

Commission on Justice Initiatives in
Pennsylvania

Report and Recommendation of the Task Force
on
Self-represented Litigation

December 22, 2006

Foreword

This report could not have been accomplished without the willingness of each and every member of the Task Force on Self-represented Litigation. Their attentiveness, comments and willingness to engage in this undertaking enabled us to achieve our goal of producing the report by the end of 2006.

I particularly acknowledge Joe Sullivan, Rick Pierce, Sam Milkes and Joe Mittleman for their skillful writing that incorporated many ideas and recommendations into a cohesive and comprehensive report.

This Task Force was inspired by Judge Panella's insights and enthusiasm to undertake the project and many kudos to the Judge.

Last, but not least, without Marie Queen's guidance, input and willingness to gently keep us moving forward, we would not have achieved what we have within the time we did.

The Honorable Penny Blackwell, Chair
Task Force on Self-represented Litigation

Members of the Task Force on Self-representation

Hon. Penny Blackwell, Chair, York County Court of Common Pleas

Hon. James Arner, Clarion County Court of Common Pleas

Sandra Ballard, Esq., Public Services Coordinator Dauphin County Bar Association

Hon. William Carpenter, Montgomery County Court of Common Pleas

Kathy Coon, Deputy Director Jenkins Law Library

Victoria A. Coyle, Esq., Executive Director North Penn Legal Services

Hon. John Driscoll, Westmoreland County Court of Common Pleas

Hon. Idee C. Fox, Philadelphia County Court of Common Pleas

Terry L. Fromson, Esq., Managing Attorney Women's Law Project

Reverend Brenda J. Gregg, Greater Allen AME

Hon. Henry S. Kenderline, Jr., Lancaster County Court of Common Pleas

Hon. Edmund V. Ludwig, US District Court for the Eastern District of Pennsylvania

Mr. Garry Maddox, A. Pomerantz & Co.

Lynn A. Marks, Esq., Executive Director, Pennsylvanians for Modern Courts

Pamela Jane Mayer, Esq.

Samuel W. Milkes, Esq., Executive Director Pennsylvania Legal Services

Joseph J. Mittleman, Esq., Director of Judicial Programs Administrative Office of Pennsylvania Courts

Hon. Jack Panella, Superior Court of Pennsylvania

Joseph A. Sullivan, Esq., Special Counsel and Director of Pro Bono Programs Pepper Hamilton
LLP

David Keller Trevaskis, Esq., Pro Bono Coordinator Pennsylvania Bar Association

Hon. Clyde W. Waite, Bucks County Court of Common Pleas

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I. OVERVIEW

The Task Force on Self Representation was formed in recognition of the vast numbers of self-represented persons, and the need to make the legal system more accessible to them. The goal of the Task Force is to investigate possible ways to provide self-represented litigants with easy access to information about legal proceedings and how to access available, understandable and usable forms, how to complete them, and how and where to file documents.

The consensus of Task Force members is that the area of greatest need is in family law, including such substantive areas as divorce, child custody and support, and child abuse and neglect matters, among others. For example, it has been estimated that between 85% and 90% of litigants in the Family Court division of the Philadelphia Court of Common Pleas are self-represented.

In providing forms and information to self-represented persons, there is no intent to usurp the role of attorneys. Disclaimers should appear on all documents and websites to ensure that self-represented persons are informed both that the information does not constitute legal advice and that self-represented persons should attempt to retain counsel.

The Task Force hereby issues its report and recommendations (“Report”) as to family law issues, and submits it to Judge Panella, chair of the Public Education and Outreach Committee – the Task Force’s “parent committee.” In the future, the Task Force is prepared to broaden its focus to other areas of substantive law and to other courts should that be the desire of the Court

II. NATIONAL TRENDS: HOW COURTS ACROSS THE NATION ARE ASSISTING SELF-REPRESENTED LITIGANTS

A majority of state supreme courts and/or administrative offices of courts have websites that offer forms and instructions to self-represented persons. A number of sites have forms that can be completed on-line and printed out, and in some cases those forms can be filed electronically, while other sites are in .pdf file format, and thus are only downloadable. A number of states, including California, Colorado, Maryland and New York, have fairly comprehensive sets of specific forms and detailed instructions in plain language for all family court proceedings

Self-Help Centers Nationwide

Twenty-three states, including neighboring Maryland and Delaware, have jurisdictions which operate and fully staff self-help centers. Generally, a self-help center is a physical place, or room, usually at a courthouse, where self-represented people can go to access forms, instructions and information about the court process and procedures involving their legal needs. Often, self-help centers also post on-line the same information offered at the centers. These centers are generally not operated as a place for people to go for legal advice or representation.

**COMMISSION ON JUSTICE INITIATIVES
TASK FORCE ON SELF REPRESENTATION**

TASK FORCE REPORT – DECEMBER 2006

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¹ In the past, self-represented litigants were often referred to by judicial officers, staff and attorneys as “pro se litigants,” using the Latin term which translates to “for oneself.” Given the clear preference for using vernacular, more easily-understood terms, this Report uses the words “self-represented litigants” to enhance the clarity of its analysis.

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There are more than one hundred and fifty self help centers nationwide.² Delaware has one self-help center in New Castle County, the largest of its three counties. The Delaware self-help center is staffed by a full-time administrator, administrative assistant and a rotating attorney from a panel of volunteers. Volunteer attorneys are required to assist the center and the self-represented litigants; each attorney is present at the self-help center for several hours each month and reports his or her time to the state governing board.

In Maryland, self help centers operate without a mandated attorney participant. However, some centers do have attorney participants, who report their work on a pro bono reporting form each month. Many attorneys view assistance at the self-help centers as a means of fulfilling pro bono obligations and duly comply when asked to perform a service at a center.

Currently, there are three self-help centers and one court-sponsored information center in Pennsylvania. Allegheny and Lancaster opened their self-help centers to the public within the last three years, and Dauphin County opened its self-help center this year. Philadelphia launched its court-sponsored information center about three years ago. These centers differ greatly in the services they offer. The three self-help centers provide informational brochures, form pleadings, and personalized assistance about where to go for various courthouse operations. The information center in Philadelphia directs visitors on where to go, such as the family court buildings, for court forms and further assistance.

Each center has published hours of operation. The self-help centers provide a variety of forms. Allegheny and Dauphin county provide forms at no cost; Lancaster charges up to ten dollars (\$10) depending upon the form(s) requested. The director of the Lancaster County self-help center, Eleanor Gerlott, reports there have been more than sixteen hundred (1600) inquiries and well over six hundred (600) packets of information and instructions sold during the last year; these forms are downloadable from the county website at no charge. The majority of packets contain procedural information and forms for child custody and visitation cases. Lancaster has received numerous accolades from "customers" appreciative that they have somewhere to go to receive assistance. Ms. Gerlott reports that many persons leaving the center then decide that they need an attorney, so the center may be of indirect benefit to the local bar. Ms. Gerlott reports that a potential next step in Lancaster may be to facilitate the delivery of unbundled legal services.

