural Pro Se Assistance Programs
Update/Verification Form**

STATE _____

Table 2: Local Program Organizational Characteristics

Program Name	Year Started	Area Served	Budget	Funding Source	Administered By	Other Partners

Table 3: Local Program Descriptions

Program Name	Client Group (Type of Cases)	Program Description	Services Provided

Table 4: Local Program Operations and Use of Technology

Program Name	Staffing	Caseload (Annual)	Hours of Operation	Volunteers	Training (Nonlawyers)	Technology

Table 5: Local Program Contact Persons

Program Name	Address	Telephone Number	Fax Number	Email

Verification:

___ Data are correct

___ Please see changes as indicated

___ Program web address: _____

Reviewed by:

_____ Name

_____ Title

_____ Phone

On the reverse side is a question about the characteristics of your rural jurisdiction. Please respond, and then return this form to *Kathleen M. Sampson, Senior Program Associate*, 180 North Michigan Ave., Suite 600, Chicago, IL 60601 by _____. Thank you for your assistance.

Please describe the significant features of the rural jurisdiction served by the pro se assistance program.

- a. Number of counties in jurisdiction** _____
- b. Number of towns in jurisdiction** _____
- c. Square miles in jurisdiction** _____
- d. Total population in jurisdiction** _____

Examining Rural Pro Se Assistance Programs

Telephone Interview Protocol/Program Coordinator or Program Staff

Court _____

State _____

Address _____

Name/title of person interviewed _____

Program Name _____

Date/time of interview _____

- **[Interviewer instructions:** Before each interview, review the information that has been provided in the written survey and update/verification forms and refine questions and lead-ins to questions accordingly]
- **Introduction/thank you/etc.** As you know, I'm calling to ask you a few questions about your pro se assistance program as part of an examination of such programs in rural courts. This study is being conducted by the American Judicature Society and funded by the State Justice Institute in order to learn more about the unique challenges that face rural courts in the development and operation of pro se assistance programs. We also want to provide some helpful guidance to other rural jurisdictions as they think about how best to serve self-represented litigants by identifying both successful strategies and pitfalls to avoid. I appreciate the time you're taking today to share your insights.

1. Let's begin with the way in which geographic distance affects your program's operation.

[Program Awareness/Marketing]

- 1.1. How do pro se litigants in your jurisdiction become aware of your program and its services?
- 1.2. How is the program publicized/marketed?

[Technology]

- 1.3. How is technology used in your program? For example,
 - Are videos used to provide information about the program and its services?
 - Are informational programs broadcast on public access television?
 - Is electronic filing available?
 - Is the Internet used in any way?

- Does the program use technology not listed above?
 - If you have not already done so, do you plan to incorporate any of the technologies noted above (or others) in the near future?
- 1.4. How are technological resources made available to self-represented litigants? For example,
- Are informational videos available in the courthouse or the public library?
 - Is public computer access widely available?
 - Do litigants generally have the ability to use computers or other technologies? Is technical assistance available to litigants?
- 1.5. Is the use of technology particularly helpful given the rural nature of your jurisdiction? Are any of these technologies particularly helpful?

[Client use of the program services]

- 1.6. Is lack of transportation a problem?
- 1.7. Are program materials and services offered at satellite locations across the jurisdiction?

{Meetings of Program Personnel}

- 1.8. Do program meetings or training workshops ever take place? That is, do administrators, partners, and court personnel meet in person to discuss the program, or are geographic distances too great? Do you discuss the program via e-mail?
- 1.9. Does geographic distance create difficulty for maintaining viable relationships with the program's partners/collaborators?

2. During a pro se conference discussion about serving self-represented litigants in rural areas, we heard from some participants that professional isolation is a concern; for others it is not.

- 2.1. Is professional isolation a concern for you? Do you feel professionally isolated from your counterparts in other courts? If so, what impact does that feeling of isolation have?
- 2.2. Are there formal or informal mechanisms in place to facilitate the exchange of information, solutions to problems, etc. with your professional colleagues in other similar jurisdictions in the state or region?
- 2.3. Do you have any suggestions that might help court personnel in other rural jurisdictions develop the professional expertise necessary to establish a pro se assistance program?

