GOAL 1

PROMOTING ACCESS TO JUSTICE

Arizona Commission on Access to Justice

Meeting Agenda

October 15, 2014 - 10:00 a.m. to 2:00 p.m.
State Courts Building ♦ 1501 West Washington ♦ Conference Room 119 ♦ Phoenix, Arizona

Conference call-in number: (408) 792-6300 Access code: 579 446 868
WebEx link:
https://arizonacourts.webex.com/arizonacourts/j.php?MTID=m9eee597fb0e4422047602fdf5844592b

1	Call to Order	*Judge Lawrence F. Winthrop, Chair, Div. One, Court of Appeals*
	Introductory comments	*Judge Winthrop*
	Introduction of members	*All*
2	Review of Administrative Order 2014-83	*Judge Winthrop*
3	Overview of ATJ initiatives: A National Perspective	*Bonnie Rose Hough, Managing Attorney, Judicial Council of California*
	Lunch break	
4	Identifying models and solutions: local efforts • AmeriCorps Grant Opportunity	*Judge Dean Fink, Maricopa County Superior Court*
5	Work groups	*Judge Winthrop*
	Future meeting dates • *Please have your calendar available at the meeting.*	*Judge Winthrop*
6	Call to the Public and Adjourn	*Judge Winthrop*

The Chair may call items on this Agenda, including the Call to the Public, out of the indicated order. Please contact Kathy Sekardi (602) 452-3253 or Nick Olm (602) 452-3134 with any questions concerning this agenda. Persons with a disability may request reasonable accommodations by contacting Julie Graber at (602) 452-3250. Please make requests as early as possible to allow time to arrange accommodations.

Arizona Commission on Access to Justice Briefing Book

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Articles and Resource Documents

The Self-Help Center Census: A National Survey

Families Matter: Recommendations to Improve Outcomes for Children and Families in Court

Handling Cases Involving Self-Represented Litigants Benchguide for Judicial Officers (California)

Accessing Justice in the Contemporary USA

Legal Aid in Europe: Nine Different Ways to Guarantee Access to Justice?

Meeting Information

2015 Meeting Dates

Rules for Conducting Committee Business & Proxy

Form Administrative Office of the Courts Parking Map

ACJA Section 1-202: Public Meetings

Membership List

Please Note:
- Blue text links to a location within the document.
- Underlined blue text links to the Internet.

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FILED
AUG 20 2014
JANET JOHNSON
CLERK SUPREME COURT
BY:

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:	)	
	)	
ESTABLISHING THE ARIZONA COMMISSION ON ACCESS TO JUSTICE	)	Administrative Order No. 2014 - 83
	)	
	)	
	)	

The Judiciary's Strategic Agenda, *Advancing Justice Together*, Goal 1, states: "Arizonans look to our courts to protect their rights and to resolve disputes fairly and efficiently. To serve these ends, Arizona's judicial branch must work to ensure that all individuals have effective access to justice. This goal is advanced not only by examining legal representation for moderate and low-income persons, but also by helping self-represented litigants and others navigate the judicial process."

For more than two decades, Arizona's Judiciary has worked innovatively to promote access to justice. In the early 1990s, in response to a large increase in family court cases involving unrepresented litigants, the judiciary deployed QuickCourt, a self-service kiosk that generated court forms based on litigant-supplied information. More recently, this Court authorized "unbundled" legal services permitting limited representation or advice to parties who could not afford or chose not to have legal representation for their matter. Court rules have been revised to simplify procedures and forms and to expand the availability of pro bono services.

As the Internet and web-based technology have expanded, the Judiciary has supported on-line self-service centers, websites for our senior citizens, and veterans, remote interpreter services, and the on-line provision of hundreds of court forms in English and Spanish. Much has been accomplished, but more help is needed for litigants with limited or no legal representation who continue to face significant challenges when navigating our court system, its rules and procedures, and the laws of this state.

Recently, the Conference of Chief Justices and Conference of State Court Administrators adopted Joint Resolutions calling on states to support the creation of statewide Access to Justice Commissions. This Court agrees that such a Commission could help serve the important Strategic Agenda goal of promoting access to justice for Arizona's civil litigants.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

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IT IS ORDERED establishing the Arizona Commission on Access to Justice (Commission), as follows:

1. **Purpose.** The Commission shall study and make recommendations on innovative ways of promoting access to justice for individuals who cannot afford legal counsel or who choose to represent themselves in civil cases. The Commission shall evaluate best practices within Arizona and in other states, identify possible changes in court rules or practices to reduce barriers to access, identify and encourage the adoption of best practices among legal service providers, and consider potential long-term funding options.

   The Commission's work and priorities will be set by the Chief Justice in consultation with the Chair of the Commission.

   The initial work of the Commission shall be to examine and make recommendations on the following:

   a) Assisting self-represented litigants and revising court rules and practices to facilitate access and the efficient processing of family court and eviction cases
   b) Encouraging lawyers and law firms to provide pro bono services or financial support for civil legal aid for those who cannot afford counsel.
   c) Developing an information campaign to inform lawyers and other citizens about the state tax credit for contributions to agencies that serve the working poor, including legal services agencies in Arizona.

2. **Membership and Terms.** The Commission will consist of standing and ad hoc members. Standing members will serve an initial staggered term of one to three years, and may be eligible for re-appointment. Ad hoc members shall be appointed for terms of sufficient length to accomplish the task assigned. The Chief Justice may appoint additional members as necessary.

   a) **Standing members.**
      1) One appellate court judge, who will also serve as Chair and may designate another member to serve as Vice-Chair;
      2) One clerk of the superior court;
      3) One court administrator from the superior court;
      4) Two superior court judges;
      5) Two limited jurisdiction court judges;
      6) Two Arizona lawyers in active law practice;
      7) One Arizona Judicial Council member;
      8) The Administrative Director of the Courts or designee;

9) The Executive Director of the Arizona Foundation for Legal Services & Education, or designee;
10) The Executive Director of the State Bar of Arizona, or designee;
11) Two legal services representatives; and
12) Two public members.

b) **Ad hoc members.** In addition to the standing members of the Commission, the Chief Justice may appoint ad hoc members whose particular business, legal, judicial, or community experience is needed to undertake the work of the Commission.

c) **Work Groups.** The Commission Chair may establish or dissolve Work Groups which may be, but are not required to be, partially comprised of persons not members of the Commission.

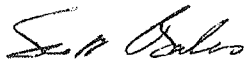
3. **Meetings.** Commission meetings shall be scheduled at the discretion of the Chair. Pursuant to ACJA § 1-202, all meetings shall comply with the public meeting policy of the Arizona Judicial Branch.

4. **Staffing.** The Administrative Office of the Courts shall staff the Commission.

5. **Commission Reports.** The Commission shall submit its reports and recommendations, no less than annually, to the Arizona Judicial Council (AJC). The first report shall be submitted to the AJC for its March 2015 meeting.

IT IS FURTHER ORDERED that the individuals listed in Appendix A are appointed as members of the Access to Justice Commission for terms beginning upon signature of this order and ending on the dates shown by their respective names.

Dated this 20th day of August, 2014.



SCOTT BALES
Chief Justice

Attachment: Appendix A

Appendix A
ARIZONA COMMISSION ON ACCESS TO JUSTICE

Chair
Hon. Lawrence F. Winthrop
Arizona Court of Appeals, Division One
Term Expires: December 31, 2017

Members

Hon. Michael Jeanes
Superior Court Clerk
Term Expires: December 31, 2017

Kip Anderson
Court Administrator
Term Expires: December 31, 2017

Hon. Maria Elena Cruz
Superior Court Judge
Term Expires: December 31, 2016

Hon. Janet Barton
Superior Court Judge
Term Expires: December 31, 2015

Hon. James Marner
Superior Court Judge
Term Expires: December 31, 2015

Hon. Thomas Berning
Limited Jurisdiction Court Judge
Term Expires: December 31, 2016

Hon. Rachel Torres Carrillo
Limited Jurisdiction Court Judge
Term Expires: December 31, 2016

Mike Baumstark
Administrative Director of the Courts
or designee
Term Expires: December 31, 2017

Kevin Ruegg
Executive Director, Arizona Foundation for
Legal Services & Education
Term Expires: December 31, 2017

John Phelps
Executive Director, State Bar of Arizona or
designee
Term Expires: December 31, 2017

Ellen Katz
Legal Aid Services, Maricopa
Term Expires: December 31, 2015

Anthony Young
Legal Aid Services, Southern Arizona
Term Expires: December 31, 2015

Steve Seleznow
Public Member
Term Expires: December 31, 2016

Lisa Urias
Public Member
Term Expires: December 31, 2016

Barb Dawson
Attorney
Term Expires: December 31, 2015

Janet Regner
Arizona Judicial Council Liaison
Term Expires: December 31, 2015

Millie Cisneros
Attorney
Term Expires: December 31, 2016

EXISTING ARIZONA INITIATIVES

Summary: For more than two decades, Arizona's Judiciary has worked innovatively to promote access to justice. In the early 1990s, in response to a large increase in family court cases involving unrepresented litigants, the judiciary deployed QuickCourt, a self-service kiosk that generated court forms based on litigant-supplied information. More recently, this Court authorized "unbundled" legal services permitting limited representation or advice to parties who could not afford or chose not to have legal representation for their matter. Court rules have been revised to simplify procedures and forms and to expand the availability of pro bono services.

As the Internet and web-based technology have expanded, the Judiciary has supported on-line self-service centers, websites for our senior citizens, and veterans, remote interpreter services, and the on-line provisions of hundreds of court forms in English and Spanish.

Below are links to some of Arizona's existing Access to Justice initiatives that are currently assisting self-represented litigants.

Item	Description
AZ-1	Second Quarterly Report 2014 Arizona Foundation for Legal Services & Education
AZ-2	2013 The Legal Need in Arizona
AZ-3	Arizona Legal Aid Services – Social Return on Investment Analysis (11-page excerpt)
AZ-4	Maricopa County FLAP project
AZ-5	Children's Law Center
AZ-6	Law4AZ flyer
AZ-7	2013-Southern Arizona Legal Aid's Volunteer Lawyers Program – Annual Report
AZ-8	2014-SALA Private Attorney Involvement Plan "VLP"
AZ-9	SALA – VLP Family Law Free Legal Help flyer
AZ-10	Maricopa County Volunteer Lawyers Program flyer
AZ-11	DNA-People's Legal Services 2014 Private Attorney Involvement Plan "VLP"
AZ-12	Arizona Equal Justice Campaign and donor list
N/A	Arizona Foundation for Legal Services & Education
N/A	Southern Arizona Legal Aid (link only)
N/A	Community Legal Services (link only)
N/A	DNA People's Legal Services (link only)
N/A	Veterans Court and LawforVeterans.org (link only)
Coconino County Law Library – YouTube Representing Yourself in Court - YouTube Coconino County Family Court - Using your self-help packet - YouTube	

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THE ARIZONA BAR FOUNDATION

ACCESS TO JUSTICE UPDATE

Second Quarterly Report 2014

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- We the People
- Connecting with Classrooms
- Law for Seniors
- Arizona Teen Court Association
- Access to Justice forum
- Veteran's Legal Aid Project

The State Bar of Arizona Pg 9-12
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- Contact Center & Modest Means
- Mock Trial & Diversity Pipeline
- Wills for Heroes
- Annual Award Luncheon

Arizona Legal Aid Agencies Pg 13
- AzLawhelp.org
- Online Intake-A2J Author

The Arizona Department of Education Pg 14
- School Safety Officer Law Related Academy

The Arizona Department of Economic Security Pg 15
- Domestic Violence Legal Assistance Project

The Arizona Attorney General Office Pg 16
- Foreclosure Relief Legal Services Project

The Arizona Community Pg 17-22
- Volunteers Make It Happen
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- Financial Snapshot
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In partnership with the Court

LawforKids

Visits Almost Doubled in 2nd Quarter!		
Month	Visits	Unique Visitors
Jan—Mar	22,979	21,190
Apr—June	42,855	38,848
Total	**65,834**	**60,038**
Monthly Average	***10,972***	***10,006***

Recognized for Excellence

The LawForKids site received an honorable mention from Champions for Children and Family *and* Special Congressional Recognition from Rep. Barber, this April, for helping better youth's lives.

Inaugural "Create a Law" Contest!

LawForKids.org hosted our first statewide "Create A Law" Competition in celebration of Law Day 2014. Over 100 laws were submitted for consideration which brought in over 7,000 votes. Congratulations to all classes and students who participated. Below are the final results and competition winners for 2014.

<u>Elementary Level</u>—Cactus View Elementary School, Mrs. Pownall's Class, 5th Grade **933 Votes**:

Adrea's Law - There should be a day where it is Arizona Ice Cream Day. The date would be July 15th. This should be a law because the weather is so hot in Arizona, especially during the summer. Arizona could be the 1st state in the country to have an Ice Cream Day. People could get 1 free container of their favorite ice cream. People could get a coupon mailed or emailed to their house if they register to participate.

<u>Middle School Level</u>—Desert Mountain, 7th Grade Social Studies, 1st Hour **1,306 Votes**:

Once a child turns sixteen, an app. is installed on his/her phone that will turn off texting capabilities when travelling at 15 mph or faster. Parents can control the app. if the child is in the car, and not driving. Rationale: This will stop teens from texting and driving.

<u>High School Level</u>—Mesa High School, We the People Class, 12th Grade **272 Votes**:

Trespassing in non-residential areas shouldn't be an issue unless the trespasser is obstructing the peace, having suspicious behavior, loitering, or possessing illegal substances or objects.

The winning classrooms received a $250 Amazon.com gift card to be utilized for their classroom as well as a $10 Target Giftcard for each student.

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iCivics Arizona

Arizona is working to promote use of Justice Sandra Day O'Connor's initiative, iCivics.org. The Arizona Supreme Court sponsors the work of iCivics Arizona to encourage understanding about the law through the games on this quality educational site. McDonalds helped with this promotion by offering an incentive of a free fruit smoothie for every child that works on the site for 200 minutes. Teachers are also incentivized with classroom awards for the highest minutes recorded by their students with a class pizza party and gift card for their use.

2013-2014 Arizona Students are Lovin' It! Smoothie Competition

2,738 students tracked **730,671** minutes playing the iCivics.org games receiving **3,545** McDonald's Smoothie Coupons (coupons received for every 200 minutes spent playing the games)

Classroom Winners

Round One—Sept. 1st—Dec. 1st
Walker Butte K-8 School, Jennifer Meadows
Sweetwater Elementary, Lavonne Napier
Coronado K-8, Erika Sparlin

Round Two—Dec. 2nd—Feb. 1st
Walker Butte K-8 School, Jennifer Meadows
Palo Verde Middle School, Amy Raper
Sweetwater Elementary, Lavonne Napier

Round Three—Feb. 2nd—Apr. 5th
Walker Butte K-8, Jennifer Meadows
Coronado K-8, Erika Sparlin
Thunderbolt Middle School, Lake Havasu

Annual Winner—Sept. 1st—April 5th
Walker Butte K-8, Jennifer Meadows

Other Partners:
iCivics - National
O'Connor House
AZ Trial Attorneys
Thunderbird Charities
McDonalds

i'm lovin' it

iCivics Arizona Summer Institute

First iCivics Arizona Summer Institute

- Trained 25 Educators
- Maricopa County Recorder Hon. Helen Purcell served as our amazing scholar & the participants attended a special dinner with Chief Justice Bales & Justice Sandra Day O'Connor
- $300 in Curriculum & Resources supplied to Arizona Educators

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In partnership with the Court

We the People

Project Citizen State Showcase

Schools—Public Policy Project	Award
Franklin Phonetic School – Trauma Center	Exceptional
Lineweaver Elementary School – E-Cigarettes	Superior
Smith Jr. High – Drop Out Rates	Exceptional
Smith Jr. High – Cyberbullying	Exceptional
Smith Jr. High – Texting & Driving	Outstanding
Smith Jr. High – Child Poverty	Outstanding

Summer Institute

- Trained 12 Educators
  - ⇒ Patrick Barney, Lake Havasu H.S.
  - ⇒ Adrience Biddle, Catcus H.S.
  - ⇒ Justine Centanni, Corona Del Sol H.S.
  - ⇒ Gloria Chavez, Adams Elementary
  - ⇒ Jacob Harvey, Hamilton High
  - ⇒ Minnette Klenner, Arizona Charter Academy
  - ⇒ Brenda Lee, Prescott H.S.
  - ⇒ Mary McBride, Scottsdale Unified School District
  - ⇒ John Prothro, Chandler Unifed School
  - ⇒ John Ranweiler, Cooley M.S.
  - ⇒ Alison Rund, Tempe Union High School District
  - ⇒ David Shaw, South Pointe H.S.
- Chief Justice Bales, Hon. Murray Snow, Professor Brian Dille & Bob Lemming served as scholars.
- Lisa Adams, Norma Jean Higuera-Trask, Duane Phifer & Diana Weaver served as Mentors
- Jody Arnold, Mark McCall, Shannon Post, Amber Qualls, Stephanie Surratt, Diana Strouth & Chelsea Wold volunteered to judge the culminating hearing.

Supporting Dedication

In thanks for their dedication to civic education, all participants received $400 in curriculum and resources!

Connecting with Classrooms

Other Partners:
State Bar of Arizona
Arizona Law Alliance

Connections Made for the 2013-2014 School Year

Hon. Roxanne Song Ong—100 youth
Hon. Keith Frankel—300 youth
Hon. Joseph Knoblock—500 youth
Hon. Ted Armbuster—25 youth
Hon. Mary Jo Barsettie—500 youth
Tate Elkie—200 youth
Chris Mautner—150 youth
Margaret Gibbons visited Boulder Creek High School
Steve Little visited Friendly House Tree Elementary
Hon. Bob Myers assisted a 5th grade teacher 3 days a week at Orangewood Elementary School
Hon. Pete Thompson visited Learning Foundation and Performing Arts School in Alta Mesa
Judge Andrew Gould visited Price Elementary in Yuma
Arizona Law Alliance Volunteers— 13 schools presenting to 1,500 students

In partnership with the Court

LawforSeniors

LawforSeniors.org		
Month	Visits	Unique Visitors
Jan—Mar	2,976	2,617
Apr—June	3,545	3,097
Total	**6,521**	**5,714**

Snapshots of the Legal Concerns of Seniors

(Some of the questions asked as they were posted)

I'm a grandma raising 3 granddaughters while my daughter and their dad is in prison am I eligible for cash benefits

I am my elderly aunt's agent under a Durable Power of Attorney, and I am also named as the Alternate PR in her Will. My aunt is in hospice care with terminal cancer. The primary PR in her Will is my elderly dad who is incapacitated and living in continuing care in Canada. (stroke, rendering him speechless, partially paralyzed, and tube-fed) What can I do to prepare for the eventuality of removing my dad as PR so that I can administer my aunt's estate upon her death? What form(s) is(are) required by the State of AZ to prove my dad's inability to act as her PR?

Should a will include property with defined beneficiaries such as a trust or a POD account in a bank? Is it a bad idea to include such property?

Arizona Teen Court Association

Highlights of the 2013-2014 Grant Year

38 Arizona Teen Courts reporting serving over 6,000 youth

More than 300 adults volunteered their time with Teen Courts

1,497 people used the association website to find needed resources

Annual Teen Court Youth Summit held with 175 youth and 50 adults in attendance

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In partnership with the Court

Access to Justice Forum—Law Day Event

The Law Day event held at the Supreme Court building was the culminating event following nine months of forums conducted around the state. The goal of these forums was to build consensus and collaboration in expanding access to justice in Arizona. These forums allowed us to learn from leaders, across the state, ways to increase access and to find 'best practices' that already exist.

Introduction and Welcome
Justice Rebecca White Berch

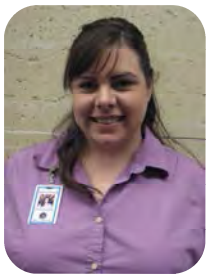
Keynote
Karen Lash, DOJ

Regional Forum Review
Hon. Lawrence Winthrop

Best Practices Panel

Kelly McCullough
Channel 8
Moderator

Anthony Young
Southern Arizona
Legal Aid
Volunteer Lawyer Partnerships



Barbara Howe
State Library
State Library Legal Help Initiative

Carol Mitchell
AOC
Video Remote Interpretation Project

Gregg Maxon
AOC
Veterans Courts

Closing Remarks

'Chief Justice' Scott Bales closed out the event by announcing the formation of an Arizona Access to Justice Commission chaired by Hon. Lawrence Winthrop.

Other Partners:
State Bar of AZ
Arizona Legal Service Corporation Agencies

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In partnership with the Court and State Bar of Arizona

Veteran's Legal Aid Project

Ten Month Report

3,603 veterans and their families were provided with the legal information or assistance they needed.

2,977 visits to the website identified the highest 11 areas of needs for legal information as outlined in the chart to the right. It is of primary importance that the information on this site is current and relevant.

Through the **online application for reduced/free legal assistance and direct calls**, there have been **626** total requests for attorneys to help with legal issues in the last nine months.

One hundred and twenty-one spoke directly with Foundation staff to request assistance in obtaining an attorney. With those calling in, the **top legal needs identified** were Family Law, VA Benefits, Criminal, and Consumer Law.

356 veterans and **149** additional people with veterans in their family applied for legal assistance online - **505 applications** in the last nine months.

Legal Information Sought	Viewers
Veterans Court	810
Legal questions	516
Family Law	385
Benefits	369
Criminal Law	241
Housing	226
Statutory provisions Arizona service members in family litigation	215
Free & reduced legal resources	182
Employment law	159
Health	128
Consumer protection	123
Legal resources	85

LawForVeterans.org Website

2,296 individuals visited LFV, visiting, on average, **3 pages** each visit. Top pages visited were: **Veterans Courts, Family Law and Criminal Law.** **32** questions were submitted and answered. **35 articles and resources** were posted.

Other Partners:
State Bar MLAC
Volunteer Attorneys
AZ Legal Aid agencies

In partnership with the State Bar of Arizona

Legal LEARN Contact Center & Modest Means

Jan - June 2014 Cities with 15 plus callers	
AZ cities	Calls
Phoenix	2504
Tucson	534
Gilbert	372
Glendale	252
Kingman	169
NO. Phoenix	136
Lake Havasu	125
Mesa	117
Scottsdale	105
Bullhead City	100
Sierra Vista	98
Tempe	94
Prescott	84
Flagstaff	75
Yuma	70
Litchfield Pk	64
Casa Grande	41
Apache Jctn	38
Chandler	37
Golden Vly	30
Sedona	29
Buckeye	28
Payson	25
Nogales	24
Agua Fria	22
Benson	20
Deervalley	19
Peoria	17
Globe	15
Paradise Vly	15
Wickenburg	15

A total of 102 Arizona cities benefit from the Legal LEARN line (866-637-5341) for legal information. In addition, calls came in from 45 different states' area codes and 3 Canada provinces. It is assumed that the 1,397 out of state area code callers are, for the majority, those living here and keeping their mobile phone numbers. The "snow bird" and transient population appears to increase the need for the one-stop auto information legal line.

Legal LEARN Center			
	Jan—March	Apr—June	Total
Auto-Info Calls	3,874	4,050	**7,924**
Calls Speaking to Operator	172	279	**451**
Modest Means cases referred	136	223	**359**
A2J Online In-take Modest Means	79	57	**136**
Modest Means referral totals	**215**	**280**	**495**

355 Hours of Legal Information

In the first six months of 2014, the Legal LEARN Contact Center phone line logged 355 HOURS of time

AUTO INFORMATION = 195 hours, Averaging 2 min. per call

"LIVE" OPERATOR = 160 hours, Averaging 21 min. per call

Other Partners:
Volunteer Attorneys
AZ Legal Aid agencies

In partnership with the State Bar of Arizona

Mock Trial & Diversity Pipeline

Congratulations to **University High School** for winning Arizona's State Mock Trial Competition and advancing on to Nationals. They ranked 5th place in the Nation!

2014 Report - Mock Trial Outreach for Diversity Pipeline								
County	# of Schools	Females	Males	White	Hispanic	Black	Asian	Other
Maricopa	18	159	116	143	69	15	21	27
Pima	6	62	68	69	18	6	20	17
Coconino	2	8	16	17	0	1	2	4
Yavapai	2	13	8	17	0	0	1	3
Mohave	1	12	9	16	4	0	1	0
TOTAL	**29**	**254**	**217**	**262**	**91**	**22**	**45**	**51**
Percent		*54%*	*46%*	*56%*	*19%*	*4%*	*10%*	*11%*

The 2013– 2014 Mock Trial Program has reached a total of 616 students with the help of 42 teachers and 175 volunteers. The numbers in the chart above are only reflective of the teachers reporting demographics with their totals.

Wills for Heroes

Over **250 wills** completed the first half of 2014!

Over **800 hours** donated by volunteers!

This quarter APS hosted a Wills for Heroes CLE at their offices to train their attorneys and staff so they could participate in future events. They also recorded the CLE for the program so that all new WFH volunteers will have access to the training!

Thank you APS!

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In partnership with State Bar of Arizona

Annual Awards Luncheon

The annual award luncheon was a huge success with nearly 200 guests in attendance.

Opening Remarks
Incoming SBA President and Foundation Board member
Richard Platt

Keynote
Incoming Chief Justice
Scott Bales

~Thanks to our Sponsors~

Presiding

Fennemore Craig
Attorneys
Denver Las Vegas Nogales Phoenix Reno Tucson
law that leads™ over 125 years

Mesch, Clark & Rothschild P.C.
Attorneys

Guardian Ad Litem

Tom & Pat Giallanza

Domingos Santos

Expert Witness

Bankers Trust

Damon Boyd

Dee Dee Samet

Richard Platt

Hon. Lawrence Winthrop

Friend of the Court

Matthew Binford

Hon. Maurice Portley

Clarice Spicker

In partnership with the Legal Aid Grantees

Azlawhelp.org

AzLawHelp.org		
Month	**Visits**	**Unique Visitors**
Jan—Mar	71,677	59,716
Apr—June	120,115	100,865
Total	**191,792**	**160,581**

Other Partners:
State Bar
GCG Consulting
Volunteer Attorneys
AZ Legal Aid Agencies

160,000+ Assisted in First Six Months

This last quarter, the visitors to azlawhelp.org have almost doubled over the first quarter, a the chart above shows the increase was over **40,000 more visitors** in the second quarter!

If you know of businesses who would like to sponsor this website or attorneys who are interested in providing a Guest Attorney article, please have them contact Lara Slifko at lara.slifko@azflse.org or 602.340.7235 for further information.

Online Intake—A2J Author

From January through June, 2014 there were **4,587 total** users (**3,567 unique individuals**) of the 24/7 online intake system, A2J Author. The **first quarter totaled 1,895 users** with an approximate **150% increase** the **second quarter of 2,792 users.**

As the chart indicates, the largest numbers **(79%)** qualified for legal aid assistance or the Modest Means programs. The remaining were referred to the other resources listed on the azlawhelp.org: the State Bar of Arizona find an attorney website, Pima County Bar and/or Maricopa County Bar.

Online Legal Intake - A2J Author Jan-June 2014	
Intake Status Outcome	Cases
Legal Aid	2,679
Modest Means	136
Above Income	123
Criminal/Jail	313
Out of state	168
Case type not support-ed/other	148

Other Partners:
State Bar of Arizona
AZ Legal Aid Agencies

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In Partnership with the Arizona Department of Education

School Safety Officer LRE Academy

July 1, 2013—June 30, 2014

- 16 LRE Advanced Academy training sessions conducted for School Safety Officers & Arizona Educators training 211 participants
- New Online Training—Pilot Project Implemented
- Train-The-Trainer Session
- 100 School Safety Officers trained
- 111 Educators trained
- On a scale of 1-5 (5 being the highest), the LRE Academy evaluates ranked 4.48 to 4.89

The People Who Make it Happen

In addition to our Instruction Specialist, Diana Strouth, the Foundation currently utilizes the experience of 9 Police Officers, 2 Juvenile Probation Officers, 2 Law Students and 12 Teachers to provide expert facilitation for the LRE Academy. In addition, during the course of the trainings at the LRE Academy, expert guest speakers provided a 1-2 hour presentation that give the participants additional content knowledge. Special thanks go to these guest speakers:

Attorney Jose Manuel Leon
Leon Law PLLC

Detective K.C. Hill
State Gang Task Force

Stephanie Siete
Director of Community Education
Community Bridges, Inc.

Barb Iversen
Program Specialist
School Safety and Prevention, ADE

Congratulations to the 2014 Officer of the Year- Larry Baggs

Tempe detective, Larry Baggs, received the 2014 *Law Related Education Officer of the Year.* The award recognizes exceptional contributions of Arizona police and probation officers in furthering education and understanding of the role of the law in our democratic society. This award focuses on public awareness on the contributions that the officer provides to the community and Arizona schools. As a result of Officer Bagg's dedication, the students have benefited from the Forensics program, Mock Trial and iCivics Arizona. Officer Baggs has been an officer for 29 years which includes 9 years as an SRO in the Tempe School district. Officer Baggs was nominated by Sgt. Joey Brudnock, Kathryn Mullery, Gerald Taylor, and Jennifer Dial.

Other Partners:
AZ Supreme Court
Center for Civc Ed

In partnership with Arizona Department of Economic Security

Domestic Violence Legal Assistance Project

July 1, 2013—June 30, 2014

The Arizona Domestic Violence Legal Assistance Project is a unique, statewide partnership, funded through the Arizona Department of Economic Security, between legal aid attorneys and lay legal advocates to holistically address the civil legal needs of victims of domestic violence and their children.

From July 1, 2013 - June 30, 2014 the Domestic Violence Legal Assistance Project:

- Assisted 2,438 victims in 895 legal clinics and workshops
- Provided direct representation to 459 victims in family, housing, and consumer law cases
- Recruited 221 new attorneys and law school students to work on the project
- Received the financial equivalent of $433,940.50 in donated time from volunteer attorneys
- Educated more than 31,000 Arizonans at 381 different DV presentations in the community.
- Provided court accompaniment and assistance to over 500 victims seeking an Order of Protection.

Partners for the 2014-2015 Fiscal Year

Legal Aid Agencies
Community Legal Services
DNA People's Legal Services
Southern Arizona Legal Aid

Domestic Violence Shelters
Against Abuse
Alice's Place
Catholic Community Services South East
Catholic Community Services West
Emerge! Center Against Domestic Abuse
Interagency Council of Lake Havasu City
Kingman Aid to Abused People
Mt Graham Safe House
Northland Family Help Center
Page Regional Domestic Violence Services
Sojourner Center
Time Out
Verde Valley Sanctuary
White Mountain Safe House

In partnership with Arizona Attorney General's Office

Foreclosure Relief Legal Services Project

Year One—2013/2014

The Foreclosure Relief Legal Services Project is a statewide collaborative of legal aid programs working to prevent and defend against foreclosure for Arizona's homeowners. Funded by the National Mortgage Settlement through the Arizona Attorney General's Office, the Project begins the second year, May 1, 2014 through April 30, 2015 .

During the first year of the Foreclosure Relief Legal Services Project:

- Opened 660 new foreclosure related cases for Arizona homeowners
- Provided over 9,000 individuals and families with foreclosure related educational materials
- Prevented the foreclosure of **$6,724,730** in Arizona properties
- Provided direct representation to **297** homeowners facing foreclosure
- Initiated litigation in **5 cases to challenge improper or predatory lending** or mortgage practices
- Educated **703** housing and legal professionals about foreclosure and foreclosure related issues

Legal Aid Agencies of the Foreclosure Relief Legal Services Project

Community Legal Services

DNA People's Legal Aid

Southern Arizona Legal Aid

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Name	Program	Name	Program
Abby Dupke	We the People	Cheryl Walling	Project Citizen
Abigail Neal	Wills For Heroes	Cheyenne Walsh	Mock Trial
Adam Bleier	Mock Trial	Chris Staring	Mock Trial
Adriana Garcia	Wills For Heroes	Christine Faber	Wills For Heroes
Alanna Anthony-Ganas	Wills For Heroes	Christopher Graham	Mock Trial & Wills For Heroes
Albert Slifko	Project Citizen	Clifford Baker	Mock Trial & We the People
Alexander Benezra	We the People	Colleen Maring	Mock Trial
Allister Adel	Mock Trial	Connie Contes	We the People
Amanda Lauer	Mock Trial	Courtney Sullivan	Wills For Heroes
Andrew Westle	Wills For Heroes	Daisy Garza	Project Citizen & Mock Trial
Angela Duhon	Wills For Heroes	Hon. Danelle Liwski	Mock Trial
Angela James	Wills For Heroes	Daniel Ortega	Wills For Heroes
Angela Moore	Wills For Heroes	Daniel Young	Mock Trial
Angelo Patane	Mock Trial	David Bell	We the People
Anna Van Zile	Mock Trial	David Choate	We the People
Bailey Williams	Mock Trial	Rep. David Lujan	Mock Trial
Becky Fitch	Project Citizen	David Weatherwax	Mock Trial
Becky Tigerman	Project Citizen	Deborah Morgaina	We the People & Project Citizen
Bernie O'Keefe	Mock Trial	Dennis Lusk	Mock Trial & We the People
Bill Young	Mock Trial	Devon Mills	Mock Trial & We the People
Brenda Lee	Mock Trial	Dewain Fox	Mock Trial
Brett Gilfillan	Mock Trial	Diana Gruber	Wills For Heroes
Brian Dille	We the People	Diana Weaver	We the People
Brian Garcia	We the People & Project Citizen	Duane Phifer	We the People & Project Citizen
Brian Longanbaugh	Project Citizen	Elizabeth Alongi	We the People
Brian Webb	Mock Trial	Elizabeth Fleming	Court of Appeals Connecting with the Community
Brian Weinberger	Mock Trial	Elizabeth Guyton	Mock Trial
Candace Kallen	Wills For Heroes	Eric Ladue	We the People
Carl Engstrand	Wills For Heroes	Eric Overstreet	Project Citizen
Carl Forkner	We the People & Project Citizen	Erin Evans	Project Citizen
Carmel Dooling	Mock Trial & We the People	Ernest Calderon	Mock Trial
Carminia Munoz	Project Citizen	Evelyn Hernandez	Mock Trial
Caryl Maniscalco	Mock Trial	Frank Campos	We the People
Casey Walters	Mock Trial	Frankie Jones	We the People
Charles J. Adornetto	Mock Trial	Gail Barsky	Mock Trial
Charlie Herf	Wills For Heroes	Hon. George Nielsen	Mock Trial
Charlotte McDermott	Mock Trial	Grant Smith	Project Citizen
Cheryl Ham	Project Citizen	Harrison Chislock	We the People

Note: Lists does not include all the volunteers at the Regional Competition levels .

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Heather Cornwell	Court of Appeals Connecting with the Community	Kay Lapid	Wills For Heroes
Heather Matchett	Project Citizen	Kelly Hawley	Project Citizen
Helen Purcell	Project Citizen	Kelly Hodge	Wills For Heroes
Holly Bowen	Wills For Heroes	Ken de Masi	Project Citizen
Isabel Humphrey	We the People	Kent Barter	We the People, Project Citizen & Mock Trial
Jaime Festa-Daigle	We the People	Kerry Montano	Mock Trial
Jan Lundgren	Project Citizen	Kiesha Beard	Project Citizen
Jan Wezelman	Mock Trial	Kim Bullerdick	Mock Trial
Jane Proctor	Wills For Heroes	Lance Broberg	Mock Trial
Janet Feeley	Mock Trial	Laura Lowery	Mock Trial & We the People
Janice Koenig	Mock Trial	Laurel Vogt	Mock Trial
Janina Walters	Mock Trial	Lauren Karp	Mock Trial
Janne Gaub	We the People	Lee Tran	Mock Trial
Jay Bidwell	Wills For Heroes	Linda Brown	Mock Trial & We the People
Jayme Fisher	Wills For Heroes	Linda Daugherty	Wills For Heroes
Jeffrey Schrade	Project Citizen	Lindsey Kennedy	Mock Trial
Jeremy Samoy	Mock Trial	Lisa Dodge	Mock Trial
Jeronica Sledge	Mock Trial	Lora Dal Bo	Project Citizen
Jessica Aguilar	We the People	Lori Markle	We the People
Jim Maner	We the People	Louis Horowitz	Court of Appeals Connecting with the Community
Jodi Rudd	Project Citizen	Lynda Vescio	Mock Trial
Jody Arnold	WTP & Project Citizen	Mandy Wright	We the People
John Balentine	Project Citizen	Marc Victor	Mock Trial
John Cosden	Mock Trial	Margaret Nyberg	We the People & Project Citizen
John Phelps	Project Citizen	Margo Atchley	Project Citizen & Mock Trial
Joseph Fraher	We the People	Marguerite Breidenbach	We the People
Joseph Mott	Wills For Heroes	Maria Brewer	Mock Trial
Joseph Shelley	Project Citizen	Mark McCall	Project Citizen
Juan Ramirez	Project Citizen	Mary Beth Ryan	Wills For Heroes
Judge MaryJo Barsetti	Court of Appeals Connecting with the Community	Mary Farrington-Lorch	Mock Trial
Judy Schaffert	Court of Appeals Connecting with the Community	Mary Halvorson	Mock Trial
Julie Moen	Wills For Heroes	Matt Binford	Wills For Heroes
Karen Yanes	Mock Trial	Matt Brown	Mock Trial & We the People
Kate Loudenslagel	Mock Trial	Matthew Grosch	Wills For Heroes
Katea Ravega	Wills For Heroes	Matthew Smith	Mock Trial
Kathryn O'Malley	Wills For Heroes	Maureen Sneed	We the People
Kathryn Smith	Mock Trial	Megan McCoy	Wills For Heroes
Katleen Lundgren	Project Citizen	Melissa Holland	Mock Trial

In partnership with Arizona

Volunteers Make It Happen—First Half of 2014 Volunteers

Name	Program	Name	Program
Melody Emmert	Wills For Heroes	Robert Billar	Mock Trial
Micalann Pepe	We the People	Robert Guyton	Mock Trial
Michael Parascandola	Mock Trial	Hon. Roxanne Song Ong	Project Citizen
Michael Scanlan	Mock Trial & We the People	Ryan Cummings	Wills For Heroes
Michele Forney	Mock Trial & We the People	Sam Alagha	Mock Trial
Michelle Burns	Mock Trial	Samantha Garber	Wills For Heroes
Mike Dillon	Mock Trial	Sarah Murillo	Wills For Heroes
Hon. Murray Snow	We the People	Sarah Nilsson	Wills For Heroes
Myles Braccio	Mock Trial	Chief Justice Scott Bales	We the People
Myra Harris	Mock Trial & We the People	Sharon Akridge	Mock Trial
Nancie Lindblom	We the People	Sharon Slifko	Project Citizen
Nancy Cortesi	Wills For Heroes	Shirley Glaze	Wills For Heroes
Nancy Davidson	Mock Trial	Stephanie Ehrbright	Mock Trial
Nate Walters	Mock Trial	Stephanie Low	Mock Trial
Nature Lewis	Wills For Heroes	Hon. Stephen McNamee	Mock Trial
Nellie Allen-Logan	Wills For Heroes	Steve Mitten	Mock Trial
Nicholas Wood	We the People	Susan Shetter	Mock Trial
Hon. Nikki Chayet	Mock Trial	Susanna Pineda	Mock Trial
Noreen Kealer	We the People	Tania Cruz	Wills For Heroes
Norma Jean Higuera-Trask	We the People	Ted Borek	Mock Trial
Olga Zlotnik	Mock Trial	Teresa Shorbe	Mock Trial
Patricia DeVito	Mock Trial	Terri Welsh	Project Citizen
Patricia Powers	Wills For Heroes	Thomas Alongi	We the People
Patricia Starr	Mock Trial	Tiffany Broberg	Mock Trial
Patrick Farrlley	We the People	Timothy Smith	We the People
Patrick Hall	Mock Trial	Tina Washington	Wills For Heroes
Patrick Leon	Project Citizen	Trisha Baggs	Wills For Heroes
Paul Kular	Mock Trial	Vada Visockis	Mock Trial
Penny Higginbottom	Mock Trial	Vic Linoff	We the People
Phyllis Hughes	Mock Trial	Vicki Lopez	Mock Trial
Ramsey Carpenter	Wills For Heroes	Vincent Creta	Mock Trial
Randi Rosen	Mock Trial & Wills For Heroes	Wiley Popovich	Project Citizen
Richard Palmatier	Wills For Heroes	Zachary Giammarco	Mock Trial
Robb Fountain	Mock Trial		

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Chief Justice Scott Bales
Vice Chief Justice John Pelander
Justice Rebecca White Berch
Justice Robert Brutinel
Justice Ann Scott Timmer

Alongi & Donovan Law, PLLC
Jody Arnold
Hon. Mark E. Aspey
Hon. Janet E. Barton
Hon. Thomas Berning
Matthew Binford
Hon. James Blake
Hon. Craig Blakey III
Damon & Danelle Boyd
William Boyd
Margaret Breidenbach
Jeff Brodin
Emily G. Burns
A. B. & A.J. Butler
Mary Bystricky
Ellis Carter
Lauren J. Caster
Bryan Chambers
Hon. Nikki A. Chayet
Andrew Ching
Hon. Connie Contes
John Cosden
Amelia Craig Cramer
Whitney Cunningham & Jennifer Mott
Gregg Curry
Hon. Glenn M. Davis
Peter Davis
Kim Demarchi
Lois Eisenstein
Nicholas Enoch
Matthew P & Michele Feeney
Stanley Feldman
Noel A. Fidel
Richard Feldheim
Matthew Fischer
Dewain Fox
R. Lee Fraley
Robert Frederiksen
Sandra S. Froman
John Furlong
Brad Gazaway
Pat and Tom Giallanza
Gregg Gibbons
Rodney Glassman
Sasha Glassman
David Gomez
Abbe Goncharsky
Robert Gottsfield
Jennifer Greene
Patrick Greene
Mary Mangotich Grier
Sarah Harping
Mark I. Harrison
Milt & Meredith Hathaway
Charles Hauff Jr.
Hon. Hugh & Diane Hegyi
Rachel Hernandez
Robert Ong Hing
Robert J. Hirsh
Hon. Eileen Hollowell
Jenny Holsman Tetreault
Jennifer Hunter
Jeffrey Jacobson
Audrey Jennings
Teena Jibilian
Joseph Kanefield
Faith Klepper
Hon. Joseph Kreamer
Kathryn Krecke
Judith Lang
Todd Lang
Kyle Lathrop
Hon. Danelle Liwski
Lisa Loo
George Lyons
Denis R. Malm
Patricia Mariella-Santana
Sarah Mayhew
Daniel J. McAuliffe
Lori McLeod
Hon. Ruth V. McGregor
Hon. Leslie Miller
Patrick Murphy
Alberto Olivas
Bernard Van O'Steen
Samuel Ottley
Eric Overstreet
Randall Papetti
Patrick Paul
Gary Pearlmutter
Fred A Petersen
John Phelps
Richard Platt
Bree Popp
Hon. Maurice Portley
Jane Proctor
Hon. Helen Purcell
Jonah Rappazzo
Peter J. Rathwell
Gary Restaino
Arthur E. Romley
K Royal
Beverly Rudnick
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Dee-Dee Samet
Domingos R. Santos
Judy and Michael Schaffert
Lynn and Roy Schubert
Deb Scott
Anne Segal
Janet Sell
Beth Shapiro
Kenneth J. Sherk
Lara Slifko
Hon. Roxanne Song Ong
Brian Spicker
Clarice Spicker
Gary L. Stuart
Geoffrey Sturr
James Susa
Christine Thompson
John & Susie Todd
Geoffrey Trachtenberg
Christina Urias
Alex Vakula
Diana Varela
Wachtel Biehn & Malm
John H. Westover
Jancie Wezelman
Jeffrey Willis
Hon. Lawrence Winthrop
Patricia Winthrop

In partnership with Arizona

Lifetime Fellows - $25,000+

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Paul F Eckstein
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First National Bank of Arizona
Lamb Foundation
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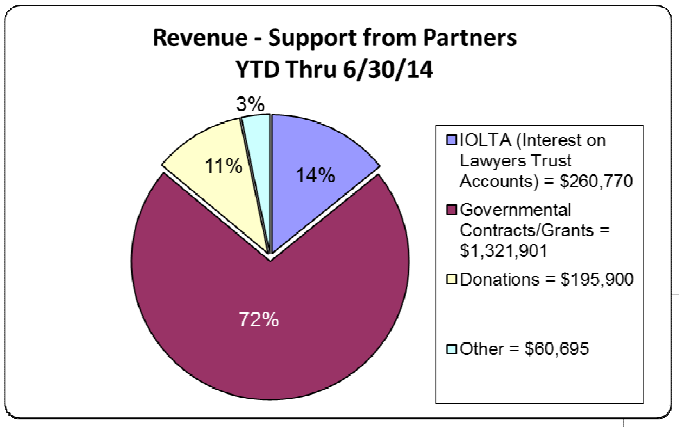
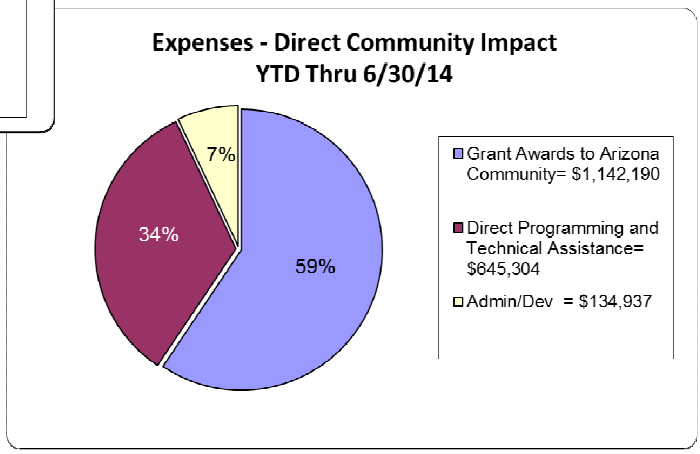
Melody Robodoux Foundation
Snell & Wilmer, L.L.P.
US District Courthouse

Financial Snapshot—2014





Early Notices & Good News

Arizona Bar Foundation's *Inaugural* Drive for Justice

Arizona Biltmore

Saturday, June 27, 2015

It may be hot, but so is the cause!

For more information on becoming a Fellow or sponsoring the ***Drive for Justice*** golf tournament contact Lara.Slifko@azflse.org

Arizona Foundation for LEGAL SERVICES & EDUCATION
THE ARIZONA BAR FOUNDATION

4201 N. 24th Street
Suite 210
Phoenix, Az 85016

www.azflse.org

Phone: 602-340-7366
Fax: 602-773-3105
E-mail: info@azflse.org

2013 The Legal Need In Arizona

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Comparison of the Arizona Legal Need Studies		
Topic Area	**2007**	**2013**
Methodology	1,076 phone calls made to Arizona residents asking for survey responses.	Three separate surveys: 1,714 responses from individuals seeking legal information; 78 community group responses; and, 524 responses from attorneys and the judiciary.
Race / Ethnicity	White 76%; Black or African American 3%; American Indian and Alaska Native 3%; Asian 1%; Two or More races 1%; Hispanic 11%	White 60%; Black or African American 5%; American Indian and Alaska Native 4%: Asian 0%; Some Other Race 6%; Hispanic 25%
Reason as to why they did not seek help for legal issue: Worried they could not afford an attorney	Income under ~$20K – 71%; Income at ~$50K – 56%	Income under ~$20K – 63%; Income at ~$50K – 33%
Where they went for legal help	25% got help from a person or agency; 41% attempted to take care of the problem themselves; 21% took no action at all; and, 13% did not specify.	31% got help from a person or agency; 58% attempted to take care of the problem themselves; 6% took no action at all; and, 5% did not specify.
Top Legal Issues from public survey responses	Consumer; Housing; Family and Juveniles; Employment; and, Discrimination	Consumer; Family Law; Domestic Violence; Housing Ownership; and Housing Rental.

Compiled by
The Arizona Bar Foundation
Community Legal Services
DNA Legal Services
Southern Arizona Legal Aid
William E. Morris

January 2013

EXECUTIVE SUMMARY

One avenue towards understanding the legal service needs of Arizonans is to look at the work of Arizona's three legal aid agencies: Community Legal Services, DNA People's Legal Services, and Southern Arizona Legal Aid. These agencies provide direct *legal services* to ~21,000 low-income Arizona adults annually[1], not only by providing legal representation, advice and monetary recoveries for individuals, but also by providing information through outreach activities and educational materials distributed across Arizona.

In addition to looking at the work of Arizona's legal aid agencies, this report helps define legal services needs of Arizonans through three separate surveys: public feedback; attorney & judiciary feedback; and, community organization feedback.

The public survey, launched on the AZLawHelp.org website, focused on multiple areas of civil legal need: housing; consumer; family law & domestic violence; immigration; discrimination; healthcare; public benefits; and, education. This survey allowed the people needing legal services to explain what that need meant in their lives.

The attorney/judiciary and the community organization surveys focused on these professionals describing the areas of need for civil legal assistance from their unique views.

Comparison of the three surveys offers insight into the perspectives of each group. For example, the public feedback placed consumer issues as the highest need (77%),followed by family law (38%),and domestic violence (31%). Housing, both rental and ownership, (27%) rounded out the top five needs. The community groups' perspective offered the ranking of child support and custody issues as the highest, which would be categories under family law, but their top issues did not include consumer issues, which was the top issue reported from the public feedback. The attorney and judiciary perspective listed family law first and domestic violence family law second. This closely matches the public feedback, but the attorneys and judiciary placed consumer law as the fifth highest ranking while the clients' responses indicate it is the greatest need.

The differences in ranking only points to the importance of gathering input from all three groups. It also indicates the resources of the varying groups against the needs that are present in the community. Again, for example, the community groups may have access to resources for domestic violence immediate legal needs but lack the resources to assist with the longer-term needs of child support and custody issues. The attorneys and judiciary will see the onslaught of open cases in family court but the legal consumer needs of the public never reach that level of assistance, as indicated by the public feedback. The public responses indicate that over 60% of those surveyed still attempt to deal with their legal needs on their own or just ignore them. The responses also show that this is not working: Only 5% reported that their legal needs were resolved with 95% reporting that the legal issues are still hovering over them.

The results of each of the three surveys are enlightening and will assist in strategic planning to further increase access to justice in Arizona.

[1] Legal Service Corporation program profiles. http://www.lsc.gov/local-programs/state-profile?st=AZ retrieved 1/14/2013

PUBLIC NEED SURVEY

Methodology

The research survey was developed with commercial software, Survey Monkey. Feedback from the public survey was sought through the Arizona legal help websites. This survey targeted only those Arizonans seeking information and/or assistance with a legal issue they experienced over the last twelve-month period.

The sample size for the public survey is over 1,700 survey participants. This sample size is verified as valid using calculations supplied by the commercial survey company: The survey is completed with a 95% confidence level and a 5% margin of error.

The survey is modeled primarily following the legal needs survey instruments of other states' legal aid agencies and with the input of Arizona's three legal aid agencies funded and regulated by the Legal Service Corporation: Community Legal Services, DNA-People's Legal Services, and Southern Arizona Legal Aid. The legal need survey queried basic demographic information and legal needs in multiple areas of law. Further, the survey targeted those individuals searching for legal information or seeking legal assistance.

Demographics

The responses encompass the broad geographic areas of Arizona resulting in a reflection of the state's general population. As the table indicates, the survey is under represented in Maricopa County and has a higher percentage representation for Pima County. The percentage variations in the other counties are much smaller, and overall, the response distribution is across each county of Arizona.

Counties	Survey	General Pop[2]
Apache	0.1%	1.1%
Cochise	4.3%	2.1%
Coconino	0.4%	2.1%
Gila	1.6%	0.8%
Graham	0.3%	0.6%
Greenlee	0.2%	0.1%
La Paz	0.2%	0.3%
Maricopa	41.4%	59.7%
Mohave	2.6%	3.1%
Navajo	1.6%	1.7%
Pima	35.2%	15.3%
Pinal	7.5%	5.9%
Santa Cruz	0.4%	0.7%
Yavapai	2.9%	3.3%
Yuma	1.1%	3.1%

The tables below offer the demographics of the public survey participants. It is important to remember that the participants to the public survey were either visiting one of the Arizona legal information websites (http://www.azlawhelp.org, http://www.lawforseniors.org, or http://www.lawforkids.org) or seeking assistance from a legal aid agency.

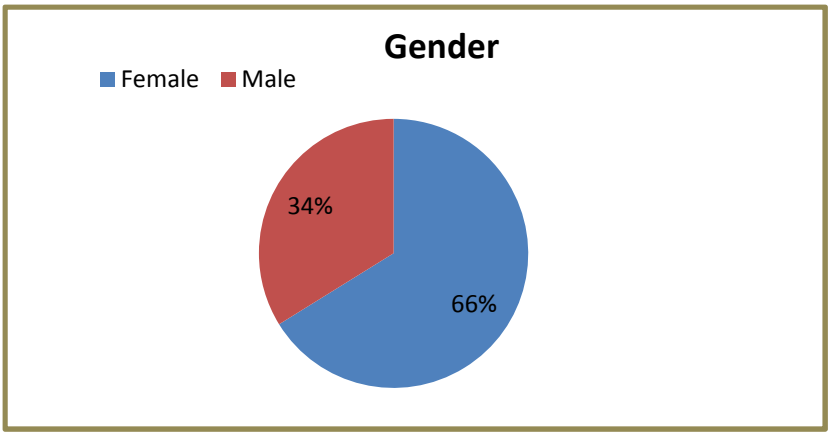
This segmented the survey population to be those who have self identified as needing legal information and/or assistance. The demographic categories below will provide a description of this population seeking legal help.

[2] http://www.workforce.az.gov/pubs/demography/April1_2010Population.pdf retrieved 1/13/13.

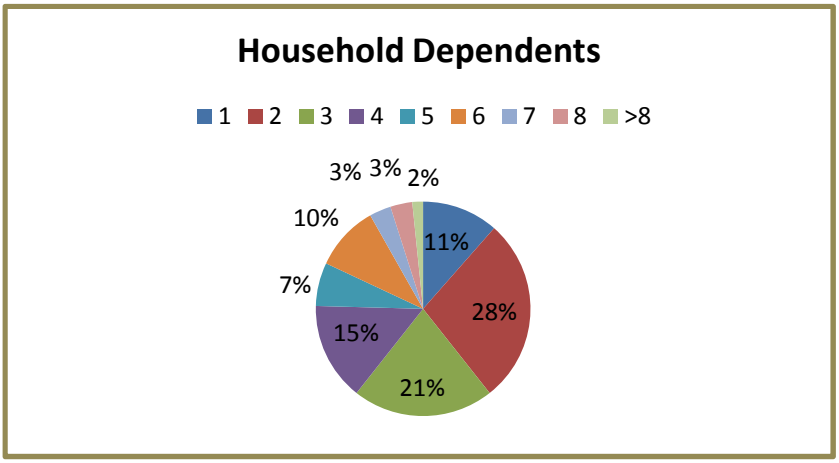
House Hold Type	Survey
Single	29%
Single w/children	25%
Married or Partners	14%
Married or partners w/children	19%
Multi-generational (parents adult children)	7%
Multi-generational (grandparents parents with children)	6%
Age	**Survey**
18 to 29	33%
30 to 45	30%
46 to 59	17%
60 to 70	12%
71 and up	8%

It should be noted that not all respondents chose to answer certain demographic information. The percentages reported are totals of those completing the demographic information. These totals vary from approximately a thousand answering the county and gender question to as low as less than a hundred answering the number of dependents and age breakdowns.

Still, the demographic statistics allows the reader to see a broad, general picture of the Arizonans in need of legal aid. The following sections will reveal a more detailed view of the crises these households are facing and their need for legal assistance.



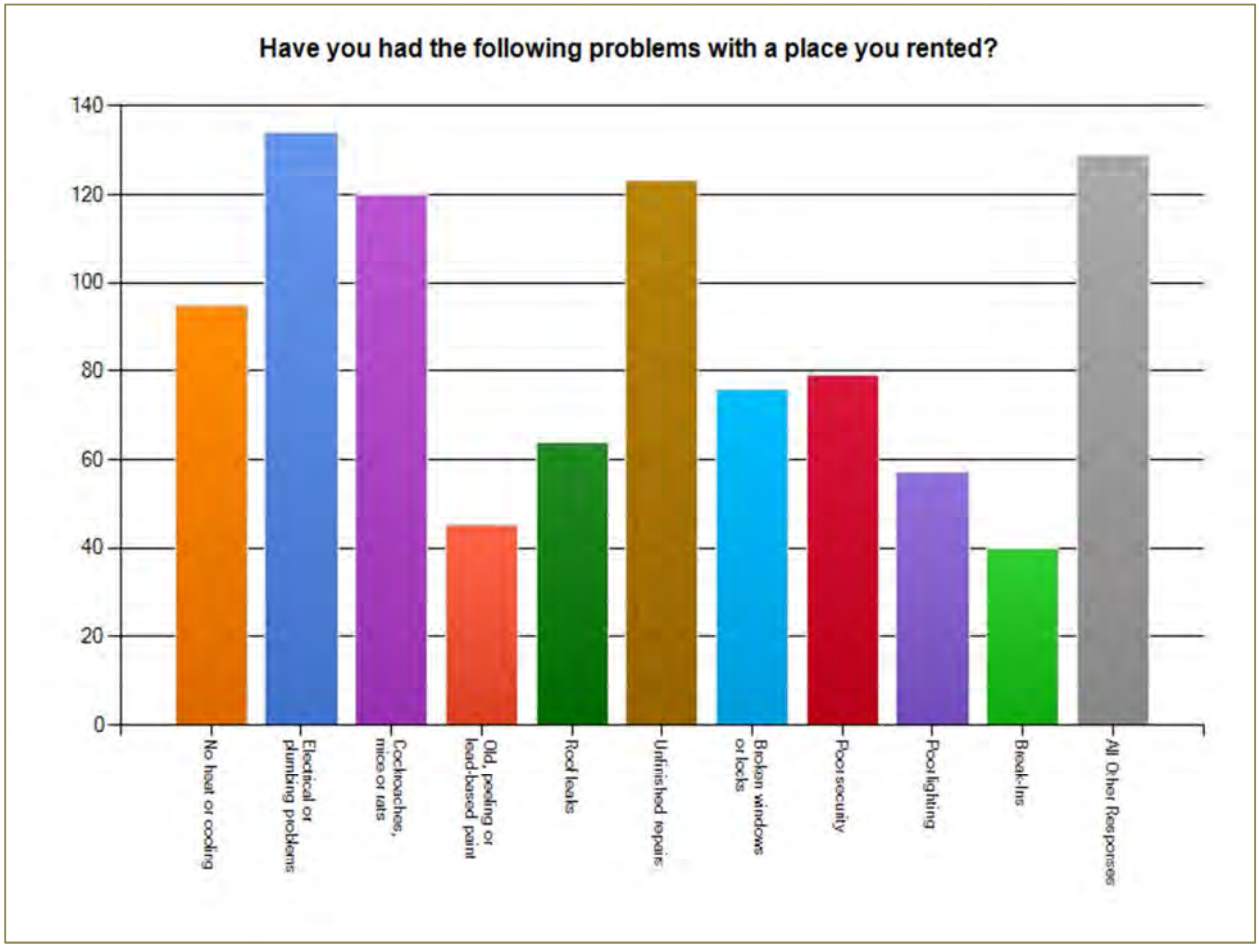
Race/Ethnicity	Survey
White	60%
Some other race	6%
Black or African American	5%
American Indian and Alaska Native	4%
Asian	0%
Native Hawaiian and Other Pacific Islander	0%
Hispanic or Latino (of any race)	25%
Income Level	**Survey**
< $10,000	51%
$11,000 to $20,000	20%
$20,000 to $40,000	18%
$40,000 to $60,000	7%
$60,000 to $80,000	2%
>$80,000	2%



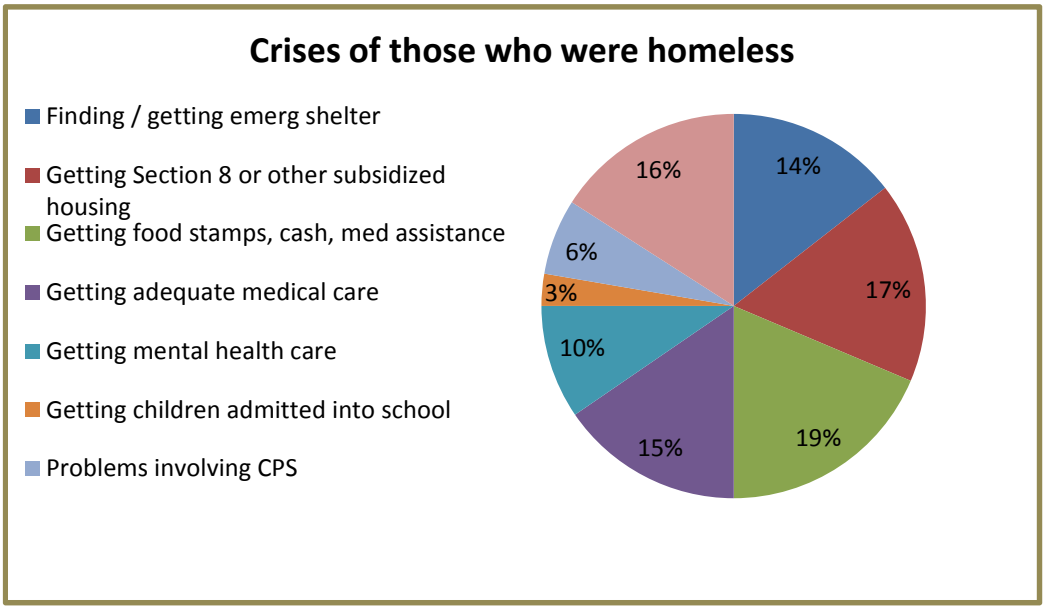
Females are the predominant majority seeking legal assistance. The combined age brackets from 18 to 45 years comprises 63% of the total seeking legal assistance. Those individuals over sixty, though, make up 20% of the total, which is of particular interest as this survey was available through the internet, which is often referenced as used less by those who are over sixty years.