² "Self-Help Centers Meet Pro Se Flood," The National Law Journal, June 26, 2006.

The First Judicial District Information Center in Philadelphia provides information by telephone and in person to approximately forty (40) self-represented persons in family law areas per month, or roughly five hundred (500) persons each year.

A more detailed examination of the purposes, operations and potential impact of self-help centers can be found in Section VIII of this Report, and a discussion of unbundled legal services can be found in Section X of this Report.

Self Help Centers – Location Issues Nationwide

Self-help centers around the nation appear to be very successful, but the locations in which they are established may be particularly relevant to their success. Indeed, while many states have created such centers, they have not been established in every court or local jurisdiction. For example, in Minnesota, there is a self-help center in Hennepin County (Minneapolis/St. Paul), by far the largest district court in the state. However, there are very few centers in other parts of the state. California has thirty-eight self-help centers, but again self-help centers have not been established in every district or court.

There may be a number of reasons for the variance among states and within states. For example, demand in rural and less populous counties may not be nearly as great as in the urban areas. Geographical considerations may also play a role. Some locations simply may be too remote, as the experience in Alaska and Minnesota suggests. In Minnesota, several jurisdictions have made use of video-conferencing linked to a central self help center. In Alaska, telephone conferences have played a similar role. Anecdotally, however, the most fundamental reasons for the relative scarcity of self-help centers is insufficient funding for space and staff.

Self Help Centers – Scope of Services Nationwide

The May 2005 report of the National Center for State Courts on the future of self-represented litigation notes the most successful state programs are comprehensive in nature. These programs include statewide self-help centers/clinics operated by staff and volunteer attorneys and a telephone hotline service. These states generally have a self help assistance coordinator (even in small states such as Delaware) employed by the state administrative office of courts, and the centers are sponsored by a statewide commission most frequently chaired by a justice of the Supreme Court. Educational programs and training seminars are routinely offered; in some cases, such courses are mandated for judges and court staff. As a general matter, state rules committees participate in discussion of forms and the state CLE board monitors any requirement of reporting pro bono hours.³

State support for self-represented litigants can be clustered into three rough categories or “tiers” of service and support. Even where support is provided primarily at one tier or level, such assistance is sometimes combined with service in other tiers.

³ “The Future of Self-Represented Litigation: Report From the March 2005 Summit,” The National Center for State Courts.

The first tier, generally speaking, is characterized by the provision of forms and instructions in plain language to both self-represented litigants and attorneys. In many states, this level of support includes the provision of training and education for judges and court staff on how to provide assistance to self-represented persons. This training includes instruction to court staff on how to differentiate between legal information, which can be provided, and legal advice, which cannot.

The second tier is characterized by reliance on self-help centers. These centers, staffed by court professionals and attorneys, provide additional instruction in how to prepare essential forms as well as useful procedural information not always readily available in jurisdictions operating on the first tier of assistance. Nationwide, these centers have proven to be successful ventures for the courts, yet there continue to be numerous challenges, such as funding, allocation of space and staff availability.

The unbundling of legal services may be viewed as a “top tier” of assistance. This level involves a combination of limited legal representation followed by stages in which a litigant proceeds to represent himself or herself. New rules in many states permit limited representation, which generally does not require court appointment and does not involve standard pro bono representation. In jurisdictions that permit unbundled legal services, attorneys may be appointed on a pro bono basis to provide some services, while litigants represent themselves in other aspects of their legal matters. Some concerns have been expressed that there is a hidden risk in this approach; anecdotal reports suggest that in some cases, attorneys who offer to provide limited representation have been drawn into full representation on a pro bono basis. It also has been reported that judges unfamiliar with the concept of unbundling sometimes resist attempts by counsel to withdraw after they have completed the limited services they agreed to provide. Nonetheless, unbundling of legal services may provide another means to assist self-represented persons obtain meaningful access to the courts.

III. FORMS AND INSTRUCTIONS: USE OF INTERNET

Recommendations:

The Task Force recommends the adoption of state-approved plain language forms which reflect reduction or elimination of legal terminology unknown to novice litigants, and the provision of instructions on one website approved by the Court. This website could be the judiciary’s site, hosted by the Administrative Office of Pennsylvania Courts, or it could be PALawHelp.org, the Pennsylvania unit of the nationally recognized non profit organization LawHelp.org. The two sites could also work together, providing links to each other as a means of providing additional information to a litigant or an attorney quickly and with ease.

The Task Force further recommends that courts in each judicial district in Pennsylvania provide a link that is posted on this centralized state-operated website. Each district should provide specific procedural information germane to its courts. This information might include both the statewide standardized definitions of terms (addressed below) as well as a “frequently asked

questions” (FAQs) section and step-by-step instructions as to the sequence of events, fees and locations applicable in that district. A link for each of the sixty judicial districts on this state-supervised website would increase the possibility that a self-represented litigant will have sufficient and accurate information to proceed with his or her case. In addition, a statewide site that includes such links may help reduce possible confusion as to each court’s specific needs.

Many states incorporate standardized definitions and certain instructions and FAQs on their statewide websites and/or provide a link to another site that details procedures and processes on a county-by-county basis. For example, New York and California statewide websites include commonly-asked questions and answers regarding the judicial system and the processing of cases. Standardized definitions in plain language can be obtained through many state websites. Pennsylvania may want to adopt this approach, and modify its existing standardized definitions and FAQs for posting on the duly-designated website. Local FAQs, step-by-step instructions and other procedures can be outlined on county websites.

The Task Force recommends that consideration be given to providing forms and instructions in Spanish and any other widely spoken and written languages.

The Task Force also recommends that any self-help website have two introductory or “pop up” statements declaring first, that the site provides information, but not legal advice, and second, that the person accessing the site should seek to obtain the services of an attorney.

Discussion:

The Task Force finds that an increasing number of individuals who interact with the legal system obtain information about the system over the internet. A recent study in California revealed that although the majority of self-represented litigants may be considered economically disadvantaged, nearly half of these individuals can gain access to and prefer to use the internet. The computer has become the mode of choice to obtain information about filing a case and preparing documents.

The Ohio Task Force on Pro Se and Indigent Litigants recently released its report and recommendations to the Supreme Court. One of its many recommendations declared: “The most cost effective means of making materials such as forms and instructions widely available to self-represented litigants is through the internet.” In fact, the Ohio Futures Commission reached the same conclusion, recommending that materials be “accessible to court users around the clock online or by other remote access technologies.”