3. I'd like to turn to the issue of resources, and how you may have overcome some of the obstacles that lack of resources can present.

[Caseload/Client Needs]

- 3.1. I note from the survey data that your program's caseload is approximately _____ per year. Do you think that pattern will hold over the next five years?
 - o What changes, if any, in the number of pro se litigants do you anticipate?
 - o What will account for this increase/decrease?
- 3.2. Does the program have enough personnel to staff the program?
- 3.3. If the caseload volume is relatively low, do resource constraints make it difficult to maintain and/or justify a pro se assistance program?
- 3.4. Are the program's hours of operation tied to demand?
- 3.5. Do you foresee any significant changes in the profiles of program clients or in client needs over the next five years? [e.g., new language needs] If yes, what are those anticipated changes?
- 3.6. Are there additional substantive areas that should be included in the program? Would these additions meet client needs? Court needs?
- 3.7. Do you anticipate any programmatic revisions to meet these changing profiles or needs? What will it take to make these changes?
- 3.8. Are partnering organizations or other resources such as libraries too far away from the courthouse to be of optimal value? Are there too few resources, such as law libraries or appropriate community organizations, with whom to partner?
- 3.9. Is there a sufficient pool of lawyers available to volunteer services to your program, or to assist litigants on a pro bono basis?
- 3.10. Are you aware of any legal services-sponsored program for pro se litigants? If so, have any steps been taken to coordinate your pro se assistance program with that program?

4. The final set of questions has to do with the evolution of your program and your assessment of the program's success.

- 4.1. What prompted the establishment of the pro se assistance program?
 - o Is there a statewide pro se initiative sponsored by the state supreme court?
Yes _____ No _____

- Is there legislation that mandates and/or funds some level of pro se services?
Yes _____ No _____
 - Has the state supreme court issued a rule allowing lawyers to provide limited legal representation?
Yes _____ No _____
 - Are there any other statewide policies or initiatives that affect your program/ability to assist self-represented litigants?
 - Is your court
_____state funded
_____locally funded
_____funded with a combination of state and local dollars
- 4.2. Since its inception, has the program changed? If so, how has it changed? What prompted any changes that have been made?
- 4.3. What do you do to find out how the program works—for clients, court staff, judges, program partners?
- Do you ask the program’s clients how satisfied they are with the pro assistance program? If so, what has been the typical response?
 - Do you ask the others (court staff, judges, program partners)? If so, what has been the typical response?
- 4.4. Do you know pro se litigants as acquaintances or interact with them in other settings? If so, does that affect the way in which you work with them in the context of the pro se assistance program?
- 4.5. What are the most successful features of the program? Would these features transfer well to other rural jurisdictions?
- 4.6. What hasn’t worked well? Are there problems that should have been/could have been avoided?
- 4.7. Has the program produced any unintended consequences, positive and/or negative?
- 4.8. If you were advising another jurisdiction about setting up a pro se assistance program, what would be an important piece of advice that you would want to offer?
- **Thank you very much for your time. Would you be willing to be contacted again if the need arises for a brief clarification?**

Examining Rural Pro Se Assistance Programs

Telephone Interview Protocol/Court Clerk or Court Administrator

Court _____

State _____

Address _____

Name/title of person interviewed _____

Program Name _____

Date/time of interview _____

- **[Interviewer instructions:** Before each interview, review the information that has been provided in the written survey and update/verification forms and refine questions and lead-ins to questions accordingly]
- **Introduction/thank you/etc.** As you know, I'm calling to ask you a few questions about the pro se assistance program in your court as part of an examination of such programs in rural courts. This study is being conducted by the American Judicature Society and funded by the State Justice Institute in order to learn more about the unique challenges that face rural courts in the development and operation of pro se assistance programs. We also want to provide some helpful guidance to other rural jurisdictions as they think about how best to serve self-represented litigants by identifying both successful strategies and pitfalls to avoid. I appreciate the time you're taking today to share your insights.