Housing

46% of the people responding to the survey are renters. 43% of these renters reported having problems with their landlords over issues relating to health and safety issues. Each of the issues presented are basic housing standards, yet these renters needed to seek legal help to secure health and safety in housing.



Beyond having to deal with basic building standards, renters found themselves at odds with property owners over the understanding of their obligations under the terms of the lease agreement. 29% of tenants had disagreements ranging from the amount of rent owed, specific lease terms, security deposits, and other issues that were, for most, not resolved and ended with 20% not remaining in their home, but only 7% were evicted. Of those who left, 17% had to live with someone else after moving because they could not find affordable adequate housing. Homelessness was the reality for 12% of the respondents. The lack of housing was one of the crises issues these families faced. The chart shows all the really hard issues that added to the spiraling instability a family deals with when struggling to get out of homelessness.



Having to move from your home is always a stressful situation, having nowhere to move to is even more so, and when you are a homeowner, the loss is also compounded. 36% of the survey respondents had a mortgage or owned their own home. 28% of the homeowners could have benefited from legal aid with at least one of the following problems that existed for them:

- The mortgage was sold and couldn't reach a contact to discuss payments - 15%
- The escrow payments were not applied to taxes and house insurance payments – 7%
- A need to short sale the property – 17%
- Foreclosure notice was sent when they had been told a loan modification was in the works – 37%
- Given an eviction notice and told the house had been auctioned without receiving notice of a foreclosure pending – 15%
- Neighborhood association made demands not included in association guidelines – 10%

The age groups of 30 to 45 (21%) and 60 to 70 years (46%) had the highest numbers of those reporting needing a short sale. The 46 to 59 age group had the highest percentage (71%) experiencing foreclosure notices sent when they had been told a loan modification was in process.

The problems described above could be mitigated or halted with access to legal assistance and as those surveyed will attest, can lead to the loss of your home when you there is no assistance available.

Consumer

Over 77% of the survey respondents reported having consumer legal problems. The issue was not just a complaint that there was a debt or an overdrawn bank account. The need for legal assistance arises when there is a disagreement about the terms and conditions regarding the funds or debt. The top areas needing legal assistance include:

- Bank accounts – 21%
- Debt Collectors/Collection agencies – 21%
- Credit card accounts – 18%
- Student loans – 13%

The table below looks at these top issues and separates them out by the housing status of the responders. People reporting that they were homeless in the last twelve months also reported a higher percentage having legal issues with their bank accounts and student loans. Renters also had higher percentages reporting concerns in these two areas and in addition had the highest percentage reporting difficulties with debt collection. Homeowners reported the highest percentage of difficulties with credit card accounts.

Legal Issues with:	Renters	Homeowners	Homeless
Bank accounts	43%	31%	53%
Debt collectors/collection agencies	39%	35%	35%
Credit card accounts	30%	39%	28%
Student loans	31%	10%	37%

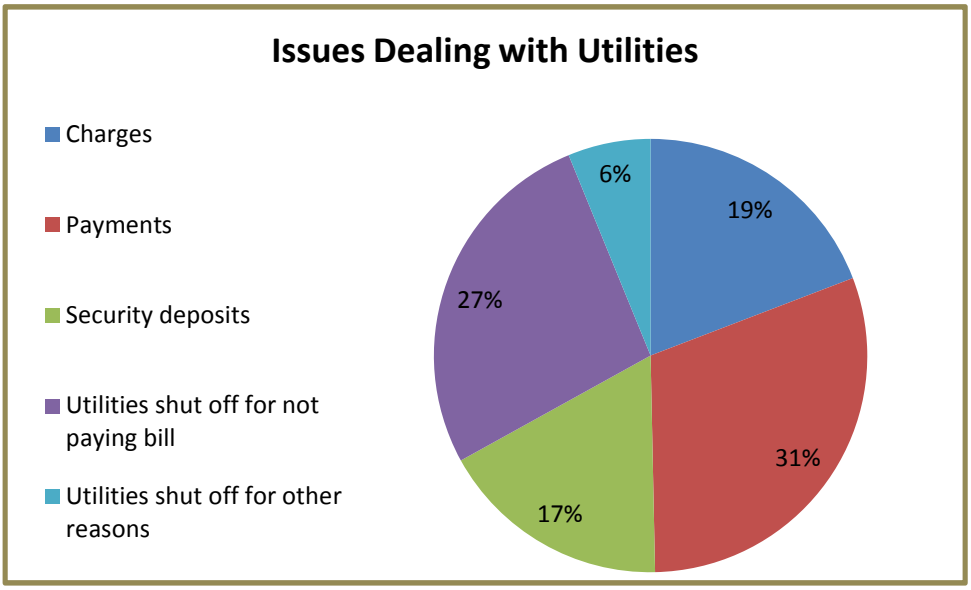
40% of 18 to 29 year old households listed having student loan problems and this issue was tied for second in this age group as debt collection (40%). Coming in at the highest percentage for this age group was bank account problems (44%). The next table lists the highest area of consumer legal needs for the various age groups and demonstrates that the complexities of financial matters or falling prey to mistakes or scams do not diminish with age.

Highest Legal Consumer Needs by Age Groups				
	Debt Collectors	**Student Loans**	**Bank Accts**	**Credit Card Accts**
18 to 29	40%	40%	44%	38%
30 to 45	42%	32%	42%	33%
46 to 59	30%	17%	27%	27%
60 to 70	35%	11%	37%	38%
71 <	23%	3%	26%	23%

A clear difference of consumer legal issues can be seen when looking at the incomes of households. Those families with annual incomes of less than $10,000 experience the highest percentage of problems with their bank accounts, seizure of property, state or federal income tax returns, auto accidents, loss of driver's license, and identity theft. The hardship with debt collectors and collection agencies was greatest with households earning between $10,000 and $20,000 (41%) and then the households with incomes between $20,000 and $40,000 were at 37% and between $40,000 and $60,000 at 33%.

Under the Consumer Law area were questions that were at the most basic level of an individual's standard of living: 21% of all respondents reported having legal issues related to their utility

services. The issues varied, as seen in the chart below, with the highest percentages relating to disagreements over payments and subsequent shut off of the services.



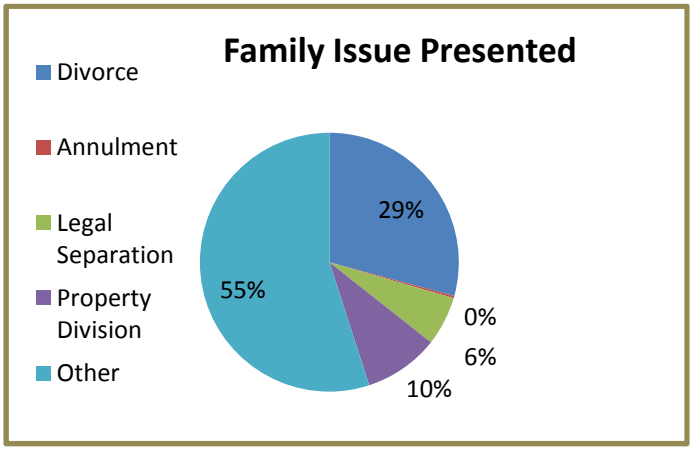
When defined by the person who is in need, the ambiguous term of "Consumer Law" becomes painfully clear –

> Someone took money out of my bank account… my identity was stolen… debt collectors are hounding me and I don't know if I even owe them… can they really garnish my wages… I don't believe my utilities should be this high…

These are real justice issues, which often cannot be resolved, if the person has to stand up against a corporate attorney and not have any legal representation speaking in their defense.

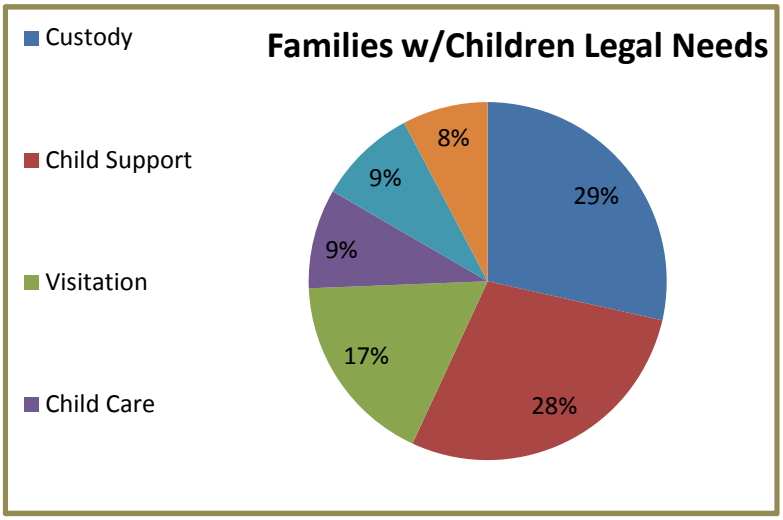
Family

38% of all survey respondents answered that in the last twelve months they needed legal assistance with a family issue. Of the people needing family law help, the largest number listed 'other' (55%) as the legal issue rather than any of the issues listed in the chart below. The category of 'other' was then described in numerous explanations: A spouse wasn't following through with the court decrees; confusion about what a court document required; and, a long list of few words trying to understand what the 'legal process' expected from them or could do for them in the middle of their personal sorrows.



The personal sorrows and need for legal assistance does not have a gender bias: 61% of the female and 55% of the male respondents stated that they needed family legal help with the issues cited in the charts above.

53% of those responding to the family issues had children, which then added to the complexity of their family legal issues.



15% reported they had problems getting a child support order and 19% reported problems in getting a child support payment. Another area where legal aid offices are often called to assist is as an advocate with governmental agencies. This is of a particular help when the government entity workload is heavy and the budgets are strained by current economic conditions. Of the respondents with children and family legal issues, the following percentages report these needs a problems they had with the Child Support Enforcement Office:

9% getting someone from the child support office to call back
5% getting a child support order
9% getting a child support order changed
6% getting child support on time
11% getting the correct amount of child support

Domestic Violence

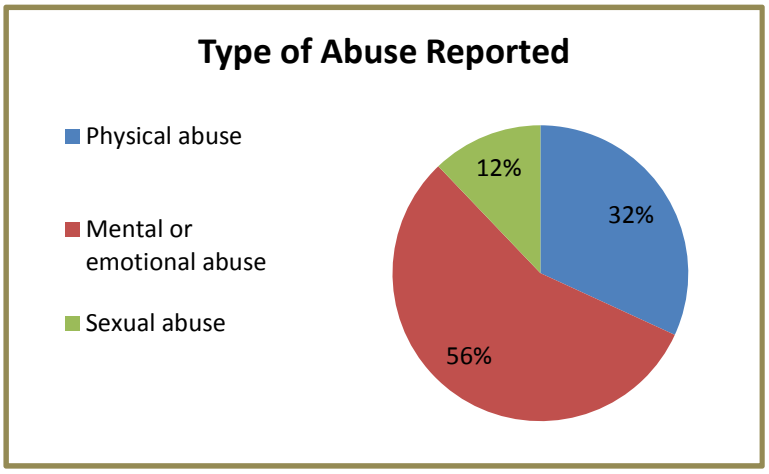
Domestic Violence seems to hold a gender unbalance: 42% of females reported having dealt with domestic violence in the past twelve months and 19% of males reported domestic violence issues. The table below shows all ages can be victims of abuse and the chart shows the forms of domestic violence that victims are suffering.

The Victim of Abuse	
A child(ren)	24%
Adult	69%
Elderly (over 65)	7%

Getting an order of protection or restraining order was the greatest problem reported with 45% reporting this issue. Enforcing an order of protection was second with 41% reporting this difficulty.

The legal issues stemming from abuse are compounded as the victims often need to leave their homes, lose their financial security, and incur costs while they re-establish their lives.

Beyond the need for safety, a victim needs legal assistance in navigating the challenges that come with trying to become a survivor and rebuilding a life without fear.



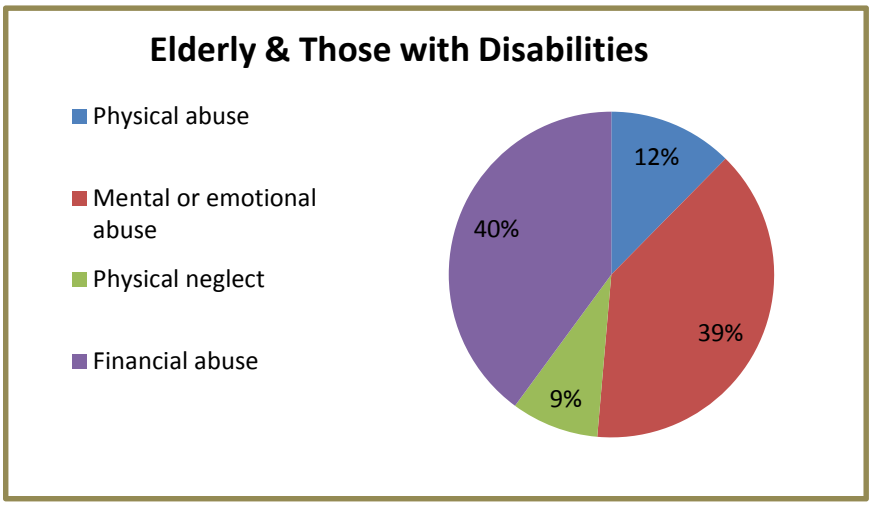
Elderly & Disabled

The legal needs of the elderly and disabled populations can be specialized. The survey asked questions to determine these specialized areas of concerns. 17% of those responding to this area stated that there was an adult living in their home that needed help because he/she could no longer handle his/her own affairs.

Other issues often relating to this population include the need for guardianship or conservatorship, power of attorney, living wills, and wills. 12% of all respondents indicated they had one of the following legal needs during the last twelve months.

35% needed help with a guardianship or conservatorship
48% needed help with a power of attorney
54% needed help with a living will
53% needed help with a will

Abuse of the elderly and those with disabilities, do not seem to hold the same gender in balance. 20% of females reported that an elderly or person with disabilities, in their home had been abused during the last twelve months. 18% of male respondents reported same abuse occurring.

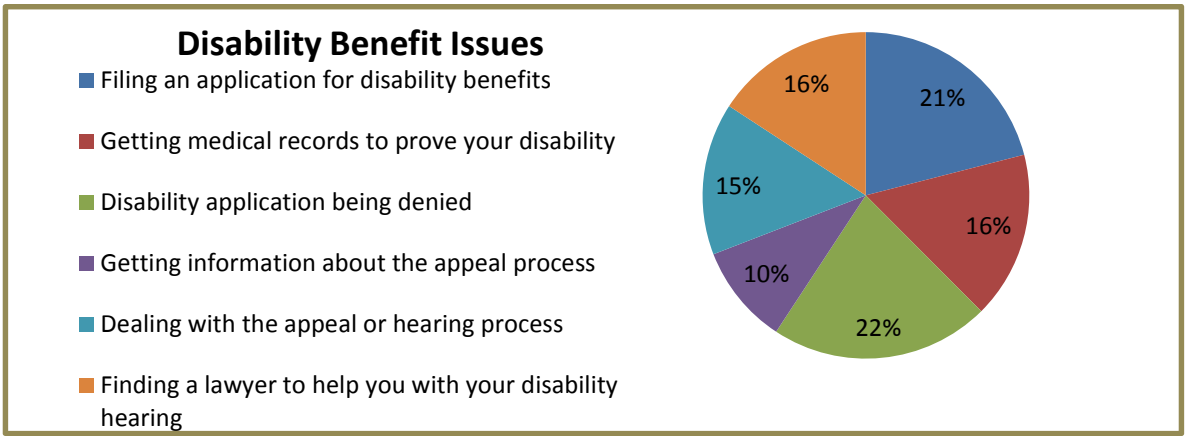


Public Benefits & Health Care

The legal area of public benefits and health care is pivotal to an individual's stability. The survey asked about the need for legal assistance in the following specific areas: cash or food stamp benefits; receipt of public benefits; and, healthcare.

Only 8% of the respondents answered that they had received cash or food stamp assistance in the last twelve months. The highest concern for them, at 97%, was that benefits were denied, cut, or stopped in error. 27% responded that they were paid their wrong amount.

16% of all respondents reported that they, or a household member, had difficulties with public benefits. Their concerns varied from difficulty in contacting the caseworker (58%) to dealing with the appeal or hearing process (26%).



17% of all respondents reported that a medical bill collector had harassed them.

30% of all respondents reported that they, or a household member, had applied for governmental medical assistance in the last twelve months. The highest percentage (29%) reported being denied medical or dental services for adults. The second highest percentage (20%) reported their issue of not being able to get in touch with their caseworker.

6% of all respondents reported that they, or a household member, had problems with Medicare. The largest percentage within this subset reported the difficulty as paying for co-pays and prescriptions (61%). The next highest issue was getting information about the programs availability: 43% reported this as their issue.

11% of all respondents reported they, or a household member, had problems with mental health services. 52% reported that paying for prescriptions for the mental condition was an issue for them. The next largest percentage, 49%, reported their difficulty was dealing with the counselor, doctor or other mental health provider.

Education & Immigration

9% of all respondents reported needing assistance in relation to their children's education. The table below lists the issues by the percentage reporting the concern.

Education Concerns	
Getting or keeping a child in school	29%
Getting special classes or services	32%
Child placed below his or her level	8%
Bilingual education services	6%
Special education services	25%
Dangerous school	16%
Student treated unfairly or unequally	29%
Suspension or expulsion	16%
Other discipline	11%
Education seriously inadequate	19%
Working with school officials - teachers or administrators	36%
Other (please specify)	35%

The legal needs dealing with immigration are not being minimized by this listing as a subtopic tied with education. While immigration is an important legal issue for a large segment of population here in Arizona, the scope of this study does not provide a forum to address the entirety of immigration needs. This legal need section only applied to 3% of the respondents.

The LSC legal service entities are restricted from dealing with immigration issues of non-documented individuals. This restriction limits the feedback available from those in need of immigration services. A separate study, targeting this population, is required to adequately assess the needs of those with immigration issues. This question was asked to provide a window of information regarding those who are documented, but experiencing legal issues related to their status.

Have you or your household member had immigration problems such as:	
Abuse by a spouse, parent or other family member who is a citizen or legal permanent resident	26%
Getting lawful permanent residency	21%
Bringing family members to US	13%
Threatened deportation	17%
Legal status, yet prevented from employment	11%

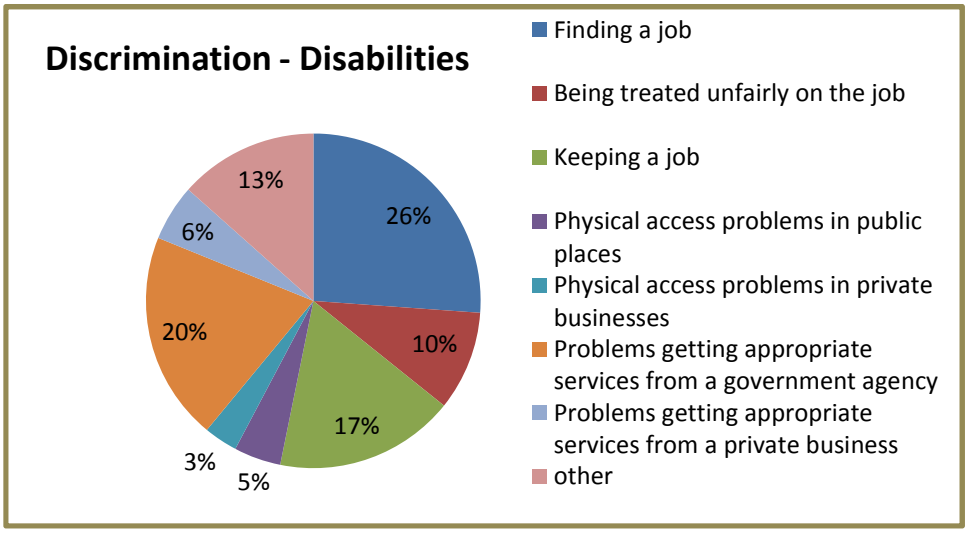
Discrimination

The legal area dealing with discrimination in this survey included housing, disabilities, native language, and as a Native American. Only 1% reported that they had difficulties with rights protected under treaties or other laws specific to Native Americans. The issues were individualized and not able to be grouped. 6% of the respondents reported they had been discriminated against relating to housing. The following table clarifies the cause of the discrimination.

In addition to the statistics reported in the table, 2% of the respondents reported that a landlord had refused to rent to them because they had children.

Cause of Discrimination	
Race	42%
Sex	14%
Age	29%
Disability	43%
Sexual orientation	13%

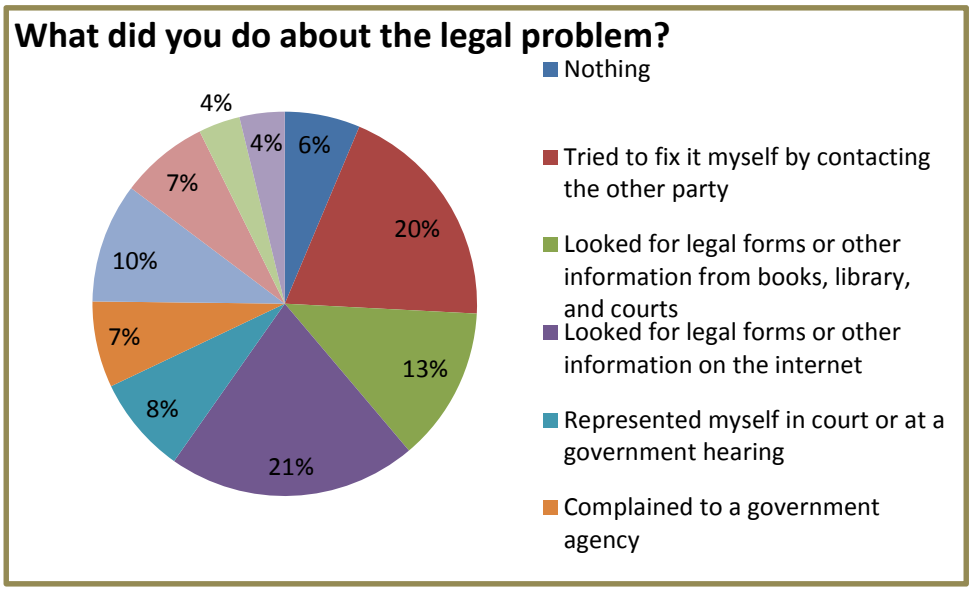
15% of all respondents reported that they, or a household member, faced difficulties due to a physical or mental disability.



4% reported problems due to speaking a primary language other than English. The three highest percentage reported problems were as follows: 36% not being able to defend their rights; 27% getting work; and, 26% getting government benefits.

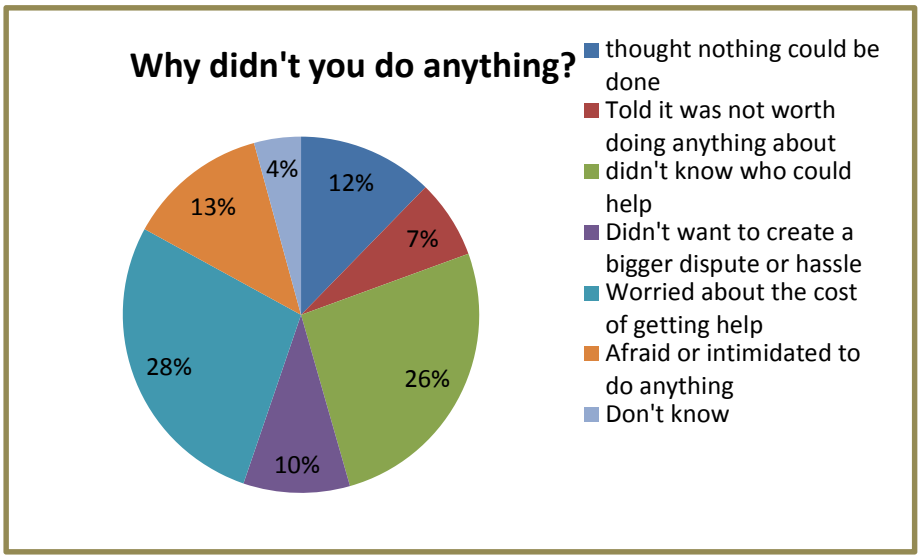
Access to Legal Help

In addition to identifying the legal needs, this public survey sought to understand how those with legal needs were resolving the issues facing them. The chart below shows how the people dealt with the legal problem they faced.



When asked if the legal problem was resolved, only 5% responded that the issue had been resolved and 95% said the issue had not been resolved.

It was also asked, if they did nothing, why they chose not to do anything about their legal problem. The next chart outlines those responses.



Of the 10% who had attempted to reach a legal aid agency, the survey also inquired as to how the legal aid agency had helped.

Over 40% said that they could not receive help from legal aid for a variety of reasons. These reasons included income levels, types of cases, conflicts, and time. Those who responded that they had been assisted, acknowledged varying levels of assistance: 23% advice was given, 7% helped with forms, 6% written information was given, 3% assigned to a clinic; 2% represented them in the case.

COMMUNITY GROUP FEEDBACK

Methodology

Seventy-eight (78) community group respondents participated in the survey. The survey was developed using a commercial survey instrument, Survey Monkey, and distributed utilizing the community relationships of the Arizona Bar Foundation and the three legal aid agencies: Community Legal Services, DNA People's Legal Services, and Southern Arizona Legal Aid.

Feedback

The groups were asked to identify the county(ies) which were the primary base for the clients they served: Several groups served more than one county.. As the table below shows, the response rate in some counties is quite disproportionate to the total population residing in each respective county. The results, therefore, must take into consideration that the outlying rural areas were highly represented in the responses given. They reported, too, that 71% of their clients' primary language was English and 29% was Spanish.

Counties	Survey
Apache	3%
Cochise	4%
Coconino	5%
Gila	6%
Graham	5%
Greenlee	4%
La Paz	25%
Maricopa	14%
Mohave	18%
Navajo	4%
Pima	14%
Pinal	6%
Santa Cruz	4%
Yavapai	4%
Yuma	41%
Statewide	5%

The groups were also asked to identify if they served any Native American Tribes and to identify Chapter/District. Nine respondents answered that they served the following: Colorado River Indian Tribes, Cocopah CRIT, all reservations, Navajo, Hopi, Havasupai, Yavapai-Apache, San Carlos Apache Tribe, and Navajo Nation surrounding areas: LeChee, Kaibeto, Cameron, Bitter Springs, Tuba City, Coppermine, Bodaway Gap, Inscription House, Navajo Mountain, Sonto, and Tonelea.

The next question for the community groups was: "In what issues do the people in your service community need legal assistance?" The two highest issues tied at 65% were child support and custody issues. Disability was the third highest at 64%; Divorce and evictions/other rental housing at 57%; Understanding court procedures, criminal, and protection orders at 53%; Social Security at 52%; Social Security benefits at 52%; Foreclosure/other owner at 44%; Guardianship and Healthcare issues at 47%; Paternity and Food Stamp/TANF at 27%; Children education rights at 26%; Pro se help at 20%; Mobile Home repossession at 17%; Name change/correction at 16%; Probate at 11%; Other Consumer at 9%; Vehicle repossession at 8%; Validation of marriage at 7%; and Pawnshops at 3%.

The groups were also asked to identify the top three most pressing issues, but there were not just three issues that received a clear high priority. The issues with more than 20% of responses were:

Child Support	33%	Custody	32%
Eviction/Rental	30%	Health Care	28%
Criminal	26%	Social Security benefits	24%
Disability	24%	Understanding court procedure	22%

Attorney & Judiciary Feedback

Methodology

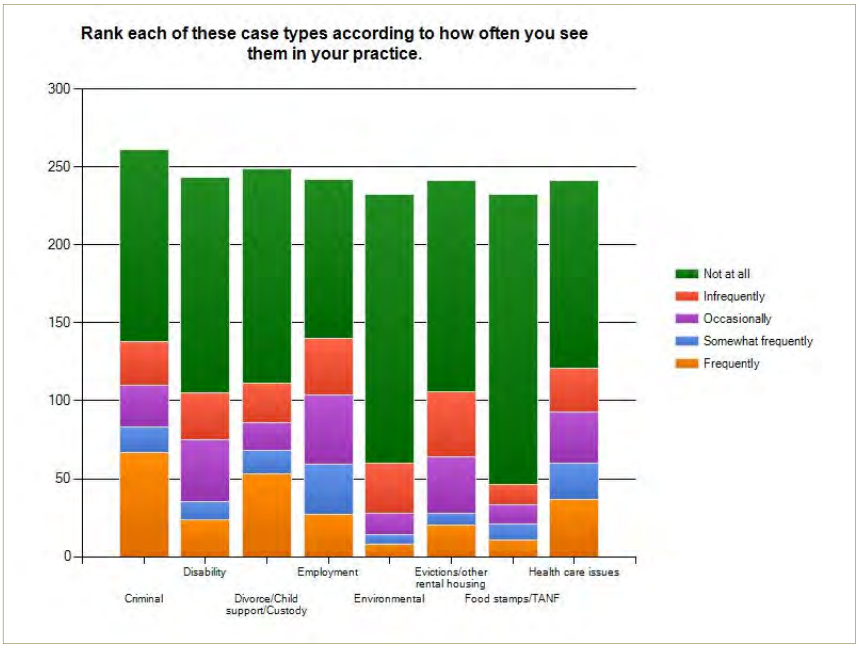
Five hundred twenty-three (523) attorneys and/or judges participated in the survey. The survey was developed utilizing a commercial survey instrument, Survey Monkey, and distributed through the assistance of the State Bar of Arizona.

Feedback

Counties	Survey
Apache	2%
Cochise	4%
Coconino	5%
Gila	2%
Graham	.8%
Greenlee	.4%
La Paz	.8%
Maricopa	72%
Mohave	2%
Navajo	2%
Pima	21%
Pinal	5%
Santa Cruz	2%
Yavapai	5%
Yuma	2%

The attorneys and judges were asked to identify the primary locations of their practice: Several respondents identified more than one county. The geographic division of response is more in line with the general population breakdown than the community group responses. The urban areas actually have a greater representation in these responses than the general population percentages.

This survey also inquired if they provided legal services on a reservation. Nine percent (49) respondents answered that they did work with Native Americans in Tribal Court or with Native Americans in Federal court. The following were listed: Ak-Chin (3); Apache (5); Cocopah (2); Colorado River (2); Fort McDowell (2); Gila River (7); Havasupai (1); Hopi (4); Haulapai (2); Navajo (12); Pascua Yaqui (6); Quechan (1); Salt River (4); San Carolos (2); Tohono O'odham (7); and, Statewide (2).



The next question addressed was how often different types of cases were seen in their areas of practice. The chart to the left shows the rankings. As the chart indicates, criminal law and family law (divorce, child support, custody) were the areas most frequently seen in their areas of practice. Work with the environment and food stamps/TANF were the least seen among the respondents.

In addition, the respondents were asked to list all the legal needs that were not being met in their communities. The table below ranks those needs by the percentage of responses indicating it was an unmet need.

Answer Options	Response Percent
Mortgages/ other ownership housing	46.0%
Child Support	44.1%
Custody	42.9%
Health care issues	41.8%
Evictions/other rental housing	40.4%
Divorce	36.7%
Disability	36.7%
Employment	31.6%
Other consumer	27.7%
Other Gov't benefits	24.6%
Criminal	21.5%
Protection Orders	20.1%
Food stamps/TANF	19.5%
Probate	16.9%
Vehicle Repossession	13.0%
Mobil Home Repossession	12.4%
Environmental	11.9%
Name change/corrections	6.2%
Validation of Marriage	4.5%

When asked to choose the one area of law where they see the greatest need for legal assistance in their community, the top needs were as follows:

1. Family law, not domestic violence
2. Family law, domestic violence
3. Civil law, housing
4. Public Benefits
5. Civil law, consumer

These top five had over 10% ranking in the highest needs. The lower percentage rankings included:

1. Bankruptcy
2. Criminal law, not domestic violence
3. Civil Rights
4. Employment
5. Civil law, other
6. Criminal law, domestic violence

The survey also inquired as to what was area of law of the practice for the respondents, which may influence their perspective of the community needs. Based upon the percentages allocated it is clear that the respondents practice more than one area of law. The percentages greater than 15% include: 27% practiced criminal law; 22% litigation; 21% general civil practice; family law & domestic relations 18%; business law 18%; and real estate/property 16%.

56% reported that they work in private practice and 23% reported they work for the government. 5% reported they were a member of the judiciary and 5% reported they worked with legal services or in the not-for-profit arena. Less than 1% reported their work as within a law school.

56% of the respondents worked in practices/departments where there were less than five attorneys and only 10% worked in practices/department were there were more than two hundred attorneys. The respondents also reported the amount of pro bono worked they did annually: 29% reported that they give over 50 hours annually; 21% reported give between 25 and 50 hours; 20% offer 11 to 25 hours; and, 30% report less than 10 hours annually.

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WHAT IS SOCIAL RETURN ON INVESTMENT?

In normal financial analysis, Return on Investment is the ratio of money gained or lost relative to the money invested. In social service organizations, Social Return on Investment is an attempt to measure the financial values created by the organization through delivery of services to the community.

Social Return on Investment (SROI) is an approach to measuring and understanding the future financial impact of an organization. While SROI is built on the logic of cost/benefit analysis, it is different in that it is designed to measure the comparable accountability and value of organizations whose results cannot always be easily measured in money.

In the same way that a business plan contains much more information than just the financial projections, SROI provides information about actual and planned changes, and the qualitative, quantitative, and financial information on which to base decisions about social service organizations.

There are two types of SROI analysis:

- Evaluative analysis – which is based on actual outputs and outcomes that have already taken place or are currently in process;

- Forecast analysis - which predicts how much financial social value will be created if the activities meet their intended outcomes.

An SROI analysis can take many different forms. It can encompass the social value generated by an entire organization, or focus on just one specific aspect or the organization's work.

SROI analysis has been a conceptual development since the 1960's. Many trial processes have been undertaken and many academic articles written about the process since then. The SROI process became fully developed during the last decade, primarily based on a detailed multi-year study conducted by the SROI Network, The New Economics Foundation, New Philanthropy Capital, the National Council on Voluntary Organization, and the Government of Scotland. Community Services Analysis LLC is the first organization in the United States to be a member of the SROI Network.

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There are two separate phases of SROI:

Phase 1 is the measurement of the value delivered to the community by the services currently being delivered by the organization (the **"Outputs**"). The most accurate and understandable measurement basis for these outputs is the Fair Market Value of the services being delivered- what it would cost the community to acquire the same services that a social service provider delivers if that provider did not exist, plus the value of benefits received during the immediate period under study. This result is a measurement of the comparative efficiency of the provider organization in delivering the services.

Phase 2 is the measurement of the consequential long-term value of the results of these output services delivered – known as the "**Outcomes**". These measurements may take years to realize. As a specific example, it is proven that people with disabilities who receive training on independent living skills and how to integrate with the community require significantly less financial support from the community over the course of their life.

For another example, people who are assisted in finding and retaining employment require less future financial support from their communities, plus their future demands on the law enforcement and legal systems are less, their future needs for community-based medical assistance are less, and their future tax payments to the community are greater.

An SROI analysis can fulfill a range of purposes. It can be used as a tool for strategic planning, as a basis for funding and investment decisions, for communicating impact and financial results to stakeholders, and as a methodology for comparative evaluation of organizational long-term effectivity.

While SROI results are not the only basis for funding and investment decisions in these areas, the SROI results do provide the most accurate and understandable answer to two of the important questions asked by decision makers:

- "What are the long term financial benefits from these services?", and
- "What "Bang for the Buck" are we going to get from our money?".

THE STATE OF ARIZONA'S LEGAL AID SERVICES (Community Legal Services, DNA People's Legal Services, and Southern Arizona Legal Aid)

SOCIAL RETURN ON INVESTMENT SUMMARY

Arizona's Legal Aid Services operates 19 offices throughout the state providing free civil legal services to qualified low-income people who would not otherwise have equal access to the justice system.

In 2011, Legal Aid operations provided services in 7 major areas of legal assistance, with 70 different categories of services and over 200 different types of legal assistance. During the year 2011, assistance in 18,037 legal matters were completed.

The Social Return on Investment analysis completed for Arizona's Legal Aid services is a measurement of the values delivered during a specific period of time – in this report for the calendar year 2011. These values are based on the quantities of clients and the mix of types of legal matters handled during this period. The Social Return on Investment value may vary in future periods based on the number of matters, the mix of types of issues, and the outcomes of these matters.

The Social Return on Investment value result for Arizona's legal Aid services are significantly higher than values for other types of social services organizations based on two primary factors:

Many types of legal services delivered can result in significant future cost savings or additional income to the community. These types of long-term values include (among many others):

- Multiple year income from Social Security and/or Disability benefits that were previously denied;
- Long-term savings on children's community medical and other support costs resulting from child support payments that were previously not achieved;
- Significant savings on community costs for emergency housing and family assistance resulting from enforcement of landlord/tenant rights issues;

- Significant increase in community property values resulting from prevention of housing evictions or foreclosures;

- Long-term financial gain to the community resulting from continued employment of lower-income workers due to enforcement of employee rights;

- plus cost savings and community benefits resulting from each of the 63 types of other legal aid services available to qualifying low-income community members.

Another significant reason for the high value of Legal Aid Services' Return on Investment is the quantity of volunteer ("Pro-Bono") hours of legal services delivered by attorneys in the community. The Volunteer Lawyers Programs, which are primarily sponsored by local Bar Associations, would not be available if not for the Legal Aid services organization. These organizations provide the necessary framework and structure for client screening and qualification, administrative services, legal matter documentation and records, and required continuity and follow-up services.

Arizona's Legal Aid organizations provide services to many segments of the population that otherwise would have no access to legal service and no protection from predatory and unscrupulous people or organizations. As an example, migrant farm workers comprise one of the most integral workforces in the United States. Without their labor, the agricultural industry could not produce all the commodities demanded by consumers. They are also among the most abused and mistreated workers in the country.

Farm workers in Arizona deal with a wide range of work-related issues, including non-payment and underpayment of wages, work-related injuries, occupational hazards (i.e. pesticides and heatstroke), sexual harassment, and discrimination.

Language and transportation problems also create additional barriers to farm workers who need to obtain legal services.

Arizona's Legal Aid organizations provide legal assistance to those whose legal issues are associated with the particular needs of Arizona's migrant farm workers.

DNA People's Services and Southern Arizona Legal Aid also provide the largest volume of legal services to the Native American population in the United States.

Native Americans comprise one of the most economically disadvantaged populations in the United States. Well over 40% of Native Americans in Arizona a live in poverty, and 50% are unemployed.

These citizens have the same basic needs for legal services that help people secure and maintain their rights for safe housing, protection from violence, employment, health care, and public benefits. Arizona's Legal Aid organizations provide services and representation in both U.S. and Tribal courts to accommodate the legal requirements for tribal sovereignty, and offers community education programs to provide greater understanding of the law.

Language, cultural traditions, and transportation issues also create additional barriers to Native Americans who need to obtain legal services.

For 2011, the Social Value benefits delivered by Arizona's Legal Aid organizations to the state for each of the major areas of legal assistance are:

Loss of Home/Unsafe Housing:
Matters involving loss of home due to foreclosure, eviction from subsidized or private housing, landlord/tenant problems, sub-standard housing conditions, lockouts and utility shut-offs.

During 2011, Legal Aid services closed 3,522 legal matters resulting in $3,167,559 in immediate direct financial community benefits and $13,350,240 in long-term consequential financial benefits.

Domestic Relations:
Matters involving domestic violence, child abuse or child snatching, and matters involving elderly clients who face loss of housing or income. Limited services are available for other domestic matters involving divorce, paternity and custody.

During 2011, Legal Aid services closed 7,483 legal matters resulting in $11,456,127 in immediate direct financial community benefits and $18,105,612 in long-term consequential financial benefits.

Public Benefits:
Matters involving welfare programs such as Food Stamps, AHCCCS Medical

Assistance, TANF Cash Assistance, Unemployment and Social Security disability benefits. Public benefits issues include denials, reductions, and overpayment of benefits.

During 2011, Legal Aid services closed 2,883 legal matters resulting in $3,789,487 in immediate direct financial community benefits and $22,883,469 in long-term consequential financial benefits.

Employment Issues

Matters involving employment discrimination, wage claims and Fair Labor Standards issue, Earned Income Tax Credit, tax, issues, employment rights, and other employment issues.

During 2011, Legal Aid services closed 689 legal matters resulting in $5,968,379 in immediate direct financial community benefits and $325,506 in long-term consequential financial benefits.

Consumer Protection:

Matters involving deceptive and predatory lending practices, debt collection, auto repossessions, fraud, deficiencies, garnishments and bankruptcy.

During 2011, Legal Aid services closed 2,889 legal matters resulting in $7,137,750 in immediate direct financial community benefits and $748,635 in long-term consequential financial benefits.

Education:

Matters involving school expulsions, suspensions, bilingual and special education.

During 2011, Legal Aid services closed 25 legal matters resulting in $6,900 in immediate direct financial community benefits and $2,604 in long-term consequential financial benefits.

The total direct and consequential social values of services delivered during 2011 were $44,213,233. Of this total, approximately $1,583,255 in community benefits were unrealized due to factors such as parents not making required child support payments; bankruptcy of fraudulent mortgage providers; non-payment of wage claims; and nonpayment of housing claims and repairs.

Tribal Court:
Representation in Tribal Court: Matters involving domestic relations, juvenile dependency, delinquency, criminal, housing, public benefits, consumer matters, and education.

During 2011, Legal Aid services closed 268 legal matters resulting in $414,000 in immediate direct financial community benefits. ***Note:*** *Many of the benefit valuations were based on the Legal Aid Service established practice of classifying services benefitting the Native American population under the appropriate type of service delivered. The services in this category refer only to those legal matters that went to Tribal Court resolution.*

The total direct and consequential social values of Legal Aid services delivered during 2011 was $94,696,228. Of this total, approximately $10,368,000 in community benefits were unrealized due to factors such as parents not making required child support payments; bankruptcy of fraudulent mortgage providers; non-payment of wage claims; and nonpayment of housing claims and repairs.

The net value to the community resulting from Arizona's Legal Aid services during 2011 totaled $84,328,327. The funding investment made by the federal, state, local, and other community organizations totaled $ 13,191,509.

The total Social Return on Funding Investment for Arizona's Legal Aid services during 2011 was 639%.

$6.39 of actual financial value was delivered to the State of Arizona for every $1 invested in Legal Aid services.

In addition, there are other types of services delivered that do not track the quantity of output services or the resulting outcomes. These additional non-quantifiable services include such activities as the Family Law Assistance Project (which provides staffing in local family law courts for immediate client assistance for client unfamiliar with the legal process) and the Ombudsman Project (providing advice and assistance to citizens who feel they have been treated unfairly by the legal system). Arizona's Legal Aid organizations also provide other non-quantifiable services such as legal clinics, education presentations, tax preparation assistance, and other general community services.

If these additional services could be measured and the resulting values quantified, the overall Social Return on Investment for Legal Aid services would increase.

Arizona Legal Aid Services Stakeholders (Consolidated)

AZ Community/Gannett/APS
AZ Courts
AZ Dept of Health Services
AZ Dept of Public Safety VOCA (Fed)
AZ Dept. of Housing National Foreclosure
AZ Supreme Court
City of Chandler
City of Glendale CDBG
City of Glendale Fair Housing
City of Mesa - A Better Community
City of Phoenix Fair Housing
City of Scottsdale CDBG
City of Scottsdale General Fund
City of Tempe
City of Tucson
City of Yuma
City of Yuma Fair Housing
Community Foundation of Southern Arizona
County of Yuma Fair Housing
Cy Pres Award
Fed - DES Title III-- AoA
DOJ - Americorps
DOJ-BJA Grant (Native American)
Equal Justice Works
Gila River Indian Tribe
Governors' Office STOP Grant
HUD Housing Grant
Internal Revenue Service
Kellogg Foundation
LIRS
Maricopa County Bar Foundation
Maricopa County Health Services
Mexican Consulate
National foreclosure mitigation counseling program
Native American Rights Fund (DOJ/BJA) subgrant
Navajo County Board of Supervisors
Pima County Community Development and
Pima County Superior Court
Prevention of Elderly abuse
Sears (consumer funding)

Arizona Legal Aid Services Stakeholders (Consolidated)

AZ Community/Gannett/APS
Single Stop USA inc
Skadden Fellowship
Spaulding Foundation
The Hopi Tribe
TITLE XX - Health & Human Services
Union Pacific foundation
University of Arizona
US Dept of Education - PAIR
White Mountain Apache Tribe
Arizona Department of Economic Security
Arizona Equal Justice Foundation
Arizona Bar Foundation
Arizona Community Foundation
Arizona Department of Economic Security
Arizona Department of Housing Project
Arizona Department of Justice
Arizona Department of Public Safety
Arizona Equal Justice Foundation
Arizona Equal Justice Foundation
Arizona Office of Community Partnership
City of Chandler
City of Flagstaff
City of Glendale
City of Mesa
City of Peoria
City of Scottsdale
City of Tempe
City of Tucson
City of Yuma
Consumer Protection and Education Fund
Domestic Violence Legal Assistance Project
Equal Justice Works Americorps Legal Fellowship Program
Gila River Indian Community
Gila River Indian Community
Individual lawyers & law firms
Individuals
Internal Revenue Service

Arizona Legal Aid Services Stakeholders (Consolidated)

AZ Community/Gannett/APS
Internal Revenue Service Low Income Taxpayer Clinic
Jicarilla Apache Nation
Legal Service Corporation
Maricopa County
Maricopa County Human Services
Mexican Consulate
Mexican Consulate
National Foreclosure Mitigation Counseling
Native American Rights Fund
Navajo County
Navajo Nation
Neighborhood Conservation Dept.-CDBG & Gen.
Pima Council on Aging
Pima County
Pima County Superior Court
Salvation Army
San Tan Justice Court
Southeastern Arizona Government Organization
State Bar of Arizona
State of Arizona
Sturges Family Youth
The Forest Highlands Foundation
The Hopi Tribe
United Way of Mesa
United Way of Northern Arizona
United Way of River Cities
United Way of Yuma
United Way River Cities: Bullhead City, Lake Havasu City, and Parker
Valley of the Sun United Way
W.K. Kellogg Foundation
West Tennessee Legal Services / US Dept. of Housing and Urban Development
White Mountain Apache Tribe

Arizona Legal Aid Services Intended Changes

The community of stakeholders has a common mission and common intended changes: to provide direct legal aid services to meet the fundamental civil legal needs of qualifying residents of Arizona.

The intended changes include:

• The safety and protection of children and women who are victimized by domestic violence;

• Preservation of shelter for those wrongfully evicted from their homes or facing foreclosure;

• Access to food stamps for people who are hungry and unable to obtain services from the Department of Economic Security;

• Access to long-term health care for those denied services;

• A means to survive for disabled persons who are unable to obtain benefits from the Social Security Administration;

• Protection of children with educational issues;

• Protection of people facing employment discrimination;

• Access to assistance for family issues including divorce, separation, adoption, paternity, support, guardianship, custody, and visitation;

• Protection from predatory lending practices;

• Protection from housing discrimination and landlord/ tenant abuses.

• Protection from health care and insurance abuses.

For People Representing Themselves in Family Court

FAMILY LAWYERS ASSISTANCE PROJECT

Sponsored by the Volunteer Lawyers Program & Community Legal Service

Volunteer Lawyers Provide Legal Advice in Family Law Matters

For information about scheduling an appointment with FLAP at our various locations Please Call our Central Office:

(602) 506-7948

or visit

Our Main Office at:

Phoenix Superior Court

201 W. Jefferson, 6th Floor, FLAP Check-in Window

Normal Office Hours to Schedule Appointments

Monday through Thursday 9:00 – 12:00 & 1:30 – 4:30

- Please read the instructions posted at the FLAP check-in window- then you will receive an appointment for a future time; OR, for easy access, call the central office phone number at 602-506-7948.
- Stand-by appointments may be an option for cases determined to be emergencies, and based on attorney availability.
- Clients are encouraged to bring their own interpreters to FLAP appointments in case there are insufficient bi-lingual attorneys at that time.
- Attorneys provide instructions, advice and check forms filled out by clients, but are unable to provide complete document preparation services due to time limitations.
- If staff is unavailable when you arrive to schedule an appointment, please follow instructions and complete the intake form. Then place it in the appropriate slot. Staff will call you on the phone to schedule your appointment. Thank you.

The ½-hour consultations are free to eligible clients.
There is a $40 cash fee for those who do not meet eligibility.

Please note: FLAP Is Not A Walk-in Program. By Appointment Only.
Clients are encouraged to use FLAP as often as necessary. Free Representation is not available. Clients may discuss the possibility of hiring the attorney during their meeting. Financial arrangements discussed between client and attorney is not associated with the FLAP program. FLAP volunteers may not always be available. For additional help, call Lawyer Referral Service: 602-257-4434

CHILDREN'S LAW CENTER

In October of 1998, the Volunteer Lawyers Program (VLP), co-sponsored by the Maricopa County Bar Association and Community Legal Services, established the Children's Law Center in order to address unmet legal needs of children. The Volunteer Lawyers Program increases access to our civil justice system to low-income persons by recruiting, training and mentoring private volunteer attorneys. The Children's Law Center was created in order to increase services to children. Over 120 attorneys volunteer with the Children's Law Center per year. Current programs include Free Advice Clinics for Teens, the Court Advisor Project, the Guardianship Project, Guardianship clinic, Teens at work, the Adoption Project and Medical Legal Partnership. These projects fill gaps in legal assistance for children of diverse ethnic, racial and economic backgrounds. These programs were developed in collaboration with numerous agencies and organizations that provide children's services within the community and currently receive financial support from Maricopa County Bar Association, Maricopa County Bar Foundation, The Youth Partners Foundation, Buchalter Nemer and the Arizona Foundation for Legal Services and Education.

FACT - Free advice clinic for teens provides youth with the opportunity to consult with a volunteer attorney and get professional help resolving legal problems. The Children's Law Center recruits and trains attorneys to visit group homes, youth organizations and other community sites to meet with youth to discuss civil legal issues.

The Court Advisor Project provides protection for the best interests of children when their parents are going through high conflict custody cases in Family Court. The court and many child advocates were concerned these children's fates were being decided without anyone speaking on their behalf. The Family Court Judge makes referral and the Center arranges and supports pro bono attorneys who serve as Court Appointed Advisors.

The Guardianship Project assists vulnerable children whose parents are not able or willing to provide appropriate care for them. Many grandparents, other relatives and non-relatives are taking care of children who cannot live with their parents. Although caretakers have physical custody of the children, they often have no legal authority to access health care for the children, enroll them in school or obtain other needed services. The Children's Law Center arranges volunteer attorneys to represent caretakers in obtaining guardianship and providing protection and stability for the children.

Guardianship Clinic allows us to reach more low income families and offer assistance to those families in need of guardianships to care for their grandchildren.

Teens at work-101 and 201 is an outreach program designed to teach teens about their rights and responsibilities on the job. Through the high schools, we are able to reach hundreds of teens a month.

Adoption Project assists underprivileged children achieve the stability, security and permanency that adoption can provide.

Medical Legal Partnership partners with ASU School of Law and the medical profession to assist low income families with legal issues.

Volunteer Lawyers Program, 305 South Second Avenue, Phoenix, Arizona 85003
Roni Tropper, Esq., Coordinator, Children's Law Center (602) 258-3434 x 2660
Rtropper@clsaz.org

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LAW4 YOU!

- Listen to a panel of attorneys discuss their specialties
- Bring your questions and participate in audience Q & A
- Learn tools to find guidance on legal matters, and
- Consider setting up appointments with attorneys

CELEBRATE LAW DAY

Saturday, May 3 from 10 a.m. - 12 noon

at select libraries in Maricopa County:

Mesa Public Library location:

Dobson Ranch Branch – 2425 S. Dobson Rd, Mesa

Phoenix Public Library locations:

Burton Barr Central Library – 1221 N. Central Ave, Phoenix
Cholla Library – 10050 Metro Parkway E., Phoenix

Maricopa County Library District locations:

Anthem – 40410 N. Gavilan Peak Parkway, Anthem
El Mirage – 14011 N. 1st Ave, El Mirage
Fountain Hills – 12901 N. La Montana Dr., Fountain Hills
Gilbert – 775 N. Greenfield Rd, Gilbert
Sun City – 16828 N. 99th Ave, Sun City
Surprise – 16089 N. Bullard Ave, Surprise

LAW4AZ
Making Law Accessible in Arizona

This project was supported with funds granted by the Arizona State Library, Archives and Public Records, a division of the Arizona Secretary of State, under the Library Services and Technology Act, which is administered by the Institute of Museum and Library Services.

Southern Arizona Legal Aid's
Volunteer Lawyers Program

2013

Succeeding through innovation

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A program of Southern Arizona Legal Aid

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FROM THE DIRECTOR

Dear Friends,

The VLP faced many challenges in 2013. Sequestration brought funding woes and a staff shortage. Plunging poverty rates in Tucson created more families with civil legal needs. But as always, our VLP volunteers met the challenges with inspired leadership and creative ideas.

This year much of the program's ability to meet challenges and excel was driven by innovation. New and updated partnerships and programs allowed the VLP to surpass the number of clients served by you for the seventeenth consecutive year. Our partnerships with the Pima County Attorney's Office, the KARE Family Center and the Pima County Superior Court were modified and expanded to allow the VLP to help more clients in need. New programs were designed to maximize resources. We implemented a law student alumni program designed to recruit graduating students to serve clients in Pima County and around the country. Law firms including Quarles & Brady and Snell & Wilmer have joined our Administrative Assistant Initiative, in which firms will lend their para-professionals to the VLP for help with administrative tasks. These efforts have fueled growth and ensured that the program's efforts are targeted, smart and efficient.

This type of innovation would not be possible without your support. The VLP is fortunate to have creative, energetic and committed volunteers. You are the partners who call to offer fresh ideas, suggest a new program, or provide feedback about an existing project. You are the friends who remind us that by simply sharing your knowledge and expertise, you can change someone's life.

No matter how many battles are fought during the year or how hectic the daily routine becomes, I always feel renewed and inspired by your generosity. I am so fortunate to witness your good work. On behalf of the more than 3,000 clients who you assisted this year, please accept my heartfelt congratulations. I thank you and I celebrate you!

Sincerely,
Michele M. Mirto
Director, Volunteer Lawyers Program

2013 ATTORNEY RECOGNITION

Arizona Supreme Court Honors Skip Skinner

Congratulations to Skip Skinner who received the Arizona Supreme Court Award for Outstanding Pro Bono Service. Chief Justice Rebecca White Berch presented Skip with his award at the Judicial Conference on June 26, 2013.

Skip began working with the Southern Arizona Legal Aid's Volunteer Lawyer's Program in 2005. Two of the weekly programs Skip offers through the VLP are: Minor Guardianship Clinics designed to assist pro se clients seeking Title XIV minor guardianships in Pima County Probate Court. Skip also conducts twice-monthly Advice Only clinics for low-income clients seeking assistance with consumer debt issues.

Skip is well prepared, thoughtful and dedicated to his clients. His generosity and commitment to helping those most in need serves as an inspiration to all who know him. Skip is an asset to the VLP, the legal community, and the clients he serves. In his eight years with the VLP Skip's willingness to share his expertise has enabled him to serve 864 VLP clients and their families.

Skip Skinner and Chief Justice Rebecca White Berch

Top 50 Pro Bono Attorneys in Arizona–The Arizona Foundation for Legal Services & Education honors these VLP members:

Ryan Anderson
Lisa Bibbens
Steven Cox
Sarah Crotty
Joubert Davenport
Greg Droeger
Erin Fox
Scott Gan
Biagio Gingo
Charlotte Hamilton
Bob Johnstone
Lisa Schriner Lewis
Ronda Lustman
Nathan Parkey
Juan Perez-Medrano
Denice Shepherd
Skip Skinner
Ben Smith
David West

VLP Students of the Month

January	*Tristany Leikem*
February	*Jane Burch*
March	*Michael DiGiacomo*
April	*Jiaqi Liu*
May	*Cassidy James*
June	*Scott Boncoskey*
July	*Jefferson Klocke*
August	*Ahren Richter*
September	*Paul Gute*
October	*Sean Cahill*
November	*Jason Gray*
December	*Amanda Mateer*

2013 HIGHLIGHTS

1086 Volunteer Attorneys

83 Volunteer Students

$650,000.00 Financial equivalent of donated hours

3,277 Clients assisted (projected)

2013 STAFF AND ADVISORY BOARD

VLP Staff

Socorro Diaz, Program Coordinator

Sara Meza, Administrative Assistant

Michele Mirto, Attorney at Law/Program Director

Claudia Ochoa, Paralegal

Olivia Sanders, Administrative Assistant

Melissa Spiller, Attorney at Law/VLP Student Coordinator

VLP Advisory Board

Hon. Fred Dardis, Co-Chair
Tom Roberts, Co-Chair
Hon. Gus Aragon
Hon. Hector Campoy
Hon. Dean Christoffel
Todd Jackson
Hon. Karen Nygaard
Luis Ochoa
Hon. Alyce Pennington
Juan Perez-Medrano
Stephen Portell
Stacy Rupprecht Butler
Heather Strickland
Hon. Bernardo Velasco

"This is a program that is constantly innovating–recognizing and responding to the needs of clients, adapting and seizing opportunities"

– Jim Sandman, President of the Legal Services Corporation

AWARDS PROGRAM

Welcome

Hon. Dean Christoffel, Master of Ceremonies

VLP Presentation and Lunch

Remarks

Justice Ann A. Scott Timmer, Arizona Supreme Court

Keynote Address

Ramón Arias, Executive Director, Bay Area Legal Services

Awards Presentation

Justice Ann A. Scott Timmer

2013 AWARD WINNERS

VLP ATTORNEYS OF THE MONTH

January	*Carl Tootle*	*July*	*Nathan Parkey*
February	*Eric Ollason*	*August*	*Scott McDonald*
March	*Kasey Nye*	*September*	*Lisa Anne Smith*
April	*Randi Burnett*	*October*	*Hon. Hector Campoy*
May	*Juan Perez-Medrano*	*November*	*Lisa Lewis*
June	*James P.F. Egbert*	*December*	*Peter Collins, Jr.*

ANNUAL AWARD WINNERS

Stacy Rupprecht Butler Law Student – Julia Palfreyman

Award of Appreication – Kelly Carmody

Lifesaver – Mesch, Clark & Rothschild, P.C.

Values in Practice Award – Julie Treinen

Distinguished Service Award – Dean Paula Nailon

Attorney of the Year – Ben Smith

Firm of the Year – DeConcini McDonald Yetwin & Lacy, P.C.

KEYNOTE SPEAKER

Ramón P. Arias
Executive Director, Bay Area Legal Aid

Ramón Arias began his career as a legal services attorney upon his graduation from UCLA School of Law in 1978. Ramón worked for California Rural Legal Assistance for ten years representing farm workers in a variety of cases, ranging from working and living conditions to minority voting rights and the rights of undocumented workers.

In 1988, Ramón became the Executive Director of San Francisco Neighborhood Legal Assistance Foundation (SFNLAF), a troubled organization that had once been one of the most highly-respected legal services programs in California. Working closely with others, Ramón helped transform SFNLAF into an effective provider of legal services to the urban poor.

In 2000, Ramón's leadership and vision were critical catalysts in forming Bay Area Legal Aid. BayLegal, a merger of various county-based legal services providers around the Bay, is the largest provider of legal services to the poor in the Bay Area and one of the largest in California. With over 50 lawyers and regional offices in San Jose, Oakland, Richmond, San Rafael, San Francisco, and San Mateo, BayLegal continues to successfully protect and advance the rights of the poor, immigrants, and language minorities in domestic violence, public benefits, healthcare, and housing matters before the courts, administrative agencies, and legislative bodies.

Ramón is recognized nationally for his leadership on civil justice issues. He has served as Chair of the Board of California Rural Legal Assistance Foundation, Chair of the National Legal Aid and Defenders'

Association, member of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants, and a member of the ABA Committee on Loan Repayment and Forgiveness. He currently serves on the Board of Equal Justice Works, which operates the largest fellowship program in the United States.

For more info about VLP programs and for a current list of volunteer attorneys, visit www.vlparizona.org

VLP is a program of Southern Arizona Legal Aid, Inc.