The March 2005 report of the National Center for State Courts declared that self-help websites “have proven themselves to be highly effective means of providing the information component of access to justice. After initial development costs, [self-help websites] can distribute information widely with little marginal costs, other than ongoing updates and maintenance. [Such sites] facilitate partnerships with appropriate access points.”

As noted, the Task Force recommends that forms and instructions be standardized and located on a statewide site. The site could work in tandem with county court sites, using links to each

county posted on the statewide site. In this way, an individual, after downloading the applicable forms and general instructions, could click on the particular county court link to access specific filing procedures and fee information.

As programs to assist self-represented persons have evolved, there has been a progression from services such as providing basic information and making printable forms available on computers, to online document preparation and assembly similar to the LexisNexis product, HotDocs, or the Orange County, California-developed I-CAN system.

An appendix to this report includes a table for all states, except Pennsylvania, that sets forth each state's web address for the website of the judiciary as well as web addresses for any privately-funded organization such as LawHelp.org and its Pennsylvania unit, PALawHelp.org. This table also includes sketches of information located on each website, and shows whether the site contains forms and instructions for easy access by self-represented litigants. The appendix shows, for each state, whether information is available on a judicial website or a LawHelp.org site, or both, and whether links allow a user to go from one site to the other.

Judge Panella chairs the Website Committee, which has been charged with the responsibility of finding a host for the forms and instructions. Under the direction of Judge Panella, the Website Committee will submit a detailed report with its recommendations. The web addresses for the two statewide sites discussed herein are as follows: (i) the judiciary website is at www.aopc.org and (ii) the Pennsylvania unit of the nationally recognized LawHelp.org group is at www.PALawHelp.org.

The Website Committee has researched and developed a spreadsheet, and a CD, of Pennsylvania websites on a county-by-county basis. For each county, the spreadsheet includes the name and mailing address of the legal service agency providing assistance in that county's courts, a notation identifying the website section set aside for self-represented litigants and a listing of services provided for self-represented litigants. The spreadsheet also includes a brief synopsis of programs provided by the legal service agency or agencies in each county.

At present, eleven (11) counties have self-help sections on their websites. These counties are: Adams, Allegheny, Beaver, Carbon, Dauphin, Lancaster, Philadelphia, Schuylkill, Washington, Westmoreland and York.

IV. ACCESSIBILITY OF FORMS, INSTRUCTIONS AND INFORMATION

Recommendations:

In Pennsylvania, some standardized forms in family law areas such as divorce and custody now exist, and are published in the Pennsylvania Rules of Civil Procedure. However, these forms are not fully accepted in all counties, and some counties have added required elements to the forms, thereby negating their standardized nature.

The Task Force recommends the implementation of standardized statewide forms in the various practice areas of family law and a standard way to access these forms. At the same time, this approach must accommodate a variety of practices and procedures that reflect the needs of individual counties.

Recommendations on standardization of forms should be submitted to the Website Committee as well as the Culture of Custody Committee and the Civil Rules Committee of the Commission for Justice Initiatives. In addition, it is recommended that the Chair of the Civil Rules Committee be brought into the process and that the Pennsylvania Bar Association President appoint a member of the PBA's Family Law Committee to the Task Force. Once the standardization of forms has been accomplished in the family law area, standardized forms should be developed in other civil areas of practice. In addition to forms, development of standardized definitions is recommended and could be developed through leadership from the AOPC.

County websites, including appropriate local forms, instructions, and related materials, should be identified. It is recommended that forms and instructions be posted to local and statewide websites, so that they are easily accessible to self-represented litigants, practicing attorneys and the public at large. Forms also should be accessible or available at locations such as courthouses, libraries, and administrative offices where self-represented individuals go to seek help.

Discussion:

While the court system works best when both parties are represented by attorneys, the current reality is that one and often both parties are self-represented. These parties use forms obtained from various sources, or they create their own forms. Widespread access to the internet has led to substantial use of forms that were originated in other states and jurisdictions. As a result, judges spend additional time and effort determining whether the papers filed meet the requirements of Pennsylvania law. For example, a judge may try to determine whether a person seeking custody has alleged the appropriate jurisdictional requirements, sometimes requiring follow-up orders or communications, all for the purpose of obtaining basic information. Incomplete or indecipherable court documents add to the problem. Counsel for the opposing party may have similar problems in attempting to determine what relief a self-represented party is seeking. Court staff are facing an increasing demand by self-represented litigants that the courts provide them with forms and/or instructions; staff also report that, with increased frequency, self-represented persons are asking questions not only about information requested on various forms but also about how to initiate a case or defend against one.

Even lawyers sometimes access and use non-approved filing forms. As a result, they can and do fail to provide some of the same information required of self-represented litigants.

Again, it should be noted that a program that assists in identifying and providing appropriate forms does not constitute legal representation. The self-represented person is not being advised about the specific claims he or she wishes to make (or defend against), or what to say on the forms, or what remedy or remedies to seek. Rather, the litigant simply is told what form can be used for the subject area he or she is attempting to address.

The existence of uniform, state-specific forms with clear instructions can help judges, administrators and other courthouse personnel minimize the amount of personal assistance required for self-represented persons. Forms also can make it easier for judges to review the adequacy of the pleadings.

The Conference of Chief Justices and The Conference of State Court Administrators in a Final Report of the Joint Task Force on Pro Se Litigation, submitted on July 29, 2002, noted that many courts have been prompted to move towards greater reliance on sample/model forms, and to periodically revise those forms and their instructions to make them more comprehensible to laypersons. The Report encourages a continuance of this trend and observes: "State Supreme Courts and Judicial Councils should be encouraged to use their rule-making authority to advance the use of standard forms." See also the report of the American Judicature Society, Revised Pro Se Policy Recommendations.

Use of standardized forms may create other efficiencies. At times, forms and instructions can lead a litigant to conclude that he or she cannot or should not be filing the case or motion. For example, a form in a divorce action can prompt a self-represented person to declare how long he or she has resided in Pennsylvania and can cite the residency requirement and other jurisdictional rules governing divorce. Without the information provided in the instructions, the self-represented party may be more likely to misunderstand the minimum requirements for filing a divorce action and proceed with an action that is not ripe or judiciable.

For these reasons, to the greatest extent possible, a single statewide set of standardized forms (as opposed to procedures) is preferred, rather than a series of individualized forms that vary from county to county. This concept of a single master form is consistent with the statewide unified court system in Pennsylvania. The importance of instructions cannot be overstated. Forms without clear instructions are likely to generate additional questions for judges and courthouse staff. Where key suggestive words are provided with the forms, it is important that they be plain enough for a self-represented litigant to understand and use.

Pennsylvania is fortunate to have already developed a number of relevant forms applicable to the area of family law. Consider the following sampling of form pleadings currently available in the Pennsylvania Rules of Civil Procedure. One possible approach is to simply make use of these current forms mandatory, while other forms are being developed.