1. Let's begin with the way in which geographic distance affects the pro se assistance program.

- 1.1. Does the fact that your jurisdiction is rural make it easier/more viable to have a pro se assistance program, or are there particular obstacles that have to be dealt with because your court is rural?
- 1.2. Is lack of transportation a problem for the program's clients? Are pro se assistance program materials and services offered at satellite locations across the jurisdiction?
- 1.3. Does geographic distance create difficulty for maintaining viable relationships with the program's partners /collaborators?

2. During a pro se conference discussion about serving self-represented litigants in rural areas, we heard from some participants that professional isolation is a concern; for others it is not.

- 2.1. Is professional isolation a concern for you? Do you feel professionally isolated from your counterparts in other courts? If so, what impact does that feeling of isolation have?
- 2.2. Are there formal or informal mechanisms in place to facilitate the exchange of information, solutions to problems, etc. with your professional colleagues in other similar jurisdictions in the state or region?
- 2.3. Do you have any suggestions that might help court personnel in other rural jurisdictions determine whether to establish a pro se assistance program?

3. I'd like to turn to the issue of resources, and how you may have overcome some of the obstacles that lack of resources can present.

- 3.1. I note from the survey data that your program's caseload is approximately _____ per year. Do you think that pattern will hold over the next five years?
 - What changes, if any, in the number of pro se litigants do you anticipate?
 - What will account for this increase/decrease?
- 3.2. Does the program have enough personnel to staff the program?
- 3.3. If the caseload volume is relatively low, do resource constraints make it difficult to maintain and/or justify a pro se assistance program?
- 3.4. Do you foresee any significant changes in the profiles of program clients or in client needs over the next five years? [e.g., new language needs] If yes, what are those anticipated changes?
- 3.5. Are there additional substantive areas that should be included in the program? Would these additions meet client needs? Court needs?
- 3.6. Do you anticipate any programmatic revisions to meet these changing profiles or needs? What will it take to make these changes?
- 3.7. Are partnering organizations or other resources such as libraries too far away from the courthouse to be of optimal value? Are there too few resources, such as law libraries or appropriate community organizations, with whom to partner?
- 3.8. Is there a sufficient pool of lawyers available to volunteer services to the program or to assist litigants on a pro bono basis?
- 3.9. Are you aware of any legal services-sponsored program for pro se litigants? If so, have any steps been taken to coordinate the pro se assistance program with that program?

4. The final set of questions has to do with the evolution of the pro se assistance program and your assessment of the program's success.

- 4.1. What prompted the establishment of the pro se assistance program?
- 4.2. How were you approached about becoming involved with the pro se assistance program?

- 4.3. Were you involved in planning the program, or were you brought on board after it was established?
 - 4.4. Since its inception, has the program changed? If so, how has it changed? What prompted any changes that have been made?
 - 4.5. Has the existence of the pro se assistance program made your job easier or more difficult? In what ways?
 - 4.6. Has the program created any unforeseen difficulties for you or others in your court?
 - 4.7. In your view, how satisfied are most of the clients with the pro se assistance program?
 - 4.8. Do you know pro se litigants as acquaintances or interact with them in other settings? Does the existence of a pro se assistance program make it easier or more difficult for you to maintain the appropriate ethical boundaries as you help self-represented litigants?
 - 4.9. Has the existence of the pro se assistance program necessitated any changes in training court personnel?
 - 4.10. Are the pro se assistance program partners (e.g., service providers, other government agency personnel, etc.) trained adequately?
 - 4.11. Are court personnel now spending less time with pro se litigants, or more time than they did before the creation of the pro se assistance program?
 - 4.12. Has the pro se assistance program led to an increase in settlements before trial?
 - 4.13. Has your philosophy regarding the way in which you deal with pro se litigants changed as a result of the assistance program?
 - 4.14. What are the most successful features of the pro se assistance program? Would these features transfer well to other rural jurisdictions? What doesn't work well?
 - 4.15. If you were advising another jurisdiction about setting up a pro se assistance program, what is an important piece of advice that you would want to offer?
- **Thank you very much for your time. Would you be willing to be contacted again if the need arises for a brief clarification?**

Examining Rural Pro Se Assistance Programs

Telephone Interview Protocol/Judge

Court _____

State _____

Address _____

Name/title of person interviewed _____

Program Name _____

Date/time of interview _____

- **[Interviewer instructions:** Before each interview, review the information that has been provided in the written survey and update/verification forms and refine questions and lead-ins to questions accordingly]
- **Introduction/thank you/etc.** As you know, I'm calling to ask you a few questions about the pro se assistance program in your court as part of an examination of such programs in rural courts. This study is being conducted by the American Judicature Society and funded by the State Justice Institute in order to learn more about the unique challenges that face rural courts in the development and operation of pro se assistance programs. We also want to provide some helpful guidance to other rural jurisdictions as they think about how best to serve self-represented litigants by identifying both successful strategies and pitfalls to avoid. I appreciate the time you're taking today to share your insights.