Volunteer Lawyers Program
2343 E. Broadway Blvd., Suite 200
Tucson, Arizona 85719
Phone: 520-623-9465 *Toll-free:* 800-640-9465
vlparizona.org

The Volunteer Lawyers Program
A program of Southern Arizona Legal Aid

LSC

SOUTHERN ARIZONA LEGAL AID, INC.
Applicant Number 703050
2014 PRIVATE ATTORNEY INVOLVEMENT (PAI) PLAN

Southern Arizona Legal Aid, Inc. (SALA) is committed to the provision of quality legal services to people who would not otherwise have equal access to justice in ways which affirm their individual and collective dignity, integrity, and power. SALA's staff and board understand that they cannot complete the organization's mission alone. SALA is committed to the involvement of and partnership with volunteer attorneys throughout SALA's service area in order to accomplish its mission. In addition to its effective staff model, SALA provides legal services to eligible clients through a pro bono model that serves residents in every county in its service area. The pro bono program, known as the Volunteer Lawyers Program (VLP), was originally launched in 1981and has continued to grow each and every year since its inception. The VLP's mission is to foster hope, self-sufficiency, and equal access to the justice system by matching volunteer lawyers with low-income Arizonans who have nowhere else to turn.

VOLUNTEER LAWYERS PROGRAM

In 2014, SALA will coordinate the VLP throughout its nine county service area. The VLP, which is housed in SALA's Tucson office covers 33,000 square miles in Arizona. The program will utilize an estimated 1,100 volunteer attorneys in 2014. The number represents more than one-third of the attorneys that practice in the program's service area. These attorneys will provide assistance to a projected 3,500 families in need. In addition, it is expected that SALA's VLP will enlist the support of more than 100 law students and many undergraduate students to help deliver legal services.

The VLP is comprised of the following components:

A. Delivery System
B. Staffing and Organization
C. Recruitment of Volunteers
D. Intake/Referral to Attorney or Placement in Clinic/Project
E. Quality Control, Outcomes and Evaluation
F. Support Services
G. Budget
H. Other VLP Matters

A. Delivery Systems

The VLP will utilize volunteers in a variety of ways that include direct referral, self-help clinics, rural services and the VLP Advocate (student) Program.

Direct Referral -The VLP has one program coordinator who will refer cases throughout SALA's service area. When a new case comes to the VLP, the Program Director reviews the case to determine if the coordinator will receive the case for placement with

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a volunteer attorney. After the coordinator receives a case, she will review the intake notes in SALA's Automated Case Management System (ACMS), determine if she needs to contact the client for additional information, and then begin to evaluate the list of volunteers to determine which volunteer would be most appropriate. The coordinator considers several factors in order to decide which volunteers to contact. Every effort is made to match attorney skill with client need. The VLP ACMS database allows the coordinator to search for volunteers by county and by substantive area. The ACMS database also provides information about the volunteers preferred method of contact. Most often, the coordinator places calls to attorneys. During the referral call the coordinator outlines the facts of the case and assesses the attorney's interest in the case and availability to take it on. This process may be repeated several times. When an attorney accepts a case, letters are sent to both the attorney and the client to confirm the referral. A phone call is also placed to the client to inform them that the referral has been made.

Self-Help Clinics - The VLP has created a variety of clinics (e.g., Advice-Only Clinic, Bankruptcy Reaffirmation Clinic, Domestic Relations in English and Spanish, Employment Law Clinic and a Minor Guardianship Clinic) to assist a greater number of clients. Utilization of clinics continues to increase the number of clients that can be assisted.

In 2014, the VLP will streamline clinic materials and provide volunteers attorneys with additional ways in which to present the substance of the clinic in a more consistent manner. For example, the VLP plans to continue to create power points from the clinic forms to ensure that the same material is covered in every clinic.

In 2014, the VLP will expand existing clinics, such as the Minor Guardianship Clinic. In 2014, the Minor Guardianship Clinic will be offered in two additional counties. The program will also begin to offer the Guardianship Clinic in Spanish. The program will also continue to explore the development of a Trial Preparation Clinic that would help to educate and prepare self-represented litigants for court. In addition, the VLP will implement a pilot project that will incorporate law students into the Advice-Only Clinic. The hope is that the pilot will provide students with more experience, and the program with additional resources to assist clients.

Rural Delivery - In addition to its Pima County program, SALA traditionally administered a pro bono program in each of the 8 outlying rural areas within its service area. In 2001, SALA consolidated its delivery of pro bono services to include its rural counties within the Tucson office. Intake is conducted in the appropriate SALA office using SALA's ACMS, and then a referral is made to the VLP by the office staff. All of the rural pro bono activities are coordinated from the Tucson office.

Since 2001, attorney participation in the rural program has grown more than 100%. Until 2007, most of the pro bono work being done in the rural areas was being done on a direct referral basis. In 2007, the VLP began to expand services to rural county clients by offering services through a variety of clinics. The program began to offer

Domestic Relations Clinics in Cochise, Pinal, and Santa Cruz counties. In Cochise and Santa Cruz counties the program offered these clinics in English and Spanish. In 2014, the VLP will continue to expand services to rural clients. Plans are underway that would allow the program to offer some clinics in rural areas on a more frequent basis. Other plans will allow for the evaluation and possible implementation of additional clinics. Finally, the VLP plans to continue to expand the use of urban volunteers to support the rural areas. In 2014, the VLP will add a Rural Pro Bono Coordinator who will be charged with the responsibility of leading the programs pro bono efforts within SALA's service area.

VLP Advocate (Student) Program - In the fall of 1999, the VLP and the University of Arizona, James E. Rogers College of Law formed a partnership utilizing law students and volunteer lawyers to help deliver legal aid to Pima County residents. To date, more than 1,100 law students have volunteered with the VLP; and, under the supervision of volunteer lawyers, they have assisted more than 13,000 people in need of civil legal services.

Currently the VLP Advocates Program offers four volunteer opportunities to students to provide legal assistance in the areas of Divorce, Child Custody and Support, Bankruptcy, Paternity, and Guardianship. The following is a detailed explanation of each.

Self-Service Center Project - During the first quarter of 2009 the VLP began to implement a new project to assist domestic relations clients. The VLP launched the Self-Service Center Pilot Program in January 2009. Low-income clients with domestic relations matters are assisted at the Pima County Superior Court. The pilot phase of the project ran from January through December 2009 and took place twice a week at the Self-Service Center in the Court's law library. Clients who attended this clinic had the opportunity to speak one-on-one with a volunteer attorney and law student about their family law case. The project has experienced overwhelming success and program staff hopes to expand the number of days and hours the project operates in 2014. In conjunction with the Court, the VLP will also hold a unique recognition event specifically for the volunteers who assist at the Self-Service Center.

Bankruptcy Reaffirmation Clinic - Volunteer attorneys and law students help low-income clients protect their wages, homes, and vehicles from creditors, promoting self-sufficiency and independence by reviewing reaffirmation agreements with clients and explaining bankruptcy law to them. The volunteer attorneys and law students then appear as "friends of the court" in Federal Bankruptcy Court to recommend whether debtors should reaffirm the debts at issue.

Domestic Relations Follow Up Clinics - Under the supervision of a volunteer attorney, law students provide basic information and advice to clients who need help with family law issues. Students assist clients - most of whom are women with children, and many of whom are domestic violence victims - with a wide range of family law issues that include assistance with divorce filings, orders of protection, temporary custody or

support orders, and various other legal pleadings. In 2008, the VLP began to offer the clinic in Spanish to help address the great need to provide family law services to monolingual Spanish speakers. As a result of this new extension of the clinic, the VLP experienced a 96% increase in the number of monolingual Spanish speaking clients served.

Minor Guardianship Project - Under the supervision of a volunteer attorney, law students meet with unrepresented clients who seek guardianship of a minor prior to the client's appointment hearing in probate court. The law students review the client's paperwork, explain the guardianship process and responsibilities, and appear before the court. This project helps provide children with stability, shelter, and access to medical care by helping clients obtain guardianships in a timely manner.

B. Staffing and Organization

The SALA VLP is staffed by eight full time employees; one Program Director/attorney, one student coordinator/attorney, three paralegals and three administrative assistants. Together the VLP staff has more than forty years experience. The staff is a hardworking group of professionals dedicated to the delivery of legal services to those most in need in our communities.

In addition to the staff, the program is supported by SALA's Board of Directors, and a VLP Advisory Board. The Advisory Board consists of sixteen prominent members of the legal community, which includes four Superior Court Commissioners, two Superior Court Judges, one Federal Court Magistrate, and nine exceptional members of the private bar. Advisory board members participate in the development of VLP PAI plans, and lend their invaluable insight, support, and wisdom to the VLP staff. The VLP also receives support from our partners, as both the law school and the Superior Court have designated contact persons to serve as liaisons between the program, the Court, and the law school.

In addition to the wealth of experience brought to the VLP by the staff and board, the attorneys that volunteer with the VLP bring an enormous amount of legal experience to the program. Their vast legal expertise is equaled only by their sincere desire to see access to justice for those with nowhere else to turn in our community.

C. Recruitment of Volunteers

In 2014, the program will craft plans to target specific segments of the attorney population. The program will target members of the local domestic relations bar, specifically, those attorneys willing to assit with the program's Self-Service Center Project at Superior Court. In addition, the VLP plans to continue its focus on the devleopment of young lawyers. The VLP will continue to work with the Pima County Bar Association's Young Lawyers Division (YLD) and will follow up on the campaign launched in 2013 that targeted young lawyers (those that have been practicing for 5 years or less, or who are under the age of 36).

The VLP will also focus on the recruitment of those attorneys willing to assist with minor guardianship matters. To help encourage attorney participation in these activities, the VLP will sponsor three CLE seminars for attorneys willing to participate in a guardianship clinic. The seminars will be held in both urban and rural counties and will be offered at no cost to attorneys willing to help in this area.

Law Students - Recruitment will occur three times during the year. Three student coordinators and VLP staff will conduct presentations at the law school orientation and student meetings. At these meetings, the VLP will provide students with a VLP Advocates brochure which explains all of the volunteer opportunities available to law students. The program will also send recruitment materials, holiday cards, and website information to all current law students.

Lay Volunteers and Support Service Businesses - The process of recruiting lay volunteers will be ongoing throughout 2014. Many volunteers come to the program through the VLP website or on the recommendation of a friend or colleague. In 2014, this effort will be supplemented by the continued organized effort lead by the program's Advisory Board. The effort known as the Administrative Assistant Initiative was launched in 2013, and challenged law firms to donate and commit administrative/clerical resources to The VLP. The board initially identified 6 law firms to donate a staff member on a bi-weekly basis for 3 or 4 hour blocks. In 2014, the board will identify additional firms that will help to supplement the efforts of the initial "pioneer" firms.

D. Intake/Referral to Attorney or Placement in a Clinic or Project

SALA will screen clients for financial eligibility and priority for VLP cases. The priorities for the VLP are the same as those adopted by SALA's Basic Field Program and essentially involve basic human needs or survival issues faced by clients (e.g., loss of home, personal safety, consumer protection, health care, income maintenance). Intake attorneys or paralegals will perform an initial client interview and prepare a memo to describe the case. Each case will then be reviewed by the intake attorneys to determine whether the case should be assigned to the VLP.

The VLP program coordinator will make referrals from the cadre of volunteers attorneys that participate in the program and attempt to match client need with attorney expertise. Once an attorney has been found, letters that formalize the referral will be sent both to the attorney and the client.

E. Quality Control, Outcomes and Evaluation

Case status reviews will be conducted quarterly. An interim status report will be mailed to each attorney in January, April, July, and October. The firm asks the attorney to report on what work has been done to date, what work is expected in the future, and the estimated completion date. If procedural or legal questions arise, the VLP Director/attorney assists with their resolution. In 2014, the VLP will begin to send these quarterly reports electronically, as we continue to move toward a paperless office.

When the VLP receives notice that the work on a case has been completed, the VLP will send a Client Satisfaction Questionnaire to the client. The client will be provided with a self-addressed stamped envelope and asked to complete the questionnaire and return it to the VLP. A closing letter will be sent to the attorney to thank them for their work on the case and their continued participation in the VLP.

In addition, the VLP staff will make every effort to obtain feedback from every person who participates in the program. All clinic clients are asked to complete a survey each time they receive a service from the VLP. Staff consistently solicits feedback from our volunteer attorneys in an effort to continuously improve our programs. Our volunteer students are surveyed each semester and staff utilizes three student coordinators to pass mid-semester, student recommendations onto VLP staff. Every suggestion is taken seriously and evaluated to see if implementation should occur. The VLP staff uses the input we receive to make adjustments so our programs continue to evolve and adjust to meet our clients' needs. Client Satisfaction Questionnaires are tabulated by SALA, reviewed by SALA's management and board as part of its program evaluation.

F. Support Services

Various incentives and support services are provided to VLP attorneys. In 2014 the VLP will provide the following:

(1) Malpractice Coverage

(2) Access to computer-assisted research tools for volunteers and their staff

(3) Mentoring

(4) Co-Counseling

(5) Litigation Expenses - The VLP has a small litigation fund to advance or cover expenses associated with cases referred to volunteers.

(6) CLE - In 2014 the VLP plans to provide Continuing Legal Education (CLE) seminars to assist volunteer attorneys. The seminars will be offered at no cost to attorneys who currently participate in the program or who are willing to register. In this way, the CLE seminars will also serve as an attorney recruitment tool for the VLP. Specific plans for 2014 include seminars in the following substantive areas: Ethics – Nuts and Bolts of the Unauthorized Practice of Law, and Updates and Changes to the Minor Guardianship Laws. In addition, the program plans to develop and implement a day long "How to Practice" seminar targeted at new law school graduates. The seminar will include helpful advice and information from seasoned members of the bench and bar.

(7) Translation and Interpreting

(8) In-kind services - The VLP coordinates volunteer court reporters, process servers, accountants, and real estate professionals who will donate their time and expertise to assist volunteer attorneys in their representation of pro bono clients.

G. Budget - To be attached by accounting

H. Other VLP Matters

1. Development of Community Partnerships - With limited resources and an ever-expanding client base, the VLP has had to become more and more creative in order to meet the community's needs. In 2014, the VLP will focus on the development of innovative community partnerships as a way to meet client needs. Below is a sampling of those partnerships expected to launch in 2014.

a) **Juveniles** - The VLP will partner with PPEP, Inc. (Portable Practical Educational Preparation, Inc.) Employment and Training Divison to provide services to court-involved youth in Tucson and South Tucson under Face Forward 2 Department of Labor funding. If funded, the VLP will act as a partner with PPEP to provide legal services to court involved youth in our community.

The VLP will offer destruction of records (expungement) services to youth participants on a pro bono basis.

b) **Veterans** - The VLP will work with Primavera, a foundation that provides pathways out of poverty through safe, affordable housing, workforce development and neighborhood revitalization, to assist our veterans with housing issues. The partners have applied for funding through the Deparment of Veterans' Affairs.

c) **Urban Indians** - The VLP will partner with the Tucson Indian Center to provide civil legal services to Native Americans living off the reservation, in an urban setting. The project will include a collaboration with the James E. Rogers College of Law, and will invite volunteer lawyers and law students to participate.

2. Technology

VLP Website - In 2005 the VLP launched its website, VLPArizona.org. The site provides basic information for volunteer lawyers, law students, and support service professionals. The site also serves as a mechanism to register new attorney and student volunteers. The site has continued to grow and now appears to be utilized as a resource for many of the programs volunteers. It is expected that in 2014 the site will receive an average of 6,500 unique visitors and 23,000 hits per month.

In addition to increasing awareness of the site, the VLP also intends to expand the capacity of the site in 2014. Specifically, the VLP will utliize the research conducted in 2008, and implemented in 2009 to to build the capacity of the site to include financial transactions. This will allow attorneys to pay for CLE and other VLP sponsored events simply by going to the website. In addition, the VLP hopes to expand the capacity of the website for fundraising purposes as well. In 2014 staff will utilize software to allow the public to make donations directly to the program simply by going to the program website.

Database - Approximately ten years ago the VLP implemented a database that was specifically designed for VLP work. The database has provided the program the ability to link volunteers and clients and to track data for recognition and grant reporting. In 2014 it is anticipated that SALA's ACMS will be further customized to meet the needs of the VLP.

Improved Communication with Volunteers and Board– In 2014 the VLP will increase the circulation of the program's e-newsletter, expand the content of the newsletter, increase submissions to the program's Advocacy Report, and expand the use of email blasts to notify volunteers of CLEs and other events.

3. Recognition - The VLP staff strongly believe that it is important to recognize volunteers for their pro bono work. The program actively seeks local, statewide, and national recognition for its volunteers.

Volunteer Attorney Recognition - Local - In 2014, the VLP will recognize an Outstanding Pro Bono Attorney each month in Pima County. The attorney selected will be featured in the newsletter of the local bar association, on the VLP website, and in the VLP newsletter. In addition, a plaque with the attorneys name and photo will hang in the Superior Courthouse throughout the month. The attorneys selected for this honor will receive a plaque and be honored at the VLP's annual recognition event in the fall. In the fall of 2014, the VLP will sponsor its 18th annual awards event. At the event the VLP will present awards in approximately twenty categories including the Pro Bono Attorney of the Year and the Law Firm of the Year. The VLP will also present awards to those who provide support services to the VLP, including process servers, court reporters, and interpreters. A committee of the VLP Advisory Board will work to recruit a national speaker for this event.

In conjunction with the awards event, the VLP will produce an annual report. The report will be distributed at the event. It will also be utilized as a recruitment tool throughout the year.

Statewide - The VLP will participate in the Arizona Foundation for Legal Services and Education's Top 50 Pro Bono Attorneys. The Foundation instituted these annual awards to recognize the Top 50 attorneys who give their time and expertise to assist low-income Arizonans with their legal needs. Both urban and rural volunteers with SALA's VLP will be nominated for theses awards.

In addition to the Top 50 Pro Bono Attorney Awards, the VLP also plans to nominate volunteers for the Foundation's *William E. Morris Pro Bono Service Award.* The VLP will also nominate a volunteer for the Arizona Supreme Court *Award for Outstanding Pro Bono Service.*

Student Recognition - In 2014, the VLP will continue to recognize the efforts of its student volunteers. The VLP will honor a law student as the Outstanding Volunteer each month. A plaque will hang in the law school and will display the name and photo of the student honored each month. In addition, the student selected for this award will be acknowledged on the College of Law's website and the VLP's website. The student will also receive a letter from the VLP Advisory Board to thank them for their volunteer efforts.

The students are all invited to attend the VLP's fall recognition event. In addition, the program will hold special events for the students three times during the year. During the fall semester's finals week, the program will host a study break party at the law school for the students. The program will provide the students with food and drinks as well as small gifts such as highliters and pens.

During the spring of 2014, the VLP will organize a special recognition event held at the law school to celebrate the 15th Anniversary of the student program. This luncheon will provide the VLP with an opportunity to specifically thank all of the students who have participated in the program over the last 15 years. The VLP will provide the students with awards, t-shirts commemorating their experience with the program, food and refreshments. The law school faculty and administration, the VLP advisory board, the local judges who work with students, frequent volunteers attorneys, and the program's funders will all be invited to attend. The program plans to invite a nationally recognized speaker to properly thank the students and all of the partners involved in the project.

During the summer, the VLP will host a barbecue dinner for the student volunteers. The informal event will provide an opportunity for everyone involved to interact and for the program staff to thank our volunteers.

In 2014, the VLP staff will search for additional ways to honor our volunteers. The program will also continue to seek out other local, statewide, and national awards to

honor the good work of our volunteers.

3. Significant Accomplishments for Clients (over past two years)

a) VLP Advocates Program - This year the Volunteer Lawyers Program (VLP) of Southern Arizona Legal Aid celebrated the 15th anniversary of it's VLP Student Advocate Program. The occasion was marked on April 1 with a luncheon hosted by the VLP at the James E. Rogers College of Law, which was headlined by Dean Gene Nichol, Director of the Center on Poverty, Work and Opportunity at the University of North Carolina. The lunch honored students who pledged their time during this academic year to staff the VLP's Bankruptcy Reaffirmation Project, Domestic Relations Project, Minor Guardianship Court Project, and Self-Service Center Project.

Luncheon speakers also acknowledged the 1,100 students who have aided more than 13,000 self-represented litigants with civil issues over the last decade and a half.

Those who have been with the VLP Student Advocate Program from the outset have witnessed the program's impact on students - who receive practical experience - and on clients - who are guided through what can be a nerve-wracking process.

The VLP Student Advocate Program began as a modest but innovative attempt to answer the challenge of ensuring access to justice. Now, in its fifteenth year, the program has matured into a pillar of the legal services community in Pima County. With the continuing commitment of its partners, James E. Rogers College of Law and its students, Pima County Superior Court, Bankruptcy Court, and members of the local bar, this Program will continue to ensure that such challenges are not left unanswered.

b) Law Firm Administrative Assistant Initiative- For decades the VLP has tapped the generous grant of time and expertise donated by lawyers who want to help VLP's clients. VLP staff members realized they could be even more effective by requesting assistance from the legal community in a new form. By asking paraprofessional volunteers to assist with administrative tasks, VLP staff could focus more time on case referrals and VLP program development.

The Administrative Assistants' Initiative was borne out of this idea. The VLP asked 10 law firms to donate administrative support equal to one half-time employee. Each participating firm agreed to loan its support staff to VLP, twice monthly for four-hour increments, which freed up VLP staff to provide the critical services offered by the VLP.

Since September 2013, six law firms have donated their administrative assistants to help the VLP so that its valuable, yet limited, resources may be better utilized to help

people in need and to insure that its clients have access to legal representation or assistance. Over the last nine months these administrative volunteers have donated over 300 hours. The VLP is in the process of introducing three additional firms to the initiative and anticipates that by mid- July, nine firms will be involved in the initiative.

c) Corporate Internship Program - In September 2013 the VLP joined forces with two new partners, San Miguel High School and the law firm of Rusing, Lopez & Lizardi. Through San Miguel's Corporate Internship Program (CIP), a program that matches students with internships to help pay their college preparatory tuition, two high school students were placed in the VLP. The students preformed clerical and administrative tasks, thus freeing up VLP staff to refer cases and perform other client related work.

The students were sponsored by Rusing, Lopez & Lizardi, whose generous donation of $10,000 allowed the students to log 720 hours at the VLP during the academic year.

With the student's assistance, the VLP has been able to reach more clients in need. Their presence, and the program, have been a resounding success. This collaboration will expand in the coming school year to include additional law firm sponsors.

d) Housing/Foreclosure Law - Funds recently obtained from the Mortgage Settlement enabled the VLP to hire a Rural Pro Bono Coordinaor, which will allow the program to recruit and train volunteer attorneys to assist rural clients with their foreclosure issues.

e) Bankruptcy Law - Arizona has the second highest pro se bankruptcy rate in the nation. Approximately 22% of debtors unrepresented. Additionally, many bankruptcy attorneys carve out of their fee agreements' representation of debtors on whether to reaffirm a debt – usually for a vehicle. But, many debtors will only appear in front of the Bankruptcy Judge at a reaffirmation hearing; and, they are scared and confused.

To help with this problem, in 2000, SALA's VLP began the Friends of the Court Reaffirmation Program ("Program") in Tucson. This Program is a collaboration between the VLP, the James E. Rogers College of Law at the University of Arizona, and local attorneys. Volunteer attorneys with at least 5 years bankruptcy experience mentor law students to provide information and assistance to pro se debtors as "Friends of the Court." The attorneys and law students meet with pro se debtors beforehand to explain the reaffirmation process and discuss each situation. Students and attorneys appear with the debtors to give the judge updated information and make recommendations to the Court. Since 2000, VLP has assisted approximately 1080 debtors in reaffirmation hearings with nearly 45 volunteer attorneys and 135 volunteer law students. In 2014, the VLP anticipates that it will assist 120 pro se debtors in the Program.

The judges, volunteer attorneys, law students, and debtors all believe the Program provides a much needed service to the Bankruptcy Court and the community. VLP gets written and verbal feedback from the debtors after each hearing and the results are overwhelmingly positive. 85% of debtors reported receiving a substantial benefit from the Program. The Judges also find it invaluable to have someone make evaluations and recommendations regarding whether reaffirmation is in a debtor's best interest as well as to provide information to the debtors about the effects of reaffirmation of a debt.

As a result of funding shortages, this Program was in jeporady. The VLP contacted the Court and drafted a grant proposal. The Program benefits the bench by assisting the judges, and it benefits the bar by providing volunteer opportunities to lawyers and "hands on" education to law students. It also promotes the administration of justice by providing assistance to unrepresented debtors. Therefore, the grant request met the requirements for the Court's Non-Appropriated Funds, and the Court awarded the VLP funds to continue the program. These dollars will allow the VLP to continue to assist clients in Bankruptcy Court and expand the project to meet client need.

f) Business Community - In 2013 the VLP Advisory Board began reaching out to the business community to identify private donors that would contribute financially to SALA's VLP in an effort to increase the number of staff available to support the program. In December 2013, the Advisory Board identified a single donor that contributed $15,000 to SALA for the purpose of hiring administative support for the VLP. The VLP was able to hire an administrative assistant who has helped the program regulate the flow of cases, decrease the wait time for clients receiving direct referrals, and increase the number of cases placed.

4. Other Significant Plans

Development of the VLP Law Student Alumni Project – The VLP and the University of Arizona have been partners for the last fifteen years. During this time more than 1,100 law students have volunteered with a variety of VLP projects. In 2012 the VLP began to design a law student alumni project. In 2014, the VLP will complete the initial research necessary to fully design and implent the project in 2014. The goals of the Student Alumni Project are to remain connected to student volunteers after graduation, to recruit those students who remain in the service area, to generate resources from those who leave the area, and to link those in other parts of the country with their local VLP program.

Family Law
Free Legal Help
at the Self-Service Center

The Volunteer Lawyers Program
A program of Southern Arizona Legal Aid

Wish you could talk to an attorney about your case for FREE?

The Volunteer Lawyers Program (VLP) and the Pima County Superior Court offer a FREE Domestic Relations Clinic to the public. People will have the opportunity to speak one-on-one with an attorney about their family law case. For appointment information, see below.

A limited walk-in list is only available at 8 AM on clinic days.

In order to attend the Domestic Relations Clinic you must be:

REPRESENTING YOURSELF (do NOT have an attorney)

AND

Involved in a FAMILY LAW CASE:

- Divorce
- Paternity
- Legal Decision-Making and Parenting Time
- Child support
- Other family law

To schedule an appointment, please call 520.724.8456 OR visit the Self-Service Center.

*** If you are a Legal Permanent Resident, you MUST bring your Permanent Resident card with you to your appointment.**

When: Clinic is held every Monday & Tuesday from 2:00 pm to 5:00 pm

Where: At the Self-Service Center in Pima County Superior Court (2nd Floor)

Eligibility: This clinic is open to anyone who doesn't have an attorney *and* has a current family law case. There is no income level requirement!

IMPORTANT: In order to maximize your time with the attorney and to be respectful of others, we strongly request that you do not bring your children with you to your appointment.

The Volunteer Lawyers Program is co-sponsored by Southern Arizona Legal Aid and the Pima County Bar Association. The Self-Service Center Clinic is a collaboration between the VLP, the Pima County Superior Court, and the James E. Rogers College of Law.

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Volunteer Lawyers Program
Maricopa County

Phone: 602-258-3434
1-800-853-9075

Community Legal Services
305 South Second Avenue
Phoenix, Arizona 85003

FAX: 602-254-1538
TTY: (602) 254-9852
WEB: www.clsaz.org

Who we are and what we do:

The Volunteer Lawyers Program (VLP) provides ***civil legal*** assistance to eligible low-income Arizonans who are residents of Maricopa County or have legal issues in Maricopa County.

Individuals who are eligible for services receive legal advice, brief service, assistance with self-advocacy or representation by private attorneys who volunteer their time and services.

Some of the ways VLP Staff and Volunteers assist low-income Arizonans:

Direct Legal Representation

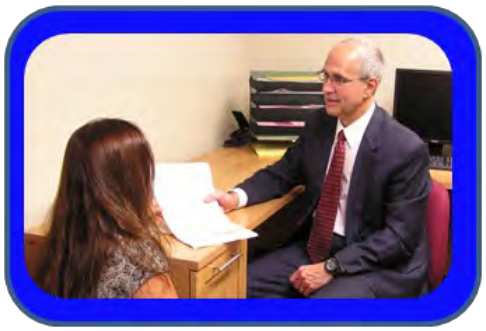
Attorneys volunteer to assist clients with problems related to housing, employment, consumer issues, debt collection, tax, tort defense, and family law/domestic violence. The ability to provide representation is based on the availability of volunteers. In addition, not all cases qualify for or are appropriate for this type of assistance. In many cases clients are helped by brief service or are given information about ways to solve problems or advocate for themselves.

Debt Collection and Bankruptcy

Volunteer attorneys provide advice to persons seeking counsel about debt management or defense. Volunteer attorneys and volunteer law students assist people at the Financial Distress Clinic. When working poor families need a bankruptcy to provide relief from wage garnishment, pro bono representation is arranged as resources allow.

HIV/AIDS Law Project

An experienced paralegal assists persons with HIV or AIDS. Services include the preparation of wills and health care powers of attorney documents, and help with other issues impacting health.



Family Lawyers Assistance Project (FLAP); Scheduling- 602-506-7948

Persons representing themselves (pro per) in family law cases receive legal assistance and brief services. Half-hour consultations are scheduled with volunteer attorneys at the Superior Courts in central Phoenix, northeast Phoenix and Mesa. Two VLP staff members provide screening, scheduling, referrals and support for volunteer lawyers.

Individuals seeking assistance who are not income eligible may still arrange an appointment with a F.L.A.P. attorney for 40.00.

More Services & Eligibility

"Equal Justice For All" COMMUNITY LEGAL SERVICES, INC.

The Volunteer Lawyers Program is a joint project of:

Community Legal Services

and the

Maricopa County Bar Association.

MCBA MARICOPA COUNTY BAR ASSOCIATION

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Tenants' Rights Clinic

A senior paralegal and volunteer attorneys provide legal advice and brief service to persons having disputes with landlords. Clients are provided with a Tenants' Rights Handbook including sample letters designed to assist in communication with landlords and help families obtain safe housing conditions, understand their responsibilities, and exercise their rights.

Community Clinics

Volunteer lawyers from law firms, Bar associations and businesses provide legal help in the community.

Bankruptcy Court Assistance

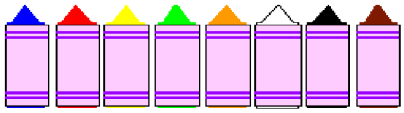
Volunteer attorneys and volunteer law students serve as Friends of the Court in the U.S. Bankruptcy Court. Volunteers help unrepresented individuals and families understand their options and speak in court to help the Judge understand the families' current situation and to determine what is in their best interests.

Appellate Pro Bono Pilot Project

Screening; 602-258-3434 ext. 2245

VLP assists low-income pro per litigants (unrepresented) in the Arizona Court of Appeals Division One, by screening requests and arranging volunteer attorneys to advise or represent litigants on civil and family appeals from the Maricopa County Superior Court.

The Children's Law Center



The attorney coordinator and volunteer attorneys address the needs of at-risk youth. This program coordinates volunteers, for example, to serve as Court Appointed Advisors (CAA) regarding the best interests of children in high conflict family law cases. These CAA serve as an extra set of eyes for the court and make a recommendation to the court on their findings.

Other volunteers represent caretakers in obtaining guardianship so they can provide a stable home for vulnerable children who are homeless, living on the streets, unable to attend school, in a dangerous situation or are victims of abuse or neglect.

Volunteers also represent petitioners in adoption matters so that at-risk children and youth are protected in permanent, safe and stable home environments.

Other special programs focus on a variety of legal concerns of teens and youths.

Domestic Violence Attorney Mentoring Project

VLP arranges family law help for victims of domestic violence and matches attorneys to provide training for newer attorneys.

Who is eligible for VLP services? Eligibility screening is provided through the formal application process of Community Legal Services. Apply by either calling 602-258-3434 or on-line at www.azlawhelp.org/accesstojustice. Services are provided to US citizens, permanent legal residents, refugees, or agricultural workers; income guidelines are set by the federal government and/or special grants.

LSC

Valley of the Sun United Way

United Way Community Partner

VLP

Community Legal Services/ Inc., (CLS) does not discriminate on the basis of race, religion, sex, age, disability or national origin regarding service applicants or employees.

REV: 09/14 db

DNA-People's Legal Services, Inc.
2014 PRIVATE ATTORNEY INVOLVEMENT PLAN
("Volunteer Lawyer Project" or "VLP")

Introduction

DNA-People's Legal Services received 2014 grants from the Legal Services Corporation for the portion of Coconino County Arizona, and San Juan County New Mexico, which are not within an Indian reservation[1] in the amount of $419,332 and $185,272 respectively.[2] LSC regulations require that DNA expend 12.5% of these grants, or $75,575.50 in activities related to Private Attorney Involvement (PAI). Those regulations further require that we have a plan for our PAI program, created with the input from the community, and from the local bar members.

DNA recognizes the large unmet need for civil legal services for the indigent in Coconino County Arizona and San Juan County New Mexico. DNA further believes that all attorneys in northern Arizona and northwest New Mexico have an important role to play with DNA to help meet this need. As such, this PAI plan is premised upon DNA working closely with the Coconino and San Juan County Bar Associations and courts, and with individual members of the bar in Coconino and San Juan Counties. It is also premised on working with the statewide legal service communities, including the State Bars, and on a national level to bring in volunteer attorneys from all over to work on our client's issues.

a. How the PAI efforts will be staffed and the level of private attorney participation:

(1) Sylvia J. Struss (DNA's Administrative Director) oversees DNA's Volunteer Lawyer Project. She spends approximately 5% of her time on this duty. Paralegal Barbara Benavidez at Flagstaff DNA and Cathryn Abeyta at Farmington DNA spend 50% of their time on the project, bringing the total of VLP staff to 1.05 FTE.

(2) There are about 250 active, available attorneys in Coconino County Arizona, and 135 active, available attorneys in San Juan County New Mexico, for a total of 385.

(3) In 2013, 104 AZ attorneys actively participated in DNA's VLP, with 32 of them closing 61 cases; even with reduced funding in 2014, it is our goal to keep those numbers steady. In NM, 61 attorneys actively participated, with 8 of those closing 14 DNA cases. These reported NM numbers were below our goal, because it doesn't truly capture what we accomplished. Our new Managing Attorney successfully asked a number of the 61 actively participating attorneys to come to the office to do intake, advice, and brief

[1] DNA also receives a grant from LSC for the on-reservation portions of Coconino and San Juan Counties, but we are not required to spend 12.5% of that grant on PAI activities.
[2] For Arizona Basic Field grant, DNA suffered a 17.5% cut in funding from 2013; for NM, we had a 9.39% cut in funding from 2013.

services for clients. But, she didn't know to code those cases as VLP cases, so they didn't get reported that way. Our goal for 2014, even with reduced funding, is for volunteer attorneys to help clients and close at least 28 cases.

(4) Pro bono reporting is required by AZ and NM state bars, but there is no penalty for reporting zero. Many attorneys choose to make a monetary donation to the Equal Access to Justice campaigns and Arizona's "opt-out" fund in lieu of volunteering their time in DNA's VLP. These donations, in turn, are granted by the New Mexico and Arizona bar foundations to the legal aid organizations, including DNA.

b. DNA recruits volunteer attorneys in the following ways:

i. We regularly attend county bar meetings to network, and to make announcements about what we need (folks to do telephone intakes, volunteers at a community education event, etc), and receive volunteers there.

ii. We sponsor CLE speakers at county bar meetings, and offer it for free to any attorney who is already, or signs up to be involved with DNA's VLP.

iii. We attend Domestic Violence Task Force/CCRT meetings to network, explain our services, learn more about client needs, and identify educational opportunities.

iv. When we need a volunteer with particular experience (e.g., Wills/probate), we either call attorneys already on our volunteer panel, or we run a search on the AZ or NM State Bar website for attorneys in the county with experience in that particular area, and then we call folks on that list to ask for their help. We also ask our existing VLP attorneys for recommendations.

v. When we hear of a new attorney in town (usually by word of mouth, or meeting them at a bar luncheon), we get together with them to learn their background, what area of law they practice in, and what types of cases/activities will fit with their practice.

vi. We help to find speakers for local bar CLE/luncheons. The officers of the county bar are usually so happy for our pinch-hitting, that they agree to volunteer with DNA.

vii. We write to attorneys to refer cases to them. This usually, but not always, applies to attorneys we've used before. We also use e-mail and phone contact.

viii. Attorneys just moving to Arizona cannot practice law until they become licensed, and so they volunteer their time with DNA. We use these volunteers to do in-person and telephone intakes, to provide advice and brief service under the supervision of the Managing Attorney, and to attend GCA meetings.

ix. We offer to pay attorneys at half of their usual rate, if we have a grant under which we can do this.

x. We try to have VLP Awards/recognition events, with great speakers and good food. We honor everything that everyone has done (everyone's name is on the program who has donated any time), in addition to the top 3 contributors. In both San Juan County NM and Coconino County AZ, the local bar association has paid the cost of the awards luncheon for the past several years. In order to conserve money and effort, rather than having a DNA-sponsored event in Coconino County AZ, we will recognize the five

Top 50 Pro Bono attorneys (a state bar award, for which we nominate candidates) at a local bar luncheon. We ask a member of the AZ Supreme Court to come and give the awards at the local event, so that attorneys are recognized by their peers. Since Coconino County is so far from Phoenix or Tucson, where the AZ Bar Conventions are held (and the Top 50 attorneys are recognized there), this local event makes more sense.

xi. We recruit multiple attorneys to volunteer at Community Education events, so that they can hang out together and get to know each other. In both Flagstaff and Farmington, that included Veterans Stand Down and Veteran Clinics in 2013.

xii. Whenever a (current or potential) volunteer attorney needs help with Indian law issues, or Social Security issues, or other poverty law areas that most private attorneys don't deal with, we research those issues for them, let them pick the brains of our attorneys, share sample pleadings, or have them refer the client directly to us so that we can help the client.

xiii. In Flagstaff, we participate annually with the courts, the county bar association, and schools to create Law Day, based on the ABA's Law Day theme for the year. We recruit private attorneys to meet with students in the local schools to learn about the Law Day theme, prepare for a moot court scenario on the ABA them, and coach them as they perform those scenarios at the Superior Court. In Farmington, we work with the Young Lawyers Division to create Law Day, an all-day call-in clinic for free legal advice, plus volunteer lawyers presenting to local high school students in government/economics classes about constitutional issues such as the First Amendment.

xiv. In Arizona, we work together with Community Legal Services and Southern Arizona Legal Aid, not only to train our staff on ways to implement VLP, but also on statewide recruitment campaigns, CLE's, an ad and a booth at the AZ Bar Convention, purchasing goodies to give away to VLP attorneys, Arizona's Top 50 Pro Bono Awards, the AZ Supreme Court's Pro Bono Attorney of the Year Award, and for ideas on our individual award events. In 2013, we successfully got a CLE rule change implemented, where volunteer attorneys can earn 1 CLE hour for every 5 hours of pro bono work.

xv. In NM, we are part of the San Juan County Pro Bono Committee, created by and which reports to the NM Supreme Court. We work with the NM State Bar to implement that statewide pro bono plan.

xvi. We send volunteers in good standing to NITA and other trainings whenever we can (and have a scholarship for it).

xvii. We give volunteer attorneys "goodies," such as thank-you notes, VLP bookmarks, t-shirts etc.

xviii. We provide legal malpractice insurance for the cases volunteer attorneys handle for us.

xix. Whenever DNA staff attorneys leave DNA and go into private practice, we send them off with a pro bono case or two.

xx. We attend the Equal Justice Conference as often as we can, to network with other programs and private firm PAI staff, and we seek and accept deferred associates from national law firms.

xxi. We develop our relationships with various law schools' Career Services, so that when law graduates are eligible for 3+ month paid fellowships, those graduates know about DNA.

xxii. We work with the courts on their projects (such as Best Interest Attorneys in Coconino County's Integrated Family Court) to help recruit volunteers to be Best Interest Attorneys for parties who cannot afford to pay for it; we also simply make more contacts with attorneys in those collaborations.

xxiii. We recruit attorneys to provide Navajo and NM law content for our brochures and our Native Education Legal Line (1-888-888-4DNA).

xxiv. We recognize our volunteer attorneys by nominating them for the AZ Top 50 Pro Bono Attorneys of the Year, and nominating them for the AZ Supreme Court Pro Bono Attorney of the Year award. When others see that recognition at AZ State Bar events and in the "Arizona Attorney" magazine, they're inspired to volunteer.

xxv. We recruit law students to work at DNA for the summers, and co-ops or externships during other times of the year, which in turn inspires them to do pro bono work after they graduate. In 2014, we will work more closely with law schools to have law students partner with a DNA attorney during the school year to do research and other projects.

xxvi. We host law students for "Alternative Spring Break" throughout our service area, especially Window Rock. In Farmington, those law students have done clinics and community education events with volunteer lawyers training and supervising them—and when the volunteer lawyers have fun with that, we invite them to do intake or take a pro bono case.

c. DNA involves private attorneys in our work to address the legal needs of eligible clients consistent with our priorities by:

DNA's priorities include: (1) income maintenance (wages, benefits, etc.); (2) maintaining/obtaining habitable housing; (3) education; (4) consumer; (5) health; (6) elderly/disabled; (7) economic development; (8) access to justice (pro se, pro bono); (9) preservation/promotion of tribal sovereignty; (10) community education; (11) child support—jurisdictional issues for which CSE can't/won't take the case; (12) family law matters emphasizing divorces with domestic violence or where children at risk, DV orders of protection, or custody where children are at risk; and (13) other cases where justice will be served by DNA representation/assistance. We involve private attorneys in our efforts to meet these priorities in the following ways:

i. Refer cases to the volunteer attorneys on a pro bono, or reduced fee basis, depending on the type of case and any grants we might have available for reduced fee.

ii. Use them to do telephone intakes, providing advice or brief service.

iii. Use them to do in-person intakes at the DNA offices, providing advice or brief service.

iv. Use them to staff divorce clinics, and Do It Yourself Legal Clinics, helping folks complete their self-help forms, and answering questions.

v. Use them to present at community education events, and to staff a legal information table at events such as Project Homeless Connect, or a Veterans Stand Down or clinic.

vi. DNA staff attorneys will call volunteer attorneys who are more experienced in a certain area, to get ideas from them on how to proceed with DNA's case; not quite a

formal mentoring relationship, but being able to call for help. NM now requires new attorneys to have mentors for 1 year, and many former DNA and active VLP attorneys are mentors.

vii. We invite private attorneys to present CLEs at DNA, county and tribal bar events, or at statewide litigation trainings, in their area of practice.

viii. Use them to write content for our brochures and our Native Education Legal Line (1-888-888-4DNA), and coordinating with the AZ Foundation for Legal Services & Education and NM Legal Aid to use them to provide content for www.azlawhelp.org, www.lawforkids.org, and www.lawforseniors.org.

ix. Participate in the pro bono committee in San Juan County NM, and the statewide pro bono committees in AZ and NM, to come up with more ways to serve low-income clients in that county (self-help projects, more clinics, advice/brief service hotlines, etc.).

x. Work with the Coconino County Court's self-help center to update and create new pro se forms, which then are made available to the public in hard copy at the center, but also on the court's website.

xi. Recruit volunteers to be on DNA's Boards of Directors, and tell them about other non-profits targeting poverty who need lawyers on their boards.

xii. Recruit attorneys to help DNA during fund-raising events, by giving donations of items to be auctioned off, by giving monetary donations to DNA, or by calling others at a Phone-a-thon to raise money, in order to increase DNA's services to eligible clients.

xiii. Coordinate with the county courts, county bars, schools, and Young Lawyers Division to produce Law Day each May, which is staffed by volunteer attorneys.

xiv. Coordinate with Wills for Heroes and the Young Lawyers Division to recruit attorneys to provide police officers, fire fighters, EMTs etc with Wills.

xv. Place "deferred associates" from large firms into DNA offices both on the reservations and in Farmington and Flagstaff, to do the same work that DNA attorneys do--interviewing clients, providing advice/brief service, representing them in court under licensed attorney supervision, depositions, etc.

xvi. Work with AZ State Bar foundation to recruit attorneys to take "modest means" cases for a reduced fee basis; send out info to volunteer lawyers on in-person and webinar trainings provided by the bar foundation on various poverty law topics.

xvii. Train at bar events on domestic relations, military and veterans issues, etc.

xviii. Participate in bar committees to change rules of procedure affecting poor people, and to find better ways to serve active military and veterans with their various legal issues. In 2013, the AZ consumer rules were changed to require the creditor to prove the debt in justice court before any orders could be entered. In 2014, landlord/ tenant rules are up for change.

We only match up appropriate attorneys for the task, e.g., we refer consumer law cases to attorneys who practice consumer law, refer Spanish-speaking clients to Spanish-speaking volunteer attorneys. If an attorney wants to learn a new area of law, such as family law, we will recruit them, but also recruit a more experienced attorney, for them to work together on a project, such as a divorce clinic. We also only recruit volunteer attorneys

for tasks that they're willing to do--if someone can only spend 2 hours helping and can't have any strings attached, we have them do telephone intake, or staff a clinic for those 2 hours, and a different volunteer attorney (or a DNA staff attorney) will do any necessary follow-up. In these ways, we are serving the client (because they get to meet with an attorney who can give them the help they need), we serve the volunteer (because they get to do work they want to do, know how to do, and can put limits to their volunteer time), and we serve DNA, because we can serve more clients than we can with only DNA staff.

(c) Results of consultations with the community in the development of the PAI plan

DNA's 2013 plan was submitted to the San Juan County Bar (NM) and the Coconino County Bar Association (AZ) for comment, and those comments were incorporated into this 2014 plan. DNA has a very good relationship with those associations: DNA staff are and have been officers of those associations, a representative from each is on DNA's Board of Directors, and we partner in various projects. VLP staff continue to meet with individual attorneys (volunteers and not) to build relationships, educate them about DNA and VLP, and to get their ideas on the kinds of activities VLP should be involved with.

(d) Process used for identifying cases and sending them to VLP attorneys

Cases are identified in a number of ways in the office. First, volunteer attorneys come to our office to do intake/advice/brief service. Second, staff intake cases are screened by DNA staff in GCA (General Case Acceptance meetings) for referral to VLP . Third, if eligible applicants are interested in cases we don't normally do, such as Wills or probate, they're referred directly to VLP staff to find a lawyer. Fourth, clients visit private attorneys, and those attorneys call the VLP to see if the client is eligible for DNA's services, and if so, they take the case pro bono.

All VLP referral cases go through VLP staff, who contact attorneys likely to take the case on a pro bono basis. We also search for an attorney via the state bar websites. We keep referring the case until we find a volunteer attorney to take it; rarely are we simply unable to refer it at all.

(e) DNA ensures quality control first by ensuring that we refer cases to appropriate attorneys to begin with, as noted at the end of section (b) above. Second, we follow up with the attorney on a monthly or quarterly basis, asking them the status of the case, and whether they need anything from us. Third, when the case is complete, we get a copy of the final orders, so we're clear on what benefit the client got out of the case. In this process, we ensure that the case is complete, and that the client doesn't need any follow up help. Fourth, we send a client satisfaction survey to the client at the end of the case, and we follow up on any responses indicating problems with the attorney.

With deferred associates, fellows, and law students, DNA includes them in our New Staff Orientation--training on poverty law and Indian law issues, as well as LSC regulations—and those attorneys/students are supervised by the Managing Attorneys in the office in which they're placed.

DNA uses Kemp's PRIME database system to track our VLP cases and attorneys. We enter new attorneys into Kemp's, including the areas of their practice. When we have a new case, we keep notes about the status of referring out the case. Once we've found a VLP attorney, we enter their time spent on cases (or other matters) into Kemp's, and we record the outcomes in the client record in Kemp's. Our Kemp's system is web-based, so that if a private attorney were to fall off the edge of the earth, anyone can look at the notes and timeslips to see where the case is at.
If attorneys do not respond to inquiries about the status of cases, the VLP Supervisor will first look at the court's public access websites, to check on the status of the case as far as the court is concerned. If there is not (yet) a court case, we will also call the client to find out what they think is happening. If nothing appears to be happening, we call or personally visit the attorney to get the case moving. If that gets no results, we will request the physical file back from the first attorney and re-refer it.

(f) DNA's use of technology in the VLP

In addition to the PRIME database discussed above, DNA uses cell phones and e-mail to keep in communication with volunteer attorneys, and we'll fax, or scan and e-mail documents.

(g) DNA VLP's three most significant accomplishments within the past 24 months have been:

1. Pro Bono Time for CLE Credit in Arizona.

Together with the Southern AZ Legal Aid, Community Legal Services, and the AZ Bar Legal Services Committee, we prepared a new CLE rule for the State Bar of Arizona, whereby volunteer attorneys earn 1 CLE hour for every 5 hours of pro bono that they do for our low-income clients. They can earn up to 3 CLE hours per year this way. The rule was approved by the AZ Supreme Court, and became effective on 1/1/2014.

2. Veterans Stand Down and Clinics.

In San Juan County, we worked with the NM State Bar's Volunteer Lawyer person, and the Young Lawyer's Division, to create Veteran's Clinics. These first took place in Albuquerque NM (and we sent some volunteer attorneys there to help), and will take place in Farmington in 2014. We're partnering with various staff from the Veteran's Administration, the VA Clinic, San Juan College, and the NM State Bar to accomplish these clinics.

In Coconino County, we helped to plan the first North Country Veterans Stand Down in May 2013, and recruited volunteer attorneys to talk with veterans about a wide range of legal problems at that event. We partnered with all kinds of veteran service providers throughout northern Arizona, including Coconino County Board of Supervisors, and the

Office of Representative Ann Kirkpatrick. We will likewise participate in the planning and implementation of the 2014 Veterans Stand Down.

3. "Good stories" from our volunteer attorneys:

In one 2013 case, a volunteer lawyer helped a victim of domestic violence who had fled from her abusive husband. Aside from physical abuse, he held her hostage on several occasions. Back where they had lived, across the country, he was facing criminal charges for domestic violence. She came to DNA for a divorce, and was deathly afraid of him. We helped her to protect her address, and we worked with Victim Witness in the other state to get the Sheriff there to serve him with the divorce papers, the costs of which were covered by one of our domestic violence grants. At last, she is divorced and no longer legally connected to her abusive ex-husband.

In another 2013 case, a DNA volunteer attorney represented a 25-year-old father to get joint decision-making rights, and visitation rights, over his daughter, in a highly-disputed case. His ex-wife interfered with his visitation, took pictures after every visit, and she moved and refused to tell him where they were. Once, the child was bit by a dog while visiting with the dad, and she went to court and got an order requiring him to have supervised visitation. After nearly 50 hours of pro bono time, the VLP attorney got him shared decision-making (it's no longer "custody" in Arizona…), and visitation one long weekend per month, plus Thanksgiving breaks, Christmas breaks, Spring breaks, and summer time on alternating years, with the "receiving" parent arranging/paying for transportation. The client commented "I am very grateful for [the attorney] because she helped so much; not just because she was an attorney, but because she honestly believed that I'm a good father, and truly listened to me."

In another case, a DNA volunteer lawyer represented a 49-year-old homeless veteran with severe PTSD and severe obstructed airways. DNA advised him about applying for both Veteran's Benefits and SSDI/SSI benefits, and referred him through the Volunteer Lawyer Project. The volunteer lawyer represented him in two different courts to clear 5 outstanding traffic charges, quash 2 warrants, make a payment plan to pay off fines, reinstate his driver's license, and get his vehicle back after it was impounded. It only took the volunteer attorney a couple of hours to do this, but it changed this veteran's life, so that he could get back on his feet.

August 28, 2014

Arizona Equal Justice Campaign / Arizona Equal Justice Foundation

The Arizona Equal Justice Foundation is a 501 (c) 3 non-profit organization dedicated to raising awareness and funding to support Arizona's three federally funded, civil legal aid programs. The fundraising vehicle, the Arizona Equal Justice Campaign, is a private bar campaign, that since May of 2001 has raised more than $5.3 million.

The Arizona Equal Justice Foundation limits its program recipients to Community Legal Services, DNA - People's Legal Services and Southern Arizona Legal Aid, our state's three federally funded, civil legal aid providers which provide services to low-income Arizonans throughout all fifteen counties of the state. The Arizona Equal Justice Campaign was originally based on a leadership standard of giving which was the financial equivalent of two billable hours for all attorneys. Although many firms and individuals still achieve that goal, the declining economy, mergers and acquisitions, and firms leaving Arizona, have forced some law firms and individuals to reduce their contributions.

Donors to Arizona Equal Justice Campaign 2012 and Campaign 2013 Attached.

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ARIZONA EQUAL JUSTICE CAMPAIGN YEARS 2012 AND 2013

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Washington Post Matching Funds Program
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Jeffrey Willis
John Willis Wolf, Jr.
Emerson G. Yearwood
Anthony L. Young
Sarah Youngblood
Herbert I. Zinn
Jay A. Zweig

* Deceased

Family Court and Limited Jurisdiction Courts

Summary: Pursuant to Administrative Order No. 2014-83, the Commission shall examine and make recommendations on assisting self-represented litigants and revising court rules and practices to facilitate access and the efficient processing of family court cases. In Arizona, the majority of family court cases involve litigants who go to court without legal counsel, largely because they cannot afford representation. Numerous states around the country have revised court rules and created best-practices that can be used as guidance when establishing Arizona practices to provide assistance to SRLs in family court and eviction cases.

Item	Description
A-1	This article summarizes the Report of the Summit on the Use of Technology to Expand Access to Justice. Access the Report of the Summit on the Use of Technology to Expand Access to Justice
A-2	California's Equal Access website
N/A	Indiana Courts website that offers several videos for self-represented litigants, such as "Family Matters: Choosing to Represent Yourself in Court"
N/A	ABA Access to Justice Blog
B-1	This article describes University of Arizona's collaboration with Pima County Superior Court to simplify complex language in instructional packets related to divorce, legal decision-making, and other family law proceedings
C-1	A collaborative article prepared by National Center for State Courts and the Self-Represented Litigation Network discussing triage protocols for litigants that can be employed by a coordinated strategy between the courts and service providers
C-2	Washington's rule regarding the definitions, scope and responsibilities of a Family Law Courthouse Facilitator
C-3	Example of Los Angeles County Superior Court web page describing the Office of the Family Law Facilitator
C-4	Example of Sacramento County Superior Court Family Law Facilitator workshops available to self-represented litigants
C-5	Blog article authored by Allan Rodgers regarding the use of lay advocates for unrepresented litigants in court and agency adjudicatory hearings
C-6	Maryland District Court Self-Help Center
D-1	Richard Zorza's blog article regarding AmeriCorps and JusticeCorps
D-2	Link to California's JusticeCorps program webpage
D-3	Link to Orange County Rescue Mission Mobile Legal Clinic
D-4	Link to Milwaukee Justice Center Mobile Legal Clinic
E-1	Webpage describing Wyoming's "Virtual Lawyer via Skype" program
E-2	Link to flyer, Skype protocol, innovation grant, Skype Clinic Manual, laptop and printer loan agreement, and evaluation documents for the "Virtual Lawyer via Skype" program

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A	Strategic Agenda action item:	***Expand access to web-based forms, e-filing, and information describing legal terms and court procedures.***
	Resources and information:	A-1 (Summary of article) How to Improve Access to Justice: the LSC Tech Summit Report 2013; (Report) Tech Summit Report 2013 A-2 California Equal Access website summary (Link only) Indiana Courts Website (Link only) ABA Access to Justice Blog

B	Strategic Agenda action item:	***Ensure court forms and information, whether in electronic or paper form, are easily understandable.***
	Resources and information:	B-1 (Web page article) Simplifying Legal Instructions

C	Strategic Agenda action item:	***Provide front-end triage and referral services to assist self-represented litigants in identifying and obtaining appropriate services.***
	Resources and information:	C-1 (Article – pages 12-16) Triage protocols for litigant portals: A coordinated strategy between courts and service providers C-2 (Court rule) Washington Family Law Courthouse Facilitators C-3 California Family Law Facilitator C-4 Family Law Facilitator Sacramento County Workshops C-5 (Blog article – R. Zorza) Lay Advocates C-6 Self-Help Center - Maryland

D	Strategic Agenda action item:	***Explore programs to recruit and train college students and other volunteers to work in legal self-help centers to:*** ▪ ***Assist with legal workshops*** ▪ ***Help complete legal forms*** ▪ ***Provide information and referrals***
	Resources and information:	D-1 (Blog article – R. Zorza) AmeriCorps and JusticeCorps D-2 JusticeCorps in CA D-3 Orange County Rescue Mission Mobile Legal Clinic D-4 Milwaukee Justice Center Mobile Legal Clinic

E	Strategic Agenda action item:	***Explore the use of technology-based access to justice solutions being developed in other courts.***
	Resources and information:	E-1 Virtual Lawyer via Skype E-2 Virtual Lawyer manual and documents

How to Improve Access to Justice: the LSC Tech Summit Report 2013

The US access to justice community struggle under greater burdens than our own. In particular, their equivalent of civil legal aid is significantly lower. They also grapple with the complexity caused by federal differences in law. No state, least of all the US, is going to fund full representation at the levels that their (or our) justice system is designed for. It is a deeply damaging reality with which all democracies, advanced or emerging, struggle to take serious notice of.

Partly for that reason, the US Legal Services Corporation has led an initiative which seeks to maximize the potential for effective assistance to be provided through technology. At the end of last year it published a very interesting report drawing together a strategy developed from a summit of experts and interested parties which seeks to develop a coherent set of priorities for tackling the enormous topic which is the US (but also every nation's) access to justice problems (Report of the Summit on the Use of Technology to Expand Access to Justice) [I am guessing I owe a HT to Richard Zorza for this but it may be Ron Friedman]

In preparation for the Summit, a planning group commissioned a series of papers (http://jolt.law.harvard.edu/articles/pdf/v26/26HarvJLTech241.pdf and http://jolt.law.harvard.edu/symposium/). Expert participants were asked to consider the top priorities for action given issues of feasibility, cost, etc. The planning group decided to focus on the top six activities identified:

> "(1) Document assembly for self-represented litigants
>
> (2) better "triage"—that is, identification of the most appropriate form of service for clients in light of the totality of their circumstances;
>
> (3) mobile technologies;
>
> (4) remote service delivery;
>
> (5) expert systems and checklists; and
>
> (6) unbundled services"

The report is well worth a read for the coherence with which it seeks to link these 6 strands together and the sense that (with a good deal of work; good will and funding) the strategy is achievable. I have yet to see anything similar here (although the CJC report on LiPs was admirable and has overlaps). The strategy for implementing this vision has five main components, in the words of the report:

1. Creating in each state a unified "legal portal" which, by an automated triage process, directs persons needing legal assistance to the most appropriate form of assistance and guides self-represented litigants through the entire legal process

2. Deploying sophisticated document assembly applications to support the creation of legal documents by service providers and by litigants themselves and linking the document creation process to the delivery of legal information and limited scope legal representation

3. Taking advantage of mobile technologies to reach more persons more effectively

4. Applying business process/analysis to all access-to-justice activities to make them as efficient as practicable

5. Developing "expert systems" to assist lawyers and other services providers

The vision for achieving this is:

- Every state will create a statewide access portal that provides an easy way for a person to obtain assistance with a civil legal issue.

- The portal will use an automated process to refer each requester to the lowest-cost service likely to produce a satisfactory result in her or his case.

- The automated process will ultimately be informed by a sophisticated "triage" algorithm continually updated for each state by feedback data on the outcomes for persons who have previously sought assistance through the portal. 4

- The portal will support a broad variety of access-to-justice services provided by courts, the private bar, legal aid entities, libraries, and others who collaborate in implementing the initiative. The systems of all collaborating entities will exchange information automatically to support each other's applications and to enable the accumulation and analysis of information on the functioning of the entire access-to-justice process.

- The baseline service available in a state will be a website accessible through computers, tablets, or smartphones that provides sophisticated but easily understandable information on legal rights and responsibilities, legal remedies, and forms and procedures for pursuing those remedies. The statewide access portal will link a requester with the most appropriate section of the website.

The rest of the report is digestible also sufficiently detailed to give it plausibility. It may be an optimistic document and it will not be without its detractors; but it is also a sign of the possibilities and the steer given by strong leadership and concerted action. The demise of the Legal Services Commission here and the budget cuts severely diminished any hope that this kind of lead might come from Central Government. Perhaps the predicted crisis over litigants in person will stimulate a rethink here.

If you want to follow what is going on in relation to these issues in the States I highly recommend Richard Zorza's blog.

LSC
America's Partner For Equal Justice

Report of

The Summit on the Use of Technology to Expand Access to Justice

December 2013

Report of The Summit on the Use of Technology to Expand Access to Justice

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Resources

Background

It has been widely estimated for at least the last generation that all the programs and resources devoted to ensuring access to justice address only 20%[1] of the civil legal needs of low-income people in the United States. This is unacceptable in a nation dedicated to the rule of law and to the principle of justice for all.

The Legal Services Corporation (LSC) has found through its experience with its Technology Initiative Grant program that technology can be a powerful tool in narrowing the justice gap—the difference between the unmet need for civil legal services and the resources available to meet that need. Drawing on this experience, in late 2011, LSC decided to convene a summit of leaders to explore how best to use technology in the access-to-justice community. LSC formed a planning group with participants from its grantees, the American Bar Association, the National Legal Aid and Defender Association, the National Center for State Courts, the New York State Courts, the Self-Represented Litigation Network, and the U.S. Department of Justice's Access to Justice Initiative to design the summit.