Protection from Abuse

Rule 1905: Notice of Hearing and Order, Petition, Temporary Protection Order, and Final Protection from Abuse Order.

Support

Rule 1910.12-2: Request for Bench Warrant and Supporting Affidavit, form of Bench Warrant.

1910.27: Complaint for Support, Order Accompanying Complaint, Income and Expense Statement, Petition for Modification of Support and Order Accompanying Petition.

1910.28: Order for Earnings Report and Health Insurance, Earnings Report, and Health Insurance Report.

Custody

1915.12: Civil Contempt Petition, Notice, and Order to Appear.

1915.15: Complaint for Custody, Accompanying Order (Rule 1910.16), Petition for Modification of a Partial Custody or a Visitation Order, and Accompanying Order.

1915.18: Order Directing Expert Examination and Report.

Divorce

1920.72: Divorce Complaint and associated documents, and Affidavit of Consent documents.

1920.73: Notice of Intent to Request Divorce Decree.

Paternity

1930.6: Complaint to Establish Paternity and for Genetic Testing.

While this list of representative forms may seem extensive, there are other areas for which forms do not exist. These areas include: garnishment related forms, which may be needed for support or divorce; forms combining a divorce complaint with a child custody or other related action; a clear *in forma pauperis* petition form (while Rule 240 contains a form affidavit, the petitioner's form for use by a self-represented litigant is unclear); various responsive forms; a petition to modify a shared custody order, and various forms to prove service. This is not meant to be an exhaustive listing of forms, but rather a sampling of potentially-useful forms that might be developed.

At this point, however, the Task Force is simply looking at the concept of developing basic, usable forms in areas of family law such as simple, uncontested divorce and it lists areas for potentially useful forms for purposes of illustration only. The Culture of Custody Committee, other committees and ultimately the Supreme Court will be looked to for further guidance.

It should be noted that in Lancaster County, where form pleadings are widely distributed and a court help desk is in place, there has not been an appreciable increase in self-represented litigants. Findings in North Carolina also support the view that making forms more available

does not lead to proliferation of litigation. See “Caught in the Middle,” 2003 Report and Recommendations of the North Carolina Bar Association Pro Se Task Force to the Board of Governors for the North Carolina Bar Association.

As the Task Force has noted in the overview and in other parts of this Report, it is recommended that self-represented persons be reminded throughout any self-help website that the availability of forms and instructions does not constitute legal advice and is not a substitute for legal advice, and that in all cases, persons seeking information on legal issues should attempt to obtain legal representation.

Such advisories might also include a narrative statement advising visitors to the websites of the many advantages of having legal representation, and could even include links to approved articles or studies outlining the benefits of having representation rather than attempting to litigate on one’s own when a person’s legal rights and responsibilities are at issue.

V. DOCUMENT ASSEMBLY AND RELATED TECHNOLOGY

Recommendations:

If statewide standardized forms and procedures are developed in the family law area, then the next task is to make those forms readily accessible to self-represented litigants.

The Task Force recommends a three-step process to be adopted over time, taking into account the resources required. First, as discussed above, printable and hard copy forms should be available over the web and at key locations, including courthouses. Second, standardized forms should be made available in a document assembly formatting (HotDocs). Finally, websites resources could be used to offer document assembly through more consumer-friendly and efficient means such as the A2J or I-CAN technology.

Discussion:

The Task Force recommends that the statewide court system utilize current technological advances in ways that not only help the self-represented but also make the court system more efficient and cost-effective. Using technology to make form pleadings, standard definitions, and instructions more accessible can not only aid the self-represented, but also ease the burden on judges in matters in which one party has counsel and the other is self-represented. These advances may also be useful in expanding another means of access, namely, pro bono assistance from lawyers in private practice. To the extent that technological efficiencies reduce the costs of litigating even simple claims, such as out-of-pocket costs associated with preparing and filing pleadings, the more likely lawyers are to do pro bono. Other efficiencies may also be achieved.

Document assembly helps to assure higher quality results. Instead of filling in the blanks of a form, and having to make judgment calls about what information is actually needed and where to put it, a self-represented person answers a series of specific questions. The program will then forward the information to the right place on the form. For example, in a custody case, a person

will be asked for the names, addresses and ages of the children at issue. Once this information is provided, the document assembly features will forward the data to all places in the complaint for custody form and related documents, such as a cover sheet and proposed order. This forwarding feature helps avoid writing errors and the omission of essential information. It also prompts for necessary information in other places. For example, if one of the children listed in a custody case is seven years old and the litigant only lists addresses of residence for the past four years, the document assembly programming will know to prompt the person to provide more information, as required by the rules.

HotDocs technology, sponsored by LexisNexis, is able to accomplish document assembly. Through favorable negotiations between the national Legal Services Corporation and LexisNexis, a web-based version of HotDocs is now available to civil legal aid providers, without charge, and will soon be available to the courts at little or no charge. As a result, there is little economic reason not to proceed with the use of this technology. Of course, programming of individual pleadings requires some expertise in the use of HotDocs and should be undertaken only by persons experienced with this document assembly software.

To view a sample of HotDocs document assembly in action, go to the following website, where an interactive form can be found: https://npado.org/login_form?template_id=template.2006-03-29.0045355134. This assembly program was developed as a cooperative project involving North Penn Legal Services and the county courts in Carbon, Lackawanna, Lehigh, Northampton and Northumberland counties.

Another potential step forward is to use this same document assembly software in combination with other technologies. For example, the I-CAN system, in place in parts of California and as part of a national project, presents a friendlier way of assembling documents, utilizing questions and a series of displays, eliciting the same information. A sample I-CAN process can be found at <http://icanefile.org>. This format presents a consumer-friendly way for low-income individuals to file for the federal earned income tax credit.

The A2J system can be integrated into HotDocs software to allow a person to walk through the development of a document in a visually appealing way. In the end, this system feeds the content to the underlying HotDocs software to produce the legal forms. A2J utilizes caricatures wending their way to a courthouse that appears to get closer as the interview proceeds. Questions appear in cartoon bubbles above the caricatures' heads, and audio tracks can let the user hear the questions in English or another language. Engaging but not childish, the A2J system breathes some life into otherwise dry text. A sample of this can be viewed at <http://a2j.kentlaw.edu/a2j/>, by going to the functional prototype link within the development tab.

The ultimate goal in using these kinds of technologies is to offer document assembly software over the web for all standard forms, and to offer the software in easier-to-use formats such as those described in this section.