1. During a pro se conference discussion about serving self-represented litigants in rural areas, we heard from some participants that geographic and professional isolation are important concerns. I'd like to ask you a few questions related to the issues of geographic distance and professional isolation.

- 1.1. Does the fact that your jurisdiction is rural make it easier/more viable to have a pro se assistance program, or are there particular obstacles that have to be dealt with because your court is rural?
- 1.2. Is professional isolation a concern for you? [e.g., do you feel professionally isolated from your counterparts in other courts?] If so, what impact does that feeling of isolation have?
- 1.3. Are there formal or informal mechanisms in place to facilitate the exchange of information, solutions to problems, etc. with your professional colleagues in other similar jurisdictions in the state or region?

- 1.4. Do you have any suggestions that might help judges in other rural jurisdictions who may be interested in helping to develop a pro se assistance program?

2. I'd like to turn to the issue of resources, and how your court may have overcome some of the obstacles that lack of resources can present.

- 2.1. I note from the survey data that your program's caseload is approximately _____ per year. Do you think that pattern will hold over the next five years?
 - o What changes, if any, in the number of pro se litigants do you anticipate?
 - o What will account for this increase/decrease?
- 2.2. If the caseload volume is relatively low, do resource constraints make it difficult to maintain and/or justify a pro se assistance program?
- 2.3. Do you foresee any significant changes in the profiles of program clients or in client needs over the next five years? [e.g., new language needs] If yes, what are those anticipated changes?
- 2.4. Are there additional substantive areas that should be included in the program? Would these additions meet client needs? Court needs?
- 2.5. Do you anticipate any programmatic revisions to meet these changing profiles or needs? What will it take to make these changes?

3. The final set of questions has to do with the evolution of the pro se assistance program and your assessment of the program's success.

- 3.1. What prompted the establishment of the pro se assistance program?
- 3.2. Were you involved in planning the program?
- 3.3. Since its inception, has the program changed? If so, how has it changed? What prompted any changes that have been made?
- 3.4. What is the greatest challenge/frustration you face in dealing with pro se litigants?
- 3.5. Has your approach to dealing with pro se litigants changed as a result of the assistance program? If so, how? Has it made your job easier? More difficult?
- 3.6. Has the amount of time you spend with pro se litigants decreased since the inception of the pro se assistance program? Are there fewer continuances?
- 3.7. Has the program created any unforeseen difficulties for you or others in your court?

- 3.8. In your view, how satisfied are most of the clients with the pro se assistance program?
 - 3.9. Does the existence of a pro se assistance program make it easier or more difficult for court personnel to maintain the appropriate ethical boundaries as they help self-represented litigants? Has the existence of the program made it easier or more difficult for you, as a judge, to maintain the appropriate ethical boundaries?
 - 3.10. Has the existence of the pro se assistance program necessitated any changes in training court personnel?
 - 3.11. Are the pro se assistance program partners (e.g., service providers, other government agency personnel, etc.) trained adequately?
 - 3.12. What are the most successful features of the program? Would these features transfer well to other rural jurisdictions? What hasn't worked well?
 - 3.13. If you were advising another jurisdiction about setting up a pro se assistance program what is an important piece of advice that you would want to offer?
- **Thank you very much for your time. Would you be willing to be contacted again if the need arises for a brief clarification?**

Examining Rural Pro Se Assistance Programs
Telephone Interview Protocol/Program Partner

Court _____

State _____

Address _____

Name/title of person interviewed _____

Program Name _____

Date/time of interview _____

- **[Interviewer instructions:** Before each interview, review the information that has been provided in the written survey and update/verification forms and refine questions and lead-ins to questions accordingly]

- **Introduction/thank you/etc.** As you know, I'm calling to ask you a few questions about the pro se assistance program in your jurisdiction as part of an examination of such programs in rural courts. This study is being conducted by the American Judicature Society and funded by the State Justice Institute in order to learn more about the unique challenges that face rural courts in the development and operation of pro se assistance programs. We also want to provide some helpful guidance to other rural jurisdictions as they think about how best to serve self-represented litigants by identifying both successful strategies and pitfalls to avoid. I appreciate the time you're taking today to share your insights.