The group adopted a mission for The Summit on the Use of Technology to Expand Access to Justice (Summit) consistent with the magnitude of the challenge:

> "to explore the potential of technology to move the United States toward providing some form of effective assistance to 100% of persons otherwise unable to afford an attorney for dealing with essential civil legal needs."

The planning group decided on a two-step process to accomplish this mission. In June 2012, LSC hosted the first session of the Summit with 50 participants (all participants are listed in the Appendix). This group was asked to explore a technology vision for expanding access to justice without regard to cost or practicality. In preparation for this first session, the planning group commissioned a series of white papers, six of which are available in the *Harvard Journal of Law and Technology*[2] and five more are available online.[3] The participants in the first session identified 50 distinct technology activities that could be useful in improving access to justice.

The group attending the second session of the Summit in January 2013 was asked to develop a concrete plan for moving forward using the ideas developed in the first session. The second session had to consider factors such as cost, feasibility, and likelihood of adoption. In preparation for the second session, the planning group deployed a process called "Choiceboxing" to reduce the list of options. Using a website developed for this purpose, first session participants were given lists of 26 possible objectives and 50 possible technology activities and asked to identify their top 10 priorities from each list.

The planning group decided that the second session should focus on the top six activities identified in this process: (1) Document assembly for self-represented litigants; (2) better "triage"—that is, identification of the most appropriate form of service for clients in light of the totality of their circumstances; (3) mobile technologies; (4) remote service delivery; (5) expert systems and checklists; and (6) unbundled services.

The 51 attendees at the second session included 24 from the first session and 27 new participants (*see Appendix*). After an overview of the six areas of focus, the attendees divided into smaller groups to discuss strategies for overcoming obstacles and implementing the six areas of focus.

This report reflects the results of a process involving 75 leaders in legal services, the private bar, courts, libraries, IT development, legal academia, and other communities involved in providing access to justice; two one-and-a-half day working sessions; and preparation of numerous papers and analyses.

This report proposes a national vision that must of necessity be achieved locally. The proposal is ambitious. It must overcome challenges not only of technology, but of leadership, funding, and resistance to change. While the Legal Services Corporation has sponsored this process, from its inception the participants have recognized that the leadership necessary to implement the Summit's recommendations must come jointly from a broad spectrum of entities involved in providing access to justice.

A Vision of an Integrated Service-Delivery System

Technology can and must play a vital role in transforming service delivery so that all poor people in the United States with an essential civil legal need obtain some form of effective assistance.

The strategy for implementing this vision has five main components:

1. Creating in each state a unified "legal portal" which, by an automated triage process, directs persons needing legal assistance to the most appropriate form of assistance and guides self-represented litigants through the entire legal process

2. Deploying sophisticated document assembly applications to support the creation of legal documents by service providers and by litigants themselves and linking the document creation process to the delivery of legal information and limited scope legal representation

3. Taking advantage of mobile technologies to reach more persons more effectively

4. Applying business process/analysis to all access-to-justice activities to make them as efficient as practicable

5. Developing "expert systems" to assist lawyers and other services providers

The vision for achieving this is:

- Every state will create a statewide access portal that provides an easy way for a person to obtain assistance with a civil legal issue.

- The portal will use an automated process to refer each requester to the lowest-cost service likely to produce a satisfactory result in her or his case.

- The automated process will ultimately be informed by a sophisticated "triage" algorithm continually updated for each state by feedback data on the outcomes for persons who have previously sought assistance through the portal.[4]

- The portal will support a broad variety of access-to-justice services provided by courts, the private bar, legal aid entities, libraries, and others who collaborate in implementing the initiative. The systems of all collaborating entities will exchange information automatically to support each other's applications and to enable the accumulation and analysis of information on the functioning of the entire access-to-justice process.

- The baseline service available in a state will be a website accessible through computers, tablets, or smartphones that provides sophisticated but easily understandable information on legal rights and responsibilities, legal remedies, and forms and procedures for pursuing those remedies.[5] The statewide access portal will link a requester with the most appropriate section of the website.

- All of the collaborating entities in a jurisdiction will employ the same document assembly application, which will generate plain-language forms through an interview approach. Litigants will use the application themselves, or with lay or legal assistance, to choose a legal form or forms appropriate for their personal objectives and to complete the form by entering all required information through an on-line interview process.

- The document assembly application will employ automated "smart document" tags for the information entered by a requester so that the information can be reused by all access-to-justice entities without requiring re-entry of the information.

- The document assembly application will be linked to:

  - the website for access to detailed information about the legal principles and terms underlying the form

  - legal services providers, court self-help centers, and libraries and other support entities for assistance that does not include legal advice

  - legal aid lawyers or private lawyers providing pro bono services (or private lawyers providing unbundled legal services if the requester is unable or unwilling to receive free legal services) for legal advice on some aspect of the requester's legal situation

  - the court's electronic filing and electronic payment applications

  - the access-to-justice entity's case management application to store all tagged data for reuse

- Forms generated by the document assembly application will be universally accepted by courts in the state.

- All access-to-justice entities will employ a variety of automated and non-automated processes to make the best use of lawyers' time to assist requesters with their cases, including:

  - conducting business process analyses to streamline their internal operations and their interactions with all collaborating entities

  - having clients/litigants perform as much data entry and handle as many of the functions involved in their cases as possible (given the nature of the case and the characteristics of the client/litigant)

  - having lay staff perform a broad range of assistance activities not requiring the expertise of a lawyer

  - having expert systems and checklists available to assist and save time for lawyers and lay service providers

  - maximizing the extent to which services are provided remotely rather than face-to-face, to save the time of both the clients/litigants and the service providers

- The level of legal representation in a case will be guided by the state "triage" algorithm, which will be reviewed and revised regularly to make it as accurate as possible.

- Persons seeking more extensive legal services will be linked to legal aid offices, pro bono attorneys, court self-help centers, or lawyer referral services.
- Mobile applications will be deployed to assist requesters/clients/litigants.
- Evaluative information will be generated by automated systems routinely, presented to all collaborating entities regularly, and assessed collaboratively to refine and improve the access-to-justice process.

Components of the Integrated System

This section sets forth a detailed vision and implementation outline for each of the five main components. Many of the strategies will require funding and are therefore contingent on finding the resources to implement them. We have no current commitments to fund any of the strategies suggested. Securing financial support will be part of the hard work needed to make the vision a reality.

1. Statewide Legal Portals

The Vision

Each state now has multiple websites providing information on the courts, legal services, and private bar resources. The variety of choices can be confusing for the user and wasteful of scarce resources when multiple entities are providing information on the same topics. The better approach would be a single, statewide mobile web access portal in each state to which a user will be directed no matter where he/she comes into the system. The portal will support computers, tablets, and smartphones.

When an access-to-justice portal is implemented:

- Information will be available anywhere, any time to every person seeking assistance.
- Assistance from a person—lawyer or otherwise—will be available anywhere, if resources are available.
- The portal will use methods such as branching logic questions and gamification[6] to generate information on the capabilities of an inquirer, which will be part of the referral logic.
- The portal will generate information on the legal needs of persons within the state, aggregate it, and provide it regularly to all participating entities.

The key to this portal will be an integrated system of resources, rules, and recommendations through which users can be matched with available services. The site will apply branching logic to users' responses to questions and direct them to the most appropriate resource, considering factors such as case complexity, litigant capacity, strength and representation of the opponent, the importance of the litigant's stake in the case, and the availability of the resource (updated in real time).

All access-to-justice entities in a state (including legal aid entities, courts, the organized bar, interested law firms and lawyers, law schools, libraries, pro bono legal services support entities, and other interested community entities) will develop the portal and will receive appropriate referrals from it. If a referral proves inappropriate, the entity to which the referral was made may make a different referral. The confidentiality of information provided by an inquirer will be preserved.

Service options will include:

- Link to a specific section of a website for substantive and procedural information and access to document assembly forms
- Connection to a legal services, court, or library staff person for information and navigation assistance (including a personal assessment of the capability of the service requester)
- Connection to a self-help center or legal services attorney
- Connection to a lawyer providing unbundled services on a pro bono or compensated basis (if the client is able to pay)

If the inquirer is connected to a person, that person will have the capability to change the referral. Responses from a person will take the initial form of an email, text message, or live chat. Escalation can take the form of a phone call or video conference.

An essential function of the portal will be the accumulation of data on how cases progress and, based on outcome data, the relative efficacy of various service delivery mechanisms. The goal is to employ technology that is smart enough to refine referrals based on the data collected, but human review will be essential to the evaluation process.

It is unrealistic to propose that every referral be reviewed, but the system designers will build in a statistically valid system of review that will spot-check referrals and help to improve their efficacy. After the initial portal implementations are evaluated, the model will be modified as necessary, and the template will be provided for other states interested in replicating the process.

Implementation Plan

LSC will work with others to secure funding to develop portals in up to three pilot jurisdictions, selected competitively. The pilot portals will be designed for maximum potential reuse in other states. Although LSC currently requires its grantees to have a statewide website for each state, and although many court websites have good information for self-represented litigants, the portal will be a new site that (1) aggregates the resources already available, (2) delivers new resources to fill any gaps that exist, and (3) provides the new functionality envisioned by the triage and expert systems.

To compete for the pilot program, jurisdictions should demonstrate that the portal will be created and supported as a collaborative effort of the major access-to-justice entities within the state and that they are committed to sustaining funding for the portal after the grant.

2. Document Assembly

The Vision

Plain language forms will be produced through plain language interviews for all frequently used court and legal forms (e.g., a consumer letter). Users will answer questions regarding their legal matter, and the intelligent forms system will use the information to generate the appropriate form and display it for review. The forms will be translated into all locally appropriate languages (but produce English language forms for filing). The systems will employ “smart form” XML tagging[7] to deliver information in the form for recording and reuse in court and other entity case management systems. The document assembly system will provide “just in time” legal information (such as the definition of legal terms used

in the form, as questions in the interview are reached), links to fuller discussions of legal options and implications, and links to unbundled legal advice providers to enable users to obtain professional assistance with specific issues at affordable rates.

Documents in process will remain on the system for a limited time to allow users to complete them in multiple sessions. Completed documents may be e-filed and filing fees paid through the system using a credit card. Court orders and notices will be generated using the tagged information and the same document assembly process (augmented by court workflow systems). Document assembly/e-filing systems will deliver filed documents electronically to process servers for service.

Implementation Plan

Unlike some other parts of this plan, document assembly is a relatively mature process in use by many access-to-justice entities. The biggest challenge is not a technological one, but the lack of uniform court forms in most states. The access-to-justice entities in each state must make the development of uniform statewide forms a priority, but that undertaking is outside the scope of this report.

Document assembly technology can benefit from additional development. For example, there is still a need for XML tagging standards for the data elements used in "smart forms," for compliance with or expansion of the National Information Exchange Model (NIEM) data model for those data elements, and for the cooperation of the courts, legal services providers, and vendors to implement support for those data standards in document assembly, e-filing, case management, and other types of applications and products. These standards are essential so that the various data systems used by legal services providers and the courts can share information without the need to reenter it. Creating links from document assembly to limited scope legal assistance requires the cooperation of unbundled legal services providers and, in many states, state or local bar associations or other legal referral entities.

To support our vision, we encourage those funders that provide resources to implement document assembly within a jurisdiction to make that funding contingent on commitments to:

- Implement the "full scope" document assembly vision described above
- Create a collaborative structure involving at least legal services organizations and courts that will ensure the system is developed and used by all access-to-justice entities within the jurisdiction
- Adopt court rules that will ensure universal acceptance of forms generated by the system by the courts within the jurisdiction
- Obtain extensive input from court users and from staff with the most frequent interaction with users, and from access-to-justice providers, in developing interviews and forms

Document assembly funding should cover:

- Technical support
- Support for a full-time internal position to manage the development and deployment process and to promote use of the application by staff and clients/litigants
- Resources for ongoing maintenance and support of document assembly applications, not just for their initial development and deployment

It should be possible to reuse interviews and forms developed in one state or jurisdiction by adapting them to the laws and requirements of other jurisdictions.

Much of the information needed to evaluate the effectiveness of a document assembly application should be built into the system itself—obtaining evaluative information from users and as a by-product of system operations, such as assessing the understandability of particular parts of an interview based on the likelihood that users change the information they enter, take longer than usual to complete an interview part, activate help functions, or seek in-person staff assistance.

3. Mobile Technologies

The Vision

Access-to-justice services will be location-independent and accessible using smartphones, tablets, and other mobile devices. Because the US population is becoming accustomed to remote delivery of banking, shopping, information retrieval, and support services, access-to-justice service providers may also need to adopt remote service delivery approaches. Use of computers, tablets and, increasingly, smartphones is becoming the expected medium for accessing services of all kinds. Eighty-six percent of adults earning less than $30,000 per year own cell phones, and 43 percent own smartphones.[8]

Implementation Plan

Information websites will be redesigned for easy access by, and interaction with, mobile devices by providing information in smaller, simplified sections that are readable on a smartphone screen. The new statewide legal portal and other automated systems should automatically detect the nature of a querying device and deliver information in the format appropriate to the device.

Access-to-justice entities should record user communication preferences and use them for sending reminders or alerts (e.g., email or text message). They should take advantage of smartphone capabilities by developing applications such as:

- A courthouse map application to find the right courtroom
- Use of a QR code (which can be saved on a smartphone) to link to location-specific information, to access a user's case and schedule information, or to add information to a user file when an access-to-justice professional has a client contact in the field
- Credit card transaction payments for court services using mobile devices
- Checklists of documents needed for interview or court appearance
- Smartphone scanning for document submission (e.g., pay stub or tax return)
- Video capability for court appearances, interviews, hearing preparation, and explanations of information
- Automated translation capabilities
- Linkage to court scheduling
- Use of geo location to provide resources
- Preventive information and tools

The Legal Services Corporation has already funded several mobile technology projects. It will assess existing projects and identify those that can be reused or replicated by other access-to-justice entities.

The implementation strategy for the vision should identify funding for three types of mobile technology projects and choose the projects competitively:

- Redesign of websites for mobile access
- Replication of successful current mobile projects
- Development of new applications such as those listed above

Once funding is obtained, LSC will negotiate one (or a few) national support contract(s) for mobile technology services to redesign websites and to develop mobile applications and mobile web applications for the specific jurisdictions selected in the competition. Support contracts should be awarded to jurisdictions based on the comprehensiveness of applications, including cross-entity collaboration. Each contract should be negotiated so that any access-to-justice entity that does not qualify through the competition can still procure services under its rates, terms, and conditions.

Individuals and small organizations now have the resources and capability to develop sophisticated mobile applications. “Hackathons” and other “crowdsourcing” means should be used to stimulate creativity and individual initiative in developing useful mobile apps for access-to-justice purposes. For instance, a state could challenge students to develop courthouse map apps for every courthouse in the state.

To ensure that poor people do not miss important, time-sensitive information provided by mobile applications, the initiative should undertake a campaign to convince telecommunications carriers to exclude specified access-to-justice addresses from the computation of chargeable usage counts—both minutes and data.

4. Business Process Analysis

The Vision

Business process analysis involves the disciplined “mapping” of how a task or function is performed, using standard conventions for depicting different aspects of the process. The process is often led by an outside expert in the use of the analysis, but it engages enough members of the organization to ensure a complete understanding of how the task or function is performed at all levels of the organization.

Application of business process analysis enables the participants to:

- Better understand the work they do in specific case types
- Simplify and improve their own processes and improve coordination with processes of other relevant entities
- Identify new processes that can improve case handling and provide additional capabilities
- Assign appropriate tasks to clients/litigants and to staff other than lawyers
- Apply the best available technology to substitute for or augment the work of staff and lawyers

- Increase understanding of, engagement with, and adoption of best practices and technology through the analysis process itself, which is inherently collaborative across staff and stakeholders

- Reduce costs, handle more cases, and meet the needs of more clients/litigants by ensuring that each case is handled efficiently

When the business process analysis is conducted with participants from multiple entities (such as courts, legal services providers, private lawyers, libraries, etc.), the benefits expand to include:

- Analyzing the optimal roles that each entity can perform in providing access-to-justice services (in particular, identifying where and how private lawyers can make the best contribution on both volunteer and fee-generating models and how to create incentives for the increased participation of the private bar)

- Maximizing the systemic impact of process improvements, rather than confining the improvements to a single entity

- Minimizing the duplication of effort across entities

- Expanding provider knowledge of others' processes

Process analysis can be conducted on a statewide basis to maximize the return on the participants' involvement. For instance, all of the legal services providers within a state could analyze the process for a particular case type, because the laws governing the process are the same (although how cases are handled by the courts may vary from county to county).

The purpose of business process analysis is not to identify one "best way" for handling a type of case. Rather, it provides a method by which individual programs, jurisdictions, and states can identify the process that will best meet the needs of the stakeholders in that place and time, given the existing legal and organizational structures and resources available. Knowledge about process, represented as process map templates in standard formats, can be shared across the access-to-justice community. It takes less time to modify an existing map to reflect local practices than to create one from scratch. Reusability can be maximized by:

- Using a single technical standard, such as Business Process Modeling Language, for documenting business process analyses

- Documenting the legal and organizational context for each analysis

- Recording the identities and contact information of the authors of such analyses to facilitate reuse of expertise

Implementation Plan

Implementation starts with a pilot project or projects: States will be invited to apply to create process map templates in several of the most common areas of poverty law practice. Applicants must commit to implementing and evaluating these business process results.

We contemplate that expert services will be provided to successful applicants pro bono by consulting firms, law firms, or legal services providers that have already gone through the process and learned its techniques and nomenclature. The legal services community will develop a cadre of

expert support available at little or no cost to each program. These experts will not only examine existing practices but also endeavor to identify new capabilities that would benefit the systems.

The expectation is that the pilot projects will clearly demonstrate the benefits of business process analysis, both with increased access and a positive return on investment, so that other states join in these efforts. The National Center for State Courts is already working with state court systems and individual courts to conduct similar analyses. The leaders of the initiative will strive to encourage collaborative process analysis efforts at the state and local level.

LSC will create a website to collect completed process maps and to organize them for review by other entities beginning their analysis of a process.

5. Expert Systems and Intelligent Checklists

The Vision

Expert systems use information provided by a client to create personalized legal information tailored for her or him or the advocate/assistant. Such systems can be envisioned for a wide variety of topics, including benefits eligibility, identification of necessary forms and procedures, alternative approaches to problem solutions, and preventive law.

Intelligent checklists guide clients and advocates through the steps in processes, such as initiating or responding to court actions and dealing with government agencies.

Implementation Plan

The strategy to achieve the vision should include the development of a generic tool or tools that use the alternative types of logic needed for effective expert systems and checklists.

As access-to-justice entities conduct business process analyses for specific case types in their jurisdictions, they may identify a specific expert system or intelligent checklist application that would help deploy a revised business model for providing services. They could seek help for identifying existing tools experts capable of developing an application appropriate for their needs and funding for pilot efforts that could then, if successful, be publicized and reused elsewhere. Development of high-level expert systems will be governed by a state's rules governing the practice of law.

Next Steps for Reaching the Vision

Create a Steering Committee to Provide Leadership for Achieving the Integrated System

LSC will reconvene the group that planned the Summit to discuss how to achieve the goals identified in this document. It is anticipated that this group will present the vision for an integrated system to other national organizations supporting access-to-justice entities, urging their endorsement and asking for their support and guidance.

Activities for the steering committee may include designating:

- A small group to provide day-to-day direction to the initiative
- An appropriate supporting entity that can receive and administer funding raised to support the effort

- A more detailed action plan and timeline for the initiative revised on at least an annual basis

- A plan for generating and dispensing the funding that will be necessary to implement the initiative

Develop an Ongoing Outreach Process

It will be essential for the steering committee to communicate with the national organizations that represent access-to-justice stakeholders. The committee must reach out to, and obtain the support of, Access to Justice Commissions in every state in which they exist. These entities are natural allies, because they invariably have cross-organizational memberships and missions.

The steering committee must inform the trial court community of the vision to develop a general level of acceptance and to prepare a receptive environment for overtures from local legal services programs and bar associations to participate in pilot program activities. The Steering Committee must also engage with representatives of the joint committees on Access, Fairness and Public Trust of the Conference of Chief Justices and the Conference of State Court Administrators, with the National Center for State Courts, and with the National Association for Court Management to develop a strategy for reaching a significant part of the courts community.

This vision calls on legal services organizations to rethink a service delivery model that has been in place for more than a generation. LSC will need to reach out to and work closely with legal services leaders to obtain their input and assistance.

Develop a Funding Strategy

The steering committee will conduct an analysis of the costs associated with developing, deploying, and maintaining the pilot projects proposed. This analysis will produce an estimate sufficient to provide the basis for developing a funding strategy.

The committee will develop a funding strategy to seek financial support from multiple sources with the goal of leveraging congressional appropriations through additional private funding, including:

- LSC's Technology Initiative Grant program for essential initial activities, provided TIG funds are within the framework of the TIG program and awarded using the existing competitive process

- The State Justice Institute

- State legislatures and courts

- IOLTA programs

- Private foundations

- Corporate sponsors

- Individual donors

- Private venture capital investment in supportive applications that involve lawyers in the provision of unbundled legal services.

The strategy should include periodic meetings of all entities that supply financial support for the initiative to provide them with progress reports.

Develop a Replication Strategy

Even if all of the pilot projects prove successful, the initiative might fail unless the pilots are replicated in other jurisdictions. It is unrealistic to expect any funding strategy to find enough new money to do this replication. The pilots should be able to demonstrate not only that they improve access to justice, but that they are cost-neutral or result in savings. Therefore, a component of each pilot's evaluation needs to be a study of the return on investment for the project. To be most effective, these pilots will need an evaluation strategy that establishes the business case for their replication with hard data.

Develop a Communications Process

The initiative will need a communications program to provide progress reports on projects and to keep the access-to-justice community (both IT specialists and legal practitioners) informed concerning emerging best-of-breed applications, technology trends and developments, and strategic analyses of the implications of larger technology trends for the initiative and for the access-to-justice community more broadly.

Conclusion

The Summit resulted in a blueprint for using technology to provide some form of effective assistance to 100% of persons otherwise unable to afford an attorney for dealing with essential civil legal needs. We look forward to working with the broader legal services community to implement the Summit's vision for an unprecedented expansion of access to justice in the United States.

Endnotes

[1]Legal Services Corporation, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low Income Americans*, 2009, p.13.

[2]http://jolt.law.harvard.edu/articles/pdf/v26/26HarvJLTech241.pdf

[3]http://jolt.law.harvard.edu/symposium/

[4]The term "triage" is placed in quotations because its use here is different from its source meaning in battlefield and other medical emergency situations, where a large number of casualties are sorted into groups to make the most effective use of limited treatment resources in medical circumstances. One of the groups is people whose wounds are so grievous that they are abandoned. This initiative, by contrast, has as its mission ending the current practice of abandoning (i.e., providing no service to) large numbers of poor people with essential civil legal needs. We use the term "triage" as it is commonly used today, including in the access-to-justice community, to characterize a range of strategies for allocating scarce resources most effectively.

[5]Such websites are already in place in every state. The initiative will ensure that they are accessible through smartphones and tablets as well as computers.

[6]Computer games use various techniques such as competition and rewards to keep users engaged. Similar tactics are being introduced into other software and websites to encourage users to complete the tasks and thus maximize their learning. This technique is called "gamification."

[7]Data "tags" are standardized notations identifying the nature of the data in a particular data field so that the data can be exchanged among different computer systems—e.g., so that information concerning "apples" in one application can be placed into the location for "apple" information in another application.

[8]As of May 2013, according to Pew Internet & American Life Project, http://pewinternet.org/Commentary/2012/February/Pew-Internet-Mobile.aspx

Attendees from the First Session of the Summit

Name	Title	Company	City	State
IV Ashton	President & General Counsel	LegalServer	Chicago	IL
Jorge Basto	CIO, Judicial Council of Georgia	Administrative Office of the Courts	Atlanta	GA
David Bonebrake	Program Counsel	Legal Services Corporation	Washington	DC
James Cabral	Senior Manager	MTG Management Consultants LLC	Seattle	WA
Abhijeet Chavan	CTO	Urban Insight, Inc	Los Angeles	CA
Thomas Clarke	Vice President, Research & Technology	National Center for State Courts	Williamsburg	VA
Lisa Colpoys	Executive Director	Illinois Legal Aid Online	Chicago	IL
Leonard DuCharme	Chief Strategy Officer	HotDocs Corporation	Lindon	UT
Fern Fisher	Deputy Chief Administrative Judge NYC	New York State Unified Court System	New York	NY
Eric Fong	IT Supervisor	Legal Assistance Foundation of Chicago	Chicago	IL
Jeff Frazier	Senior Director	CISCO	RTP	NC
Jamie Gillespie	Director of Operations, Odyssey	Tyler Technologies	Plano	TX
Richard Granat	President	DirectLaw, Inc.	Palm Beach Gardens	FL
John Greacen	Principal	Greacen Associates, LLC	Regina	NM
Pamela Harris	Court Administrator	Montgomery County Circuit Court	Rockville	MD
Steven Hollon	Administrative Director	Conference of State Court Administrators	Williamsburg	VA
Bonnie Hough	Managing Attorney	Administrative Office of the Courts	San Francisco	CA
Molly Jennings	Outreach Editor	Harvard Journal of Law and Technology	Cambridge	MA
Bill Jones	Technology, Information & Content Coordinator	American Bar Association Center for Pro Bono	Chicago	IL
Stephanie Kimbro	-	Kimbro Legal Services, LLC	Wilmington	NC
Marcia Koslov	Executive Director	LA Law Library	Los Angeles	CA
Lisa Krisher	Director of Litigation	Georgia Legal Services Program	Atlanta	GA

Name	Title	Company	City	State
Karen Lash	Senior Counsel	US Department of Justice	Washington	DC
Marc Lauritsen	President	Capstone Practice Systems	Harvard	MA
Susan Ledray	Pro Se Services Manager	4th Judicial District Court, MN	Minneapolis	MN
Lora Livingston	District Judge	Travis County	Austin	TX
Andrea Loney	Executive Director	South Carolina Legal Services	Columbia	SC
David Maddox	Assist. IG for Management & Evaluation	LSC/OIG	Washington	DC
Phil Malone	Clinical Professor of Law	Harvard Law School	Cambridge	MA
Ed Marks	Executive Director	New Mexico Legal Aid	Albuquerque	NM
Michael Mills	CEO	Neota Logic	New York	NY
Mark O'Brien	Executive Director	Pro Bono Net	New York	NY
Snorri Ogata	Chief Technology Officer	Orange County Superior Court	Santa Ana	CA
David Otte	CIO	Sidley Austin LLP	Chicago	IL
Alison Paul	Executive Director	Montana Legal Services Association	Helena	MT
James Pierson	Director Center for Innovation, PeaceHealth	PeaceHealth	Bellingham	WA
Laura Quinn	Executive Director	Idealware	Portland	ME
Glenn Rawdon	Program Counsel for Technology	Legal Services Corporation	Washington	DC
Linda Rexer	Executive Director	Michigan State Bar Foundation	Lansing	MI
Jane Ribadeneyra	Program Analyst	Legal Services Corporation	Washington	DC
James Sandman	President	Legal Services Corporation	Washington	DC
Maria Soto	Sr. VP Operations	NLADA	Washington	DC
David Tait	Professor	University of Western Sydney	Picnic Point	-
David Tevelin	-	Tevelin Consulting Group	Arlington	VA
James Waldron	Clerk of Court	United States Bankruptcy Court	Newark	NJ
Paul Wieser	-	Nunc Software LLC	Boardman	OH
Richard Zorza	Founder	Self-Represented Litigation Network	Washington	DC

Attendees from the Second Session of the Summit

Name	Title	Company	City	State
IV Ashton	President & General Counsel	LegalServer	Chicago	IL
David Bonebrake	Program Counsel	Legal Services Corporation	Washington	DC
Kevin Bowling	Court Administrator	20th Circuit Court	West Olive	MI
Kevin Burke	District Court Judge	Hennepin County District Court	Minneapolis	MN
Peter Campbell	CIO	Legal Services Corporation	Washington	DC
Alan Carlson	CEO	Orange County (CA) Superior Court	Santa Ana	CA
Thomas Clarke	Vice President Research & Technology	National Center for State Courts	Williamsburg	VA
Lisa Colpoys	Executive Director	Illinois Legal Aid Online	Chicago	IL
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Equal Access Project

Providing Materials for Providers of Legal Self-Help Services

Background
-California Efforts in Helping SRLs
-Planning (Action Plans)

Program Management
-Program Ops
-Case Management
-Volunteers/Pro Bono
-Funding

Research and Eval.
-Evaluation Tools
-Program Evals

Service Delivery Models
-General Practices
-Distance Services
-Law Libraries

Pro Bono
-Pro Bono Toolkit
-Encouragement of Pro Bono by Judicial Officers
-Volunteers in Self-Help Centers

Instructional Materials
-Basic legal info and explanation about court process in different subjects

Staff Resources
-Training Materials
-Tools for working with SRLs
-Guidelines and Ethical issues for staff
-Hiring/recruitment
-staff development

LEP Resources
-Translated materials, forms, websites
-Interpreter resources
-multi-lingual glossaries
-online translation tools

Ethical Issues
-Judicial Ethics
-Limited Scope/ unbundling
-Court Clerks
-Self Help Center

Tech. Resources
-Interactive Programs for litigants
-Law Help interactive programs
-Self-Help court websites
-SRL Websites
-Form completion programs

Conferences and Training
-Materials from past conferences and trainings

Newsletters
-

There are a plethora of forms, surveys and toolkits for every aspect of Access to Justice. For instance, for program management there are program operations materials, i.e intake forms, triage tools, flyers, etc., as well as case management materials and materials for funding and recruiting/retaining volunteers and pro bono lawyers. There are forms and surveys for lawyers, judge observations, SRL exit surveys, and much more to facilitate program evaluation. There is also an assessment tool developed by the Trial Court Research and Improvement Consortium Executive Program (looks similar in form to the MHC standards). I know we are focusing more on family law issues, but there are self-help materials for guardianships, unlawful detainers, and small claims. This website not only has informational material from California courts, but also from courts in Washington, Alaska and Wisconsin. I would definitely recommend this website to the committee as this would give them a quick jump start to taking action on Access to Justice initiatives.

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UA Students Partner with Court to Simplify Legal Instructions

By Alexis Blue, University Communications | February 6, 2013

Law and English students are working together with the Pima County Superior Court to rewrite complex instructions for filling out legal forms related to divorce, child custody and other family law cases.

UA law and English students are working with the Pima County Superior court to revise and simplify complicated language in legal instructions.

Law students and English students from the University of Arizona are working with the Pima County Superior Court to simplify complex language in instructional packets related to divorce, child custody and other family law proceedings.

In an estimated 82 to 83 percent of new family law filings, one or both parties involved are not represented by an attorney, often because they cannot afford one, said Pima County Superior Court Commissioner Dean Christoffel.

They often are left to fill out complicated legal forms with little or no professional guidance, which can be daunting when the basic instructions are written in legal language that may be difficult for the lay public to understand.

Christoffel, commissioner of Pima County Superior Court's family law bench, recognized the problem and turned to the UA for help.

The result was a for-credit internship program dubbed Simpla Phi Lex (*lex* is Latin for law; the Greek *phi* is a play on the University connection).

The interdisciplinary project, in its third semester at the UA, unites the writing skills of English students with the legal savvy of law students. The students work together to make clear, succinct and accurate revisions to the instructions that accompany family law forms.

The students have been working with about 26 packets of text, available to the public through the Pima County Superior Court's self-service center. The goal is to have their changes implemented by the end of this semester.

"The whole idea is to make the instructions approachable, readable and instill a sense in people that they can do this," Christoffel said. "There is so much at risk when people are doing this – their savings, their emotional past life, their children, their children's future."

Christoffel said he hopes to eventually expand the project into other areas of law as well, and to grow partnerships with the University, perhaps including students from the **Eller College of Management**.

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Arizona Initiatives

1st Initiative

2nd Initiative

3rd Initiative

Resources

The partnership between the UA and the Pima County Superior Court not only helps the court and the people it serves, it also gives the students valuable cross-disciplinary experience, said the UA's Barbara Atwood, Mary Anne Richey Professor of Law Emerita, who coordinates the project's law students.

"The law students are learning something more about good writing, communication and expression, and the English students are strengthening their writing abilities and learning about writing in a legal context," she said.

The project's three English students, coordinated by University Distinguished Professor of English Jerrold Hogle, do much of the rewriting, while the law students check the legal accuracy of their work and ensure that no essential information was lost in translation. The text is then reviewed by Christoffel and his colleagues.

Larry Hogan, team lead on the project, and a senior majoring in non-fiction creative writing through the UA **English department**, said his experience with Simpla Phi Lex has piqued a new interest in a technical writing career.

"What I've learned is that writing can be really applicable to the business world. I was amazed that these skills are so needed out in the workplace," said Hogan, who has worked professionally as a teacher, freelance writer, photographer and IT professional.

Hogan also is working to incorporate graphics and visual aids into the instruction packets to help make them even more user-friendly.

Kaytlyn Yrun-Duffy, one of two law students on the project this semester, said working in depth with the legal packets has given her a new understanding of the issues facing those going through divorce or child custody cases, something she first encountered while volunteering for a self-service clinic at the court.

"So many clients would come in so confused. They couldn't figure out what the instructions wanted them to do," said Yrun-Duffy, who is in her third year in the UA's **James E. Rogers College of Law**. "They're already going through something stressful, and this makes them even more stressed out."

"This project has allowed me to see what the mass population needs and what they're going through," she said.

She said she's also appreciated having the opportunity to work with students from a different discipline."

It's awesome to work with students from other fields, because we'll be working with experts from different fields all throughout our careers."

Triage Protocols for Litigant Portals:
A Coordinated Strategy Between Courts and Service Providers

December, 2013

Prepared by
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I. Introduction

The central importance of triage[1] within the legal system is increasingly recognized by numerous stakeholders in the justice system, including court administrators seeking to gain financial efficiencies through technology, legal service providers allocating the scare resource of attorney assistance and judicial officers who must maintain fair proceedings when litigants are self-represented. [2]

As explored in the 2011 article *Case Triage for the 21st Century*, by Thomas M. Clarke and Victor E. Flango, triage takes differentiated case management to the new levels of sophistication and has profound implications for how courts are organized and offers opportunities for significant gains in efficiencies.[3] Triage has also been the focus at two recent Legal Services Corporation (LSC) Strategic Technology Summits that identified six components as priorities for enhancing access to justice: business process analysis, expert systems and intelligent checklists, statewide legal portals, document assembly, triage and mobile technologies.[4] Yet it is clear that these components are not independent and discrete strategies; rather they themselves can be sequenced and integrated with to provide a litigant-centered set of assistance services. And finally, in light of the 2011 Supreme Court decision in *Turner v. Rogers*[5], trial court judges must now be asking themselves whether the procedures within their court for the self-represented litigant (SRL) pass constitutional muster.

In studying this issue, the Research Committee of the Self-Represented Litigation Network (SRLN) found that courts generally lack formal protocols for helping litigants to find appropriate assistance. Instead, courts make decisions based on available resources or intuitive decisions about individual litigants by court self-help staff. The need for more formal triage protocols that could be used by both litigants and court staff is evident. And while many legal services programs and self-

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[1] Triage in the legal context is distinctly different than in the medical context. It does not prioritize resources to certain litigants over others to the extent that it leaves some untreated. Rather it is a process of rational distribution of resources based on litigant need and case complexity to assure all litigants have equal access to justice. In other words, triage should be designed to sort resources and people to enable the most just, accurate and efficient result for all.

[2] For a comprehensive discussion of legal triage itself, see *The Access to Justice "Sorting Hat" – Towards a System of Triage and Intake that Maximizes Access Outcomes*, 89 Denv. U. L. Rev. 859 (2012)

[3] Clarke, Thomas M. and Victor E. Flango. *Case Triage for the 21st Century*. National Center for State Courts, Future Trends in State Courts (2011). http://ncsc.contentdm.oclc.org/cgi-bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=1847

[4] The 2012 Summit resulted in a collection of white papers, included seven that were published by the Harvard Journal of Law and Technology. Visit http://tig.lsc.gov/lsc-technology-summit-papers for a complete list of work produced.

[5] *Turner v. Rogers*,131 S. Ct. 2507 (2011) reversing a child support civil contempt incarceration for failure to provide procedures that would ensure sufficient fairness and accuracy to a self-represented litigant. The court indicated that the procedures needed would depend on the particular circumstances of the case, thereby in effect endorsing the need for triage, at least in such cases in which such accuracy and fairness were not protected by the provision of counsel.

help centers use checklists to screen and sort cases, these have been designed only to meet the program need, and do not consider broader systemic issues.

It is an extremely complex undertaking to redesign these systems, and in the broadest sense these ideas involve court re-engineering, which is beyond the scope of this paper. The modest goal of this paper is to introduce a framework of triage protocols to improve the litigant experience, expand access to justice and offer new efficiencies to courts and legal service providers. The protocols are designed around the concept of web portals,[6] which are becoming a central tool for courts as they plan how to respond to the growing number of SRLs even while facing shrinking budgets. In addition to enabling on-line document assembly and e-filing, web portals offer a tremendous opportunity for providing high quality legal education and access to appropriate legal service providers.

A project team that included representatives from the courts, the civil legal aid community and the private bar engaged in a joint process to develop these protocols. The process gave rise to an illuminating dialogue of how each constituency presently conducts triage. But for triage to be successful on a systemic level, stakeholders cannot continue independently to design and deploy triage systems for litigants. By definition, a litigant portal requires coordination between the courts, and the legal and non-legal service providers because litigant users will want these portals to provide access to legal and practical information. This will make it possible for them to explore how specific facts and circumstances could generate different outcomes, and what, if anything, they could do to improve their outcomes. Moreover, close analysis makes clear that the services litigants receive externally to the court case greatly impact how the case will proceed within the court's case management system. Hence, any set of triage protocols must integrate the services and processes of all stakeholders, and be designed to accommodate a dynamic and iterative process.

The proposition in this paper is that it is possible to collect information in a way to establish generally standardized and coordinated triage protocols that link litigant services, courts and legal services. From this process each stakeholder will realize significant gains in efficiency, cost savings and user satisfaction. This paper proposes protocols for evictions, divorces, foreclosures, and credit card debt, case types in which a high percentage of cases involve self-represented litigants. The

[6] The word portal is a term of art that refers to specific website functionalities and how users interact with those functionalities. A web portal is a specially designed webpage at a website that brings together information from various sources, often allowing users to configure what is displayed, and permitting the user to search the collection. It may offer a secure log-in so that users can create their own space, which can include digital files, services and information. Many court webpages that provide comprehensive self-help materials have essentially created a self-help portal, but a true portal has not been created until users can create their own space and control what resources are engaged. E-filing applications and on-line document assembly projects have web portals. This paper is proposing that triage resources be integrated into such portals.

intent of this paper is to be a starting point for future elaborations of the protocols for triage of self-represented cases.

II. Three Distinct Protocols for the Key Stakeholders: Litigants, Courts and Legal Services Providers

The underlying assumptions guiding these protocols are that 1) litigants are driven by a desire for easy-to-understand information to anticipate outcomes and an assessment of the degree of professional assistance they might reasonably need, and 2) both the courts and legal service providers are driven by an need to maximize fixed resources to meet the ever expanding demand in an accessible and just manner. By considering these assumptions in conjunction with technological and human tools and practices, the basic structure of the protocols is as follows.

A. Litigant Choice Protocol

The Litigant Choice Protocol is designed to allow the layperson to access legal information and to predict how a matter might progress depending on different variables. This protocol is designed to collect and share information with the following progression:

- Litigant Goal
- Information Gathering and Exchange
- General Analysis Concerning Legal Complexity and Possible Outcomes
- Highlight of Special Considerations
- Options & Choice

B. Court Protocol

The Court Protocol is designed to collect and share information to assist courts in predicting and selecting resources required to process a matter based on certain facts that are well accepted indicators of complexity, and in doing so track cases based on whether they need:

- Formalization Only
- Finalization With Assistance
- Decision Making With Assistance
- Intensive Attention / Full Litigation

C. Provider's Protocol

This protocol is designed to collect and share litigant information in a way to assign an appropriate mix and level of legal and non-legal assistance such as:

- Self-Help
- Non-Attorney Professional Services
- Unbundled Assistance
- Full Representation

III. How Diagnosis is Performed

Implicit in these ideas is the concept of diagnostic triage – that factors will be taken into account in order for cases to be assigned to tracks and for litigants to be assigned services to enable them to manage and present their cases within the assigned tracks.

While the diagnostic process will vary depending on case type, and circumstances, the project initially envisioned a hierarchy of three possible diagnostic processes, automated, human review, and human assistance, with the second being used if the first is deemed inadequate as either a general matter or on the facts of the case, and the third if the second was inadequate; it would not necessarily be the case that all three processes would be needed.

However the project team found that these processes could not be so clearly separated in the real world. For example, litigants facing an emergency or immediate court deadline require access to a skilled person whose interviewing skills will be essential in prioritizing action. Similarly, people lacking access to quality web based resources and/or skills to navigate the web must not be excluded. Whereas, those who can navigate the Internet ad are not facing a time sensitive issue can reasonably use on-line resources in a logical progression. While it is definitely advantageous to provide triage advice based on easily acquired or available data if possible, there are times when more complex services and processes may be required either as a default or as a frequent insurance of due diligence.

A. Automated Review & Interface

In order to maximize efficiency and accuracy, the diagnostic process within each protocol is likely to begin with automated assessment, with allowances for special circumstances such as an emergency, deadline or access challenges. Today's litigant seeks nearly all of their information from the Internet, and has demonstrated a widespread comfort in obtaining diagnostic assessments from the Internet, whether through portals such as WebMD or online calculators to determine how much they can borrow or how much their car is worth. In the context we describe in this paper, a web portal ought to permit a user to learn and plan, including communications with legal services providers, and when ready, to file with the court through on-line documents assembly programs and then to track and manage their court case.

The potential efficiency of designing integrated litigant/court/provider portals that can ship data back and forth without duplicative data entry is extraordinary, but must be engaged upon with extreme caution. From the litigant perspective, the threshold issue is accuracy, followed quickly by concerns for privacy and preservation of strategic choices. For instance, it is reasonable to expect that a litigant may enter hypothetical information to experiment with different results or simply guestimate because he or she does not have access to the information. He or she should not want to be held accountable for such inaccuracies. Additionally, a

litigant may or may not recognize the potential privacy concerns from the click of a button, and without legal advice certainly will not understand how premature disclosure of certain information may forestall strategic options. From the court's perspective, a seamless data exchange could result in inaccurate and unnecessary information that would require more procedures to sift and verify. And while a provider is likely to seek to collect the same screening information as requested by a litigant portal, legal services providers must assure that information is collected in a manner that ensures attorney-client privilege attaches and is protected. Because of the complexity of these issues, the project team was concerned that localities may be dissuaded from attempting an integrated system, and therefore recommended that pilots progress incrementally.

B. Human Review

Based on the outcome of an initial automated process, a human review of the documents must be made available to handle the exceptions. And like most modern portals, the option to interact with a human in real time via multiple channels should always be available.

C. Human Interview

The final potentially available, but not necessarily always used, diagnostic triage process would be a human interview.

As will be seen in the examples that follow, the division of labor between people and computers becomes intuitively obvious, but so does the fact that a strict independent hierarchy between diagnostic techniques is not appropriate. Rather this is an interdependent and dynamic process between the protocols of each stakeholder that requires the planners and designers to consider this as an iterative process.

IV. Application of the Protocols to Various Case Types

As the multi-state project team worked through the protocols for each case type, the variations in state law and local practices made it impossible to propose universal triage protocols. However, the team was comfortable recommending general approaches and ultimately concluded that the most successful triage protocols will be those that are not overly complex, but rather focus on dispositive data points that impact resource allocation.

For example, in eviction matters, if the tenant has a Section 8 housing voucher, he or she stands to lose that voucher if evicted, with major long-term impact. Therefore courts could reasonably predict that cases with vouchers will be more vigorously defended than those without, and as such those cases will consume more court resources and could be tracked accordingly. Perhaps a forms revision that collects

this data point, which is generally irrelevant in the eviction case before the judge, would allow the court to batch more cases without a voucher on one calendar, and fewer cases with vouchers on another. Having such a straightforward count of the voucher cases in a given jurisdiction would also help legal and non-legal service providers to predict and adjust their resource allocation. Attention to this detail in a litigant portal may impact litigant behavior in such a way that homelessness is reduced and the housing security of children is increased. Engaging in this kind of coordinated triage among stakeholders can create significant cost savings and social benefits for the entire community.

V. Eviction Protocols

In the eviction scenario, which requires the two separate litigant perspectives of landlord and tenant, this report proposes a model in which the litigant makes a decision based on desires and predictions about outcomes. The court protocol determines the track by the strength of the defenses and the strength of the landlord's determination to evict. The provider protocol creates results that depend on the capacity of the litigant to raise and present defenses effectively in the context of the court.

A. Litigant Choice Protocol

The litigant choice protocol envisions an on-line portal that permits users to enter different permutations of data to predict possible outcomes, identify dispositive pieces of information, and locate resources – whether legal, non-legal or alternative dispute resolution options outside of the judicial forum, including on-line systems. Given the expedited nature of evictions in many jurisdictions, a human option would need to be easily available.

1. For the Landlord

Goal

The first question is whether the goal of the landlord is to get as much money as possible, and minimize loss, or to terminate the tenancy. In either case, the decision whether or not to file depends on the costs, the benefits, and the likely outcomes. If the landlord decides to file, the decision is to file for possession only or also for damages.

Information Gathering and Exchange

Some of the key information to be collected from the landlord includes basis for eviction, confirmation notice requirements were followed, relationships, financial flexibility, rent control, and whether the tenant has a public housing voucher. Other useful information may be how many rental properties the landlord owns, where they are located, and whether any complaints have been filed against him or her for

code violations. Capacity[7] and representation status of both the tenant and the landlord are important.

General Analysis Concerning Legal Complexity and Possible Outcomes
The system could help landlords calculate estimates for the length of time until eviction/execution, the costs of the procedure, and the probabilities of outcomes (based on information about the underlying claim and possible defenses.)[8] If the court filing fee is large enough, it may need to be assessed against the size of the estimated reward. These numbers will depend partly on state law and the culture of the particular court.[9] The calculator should offer odds (and costs) that the tenant will get a lawyer. Results for both possibilities should be estimated. Landlords can then make decisions about whether to proceed, and whether to get a lawyer.

Highlight of Special Considerations
Because the willingness of the tenant to fight the action is probably the most important criterion, followed by the tenant's capacity or representation by counsel, the portal should highlight factors that impact these criteria such as a public housing voucher, rent control and tenant's experience defending these matters.

Options & Choice
In addition to offering likely outcomes based on the facts, the options stage should also include an assessment of the whether the legal complexity warrants unbundled or full legal representation, whether non-lawyer services could be helpful, and an option for an on-line negotiation tool should the landlord want to try a direct negotiation before incurring the costs of filing in court.

2. For the Tenant

Goal
There are two initial choices here – whether to default, or whether to seriously contest the eviction and/or negotiate the best possible terms.

Information Gathering and Exchange
The information available to gather or exchange will vary depending on whether the tenant has been served with a complaint for possession or whether he or she is

[7] Capacity in the context of the triage discussion does not refer a litigant's legal capacity to proceed, rather it refers to a litigant's ability to navigate the legal system based on his or her skill at reading and writing, familiarity with the court system, experience with complex analysis, and/or mental health concerns, among others. In the triage context, litigant capacity is likely to be an important element of the algorithm designed to make recommendations, whether it contributes to the analysis of whether the person can complete forms, handle discovery, predict the vigor of a defense or gauge the appropriate level of representation.

[8] Possible questions: How long is the non-payment period? Do you have proper proof of notice to quit, are there any code violations (and if so, what is their relationship to the amount owed)? Has the tenant a history of non-payment? Do you expect the tenant to get a lawyer?

[9] The less sophisticated version of the calculator would simply give percentage data for each answered question. A more sophisticated one would rely on regression analysis. The most sophisticated version would use only factors validated by randomized studies.

assessing the risks of being evicted in the future. Some critical kinds of information are details about the terms of the lease, the landlord's allegations, actual defenses available, ability to cure, financial information, whether a public housing interest are involved and prior experience with courts or government agencies, as well as the ability to manage those experiences. Many legal services offices have well-developed intake protocols that could be adapted for a litigant portal.

General Analysis Concerning the Legal Complexity and Possible Outcomes
The protocol then analyzes legal complexity, litigant capacity and possible outcomes as informed by the court and provider protocols and provides the litigant with possible results, warning that they are only estimates based on statistics and possibly human judgments. If litigant service organizations can commit to providing services (assuming litigants pass eligibility screening) as determined at this stage, then the warnings may be weaker and reflect a smaller possibility of not getting counsel. Legal service providers already have well developed checklists that could be integrated into such a protocol.

Highlight of Special Considerations
Because the willingness of the tenant to fight the action is probably the most important criterion, followed by the tenant's capacity or representation by counsel, the portal should be clear in communicating the significance of these factors, especially if there is a significant interest such as a public housing interest or rent control. The tenant should also be made aware of the significance of a housing voucher. Legal services programs report that many tenants are unaware that an eviction could result in the loss of the voucher. Another special consideration in housing matters is whether the state law allows landlords to file a claim for damages within the same pleading for possession. In states that allow this, tenants often miss the fact that a civil case for damages is moving ahead on a separate timetable from the expedited possession case, resulting in defaults in the damages case because tenants believe the appearance on the possession matter addressed all issues.

Options & Choice
In addition to offering likely outcomes based on the facts, the *Options & Choice* stage should also include an assessment of the whether the legal complexity warrants unbundled or full legal representation, whether non-lawyer services could be helpful, and, if appropriate, offer an on-line resolution forum. Again, outcome statistics and possible judgment information can be provided. With respect to the court action, the tenant decides among the following options:

- Filing a pleading with the understanding that self-representation will be all that is available.

- Filing a pleading, anticipating that a non-profit organization will provide either unbundled or full service representation.

- Filling a pleading, planning to obtain legal services on their own.

What this approach might look like in practice is an interesting question. Tenants might want to ignore the statistics for negative outcomes if they highly value a good credit rating. Sometimes a tenant may wish to pursue the case to buy time. Delay is a good outcome because it enables them to come up with options. Those options may be affected by the lack of employment in some cases. If there is no ability to pay damages, then a landlord may be more willing to settle. Additional factors may include how much time is left on the lease, if the lease is rent to own, and if the tenant is in public housing.

B. Court Protocol

This protocol is designed to collect and share information so that courts can track cases and predict resource allocation based on well accepted indicators of complexity. The precise court paths available in an eviction case will depend on the state law and the court environment, and will be greatly influenced by the data collected through the pleadings, as well as the checklists and procedures used by the judge. For example, in some states a landlord can include a claim for damages in his or her initial pleading for possession, and in other states a landlord must file a separate action to pursue a claim for damages.

Parties have few incentives to plead their best offer, and in fact, would likely be advised against doing so. But with respect to certain dispositive factual points, pleading rules, and if permissible in a jurisdiction, form revisions could simplify the triage process by requiring the landlord to certify (and prove) in the complaint compliance with technical requirements. If the jurisdiction requires an answer, the tenant could be asked to indicate specific defenses or whether there a public housing or rent control interest is at stake. These are the sorts of data points that may be easy to gather and can substantially inform the triage process. In addition to assessing a tenants' defenses or a landlords' intent in actually ending the tenancy, judicial checklists should also strongly encourage parties to avail themselves of assisted settlement options.

For example in Hennepin County, Minnesota, Housing Court calendars are conducted with the availability of mediators and legal services and pro bono attorneys. At the start of the calendar, parties are encouraged to get unbundled assistance from the legal services attorneys if they are low income, and to make use of mediation services. Judicial officers reinforce use of the resources to attempt settlement and understand rights and responsibilities. The presence of the lawyers is believed to increase settlements, as parties are informed of the law, the likelihood of success asserting defenses, practical considerations and resources for emergency rent assistance. This court-assisted triage results in 90% of all cases filed settling. If clarification can be that effective in resolution, it is encouraging to consider that the litigant choice portal may in fact be successful in deferring cases from the court all

together, which underscores the importance of designing all triage resources in an integrated fashion.

Formalization
Within the context of the protocols, formalization refers to the situation in which no further action is necessary from the parties or court, and whatever document filed is complete and ready for signature. This is an unlikely option in the eviction setting, unless the tenant fails to appear and the court grants a default. Were a court to have a robust litigant portal that includes space for them to manage their case, parties could have the option of indicating through the portal, in advance of the court date, that they have reached an agreement and its terms, thereby creating a document for signature.

Finalization with Assistance
Formalization with assistance refers to the situation when the parties have reached an agreement, either to vacate or cure, and simply need the court to record the agreement. While it is unlikely that the court would be able to ascertain this from the pleadings, a judge can inquire at the beginning of a mass calendar whether any agreements have been reached, and if so those parties will be called first to memorialize their agreements. It is envisioned that the litigant choice protocol will have helped parties decide on the viability of their claims.

Decision Making with Assistance

- Track One: These are cases in which there are significant defenses, either through procedural defects or habitability violations, and the landlord's goal is other than actual immediate eviction. These need settlement assistance rather than trial services.

- Track Two: These are cases in which there are no significant defenses, but the landlord's goal is not actual immediate eviction. These need settlement assistance and income optimization services.

Intensive Attention / Full Litigation

- Track Three: These are cases in which there are significant defenses, either through procedural defects or habitability violations, and the landlord's goal is actual eviction. These need trial services. The nature of these trial services will depend on the representation status of the parties.

- Track Four: These are cases in which there are no significant defenses, and in which the landlord's goal is actual eviction. What court services are needed will depend on whether the tenant is represented, and possibly on other factors.

Triaging between the specific tracks is determined by the strength of the defenses and the determination of the landlord to obtain an eviction. In fact, settlement assistance may be useful in all four tracks.

C. Provider's Protocol

For providers assisting clients in eviction matters, we suggest a party-contrast capacity based model. In this model, it is assumed that online information and general self-help services are available to all litigants, although the precise nature of these services will depend on the court track to which the case is assigned. As previously mentioned, many legal service providers have developed comprehensive intake and screening tools to determine whether to take the case for representation, which will be enormously helpful in building integrated systems.

1. Negotiation track:

    a. No lawyer, government agency, or repeat landlord is on other side:

        i. The default assignment is self-representation.

        ii. If there is a lack of litigant capacity, then the case requires unbundled representation.

    b. A lawyer, government agency, or repeat landlord is on other side:

        i. The default is unbundled representation.

        ii. If the litigant is highly skilled, they may self-represent.

        iii. If the litigant lacks capacity, then full representation is required.

2. Litigation Track (used only if the litigant has a strong defense and the landlord wants an eviction):

    a. No lawyer or government agency is on other side:

        i. The default is unbundled representation for trial preparation only.

        ii. If there is a relative lack of litigant capacity, then a trial requires unbundled representation.

        iii. A total lack of litigant capacity requires full representation.

    b. A lawyer or government agency is on other side:

i. The default is full representation.

VI. Family Law Protocols

This group of protocols is for divorce cases, including those with or without children, assets, or pensions, and custody and support cases for unmarried parents.

A. Litigant Choice Protocol

No protocol should tell someone whether or not to seek a divorce. It can, however, educate a user about what kind of cost-benefit analysis could inform his or her decision to pursue a particular form of relief – non-standard child support, non-standard custody or visitation orders or other special terms, and identify factors that create particular legal complexities. All family law matters are emotionally complicated, but a minority give rise to significant legal complexities.

Goal
The litigant is initially asked if standard results are acceptable, and to identify specific factual data points that are known to result in a variation, such as domestic violence, substance abuse, mental health concerns, long-distance living arrangements between parents and the like. Therefore the standard results for the jurisdiction need to be enumerated, as well as the factors that are special considerations. Project team members noted that identifying standard results and special considerations could become a controversial process, especially in jurisdictions that do not offer the "menu of parenting plan choices" approach. However, the coordinated triage planning approach recommended in this paper could ameliorate the controversy as courts, legal service providers and members of the bar hear the different ways standard results are summarized depending on the perspective of the stakeholder.

Information Gathering and Exchange
The litigant provides factual information about family composition, health, employment history, assets, and debts. In addition, the litigant is prompted to provide additional data concerning domestic violence, protective order history, a history of police attention, injury, or high expenses, children's special needs, unusual employment, military status or tribal membership, all factors that can create a variation from standard results. The essential point here is that a litigant is asked to provide information, not conclusions about the information. The algorithm would then assess the data to determine whether the situation warranted a more detailed human review. For instance, in the child support context, obligors are often entitled to a deduction for prior born children. The litigant portal would ask for the dates of birth of all children and have the user indicate which children were part of the current case. If there were prior born children to this case, the deduction would be

automatically included, without the user ever having to learn the specifics of the law.

General Analysis Concerning the Legal Complexity and Possible Outcomes
The protocol then gives the litigant a general response that is designed to filter out what are seemingly unreasonable options.

Highlight of Special Considerations
The protocol highlights which particular considerations are of special concern, and which could have a dispositive impact on the case. In family law, team members thought it appropriate that litigants get a sense of whether they would benefit from a delay in filing. For instance, because of the extreme economic effect divorce has on people, it is often advantageous for there to be a planning period to permit an unemployed spouse to re-enter the workforce before filing so that he or she has an income stream and independent access to health insurance. Cases involving bankruptcy, immigration, domestic abuse, mental health concerns, and substance abuse should almost always be connected with a person for at least human review, as these are the types of factors that could impact whether a case can or should move forward.

Options & Choice
The litigant ought to be offered a selection of options, as informed by the court and providers protocols, that include delay for planning purposes, referrals to appropriate legal and non-legal resources depending given specific data points, and if immediate filing is desired, the litigant should be passed on to the pleading generator.

B. Court Protocol

When litigants use online document assembly programs, the court can partly automate the review. Court staff can identify cases appropriate for the Formalization and Finalization court tracks.

Review of the remaining cases may indicate to the court which cases are most likely to end up in the Intensive Attention Track. For example, protective order filings, child protective cases, prior divorces with multiple hearings may all be predictors of the likelihood of the need for such attention. Some states find that the only cases not resolved using guidelines and 50/50 property divisions are ones involving spousal support, attorney fees, child support, attorney disclosure, or moves. But state law varies tremendously in these areas, and therefore requires a custom design by each locality.

The residual cases will then go initially into the Decision Making Track. However, it will be important to design the tracks so that cases can be quickly moved from one track to another as circumstances change.

There is some disagreement about the need to separate the Formalization and Finalization tracks. It may depend in part on the availability of court resources.

Formalization
This track is for those cases in which all the work has been done by the parties and there is no significant disagreement. Forms are complete upon filing and the case is ready to close. It may be possible to do this by mail or online. The final court decree is then mailed or emailed to the litigants.[10]

Finalization with Assistance
In this track there is some need for resolution of minor matters. The lack of resolution is usually not because of any fundamental disagreement between the parties, but because of a lack of realization of what has to be done. It can often be resolved by a quick meeting between the parties facilitated by court staff.

Decision Making with Assistance
In this track, there remain significant decisions to make, but there is no indication that making these decisions will be particularly difficult, acrimonious, or rely on particularly complex evidentiary of factual decisions. While there may be a need for an appearance before a judge on limited matters, the hearing is likely to be a summary proceeding, and the parties are likely to accept the decision and its consequences. Settlement assistance services will be a major part of the processing in this track.

Intensive Attention / Full Litigation
The difficult cases go in this track. These are cases in which it is unlikely that a brief hearing or mediation will resolve the matter. Rather, the cases are likely to require extended hearings, contempt hearings, and modifications, or other follow-up activity. Some cases will require intense attention only until a decision is reached. Others may require it only after the decision. Still others may need serious attention throughout the life of the case. The main thing is that these cases will require judicial time, staff time, and compliance monitoring (if the court views that as within its scope).

C. Provider's Protocol

Provider triage in domestic relations matters is extremely fact intensive as is illustrated by the extensive list of data points to be collected in the litigant's choice protocol. And as in all case types, it is heavily influenced by client capacity. Nevertheless, providers can collect and share information in an interactive fashion with users so as to assign an appropriate mix and level of legal and non-legal assistance to include:

[10] While this paper envisions a process supported by automation, it is worth noting that stakeholders do not need to wait for the deployment of sophisticated technological applications; they will benefit tremendously by initiating the process of designing coordinated triage protocols using existing tools, as this will inform future systems design.

- Self-Help
- Non-Attorney Professional Services
- Unbundled Assistance
- Full Representation

Provider protocols are also heavily influenced by which court track a litigant is on.

For instance, those in the *Formalization* and *Finalization* tracks will only need self-help assistance, even if there is a lawyer on the other side. Also, a human quick review should always be available to ensure that a litigant's lack of capacity to articulate the facts of the case have not inadvertently placed him or her on the wrong track. And in cases with an attorney representing one party, a human review of the SRL's position for reasonableness should be included in all circumstances.