VI. THE ROLE OF LAW LIBRARIES IN ASSISTING SELF-REPRESENTED LITIGANTS

Recommendations: The Task Force understands that local law libraries are often the point of first contact for self-represented litigants. The Task Force concludes that law librarians can play a significant role in assisting self-represented persons, and recommends that the following measures be developed and implemented:

1. Develop specific policies, guidelines and training for law librarians with special emphasis on what they are permitted, and not permitted, to do for the public.
2. Encourage public and county law libraries to actively acquire relevant print and electronic self-help materials and make them easily accessible to the public. At least one public internet workstation should be available for research in each library or self-help center.
3. Provide informational brochures publicizing the self help resources that are available in each county and distribute the brochures widely.
4. Consider implementing a live chat reference service, modeled on the State Library's *Ask Here PA*,⁴ Pennsylvania's new statewide live chat reference service, to add self-help assistance. Law library volunteers could answer reference questions for the public similar to the Minnesota Judicial Branch *Self Help Center*.⁵ This project could be co-sponsored by law library partners.

Discussion:

Pennsylvania County law libraries have the potential to be significant partners in the delivery of justice to self-represented litigants. They are mandated by state statute to be open to the public⁶ and many of the county law libraries today have posted self-help information on their websites⁷ in order to meet the increasing demands of the public.

⁴Commonwealth Libraries: Ask Here PA,
<http://www.statelibrary.state.pa.us/libraries/cwp/view.asp?Q=120858&A=254>

⁵Self Help Center; Representing Yourself in Court, Minnesota Judicial Center,
<http://www.mncourts.gov/selfhelp/?page=268>

⁶ 42 Pa.C.S.A. Section 3724, 1976, July 9, P.L. 586, No. 142 section 2 effective June 27, 1978.

⁷ Duquesne University School of Law, Center for Legal Information Incorporating the Allegheny County Law Library, <http://www.lawlib.duq.edu/help.htm> ; Jenkins Law Library, Self-Help Resources, <http://www.jenkinslaw.org/researchlinks/index.php?rl=241>

The Pennsylvania County Law Library in 2006

Pennsylvania county law librarians are reporting an increase in usage by self-represented litigants especially in the family law area.⁸ In response to this increasing demand, Lancaster County has set up a *Courts Self Help Law Center*⁹ which is not in the law library but is managed by the law librarian. The Beaver County Law Library has a “Pro Se Center” in the law library which has court forms, a place for the public to fill in the forms and a webpage¹⁰ designed for the public. At the American Association of Law Librarians 2005 Joint Roundtable on Services to Pro Se Patrons and Prisoners, the Beaver County Law Librarian described the center as a success and noted that most of the custody papers from self-represented litigants are now more uniform.

Public law librarians are not authorized to practice law in Pennsylvania and many make it a point to post this fact prominently at the entrance to the law library and on their websites.¹¹ However, the public sometimes expects to get legal advice from the librarian and is very frustrated when advised that the librarian cannot tell them exactly how to fill out a form. Librarians refer users to form books, court rules, and self-help materials at the www.PaLawHelp.org and other websites. In addition, they collect and display self-help materials, provide research assistance to the public, and refer the public to legal agencies and lawyer referral services.

Many of the county law libraries with professional librarians have at least one public computer terminal with high speed internet access and have incorporated public Lexis or Westlaw databases into their collections. Some law librarians have expressed the view that some forms and instructions currently available are not easy for the general public to understand. They believe that easy to understand forms, and additional space, funding, staff and/or training for law librarians would improve the ability to assist self-represented persons.

County law libraries vary widely in their organization, administration, size of staff, scope of collection and funding. A study conducted by Judith M. Foust entitled *Pennsylvania County Law Libraries: A Profile* (1980) concluded that less than one-half of Pennsylvania’s county law libraries met proposed minimum standards. Since this study was conducted more than 20 years ago, it may be time for a new study to be done that would include a survey of the library resources and partnerships that are available to assist self-represented litigants in each county.

⁸ *Pro Se Litigant Issues* presentation made by the Jenkins Law Library to the Delivery of Legal Services Committee, Philadelphia Bar Association, June 2004.

⁹ Lancaster County Self Help Center, Lancaster, Pennsylvania,
<http://www.co.lancaster.pa.us/prose/cwp/view.asp?a=855&q=548754>

¹⁰ Beaver County Law Library, Beaver, Pennsylvania <http://www.co.beaver.pa.us/lawlibrary/>

¹¹ Montgomery County Law Library, Norristown, Pennsylvania
<http://www.montcopa.org/lmc/libraryserv.htm>

Updating the Role of PA County Law Libraries

Librarians are information managers, resource evaluators, expert researchers, teachers and trainers. This expertise should be used to partner with others in the community to assist self-represented litigants. Because no two county court systems are the same size or receive the same level of funding, there is no single model or easy solution that would fit every county law library. Each local court should be informed about the programs and best practices that are working effectively in county law libraries.

A number of other detailed recommendations were submitted to the Task Force with regard to the role of law libraries and public libraries in improving access for self-represented persons. Those recommendations bear further consideration, and are available in the law libraries background report previously submitted to the Task Force.

VII. EDUCATION OF JUDGES AND COURT STAFF AND JUDICIAL ETHICAL CONSIDERATIONS

Recommendations:

To achieve any meaningful reform in how courts should interact with self-represented litigants, the courts must lead the reform. The American Judicature Society (AJS) has been extensively involved in researching the myriad of issues that arise in assuring access to justice while balancing the courts' responsibilities and ethical requirements. The recommendations set forth in this report had their genesis from the review of numerous AJS studies as well as other sources.

To address the ethical issues raised when self-represented persons appear in court, and in particular, when one party is represented by counsel and the other party is self-represented, three steps should be taken. First, the Education Committee of the State Conference of Trial Judges should conduct educational programs on these topics for judges. Second, manuals and training programs should be developed for judicial staff, clerk of court staff and prothonotary staff to educate and train them on these issues. Third, the Supreme Court should be asked to convene a meeting with all bar associations, as well as elected officials and court administrators and staff to urge these groups to address these issues.

Discussion:

Education of Judges

As set forth in Chief Justice Cappy's *The State of the Commonwealth's Courts* address, education of judges is key to assuring that the public has confidence and trust in the quality of justice received. In addition, such education can serve as a resource for judges in helping them deal with the challenge of self-represented litigants in general, and with the power imbalance when one party is represented and the other is not, in particular. The Task Force recommends

that education of judges, both at the Court of Common Pleas level and the magisterial district judge level, be provided as a means of empowering judges to deal with these difficult situations.