1. Let's begin with the way in which geographic distance affects the pro se assistance program.

- 1.1. Does the fact that your jurisdiction is rural make it easier/more viable to have a pro se assistance program, or are there particular obstacles that have to be dealt with because your court is rural?

- 1.2. Is lack of transportation a problem for the program's clients? Are pro se assistance program materials and services offered at satellite locations across the jurisdiction?

- 1.3. Do program meetings ever take place? That is, do administrators, program partners, court personnel meet in person to discuss the program, or are geographic distances too great? Do you discuss the program via e-mail?

- 1.4. Does geographic distance create difficulty for maintaining viable relationships with the program's administrator and other court personnel?

2. During a pro se conference discussion about serving self-represented litigants in rural areas, we heard from some participants that professional isolation is a concern; for others it is not.

- 2.1. Is professional isolation a concern for you? Do you feel professionally isolated from your counterparts in other jurisdictions? If so, what impact does that feeling of isolation have?
- 2.2. Are there formal or informal mechanisms in place to facilitate the exchange of information, solutions to problems, etc. with your professional colleagues in other similar jurisdictions in the state or region?
- 2.3. Do you have any suggestions that might help organizations/agencies in other rural jurisdictions who may be interested in helping to develop a pro se assistance program?

3. I'd like to turn to the issue of resources, relevant to sustaining the pro se assistance program in the long term.

- 3.1. Does the program have enough personnel to staff the program?
- 3.2. If the caseload volume is relatively low, do resource constraints make it difficult to maintain and/or justify a pro se assistance program?
- 3.3. Do you foresee any significant changes in the profiles of program clients or in client needs over the next five years? [e.g., new language needs] If yes, what are those anticipated changes?
- 3.4. Are there additional substantive areas that should be included in the program? Would these additions meet client needs? Court needs?
- 3.5. Do you anticipate any revisions in the pro se assistance program to meet these changing profiles or needs? What will it take to make these changes?
- 3.6. As a program partner, do you find resources such as law libraries too far away from the courthouse to be of optimal value? Do you know of other organizations or agencies who are currently not involved with the pro se assistance program but who should be?
- 3.7. Is there a sufficient pool of lawyers available to volunteer services to the program or to assist litigants on a pro bono basis?

- 3.8. Are you aware of any legal services-sponsored program for pro se litigants? If so, have any steps been taken to coordinate the pro se assistance program with that program?

4. The final set of questions has to do with the evolution of the pro se assistance program and your assessment of the program's success.

- 4.1. What prompted the establishment of the pro se assistance program?
- 4.2. How were you approached about becoming involved with the pro se assistance program?
- 4.3. Were you involved in planning the program, or were you brought on board after it was established?
- 4.4. Since its inception, has the program changed? If so, how has it changed? What prompted any changes that have been made?
- 4.5. Has the existence of the pro se assistance program made your job easier or more difficult? In what ways?
- 4.6. Has the program created any unforeseen difficulties for you or for other partners that you are aware of?
- 4.7. In your view, how satisfied are most of the clients with the pro se assistance program?
- 4.8. Do the pro se assistance program partners go through any specific training? If yes, who provides the training?
- 4.9. What are the most successful features of the pro se assistance program? Would these features transfer well to other rural jurisdictions? What doesn't work well?
- 4.10. Has your perception of pro se litigants changed as a result of the assistance program?
- 4.11. If you were advising another jurisdiction about setting up a pro se assistance program, what is an important piece of advice that you would want to offer?
- **Thank you very much for your time. Would you be willing to be contacted again if the need arises for a brief clarification?**