Every litigant in the *Decision Making Track* will likely need an unbundled diagnostic interview to assess his or her capacity to present evidence and the strength of the opposition -- including whether the other side has counsel. There should be a presumption for continued unbundled assistance as needed, including unbundled counsel for unusually complex evidence or discovery. However, a technology based system of data accumulation at the pleading stage should reduce the need for discovery of third party documentary evidence because the parties can make data available directly, and once electronically submitted as a business record, the litigant does not need to wrestle with evidentiary rules of marking and entering evidence.

Full representation would be made available for those in the *Decision Making Track* who risked losing something to which they are entitled and lacked the capacity to proceed pro se or a serious imbalance was being caused by the presence of counsel on the other side. But again, robust data collection at the start of a case could reduce the need to provide full representation to the low functioning litigant if, for instance, the only interest he or she needed to protect were 50% of the spouse's retirement account. If the spouse had been required to transmit the information about the retirement account at the start of the case, and no facts were provided to vary from a standard division, the court could, in many jurisdictions, simply award the interests. In fact, once information about the retirement account was in the system, automated notices could go out about the necessity of Qualified Domestic Relations Orders (QDROs) if the retirement account were being split. The court could delay calendaring until the QDROs came in and litigants could seek provider services for unbundled assistance with that discrete task.

The *Intensive Action* Track needs counsel, with the presumption being for full representation. Unbundled counsel would be limited to situations where it is sufficient because of highly skilled litigants *and* because the case is on the *Intensive*

Action track because of underlying case complexity rather than a difficult relationship between the parties.

VII. Foreclosure Cases

Foreclosure cases differ significantly from Landlord-Tenant and Family matters because a third-party, in the form of government resources to assist homeowners stay in their homes through "work-outs," can significantly impact the direction and outcome of a case. These alternative "work outs," by which foreclosure can be avoided, are generally dependent upon the status of the underlying loan and the financial situation of the homeowner, rather than the legal defense. If homeowners get access to good information early on, they may be able to prevent the loss of their home. Foreclosure is a highly technical area, and whether homeowners have meaningful options can vary greatly on state law, as some states only allow judicial foreclosures, other non-judicial foreclosures, and still others have a mix of both. Therefore, decision trees will vary tremendously depending on the jurisdiction, although sorting concepts remain universal.

A. Litigant Choice Protocol

The litigant protocol follows the same analytic structure as in the other substantive areas. And while an on-line litigant portal is generally always a good starting point, the experience of a state like Ohio, which was particularly hard hit by the foreclosure crisis, is that early intervention by a highly trained housing specialist is an efficient and effective mechanism to match need with resources and options.[11]

Litigant Goal

The litigant faces the initial choice of trying to obtain a workout, fighting the foreclosure, or allowing the legal process to go forward, with a separate decision as to when or how to actually leave.

Information Gathering and Exchange

In the information gathering stage, the litigants will have to provide economic data on income, assets, debts, and the current market value of their home. They will also need to have specific information about the terms of their mortgage, payment history, arrearages and what action, if any, the lender has taken. A systemic improvement, such as with full disclosure through data transfer, would be to require lenders to make a full disclosure to homeowners of the underlying mortgage facts, including a full history of ownership and lack of defects in making and servicing loan, and a full provision of required information about available workout options. This should be done not just at the time of initialization of foreclosure, but at any point that the lender provides notice of non-compliance with mortgage terms. While courts do not regulate the pre-court process directly, they can do so by requiring by rule that any ultimate foreclosure filings include certification that the information was provided in the above timely manner. If such a requirement is not in place, the details available for collection for the litigant choice protocol will be

[11] See *Save the Dream Ohio: Foreclosure Prevention Effort* at www.savethedream.ohio.gov.

much weaker. Litigants also need to provide information on the likelihood of any changes in the make-up of their household, such as divorce or the birth of a child that might reduce their income.

General Analysis Concerning Legal Complexity and Possible Outcomes
As in other substantive areas, the system should give general statistical predications, based on data provided by the litigant, and case outcome data from the courts. But ultimately, any analysis in foreclosure will turn on technical details of what has transpired so far. Details on the mortgages may make the likelihood of legal success easier to evaluate, as the stage of the foreclosure process is critical to the analysis.

Highlight of Special Considerations
Special considerations such as the potential availability of bankruptcy to stay the foreclosure, or the impact of a divorce on the options available should be brought to the homeowner's attention.

Options & Choice
As noted, the options available in the foreclosure context are driven by where a homeowner is in the timeline moving toward foreclosure, therefore referrals are very time sensitive, and it is critical that users can be connected with a human to confirm the options available and to assist with referrals. As previously mentioned, the processes and options will differ by state, as some states use judicial foreclosures, others use non-judicial foreclosures and others hybrids or both. Because of the highly technical nature of foreclosure, it is an area well suited to the use of non-attorney housing specialists that can counsel homeowners about their options, and an essential component of the litigant choice protocol is permitting the litigant to understand the likely outcomes in the court tracks and provider protocols, which serves as another example of the iterative and dynamic nature of these processes.

B. Court Protocol

Court tracks will largely be based on whether the litigant is contesting, and, if the rules require it, whether the lender has disclosed all necessary information and complied with necessary certifications. If such disclosure is not required, then a much more comprehensive assessment must be made of each case, and unbundled representation or detailed staff self-help – with court initiated discovery available to court staff – would be required.

Formalization Only
These are the uncontested cases, often by default.

Finalization With Assistance

These are the cases in which the homeowner is not contesting the actual foreclosure, but the lender and homeowner have negotiation a date the property will be vacated.

Decision Making With Assistance
This is the track for cases that require some form of court based settlement negotiations. The presumption is that there will be a settlement unless the court can find no appropriate workout path or there is an identified defect. Certified housing counselors are widely available nationally to facilitate settlements. Some courts may informally offer similar services.

Intensive Attention / Full Litigation
These are the matters that will progress as contested case, and are in realty very rare in all jurisdictions.

C. Provider's Protocol

As discussed above, this protocol is designed to collect and share information in a way to enable providers to assign an appropriate mix and level of legal and non-legal assistance and typically includes Self-Help, Non-Attorney Professional Services, Unbundled Assistance, or Full Representation. Because of the highly technical nature and time sensitive nature of foreclosure proceedings, pure Self-Help is rarely an option. At the very least, all homeowners ought to be given access to a human review that assesses whether they should be directed to non-attorney specialists, attorneys if they have a viable defense, or social service agencies if they are facing homelessness.

Cases on any court track other than litigation call for a mix of self-help, non-attorney specialists and unbundled legal assistance.

Cases on the litigation track will need unbundled assistance or full representation, depending on the viability of the defense, the complexity of issues and availability of resources. A simple defect and high capacity litigant should receive unbundled assistance, whereas complex defects and low litigant capacity should be provided full representation.

VIII. Credit Card Cases

From a systems standpoint, the significant question in credit card debt cases is whether the original creditor is suing on the debt or whether the case is brought by a debt collector (third-party creditor), who, if challenged, is often unable to prove standing because it purchased only an account number and therefore can neither show how the original records were kept, nor establish privity with the defendant(s). To raise this defense against third-party creditors, as well as the many

other technical defenses, litigants will benefit not only from a web portal, but also from the assistance of highly trained non-lawyer specialists to decide how to move forward.

A. Litigant Choice Protocol

This protocol follows the familiar progression:

Litigant Goal
The initial question is whether to defend or default, but as with other protocols, the litigants must be able to predict the consequences of each path, which includes an understanding of the Court Protocol and the Provider's Protocol.

Information Gathering and Exchange
In a debt matter, in addition to collecting information to assess defenses, information about the debtor's income, assets and other liabilities should be collected to determine whether the debtor is judgment proof. Examples of data to be collected to assess defenses include type of debt, amount, date incurred, creditor, who is collecting, payment history, and collection efforts to date. In many jurisdictions, consumer advocacy groups have developed detailed screening tools that could be very helpful to stakeholders as they develop the data points for their systems.

General Analysis Concerning Legal Complexity and Possible Outcomes
At this stage in the analysis, it will be important to confirm that the facts collected are accurate, assess the defenses and evaluate the time and resources that will need to be invested. Debtors should get information on the likelihood of success and consequences of failure, based on provided information and a checklist of possible underlying defects in the obligation.

Highlight of Special Considerations
In debt matters, after completing a personal cost benefit analysis, many consumers may decide not to defend and accept the default. However, for this to be an informed decision, they must assess whether they are judgment proof, and if not, what they risk losing.

Options & Choice
Because of the technical nature of defending a consumer debt matter, in addition to giving a debtor a basic sense of the options available, it is probably most appropriate for all debtors to be referred to a non-attorney specialist to review the options.

B. Court Protocol

In consumer debt matters, enriched and systematized litigant and provider protocols have the potential of substantially impacting the court protocol should defendants demand more particularity from the creditors in the process of

evaluating defenses. For instance, courts may want to treat original creditors separately from third-party creditors. One possibility would be to establish a court rule requiring plaintiffs to identify whether they are the original creditor or third-party debt collector in the initial filing document. While these concepts start to edge into re-engineering, which is beyond the scope of this project, one can certainly conceive of other changes in court process that could be considered.

The court tracks will fall into the following tracks:

Formalization Only
Cases set for default would be on the formalization track.

Decision Making With Assistance
Generally, matters on this track will have no defense available or there is a legal defense, but it is curable. Resolution is by negotiation and settlement, either with out-of-court settlement assistance (on-line or in person) or court based alternative dispute resolution.

Intensive Attention / Full Litigation
Matters on this track will have a legitimate legal defense.

C. Provider's Protocol

As discussed earlier, in consumer debt matters systems should be designed to move litigants onto the provider's protocol sooner rather than later because of the timing and technical issues involved.

Self-help is valuable insofar as it begins the process of collecting information and sorts cases by whether the plaintiff is the original creditor or third-party debt collector, but nearly 100% of debtors would benefit from non-attorney professional services, whether to verify viability of defenses, consequences of default. Given the aggressive nature creditors, it is generally accepted that negotiation and settlement efforts be coordinated through an attorney's office.

Cases set for decision making with assistance will require unbundled legal advice, unless the defense is very complicated in which case the litigant should get an unbundled attorney to prepare the case. Because these cases are so paperwork intensive, electronically produced and transmitted documentation has the potential of reducing the challenges of navigating courtroom procedures for the litigant, with the judge having the relevant documentation on-hand when the case is called, which creates less need for counsel in the courtroom. If the matter at stake is small, then self-help is sufficient.

Matters set for full-litigation will require unbundled representation, unless there is a significant interest at stake, or litigant capacity is low, in which case, full representation is needed.

IX. Issues Highlighted by the Project Team

A. Local Environment: Standardized Forms & Unbundling

As the team worked through the protocols, it became overwhelmingly clear that integrated triage protocols required standardized forms and access to an unbundled legal assistance network. Standardization of forms varies tremendously across the country, with some jurisdictions achieving nearly complete uniformity and others requiring a patchwork from courtroom to courtroom. Similarly, the unbundled practice of law is accepted in varying degrees throughout the country. However, market forces such as e-filing and re-tooling of law practices to make them economically viable are likely to encourage an increasing number of jurisdictions to create more fertile ground for these approaches.

B. Efficient Use of Staff Expertise

Triage protocols have the potential to enable both court and legal services staff to spend more time "practicing at the top of their licenses." That is, tasks that can be performed by paralegals or other staff should be done by them. The key is to have formal protocols that ensure that non-lawyers do not overstep the bounds of what is appropriate for them to do. If done properly, lawyers should be able to spend more of their expensive and scarce time doing what can only be done by them.

C. Potential Reuse of Existing Executive Branch Portals

The internet offers an unlimited amount of information; the challenge in this scenario is to provide litigant information and create secure portals for data transmission on a secure site that provides information that comports with the high standards of the judicial branch but permits all stakeholders to ethically participate. Most state governments now host citizen portals with an array of services for the public. As these websites have matured, their design moved away from individual agencies and toward citizen-focused services that hide the organizational and process complexity required to provide those capabilities. One innovative approach would be to add a litigant portal to the existing state portals. Citizens might find it easier to locate and are unlikely to be concerned about whether a service appears to be provided by the executive or judicial branch. The legitimacy of government would be sufficient. It might even be possible for a litigant portal to reuse any functionality the executive branch portal already has for well identifying persons.

D. *Portal Identification of Litigants*

Some functions of the litigant portal are general and informational in nature. Project participants agreed that such services should be available anonymously. It is only when a litigant wants to transact some formal service with the portal that it is necessary to collect the information to well identify them. Such information should be used by the portal when necessary, but be managed by the litigants. In all cases the litigants must make an explicit choice to submit identification data. In pilots, any attempts to collect survey data about litigants should be voluntary.

E. *Potential Dangers of Portal Advice*

The project participants disagreed on the potential dangers of information provided to litigants. While there was universal agreement on the principle of "do no harm," there was significant disagreement about when and how that should be achieved. Some participants felt that no help was worse than some forms of help. Others thought that self-help could be better than bad advice from a lawyer.

F. *Unlicensed Practice of Law*

Project participants struggled with issue surrounding the unlicensed practice of law. Some courts have mature and clear policies on what court staff and say and do. LSC organizations have lawyers on staff and policies about what paralegals can do. Litigant portals definitely cross into a gray area where advice may be given in ways that appear to violate state laws and court rules. Participants in the LSC Strategic Technology Summits also wrestled with this key issue without agreeing on a solution. The most promising ideas seem to be formal unbundling approaches and court rules that permit some forms of advice.

G. *Importance of User Point of Entry*

All project participants recognized the importance of the portal recognizing and adjusting to the point in the process when the litigant first interacts with it. The ensuing process and advice will be different, depending on where the litigant is in the process. Some options will be foreclosed. Others may change. There are analogies to similar portals in healthcare.

H. *Information Sharing Agreements*

Just as in other areas of the state and local justice world, any capability that requires data integration faces difficulties gaining permission to share information. Privacy and public access are perennial issues. Aligning organizational policies and guaranteeing both appropriate security and adequate enforcement of policies are significant concerns. Stakeholders should not underestimate the time and effort it might take to successfully complete the required policy agreements for required data sharing to support portal actions and services.

I. Implementation Information

All project participants felt that the triage protocols by themselves would not benefit anyone much without additional information about how to implement them. Topics might include resources required, sequential implementation tasks, governance, integration and information requirements, and how to best make litigants aware of the portal so they can use its services.

J. Stakeholder Challenges

One barrier to successful implementation of a litigant portal is the change it demands in the way various stakeholder organizations behave. Currently most organizations operate independently in the way they provide services to the public. The result is sometimes an overlap in information or services and occasionally there is a sort of de facto competition to serve the same litigants. Overcoming these very real and persistent problems will require several strategies. First, any portal implementation approach must make clear what the value is to each key stakeholder. Ideally, these value statements would take the form of formal cost/benefit analyses. Second, there must agreement by all stakeholders in what the portal business processes will look like and how each organization will participate to make the portal work properly. To date this step has not been documented anywhere in the United States. Rigorous evaluation of early pilot portals may help other jurisdictions make the decision to cooperate.

K. Initial Value Proposition

A litigant portal with triage protocols cannot be created for all case types and legal problems from the beginning. To do so would be simply too complex and difficult a task for any jurisdiction. Instead, jurisdictions should select a few key case types and pilot protocols that apply a few simple rules for assistance. Portals can always be incrementally elaborated and expanded from that starting point. It is even more critical that portals provide significant value of some kind to litigants from the start or they will not be motivated to use it.

L. Standards of Care

Some project participants thought there were significant parallels to standards of care in the healthcare world. All healthcare practitioners treat particular problems in a specific and consistent way. The development of triage protocols implies some form of such standards of care, yet the justice world lacks most of the scientific research needed to identify and confirm standards of care. Thus, a litigant portal with triage protocols assumes a foundation of evidence-based practices that may not yet exist.

X. Conclusion

As readers will likely reflect, there are in fact many triage-like efforts underway within their local courts and service providers, however the challenge of integrating and coordinating these approaches among justice system entities is the opportunity facing us today. Shrinking budgets and technological advances provide the impetus for stakeholders to come together to develop a seamless system for the user that promotes trust and confidence in the courts, access to justice and improved efficiencies for all. The project team is hopeful that the protocols suggested herein will be useful to stakeholders as they create new systems to meet today's demands.

The project team also notes the critical role that triage protocols can play in the design and creation of litigant portals. Triage protocols should be identified for additional case types in support of such litigant portal projects now underway in various jurisdictions with the support of the SRLN, LSC, and NCSC.

(a) Generally. RCW 26.12.240 provides a county may create a courthouse facilitator program to provide basic services to pro se litigants in family law cases. This Rule applies only to courthouse facilitator programs created pursuant to RCW 26.12.240.

(b) The Washington State Supreme Court shall create a Family Courthouse Facilitator Advisory Committee supported by the Administrative Office of the Courts to establish minimum qualifications and administer a curriculum of initial and ongoing training requirements for family law courthouse facilitators. The Administrative Office of the Courts shall assist counties in administering family law courthouse facilitator programs.

(c) Definitions. For the purpose of this rule the following definitions apply:

(1) A Family Law Courthouse Facilitator is an individual or individuals who has or have met or exceeded the minimum qualifications and completed the curriculum developed by the Administrative Office of the Courts and who is or are providing basic services in family law cases in a Superior Court.

(2) Family Law Cases include, but not limited to, dissolution of marriage, modification of dissolution matters such as child support, parenting plans, non-parental custody or visitation, and parentage by unmarried persons to establish paternity, child support, child custody and visitation.

(3) "Basic Service" includes but is not limited to:

a) referral to legal and social service resources, including lawyer referral and alternate dispute referral programs and resources on obtaining family law forms and instructions;

b) assistance in calculating child support using standardized computer based program based on financial information provided by the pro se litigant;

c) processing interpreter requests for facilitator assistance and court hearings ;

d) assistance in selection as well as distribution of forms and standardized instructions that have been approved by the court, clerk's office, or the Administrative Office of the Courts;

e) assistance in completing forms that have been approved by the court, clerk's office, or the Administrative Office of the

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Courts;

f) explanation of legal terms;

g) information on basic court procedures and logistics including requirements for service, filing, scheduling hearings and complying with local procedures;

h) review of completed forms to determine whether forms have been completely filled out but not as to substantive content with respect to the parties' legal rights and obligations;

i) previewing pro se documents prior to hearings for matters such as dissolution of marriage and show cause and temporary relief motions calendars under the direction of the Clerk or Court to determine whether procedural requirements have been complied with

j) attendance at pro se hearings to assist the Court with pro se matters.

k) assistance with preparation of court orders under the direction of the Court.

l) preparation of pro se instruction packets under the direction of the Administrative Office of the Courts.

(d) Family Law Courthouse Facilitators shall, whenever reasonably practical, obtain a written and signed disclaimer of attorney-client relationship, attorney-client confidentiality and representation from each person utilizing the services of the Family Law Courthouse Facilitator. The prescribed disclaimer shall be in the format developed by the Administrative Office of the Courts.

(e) No attorney-client relationship or privilege is created, by implication or by inference, between a Family Law Courthouse Facilitator providing basic services under this rule and the users of Family Law Courthouse Facilitator Program services.

(f) Family law courthouse facilitators providing basic services under this rule are not engaged in the unauthorized practice of law. Upon a courthouse facilitator's voluntary or involuntary termination from a courthouse facilitator program, that person is no longer a courthouse facilitator providing services pursuant to RCW 26.12.240 or this Rule.

[Adopted effective September 1, 2002.]

- General Information
- Online Services
- Get Help
- Family Law Forms
- Fees
- Family Law Locations
- General Orders
- Court Rules

Family Law Facilitator

WHAT IS THE OFFICE OF THE FAMILY LAW FACILITATOR?

The Office of the Family Law Facilitator assists parties with child support, spousal support and health insurance issues. The staff consists of attorneys and paralegals, which will provide educational workshops or meet with parties individually when appropriate to attempt to resolve their support issues. The staff does not give legal advice nor does it represent a particular party in an action. There is no confidentiality nor attorney-client relationship created or intended between the office and a party.

Each day, the office serves parties referred by the courts, parties through appointments at most court locations, and, if time permits, walk-in parties. The office does not provide assistance over the telephone other than to make appointments or to answer general questions. Calls to any Facilitator Office should be made between 8:00-9:00 a.m.

The Office of the Family Law Facilitator does not charge for its services nor does it accept contributions.

WHAT ARE THE OFFICE HOURS AND LOCATIONS?

Hours and days of service vary at each office so please call the office before going to the court.

To find a Family Law Facilitator, go to the list of Family Law Facilitator Service Locations.

WHAT DOES THE FAMILY LAW FACILITATOR DO?

The Office of the Family Law Facilitator provides the following assistance:

- Explains the process of establishing paternity
- Educates and assists parties to prepare Requests for Orders and Responses to:
  - Establish, modify or terminate a child support
  - Establish, modify or terminate spousal support
  - Establish, modify or terminate health insurance order
  - Determine arrears
  - Release licenses
  - Establish repayment plans
  - Seek reimbursement for overpayments
  - Quash or modify wage assignment orders
- Provides information and prepares draft calculations of support amounts based on statutory guidelines
- Provides referrals to the Los Angeles County Child Support Services Department, Family Court Services and other community agencies
- Educates and assists parties to prepare stipulations for parties who agree to child support, spousal support or health insurance
- Educates and assists parties to prepare answers to Los Angeles County Child Support Services Department complaints
- Educates and assists parties to prepare motions to set aside in cases involving the Los Angeles County Child Support Services Department
- Educates and assists parties to prepare Orders After Hearing and Wage Assignment Orders in which child support, spousal support or health insurance are at issue in family law cases
- Mediates child support, spousal support and health insurance issues between the parties

WHAT DO YOU NEED TO KNOW AND BRING TO A MEETING WITH A FACILITATOR?

In order for the Office of the Family Law Facilitator to help you complete most court papers, you will need to provide the information and documents listed:

- Pay stubs for the last three pay periods and information about any other income earned by the other party and you
- A federal tax return for the last two years, including tax filing status for both parties
- The location of the other party's job and the amount he or she earns monthly, if known
- The location of the other party's residence, if known
- The number of children not of this relationship living with and supported by the other party
- Monthly living expenses, including housing, utilities, insurance, food, transportation, education and clothing
- Names and ages of children of the relationship, and how much time each party spends with them each month
- Any extraordinary expenses related to health care and catastrophic losses
- Someone to translate if you do not speak English

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Sacramento County, California

Family Law Facilitator Workshops

Workshops

The Family Law Facilitator's Office offers several forms preparation workshops. Information on how to sign up for workshops is included in the workshop descriptions below.

If you are appearing for a scheduled workshop, you may proceed directly to the location on your appointment notice.

Domestic Violence Restraining Order Workshop

Information on this workshop can be found on the Domestic Violence page.

Parentage Workshop (UPA)

This workshop is for parents who are not married to each other and wish to start a case for custody, visitation, and child support. The parentage workshop is held Tuesday at 1:00 p.m. by appointment only. You may sign up for this workshop through e-Correspondence or in person at the Self-Help Center, Monday through Thursday before 3:00 p.m.

Dissolution Workshop

This workshop is for persons who want a divorce, legal separation, or annulment. This workshop is also used to start a case for custody, visitation, child support, spousal support, and property division. The dissolution workshop is held Tuesday at 8:30 a.m. by appointment only. You may sign up for this workshop through e-Correspondence or in person at the Self-Help Center, Monday through Thursday before 3:00 p.m.

Request for Order Workshop

This workshop is for parties who have a case in Sacramento County and want to request a hearing. The Request for Order workshop is held Thursday at 1:00 p.m. by appointment only. To sign up for this workshop, you must contact us through e-Correspondence. Request for Order workshop appointments are **not** scheduled in person.

Income and Expense Declaration / Financial Disclosures Workshop

This workshop does exactly what the name implies--helps litigants complete an Income and Expense Declaration and/or the Financial Disclosures required in Dissolution, Legal Separation, and Annulment cases. The workshop is open to anyone wishing to complete these forms, regardless of the type of case they may have. This workshop is offered Thursdays at 8:30 a.m. and does not require an appointment. Litigants wishing to attend the workshop are encouraged to arrive early on the day you wish to attend and bring with you your photo ID, case number, a blue or black ink pen, W-2's for the previous year, pay stubs for the past two months and a calculator not a cellular telephone). Space is limited and the workshop is offered on a first come-first served basis only.

Richard Zorza's Access to Justice Blog:

Guest Post on Potential of Lay Advocates by Allan Rodgers

Posted on June 26, 2014 by richardzorza

Allan Rodgers of the Massachusetts Law Reform Institute was my backup resource when I did unemployment advocacy before law school, back in the mid-70s. His personal model of probity and vision is one the reasons I became a lawyer, and he has ever since been a highly valued mentor for me. I am honored that this blog is able to carry his thoughtful and well-reasoned article on the potential of lay advocates.

Lay Advocates: An Untapped Resource for Otherwise Unrepresented Litigants

In Court and Agency Adjudicatory Hearings

By Allan Rodgers

At long last, there is an upsurge of interest in some states in establishing programs that authorize trained lay advocates to represent people in adjudicatory hearings in court and at agency administrative hearings. But most of these programs propose to start with lay advocate roles that fall short of authorizing full representation in appropriate cases. I do not understand why the hesitancy. Lay advocate representation has a history of success in agency hearings going back more than forty years. Studies and experience have shown that lay advocates have an impressive record of success. I propose that we should move promptly to authorize these programs, under controlled circumstances initially, in order to start to fill the enormous gap in legal representation of poorer people. The potential numbers of people who would likely volunteer to do this is one of the most promising resources I can think of to narrow the gap.

For many years authorizing lay advocate representation in court has been a kind of third rail among lawyers and the judiciary in Massachusetts. Some of this opposition comes from people who doubt that lay advocates can do an adequate job of providing this representation. Even in the face of compelling evidence of their success for many years in agency hearings, many have reflexively stuck to this belief. Strong opposition has also been driven by the profession-protective prohibition of the unauthorized practice of law. This fear of losing legal business was present when efforts were started in the late 1960's to fund legal services to the poor. We know that that belief was mistaken; if anything the presence of legal services advocates increased legal business for the private bar because opposing parties needed more legal representation in court when faced with poor people who now had lawyers. Since the present representational gap for poorer people is so severe, I'd predict that having lay advocates provide full representation to people in court will have no adverse impact on paying legal business.

My colleague at Mass. Law Reform, the late Tony Winsor, was an early and persistent champion of lay advocate representation in court. He advised several legal services programs that, with the cooperation of a local judge, operated lay advocate representational experiments in landlord-tenant cases, with demonstrated success. He trained and supervised college students in

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representing persons taking appeals to the state Department of Public Health from decisions on treatment by methadone maintenance clinics. Although the sample of these cases was comparatively small, these advocates won most of their hearings. Prior to the establishment of this program few persons prevailed. In 2010, Tony and I authored an article on these experiences, entitled Non-Lawyer Representation in Court and Agency hearings of Litigants Who Cannot Obtain Lawyers, published in the June, 2010 issue of the Massachusetts Law Review (Volume 93, Number 1).

For more than 40 years in Massachusetts (and no doubt in many other states), non-lawyer advocates have represented persons in administrative agency adjudicatory hearings in such programs as cash assistance, food stamps, unemployment insurance (UI) and at the Social Security Administration. During this time I have never heard of anyone complain that these advocates have been unlawfully practicing law. Of course this representation has been explicitly authorized in federal or state law or regulation. In UI appeals, non-lawyers also represent employers in many hearings. These hearings are in many respects similar to trials in court. The rules of evidence apply generally (although somewhat relaxed in certain cases), and a hearing involves the presentation of documents and witnesses, cross-examination of witnesses and final arguments. The hearings are transcribed and tapes are available upon request. Appeals go the court (or first to an administrative appeals agency in UI cases) but the limited standard of review of the facts is the same for appeals of both court and agency decisions. In all appeals a transcript of the hearing is prepared and the transcript and the record are forwarded to the reviewing tribunal. So the presentation of the case at trial is crucial in both types of trials. Of course there are some hearings where, because of the complexity of the factual or legal issues or the importance of the case for potential precedential reasons it is important that a lawyer handle the hearing. Legal services programs have been making those kinds of assignment decisions for many years.

Available studies show that those having representation in agency hearings, whether by a lawyer or a lay advocate, fare consistently better than those who do not. New England School of Law Professor Russell Engler collected the results of these studies in a 2010 article, Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel is Most Needed, 37 Fordham Urb. L. J., 37, at 48-49 (February 2010).

The Massachusetts Access to Justice Commission has been reviewing this matter for several years. In its 2007 report to the Supreme Judicial Court, it “strongly” recommended that the Court redefine the unauthorized practice of law “to permit trained non-lawyers to speak in the courtroom in certain civil matters on behalf of low-income people.” Barriers to Access to Justice in Massachusetts: A Report, with Recommendations, to the Supreme Judicial Court. (available at www. massaccesstojustice.org). More recently, the Access to Justice Commission established a Lay Advocate Study Committee to prepare some recommendations to the Commission on this subject. So even though the negative climate for this program has abated in recent years, the pace of deliberation remains slow in Massachusetts.

I think the evidence and experience with the success of lay advocacy in hearings shows that we really don’t need to study the general issue more at this point. We can adopt experimental programs for full representation now, and use the results to expand and modify them where the experiences show the need to do so. My concern about some of the more limited lay advocate

programs discussed recently, nearly all of them proposing roles short of representation, is that these programs will consume large amount of time, resources and energy but are unlikely to get us much closer to taking advantage of this potentially enormous resource in hearings where representation makes a real difference.

So how, you would ask, should we start such a program, especially in court? Here are my suggestions.

1) I would start with the representation of poorer people by volunteers or by employees of legal programs and lawyers. Authorizing independent lay advocates or those who charge persons who can pay for it raises issues that are best left untouched until much further down the road, in my opinion.

2) The lay advocates should be trained and supervised by a lawyer or legal program. I would not recommend setting up a special certification apparatus to do this. The lawyer or legal program should be trusted to certify in writing that the advocate has received the standard training or experience and will be supervised by a lawyer for whom the lawyers' ethical responsibilities apply.

3) The programs should be started in courts on an experimental basis at first, but with a periodic review process designed to address questions and concerns about how it is working, but with the understanding that it can be expanded by the local judges if it goes well. Statistics on numbers of cases and their results should be kept for future review and analysis.

4) The courts should set up a special group to oversee and make recommendations about lay advocacy in court. Its first task should be to review the kinds of cases in which lay advocates can capably provide representation and set up rules by which local courts can accept or make assignments.

5) Persuade the courts to make clear that lay advocates providing representation in these cases, in courts and at agency hearings, are not engaged in the unauthorized practice of law.

6) Because (at least in Massachusetts, and probably in most states) lay advocate representation in agency adjudicatory hearings is already authorized, and there is no need for a regulatory structure, the biggest task is to find people who will volunteer to do this. I think the best way to do this is to fund a central program whose responsibility it is to develop this resource. The shortage is particularly acute for agency hearings. Even with legal services and other resources, probably less than 10% of the people who face agency hearings have representation. Yet there are many groups from which volunteers might come, such as college and law students, retirees and people who might see this as an opportunity to get work experience.

I think the pieces are already in place to start lay advocacy adjudicatory hearing programs that are workable and will bring large increases in available advocates into our ranks.

What are we waiting for?

Maryland District Court Self-Help Center

The District Court Self-Help Center provides limited legal services for people who are not represented by an attorney. Limited legal services include help completing forms, answering questions about legal problems, and preparing for your day in court. If you need additional help, we may refer you to mediation, other legal organizations, or the private bar.

We are able to help with the following kinds of cases:

- Landlord/Tenant
- Small Claims (claims of $5,000 or less)
- Consumer matters like car repossessions, debt collection and credit card cases
- Return of property (replevin and detinue) cases
- Domestic Violence/Peace Orders (if YWCA is unavailable)

More information is available on our Commonly Used Links page.

- We offer assistance by phone, in person, or by online chat.
- **Phone:**
  Assistance is available from 8:30 am - Noon and from 2 pm - 4:30 pm
  Call 410-260-1392
- **Walk-in Service:**
  Mon. - Fri. from 8:30 am - 4:30 pm
  We do not take appointments.
  Location/Directions to the Center
- **Online Chat**:
  Mon. - Fri. from 8:30 am - Noon and from 2 pm - 4:30 pm
  See the Live Help button on this page.
- **Note** that the court closes promptly at 4:30 pm. Please arrive at the Self-Help Center in time for the staff to assist you so that you have time to file any paperwork with the court.

Contact the District Court Self-Help Center
for help with your civil case

We cannot assist with criminal or traffic cases.
For help with your traffic or criminal questions, see:
Traffic Cases
Criminal Cases

The District Court Self-Help Center
can assist with
civil matters including:

- Landlord/Tenant

- Small and Large Claims

- Debt Collection

- Return of Property

- Peace and Protective Orders

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Americorps and Justice Corps

Posted on March 20, 2011 by richardzorza

Some of you may have noticed that Americorps is one of the programs being targeted in the House budget (NYT). You may not be aware that Justice Corps is funded through the Americorps budget.

Justice Corps is one of the most innovative programs in the access to justice field. It relies both on Americorps funding and on the overall model. Here is the link on the California Courts website about the program in California. The program takes college students, trains them, and then has them help people in self-elp centers. As described on the site:

The JusticeCorps program is an innovative approach to solving one of the more pressing issues faced by courts around the country today: providing equal access to justice. JusticeCorps recruits and trains 250 diverse university students annually to serve in overburdened legal self-help centers throughout California. First launched as a pilot program in Los Angeles County in 2004, JusticeCorps expanded to the Bay Area in fall 2006, to San Diego in fall 2007, and to the Sacramento Capitol Region in fall 2010. Minimum-time members commit to serving a minimum of 300 hours during an academic year in self-help centers. In return, they receive approximately 30 hours of training as well as a $1,132 education award when they complete the program. The program also offers a select number of full-time service opportunities in Los Angeles, the Bay Area, and San Diego. Full-time members serve 1,700 hours and receive a $20,000 living allowance dispensed throughout their one-year term of service, as well as a $5,350 education award.

It is not just that this helps the individual litigants, but it makes many of the students interested in court administration careers. Perhaps most important, the concept has the potential to create a network of young court innovators around the county.

Nice article in the Boston Globe on Americorps and the online petition to preserve it. Here is the Americorps website.

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JusticeCorps Program in California

The JusticeCorps program assists California courts in meeting the needs of self-represented litigants (people who come to court without lawyers) by recruiting and training over 250 college students and recent graduates annually to help litigants in California's court-based self-help centers. JusticeCorps members make a commitment to national service by:

- Assisting court staff with legal workshops
- Helping self-represented litigants complete legal forms
- Providing information and referrals
- Offering language assistance to customers when necessary

JusticeCorps members work under the supervision of court attorneys. Since the program began in 2004, 1,700 members have successfully completed the program and have had the following impact:

- Provided 490,000 instances of assistance in up to 24 different languages
- Filed 330,000 legal documents
- Completed more than 500,000 hours of national service

For more information:

- Read about bridging the language gap in self-help centers
- Read about self-represented litigants in Family Law
- Read about how the economic downturn is affecting the courts

BACKGROUND

The ability of individuals facing family, housing, financial and personal safety crises to access the legal system and understand and safeguard their rights is vital to achieving economic self-sufficiency and promoting community stability. To help improve access to justice and ensure fair outcomes for all, California has committed to doing more to help people who need to resolve important civil legal issues but don't have professional representation. California Rule of Court 10.960 provides that court-based self-help centers are a core function. Self-help centers serve as a single point of access for court users navigating the court system on their own. The JusticeCorps members serving in these centers provide legal information, not advice-- they help people help themselves. Funded by the California Judicial Branch and an AmeriCorps grant, JusticeCorps was first launched as a pilot program in Los Angeles County in 2004, expanded to the Bay Area in fall 2006, and then to San Diego in fall 2007.Currently, over 250 members serve in the program annually. Minimum-time members commit to 300 hours during an academic year in self-help centers. In return, they receive approximately 30 hours of training as well as a education award when they complete the program. The program also offers full-time service opportunities in Los Angeles, the Bay Area, and San Diego. Full-time members serve 1,700 hours and receive a $20,000 living allowance throughout their one-year term of service.

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Rescue Mission opens mobile legal clinic

Volunteer law students and attorneys help homeless people deal with legal troubles, including tickets and child support.

By ELYSSE JAMES / THE ORANGE COUNTY REGISTER

Published: April 2, 2012 Updated: Aug. 21, 2013 1:17 p.m.

If you go

What: Mobile Law Clinic, Mobile Chili Van and Mobile Medical Clinic

When: 4 to 8 p.m. Thursdays

Where: In the parking lot near Ross Street and Civic Center Drive at the Santa Ana Civic Center

Information: Village of Hope at 714-247-4300 orrescuemission.org

SANTA ANA – The Orange County Rescue Mission has opened a mobile legal clinic to help homeless people and those at need in Orange County.

Trinity Law School in Santa Ana will provide attorney and law student volunteers to help those who cannot otherwise afford legal services.

Officials gathered Thursday in the Civic Center area to cut a ceremonial ribbon with an oversized pair of scissors, but had to resort to regular scissors to make it through the plastic ribbon.

"The biggest thing that comes out of this for our students is they have the opportunity to see how they can make a difference," said Trinity School of Law Dean Myron Steeves.

Three students are working at the mobile clinic now, and the school will have nine students a year training to provide services.

Dave Howell, a third year law student, is one of the volunteers.

"(We're) bringing an understanding of law to people who don't have the opportunity to have that," Howell said.

Daniel Castro, a resident of the Village of Hope in Tustin, used the volunteer legal services in Riverside County when he was fighting a 12-year jail sentence.

He worked with attorney Bryan Kazarian, who volunteers at the Village of Hope and is a professor at Trinity School of Law. The judge allowed Castro to attend a three-year 12-step recovery program and probation instead of going to jail, Castro said.

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Now, Castro, 45, is looking for jobs and taking general education classes at Irvine Valley College.

"I was so tired of going to prison. I wanted to be around for my kids," Castro said.

Kazarian works in the legal clinic at the Village of Hope in Tustin. The clinic handles cases for people who attend the Orange County Rescue Mission campuses. They need help with a broad spectrum of topics, including criminal law, family law, child support, debt, SSDI, bankruptcy, traffic tickets, divorce, immigration and more, officials said.

Often, people don't know where to turn to get help, said Ryan Burris, chief relationship officer for the Orange County Rescue Mission.

"Our goal is to remove those barriers," Burris said.

Mark West was one of the first to meet with the students and attorneys in the legal clinic.

"I gave them a list of issues and they'll knock out what they can," West said. He chooses to be homeless in Santa Ana, he said, because many churches and social groups visit the area with food, medical care and other help. He's been visiting the medical clinic here for more than a year.

"The smiling face I see when I get here is a tremendous shot of medicine for me," West said. "Most of us feel disregarded."

Orange County Rescue Mission President Jim Palmer hopes more groups will copy their model and bring services to the people who need them.

The idea for the clinic was born during lunch at Quinn's Old Town Grill in Tustin.

"Steeves said students are always asking, 'Can't we just go practice law on the streets?' I said, 'If you want to do it, you can do it.' " Palmer said.

The van was donated and the Orange County Rescue Mission refurbished the inside with computers and chairs for consultations.

The truck will be stationed in a parking lot near Ross Street and Civic Center Drive in the Santa Ana Civic Center from 4 to 8 p.m. every Thursday, along with a Mobile Chili Van and a Mobile Medical Clinic.

The mobile legal clinic will also appear at 4:30 p.m. on April 10 at 26010 Domingo Ave. in Capistrano Beach (Dana Point). The clinic is joining the Welcome Inn OC, which serves food at that spot every day at 4 p.m.

Information: Village of Hope at 714-247-4300 or rescuemission.org.

Contact the writer: 714-796-7949 or ejames@ocregister.com\

http://milwaukee.gov/MJC/MJC-Mobile-Legal-Clinic.htm

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Virtual Lawyer Via Skype

Posted by kkarr on June 9, 2014

Do you live in Cody, Douglas, Evanston, Newcastle or Thermopolis? Low-income Wyomingites in these areas can now call the Center to schedule a FREE 20 to 30 minute consultation with a lawyer over Skype.

After you fill-out an application over the phone, the Center will find a volunteer attorney to speak with you about your legal problem, and then arrange an appointment time for your Skype consultation (usually between 8am and 5pm, Monday-Friday, in most locations). At your scheduled time, you will go to the designated hosting location to speak to the attorney via Skype.

The Center has established hosting locations in Cody, Douglas, Evanston, Newcastle and Thermopolis, with a grant from the ABA Access to Justice Innovation Grant program, in order to reach these underserved areas of Wyoming.

NOTE: We can accept applications for **civil legal questions only**, such as divorce and custody, landlord/tenant, debts and consumer problems. The Center cannot accept applications for criminal, traffic, or personal injury matters.

Click on a flyer below to learn more!

- Cody (pdf)
- Douglas (pdf)
- Evanston (pdf)
- Newcastle (pdf)
- Thermopolis (pdf)

FREE LEGAL ADVICE

Talk face-to-face with a lawyer via Skype!

(You don't even need your own computer!
Use ours at the location posted below.)

The Wyoming Center for Legal Aid is offering FREE 20 to 30 minute consultations with volunteer attorneys on civil legal questions such as divorce and custody, landlord/tenant, debts and consumer problems. No consultation available for traffic or criminal matters. This service is provided to **low-income** residents of Wyoming.

Schedule your appointment today!

Call 307.777.8383

By Appointment Only!

WHEN?
Various appointments available from 8 a.m. - 5 p.m. Monday - Friday

WHERE?
Harvest Church Community Annex/ Food Bank
4 Southfork Road
Cody, Wyoming

To schedule an appointment, you will complete an application over the phone to determine whether or not you are income eligible and qualify for services through the Wyoming Center for Legal Aid. If you have legal documents pertaining to your case, we will ask that you fax or mail them to us after we schedule your appointment.

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Pilot Skype-Based Remote Law Offices

Wyoming Access to Justice Commission

Grant period: July 1, 2013-May 31, 2014

Date of report: June 2014

Information Updated: ---

ABA Innovation Grants were funded by the Public Welfare Foundation, the Kresge Foundation, and the Bauman Foundation. This summary was prepared by the ABA Resource Center for Access to Justice Initiatives, based on information submitted by the grantee. It is intended to help guide Access to Justice commissions and others in deciding whether to replicate or adapt the initiative in their state. For more complete information, see the reports from grantees and other resources available at www.ATJsupport.org.

About the Project

Goals *What did the project seek to achieve?*	• To increase access to legal services in rural areas of Wyoming by setting up remote access at host sites where clients can confer with pro bono attorneys and legal aid programs via Skype.
Role of ATJ Commission *What role did the ATJ Commission play in carrying out the project's activities?*	• The project is part of the Commission's broad redesign and expansion of the state's legal aid delivery system. The Commission has developed a pro bono campaign ("I'll Do One") in conjunction with the project.
Partners *What other partners were involved in the project?*	• The Wyoming Center for Legal Aid implemented the project. • Local partners make sites available.
Completed activities *What activities did the project complete during the grant period?* *Were any activities originally planned not completed or substantially modified?*	• Identified five locations underserved by current legal aid system and a host site in each community (food bank, library, domestic violence program, city hall, senior/community center). • Placed hardware at host sites and provided training on its use. • Provided education and informational flyers to court clerks, who agreed to refer clients. • Launched regularly scheduled clinics at sites beginning in October 2013.

	• Developed Skype services manual, for use by volunteer attorneys and host providers. • Legal aid programs can also use sites and equipment to communicate with clients.

Next steps
What additional steps are planned for carrying forward the project? Who is responsible?
	• The Wyoming Center for Legal Aid will:
	  • Maintain and update hardware and software .
	  • Identify additional host sites, and better sites for some communities.
	  • Beginning in June 2014, schedule appointments on a rolling basis rather than a single monthly clinic at each site.
	• Director of library that serves as one host site is promoting project to other libraries.

Results to Date, Challenges and Lessons Learned	
Results to date *What has changed so far as a result of the project?*	• Availability of clinics/appointments permitting face-to-face remote communications with attorneys; appointments can be scheduled in advance, and legal documents sent before the appointment. • A small number of clients have used the service.

Assessment by ATJ Commission
Does the ATJ Commission consider that the project accomplished what it set out to do?
What evaluation findings were considered?
	• The Commission considers that the project has been successful in expanding the delivery system as envisioned, although usage rate is currently low.
	  ○ Project managers have determined that low usage rate of video-based delivery is consistent with experience in other states.
	  ○ Client satisfaction reports and attorney evaluations are positive.

Added value of ATJ Commission leadership *Did the ATJ Commission's leadership role bring benefits that might not otherwise have been present?*	• The Commission's role as coordinator of legal aid delivery, coupled with its pro bono recruitment campaign, facilitated the project.
Challenges *What challenges arose or were identified during the course of the project?*	• Several host sites have not promoted the service effectively. • Some connectivity problems, resolved once identified. • Low usage rate (statewide telephone-based hotline has much higher volume of calls).

Lessons learned *What insights were gained in the course of the project?*	• Identifying host sites that are enthusiastic about the project and will promote it is important. • Scheduling rolling appointments may be more attractive to clients than a regular monthly clinic. • Better marketing of service by host sites may help increase usage. • Use of video-based delivery models in other states has been low.
Replicating the Project: Guidance for Other States	
Resource materials *What documents or other resources were produced and have been available for use in other states?* *These documents are posted on-line at www.ATJ support.org.*	• Skype manual, for use by volunteer attorneys and host providers. • Evaluation forms for volunteer attorneys and clients. • Promotional material, including fliers; press releases. • Forms (scheduling; tracking hours by volunteer attorneys; equipment loan agreement).
Replicability *Can the project be replicated by other states? Can materials be used directly or is adaptation required?*	• Project could be replicated by Commissions or legal aid programs in other states. Materials could be adapted easily.
Resources required *What level of investment would be required for another state to implement the project?*	• Moderate staff time for identification of host sites, set up, maintenance, ongoing coordination. • Cost of laptops and printers for host sites.
Sustainability *What level of resources would be required to maintain the project after its initial implementation?*	• Moderate staff time; low costs of maintaining hardware and software.
Similar projects in other states *Have similar initiatives been implemented by Access to Justice Commissions in other states? By other entities?*	• Legal aid programs in other states, including Colorado and Montana, have implemented video-based projects.
Potential benefits *Why should a state Access to Justice commission consider replicating this project?*	• Capacity for face-to-face interviews, such as the ability to see facial cues, and sending and printing documents has benefits over service by telephone-based intake and advice.

	• Provides a way for attorneys to provide pro bono services to clients in remote areas. • Increases presence and visibility of legal aid programs in remote areas.
Factors to consider *What other factors should be taken into consideration in deciding whether to implement this project in your state?*	• Based on the experience of Wyoming and other states to date, it is an open question as to whether clients will opt to use this service in significant numbers, as compared to the telephone, even if it is marketed more effectively. • Other states may want to see whether usage rates increase in Wyoming and other states and/or whether video-based delivery models are especially useful in certain kinds of cases, before implementing. (Montana will be evaluating a video-based project in 2014.) • Host sites/partner agencies are crucial – are clients comfortable coming there? Is it convenient? Is confidentiality fully protected? Will the agency enthusiastically market the service? Are people at the site comfortable with the technology? • Linking clients and pro bono/legal aid attorneys by videoconferencing/Skype could potentially be integrated with other innovative initiatives, e.g. library-based, or serving veterans.

Skype Protocol – May 2014

Action	Date Completed
Coordinate Clinics with Sites	
Input Dates and Times on the calendar	
Prepare Flier , Appointment Sheet and this Checklist	
Send email to recruit Skype Attorneys	
Advertise	
• County, Circuit and District Court Clerks	
• Newspaper- Press Releases	
• Town Calendars	
• Send flier to hosts and ask them to hang and distribute • DFS • Public Health • WIC	
• When an attorney replies to volunteer, put on schedule and reply to them, thank them and tell them you'll send a reminder out 1 day prior, with name of client, type of case, opposing party, if any and the instructions and password for logging in, and our phone number to call if problems arise.	
When clients call in to schedule, if it is possible, have them fax or email any paperwork ahead of time. If that is cost prohibitive, just have them bring it to the session.	
When client scheduled, and after sends in legal docs, if going to, then email attorney with name of client, time, case facts and legal paperwork if any.	
The day prior to the clinic, email the hosts and let them know what times are scheduled. Ask them to reply to email so you know they will be ready for the clinic.	
Thank you notes to: Volunteer Attorney	

Skype Clinic Manual

Attorneys

1. What is a Skype Clinic?

    a. Skype is a service offered by Microsoft that, among other things, provides video and audio communication through computers. Users need a computer with a webcam and a microphone. The Skype program is downloaded (free of charge) onto each computer. Each computer sets up a Skype address (like an email address) and communicates with other computers through their Skype addresses.

    b. A Skype Clinic makes use of this technology to allow an attorney, sitting in his or her office, to communicate directly with a client, who can be in another location including other towns or counties. The attorney and client can see and hear each other and talk "face-to-face". This can replace traditional advice clinics which require attorneys to be present on site to meet with clients.

    c. The Wyoming Center for Legal Aid and the Wyoming Access to Justice Commission have received funding through the ABA to help set up these clinics. This service will be typically for "advice only" consults and Limited Scope Representation by pro bono attorneys, and for consults with existing clients by the Center's grantees.

2. Why a Skype Clinic?

    a. Skype Clinics can help legal services programs allocate scarce resources to serve clients more efficiently. In an era of increasingly limited budgets, staff programs may locate their remaining offices in areas of high population concentration. Pro bono attorneys, whose practices are as subject to the same economic stresses as anyone else, appreciate the efficient use of their donated time that Skype Clinics allow. In addition, pro bono attorneys are generally found in areas that can support their businesses with a sufficient population and income base. However, low-income clients may live in isolated communities or poorer areas that cannot support a large number of attorneys. Serving these isolated and poorer areas is a challenge for legal services programs. Skype Clinics enable staff and pro bono programs to use resources located in regional population centers to serve clients in geographically isolated or less resource-rich areas of their territory.

    b. Skype Clinics eliminate the attorney down-time involved in traveling to outreach sites. There are also no additional fees for the use of Skype technology. While attorneys and clients can communicate by telephone, the addition of video enables attorneys to judge their clients' reactions and tailor their advice to the visual cues they receive rather than relying solely on clients' verbal responses. It is much more like an actual face-to-face

meeting with a client, which most attorneys would prefer in order to build trust and rapport and understand their client. And since attorneys can sit in their offices while volunteering at the Skype Clinics, they have access to their legal research materials at their desks. Documents necessary to the discussion can be faxed or emailed in advance of the Clinic so that attorneys can review them and have them at hand during their conversation with clients.

3. What assistance is provided to the attorney?

    a. Wyoming Center for Legal Aid is considered the Clinic Coordinator. You may contact WCLA at any time for assistance or questions.

    b. For each month's Clinic, the Clinic Coordinator will schedule client appointments, provide conflict information to each month's volunteer attorney, and compile client documents, and share those with the volunteer attorney.

    c. The Coordinator will work with the site host to ensure that the Clinics run smoothly, and deal with any problems that may arise. The site host will be trained in issues including confidentiality, unauthorized practice of law, and respect for clients. The Coordinator will also ensure that the site host does not have any conflicts that would impede her ability to work with any program clients.

4. Skype technical instruction:

    a. http://www.bucks.edu/media/bcccmedialibrary/pdf/tlc/facstaff/skype.pdf

    b. Once we have a client scheduled for you, we will send you a reminder email 24 hours prior to the appointment time. This email will include the name of the client, nature of the case, the attorney's Skype address, and the client's Skype address.

    c. The attorney should initiate the Skype call to the client

5. Extent of services to be provided to client

    a. Legal Aid Attorney

        i. If you have an existing client in one of our Skype service areas, you may arrange to meet with them via Skype, by contacting the Center. The Center will work with you to find a time to meet with your client that is workable for the client, the attorney, and the Skype host.

    b. Grantee Attorneys

        i. If you have an existing client in one of our Skype service areas, you may arrange to meet with them via Skype, by contacting the Center. The Center will work

with you to find a time to meet with your client that is workable for the client, the attorney, and the Skype host.

c. Pro Bono Attorney

i. The clients will have already applied for a consult through our office, and pre-screened for eligibility.

6. Evaluations: After the end of the consult, or the end of representation, it would be helpful if the attorney can fill out the attached evaluation and fax, mail, or email it to WCLA.

7. Malpractice – All attorneys will be covered through Wyoming Center for Legal Aid malpractice insurance.

8. Technical issues- If you are having technical issues, such as starting up the laptop, or logging on/accepting/receiving Skype calls, call WCLA at 777-8383. After hours, you may call Rendy Lemke at 274-2474.

Clients

1. Application

2. Skype technical instruction – insert or link to this in both the Attorney, Client and Site Host duties section. http://www.bucks.edu/media/bcccmedialibrary/pdf/tlc/facstaff/skype.pdf - good, clear directions.

3. Duties

    a. Show up to the Skype Clinic 15 minutes prior to your scheduled appointment. If you have to miss, please call 24 hours in advance, so that we can fill that slot with another client.

    b. At least 24 hours prior to your scheduled appointment, fax in any relevant paperwork that pertains to your case. This would need to include the most relevant court order, if there is already a court order in place. If no court order has been entered yet, send any paperwork that has been filed with the court. If you received a summons and a complaint, fax that in.

    c. Take the paperwork to the Skype Clinic, even if you have already faxed it in, so that you and the attorney can look over it together.

    d. Please fill out the evaluation form right after your meeting with the attorney, and give to the Clinic host to forward to our office.

Hosts

1. Skype technical instruction – insert or link to this in both the Attorney, Client and Site Host duties section. http://www.bucks.edu/media/bcccmedialibrary/pdf/tlc/facstaff/skype.pdf - good, clear directions.

2. Duties

    a. At least 15 minutes prior to the Clinic, make sure each laptop is set up and turned on, and in a private location.

    b. Greet the clients and direct them to a waiting area, and then to the Skype computer.

    c. After their attorney consult, please give them an evaluation form and ask them to complete it at the site and then fax or email back to the Center.

    d. After the last client has left, turn off laptops and put them away for safekeeping.

3. Technical issues- If you are having technical issues, such as starting up the laptop, or logging on/accepting/receiving Skype calls, call WCLA at 777-8383.

4. Help with clients

    a. Call Rendy (777-8383 or 777-6967)

Skype locations/contact

1. Douglas
    a. Contact
        i. Cando – Robin; Cindy Porter, 307-358-2000 or 359-1049
        ii. Library – Cinnamon, 307-358-3644
    b. Facility
        i. Cando temporarily, until new library built, 130 S. 3rd St., 82633
        ii. Converse County Library, 300 Walnut St.,
2. Evanston
    a. Contact – Jim Davis, City Planner/Manager, 1200 Main St., Evanston, 82930, 307-783-6309
    b. Facility - City Hall, 1200 Main Street
3. Thermopolis
    a. Contact – Jennifer Domhoff, Executive Director
    b. Facility – H.O.P.E. Agency, 426 Big Horn St./124 N. 5th St., 307-864-4673
4. Cody
    a. Contact – Ben Bogardus,
    b. Facility – Grace/Harvest Church Community Annex – 4 Southfork Rd., 307-250-8823
5. Newcastle
    a. Contact- Carolyn Shields/Glenda Mefford,
    b. Facility – Weston County Senior Citizen Center, 627 Pine St., Newcastle, WY 307-746-4903

WYOMING CENTER FOR LEGAL AID

Skype Clinic Laptop and Printer Loan Agreement

(Please Print Information Below)

Site Host	Host Organization
Mailing Address	Contact Phone Number
City, State, ZIP	Fax Number
Email Address	

Equipment Issued	Equipment Returned
_ Laptop _ Serial # _ State of Wyoming #	_ Laptop _ Serial # _ State of Wyoming #
_ Laptop _ Serial # _ State of Wyoming #	_ Laptop _ Serial # _ State of Wyoming #
_ Printer _ Serial# _ State of Wyoming #	_ Printer _ Serial# _ State of Wyoming #

By signing the below, I certify that the equipment indicated above was provided as indicated above and hereby agree to abide by the terms and conditions of this Agreement. I understand that the above-named Host Organization is assuming responsibility for the laptop and will provide proper care for the laptop according to the guidelines outlined in this Agreement.

Issued	Returned
Signature	Signature
WCLA Program Administrator	WCLA Program Administrator
Date	Date
Expected equipment return date	

SKYPE CLINIC LAPTOP LOAN AGREEMENT

For the Wyoming Center for Legal Aid

This Laptop Loan Agreement ("Agreement") is between _____, ("Host Organization") and the Wyoming Center for Legal Aid ("WCLA"), and is subject to the terms and conditions below.

I. TERMS AND CONDITIONS

A. TITLE. The Wyoming Center for Legal Aid ("WCLA") holds the rights to possess and transfer custody of the laptop computer and its installed software during the Term of this Agreement to the above-identified Host Organization ("Host Organization").

B. CUSTODY. The above-identified Host Organization is a licensee with rights to utilize the WCLA's laptop computer during the term of this Agreement, contingent upon all other terms and conditions stated herein.

C. TERM. The term of this Agreement shall begin _____, and shall expire on _____.

D. GENERAL CONDITIONS FOR USE

1) **ACCEPTABLE USES**. The WCLA's technical resources are provided for the purpose of long-distance communication between a pro-bono or legal aid attorney and a rural client as part of a Skype Clinic program administered by WCLA. These technical resources are to be reviewed, monitored, and used only in that pursuit. The Host Organization may be permitted to use these WCLA technical resources for other related purposes only with permission from WCLA.

2) **UNACCEPTABLE USES.** The laptop must not be used to pursue any non program-related or illegal activities. The Host Organization may only access files, data, and computer programs that are related to the Skype Clinic program. Unauthorized review, duplication, dissemination, removal, installation, damage, or alteration of files, passwords, computer systems or programs, or other property of the WCLA, or improper use of information obtained by unauthorized means, is prohibited.

E. GUIDELINES FOR PROPER CARE.

1. Do not eat or drink while using the laptop;
2. Do not leave the laptop exposed to direct sunlight;
3. Do not drop the laptop or allow it to fall;
4. Unplug the laptop during electrical storms;
5. Give care appropriate for any electrical device;
6. Perform regular preventative virus scans on all disks placed in the laptop;
7. Do not attempt to repair a damaged or malfunctioning laptop;
8. Do not attempt to upgrade the computer or software;
9. Do not allow children to play on the laptop;
10. Do not leave the laptop unattended;
11. Do not leave the laptop in any unlocked office, room, home or car;
12. Do not leave the A/C adapter behind when moving the laptop.

F. **SANCTIONS FOR VIOLATIONS.** WCLA assumes no liability for the Host Organization, its employees', clinic users' or any other users' conduct in violation of this policy.

G. **CONFORMANCE WITH ORGANIZATION POLICIES.** The Site Host and any other Host Organization employee must comply with all applicable provisions of the Host Organization's Internet Use Policy, Equipment Policies and Copyright Compliance Policy**.**

H. **PRIVACY.** The Host Organization, Site Host, other Host Organization employee, clinic user, or any other user has no right of privacy as to any information or file maintained in or on WCLA's property or transmitted or stored on the WCLA's laptop computer.

I. **MODIFICATIONS AND UPGRADES.** The laptop cannot be modified or upgraded by the Site Host, Host Organization or other Host Organization employee without the express written consent of WCLA.

J. **MAINTENANCE AND REPAIR.** The Host Organization shall keep the laptop and all software in good working order and condition. If repairs are necessary, the laptop and software shall be repaired by WCLA, or another entity designated and approved by the WCLA. The Host Organization may pay the fee and that fee will be reimbursed by the WCLA if approved beforehand.

K. **STOLEN, MISSING or DAMAGED LAPTOP.** The Host Organization shall keep the laptops reasonably safe and secure from unauthorized use and access. Any laptop, related equipment or software that is discovered to be stolen, missing or damaged must be reported to WCLA IMMEDIATELY. If criminal activity is suspect in the theft, loss or damage, then a report must be made to the nearest law enforcement agency. A copy of a police report must be delivered to the WCLA within two (2) business days. The Site Host should submit a report of the relevant events as well as any relevant document to WCLA.

L. **TERMINATION.** WCLA may terminate this Agreement without notice.

M. **ASSIGNMENT.** The Host Organization may not assign, sublease, or otherwise transfer any rights or obligations under this Agreement without the express written approval of WCLA.

N. **ENTIRE AGREEMENT.** Each party acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms. Each party further agrees that this Agreement is the complete and exclusive statement of the Agreement between the parties, and that this Agreement supercedes and merges all prior understandings or agreements. This Agreement may not be modified, unless in writing.

O. **GOVERNING LAW.** This Agreement is governed by and construed in accordance with the laws of the State of Wyoming. Any proceedings related to this Agreement shall be conducted in the First Judicial District Courts of Wyoming.

P. **RETURN POLICY.** Upon expiration of the term of this Agreement, the Host Organization shall return the laptops, printer and all related equipment and all software to WCLA. The responsible WCLA program administrator shall promptly check in all equipment. A Skype Clinic Laptop and Printer Loan Agreement must be completed for WCLA to consider the equipment returned.

I have reviewed the above-stated terms and agree to comply with the terms.