Education of judges should address how a judge conducts proceedings in which at least one of the litigants is self-represented. Issues that arise are:

1. Should judges, if the pleadings are deficient, query the self-represented litigant in an attempt to correct the pleadings?
2. What manner of testimony should be allowed of a self-represented litigant?
3. Should judges intercede during the course of a proceeding if counsel is clearly abusing the rules of evidence in a case involving a self-represented litigant?
4. Should judges stop or dismiss a case if a self-represented litigant is abusive, disrespectful or impedes the progress of a trial?
5. Are there times when judges should assist self-represented litigants enter evidence or testimony, especially when the case or dispute involves issues such as the best interests of a child?

The Education Committee of the State Conference of Trial Court Judges should present programs for judges that address how to assure fairness for all litigants while accommodating self-represented litigants. Appropriate speakers should be involved, such as Cynthia Gray, author of *Reaching Out or Over Reaching, Judicial Ethics and Self Represented Litigants*. The National Judicial College could serve as a resource for speakers or programs, given that the College has scheduled its first weeklong meeting on the topic, entitled: "Best Practices in Handling Pro Se Litigants." Such programs likely would prompt judges to their manner and methods of dealing with self-represented litigants and their attorney adversaries in the courtroom.

Judges also should work with bar associations, legal services providers and the various offices associated with the courts in educating the public about the nature of self-representation in the courts.

The Task Force further recommends that education be conducted for judicial staff, clerk of court staff and prothonotary staff. While these groups are not adjudicating rights or issues of law, they are *de facto* intermediaries because they often are the persons that self-represented individuals first contact, both before they come to court and once they are in the courthouse.

Education of court staff should be provided, given that this staff generally is the first to have contact with self-represented parties. Staff education should address:

1. Identifying what information can be given to self-represented litigants.

2. Defining “legal advice” and explaining to staff why they cannot assist self-represented parties with respect to legal advice.

3. Preparing a manual or handbook to assist staff. This handbook should include a written set of rules or guidelines for staff to assist them in dealing with self-represented litigants. One model is the Pro Se Handbook utilized by the United States District Court for the District of Idaho, which is available at <http://www.id.uscourts.gov/pro-se.htm>

Data Collection on Self-Representation

Data on self-representation should be collected within each judicial district as to the number of self-represented litigants, and the types of cases in which they appear, in order to document the extent and nature of these cases, and to convince attorneys, as well as judges, that self-represented persons should be afforded meaningful access to the courts. Because there are no current statistics of this type in Pennsylvania (as opposed to estimates), the Task Force recommends that the Administrative Office of Pennsylvania Courts (AOPC) do an extrapolation from available statistics to come up with a reliable estimate of the current situation.

In 1998, the American Judicature Society published *Meeting the Challenge of Pro Se Litigation: A Report and Guidebook for Judges and Court Managers*. AJS held a national conference in 1999 and recommended data collection to assist courts and policy makers in reaching informed decisions.

Anecdotally, judges and staff in Pennsylvania contend that the number of self-represented litigants, with concurrent demands for assistance from staff, continues to rise. To appreciate the scope and depth of the numbers and concurrent issues, compilation of information as to the numbers of such litigants within each judicial district is necessary. The data should include the type of filings submitted. Such data would assist the Supreme Court, as well as each county, in determining what level of assistance should be provided to each category of litigants. More importantly, such data would allow allocation of resources to those areas in which self-represented persons file the most cases.

All existing programs to assist self-represented persons, such as bar association web sites, self-help centers and availability of forms, should also be studied and assessed. A best practices manual should be developed and disseminated to the judiciary.

Convening a Statewide Bench-Bar Conference

The Supreme Court should be asked to convene a statewide meeting to which the president of the Pennsylvania Bar Association and the presidents of county bar associations as well as elected officials and court administrators would be invited. The purpose of the meeting would be to educate bar leaders as to the issues relating to self-represented litigants and to encourage the legal community to assist in developing and/or implementing programs by which self-represented litigants could be appropriately guided. The Task Force recognizes that there are two widespread perceptions among lawyers: first, that any assistance to self-represented litigants

will affect their incomes, and second, that judges become advocates for self-represented litigants. A statewide conference could address and assuage those concerns. The conference also would encourage bar associations to cooperate with local efforts to assist self-represented persons.

Judges should be encouraged to meet with elected officials, lawyers and court staff to discuss concerns about self-represented litigants, and attempt to reach a consensus on best practices and assistance for addressing these concerns.

On a parallel track, judges and bar associations should encourage lawyers to provide pro bono or reduced fee services for low-income individuals.

Judges should take the opportunity to meet with county commissioners to discuss self-represented litigants and what resources should be made available to them. Local funding may be necessary to implement programs such as self-help centers, law libraries, access to computers for web-based information, and funding overhead costs necessary to provide forms and assistance. Such discussions also would address which department(s) should bear the financial burden of providing forms and assistance, and which personnel would be needed to interact with self-represented persons.

Accommodation of individuals with limited English proficiency, limited writing or reading skills, or impaired hearing or vision should be instituted. Once again, financing such services and accommodations would have to be discussed.

Ethical Considerations for Judges

Anecdotal information appears to show that the volume of cases involving self-represented litigants is growing. Concurrent with this expansion is a growing concern among judges as to ethical issues presented in dealing with self-represented persons, and particularly, in matters where one party is represented by counsel and the other party is self-represented. Indeed, the Ethics Committee of the State Conference of Trial Court judges is aware of this concern and has expressed an interest in the analysis and recommendations of the Task Force in this area.

Family courts have seen the greatest extent of self-represented litigation for some time. Self-representation appears to be growing in other areas of the law as well, some of which feature strict procedural and/or regulatory structures that are not intuitive. The family law divisions of most jurisdictions have responded with helpful forms and basic informational guidelines. Some judges have participated to a limited extent in clarifying evidentiary presentations to enable the court to make reasonably informed decisions.

In this environment, judges appear to be subject to multiple expectations. Judges not only must maintain their own real and apparent freedom from bias, but also are expected to ensure that staff and opposing counsel conduct themselves in a bias-free manner. Judges also are charged with ensuring that the entire adjudicatory process functions without unfair disadvantage to an unrepresented party. One of the most serious concerns expressed by many judges is that, in pursuing the goal of fairness to unrepresented parties, the judge may have difficulty in preserving

the appearance of neutrality, which is essential and indeed the very foundation of our judicial system.

Indeed, the confluence of competing perspectives on the role of judges in matters where parties are self-represented is reflected in some studies and task forces convened to address self-representation issues. Some reports both urge judges to ensure unimpeded access to justice of self-represented litigants through active intervention, while also calling for judges to guarantee the appearance of neutrality and impartiality to secure the integrity and independence of the judiciary. These imperatives are not always easy to reconcile.

One example in the context of courtroom interaction that was cited by judges at meetings of the Task Force involves one party represented by counsel and a self-represented party. The expressed concern is that represented parties who observe a trial judge interacting closely with a self-represented party may try to question the court's neutrality and impartiality. At the same Task Force meetings, however, several judges advised that it is also necessary to ensure that an unrepresented party has a fair opportunity to be heard in the court.