DATED_____

_____
Host Organization Authorized Name/Signature

_____
WCLA Authorized Name/Signature

WYOMING CENTER FOR LEGAL AID
CLIENT SKYPE CLINIC EVALUATION

Date: Case #:

Client: Attorney:

Please rate how satisfied you were with [Attorney's Name] and the Skype services on a scale of 1 to 5. Circle the number below that shows how satisfied you were.

Description	Very Dissatisfied	Somewhat Dissatisfied	Do Not Know	Somewhat Satisfied	Very Satisfied
How helpful was the attorney to you?	1	2	3	4	5
How well did the attorney explain your legal rights and options?	1	2	3	4	5
Was it beneficial to you to have a face-to-face conversation with your attorney via Skype?	1	2	3	4	5
Would you utilize this service again?	1	2	3	4	5
Will you tell others about this service?	1	2	3	4	5

Where did you hear of the Skype Clinic?_____

_____

Suggestions for improvement of our program:_____

_____

Comments: _____

_____

_____

WYOMING CENTER FOR LEGAL AID
PRO BONO ATTORNEY EVALUATION

Name:

Client:

Date of consult:

Total Time Spent:

Describe the work completed: _____

_____

_____.

What was the result of the consult? _____

_____

_____.

On a scale of 1 – 10 with 10 being most applicable, and 1 being least applicable, was the use of Skype helpful for this consultation?

Would you be willing to conduct more pro bono consults/representations in this manner?

What can we do to improve the flow of the Skype clinic? _____

_____

_____.

Comments: _____

_____

_____

Pro Bono Services and Financial Support

Summary: Pursuant to Administrative Order No. 2014-83, the Commission shall examine and make recommendations about encouraging lawyers and law firms to provide pro bono services or financial support for civil legal aid for those who cannot afford counsel.

Item	Description
F-1	Link to the ABA Access to Justice Initiatives: Innovation and expansion grants available through the ABA
F-2	Graphic representation of national civil legal aid funding by source
F-3	Example of University of Texas School of Law application for Rural Outreach Initiative for law students
F-4	Webpage describing Chicago, Illinois "Justice Entrepreneurs Project"
F-5	Rural Attorney Recruitment Program – South Dakota
F-6	"I Champion for Justice" recognition program – Texas
F-7	ABA – Recognition for Access to Justice Commissions
F-8	CY Pres funding – Rule change petition: R-13-0061
F-9	Mandatory Pro Bono work for law school students – New York
N/A	ABA Pro Bono Recognition
N/A	Rural access to justice mentorship strategy – Video South Dakota

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Strategic Agenda action item:	***Collaborate with legal services agencies and the Arizona Foundation for Legal Services and Education to develop strategies to expand legal and other self-help services for modest-to low-income litigants.***
Strategic Agenda action item:	***Identify ways to promote participation by lawyers in access to justice initiatives and recognize them for their professional and financial contributions.***
F Resources and information:	F-1 Grants available through the ABA F-2 National legal aid funding breakdown by funding source F-3 Rural Outreach Initiative Application – Texas F-4 Justice Entrepreneurs Project F-5 Rural Attorney Recruitment Program – South Dakota F-6 "I Champion for Justice" recognition program – Texas F-7 ABA - Recognition for Access to Justice Commissions F-8 CY Pres funding – Rule change petition: R-13-0061 F-9 Mandatory Pro Bono work for law school students – New York N/A ABA Pro Bono Recognition N/A Rural access to justice mentorship strategy – South Dakota

Expansion and Innovation Grants Available through the ABA

Innovation Grants | **Expansion Grants**

Enabling the launch of new state-based ATJ Commissions to provide leadership in narrowing the justice gap. Expansion grant states are:

March 2013 Grants

- Arizona
- Ohio
- Oklahoma (Commission launched, March 2014)
- Pennsylvania
- Rhode Island

October 2012 Grants

- Georgia
- Illinois (Commission launched, 2012)
- Indiana (Commission launched, Sept. 2013)
- Montana (Commission launched, 2012)
- New Hampshire (Commission launched, 2012)
- Virginia (Commission launched, Sept. 2013)
- U.S. Virgin Islands

Resources on exploring and launching ATJ Commisions, produced by Expansion Grant recipients.

Innovation Grants | **Expansion Grants**

Empowering ATJ Commissions to develop innovative new programs serving low- and modest-income client communities:

- Alabama - Online SRL Pro Bono Support
- Colorado: Affordable unbundled legal services
- Hawaii: Language access & cultural bias
- Maine: 'Lawyers in Libraries' project
- Massachusetts: Engaging new funding partners
- Mississippi: New service delivery partners
- North Carolina: Veterans Online Resources
- Washington State: E-access to court records
- Wyoming: Skype-based remote law offices at rural sites

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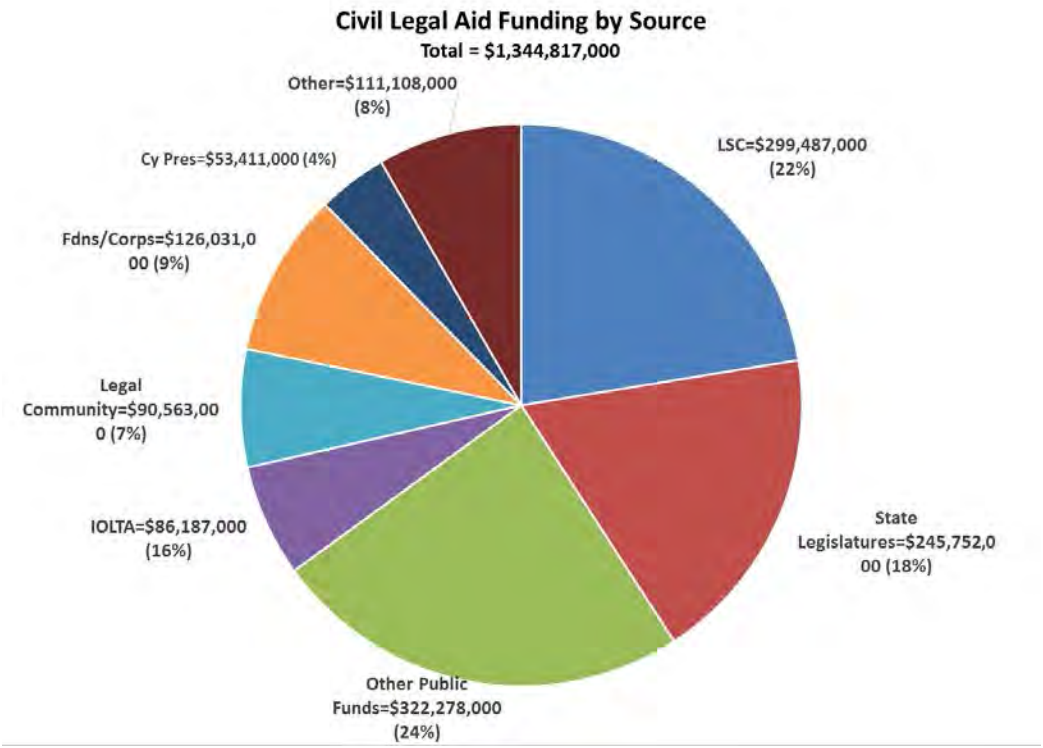

This pie chart was developed by the ABA Resource Center for ATJ Initiatives* from data collected annually from LSC, state IOLTA programs, other state-level collectors of civil legal aid funding data, and individual legal aid programs. This data was collected in 2013, so most of it is from the 2012FY of programs and/or funding sources.

Descriptions of categories, additional information:

LSC	Basic field, migrant and Native American funding from the Legal Services Corporation to programs in the 50 states
State Legislatures	State appropriations and legislatively enacted court fees & fines (including filing fees)
Other Public Funds	Non-LSC federal funding, other state grants & contracts, local public funds
IOLTA	Grants disbursed to programs
Legal Community	Voluntary contributions from individual attorneys & law firms, bar dues check-offs, mandatory attorney registration fees, pro hac vice, non-IOLTA bar foundation grants, bar association funding
Fdns/Corps	Contributions from foundations and corporations (excluding bar foundations and law firms, which are included in category above)
Cy Pres	Contributions received based on the doctrine of *cy pres*, which allows funds resulting from class actions & similar lawsuits to be distributed to the "next best" use. Note: This year includes AG foreclosure settlement funds.
Miscellaneous	Includes special events, United Way, attorneys' fees, non-attorney individuals, fellowships, fee for service contracts, religious institutions
NOTE: Programs excluded	Law school clinics; national support centers/advocacy programs; the formula grants from the federal government to Protection & Advocacy programs; legal aid-related entities that are not service providers (e.g. ATJ commissions, bar association public service coordinator positions)

*The American Bar Association Resource Center for Access to Justice Initiatives is a project of the Standing Committee on Legal Aid and Indigent Defendants. Contact Meredith McBurney, Resource Development Consultant, at meredithmcburney@msn.com for more information.

American Bar Association; may not be copied, reprinted or distributed without A

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Pro Bono Program

THE UNIVERSITY OF TEXAS SCHOOL OF LAW

Rural Outreach Initiative, Spring 2014
Application

Part I. Application

Name: _____ Class year: _____

Email Address: _____ Phone Number: _____

Are you able to drive your own car to the trip location? Yes / No

If so, are you willing to take passengers? Yes / No If yes, how many? _____

Do you speak Spanish? Yes / No

If yes, please indicate your speaking ability:

_____Basic Conversational _____Proficient Conversational _____Fluent Conversational

---

Please rank you trip preferences in order: [1 as most desired; 2 as least desired]

Pearsall: Friday, 2/21 – Saturday, 2/22 _____

Pleansanton: Friday 3/7 – Saturday 3/8 _____

Edna: Friday, 4/4 – Saturday 4/5 _____

Hondo: Friday 4/11 – Saturday 4/12 _____

Please use the space below to provide any additional information you would like us to know.

_____

_____

_____

Please submit this application, including the signed trip commitment on page 2, and a copy of your resume to the Pro Bono Office (CCJ 1.324) by noon on the Tuesday before your preferred trip date.
Questions? Contact Pro Bono Program Administrator Andrew Hill at (512) 232-1989 or ahill@law.utexas.edu.

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Pro Bono Program

THE UNIVERSITY OF TEXAS SCHOOL OF LAW

Rural Outreach Initiative, Spring 2014
Application

Part III. Trip Commitment

I have read this Application in its entirety and have indicated my information and preferences where applicable. If selected to participate, I will attend the trip to the target city, arriving at the target city at the designated time. I will attend the pre-trip orientation and will work on my assigned project(s) for the time required while I am in the designated city.

I understand that students will provide their own transportation or carpool to the trip location. I understand that the Law School will reimburse fuel costs for those who are selected to drive their own cars and who provide transportation to at least one other person. If necessary, I will stay at the group lodging and understand that the Law School will pay for lodging costs and will provide a modest daily stipend for meals. I understand lodging will be modest and I will either share a room or, if I have indicated on my application form, and if space is available, pay for a single room at the group lodging at my own expense.

I understand that the Law School or TRLA may post information about the trip and trip photographs on its website. I give the Law School, the William Wayne Justice Center, the Pro Bono Program, and TRLA permission to post and otherwise disseminate my photograph and information about my participation in the trip.

If I am selected to participate in the trip, or choose to remain on the waitlist, I will submit required forms, including a copy of a state-issued ID, health, and auto insurance, if applicable, by the designated due date.

Signature: _____

Printed name: _____

Date: _____

Justice Entrepreneurs Project – Chicago, Illinois

Justice Entrepreneurs Project Accepting Applications for Participants

Posted: July 29, 2014

The JEP is seeking entrepreneurial and public interest-minded recent law graduates for its next class of lawyers. JEP participants will create law practices serving low and moderate-income clients. Applications are due September 2, 2014. Learn more about applying or about the JEP.

0 comments

See more JEP updates...

The JEP is an incubator for recent law school graduates to start their own socially conscious law firms. The goal is to expand legal services to low and moderate income people by developing new models through which lawyers in solo or small practices can sustainably serve these clients.

Low and moderate income people represent a sizable gap in the current legal market—they earn too much to qualify for free legal aid but not enough to afford traditional firm rates. This leaves them with little access to reliable and affordable legal assistance, and as a result, more people than ever are going to court without the legal help they need.

Connect with a JEP lawyer

At the same time, new lawyers are increasingly looking for nontraditional paths into the legal profession. JEP participants are talented and entrepreneurial newer lawyers chosen to be part of the program through a competitive selection process. They are committed to serving the community by providing quality, cost-effective legal services for this market. They are technologically savvy, they welcome innovation, and they understand the need to reinvent the traditional law practice.

JEP lawyers build sustainable, efficient and flexible practices by:

- leveraging technology,
- offering fixed fees and a la carte services, and
- maximizing collaboration with their clients.

Borrowing principles from successful incubators in the business and technology fields, the JEP provides training, resources and support to participants in a collaborative office setting. The JEP also features a strong pro bono service component that places participants at partner legal aid organizations. This provides much-needed legal services for people in need while at the same time providing the JEP lawyers with vital experience and mentoring, and helping them build their networks.

The CBF makes this possible by bringing Chicago's legal community together to support and collaborate in the program. The CBF leverages significant pro bono and in-kind donations to provide much of the training and resources and connects participants to a vast network of experience and expertise.

The JEP's first group of 10 participants began in June 2013.

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South Dakota Rural Attorney Recruitment Program

Recruitment Assistance Pilot Program

The Unified Judicial System and the State Bar of South Dakota are committed to assuring that all citizens within the State of South Dakota have access to quality attorneys. In 2013, the South Dakota Legislature approved the Recruitment Assistance Pilot Program to address the current and projected shortage of lawyers practicing in small communities and rural areas of South Dakota.

This program provides qualifying attorneys an incentive payment in return for five (5) continuous years of practice in an eligible rural county. No more than sixteen (16) attorneys may participate in the program and no attorney may be added to the program after July 1, 2017. Attorneys must enter into a contract with the Unified Judicial System, the State Bar and the eligible County in order to participate. Qualifying attorneys within the program will receive an incentive payment, payable in five equal annual installments, each payment equal to 90% of one year's resident tuition and fees at the University of South Dakota School of Law, as determined on July 1, 2013.

Eligible rural counties:

To be eligible to participate in the recruitment assistance pilot program, a county within the State of South Dakota must:

- Have a population of 10,000 or less;
- Agree to pay 35% of the total amount of the incentive payment, payable in five equal annual payments. A county may prepay its portion of the incentive payment at any time during the five-year;
- Apply to the UJS by submitting a letter of intent from the County Commissioners and be accepted into the program by the UJS; and
- Is determined to be eligible by the UJS.

Before making a determination on eligibility, the UJS shall conduct a county assessment to evaluate the county's need for an attorney and its ability to sustain and support an attorney. In completing this assessment, the UJS will consider the following factors:

- Demographics of the county;
- Age and number of current attorneys practicing within the county;
- Recommendation of the presiding circuit court judge;
- Programs of economic development within the county;
- Geographic location to other counties receiving assistance; and

- Prior participation by the county in this pilot program.

The UJS shall maintain a list of counties that have been assessed and that are eligible for participation in the Recruitment Assistance Pilot Program. The UJS may revise any county assessment or conduct a new assessment as necessary to reflect any change in conditions within a county.

Eligible Attorneys:

To be eligible for participation, an attorney must:

- Be a U.S. citizen, U.S. National or permanent resident of the U.S.;
- Have a Juris Doctorate degree from an ABA accredited institution and provide a transcript;
- Be licensed as an attorney in the State of South Dakota;
- Never have been disbarred, suspended or publicly censured from the practice of law in any jurisdiction;
- Be willing to reside in the county he/she serves unless the county otherwise agrees;
- Keep the UJS informed of changes to his/her physical and mailing addresses as well as any change to his/her telephone number;
- Carry malpractice insurance during his/her involvement in the program and provide proof thereof;
- Provide a Certificate of Good Standing from the SD Supreme Court;
- Agree to practice full time as an attorney within an eligible county for a minimum of five consecutive years. Full time is defined as a minimum of 35 hours per week, for a minimum of 49 weeks per year. Excess hours cannot be applied to any other work week. Participants are allowed to spend no more than 21 full time workdays per year, excluding federal and state holidays, away from their practice for vacation, continuing legal education, illness, or any other reason, unless permission is obtained from the Chief Justice of the South Dakota Supreme Court. Qualifying FMLA leave will be approved;
- Have never previously participated in this program, or any other state or federal scholarship, loan repayment, or tuition reimbursement program that obligates the person to provide attorney services within an underserved area; and
- Submit a complete application and be approved for participation in the program by the UJS. The UJS will consider not only the above requirements, but also the following:
    - Evaluation of the attorney seeking assistance under this program; and
    - Existing or previous ties of the applicant to the county.

No more than sixteen attorneys may participate in the program at any specified time. However, no attorney may be accepted into the program after June 30, 2017.

When Can You Apply?

You may apply for participation in this program prior to receiving your license to practice law in the State of South Dakota. The contract, however, will be conditioned upon you obtaining your

license to practice law in South Dakota within a specific period of time. Please contact Suzanne Kappes (605-773-3474) if you have any questions, as applications are reviewed on a first come, first served basis.

Shortage Areas:

A current map is attached illustrating the counties within the State of South Dakota in which there is a shortage of attorneys. This does not determine whether the county is eligible, as set forth herein.

Payment Process:

1. The contract for the Recruitment Assistance Pilot Program is not effective until it is approved by the UJS, State Bar and County.
2. The rural county must pay its 35% of the annual incentive directly to the attorney and provide notice to the UJS once payment is rendered.
3. The State Bar of South Dakota must pay 15% of the annual incentive to the UJS.
4. The UJS shall then pay to the participating attorney the State Bar's portion as well as the remaining balance of the total installment payment amount due for that year. The UJS shall pay its portion from the funds appropriated to it by the SD Legislature in HB 1096.
5. The Chief Justice of the Supreme Court shall approve all vouchers and the state auditor shall draw warrants to pay UJS expenditures for this program.

Breach of Contract:

An attorney who breaches a commitment to serve in the county he/she contracted with will become liable to the Unified Judicial System, State Bar of South Dakota and the eligible county for an amount equal to the amounts of the payments previously paid to the attorney.

If a lump sum cannot be made immediately, terms of repayment must be satisfactory to the UJS.

If the attorney fails to abide by the terms of repayment, the UJS, State Bar and/or County may initiate legal action to enforce the contract and recover damages, including but not limited to repayment of the amounts paid to the attorney prior to the breach. Additionally, the debt may be reported to credit reporting agencies and may be referred to a debt collection agency. Moreover, disciplinary sanctions may be imposed by the State Bar of South Dakota Disciplinary Board and the Supreme Court of South Dakota, if the attorney fails to satisfactorily address repayment of his/her debt.

If the attorney dies before completing his/her service obligation, the obligation will be cancelled in its entirety. No liability will be transferred to the attorney's heirs.

Suspension / Waiver:

The UJS requires attorneys to fulfill their contract for the Recruitment Assistance Pilot Program without excessive absences or significant interruptions in service. Attorneys are allowed 21 days of leave per service year, excluding federal and state holidays; however, there are some circumstances that occur which will prevent an attorney from staying within this timeframe. In these cases, the UJS may, under certain circumstances, suspend (put "on hold") or waive (excuse) the obligated service or payment obligation.

1. **Suspension**. A suspension of the service commitment may be granted if compliance with the commitment by the attorney: (i) is temporarily impossible or (ii) would involve a temporary extreme hardship such that enforcement of the commitment would be unconscionable. Periods of approved suspension of service will extend the attorney's service commitment end date. The major categories of suspension are set forth below.
    1. **Leave of Absence for Medical or Personal Reasons**. A suspension may be granted for up to one year if the attorney provides independent medical documentation of a physical or mental health disability, or personal circumstances, including a terminal illness of an immediate family member, which results in the attorney's temporary inability to perform the service obligation.
    2. **Maternity/Paternity/Adoption Leave**. Before taking this leave, attorneys must notify the UJS of pending maternity/paternity/adoption leave and provide appropriate documentation. If eligible under the Family Medical Leave Act, maternity/paternity/adoption leave of 12 weeks or less will be automatically approved, if properly documented. If the attorney's maternity/paternity/adoption leave will exceed 12 weeks during that service year, the attorney must request a medical suspension, which may or may not be approved by the UJS.
    3. **Call to Active Duty in the Armed Forces**. Attorneys who are also military reservists and are called to active duty will be granted a suspension, for up to one year, beginning on the activation date described in the reservist's call to active duty order. In addition to the written request for a suspension, a copy of the order to active duty must be submitted to the UJS. The suspension will be extended if the applicable Armed Forces entity continues the period of active duty. The period of active military duty will not be credited toward the service obligation but will not be considered a breach of this contract.
2. **Waiver**. A waiver permanently relieves the attorney of all or part of the service commitment. A waiver may be granted only if the attorney demonstrates that compliance with his/her commitment is permanently impossible or would involve an extreme hardship such that enforcement of the commitment would be unconscionable. A timely waiver request must be submitted to the UJS, which shall include the reason(s) the waiver is being sought and any necessary medical and financial documentation necessary to support the waiver request.

Assessment of Participant:

The UJS verifies every 3 months that attorneys are meeting program requirements and fulfilling their service obligation. The In-Service Verification (ISV) is completed by both the Attorney and the UJS. By completing and signing the verification, the attorney is certifying the attorney's

compliance or noncompliance with the applicable requirements during that 3-month period. The verification will also record the time spent away from the service site, e.g., the total number of days during the 3-month period that the attorney fell below the minimum service requirement of 35 hours per week.

Attorneys who fail to complete and submit their 3-month ISV on time may jeopardize receiving service credit.

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Standing Committee on
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Access to Justice Commissions

Statewide Access to Justice Commissions (or their equivalent) have been created in many states across the country as a strategy for developing and implementing initiatives designed to expand access to and enhance the quality of justice in civil legal matters for low-income people. Although the work of these groups varies from state-to-state there are a broad range of issues on which they can be found to be involved.

Areas of focus of Access to Justice Commissions include: developing strategic plans for the overall statewide legal services delivery system, identifying and assessing current and future civil legal services needs of low-income persons fostering the development of statewide integrated civil legal services delivery systems, increasing resources and funding for access to justice in civil matters, ensuring efficient use of resources, and developing and implementing other initiatives designed to expand civil access to justice.

Members and staff of Access to Justice Commissions have a critical role in ensuring that pro bono is an essential element of fully integrated legal services delivery systems. Extensive resources and information can be found at this site and elsewhere that will be of assistance in helping to accomplish this important goal. These include:

The Standing Committee on Pro Bono and Public Service and ABA Center for Pro Bono

Resource Center for Access to Justice Initiatives (ABA Standing Committee on Legal Aid and Indigent Defendants)

Equal Justice Conference

A national conference for all leaders and staff of the civil legal services community and its supporters and advocates. A special program is held at this conference for Access to Justice Commission members and staff.

Access to Justice Support Project

News, documents and related information about the work of Access to Justice Commissions can be found here.

Pro Bono Policies

State policies that address pro bono can contribute to the expansion of pro bono and the improvement of access to justice systems. Click this link for information about policies such as

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Natural and other disasters create special circumstances requiring prompt responses, unique collaborations and innovative programming. Access to Justice Commissions are uniquely situated to help facilitate these efforts.

Pro Bono Publications

Updated: 5/20/2014

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IN THE SUPREME COURT

STATE OF ARIZONA

PETITION TO AMEND RULE 23, ARIZONA RULES OF CIVIL PROCEDURE	Supreme Court No. _____ **Petition to Amend Rule 23 of the Arizona Rules of Civil Procedure**

Pursuant to Rule 28 of the Arizona Rules of the Supreme Court, the Arizona Foundation for Legal Services & Education (Arizona Bar Foundation) petitions the Court to amend Rule 23 of the Arizona Rules of Civil Procedure to provide direction for the distribution of residual funds in class action cases. The proposed rule amendment would require that at least 50% of any residual class action funds be distributed to the Arizona Bar Foundation to provide legal services and access to justice for low-income residents of Arizona. In support of this petition, the Arizona Bar Foundation states the following:

I. Background and Purpose of the Proposed Amendment

This petition arises from the recommendations of the State Bar of Arizona's Access to Justice Task Force (AJTF). The AJTF was established in 2011 by the State Bar and its members were drawn from a broad group of legal professionals. In their final report in the fall of 2011, the AJTF identified the use of *cy pres* awards to distribute class action residual funds to access to justice initiatives as a way to increase financial support for legal services.[1]

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[1] SBA Access to Justice Committee Report 2011. http://www.azbar.org/media/322784/access_to_justice_task_force_report.pdf

As explained below, if the rule is adopted, Arizona would join the growing number of states that have established similar methods of disbursement for class action residual funds. Currently, there is no procedure that gives guidance to trial courts for the disbursement of class action residual funds. The rule amendment proposed in this petition would provide direction for the disbursement of these funds and is modeled after similar rules of civil procedure in Indiana, Pennsylvania, and Washington. *See* Appendix B.

II. Proposed Rule Amendment

The proposed rule amendment is the following and is attached in Appendix A:

> Rule 23(g). Disposition of Residual Funds in Class Action Cases.
>
> (1) "Residual Funds" are (a) the funds that remain after the payment of all approved class member claims, expenses, litigation costs, attorneys' fees, and other court-approved disbursements to implement the relief granted, or (b) if it is impossible or economically impractical to distribute the settlement or judgment funds to the class at all, the funds remaining after the payment of all approved expenses, litigation costs, attorneys' fees, and other court-approved disbursements to implement the relief granted. Nothing in this rule is intended to limit the trial court from approving a settlement or order that does not create residual funds.
>
> (2) Any order entering a judgment or approving a proposed compromise or settlement of a class action certified under this rule that establishes a process for identifying and compensating members of the class, or where such process is impossible or economically impractical, shall provide for the disbursement of residual funds. In matters where the claims process has been exhausted or where a claims process is impossible or economically impractical and residual funds remain, not less than fifty percent (50%) of the residual funds shall be disbursed to the Arizona Foundation for Legal Services and Education to provide legal services and access to the justice system for low-income residents of Arizona. The court may disburse the remaining residual funds for purposes that have a direct or indirect relationship to the objectives of the underlying litigation or otherwise promote the substantive

> or procedural interests of members of the certified class to either the Arizona Foundation for Legal Services and Education or any other entity.

Similar provisions have been implemented by numerous other states by rule or statute. *See* Appendix B. The states adopting statutes include: California (1994), Illinois (2008), North Carolina (2005), South Dakota (2012) and Tennessee (2006). The states that have amended court rules/orders include: Hawaii (2011), Indiana (2011), Louisiana (2012), Maine (2013), Massachusetts (2009), New Mexico (2011), Pennsylvania (2012) and Washington (2009).[2]

The states that have adopted provisions for the disbursement *cy pres* funds to legal services have varied directions for the class action residual funds distribution. *See* Appendix B. However, the one constant in these rules and statutory changes is that the residual funds are designated to go to legal services programs providing assistance and access to the justice system for low-income persons and all the recipients are entities which serve similar functions to the Arizona Bar Foundation. Nine of the thirteen states specifically list the Interest on Lawyers' Trust Account (IOLTA) program or Bar Foundation as the designated entity for receipt of residual funds.

III. Explanation of the Need for the Proposed Amendment

A. The Amendment Will Provide Funding for Arizona Legal Services Programs Whose Funding Has Been Reduced While Significant Unmet Legal Needs Remain

In Arizona, the legal services programs suffered a 13% reduction in 2012 in federal funding provided by the Legal Service Corporation.[3] As a result, the programs were forced to lay off staff and make drastic cuts in services. It is unlikely the federal reductions will be fully replaced in the foreseeable future. With over 1.1 million persons

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[2] Information provided by the American Bar Association's Resource Center for Access to Justice Initiatives, a project of the ABA Standing Committee on Legal Aid and Indigent Defendants.

[3] www.lsc.gov/local-programs/state-profile?st-AZ.

in Arizona receiving basic benefits such as food stamps and medical care, the number of persons eligible for legal services is huge.[4]

At the same time, interest rates on the IOLTA accounts have been at record low levels, barely above zero for the fifth consecutive year. There is no sign that interest rates will increase sufficiently to make a significant difference in IOLTA funding in the upcoming years. Across the nation, from 2007 through 2011, the amount of IOLTA funding has dropped by 68%.[5] Even with the inevitable rise of interest rates on IOLTA accounts, history has shown that this source of revenue "roller-coasters" every five to six years and other sources of support are needed to continue providing access to justice during the inevitable low times.

History also shows that while funding fluctuates, the demand for legal services only increases. In April 2013, a one-day count of requests for help to the three legal aid agencies (Community Legal Services, DNA-People's Legal Services, and Southern Arizona Legal Aid) documented that over 600 people sought assistance from the programs in just that one day.[6] The need for legal services is growing and the current funding sources cannot keep pace, even with increased efficiencies, use of technology, *pro bono* support and *pro se* education. Thus, new funding sources are needed. As recognized by the AJTF and other states, one such additional funding source is the use of residual class action funds.

B. Funding for Legal Services is a Responsibility of the Legal Professional

The Arizona Bar Foundation respectfully asserts that the responsibility for ensuring legal services are available to those who cannot afford to pay for such services

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[4] The Arizona Department of Economic Security publishes the number of persons receiving public benefits each month. www.azdes.gov/InternetFiles/Reports/pdf/dbme_statistical_bulletin_10_2013.pdf.

[5] Sandman, James, July 19, 2013, *Memorandum to Finance Committee,* Request Recommendations(7.19.13) pdf. found at www.lsc.gov/sites/lsc.gov/files/LSC/pdfs/Management_sRevisedFY2015Budget.

[6] April 3, 2013 "The Difference One Day Makes" – snapshot service report of the three Legal Service Corporation funded legal aid agencies in Arizona. Report expected to be made public soon.

is placed upon the lawyers through the Preamble to Rule 42 of the Arizona Rules of Professional Conduct, Arizona Rules of the Supreme Court:

> A lawyer should be mindful of the deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time *and resources and use civic influence* to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer *should aid the legal profession in pursuing these objectives* and should help the bar regulate itself in the public interest. (emphasis added).

The responsibility of funding legal services is not the sole responsibility of the attorney, but there is a clear expectation that the attorney, as a professional member of the legal/justice system, *should* accept a role in the pursuit of equal access to justice.

Thus, the Arizona Bar Foundation also respectfully asserts that this proposal furthers the principles, purpose, and strategic goals of the Arizona Courts and the State Bar of Arizona as evidenced in the Arizona Supreme Court Rules of Professional Conduct and the Lawyer's Creed of Professionalism adopted by the State Bar. http://www.azbar.org/membership/admissions/lawyer'screedofprofessionalism.

IV. The Rule 23 Amendment Utilizes the *Cy Pres* Doctrine to Further Access to Justice

Class actions are a procedural device for dealing with claims of injury that affect groups of persons too numerous to proceed as individuals in seeking redress or too difficult to identify before determining liability of a defendant to class representatives. The *cy pres* doctrine originated in sixth century Rome in the context of charitable trusts when an entity designated to receive the funds no longer existed and the receipt of the trust funds was then transferred to the "next best use."[7] The *cy pres* doctrine was been adopted by state and federal courts to distribute residual funds in class action cases.

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[7] Gayl, Josha. November 2011. "To Cy Pres or Not to Cy Pres?" For the Defense. http://foxrothschild.com/uploadedfiles/FTD-1111-Gayl.pdf.

In class action cases either by settlement or judgment, a fund is usually created to pay the class members' claims. In some cases, class members cannot be located, not all class members collect their portion of the award or the administrative costs to pay any claims outweigh the amount each class member would receive. Thus, residual funds remain. In these cases, Arizona courts have approved the application of the *cy pres* doctrine to class action cases.

> '*Cy pres*' is a derivative from French meaning 'as near as.' Black's Law Dictionary 415 (8th ed.2004) … It is also used to distribute unclaimed portions of a class-action judgment or settlement funds to a charity that will advance the interests of the class. *Id.* In the context of a class action settlement agreement, when it is not feasible to distribute the class recovery or when there is a balance that remains after distribution, the court may direct 'undistributed funds to be applied prospectively to the indirect benefit of the class.' 3 Alba Conte & Herbert Newberg, Newberg on Class Actions § 10.17 (4th ed. 2005) ('Newburg'). These funds are usually distributed to a third party for a specified purpose. *Id.*

Charles I. Friedman v. Microsoft Corporation, 213 Ariz. 344, 348, n. 7, 141 P.3d 824, 828 n.7 (App. 2006).

One common premise underlying all class actions is to make access to justice a reality for persons who otherwise would not realistically be able to obtain the protection of the justice system. Thus, the purpose of the class action remedy creates access to justice where it would otherwise not be attainable because of the small size of individual awards or the large cost of litigating the issue involved compared to the likely award. Similarly, legal services programs provide access to justice for those who otherwise would have limited or no access to the justice system. This proposal recognizes that the distribution of residual funds to legal services and access to justice services to low-income persons serves the fundamental principle of access to justice and is a "next best use" in class action cases.

V. The Rule 23 Amendment Furthers the Public Policy of the Arizona Bar Foundation/IOLTA Program to Support Access to Justice

It was in the early 1970s that discussion of IOLTA programs began to be explored. The principle was simple; client funds in a lawyer's possession that are nominal or held for a short time would be pooled in an interest generating trust account and the interest would be allocated to law-related public activities through a nonprofit corporation. Some states developed their IOLTA programs through state legislation and others through court rule. In March 1978, the Supreme Court of Florida issued a decision establishing the first United States IOLTA program with the interest going to the Florida Bar Foundation. Key provisions in gaining approval for the IOLTA program concept addressed the Internal Revenue Service's concerns that the funds generated would not result in inurement to the benefit of private individuals and groups, but rather that they would be used exclusively for public purposes.[8]

In 1983-1984 Arizona established an IOLTA program under court rule and the Arizona Bar Foundation was entrusted with administrating the IOLTA funds. The purpose of the IOLTA program is to create access to legal services and access to justice by aggregating small amounts of interest earned on short-term or small deposits that would not be sufficient to generate net earnings to their owners. Thus, the parallel between the use of class action remedies and the IOLTA program, supports use of the residual funds by the Arizona Bar Foundation.

The Arizona Bar Foundation, after three decades of operation, has administrated over $41 million in IOLTA funding and continues to serve as the entity entrusted by the Arizona Supreme Court with this important function. The Arizona Bar Foundation has a proven track record and ensures that the IOLTA interest is used exclusively for the public purposes defined under Rule 43 of the Arizona Rules of the Supreme Court. The Arizona Bar Foundation is in the unique position of having a proven track record of

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[8] *Report to the Board of Governors Task Force and Advisory Board on Interest on Lawyer (sic) Trust Accounts*, Section VII, pages 13-21, American Bar Association, July 26, 1982.

disbursing funds to a broad array of programs that provide legal services and access to justice services to those in Arizona.

The proposed amendment confirms that there is a procedural nexus between the ability of class members to secure relief in the judicial forum under Rule 23 and the interests of others who may similarly need access to the justice system to assert or defend critical legal rights and interests. The proposed amendment does not substantially interfere with the freedom of the parties or their attorneys to craft and propose class action settlements. What it does, is preclude the parties or their attorneys from allocating 100% of the residual funds to charities of their choosing.

Finally, the proposal places no additional burdens on the courts or the parties in the management of class action cases. The amendment will support access to justice for many Arizonans who otherwise would have no legal assistance.

VI. Potential Benefit from Residual Funds Designation

The history of the implementation of similar provisions in other states shows that use of the residual funds can be an effective tool to support legal services. States vary in their procedures for either mandating or providing an option for the residual funds disbursement to an entity that supports legal services or access to the courts for low-income persons.

The American Bar Association Resource Center also attempts to collect information on how much funding is being generated annually by states with rule or statutory class action residual funds distribution provisions. There is not accurate or complete data for all states, but the existing data shows that the amount collected annually varies significantly, both from year to year within each state and from state to state.[9] The amount generated in states that do not require the award of a specific percentage of residual funds to legal services programs ranges from zero to $3 million in California. States that mandate that a percentage of the residual funds go to access to legal services and access to justice tend to have higher amounts awarded, between $3

[9] *See* footnote 2.

million and $13 million annually recently in Illinois, Pennsylvania and Washington. In Washington, from February 2008 to April 2013, over $8 million of residual funds were directed to the state's IOLTA program.

Below is a brief summary of the state provisions mandating a percentage of residual funds distribution:

- 100%: North Carolina requires residuals to be divided equally between the Indigent Person's Attorney Fund and the North Carolina State Bar "for the provisions of civil legal services for indigents" unless a court orders otherwise. N.C. Gen. Stat. § 1-267.10 (2012).
- 100%, with up to 50% discretion: South Dakota mandates that residual funds go to the Commission on Equal Access to Our Courts, but permits up to 50% to be distributed to "nonprofit charitable organizations that serve the public good if the court finds there is good cause to approve such a distribution as part of the settlement." S.D. Codified Laws § 16-2-57 (2012).
- 50% minimum: Pennsylvania requires that a minimum of 50% of residual funds be disbursed to the Pennsylvania IOLTA Board. Pa. R. Civ. P. 1716 (2012).
- 25% minimum: Both Indiana and Washington require a minimum of 25% be disbursed to the Indiana Bar Foundation and the Legal Foundation of Washington, respectively. Ind. R. Trial P. 23(F)(2) (2013); Wash. C.R. 23(f) (2012).

This information demonstrates that there is the potential for a large increase in funds designated toward access to justice efforts when rules and/or statutes concerning class action residual funds are amended. With seven states added since 2011, it is clear that there is a growing recognition and significant movement toward the use of residual funds as an appropriate way to obtain additional funding for legal services.

The Arizona Bar Foundation respectfully requests that the Court approve this petition so that the legal services and access to justice programs in Arizona can reap the benefits of the use of residual funds to help low-income Arizonans. This amendment is consistent with the furtherance of important public policy goals, including the efficient use and conservation of judicial resources, the promotion of settlements, the provision of legal representation and services to low-income Arizonans and the improvement of the administration of justice.

Conclusion

For the above reasons, the Arizona Foundation for Legal Services & Education respectfully requests that the Court amend Rule 23 to require that at least 50% of the residual funds in class action cases be distributed to the Arizona Bar Foundation to provide legal services and access to the justice system for low-income residents of Arizona.

RESPECTFULLY SUBMITTED this 18th day of December 2013.

Arizona Foundation for Legal Services & Education

By /s/Thomas J. Giallanza
Thomas J. Giallanza
President

Electronic copy filed with the Clerk of the Supreme Court of Arizona this 18th day of December, 2013.

By: /s/Thomas J. Giallanza

APPENDIX A
Proposed Rule of Civil Procedure 23(g)
(new language is underlined)

Rule 23(g). Disposition of Residual Funds in Class Action Cases.

(1) "Residual Funds" are (a) the funds that remain after the payment of all approved class member claims, expenses, litigation costs, attorneys' fees, and other court-approved disbursements to implement the relief granted, or (b) if it is impossible or economically impractical to distribute the settlement or judgment funds to the class at all, the funds remaining after the payment of all approved expenses, litigation costs, attorneys' fees, and other court-approved disbursements to implement the relief granted. Nothing in this rule is intended to limit the trial court from approving a settlement or order that does not create residual funds.

(2) Any order entering a judgment or approving a proposed compromise or settlement of a class action certified under this rule that establishes a process for identifying and compensating members of the class, or where such process is impossible or economically impractical, shall provide for the disbursement of residual funds. In matters where the claims process has been exhausted or where a claims process is impossible or economically impractical and residual funds remain, not less than fifty percent (50%) of the residual funds shall be disbursed to the Arizona Foundation for Legal Services and Education to provide legal services and access to the justice system for low-income residents of Arizona. The court may disburse the remaining residual funds for purposes that have a direct or indirect relationship to the objectives of the underlying litigation or otherwise promote the substantive or procedural interests of members of the certified class to either the Arizona Foundation for Legal Services and Education or any other entity.

APPENDIX B
Excerpts of Rules and Statutes

California

Statute 384 (a) It is the intent of the Legislature in enacting this section to ensure that the unpaid residuals in class action litigation are distributed, to the extent possible, in a manner designed either to further the purposes of the underlying causes of action, or to promote justice for all Californians. The Legislature finds that the use of funds collected by the State Bar pursuant to this section for these purposes is in the public interest, is a proper use of the funds, and is consistent with essential public and governmental purposes (b) Except as provided in subdivision (c), prior to the entry of any judgment in a class action established pursuant to Section 382, the court shall determine the total amount that will be payable to all class members, if all class members are paid the amount to which they are entitled pursuant to the judgment. The court shall also set a date when the parties shall report to the court the total amount that was actually paid to the class members. After the report is received, the court shall amend the judgment to direct the defendant to pay the sum of the unpaid residue, plus interest on that sum at the legal rate of interest from the date of entry of the initial judgment, to nonprofit organizations or foundations to support projects that will benefit the class or similarly situated persons, or that promote the law consistent with the objectives and purposes of the underlying cause of action, to child advocacy programs, or to nonprofit organizations providing civil legal services to the indigent. The court shall ensure that the distribution of any unpaid residual derived from multistate or national cases brought under California law shall provide substantial or commensurate benefit to California consumers.

Hawaii

R.Civ.Pro. Rule 23(f) states: (f) Distribution. Prior to the entry of any judgment under subdivision (c)(3) or the approval of any compromise under subdivision (e), the court shall determine the total amount payable to each class member. The court shall set a date when the parties shall report to the court the total amount actually paid to class members. After the report is received, the court shall direct the defendant, by order entered on the record, to distribute the sum of any unpaid residue after the payment of approved class member claims, expenses, litigation costs, attorneys' fees, and other court-approved disbursements. Unless otherwise required by governing law, it shall be within the discretion of the court to approve the timing and method of distribution of residual funds and to approve the recipient(s) of residual funds, as agreed to by the parties, including nonprofit tax exempt organizations eligible to receive assistance from the indigent legal assistance fund under HRS section 607-5.7 (or any successor provision) or the Hawaii Justice Foundation, for distribution to one or more of such organizations.

Indiana

Rule 23 (F) Disposition of Residual Funds.

(1) "Residual Funds" are funds that remain after the payment of all approved class member claims, expenses, litigation costs, attorneys' fees, and other court-approved disbursements to implement the relief granted. Nothing in this rule is intended to limit the trial court from approving a settlement that does not create residual funds.

(2) Any order entering a judgment or approving a proposed compromise of a class action certified under this rule that establishes a process for identifying and compensating members of the class shall provide for the disbursement of residual funds, unless otherwise agreed. In matters where the claims process has been exhausted and residual funds remain, not less than twenty-five percent (25%) of the residual funds shall be disbursed to the Indiana Bar Foundation to support the activities and programs of the Indiana Pro Bono Commission and its *pro bono* districts. The court may disburse the balance of any residual funds beyond the minimum percentage to the Indiana Bar Foundation or to any other entity for purposes that have a direct or indirect relationship to the objectives of the underlying litigation or otherwise promote the substantive or procedural interests of members of the certified class.

Illinois

Sec. 2-807. Residual funds in a common fund created in a class action.

(a) Definitions. As used in this Section: "Eligible organization" means a not-for-profit organization that: (i) has been in existence for no less than 3 years; (ii) has been tax exempt for no less than 3 years from the payment of federal taxes under Section 501(c)(3) of the Internal Revenue Code; (iii) is in compliance with registration and filing requirements applicable pursuant to the Charitable Trust Act and the Solicitation for Charity Act; and (iv) has a principal purpose of promoting or providing services that would be eligible for funding under the Illinois Equal Justice Act. "Residual funds" means all unclaimed funds, including uncashed checks or other unclaimed payments, that remain in a common fund created in a class action after court-approved payments are made for the following: (i) class member claims; (ii) attorney's fees and costs; and (iii) any reversions to a defendant agreed upon by the parties.

(b) Settlement. An order approving a proposed settlement of a class action that results in the creation of a common fund for the benefit of the class shall, consistent with the other Sections of this Part, establish a process for the administration of the settlement and shall provide for the distribution of any residual funds to one or more eligible organizations, except that up to 50% of the residual funds may be distributed to one or more other nonprofit charitable organizations or other organizations that serve the public good if the court finds there is good cause to approve such a distribution as part of a settlement.

(c) Judgment. A judgment in favor of the plaintiff in a class action that results in the creation of a common fund for the benefit of the class shall provide for the distribution of any residual funds to one or more eligible organizations.

(d) State and its political subdivisions. This Section does not apply to any class action lawsuit against the State of Illinois or any of its political subdivisions.

(e) Application. This Section applies to all actions commenced on or after the effective date of this amendatory Act of the 95th General Assembly and to all actions pending on the effective date of this amendatory Act of the 95th General Assembly for which no court order has been entered preliminarily approving a proposed settlement for a class of plaintiffs.
(Source: P.A. 95-479, eff. 7-1-08.)

Louisiana
RULE XLIII. CY PRES AWARD
Section 1. For purposes of this rule, "Cy Pres Funds" shall refer to all funds that remain after the payment of all approved class member claims, expenses, litigation costs, attorneys' fees and other court-approved disbursements to implement the relief granted. It shall not refer to any such remaining funds that are otherwise distributed by the parties through class settlement, including funds to be returned to one or more parties.
Section 2. In matters where the claims process has been exhausted and Cy Pres Funds remain, such funds may be disbursed by the trial court to one or more non-profit or governmental entities which support projects that will benefit the class or similarly situated persons consistent with the objectives and purposes of the underlying causes of action on which relief was based, including the Louisiana Bar Foundation for use in its mission to support activities and programs that promote direct access to the justice system.
Section 3. All disbursements of Cy Pres Funds made pursuant to this Rule shall be reported to the Office of the Judicial Administrator of the Louisiana Supreme Court.
[Enacted effective September 27, 2012]

Maine
(f) Payment of Residual funds.
(1) "Residual funds" are those funds, if any, that remain after reasonable efforts to pay approved class member claims and make other approved disbursements, including any return of funds to the settling defendant, called for by a settlement agreement approved under subdivision (e) of this Rule.
(2) The parties may agree that residual funds be paid to an entity whose interests reasonably approximate those being pursued by the class. When it is not clear that there is such a recipient, unless otherwise required by governing law, the settlement agreement should provide that residual fees, if any, be paid to the Maine Bar Foundation to be distributed in the same manner as funds received from interest on lawyers trust accounts pursuant to M. Bar R. 6(a)(2)-(5).

Massachusetts
(e) Disposition of Residual Funds.
(1) "Residual Funds" are funds that remain after the payment of all approved class member claims, expenses, litigation costs, attorneys' fees, and other court-approved disbursements to implement the relief granted. Nothing in this rule is intended to limit the

parties to a class action from suggesting, or the trial court from approving, a settlement that does not create residual funds.
(2) Any order, judgment or approved compromise in a class action certified under this rule that establishes a process for identifying and compensating members of the class may provide for the disbursement of residual funds. In matters where the claims process has been exhausted and residual funds remain, the residual funds shall be disbursed to one or more nonprofit organizations or foundations (which may include nonprofit organizations that provide legal services to low income persons) which support projects that will benefit the class or similarly situated persons consistent with the objectives and purposes of the underlying causes of action on which relief was based, or to the Massachusetts IOLTA Committee to support activities and programs that promote access to the civil justice system for low income residents of the Commonwealth of Massachusetts.

New Mexico
1-023. Class actions.G. Residual funds to named organization.
(1) For purposes of Subparagraph (2) of this paragraph, "residual funds" are
(a) unclaimed funds, including uncashed checks and other unclaimed payments, that remain after payment of all approved class member claims, expenses, litigation costs, attorneys' fees, and other court-approved disbursements or dispositions to implement the relief granted, whether such payments are drawn from a common fund or directly from the judgment debtor's own funds; or
(b) if it is impossible or economically impractical to distribute the common fund to the class at all, the entire common fund after payment of all approved expenses, litigation costs, attorneys' fees, and other court-approved disbursements or dispositions to implement the relief granted, whether such payments are drawn from a common fund or directly from the judgment debtor's own funds.
(2) Either in its order entering a judgment or approving a proposed settlement of a class action certified under this rule that establishes a process for identifying and compensating members of the class or by a subsequent order entered when residual funds are determined to exist, the court shall provide for the disbursement of residual funds, if any, to one or more of the following entities:
(a) nonprofit organizations that support projects that benefit the class or similarly situated persons consistent with the goals of the underlying causes of action on which relief was based;
(b) educational entities that provide training, teaching and legal services that further the goals of the underlying causes of action on which relief was based;
(c) nonprofit organizations that provide legal services to low income persons;
(d) the entity administering the IOLTA fund under Rule 24-109 NMRA, to support activities and programs that promote access to the civil justice system for low income residents of New Mexico; and
(e) the entity administering the pro hac vice fund under Rule 24-106

NMRA, to support activities and programs that promote access to the civil justice system for low income residents of New Mexico.
(3) Nothing in this paragraph is intended to prevent the parties to a class action from proposing, or the trial court from approving, a settlement that does not create residual funds.
[As amended, effective July 1, 1995; December 4, 2000; as amended by Supreme Court Order No. 11-8300-016, effective May 11, 2011.]

North Carolina
Article 26B. Distribution of Unpaid Residuals in Class Action Litigation.
§ 1-267.10. Distribution of unpaid residuals in class action litigation.
(a) It is the intent of the General Assembly to ensure that the unpaid residuals in class action litigation are distributed, to the extent possible, in a manner designed either to further the purposes of the underlying causes of action or to promote justice for all citizens of this State. The General Assembly finds that the use of funds collected by the State courts pursuant to this section for these purposes is in the public interest, is a proper use of the funds, and is consistent with essential public and governmental purposes.
(b) Prior to the entry of any judgment or order approving settlement in a class action established pursuant to Rule 23 of the Rules of Civil Procedure, the court shall determine the total amount that will be payable to all class members, if all class members are paid the amount to which they are entitled pursuant to the judgment or settlement. The court shall also set a date when the parties shall report to the court the total amount that was actually paid to the class members. After the report is received, the court, unless it orders otherwise consistent with its obligations under Rule 23 of the Rules of Civil Procedure, shall direct the defendant to pay the sum of the unpaid residue, to be divided and credited equally, to the Indigent Person's Attorney Fund and to the North Carolina State Bar for the provision of civil legal services for indigents. (2005-420, s. 1.)

Pennsylvania
Title 231. Rules of Civil Procedure Part I. General Chapter 1700. Class Actions
Rule 1701. [Definition] Definitions. Conformity.
(a) As used in this chapter [.] [Class action-Any] "Class action" means any action brought by or against parties as representatives of a class until the court by order refuses to certify it as such or revokes a prior certification under these rules. "Residual funds" are funds that remain after the payment of all approved class members claims, expenses, litigation costs, attorney's fees, and other court approved disbursements to implement relief granted.
(a) Except as otherwise provided in this chapter, the procedure in a class action shall be in accordance with the rules governing the form of action in which relief is sought.
Rule 1716. Residual funds.
(a) Any order entering a judgment or approving a proposed compromise or settlement of a class action that establishes a process for the identification and compensation of members of the class shall provide for disbursement of residual funds.

(b) Not less than fifty percent (50%) of residual funds in a given class action shall be disbursed to the Pennsylvania Interest on Lawyers Trust Account Board to support activities and programs which promote the delivery of civil legal assistance to the indigent in Pennsylvania by non-profit corporations described in Section 501 (c) (3) of the Internal Revenue code of 1986, as amended. The order may provide for disbursement of the balance of any residual funds in excess of those payable to the Pennsylvania Interest on Lawyers Trust Account Board to the Pennsylvania Interest on Lawyers Trust Account Board, or to another entity for purposes that have a direct or indirect relationship to the objectives of the underlying class action, or which otherwise promote the substantive o procedural interest of the members of the class.

South Dakota

16-2-57. Settlement of class action lawsuit. Any order settling a class action lawsuit that results in the creation of a common fund for the benefit of the class shall provide for the distribution of any residual funds to the Commission on Equal Access to Our Courts. However, up to fifty percent of the residual funds may be distributed to one or more other nonprofit charitable organizations that serve the public good if the court finds there is good cause to approve such a distribution as part of the settlement. For the purposes of this section, residual funds are any funds left over after payment of class member claims, attorney fees and costs, and any reversions to a defendant agreed upon by the parties and approved by the court. This section does not apply to any class action lawsuit against the State of South Dakota or any of its political subdivisions.
Source: SL 2008, Ch 104, § 3.

Tennessee

RULE 23 CLASS ACTIONS 218 RULE 23.08: DISPOSITION OF RESIDUAL FUNDS.
Any order entering a judgment or approving a proposed compromise of a class action certified under this rule may provide for the disbursement of residual funds. Residual funds are funds that remain after the payment of all approved: class member claims, expenses, litigation costs, attorneys' fees, and other court-approved disbursements to implement the relief granted. Nothing in this rule is intended to limit the parties to a class action from suggesting, or the trial court from approving, a settlement or order entering a judgment that does not create residual funds. It shall be within the discretion of the court to approve the timing and method of distribution of residual funds and to approve the recipient(s) of residual funds. A distribution of residual funds to a program or fund which serves the pro bono legal needs of Tennesseans including, but not limited to, the Tennessee Voluntary Fund for Indigent Civil Representation is permissible but not required. Upon motion of any party to a settlement or judgment of a class action certified under this rule or upon the court's own initiative, orders may be entered after an approved settlement or judgment to address the disposition and disbursement of residual funds in a manner consistent with this rule.

Washington

RULE CR 23 CLASS ACTIONS (f) Disposition of Residual Funds.

(1) "Residual Funds" are funds that remain after the payment of all approved class member claims, expenses, litigation costs, attorneys' fees, and other court approved disbursements to implement the relief granted. Nothing in this rule is intended to limit the parties to a class action from suggesting, or the trial court from approving, a settlement that does not create residual funds.

(2) Any order entering a judgment or approving a proposed compromise of a class action certified under this rule that establishes a process for identifying and compensating members of the class shall provide for the disbursement of residual funds. In matters where the claims process has been exhausted and residual funds remain, not less than twenty-five percent (25%) of the residual funds shall be disbursed to the Legal Foundation of Washington to support activities and programs that promote access to the civil justice system for low income residents of Washington State. The court may disburse the balance of any residual funds beyond the minimum percentage to the Legal Foundation of Washington or to any other entity for purposes that have a direct or indirect relationship to the objectives of the underlying litigation or otherwise promote the substantive or procedural interests of members of the certified class.

[Adopted effective July 1, 1967; amended effective January 3, 2006.]

NATIONAL CENTER FOR ACCESS TO JUSTICE at Cardozo Law School

Law Student Pro Bono

Law students want to do pro bono, but are they receiving substantial opportunities to do so? Are they able to acquire legal skills, gain understanding of the professional responsibility to do pro bono, and make a difference for people with unmet legal needs? In a landmark development, on May 22, 2012, New York State responded to these questions by adopting a 50 hours pro bono service requirement as a condition of admission to the New York bar. The Center is:

- Championing a 50 hour pro bono service requirement for inclusion in the ABA's national accreditation standards for law schools.
- Supporting adoption of 50 hour pro bono service bar admission requirements in multiple states.
- Supporting a law student campaign that is working to strengthen law student pro bono across the country.
- Writing a National Guide to Strengthening Law Student Pro Bono to Increase Access to Justice, with Equal Justice Works.
- Developing a reform agenda for law student pro bono.
- Publishing examples of successful law student pro bono programs and projects that can be replicated in settings across the country.
- Building and running model pro bono projects

Championing a 50 hour pro bono service graduation requirement for inclusion in the ABA's national accreditation standards; Supporting adoption of pro bono service bar admission requirements in multiple states:

- Chief Justices Issue Resolution in Support of Law Student Pro Bono; Udell & Rhode Op Ed in National Law Journal; More Progress Toward a National 50 Hour Pro Bono Service Requirement for Future Lawyers (August 7, 2013)
  Report to the Connecticut Judicial Branch Access to Justice Commission (February 15, 2013), with appendix (February 15, 2013)
- California State Bar Board of Trustees Task Force on Admissions Regulation Reform, Draft recommendations endorsing 50 hour pro bono rule for students and recent graduates, curriculum requirements, and continuing legal education requirement (February 28, 2013), and Joyce Cutler, California Proposal Would Mandate Pro Bono, Practical Skills Requirements for Admission, Bloomberg BNA, from ABA/BNA Lawyers Journal of Professional Conduct (February 27, 2013)
- Law Student Initiative, Student Pro Bono 50 Hour Rule Campaign Memo (February 24, 2013)
- Liz Tobin-Tyler & David Udell, Is New York's 50 Hour Pro Bono Service Rule Changing the Future of Law Student Pro Bono, Bloomberg Law (January 28, 2013)

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- Karen Sloan, New York Law Journal, Law Student Pro Bono Reuirement Gets Chilly Response from ABA (Nov. 21, 2012)
- Jackie Gardina, Ngai Pindel, Society of American Law Teachers, Letter to ABA Standards Review Committee (Nov. 15, 2012)
- Holly Eaton, Letter to ABA Standards Review Committee (Nov. 16, 2012)
- Jo-Ann Wallace, Don Saunders, National Legal Aid & Defender Association, Letter to ABA Standards Review Committee (Nov. 15, 2012)
- Robert Gillett, Legal Services of South Central Michigan, Letter to ABA Standards Review Committee (Nov. 13, 2012)
- Erwin Chemerinsky – Letter to ABA's Standards Review Committee (Nov. 11, 2012)
- David Stern, Equal Justice Works, Letter to ABA Standards Review Committee (Nov. 11, 2012)
- David Udell, Deborah Rhode – Comments Submitted to ABA's Standards Review Committee Recommending Adoption of 50 Hours Pro Bono Requirement Within Law School Accreditation Standards (Nov. 9, 2012)

Developing a Reform Agenda for Law Student Pro Bono:

- Software for Law Student Pro Bono – NCAJ's Policy Recommendation (February 25, 2013)
- Report & Recommendations of the Law School Involvement Working Group of the NY Court's Task Force to Expand Access to Legal Services in New York - NCAJ, contributing author (December 1, 2012)
- List of reform opportunities for law student pro bono – NCAJ's Policy Recommendation (Dec. 10, 2012)

Publishing Examples of Replicable Law Student Pro Bono Programs and Projects:

- List of Replicable Law Student Pro Bono Model Projects and Structures – NCAJ's Policy Recommendation (Oct. 15, 2012)

Building and Running Model Pro Bono Projects:

- NCAJ Project with Pfizer Inc and Dozens of Summer Associates, Pro Bono, Examines Treatment of Self Represented Litigants in Child Support Cases, Part of NCAJ's Larger Justice Index Project, National Law Journal (July 22, 2013)

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State Tax Credit

Summary: Pursuant to Administrative Order No. 2014-83, the Commission shall examine and make recommendations on developing an information campaign to inform lawyers and other citizens about the state tax credit for contributions to agencies that serve the working poor, including legal services agencies in Arizona. There are more than 17,700 active, licensed attorneys in Arizona. Potentially, if every Arizona attorney took advantage of the charitable tax credit, which is a dollar-for-dollar reduction of tax liability, the donations to several legal service providers would amount to more than $3.5 million in annual donations.

Item	Description
G-1	Arizona State Tax Form 321 Instructions
G-2	Arizona State Tax Form 321
G-3	October 9, 2014 Take Advantage of the Tax Credit for the Working Poor – Agenda

Strategic Agenda action item: ***Identify ways to improve funding for the judicial branch and the courts' ongoing ability to provide access to court services.***

Resources and information:
G-1 Arizona State Tax Form 321 Instructions
G-2 Arizona State Tax Form 321
G-3 Take Advantage of the Tax Credit for the Working Poor – Agenda

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Name Change - AZ Form 321

Arizona now allows you to also claim a credit for cash contributions made to qualifying foster care charitable organizations. As a result, the name of this credit form was changed from *Credit for Contributions to Charities That Provide Assistance to the Working Poor* to *Credit for Contributions to Qualifying Charitable Organizations.*

Phone Numbers

For information or help, call one of the numbers listed:

Phoenix	(602) 255-3381
From area codes 520 and 928, toll-free	(800) 352-4090

Tax forms, instructions, and other tax information

If you need tax forms, instructions, and other tax information, go to the department's Internet home page at **www.azdor.gov**.

Income Tax Procedures and Rulings

These instructions may refer to the department's income tax procedures and rulings for more information. To view or print these, go to our home page and click on *Legal Research* then click on *Procedures* or *Rulings* and select a tax type from the drop down menu.

Publications and Brochures

To view or print the department's publications and brochures, go to our home page and click on *Publications*.

General Instructions

NOTE: *Beginning in 2013, you are no longer required to claim itemized deductions on your Arizona return filed for the year in which you claim a credit for contributions made to qualifying charitable organizations.*

Arizona law provides a credit for cash contributions made to certain charities that provide help to the working poor. The maximum amount of credit for these donations is $200 for single taxpayers or heads of household. For married taxpayers, the maximum credit is $400.

Beginning in 2013, the maximum credit has been increased for cash contributions made to a qualified foster care charitable organization that is also a qualified charitable organization. If you made a contribution to a qualified foster care charitable organization, you can increase the maximum credit amount allowed from $200 to $400 ($400 to $800 for married filing joint).

If you made cash contributions to **both** types of charities during the taxable year, the **total maximum** credit allowed for the taxable year is $400 for single taxpayers or heads of household. For married taxpayers, the **total maximum** credit allowed for the taxable year is $800.