The Task Force believes close attention must be given to these issues, and recommends careful review of a monograph by Cynthia Gray of the American Judicature Society. A copy of an executive summary of the monograph is attached. The Task Force also recommends review of relevant portions of the Pennsylvania Code of Judicial Conduct and consideration of possible clarifying amendments to the Code that have been proposed and are under consideration on both the national and state levels.

As noted in the introduction, the Task Force recommends that the Education Committee of the State Conference of Trial Judges take a leading role by conducting educational seminars and programs on these topics for judges, and further, that programs be developed for judicial staff, clerk of court staff and prothonotary staff to train them about these issues.

VIII. SELF HELP CENTERS AND INFORMATION DESKS

Recommendation:

The Task Force recommends that each county carefully explore whether it needs a self help center to help address the needs of self-represented persons and the demands on resources and services these litigants make on the county's courts. Each county should make the decision on the manner in which to provide basic information. As part of this process, the Administrative Office of Pennsylvania Courts (AOPC) should gather best practices information on a county-by-county basis and make that information available to all counties.

Discussion:

In all counties, regardless of size, the courthouse is the focal point of judicial activity. The initial impression of a layperson entering the courthouse is either one of openness or a closed fraternity. In the post-9/11 environment, a pre-eminent focus is security. Security is there to protect, and not to provide information. Given that security staff may be the first face-to-face contact an

individual may have, inquiries are often directed to the staff least in a position to be helpful and responsive. Such inquiries also distract security from their assigned task.

An information desk, whether staffed by volunteers or trained staff, can provide initial productive interaction with self-represented persons. Rather than roaming the halls, an individual can be directed, whether it is to a courtroom, a filing site, a self help center, a website or other appropriate locations. This initial contact not only will convey a more positive image of the court, but also avoid frequent interruption of courthouse staff.

Information desks should be staffed by appropriate personnel trained to direct, but not to advise. Bar associations may assist the court by preparing informational materials in areas of frequent inquiry, and fee schedules should be available. Information desks can help ensure consistent responses. They also can direct a person to a self help center that has more detailed information about specific forms, locations and procedural steps for self-represented litigants.

As noted earlier, there are three self-help centers in Pennsylvania at present, located in Allegheny, Dauphin and Lancaster counties, that have varying levels of information and services, and Philadelphia has a court-sponsored information center.

County self help centers are not intended to be a source of substantive law or even to provide an overview to the public of how the court system functions. Rather, the narrow purpose and focus of a self help center is to provide information which:

1. Enables a self-represented individual to litigate a particular type of action or obtain a specific form of relief.
2. Is customized to the procedural requirements of the venue where the action is being pursued.
3. Is available for free, or at a nominal cost charged to cover document production expenses.
4. Is disseminated at a centralized location, preferably with the assistance of staff who aid the potential litigant in finding written materials relevant to the litigant's problem or objective. In the case of proceedings before the minor judiciary, it may be helpful to have information available at both the self help center and the various locations of the minor judiciary courts.

By far the most common experience of jurisdictions where such self help centers have been properly established is that the functioning of both the court itself and its related offices have been made more efficient.

The experience thus far shows that placing this kind of information in a central location and in an understandable format has the effect of relieving court officials and library staff from the time and resource-consuming task of repeating the same instructions to growing numbers of potential

litigants. A properly-run self help center also addresses the needs and reduces the frustration of well-intentioned citizens whose inquiries sometimes are met with seemingly confusing referrals or instructions. Many administrators and court staff are not trained to provide information directly to the public. Consequently, their responses may be *ad hoc*, and not particularly helpful.

The experience thus far also shows that courts in counties with self help centers are seeing self-represented litigants who are better informed and prepared, enabling the court to conduct and conclude hearings more efficiently. Judges have reported that, where there is a functional self help center, the judges are relieved from laboriously explaining to a self-represented party how that party may, or may not proceed, and why the court's expectations of that party under the law must be no different than the court's expectations of represented parties. In many cases, the court is able to refer the self-represented litigant to materials in the self-help center that outline the legal and procedural standards that apply to a courtroom proceeding.

Customizing Self Help Center Information to Include Procedures Particular to the Local Court

The scope of services offered by a self help center logically should reflect the needs of self-represented litigants in the judicial districts. In the context of family law, there often is a need to file an *in forma pauperis* petition to enable persons to address the issue of filing fees and other expenses. Accordingly, self help centers should provide information concerning such petitions. Experience suggests that by doing so, substantial staff time can be saved in the prothonotary's office. Some counties also have found it cost effective to provide information about how to file appeals of license suspensions, summary offense convictions and similar matters.

The Task Force recommends that self help center information about specific types of legal action or relief include certain standard components:

1. A disclaimer that the information does not purport to provide legal advice about the particular fact situation of the litigant's case.
2. A reminder that the prospective litigant should attempt to obtain counsel.
3. Definitions of legal terms contained in the information packet as well as any terms the self-represented party is likely to hear in the course of litigating the case.
4. Copies of, or the ability to reproduce in the usable size acceptable for filing, any standardized pleading formats mandated in state rules of procedure and applicable to the action pursued, as well as any additional pleading formats under local rules. For example, in family law, this may include contents of court orders requiring custody conciliation conferences, orientation/parent education programs, pre-hearing conferences with divorce masters and the like.

In addition, a crucial part of any self help packet is information about *procedural steps*, including the sequence of proceedings, locations of filing offices, hearing rooms and courtrooms, applicable fees, how cases are assigned, standards for courtroom conduct, how to present petitions in a scheduled business court, and the like. This information should be particularized to

the court system where the action is being pursued. While some requirements may have been previously disclosed in writing, information about other aspects of the process may be accessible to the self-represented litigant only by reference to a self help center information packet.

This kind of information does not, and should not, encompass substantive law or legal advice about any particular case or controversy. To the contrary, this kind of procedural knowledge should be available to the public as a basic element of obtaining access to the courts. It is clear that the public has a right to know procedural information about the operation of the courts, and self help centers are conceived and designed to provide that information.

Self Help Information Should Be Available at No Cost or Nominal Cost

Self-help centers are not intended to be for-profit centers or “how to” publishing businesses. Assuming that each local self help center’s materials are written by properly trained or qualified volunteers, it is not unreasonable to charge a nominal fee for the purchase of the packet of information relating to a potential litigant’s inquiry. However, the Task Force believes that charging fees that exceed the cost of reproduction to any significant extent may have the effect of undermining the objectives of the self help center by discouraging use of its resources.

In addition to written materials available at the self help center, local court systems should have a website with links to www.PaLawHelp.org. Forms and materials provided by the local center could be accessed by downloading them at any time and without cost beyond the user’s cost to print documents. Even when document access is provided by web access, self-help centers that are staffed could respond to questions seeking clarification of forms and materials by users during the center’s operational hours.