In most cases, for married taxpayers who file separate returns, each spouse may claim only one-half (1/2) of the total credit that would have been allowed on a joint return. If you are married filing a separate return, but you could have filed a joint return, you may take only 1/2 of the total credit that you and your spouse would have been allowed to take on a joint return.

If the allowable tax credit is more than your tax or if you have no tax, you may carry the unused credit forward for up to the next 5 consecutive taxable years' income tax liability.

This credit is available only to individuals. Corporations may not claim this credit. A partnership may not pass the credit through to its partners. An S corporation may not pass the credit through to its shareholders.

You may qualify for this credit if you make cash contributions to a qualified charity through an umbrella type of charitable organization. In this case, you must designate your donation to a member charitable organization or member group fund that would qualify on a stand-alone basis.

NOTE: *You may be able to make contributions to these charities through your payroll withholding. Contact your employer and ask if they can withhold contributions for this credit from your pay.*

For more information about this credit, see the department's brochure, Pub 710, *Credit for Contributions to Qualifying Charitable Organizations.*

What is a Qualifying Charitable Organization?

A qualifying charitable organization (charity) is a charity that is exempt from federal income tax under Internal Revenue Code (IRC) § 501(c)(3). A qualifying charity is also a charity that is a designated community action agency that receives Community Services Block Grant Program money under the United States Code, Title 42, Section 9901. The charity must spend at least 50% of its budget on services to Arizona residents who receive Temporary Assistance for Needy Families benefits, who are low income Arizona residents, or who are chronically ill or physically disabled children.

For the purpose of this credit, qualifying services are services that meet the recipient's immediate basic needs. The services must be provided and used in Arizona. Services that meet these needs include cash assistance, medical care, childcare, food, clothing, shelter, job training, and job placement services.

A qualifying charitable organization also includes charities that are *qualifying foster care charitable organizations*. A qualifying foster care charitable organization is a qualifying charitable organization that each operating year provides services to at least two hundred foster children in Arizona. The charity must spend at least 50% of its budget on services to foster children in this state.

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"Foster child" means a child placed in a foster home or child welfare agency. "Foster home" means a home maintained by any individual or individuals having the care or control of minor children, other than those related to each other by blood or marriage, or related to such individuals, or who are legal wards of such individuals.

How Can I Tell if a Charity Qualifies?

In order to qualify, a charity must provide the Department with written certification that it meets the criteria necessary to be considered a qualifying charity. To see if a particular charity qualifies, you should visit the Department's website and click on *Tax Credits* to see a list of the qualifying charities.

Line-by-Line Instructions

Part I - Current Year's Credit

Section A - Contributions to Qualifying Charitable Organizations

Complete Section A to claim a credit for cash contributions made to a qualified charitable organization *other* than a qualified foster care charitable organization.

If you made cash contributions to more than 3 qualifying charities, complete an additional schedule. The schedule should show the same information required for each of the additional charities to which you made contributions.

Note: *Do not include donations to qualified foster care charitable organizations in Section A. List those cash contributions in Section B.*

Lines 1a, 1b, and 1c -

Enter the name(s) and location of each qualifying charity to which you made cash contributions. Enter the amount donated to each charity in column (c).

If you donated to more than 3 qualifying charities, complete an additional schedule. The schedule should show the same information required for each of the additional charities to which you made contributions.

Line 1d -

Add the amount of cash contributions made to all qualifying charities listed in column (c) on lines 1a, 1b, 1c, and any additional schedule. Enter the total on line 1d.

Line 2 -

- Single taxpayers or heads of household, enter $200.
- Married taxpayers, enter $400.

Line 3 - Current Year's Credit

Enter the smaller of line 1d or line 2.

If you did not make any cash contributions to a qualified foster care charitable organization, and your filing status is:

- Single, head of household, or married filing joint
  - Enter the **total** amount from line 3 on line 15 in Part III.
  - Skip Section B and go to Part II.
- Married filing separate
  - If you are married filing a separate return, but you could have filed a joint return, you may take only 1/2 of the total credit that you and your spouse would have been allowed to take on a joint return, up to a maximum of $200 each. In this case, enter **one-half** (1/2) of the amount from line 3 on line 15 in Part III.
  - Skip Section B and go to Part II.

If you made any cash contributions to a qualified foster care charitable organization, do the following:

- Enter the **total** amount from line 3 on line 5 in Section B.
- Complete Section B.

Section B - Contributions to Qualifying Foster Care Charitable Organizations

Complete Section B to claim a credit for cash contributions made to a qualified foster care charitable organization.

Lines 4a, 4b, and 4c -

Enter the name(s) and location of each qualifying foster care charity to which you made cash contributions. Enter the amount donated to each charity in column (c).

If you donated to more than 3 qualifying charities, complete an additional schedule. The schedule should show the same information required for each of the additional charities to which you made contributions.

Line 4d -

Add the amount of cash contributions made to all qualifying foster care charities listed in column (c) on lines 4a, 4b, 4c, and any additional schedule. Enter the total on line 4d.

Line 5 -

Enter the amount from Section A, line 3.

Line 6 -

Add line 4d and line 5; and enter the total.

Line 7 -

- Single taxpayers or heads of household, enter $400.
- Married taxpayers, enter $800.

Line 8 -

Enter the smaller of line 6 or line 7.

If you are married filing a separate return, but you could have filed a joint return, you may take only one-half of the total credit that you and your spouse would have been allowed to take on a joint return, up to a maximum of $400 each.

In this case, enter one-half of the smaller of line 6 or 7.

Part II - Available Credit Carryover

Lines 9 through 14 -

Use lines 9 through 14 to figure your total available credit carryover from taxable years 2008 through 2012.

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Complete lines 9 through 14 if you claimed this credit on a return for one of these years and the credit was more than your tax.

NOTE: *You may carry over only that portion of the credit that you do not apply to tax. You cannot carry over any amount that you gave that was more than the maximum amount allowed as a credit.*

For example: During 2013, Mary, a single person, gave $300 to a qualified charity that provides services to the working poor. Mary also gave $200 to a qualified foster care charity. For 2013, Mary is allowed a maximum credit of $400. Mary's 2013 tax is $125. Mary can apply $125 of the credit to her 2013 tax liability and may carryover $275 of the unused $400 credit to 2014.

Mary cannot claim any credit for the $100 gift that was more than the allowable credit ($300 minus allowable credit of $200 for cash contributions made to the working poor).

- In column (b), enter the credit originally computed for that taxable year listed in column (a).
- In column (c), enter the amount of the credit from that taxable year which you have already used.
- Subtract the amount in column (c) from column (b) and enter the difference in column (d).
- Add the amounts entered on lines 9 through 13 in column (d).

Enter the total on line 14, column (d).

Part III - Total Available Credit

Lines 15 through 17-

Use lines 15 through 17 to figure your total available credit for the taxable year.

Line 15

- If you are **not** claiming a credit for donations made to qualified foster care charities, enter the amount from Part I, Section A, line 3.
- If you are claiming a credit for donations made to qualified foster care charities, enter the amount from Section B, line 8.

Line 16

Enter the amount of available carryover from Part II, line 14, column (d).

Line 17

Add line 15 and line 16. Enter the total on line 17. This is your total available credit.

If this is the only credit that you are claiming, and the credit shown on line 17 is equal to or less than your Arizona tax, enter the amount from Part III, line 17 on Form 140, page 1, line 25; or Form 140NR, page 1, line 27; or Form 140PY, page 1, line 28.

If you are claiming the family income tax credit or other credits from only Forms 310, 322, and/or 323, complete the following worksheet, **or** one of the credit worksheets in the Form 310, 322, or 323 instructions.

Credit Worksheet	
1. Enter your Arizona tax less the family income tax credit, if applicable.	.00
2. Enter the credit from Form 310, Part III, line 18.	.00
3. Enter the credit from Form 321, Part III, line 17.	.00
4. Enter the credit from Form 322, Part III, line 15.	.00
5. Enter the credit from Form 323, Part III, line 14.	.00
6. Add the amounts on lines 2, 3, 4, and 5. Enter the total.	.00

Compare the amount on line 6 to the amount on line 1.

If the amount on line 6 is equal to or less than the amount on line 1, do one of the following:

- If filing Form 140, enter the amount from line 6 on Form 140, page 1, line 25.
- If filing Form 140NR, enter the amount from line 6 on Form 140NR, page 1, line 27.
- If filing Form 140PY, enter the amount from line 6 on Form 140PY, page 1, line 28.

If the amount on line 6 is more than the amount on line 1, you must complete Form 301.

If you are claiming nonrefundable credits from forms other than Form 310, 321, 322, and /or 323, you must complete Form 301.

If you have to complete AZ Form 301, enter the amount from Form 321, Part III, line 17 on Form 301, Part I, line 12.

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ARIZONA FORM
321

Credit for Contributions to Qualifying Charitable Organizations

2013

For the calendar year 2013 or fiscal year beginning M M D D Y Y Y Y and ending M M D D Y Y Y Y .

Attach to your return.

Your Name as shown on Form 140, 140NR, 140PY or 140X	Your Social Security Number
Spouse's Name as shown on Form 140, 140NR, 140PY or 140X (if joint return)	Spouse's Social Security Number

Part I: Current Year's Credit

SECTION A – Contributions to Qualifying Charitable Organizations

Complete **Section A** if you made cash contributions to a qualifying charitable organization other than a qualifying foster care charitable organization. Do not include donations to a qualifying foster care charitable organization in Section A.
NOTE: If you made cash contributions to more than three qualifying charities, attach a separate schedule.

	(a) Name of Qualifying Charity to which you made cash contributions	(b) Location of Qualifying Charity (City, State)	(c) Cash Amount	
1a				00
1b				00
1c				00
1d Total Cash Contributions: Add the amounts in column (c) of lines 1a, 1b, and 1c. Also, add any amount included on a separate schedule			**1d**	00
2 Single Taxpayers or heads of household, enter $200. Married taxpayers, enter $400			**2**	00
3 Enter the smaller of line 1d or line 2			**3**	00

- **If you did not make any cash contributions to a qualifying foster care organization, and your filing status is:**
  - Single, head of household, or married filing joint, do the following:
    - Enter the total amount from line 3 on line 15 in Part III.
    - Skip Section B, and go to Part II.
  - Married filing separate (see instructions)
    - In most cases, enter one-half (1/2) of the amount from line 3 on line 15 in Part III.
    - Skip Section B, and go to Part II
- **If you made any cash contributions to a qualifying foster care charitable organization, do the following:**
  - Enter amount from line 3 on line 5 in Section B.
  - Complete Section B.

SECTION B – Contributions to Qualifying Foster Care Charitable Organizations

Complete **Section B** to claim a credit for cash contributions made to a qualifying foster care charitable organization that provides foster care services to foster children in Arizona.
NOTE: If you made cash contributions to more than three qualifying foster care charities, attach a separate schedule.

	(a) Name of Qualifying Foster Care Charity to which you made cash contributions	(b) Location of Qualifying Charity (City, State)	(c) Cash Amount	
4a				00
4b				00
4c				00
4d Total Cash Contributions: Add the amounts in column (c) of lines 4a, 4b, and 4c. Also, add any amount included on a separate schedule			**4d**	00
5 Enter the amount from Section A, line 3			**5**	00
6 Add line 4d and line 5,enter the total			**6**	00
7 Single Taxpayers or heads of household, enter $400. Married taxpayers, enter $800			**7**	00
8 Enter the smaller of line 6 or line 7. In most cases, if you are married filing a separate return, enter one-half (1/2) of the smaller of line 6 or line 7. See instructions			**8**	00

ADOR 10643 (13)

Continued on page 2 ➔

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1st Initiative
2nd Initiative
3rd Initiative
Resources

Your Name (as shown on page 1)	Your Social Security or Employer Identification Number

Part II: Available Credit Carryover

	(a) Taxable Year from which you are carrying the credit	(b) Original Credit Amount	(c) Amount Previously Used	(d) Available Carryover: Subtract column (c) from column (b).
9	2008	.00	.00	.00
10	2009	.00	.00	.00
11	2010	.00	.00	.00
12	2011	.00	.00	.00
13	2012	.00	.00	.00
14	TOTAL AVAILABLE CARRYOVER			.00

Part III: Total Available Credit

15	Current year's credit: Enter the amount from Part I, Section A, line 3 or Section B, line 8	15		00
16	Enter the amount of available carryover from Part II, line 14, column (d)	16		00
17	Total Available Credit: Add line 15 and line 16. Enter the total here and see the instructions	17		00

Print Form

THE ARIZONA SUPREME COURT
COMMISSION ON ACCESS TO JUSTICE

Take Advantage of the Tax Credit for the Working Poor and Help Legal Aid at the Same Time
October 9, 2014

Agenda

8:00 a.m.	Breakfast social with Chief Justice Bales and Court of Appeals Judge Winthrop
8:30 a.m.	Welcome remarks and introductions
8:40 a.m.	Access to Justice Commission and potential initiatives
8:50 a.m.	Arizona State Income Tax Credit for the Working Poor; potential impact for legal service providers and Arizona residents
9:00 a.m.	Timetable and how you can help

Previous Document
Next Document

The Self-Help Center Census:

A National Survey

American Bar Association
Standing Committee on the Delivery of Legal Services

August 2014

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I. Executive Summary

The notion of a court-based legal self-help center to provide information and resources to those without full legal representation was launched in the early 1990s in Maricopa County (Phoenix) Arizona. Twenty years later, the American Bar Association has identified approximately 500 self-help centers around the country of whom 222 responded to an online survey, the reports of which are reported in this Self-Help Center Census. This Census provides a window into the structure and operation of self-help centers around the US, with details on staffing, funding, types of services that are provided and the nature of the centers' customers. The information gathered here illustrates the extent to which self-help centers are a vibrant and effective resource addressing the needs of court-users throughout the country.

- Nearly 3.7 million people are served by self-help centers annually.
- The vast majority of self-help centers are staffed by five or fewer full-time equivalents and about half of the centers reported relying on a range of volunteers including attorneys, paralegals, students, and community members.
- Self-help centers tend to rely most heavily on court, state and county funding, but also supplement such funding with a number of other sources including bar associations; grants; city, county and federal funding; private donations and self-generated income, for example, from workshops.
- Most self-help centers provide some type of in-person services, document assistance and web-based information. Less commonly provided services include in-person workshops, interactive web-based forms, web or videoconferencing workshops, video or online tutorials, email or online responses, and referrals to pro bono attorneys and attorneys providing unbundled services.
- Self-help centers tend to focus on services for persons of limited resources.
- Most respondents reported being able to assist most of their customers, but a subset of their customers' legal needs was too complicated and/or their case types were not served by the center.
- Most respondents indicated that they believed their customers would benefit from limited scope representation, though only 38% of the centers provide information about such services and only 15% indicate that their community has a limited scope lawyer referral service panel.

II. Introduction

The notion of a court-based legal self-help center to provide information and resources to those without full legal representation was launched in the early 1990s in Maricopa County (Phoenix) Arizona. The center was designed to formally address the procedural needs of self-represented litigants, most of whom were of low and moderate incomes, and to re-direct self-represented litigants from less efficient sources of information. The court transformed a portion of the public law library into a workplace that included pre-Internet document preparation kits, dedicated court personnel to answer questions, referrals to on-site legal aid lawyers and a directory of local lawyers willing to provide limited scope, or unbundled, representation at market rates.

Twenty years later, the American Bar Association has identified approximately 500 self-help centers around the country. The centers, obviously, vary widely from the original template. This Self-Help Center Census provides a window into the structure and operation of self-help centers around the US, with details on staffing, funding, types of services that are provided and the nature of the centers' customers. The information gathered here illustrates the extent to which self-help centers are a vibrant and effective resource addressing the needs of court-uses throughout the country.

III. Research Methodology

Sample Identification

Given that there did not exist a comprehensive national list of legal self-help centers, it was necessary to use various methods to obtain contact information. The initial sample for the survey was identified by combining the use of some pre-existing lists of legal self-help centers[1] and conducting an Internet search. This yielded over 450 self-help centers in 36 jurisdictions.[2] Subsequently, snowball sampling[3] was applied to refine and expand the sample. Notably, there was a great deal of variation in how many self-help centers were identified in each jurisdiction. California and Illinois, for example, both have an extensive network of easily identifiable self-help centers, with California having over 80 and Illinois having over 120.

Survey Design

The survey instrument used was initially developed for the pilot survey of self-help centers in California and subsequently modified slightly for the national survey. Survey questions were reviewed by workgroups of the National Self-Represented Litigation Network and other subject matter experts. Questions asked how the centers are staffed and funded, methods of assisting litigants, substantive areas in which services are

[1] Some jurisdictions had their own state-wide lists (California and Illinois, for example).
[2] In terms of the number of self-help centers identified per jurisdiction, the median was 2 and the mean was 9.38.
[3] Snowball sampling (also known as referral sampling or chain sampling) is a non-probability sampling technique that involves using existing study subjects to recruit additional subjects from among their acquaintances. In this study, we used the Internet and pre-existing lists of known self-help centers and then asked each contact to forward the survey to any additional self-help centers about which they knew.

provided and descriptive data about the number and types of clients served. The survey was distributed electronically, giving respondents from the self-help centers the opportunity to take the survey at the time and place of their choosing and to thoughtfully consider their answers.

Data Collection and Response Rate

The survey was made available between November, 2012 and April 2013. In an effort to collect as many responses as possible, three reminders were sent out to all centers the ABA had identified. The response rate for this survey was approximately 47%[4], a rate consistent with the 30-50% identified in the literature as typical for online surveys.[5] This yielded 222 self-help centers in 28 jurisdictions. In terms of the number of surveys received per jurisdiction, the median was 1 and the mean was 4.35. After an initial presentation on the data at a meeting of the National Self-Represented Litigation Network, an additional three states provided information about their program. Their information is included in the National Map and they are included in the directory of resources, but given the concerns regarding the difference in time in which the surveys were collected, their responses regarding staffing and methods of operation are not included in the data analysis.

Data Analysis

The design features of the survey ensured that the data would be ready for analysis with minimal format manipulation. Using Qualtrics survey software, the answers were exported directly into Excel. Incomplete surveys were exported along with completed surveys so that data could be used for those questions that had been answered.

Once exported, redundancies, where there were multiple responses for a given self-help center, were removed. These redundancies were likely the result of the snowball sampling for which contacts were encouraged to forward the survey to colleagues. In the event that more than one survey was received for a self-help center, the more complete survey was retained and any questions for which two responses contradicted each other, the response was marked as a non-response for that question.

Since California and Illinois had such high response rates for the survey, their data, which reflects different service methodologies may be overrepresented in this sample. California requires that its court based self-help centers be staffed by attorneys and support staff under their direction where Illinois has many self-help centers located in public libraries with volunteer staffing. There are a wide variety of other models.

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[4] This is an approximation. Because snowball sampling was implemented (contacts were encouraged to forward the survey to other known self-help centers), it is impossible to determine the exact number of self-help centers to which the survey was sent.

[5] See, Lozar Manfreda, K., M. Bosnjak, J. Berzelak, I. Haas, and V. Vehovar. 2008. Web surveys versus other survey modes: A meta-analysis comparing response rates. International Journal of Market Research 50(1): 79-104. Also see, Shih, T.H., and X. Fan. 2008. Comparing response rates from Web and mail surveys: A meta-analysis. Field Methods 20(3) 249-271.

IV. Findings

Description of Respondents

Twenty-eight jurisdictions are represented in the results reported here. Figure 1 below represents the jurisdictions that responded in blue, and those that did not respond in white.

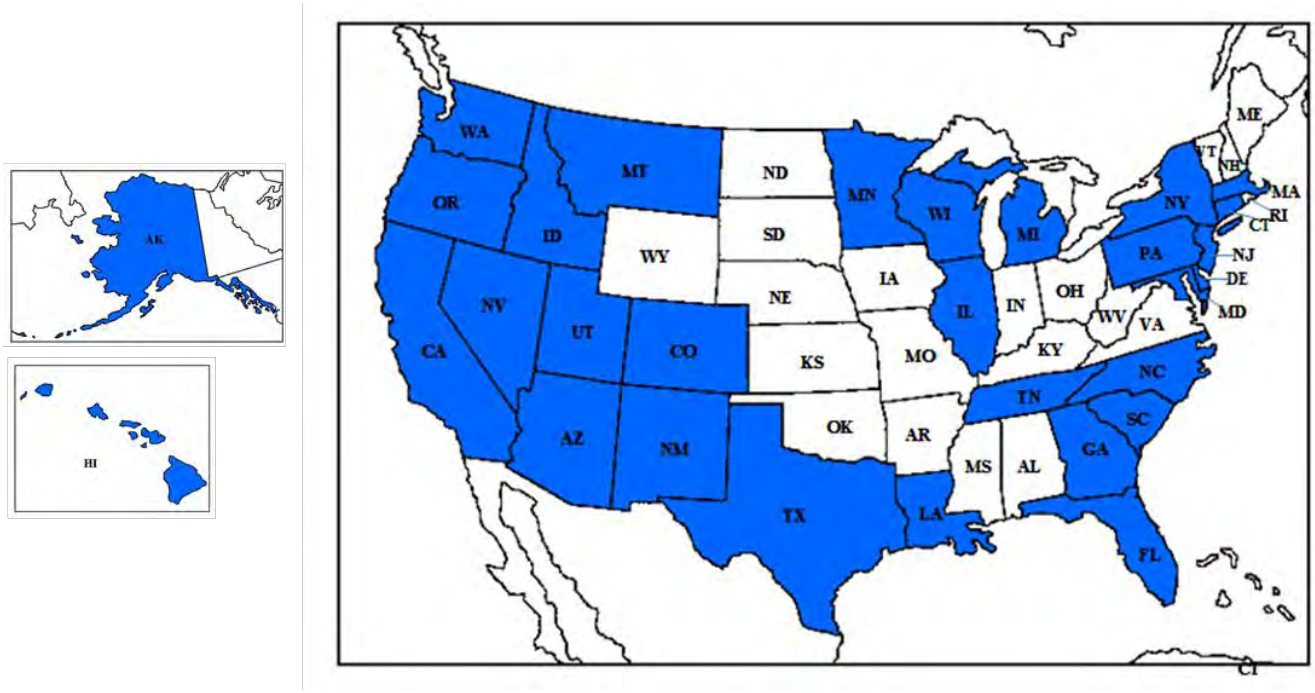

Figure 1. Map of States for which Self-Help Center Surveys Were Completed

Because there was a great deal of variability in how many self-help centers were identified in each state, the responses also reflected that variability. The two states with the most completed surveys were California and Illinois. Other states with significant survey responses include Connecticut, Florida, and Maryland, all with at least 10 completed surveys. Table 1 below provides the number of surveys received for each jurisdiction.

State	Number of Completed Surveys
Alabama, Arkansas, Indiana, Iowa, Kansas, Kentucky, Maine, Mississippi, Missouri, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wyoming	0
Alaska	2
Arizona	3
California	80
Colorado	7
Connecticut	13
DC	1
Delaware	1
Florida	11
Georgia	1
Hawaii	1
Idaho	6
Illinois	44
Louisiana	3
Maryland	17
Massachusetts	1
Michigan	5
Minnesota	1
Montana	4
Nevada	1
New Jersey	1
New Mexico	2
New York	3
North Carolina	1
Oregon	9
Pennsylvania	1
South Carolina	1
Tennessee	1
Texas	1
Utah	1
Washington	1
Wisconsin	1

Program Staff

Respondents were asked a series of questions about their self-help center's staff, including inquiries regarding the number of staff, whether volunteers are used, and what percent of the director's time is spent on the center. Taken together, the results of these questions suggest that many self-help centers are operating by combining staff time, volunteer time, and varying levels of time commitments from their directors.

Full-Time Equivalent Personnel

The majority of self-help centers are staffed by fewer than 6 full-time equivalents, with 17% of respondents indicating they did not have any FTEs, suggesting that their centers are staffed by fewer than one FTE, by volunteers or are principally technology-based programs[6] (see Fig. 2). Thirty-three percent of respondents reported having 1 FTE, followed by 27% reporting having between 2 and 5 FTEs. Only 8% of the respondents indicated that their centers have 6 or more FTEs. Fifteen percent of respondents indicated that they did not know the answer to this question.

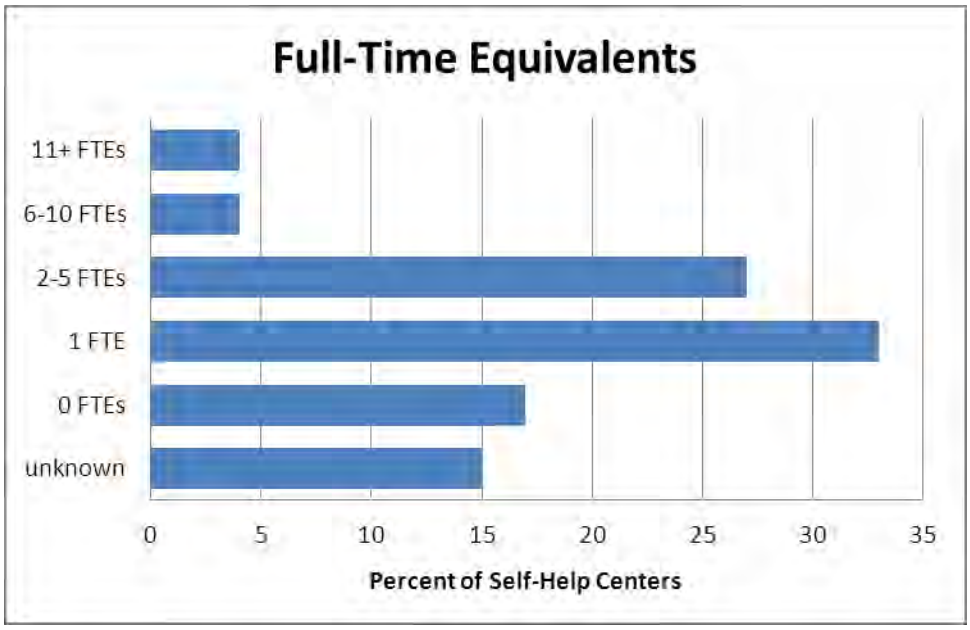

Figure 2. Number of Full-Time Equivalents Staffing Centers. This figure is based on the results of Q15: How many full-time equivalents personnel staff the self-help center? 135 respondents provided an answer to this question. The California survey did not include this question.

Volunteers

Just over half (51%) of the respondents indicated that their self-help centers rely on volunteers (see Fig. 3). The 109 respondents who had indicated that their centers relied on volunteers were then asked to provide information about their volunteers' backgrounds. Of these, 55% indicated that their center used attorneys as volunteers (see Fig. 4). Forty-six percent indicated that college students acted as volunteers, followed by 28% relying on paralegal volunteers and another 28% relying on community members. A small percentage relied on AmeriCorps/JusticeCorps and Interpreters, with 11% and 10% respectively. Other types of volunteers mentioned in the comment section include paralegal students (n=2), high school students (n=2), alliance Worknet (n=1), and retired judge (n=1)

[6] Note, however, that programs operating *exclusively* online were not included in this survey.

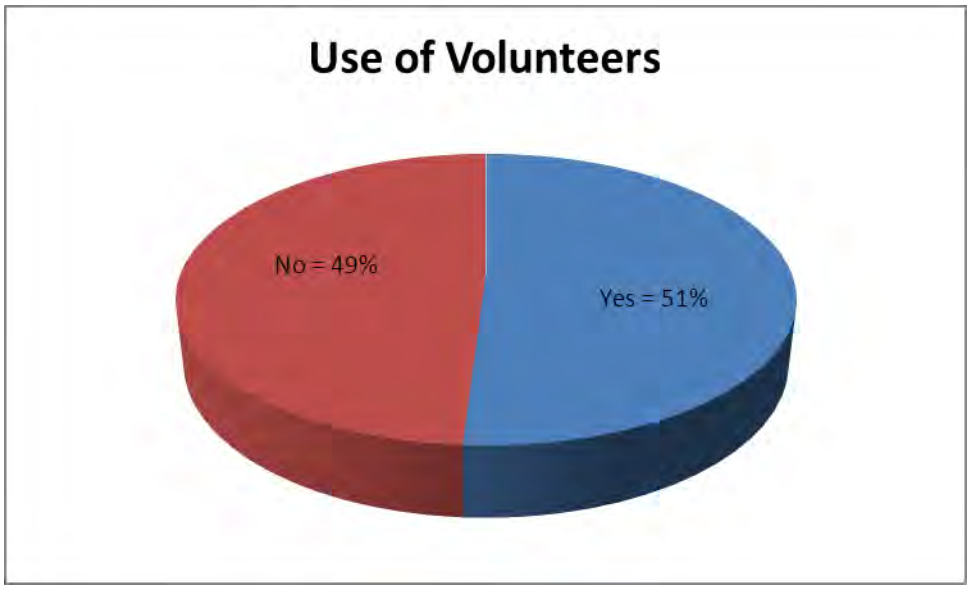

Figure 3. Use of Volunteers This figure is based on the results of Q12: Does your self-help center use volunteers? Two hundred and fourteen respondents provided an answer to this question.

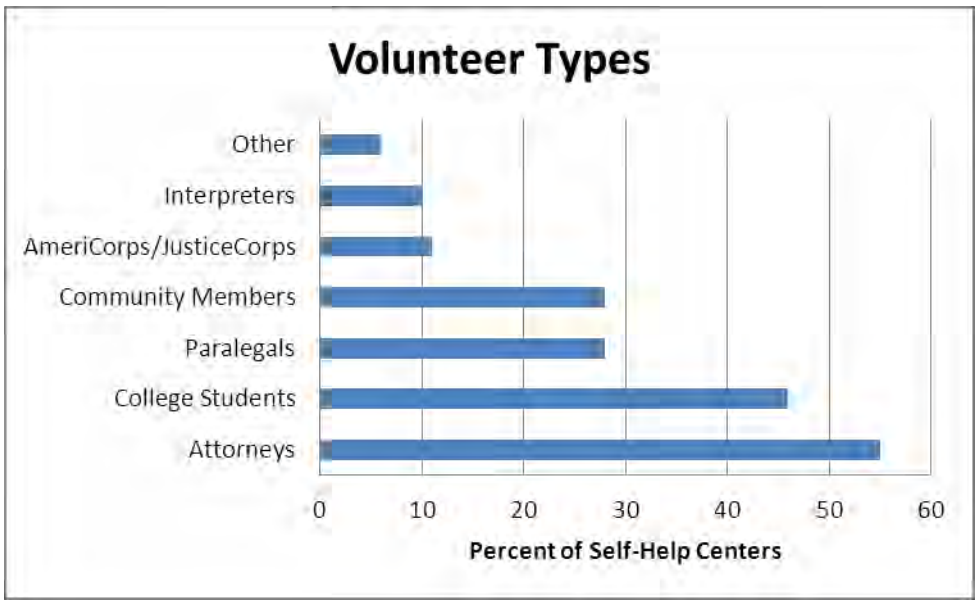

Figure 4. Volunteer Types. This figure is based on the results of Q13: What types of volunteers do you use? (Response choices were as shown above). All 109 of the respondents who indicated that their centers relied on volunteers provided an answer to this question.

Percent of Director's Time Dedicated to the Self-Help Program

Thirty-eight percent of respondents indicated that most (between 76 and 100%) of their director's time is dedicated to the self-help program. The second most common response was that between 0 and 25% of the director's time is dedicated to the self-help program, with 28% of respondents providing this answer. Seven percent of the respondents indicated that their center does not have a director.

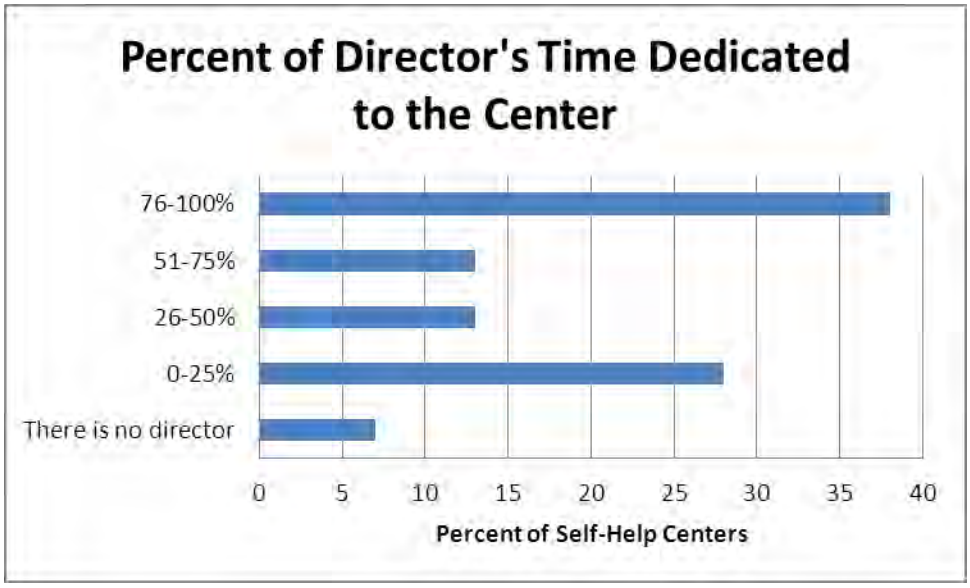

Figure 5. Percent of Director's Time Dedicated to the Center. This figure is based on the results of Q16: What percent of your self-help center's director's time is dedicated to the self-help program? (Response choices were as shown above). One hundred and ninety-seven respondents provided an answer to this question.

Program Features

Respondents were asked a series of questions about their self-help center's program features, including inquiries about languages offered, the use of e-filing, and funding. Taken together, the results of these questions suggest that about half of the self-help centers are providing services in Spanish. Additionally, respondents reported a wide range of other second languages in which services are provided. With regard to funding, self-help centers tend to rely most heavily on court, state and county funding, but also supplement such funding with a number of other sources.

Languages Offered

Approximately half (48%) of the centers reported that their staff were bilingual and/or multilingual (see Fig. 6), with Spanish being the most commonly reported second language in which services were offered (see Table 2). More than half (54%) of the respondents indicated that their self-help center offered services in Spanish. Respondents

were also asked to indicate any other languages in which services are offered. After Spanish, Mandarin was the most commonly reported language, with 10 centers indicating that they provided assistance in Mandarin. Other languages mentioned include Polish (n=2), Farsi (n=2), Somali (n=1), Creole (n=1), Italian (n=1), Chinese (n=1), Hmong (n=1), Armenian (n=1), Hindi (n=1), Tagalong (n=1), and Japanese (n=1). Fourteen survey responses mentioned using language online services to provide assistance in any language.

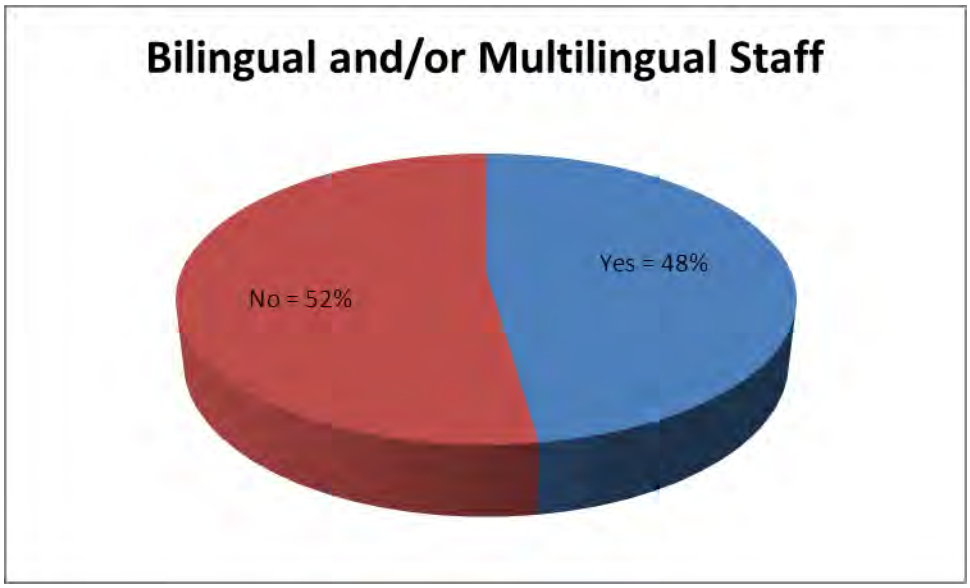

Figure 6. Bilingual and/or Multilingual Staff. This figure is based on the results of Q10: Does your self-help center have bilingual and/or multilingual staff? All 222 respondents provided an answer to this question.

Language Offered	Number of Centers Offering Language	Percent of Centers Offering Language
Spanish	119	54
Mandarin	10	4.5
Vietnamese	9	4
Cantonese	8	3.6
Korean	8	3.6
French	8	3.6
German	8	3.6
Russian	5	2.3
Arabic	4	2
ASL	3	1.4

Table 2. Number of Self-Help Centers Offering Other Languages. This figure is based on the results of Q11: In which languages does your self-help center provide services? All 222 respondents provided an answer to this question.

Electronic Filing

Electronic filing allows for the migration of court records from a paper to an electronic format, enabling document submission to multiple court systems. Such e-filing practices are becoming more common and may help reduce court costs by making the process more efficient. Thus, the survey included a question on whether self-help centers are taking advantage of this practice. The majority (88%) of self-help centers report that they do not play a role in e-filing (see Fig. 7). In most instances, that appears to be because thir court has not yet undertaken e-filing.

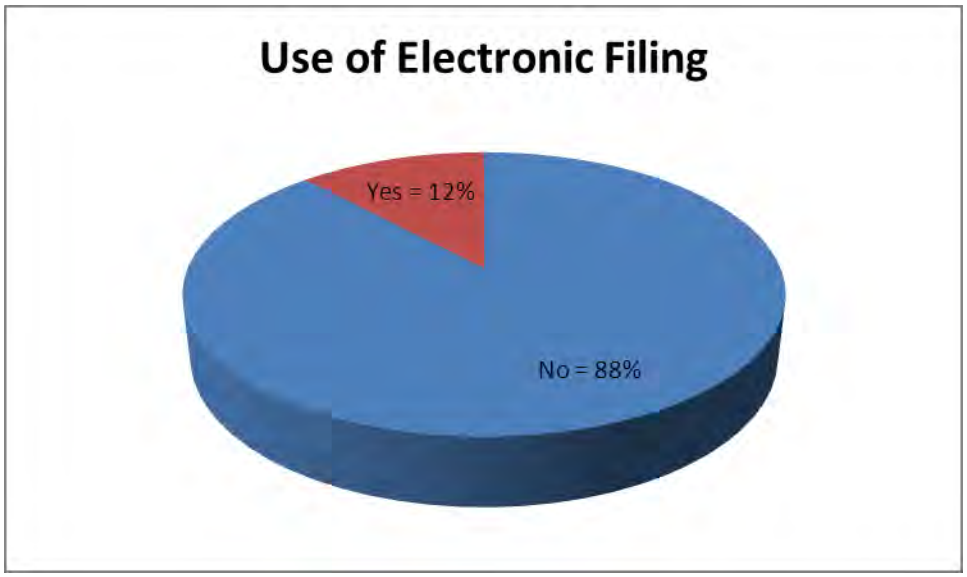

Figure 7. Use of Electronic Filing. This figure is based on the results of Q14: Does your self-help center play a role in e-filing? Two hundred and sixteen respondents provided an answer to this question.

Funding

Respondents were provided a list of possible funding sources and asked to indicate all that applied. Court budgets were the most commonly indicated source (see Fig. 8), with 49% of respondents providing this answer. State funding was the second most common response (29%) followed by county funding (14%).

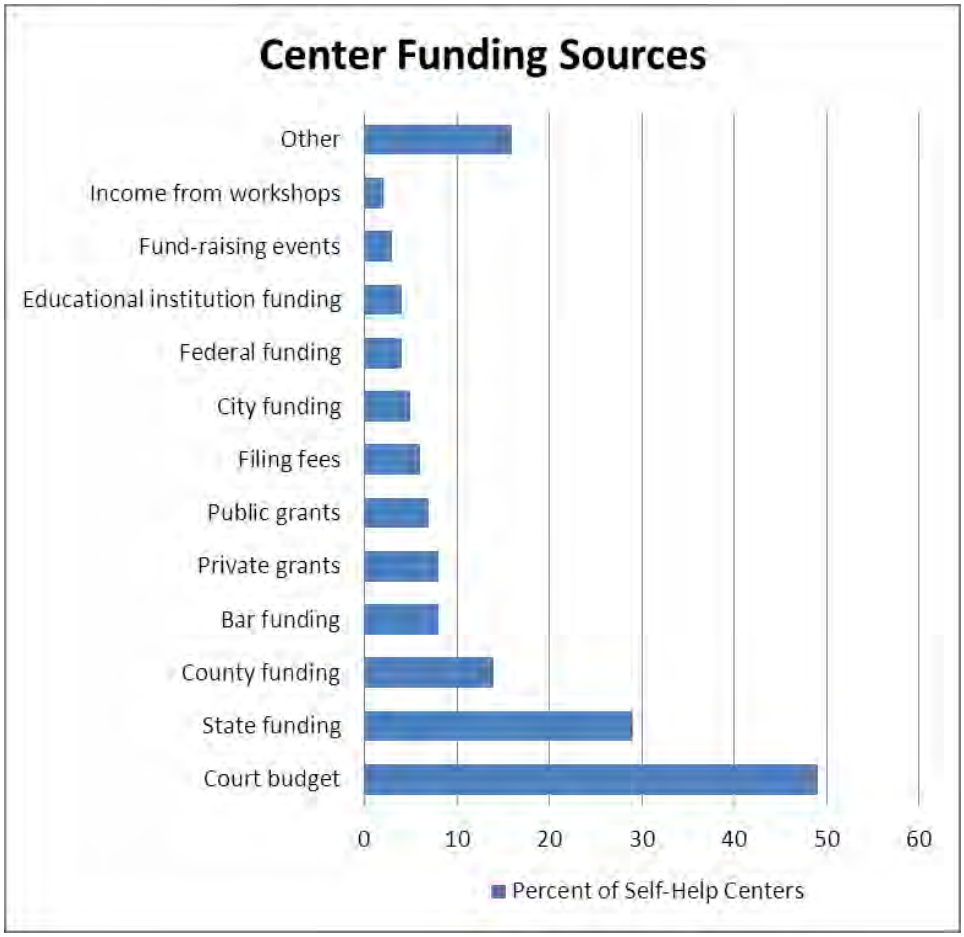

Figure 8. Funding Sources. This figure is based on the results of Q17: How is your self-help center funded? (Respondents were asked to check all that apply; response choices were as shown above). One hundred and thirty-one respondents provided answers to this question. California self-help centers are not included in this figure.

Respondents were given a text box to explain their answers, giving some insight into the 16% that indicated "other." Text responses included: legal aid associations (n=3), law library funds (n=2), trust endowments (n=1), Access to Justice Commission funds (n=1), and private donations (n=1). Additionally four respondents mentioned sustaining their center on volunteer time. And, two respondents indicated that they had funding for initial set-up costs, but have been operating since then with no funds.

When asked to identify which source was their center's *primary* source of funding, 47% of the respondents provided "court budget" as their answer (see Fig. 9). The second most common primary source of funding was county funding, with 11% of the self-help centers providing this answer.

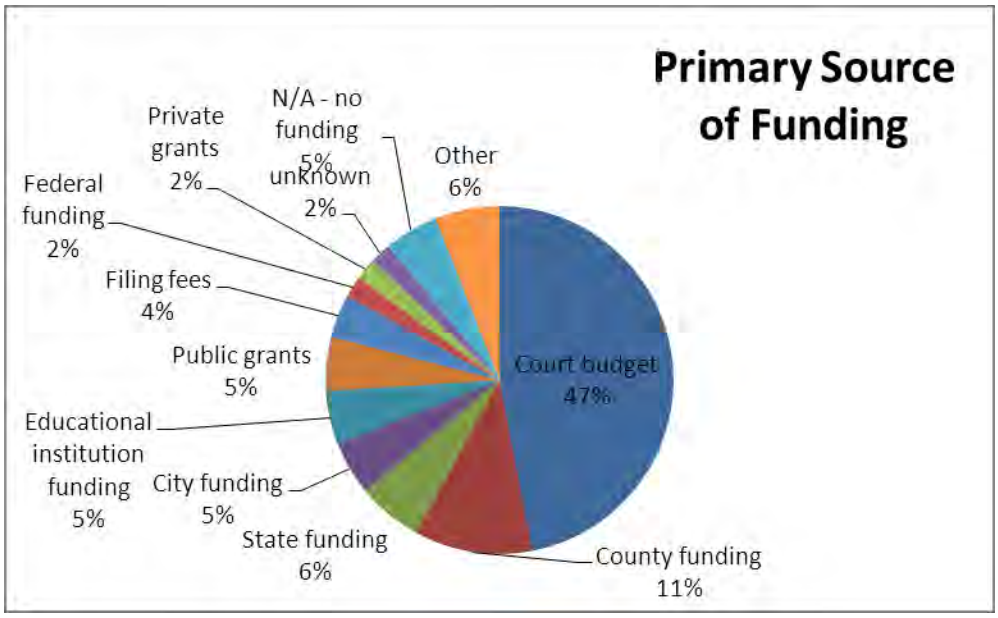

Figure 9. Primary Source of Funding. This figure is based on the results of Q18: Of the above-indicated funding sources, which is the primary source of funding? (Response choices were as shown above). One hundred and thirty-four respondents provided answers to this question. California self-help centers are not included in this figure.

California was not included in this analysis as it has a distinct structure of funding. Specifically, $11.2 million of state court funds are provided to support court-based, attorney-supervised, self-help centers in the state. This supplements the family law facilitator program which provides over $16 million for these services in cases involving child support and parentage.. Filing fee revenue helps to support small claims advisors who are increasingly included in self-help center operations. These funds have been supplemented with local court funding. Some county governments, including Los Angeles and San Francisco, also provide funding for self-help services at courts to help address the needs of their constituents. There are additional specialized grant funds including partnership grant funds which provide $1.6 million for legal services agencies to provide self help services at local courts. Many courts also provide additional funding from their general court budget for their self help centers.

Service Methods and Substantive Areas

Respondents were asked a series of questions about the types of services their self-help centers provide. Most self-help centers (82%) provide some type of in-person services (82%), hard copy support (82%) and web-based information (71%). More than half of the self-help centers provide referrals to lawyer referral services (62%) and telephone assistance (55%).

In-Person Services

The majority (82%) of self-help centers reported that they provide in-person services. Assistance (but not representation) in court hearings is offered by 41% of the self-help centers (see Fig. 10). Approximately 1/3 of the centers provide mediation or settlement assistance and 1/3 provide in-person workshops.

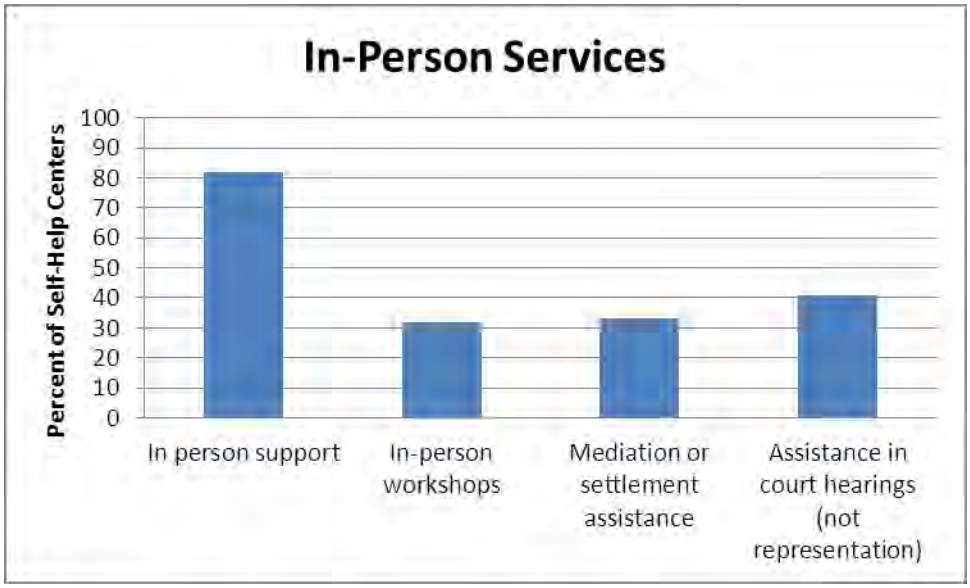

Figure 10. In-Person Services. This figure is based on the results of Q19: Please check the appropriate boxes below to indicate the types of support services your program provides in each of the identified substantive law areas. Two hundred and twenty-two respondents provided answers to this question.

Document Assistance

Document assistance is a specific service that many (over 80%) of the surveyed self-help centers reported providing (see Fig. 11). Forty-one percent of the surveyed centers indicated they provide bilingual or multilingual forms and 37% provide interactive web-based forms.

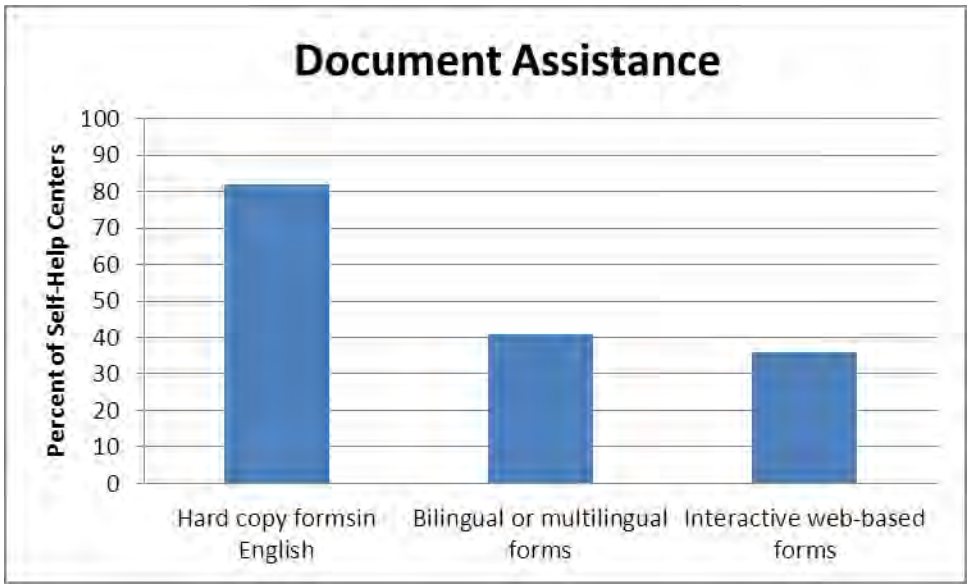

Figure 11. Document Assistance. This figure is based on the results of Q19: Please check the appropriate boxes below to indicate the types of support services your program provides in each of the identified substantive law areas. Two hundred and twenty-two respondents provided answers to this question.

Telephone Assistance

Approximately half of the surveyed self-help centers (55%) provide telephone assistance in English, with 34% providing such assistance in other languages (see Fig. 12).

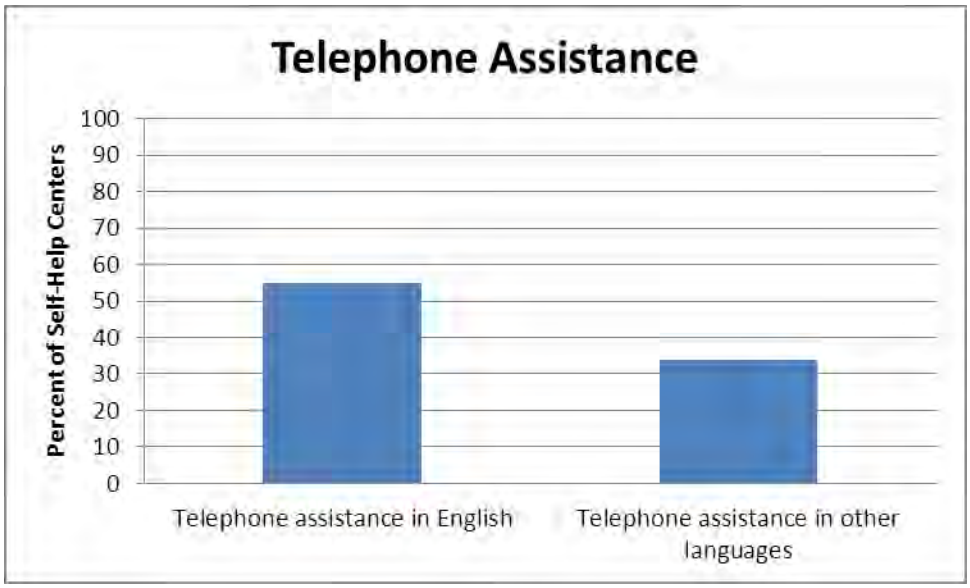

Figure 12. Telephone Assistance. This figure is based on the results of Q19: Please check the appropriate boxes below to indicate the types of support services your program provides in each of the identified substantive law areas. Two hundred and twenty-two respondents provided answers to this question.

Web-Based Assistance

Respondents were asked about a number of web-based service methods, including providing web-based information in English or other languages, providing web or videoconferencing workshops, conducting video or online tutorials, and answering emails or online questions. Seventy-one percent of those surveyed indicated that their self-help center provided web-based information in English, with 27% providing web-based information in other languages (see Fig. 13). Forty-seven percent of the centers also reported that they answer email or online questions. About a quarter of the self-help centers also provide video or online tutorials (23%) or web/videoconferencing workshops (4%).

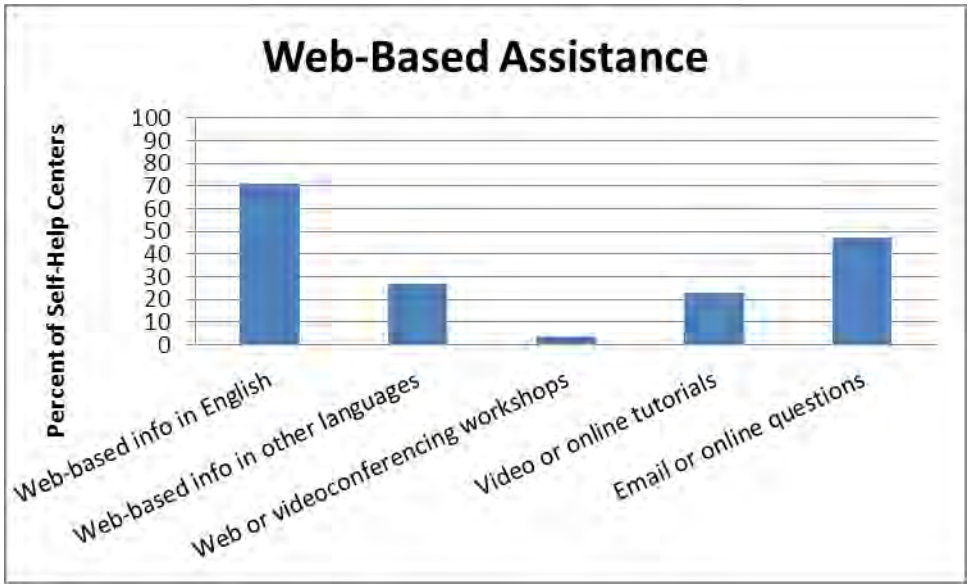

Figure 13. Web-Based Assistance. This figure is based on the results of Q19: Please check the appropriate boxes below to indicate the types of support services your program provides in each of the identified substantive law areas. Two hundred and twenty-two respondents provided answers to this question.

Referrals

Sixty-two percent of the respondents indicated that their self-help centers provide referrals to lawyer referral services (see Fig. 14). Less commonly provided were referrals to pro bono attorneys (36%), referrals to attorneys providing unbundled services (28%), and other referrals to attorneys (26%).

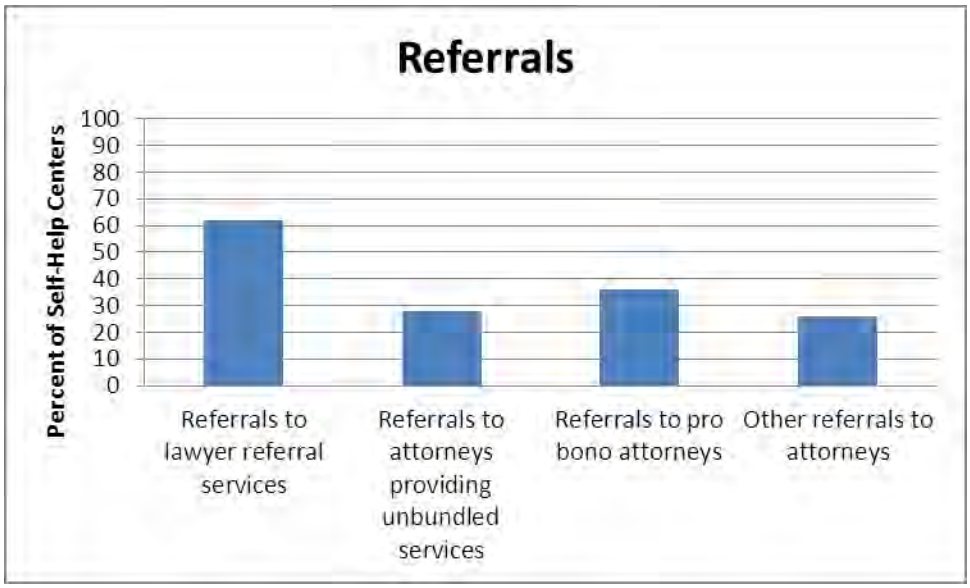

Figure 14. Referrals. This figure is based on the results of Q19: Please check the appropriate boxes below to indicate the types of support services your program provides in each of the identified substantive law areas. Two hundred and twenty-two respondents provided answers to this question.

Substantive Areas

For each of the service methods listed in the survey, respondents were asked to indicate in which substantive areas of the law these services were provided. For all service method types, the most common substantive area for which the services are provided is family law, followed by child support (see Fig. 15). Eighty-nine percent of the respondents indicated that their self-help center provided services in family law. Domestic violence is also a common area of the law for support to be offered, followed by guardianships, landlord/tenant matters, small claims, and general civil matters.

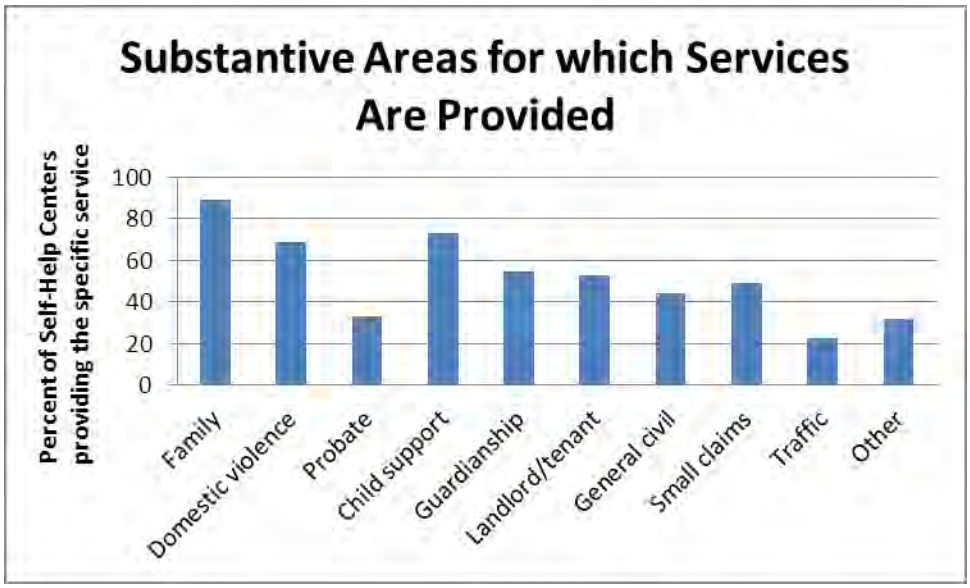

Figure 15. Substantive Areas for which Services are Provided. This figure is based on the results of Q19: Please check the appropriate boxes below to indicate the types of support services your program provides in each of the identified substantive law areas. For "referrals to lawyer referral services" and "other referrals," 142 respondents provided answers (these services areas were not included in the California survey). For all other service areas, 222 respondents provided answers.

Volume Data

Number of Persons Served

Respondents were asked to estimate the number of people that their self-help center served within the 6 months prior to the survey. Centers varied quite a bit in terms of the volume of clients served, with responses ranging from 0 to over 10,000 (see Fig. 16). The average number of clients served over the six month period was 3,237. This data leads to the conclusion that nearly 3.7 million people are served by self-help centers annually.[7]

[7] Because California represents a large percentage of the centers who responded, and because its self-help centers serve more than the average number of people, this figure was calculated in two steps to make the expansion to self-help centers nationwide more representative and to more accurately determine the total number of people served per year. First, the survey identified an average of 3,237 people being served by each center, not including California, over a six month period. That figure was multiplied by 2 and expanded to the 386 centers (466 total were identified, but the figure 386 was used to account for the absence of the 80 California centers in this calculation) which results in 2,498,964 people served per year in all states except California. Second, the California figure for number of people served per year was added, 1,200,000, (California requires that self-help centers report this information, which is where this figure comes from), which results in 3,698,964 people being served per year, nationwide.

It is possible, if not likely, that the centers responding to this survey serve more people than the average of the centers overall and the total figure extrapolated here is somewhat larger than the actual number of people served. On the other hand, it is likely there are more than 466 centers throughout the US and the actual number of people could be higher as a result of the services provided by an unknown number of unidentified centers.