Determining the Nature and Extent of a Self Help Center’s Services

The Task Force recognizes that financial resources and available facilities vary from county to county, and therefore recommends that considerable flexibility be afforded to each judicial district in determining whether to establish a self help center and, if one is created, what it does and how it operates.

The Task Force recommends that in each county or region a local task force be convened, consisting of as many of the “stakeholders” enumerated in this report as possible, and especially including members of the bar, to determine the scope of services to be offered by the proposed center and to creatively assemble resources for the center’s operation. If the intent is to establish a self help center rather than just an information desk, the Task Force recommends that the center have an assigned staff member who can field inquiries, determine whether a potential litigant’s request for information can be addressed by the information provided at the center, and guide the individual to the particular forms or information applicable to the problem(s) presented.

The staff member for a self help center need not have legal training, but should be conversant with the legal system and local rules and procedures. The stakeholder(s) overseeing the self help center should ensure the center staff has the appropriate interpersonal communication skills and training, such as demonstrated patience and tolerance with a wide range of self-represented individuals.

Just as all materials should include appropriate disclaimers, self help centers should provide conspicuous notice that court employees, including self-help staff members, may not offer any legal advice, and should clearly advise visitors to the center that they should consult an attorney whenever possible, even when written materials have been obtained from the center. Anecdotal accounts provided to the Task Force suggest that potential self-represented litigants who read information about procedures applicable to court action frequently then determine that they want to retain counsel rather than trying to represent themselves.

The importance of a staff member at the help center, even only on a part-time basis, cannot be overstated, and is preferable to operating an unmanned center, even when an unmanned center is open for longer hours of operation. While volunteers and interns are an alternative to paid staff, using such persons may create logistical issues relating to coordination, training, and uniformity of information provided. Other options to paid staffing include staffing by pro bono attorney volunteers, or assigning current employees on a rotating basis to staff the center. Such employees would need to undergo standardized orientation and training on the nature and purpose of the self help center, and the information available or accessible through the self help center.

The Task Force recommends that self help centers do not accept inquiries or statements by telephone, letter, facsimile or email. Receipt of such communications by a center may incorrectly give the self-represented person the impression that the communication has the effect of tolling time limits, constitutes a request that the center initiate a legal action on the person's behalf, or constitutes the filing of a responsive pleading.

The Task Force also recommends that a board of directors or other group of interested stakeholders be established for the purpose of creating and overseeing the operations of the self-help center. This board of stakeholders should meet periodically to assess the need for changes, updates and/or additions to the services provided by the center.

IX. PARTIAL CLE CREDIT FOR PRO BONO ASSISTANCE IN CREATING, MAINTAINING AND/OR STAFFING SELF-REPRESENTATION SYSTEMS

Recommendation: The Task Force determined that the CLE for pro bono concept could be considered as an incentive to lawyers who participate in developing self-representation materials, provide assistance at self-help centers and support other initiatives on behalf of self-represented persons. It should be noted that the full Commission on Justice Initiatives has considered and endorsed a proposed pilot project developed by a task force of the Philadelphia Bar Association to permit partial continuing legal education (CLE) credit for pro bono services.

Discussion: In late 2005, the chancellor of the Philadelphia Bar Association commissioned a task force of six experienced attorneys and a federal judge to investigate the concept of providing CLE credit for pro bono service. The purpose of the task force investigation was to determine to what extent such a program would promote additional pro bono service by attorneys on behalf of unrepresented parties while also providing a valid form of continuing legal education for attorneys.

The task force recommended that the Supreme Court and the Pennsylvania Continuing Legal Education Board approve a pilot program in which lawyers could receive one-fourth (3 out of 12 credits) of the annual CLE requirement through pro bono cases distributed and monitored by approved pro bono CLE providers, which are mostly public interest law centers, many of which are already approved as classroom CLE providers.

The report was approved by the boards of governors of the Philadelphia Bar Association and the Allegheny County Bar Association. The report also was presented to the full Commission on Justice Initiatives in July 2006, and the CJI approved and endorsed the report. However, the state CLE Board did not adopt the task force recommendations.

This Task Force considered the report and determined that CLE for pro bono service may be a useful incentive to lawyers to participate in drafting or reviewing self-representation materials or to participate in a range of other initiatives on behalf of self-represented persons.

X. UNBUNDLING OF LEGAL SERVICES

Recommendation: The Task Force reached a consensus that the unbundling of legal services should be explored further as another means for expanding access to the courts. Unbundling may provide an opportunity to combine the provision of limited legal services in certain areas in a way that may be helpful to self-represented persons who undertake to represent themselves in other legal matters outside the scope of the limited representation.

Discussion: The Pennsylvania Supreme Court has approved the provision of limited legal services by attorneys, such that attorneys may represent clients in limited ways and in limited services without thereby committing to represent individuals in all aspects of a legal dispute or pending litigation.

Rule 1.2(c) of the Pennsylvania Rules of Professional Conduct provides: “A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.”

The Supreme Court also has approved Rule 6.5 of the Pennsylvania Rules of Professional Conduct, entitled: “Nonprofit and Court Appointed Limited Legal Services Program.” Rule 6.5 states that a lawyer engaged in limited legal services of the kind covered by the Rule is only subject to Rule 1.7 (Conflict of Interest: Current Client) and Rule 1.9 (Duties to Former Clients) if the lawyer “knows” that the limited representation of the client would cause a conflict of interest. This Rule allows a lawyer to provide limited, short-term legal representation, provided that there is no expectation of continued representation, and eliminates the need to conduct conflicts reviews in the limited circumstances outlined in the Rule.

The general consensus, after brief discussion, was that the unbundling of legal services is a relatively-new concept that should be further explored as a tool to aid self-represented parties. Unbundling may provide an opportunity to create a synergy through which the provision of limited legal services to persons in certain areas could be helpful in the efforts of those persons

to represent themselves with regard to other legal issues and claims outside the scope of the limited legal services provided.

XI. CONCLUSION

The number of self-represented persons continues to increase and with collaboration among various entities, the legal system can assure that justice can be provided in a fair and timely manner to all self-represented and represented litigants. The Task Force believes that the recommendations, if accepted in whole or part, would initiate the process of providing guidance and assistance to self-represented persons involved with the legal system. The Task Force stands ready to proceed as directed by the Supreme Court of Pennsylvania in further researching and implementing those components that are deemed appropriate by the Court.¹²

We respectfully ask the Supreme Court to adopt these recommendations.

¹² As chair of this Task Force, I would like to commend the members of this Task Force for their dedication to this project and their enthusiasm and hard work that led to the issuance of this report.