Figure 16. Number of Persons Centers Served in Previous 6 Months. This figure is based on the results of Q21: Approximately how many persons were served by your self-help center in the last 6 months? While this survey collected six month totals by individual center, California data was provided separately through California's reporting requirements and could only be broken down by county. Therefore, this figure excludes California centers because its data was not comparable. One-hundred and fifteen (non-California) respondents provided answers to this question. An additional 10 respondents indicated that they did not know the answer to this question and 17 simply did not respond.

In an effort to determine whether and why self-help centers were unable to provide services to everyone, the survey asked respondents to estimate the number of persons who had requested service but were unable to obtain help at the center and to provide a reason for having turned away customers. Of those who provided an estimate (n=82), 43% indicated that they were able to serve all persons who came to their center for assistance (see Fig. 17). The remaining 57%, however, indicated that they had turned away some number of persons over the 6 month period prior to the survey. Of those who had to turn away customers, about 1/3 indicated they turned away 1-10 people, about 1/3 indicated they turned away 11-50 people, and the remaining 1/3 turned away over 50 people in the previous 6 months.

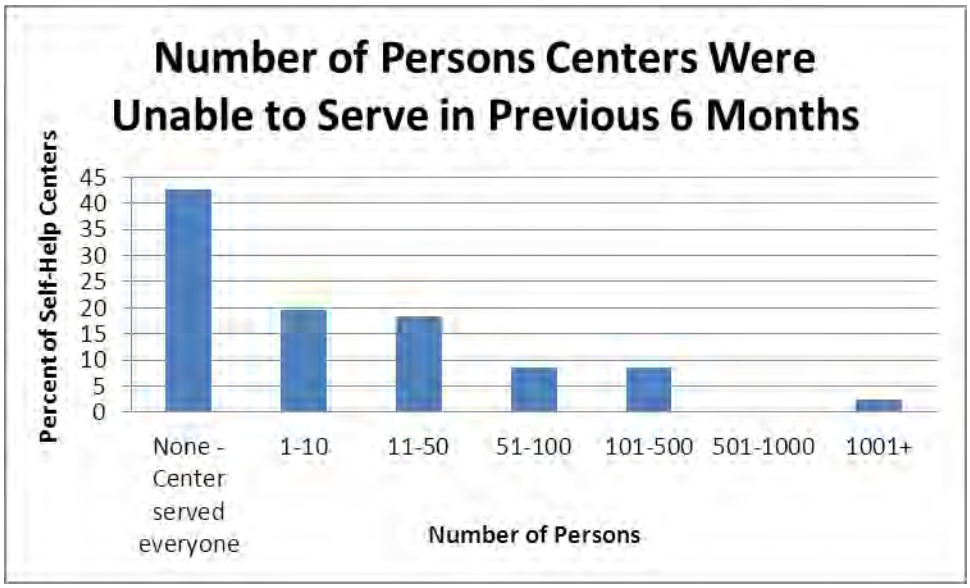

Figure 17. Number of Persons Centers Were Unable to Serve in Previous 6 Months. This figure is based on the results of Q22: Approximately how many persons requesting service was your self-help center unable to serve in the last 6 months? Eighty-two respondents provided an answer to this question An additional 36 respondents indicated that they did not know the answer to this question. Twenty-four simply did not respond. This question was not included in the California survey.

Out of the 222 surveyed, 162 provided an explanation for why their center was occasionally unable to assist people. Eighty-one percent indicated that they turned people away because litigants' matters were too complicated or their case types were not served by the center (see Fig. 18). Forty-seven percent of those who provided an explanation indicated that the volume of customers exceeded the center's capacity to help. Twenty-seven percent cited county/jurisdiction limitations. And, 8% cited income limitations. Respondents were provided with a text box to add other explanations, and four respondents indicated they turned people away because of conflicts of interest (presumably because they establish an attorney-client relationship with the litigants that they serve) and six indicated that customers either did not show up or arrived too late in the day for the center to be of assistance.

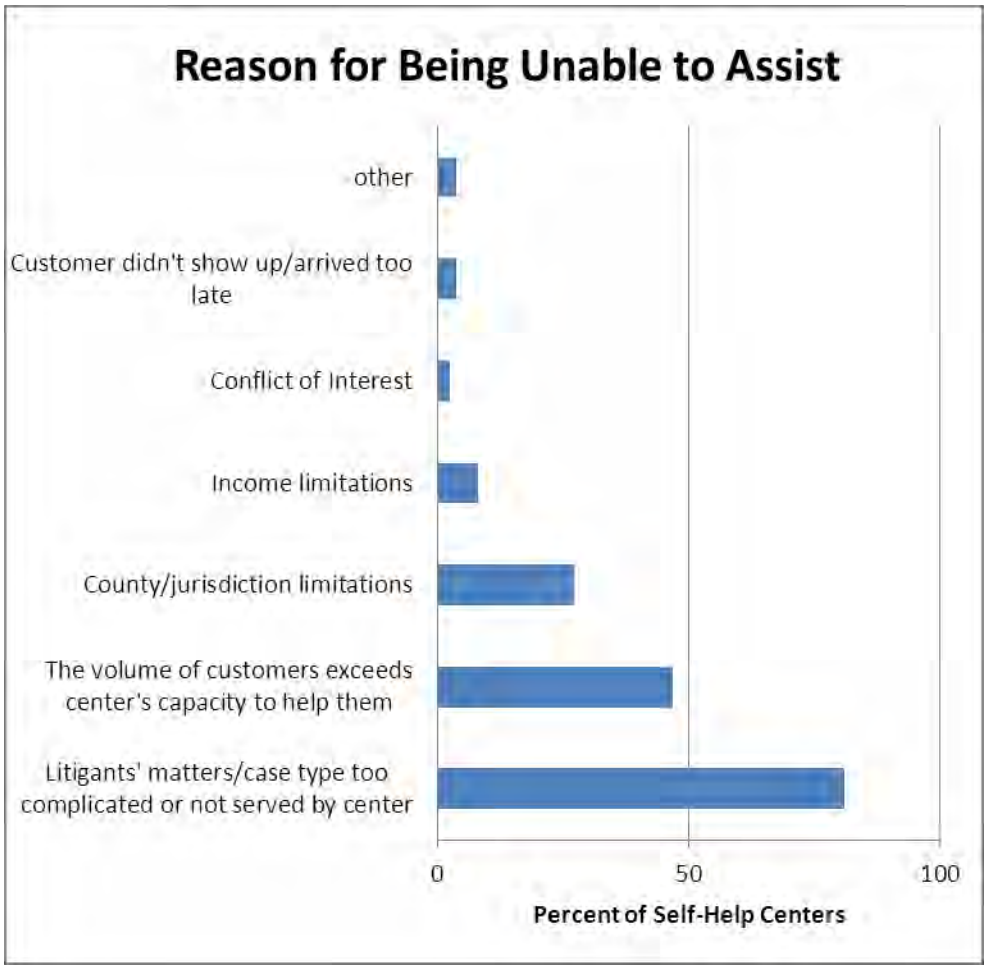

Figure 18. Reason for Being Unable to Assist. This figure is based on the results of Q23: If you had to turn people away, for what reason(s) did you do so? Percentages in this figure represent percent of respondents providing the indicated response choice out of the 162 respondents who provided an answer to this question. Note that "Customer didn't show up/arrived too late" and "Conflict of interest" were not provided in the response choices for the survey, but several respondents indicated these responses in the text box provided for this question.

Limited Scope Representation

In order to determine what kinds of services might meet the legal needs of self-help center customers, a number of questions were asked about limited scope representation. First, respondents were asked to estimate the number of their center's customers who would benefit from unbundled services. Of the 186 respondents who provided an estimate, 86% indicated that at least some of their customers would benefit from such services; 21% indicated that a very high proportion of their customers (81-100%) would benefit (see Fig. 19).

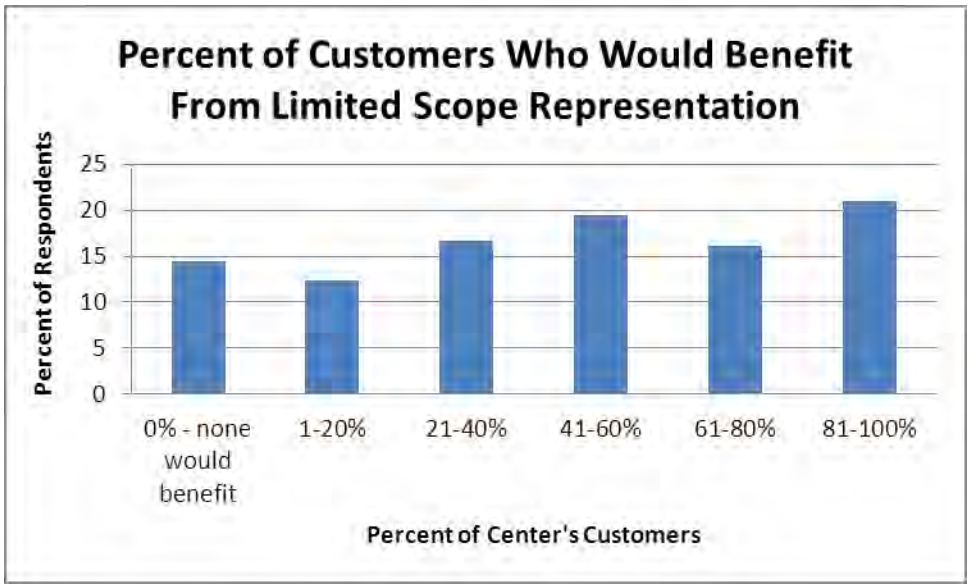

Figure 19. Customers Who Would Benefit From Limited Scope Representation. This figure is based on the results of Q24: What is your best estimate of the number and percent of customers who could benefit from limited scope representation to assist them with legal strategy, preparing paperwork, appearing in court for limited issues, negotiations, discovery or other issues? One-hundred and eighty-six respondents provided an estimate for this question.

However, while many of the respondents believed that their customers would benefit from limited scope representation, most respondents felt that only a small proportion of their customers could afford such services at the going rate in their community. The majority of respondents (81%) believed that under a quarter of their customers could afford to pay the going rate. (see Fig. 20). Nineteen percent of the respondents, however, believed that more than quarter of the center's customers could afford such services, with 15% indicating that they believed 26-50% of their customers could afford such services and 4% indicating that 51-75% of their customers could afford such services.

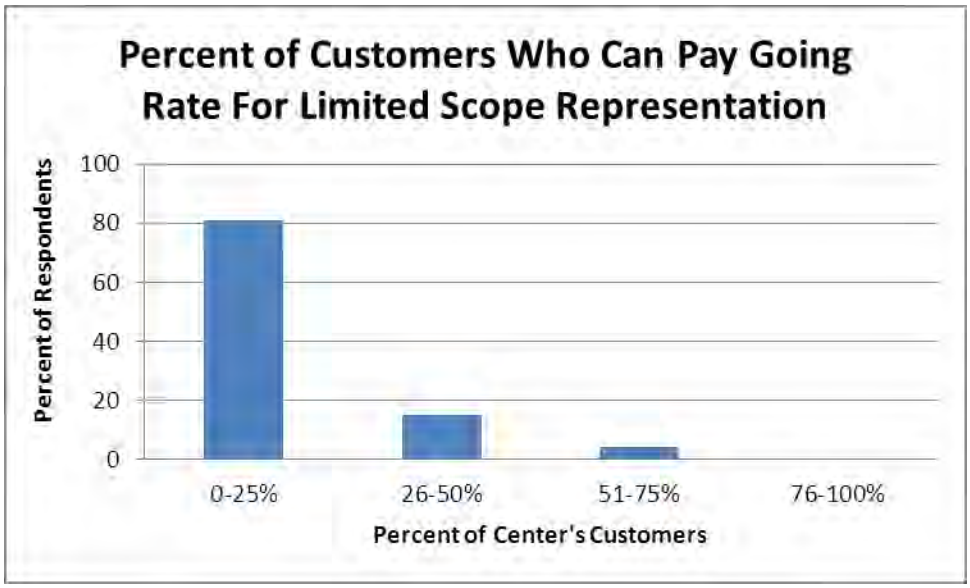

Figure 20. Percent of Customers Who Could Pay the Going Rate. This figure is based on the results of Q25: What is your best estimate of the percent of customers who could pay the going rate of an attorney in your community for limited scope assistance? One hundred and seventy-nine respondents provided an estimate for this question; 20 did not answer and 23 indicated "I'm not sure."

When asked to identify which specific limited scope services are most greatly needed, 196 respondents replied. Of these, the most commonly cited service was limited court appearances for single hearings (62% of respondents gave this answer), followed by document assistance (61%) and limited court appearances for single issues (58%).

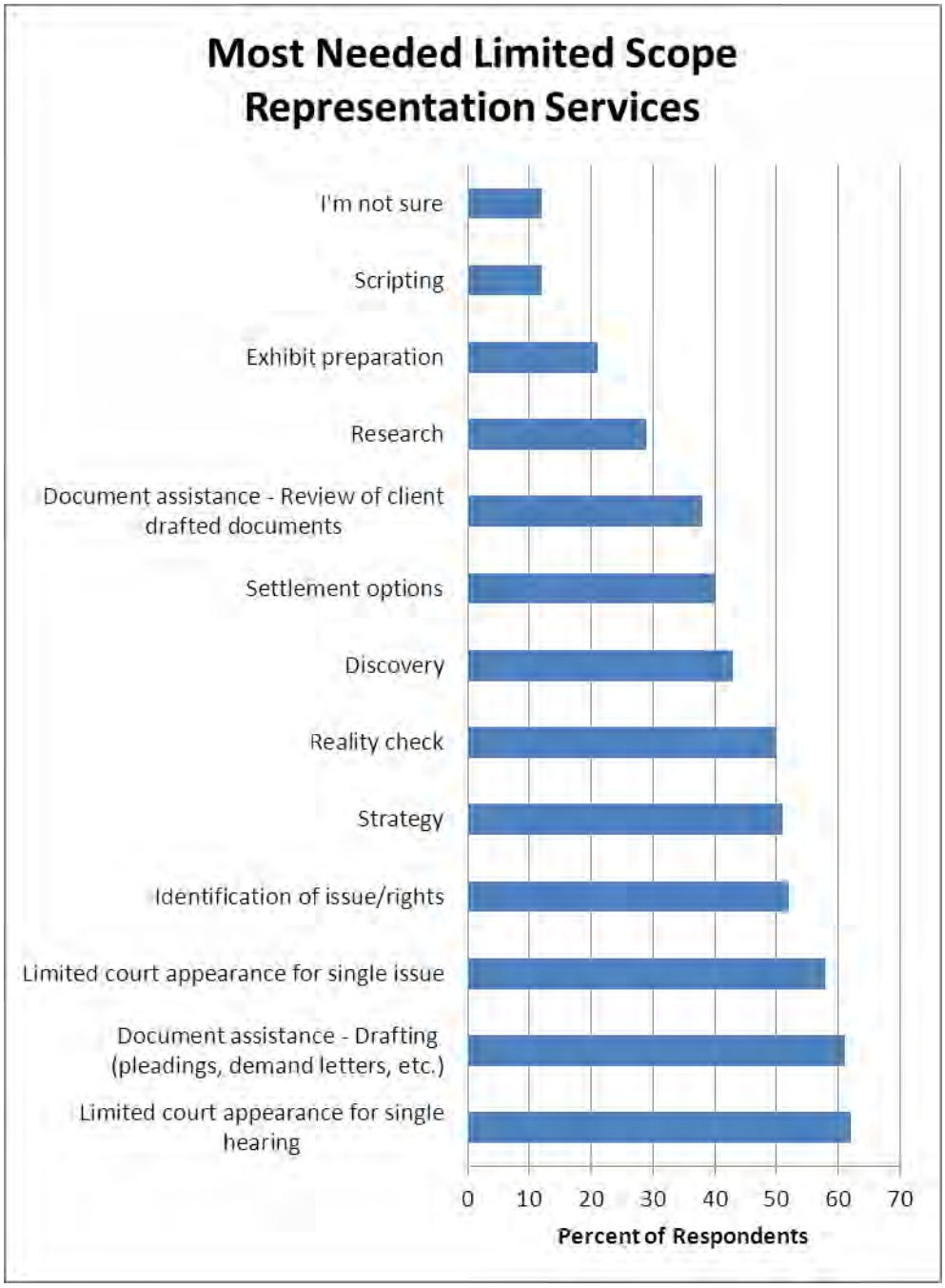

Figure 21. Most Needed Limited Scope Services. This figure is based on the results of Q26: Which specific limited scope services are most greatly needed (response choices were as shown above; respondents were asked to check all that apply). One-hundred and ninety-six respondents provided an answer to this question.

Yet, despite responses suggesting that many of their customers would benefit from limited scope representation, that some of them could actually afford it, and that there are a range of types of limited scope services that are needed, just more than a third (38% of those who responded to the question) indicated that their self-help center provides information about limited scope representation (see Fig. 22).

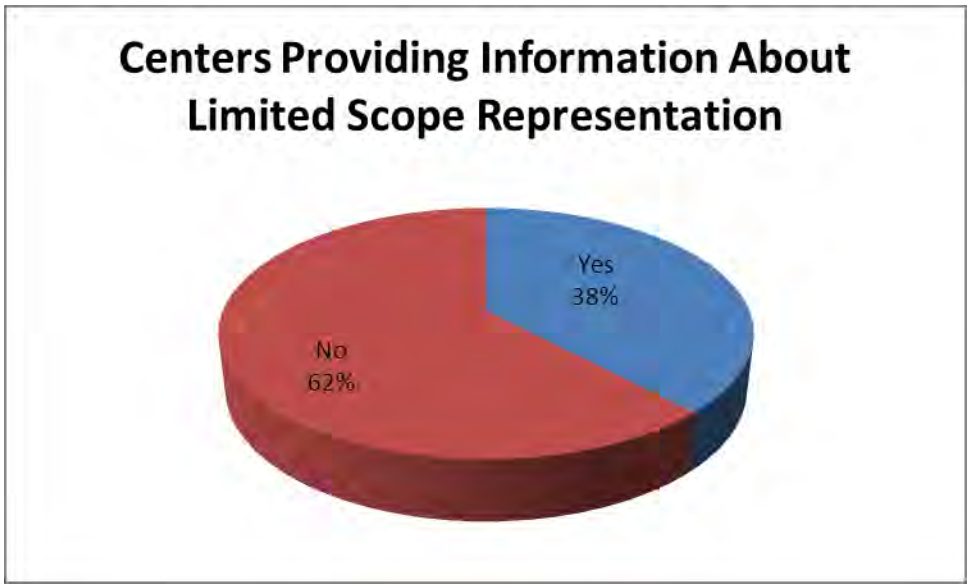

Figure 22. Centers Providing Information About Limited Scope Representation. This figure is based on the results of Q31: Do you provide information about limited scope representation options to center users? Two hundred respondents provided an answer to this question.

Finally, respondents were asked about limited scope lawyer referral service panels in their communities. While, 44% indicated that their communities did not have such panels, and 15% indicated that their communities did, a full 41% reported that they were not sure about the answer to this question (see Fig. 23). Meanwhile, 69% of respondents indicated that they believed that a limited scope lawyer referral service panel would be helpful (see Fig. 24).

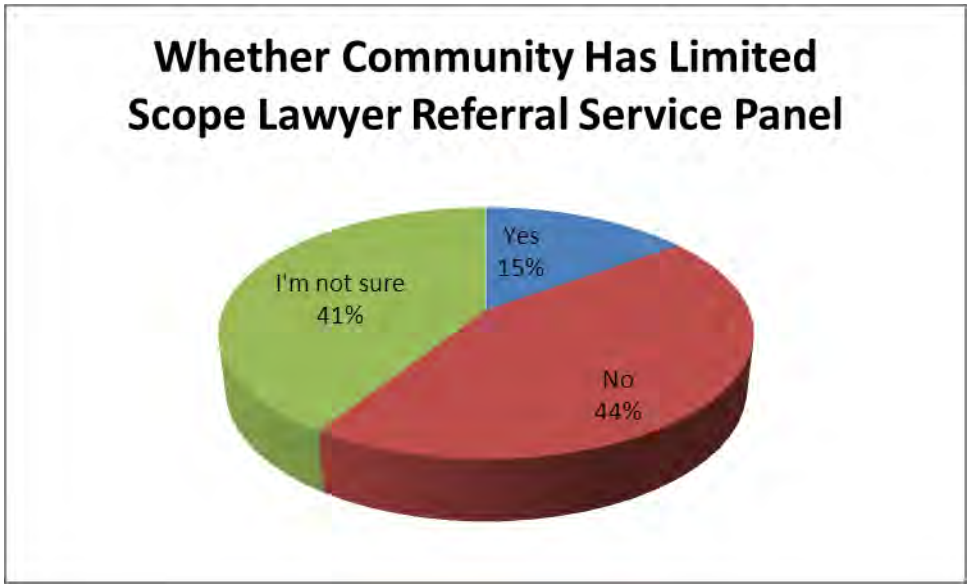

Figure 23. Whether Community Has Limited Scope Lawyer Referral Service Panel. This figure is based on the results of Q29: Does your community have a limited scope lawyer referral service panel? One hundred and ten respondents provided an answer to this question (this question was not included in the California survey)

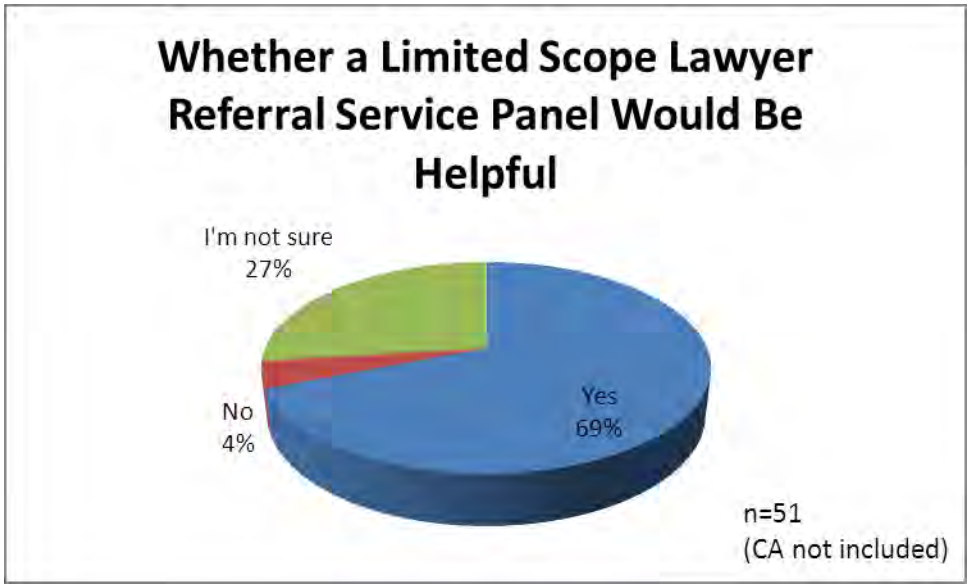

Figure 24. Whether a Limited Scope Lawyer Referral Service Panel Would Be Helpful. This figure is based on the results of Q30: If no, would such a panel be helpful to you? Fifty respondents provided an answer to this question (this question was not included in the California survey)

Full Representation

Respondents were asked to estimate how many of their customers need full representation and would *not* benefit from limited scope representation. While 40% of the respondents felt that none of their customers needed full representation, the remaining 60% did feel that at least some of their customers did need full representation (see Fig. 25). Approximately 20% of the respondents estimated that 1-10% of their customers need full representation. And another 20% estimated that 11-25% of their customers need full representation. Only around 3.5% of the respondents felt that most or all of their customers (76-100%) needed full representation.

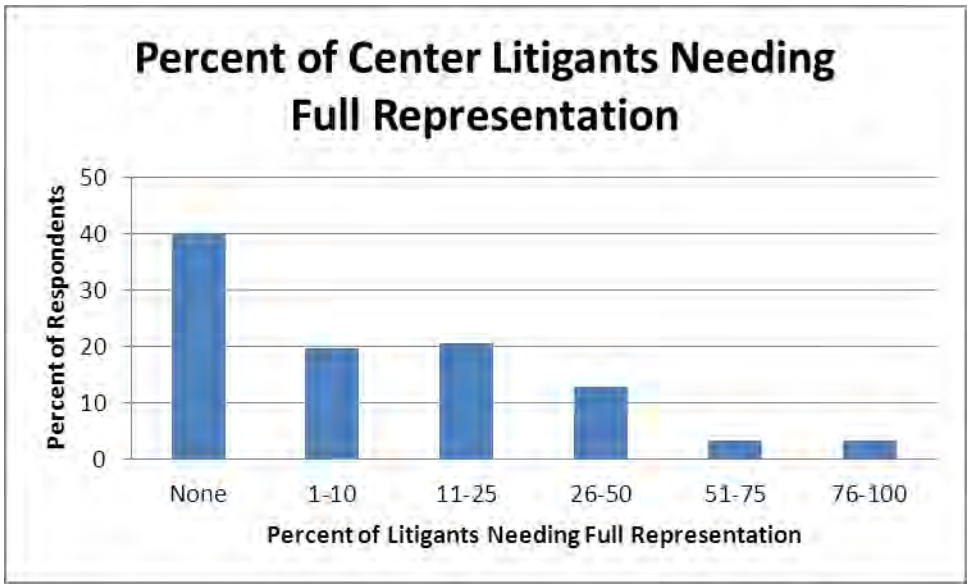

Figure 25. Number of Center's Litigants Per Month Needing Full Representation. This figure is based on the results of Q27: Approximately how many (or what percent of) litigants each month need full representation for their case and would not benefit from limited scope representation? One hundred and ten respondents provided an answer to this question (this question was not included in the California survey)

When asked to estimate the percent of litigants who could pay the going rate for an attorney, 68% of respondents indicated that they believed less than a quarter of their center's customers could afford an attorney (see Fig. 26). Twenty-one percent of the respondents, however, indicated that they were not sure.

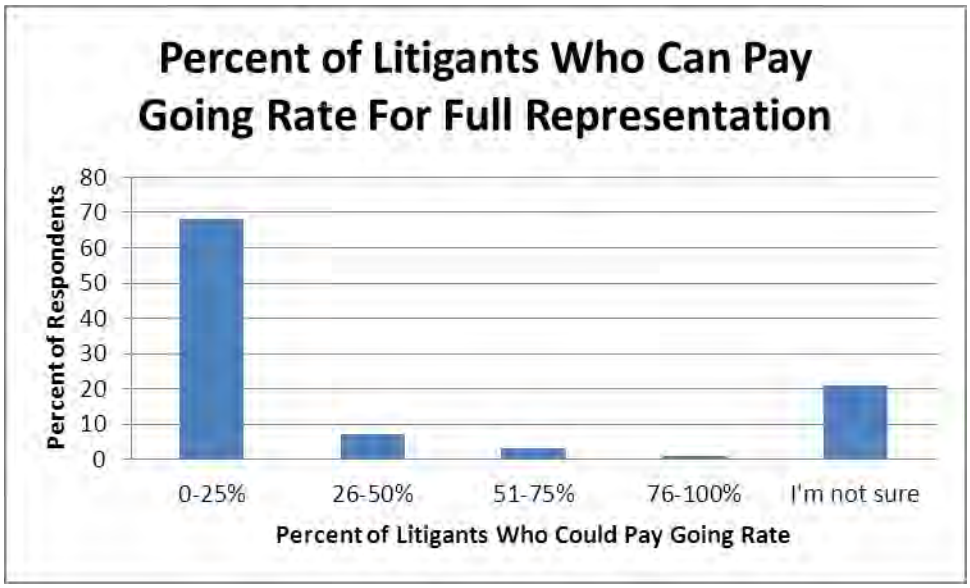

Figure 26. Percent of Litigants Who Could Pay Going Rate for Attorney. This figure is based on the results of Q28: Of them, approximately what percentage could pay the going rate of an attorney in your community for full representation? One hundred and fourteen respondents provided an answer to this question (this question was not included in the California survey)

V. Conclusion

The findings of the present survey provide a nationwide picture of legal self-help centers and, it is hoped, will contribute to discussions on how to expand and better utilize such resources to improve access to justice for the growing population of self-represented litigants. While the volume of clients served by self-help centers varies substantially, there are some noteworthy findings with regard to staffing, program features, service methods and substantive areas, and the clients served. In thinking about lines of inquiry moving forward, the results of this survey suggest a number of topics for further analysis and discussion.

First, in a tight economy, it is certainly important to think creatively about pulling together resources. The results of this survey reveal that self-help centers are doing just that, both in terms of staffing personnel and funding sources. With regard to staffing, self-help centers tend to be operating by combining staff time, volunteer time, and varying levels of time commitments from their directors. The majority of self-help centers are staffed by five or fewer full-time equivalents and about half of the centers reported relying on volunteers as well. Notably, centers rely on a range of types of volunteers, including attorneys, paralegals, students, and community members. With regard to funding, self-help centers tend to rely most heavily on court, state and county funding, but also supplement such funding with a number of other sources. These sources include:

- Bar funding
- Private and public grants
- Income generated from filing fees
- City and Federal funding
- Educational institution funding
- Funds from legal aid associations
- Law library funds
- Trust endowments
- Access to Justice Commission funds
- Private donations
- Fund-raising
- Income from workshops

Second, given the variation in populations served and availability of resources, it is unlikely that in terms of service methods a single approach would be appropriate. It may be of great benefit for self-help centers to explore alternative methods of delivering assistance to best reach their clients. A snapshot of the typical service methods suggests that most self-help centers provide some type of in-person services, document assistance and web-based information. Less commonly provided services include in-person workshops, interactive web-based forms, web or videoconferencing workshops, video or online tutorials, responding to email or online questions, and referrals to pro bono attorneys and attorneys providing unbundled services. More work needs to be done to tease out which service methods are most useful, given the needs of specific populations

served. Technology-based service methods, such as interactive web-based forms and phone assistance, may go a long way in helping rural populations, for example.

The information collected here clearly demonstrates that self-help centers are reaching their target customer base, being those of limited resources. We see that most respondents reported being able to assist most of their customers, but a subset of their customers' legal needs was too complicated and/or their case types were not served by the center. Therefore, more work needs to be done to efficiently identify those who would most benefit from self-help assistance and those who are in need of other services. For example, most respondents indicated that they believed their customers would benefit from limited scope representation, though only 38% of the centers provide information about such services and only 15% indicated that their community has a limited scope lawyer referral service panel. Self-help centers may be able to play a role in channeling such populations to limited scope representation or full representation attorneys, if appropriate, while freeing up center resources for the customers who most need that type of assistance.

Families Matter:

Recommendations to Improve Outcomes For Children and Families in Court

June 2014

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Gloria Danziger, Senior Fellow

University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts

Families Matter: Recommendations to Improve Outcomes for Children and Families in Court

This report is based on the Families Matter Symposium, convened in June 2010 by the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC). The symposium brought together an interdisciplinary group of family law experts to identify problems regarding the practice of family law and to make recommendations about promising solutions.

Financial contributors to the symposium included:

Adelberg, Rudow, Dorf & Hendler, LLC

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Law Office of Maryann E. Foley

Schiller DuCanto & Fleck LLP

Young, Berman, Karpf & Gonzalez, P.A.

We thank funders and participants for their support and contributions but acknowledge that the findings and conclusions presented in this report are those of the authors alone and do not necessarily reflect their opinions.

ub SAYRA AND NEIL MEYERHOFF CENTER FOR FAMILIES, CHILDREN AND THE COURTS

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FAMILIES MATTER: RECOMMENDATIONS TO IMPROVE OUTCOMES FOR CHILDREN AND FAMILIES IN COURT

EXECUTIVE SUMMARY

The Families Matter initiative was designed as a major, multi-year undertaking to develop legal practice methods and approaches to reduce the destructive consequences of the family legal process. The initiative was intended to respond to the need for deep and meaningful reform of the family law process.

Convened in June 2010 by the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC), the Families Matter Symposium brought together an interdisciplinary group of family law experts for two days at the University of Baltimore to identify problems regarding the practice of family law and to make recommendations about promising solutions.[1] The best outcomes for family law cases require a combination of lawyers and mental health professionals, social scientists, mediators, judges, academics, policymakers and financial experts, among others. In addition, Symposium participants acknowledged that the resolution of family law cases must not be "win or lose" and that a major shift in tone is needed.

The main question was, "How do we radically transform a family court system from one that disrupts and tears apart families to one that helps heal them?" The Families Matter initiative intended to help develop and support a family justice system with an interdisciplinary,

[1] Financial contributors to the symposium included: Adelberg, Rudow, Dorf & Hendler, LLC; Avery & Cheerva LLP; Friedman, Mirman Co., L.P.A.; Fullenweider Wilhite; Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC; Hooper & Jacobs, LLC; Levine & Smith, LLC; Law Office of Maryann E. Foley; Schiller DuCanto & Fleck LLP; and Young, Berman, Karpf & Gonzalez, P.A.

holistic and therapeutic focus; to make a broad range of family and individual services available to separating families; to foster greater use of alternative dispute resolution at the earliest stages of a case; and to encourage training law students, lawyers, judges, and court personnel toward a less adversarial, therapeutic, holistic focus when dealing with family law matters. This report provides a summary and overview of the Symposium discussions and the suggestions for reform that emerged from those discussions. Suggestions for further consideration included:

- The development and implementation of Unified Family Courts are fundamental to family justice system reform.[2]
- Courts should develop and implement differentiated case management approaches that (1) screen for public health issues such as domestic violence and addiction; (2) adopt a triage process that identifies family characteristics and provides an appropriate dispute resolution process based on those characteristics; (3) identifies other unmet legal and non-legal needs of litigants; and (4) refers/provides litigants with appropriate services.
- Child custody litigants should receive legal counsel ("Civil Gideon").[3]
- Courts should provide effective assistance to self-represented litigants in family law matters.[4]
- The family court system should incorporate interdisciplinary collaboration, including input from lawyers, judges, mediators, mental health professionals, and financial experts, among others.

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[2] American Bar Association Policy supports the commitment to unified children and family courts, set forth in the Standards Relating to Court Organization and Administration, Standard 1.1., which pledges to promote the implementation of unified children and family court systems as described in Standard 1.1 recognizing that the manner of administering these courts may differ among states and jurisdictions. The policy endorses seven specified clarifications and additions to the components of unified children and family courts. August 1994, reaffirming 1980 policy. REPORTS WITH RECOMMENDATIONS TO THE HOUSE OF DELEGATES: 1994 ANNUAL MEETING § 10C (1994). *See also* ABA policy that supports the use of the term "problem-solving courts" to refer to specialized initiatives such as drug courts, community courts and mental health courts, as well as programs such as unified family courts; (2) the continued development of problem-solving courts to improve court processes and court outcomes for litigants, victims and communities; and (3) the consideration of the use of the principles and methods employed by problem-solving courts in the daily administration of justice. Promote education about problem-solving courts. Approved by the House of Delegates, 2001 Annual Meeting, Resol. 117.

[3] ABA policy urges federal, state, and territorial governments to provide legal counsel as a matter of right at public expense to low-income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody, as determined by each jurisdiction. Approved by the House of Delegates, 2006 Annual Meeting, Resol. 112A.

[4] *Id.*

- Courts should be authorized to mandate that family law litigants, including non-parents who are a daily part of children's lives, attend parenting classes.

- Law schools should examine and revamp family law curricula to include interdisciplinary instruction, such as that envisioned in the Association of Family and Conciliation Courts (AFCC) Family Law Education Reform project.[5]

- Policymakers, family law experts, academics, and others should examine and, when appropriate, adopt effective family law practices and programs developed in other countries.

- Outcome data should be collected to evaluate the effectiveness of family court programs and policies.

- Judges must be suited by temperament to sit in family court, and they should be trained comprehensively.

- States should adopt standards for custody evaluators (such as the *Guidelines for Child Custody Evaluations in Family Law Proceedings* promulgated by the American Psychological Association and the *Model Standards of Practice for Child Custody Evaluations* promulgated by the Association of Family and Conciliation Courts (AFCC)), and custody evaluations should be independent for all contested cases.

- There should be an information campaign to educate the public about the realities and potential harm of acrimonious legal proceedings; the financial, tax, and other implications of different actions; and the availability and characteristics of alternative dispute resolution and various services.

- Domestic violence should be addressed as a public health as well as a public safety issue; there should be intensive case management of domestic violence cases; and there should be specialized training and certification for professionals who practice in the field.[6]

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[5] *About the Family Law Education Reform Project Website*, FLERPROJECT.ORG, http://www.flerproject.org/ (last visited Sep. 30, 2012).

[6] ABA policy supports educational programs designed to inform and train judges about the civil, criminal, psychological, evidentiary and procedural issues relating to domestic violence. The policy makes reference to the strong belief that such education and training is essential to ensure the proper disposition of cases in which domestic violence issues may arise, including six specified types of cases. The policy further resolves that such programs include information about community resources and programs which would facilitate assistance to victims and their children. The policy urges governmental and agency funding of such training programs. February, 1996. *See also* ABA policy urging support of efforts to pass legislation and secure funding for the development of multidisciplinary, community-based programs to respond to the current epidemic of domestic violence. The policy recommends that any government or private entity developing multidisciplinary programs in response to domestic violence ensure that such programs contain seven specified essential elements, including (1) participation by various professionals having services to offer victims of domestic violence; (2) coordinated information-sharing among appropriate offices to ensure that all aspects of the justice system are adequately informed about each other's action in domestic violence cases; (3) multidisciplinary public education programs about domestic violence; (4) multidisciplinary domestic violence prevention and intervention through employee assistance programs; (5) enhanced legal representation for victims of domestic violence and their children and expanded attorney training; (6) data collection;

The recommendations in this Final Report can serve as a catalyst for change in the practice of family law, with the overarching goal of improving the family law system and process so they become less destructive to children and their families. This report is not intended to represent the final scope of issues or solutions necessary to this task, but it is a means to describe the Families Matter initiative and to structure thinking about how to achieve positive outcomes for families and children.

and (7) policies, procedures and practices which place primary emphasis on the safety of the victim and the victim's children. August 1995.

FAMILIES MATTER: RECOMMENDATIONS TO IMPROVE OUTCOMES FOR CHILDREN AND FAMILIES IN COURT

Happy families are all alike;
every unhappy family is unhappy in its own way.

— Leo Tolstoy, ANNA KARENINA Ch.1 (1877)

Marriage may be the best child welfare, crime prevention, and anti-poverty program this country has.

— Chief Justice Leah Ward Sears (retired), Supreme Court of Georgia, Remarks at the University of Virginia (Dec. 2010)

Introduction

Few legal domains are more fraught with difficulty and potentially shattering consequences than the realm of family law. Fact finding can be a grueling process, with truth obscured by wildly different perspectives and a high-stakes urge to win at any cost. Animosity may not be limited to words alone; domestic violence is a continuing threat in some of the worst cases.[7] Children are often the ones who pay the highest price.[8]

While the vast majority of separated and divorcing parents settle issues without excessive acrimony and litigation,[9] those who do litigate often create significant problems for judges, attorneys, and others involved in the divorce process. More important, they also risk exposing their children to a long-term negative impact on their emotional/ psychological development.

The original notion of a judge needing Solomonic wisdom, indeed, did occur in a dispute over custody of a child. Today, many judges and lawyers are faced with what seems like the Solomonic equivalent of splitting a baby in half. They confront these dilemmas in justice systems that may themselves be part of the problem due to limited court resources;

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[7] For example, a woman who said she had been previously unable to get a restraining order against her husband was attacked by him in a Florida judge's chambers. *See* Martha Neil, *Lawyer Steps in to Help Woman Attacked During Divorce Hearing in Judge's Chambers*, THE AMERICAN BAR ASSOCIATION (posted Apr. 19, 2011, 12:32 PM), http://www.abajournal.com/news/article/lawyer_steps _in_to_help_woman_allegedly_attacked_by_ex/ *See also* Amanda J. Schmesser, *Real Men May Not Cry, But They Are Victims of Domestic Violence: Bias in the Application of Domestic Violence Laws,* 58 SYRACUSE L. REV. 171 (2007) (arguing that heterosexual males account for a substantial number of domestic violence victims and that violence in the home is a social problem, regardless of whether it is committed by men or women).

[8] *See generally* JUDITH S. WALLERSTEIN & SANDRA BLAKESLEE, SECOND CHANCES: MEN, WOMEN, AND CHILDREN A DECADE AFTER DIVORCE 196 (1989).

[9] Janet R. Johnston et al., *Allegations and Substantiations of Abuse in Custody-Disputing Families*, 43 FAM. CT. REV. 283, 284 (2005) (only 4% of child-custody cases are litigated).

inadequate training of judges, attorneys, and others in family law matters; undue expense; overlapping subject-matter jurisdiction; inconsistent orders; and a lack of coordination and collaboration.

Some of the failings of the family law system are well documented.[10]

- The harshness of adversarial justice harms people whose emotions are already raw because of impending family dissolution and exacerbates contentiousness.[11]
- A "win-lose" mentality may breed failure to effectively deal with differences.[12]
- Children can feel like and are often used as pawns in a battle between parents.[13]
- Family resources may be depleted because of endless litigation rather than spent on other needs.[14]
- Lawyers themselves can experience burnout or be threatened or even be physically harmed by hostile litigants.[15]
- Matters that are primarily psycho-social are at times decided by judges who sometimes are ill-equipped or untrained to make the best decisions.[16]
- Well-founded fears of escalating domestic violence may go unaddressed, or worse, trigger a punitive response to the victim.[17]

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[10] See *generally*, Barbara A. Babb & Mitchell K. Karpf, *A More Humane Vision of Family Law*, BALTIMORE SUN, Jul. 13, 2010, *available at* http://articles.baltimoresun.com /2010-07-13/news/bs-ed-family-law-20100713_1_family-law-family-breakup-family-justice-system; *see also* Louise Phipps Senft, *Legal System Must Change to Help Families*, UNIFIED FAM. CT. CONNECTION (Univ. of Balt. Sch. of Law Sayra and Neil Meyerhoff Ctr. for Families, Children and the Courts, Baltimore, Md.), Winter 2011, at 15, *available at* http://law.ubalt.edu/downloads/law_downloads/CFCC_UFC_WINTER2011.pdf

[11] Babb, *supra* note 9; Senft, *supra* note 9.

[12] Babb, *supra* note 9; Senft, *supra* note 9.

[13] WALLERSTEIN, *supra* note 7. *See also* Richard A. Warshak, *Payoffs and Pitfalls of Listening to Children*, 52 FAM. REL. 373 (2003).

[14] *See* Paul T. Capuzzielo, *An Interdisciplinary Approach to Handling Divorce Cases*, UNIFIED FAM. CT. CONNECTION (Univ. of Balt. Sch. of Law Sayra and Neil Meyerhoff Ctr. for Families, Children and the Courts, Baltimore, Md.), Winter 2011, at 2, *available at* http://law.ubalt.edu/downloads/law_downloads/CFCC_UFC_WINTER2011.pdf). The problem of financing divorce litigation has spurred a new business, about which concerns have been raised. The New York Times reported in the spring about a loan enterprise that targets divorcing spouses who cannot easily afford representation for protracted battles. See Binyamin Applebaum, *Taking Sides in a Divorce, Chasing Profit*, N.Y. TIMES, Dec. 5, 2010, at A1. The problem with this "solution" has been discussed in a recent blog. *See* Barbara A. Babb, *A Troubling New Practice: For Profit Businesses that Fund Divorce Cases*, SAYRA AND NEIL MEYERHOFF CENTER FOR FAMILIES, CHILDREN AND THE COURTS BLOG (Jan. 19, 2011, 5:02 PM), http://ub-cfcc.blogspot. com/2011/01/troubling-new-practice-for-profit.html

[15] In one case, a lawyer was physically assaulted by the husband of her client; opposing counsel's efforts to warn the lawyer did not reach her in time. Martha Neil, *Opposing Counsel's Warning Comes Too Late; Lawyer, 54, Is Stabbed 12 Times in Her Office*, ABA JOURNAL.COM, (Jun. 14, 2010, 5:46 PM), http://www.abajournal.com/news/article/opposing_counsels_warning_comes_too_late_lawyer_54_is_stabbed_12_times_in_o/

[16] *See generally* WALLERSTEIN, *supra* note 7. Andrew Schepard, *Alienated Children in Divorce and Separation*, 48 FAM. CT. REV. 1 (2010).

[17] *See generally,* Kelly Browe Olson & Nancy Ver Steegh, *Introduction of Special Issue Editors*, 46 FAM. CT. REV. 434 (2008); Nancy Ver Steegh and Clare Dalton, *Report From the Wingspread Conference on Domestic Violence and Family Courts*, 46 FAM. CT. REV. 454, 460 (2008).

- There may be a proliferation of inconsistent orders, making justice inefficient, haphazard, and potentially damaging.[18]

- The judicial system is swamped with family law cases.[19]

- The burdens of litigation influence the work lives of the litigants, affecting their job performance.[20]

- Legal education is not preparing students for the challenges of dealing with fragile families, and an adversarial ethic often exacerbates this problem.[21]

- Effective alternative dispute resolution interventions are being used in some jurisdictions, but not everywhere, and implementation is very inconsistent.[22]

- The child's voice is often lost, with resultant pain and resentment that may last a lifetime.[23]

- Unchecked hostility between parents is harmful to children, while adversarial processes cause further deterioration and acrimony.[24]

- Insufficient coordination among varied professionals who work with fragile families means lost opportunities and may lead to conflicting orders.[25]

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[18] Barbara A. Babb, *Fashioning an Interdisciplinary Framework for Court Reform in Family Law: A Blueprint to Construct a Unified Family Court*, 71 SO. CAL. L. REV. 469 (1998).

[19] In Maryland, for example, according to the 2009 Annual Report of the Maryland Circuit Court, family law cases constitute more than 45% of that court's total trial court filings. In Georgia, in 2005, 355,000 cases were filed in Georgia's trial level court. Of those cases, 223,000 were civil, 65% of which were domestic relation cases. Family law cases are commonly half of a trial court docket, and often take about two years from start to finish.

[20] Capuzzielo, *supra* note 13, at 2.

[21] Alexis Collentine, *The Family Law Education Reform Project: How the Proposed Changes Would (and Could) Attract Students to Family Law Courses*, 44 FAM. CT. REV. 595 (2006).

[22] "The heart of any efficient family law system is the ADR process," writes Judge Hugh Starnes. He continues, "By working on improving the use, quality and diversity of those valuable processes, the whole legal culture can evolve into a more cooperative problem-solving atmosphere." Hugh Starnes, *Judges Play a Crucial Role in Improving Family Courts*, UNIFIED FAM. CT. CONNECTION (Univ. of Balt. Sch. of Law Sayra and Neil Meyerhoff Center for Family, Children and the Courts, Baltimore, Md.), Winter 2011, at 8, *available at* http://law.ubalt.edu/downloads/law_downloads/CFCC_UFC_WINTER2011.pdf).

[23] WALLERSTEIN, *supra* note 7, at 302. "The first upheaval occurs at the breakup. Children are frightened and angry, terrified of being abandoned by both parents, and they feel responsible for the divorce. Most children are taken by surprise: few are relieved. As adults, they remember with sorrow and anger how little support they got from their parents when it happened. They recall how they were expected to adjust overnight to a terrifying number of changes that confounded them. Even children who had seen and heard violence at home made no connection between that violence and the decision to divorce. The children concluded early on, silently and sadly, that family relationships are fragile … . These early experiences colored their later expectations." *Id.* at 298.

[24] *Id.* at 310: "Parents and children in violent or high-conflict families will need another set of services provided by people with specialized training."

[25] *See* Peter Salem, *Improving our Family Courts and Services: A Call for Interdisciplinary Collaboration*, UNIFIED FAM. CT. CONNECTION (Univ. of Balt. Sch. of Law Sayra and Neil Meyerhoff Ctr. for Family, Children and the Courts, Baltimore, Md.), Winter 2011, at 7, 10, *available at* http://law.ubalt.edu/downloads/law_downloads/CFCC_UFC_WINTER2011.pdf

- The politics of judicial appointments can lead to family court judges who do not have the interest or judicial temperament to preside over family law cases.

The Families Matter Symposium was an undertaking to change the practice of family law and the family justice system. Sponsored by the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC), the Families Matter Symposium was designed to respond to the need for deep and meaningful reform of the family law process.

The recommendations from the Families Matter Symposium can assist with the development of legal practice methods and approaches to minimize the damaging consequences of family legal proceedings, particularly in the areas of matrimonial and custody cases. In addition, the Families Matter Symposium recommendations can inform how to highlight, disseminate, and promote promising practices and the development of new approaches that minimize the damaging consequences of family legal proceedings.

The interdisciplinary group of experts at the Families Matter Symposium concluded that the best outcomes for family law cases often require more than lawyers. Mental health professionals, social scientists, mediators, judges, academics, policymakers and financial experts also must be involved.[26] Moreover, the resolution of these cases must not be "win or lose." Instead, a major shift in tone is needed. The reform work generated by the Symposium must focus on ways to expand the assistance that family law can provide children and families and steps to include those professionals who too often must do damage control after the legal process has harmed vulnerable participants.

The Families Matter initiative has not occurred in a vacuum, however. There have been multiple projects, efforts, programs, and practices by several organizations in the past few decades that have laid substantial groundwork for this initiative. There arguably has been a profound transformation of the family law system in the past decade, with the rapid development of reforms such as mediation, parenting coordination, early neutral evaluation, differentiated case management, Unified Family Courts, reform of family law courses by law schools, and other developments that have targeted the potentially destructive consequences of family law on families and children. Many of these reforms are included in this report, with recommendations for strengthening and/or replicating them.

The family law system, however, continues to disrupt and tear apart families. The Families Matter initiative intends to help develop and support a family justice system that has an interdisciplinary, holistic and therapeutic focus; make a broad range of family and individual services available to separating families; foster greater use of alternative dispute resolution at the earliest stages of a case; and encourage training law students, lawyers, judges, and court

[26] Domestic violence cases may require a different approach, in part because co-parenting and conflict avoidance is less appropriate in that context, and in part because of the importance of protection of rights and findings that validate a victim and hold an abuser accountable for stopping abuse.

personnel toward a less adversarial, therapeutic, holistic focus when dealing with family law matters.[27]

The Symposium's Structure and Goals

The Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC)[28], brought together 60 interdisciplinary experts in the field of family law for a two-day Families Matter Symposium at the University of Baltimore on June 24-25, 2010.

The Symposium's two-day format allowed for plenary presentations and intensive break-out sessions designed to both identify problems and to elicit promising solutions from the assembled experts, who were divided into six discussion/breakout groups. An important goal was to develop a framework and strategy for collaboration among participants, future partners, and other family justice system experts. There was general agreement that one of the most important targets for change is the next generation of lawyers who, with appropriate training, can help transform the practice of family law.

One of the key features of the conference was its interdisciplinary nature. Among the participants were judges, academics, lawyers, mediators, financial experts, mental health professionals, custody evaluators, domestic violence advocates, and court administrators.[29] Families Matter Symposium planners recognized that participants would have multiple perspectives. Consequently, each group's initial task was to identify the most pressing problems in their designated area of family law and to formulate a strategy to promote change as part of the multi-year Families Matter initiative. After the conference, CFCC published a special issue of its Unified Family Court Connection newsletter devoted to articles written by a number of experts who participated in the symposium.[30]

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[27] Salem, *supra* note 24.

[28] CFCC is a national leader in promoting family justice system reform. CFCC's mission is to create, foster and support local, state, and national movements to integrate communities, families, and the justice system in order to improve the lives of families and the health of the community. CFCC engages in policy initiatives, program development and implementation, law school education, strategic planning, technical assistance, and evaluation. Therapeutic jurisprudence and the ecology of human development are at the heart of CFCC's mission, based on the belief that effective justice and good outcomes are best served by a comprehensive, multidisciplinary approach to the legal and social problems affecting children and families.

[29] More than 60 participants attended the Symposium at the University of Baltimore School of Law. Attendees included, among others, Maryland Chief Judge Robert Bell; Texas Supreme Court Justice Debra Lehrmann; The Hon. Hugh Starnes, Senior Circuit Court Judge, Florida; Chief Justice Leah Ward Sears (retired), Supreme Court of Georgia; The Honorable Judith Kreeger, Eleventh Judicial Circuit-Family Division (Miami-Dade County); The Honorable Audrey J. S. Carrion, Associate Judge of the Circuit Court for Baltimore City; The Honorable Marcella Holland, Administrative Judge for the Circuit Court for Baltimore City; The Honorable Edward Newman, Magistrate of the Rhode Island Family Court; Janet Fink, Esq., Deputy Counsel to the New York State Unified Court System; Rebecca Henry, Esq., Deputy Chief Counsel of the American Bar Association Commission on Domestic Violence; Diane Nunn, Esq., Director of the California Center for Families, Children and the Courts; Professor Barbara A. Babb Director of the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts; Peter Salem, Executive Director of the Association of Family and Conciliation Courts; Pamela Gagel, Esq., Assistant Director of the Institute for the Advancement of the American Legal System; Dr. Irwin Sandler, Director of the Prevention Research Center at Arizona State University; Joan Meier, Professor of Clinical Law and Director of the Domestic Violence Legal Empowerment and Appeals Project at George Washington University Law School; Pamela Ortiz, Esq., Executive Director of the Maryland Access to Justice Commission; Rachel Wohl, Esq., Executive Director of the Maryland Mediation and Conflict Resolution Office. See Appendix for a complete list of invited participants and attendees.

[30] UNIFIED FAM. CT. CONNECTION (Univ. of Balt. Sch. of Law's Sayra and Neil Meyerhoff Ctr. for Family, Children and the Courts, Baltimore, Md.), Winter 2011.

How can we develop practices and methodologies to make family law litigation less disruptive on those families going through it?

— **Mitchell Karpf,** Young, Berman, Karpf & Gonzalez, P.A.

In her opening remarks, Professor Barbara A. Babb, CFCC's Director, reinforced CFCC's commitment to the Families Matter initiative and the powerful collaboration among the organizations represented at the symposium. She explained CFCC's family justice system reform approach and mission to identify structures and processes that improve children's and families' lives, particularly through the creation of Unified Family Courts. Professor Babb underscored the importance of addressing both the legal ***and*** non-legal problems that affect families and children in family court.

The need is not only great, but urgent. Family law is inherently complex, emotional, and of utmost importance to the people affected by it. We hope that the joint wisdom assembled here can make a substantial contribution.

— **Professor Barbara Babb, Founder and Director of the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts**

Chief Judge Robert Bell (Ret.) of the Maryland Court of Appeals, the keynote speaker, spoke about Maryland's judicial initiatives aimed at better meeting the growing needs of families across the state because "families matter." Commenting that one of the Maryland judiciary's guiding principles is creating fuller access to justice for all citizens, he noted that Maryland Governor Martin O'Malley recently supported a bill to increase civil legal filing fees to increase funding to legal aid services. Chief Judge Bell touched on the family justice system innovations that the judiciary developed over the past few years, including services for self-represented litigants, alternative dispute resolution, and closer collaboration with the Department of Juvenile Services and other agencies that provide services for families involved in family court.

Ours is, of course, a complex society and more and more people are continuing to turn to the courts and the legal profession as a first, rather than a last, resort to provide authoritative and timely solutions to the problems that plague our lives. Not a day passes in this state, and indeed in any court in this country, when the consequences of some court ruling, shaped in large measure by the arguments and advocacy of lawyers, has not touched the lives in substantial numbers of our citizens, and particularly our families and children.

— **Chief Judge Robert Bell of the Maryland Court of Appeals (Ret.)**

The plenary session provided time for participants to identify the most important problems or issues of the present family court system and to discuss promising new practices that address the system's negative consequences. Following the plenary, participants divided into six breakout groups for the remainder of the Symposium: Alternative Dispute Resolution/Interdisciplinary Collaboration; Financial Dimensions/Attorneys and Other

Professionals; Lack of Resources; Courts; the Role of the Child/Child's Voice; and Abuse/Violence.

In the Symposium closing, Chief Justice Leah Ward Sears (Ret.) from the Supreme Court of Georgia spoke about the enormous changes in family structure she has witnessed over the course of her adult life. In 1955, only four children of every hundred were born out of wedlock; by 2000, 33 of 100 were born to unwed parents, and divorce statistics for parents more than tripled. Justice Sears observed that family law matters are responsible for the lion's share of overflowing court dockets, though the general public often incorrectly assumes that criminal cases are the source of the congestion. "Building a viable marriage culture is a legitimate concern of family law," she concluded.

This Final Report provides a summary and overview of the Symposium discussions and the suggestions for reform that emerged from those discussions:

- The implementation and operation of Unified Family Courts are fundamental to family justice system reform.[31]

- Courts should develop and implement differentiated case management approaches that (1) screen for public health issues such as domestic violence and addiction; (2) adopt a triage process that identifies family characteristics and provides an appropriate dispute resolution process based on those characteristics; (3) identifies other unmet legal and non-legal needs of litigants; and (4) refers/provides litigants with appropriate services.

- Consideration should be given to providing legal representation to litigants in matters as crucial as child custody ("Civil Gideon").[32]

- Courts should provide effective assistance to self-represented litigants in family law matters.[33]

- The family court system should incorporate interdisciplinary collaboration, including input from lawyers, judges, mediators, mental health professionals, and financial experts.

- Courts should be authorized to mandate that family law litigants, including non-parents who are part of children's lives, attend parenting classes.

- Law schools should examine and revamp family law curricula to include interdisciplinary instruction, as that envisioned in AFCC's Family Law Education Reform project.

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[31] REPORTS WITH RECOMMENDATIONS TO THE HOUSE OF DELEGATES: 1994 ANNUAL MEETING § 10C (1994), *supra* note 1.

[32] ABA policy approved by the House of Delegates, 2006 Annual Meeting, Resol. 112A, *supra* note 2.

[33] *Id.*

- Policymakers, family law experts, academics, and others should examine and, when appropriate, adopt effective family law practices and programs developed in other countries.

- Outcome data should be collected to evaluate the effectiveness of family court programs and policies.

- Judges must be suited by temperament to sit in family court, and they should be trained comprehensively.

- States should adopt standards for custody evaluators (such as the *Guidelines for Child Custody Evaluations in Family Law Proceedings*[34] promulgated by the American Psychological Association and the *Model Standards of Practice for Child Custody Evaluations*[35] promulgated by the Association of Family and Conciliation Courts (AFCC)), and custody evaluations should be independent for all contested cases.

- There should be an information campaign to educate the public about the realities and potential harm of legal battles; the financial, tax, and other implications of different steps; and the availability and characteristics of alternative dispute resolution and various services.

- Domestic violence should be addressed as a public health as well as a public safety issue; there should be intensive case management of domestic violence cases and there should be specialized training and certification for professionals who practice in the field.[36]

The sticking points among Symposium participants included the best approach to involve and represent children in family law cases, as well as the use of mediation in cases of domestic violence. There also was disagreement about the value of court proceedings and the proper scope of court action.

- In the case of the child's voice, some argued for strictly limiting children's representation, and some suggested having mental health professionals act as filters for and adjuncts to children's testimony. Others, however, advocated in favor of zealous, unfiltered, client-informed representation of children in a broad range of cases.

- Some participants argued for the salutary effect of attempting mediation in particular domestic violence cases.

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[34] Am. Psychological Ass'n, *Guidelines for Child Custody Evaluations in Family Law Proceedings* (2009), *available at* http://www.apapracticecentral.org/news/guidelines.pdf

[35] Ass'n of Family & Conciliation Courts, *Model Standards of Practice for Child Custody Evaluations* (2006), *available at* http://www.afccnet.org/Portals/0/PublicDocuments/Guidelines/ModelStdsChildCustodyEvalSept2006.pdf

[36] *ABA policy August 1995, supra* note 5.

- There was some philosophical debate about the extent to which courts should delegate their authority to non-judicial personnel, such as custody evaluators and parenting coordinators, and how much they should mandate services that could be considered intrusive; however, the benefits of such services in problem-solving and therapeutically oriented courts were widely recognized.

- Although there was general agreement about how destructive the adversarial process may be, the group also recognized that this concern must be balanced with the constitutional right to due process. While mitigating the potential damage of adversarial proceedings is crucial, affording all parties, including children who are the subjects of the proceedings, their "day in court" may be essential to engender the sense of fairness that is critical to ensure engagement in, and compliance with, the resolution of the proceedings.

The Groups' Work

The following summarizes each group's recommendations:

Group 1: Alternative Dispute Resolution (ADR)/Interdisciplinary Collaboration

This group addressed the question of whether it is a court's proper role to mandate services and order mediation, which some have questioned as intrusive, an invasion of privacy, and a delegation of authority. Participants noted that there is a lack of awareness about and use of ADR collaborative models, and that cost or other access barriers can interfere with the provision of mental health services.

The group developed a blueprint for effective ADR and interdisciplinary collaboration based on differentiated case management, family empowerment, and the early and coordinated use of various professionals from the legal, financial, ADR, and mental health fields. The group also agreed that the most effective way to facilitate this extensive coordination of experts and the courts is through differentiated case management.

Participants recognized that never-married parents have specific issues and recommended that the formulation of parenting plans be standard for every case with children. They also felt that there should be a special track with close judicial supervision in high conflict cases.

There was considerable discussion about the ability of separating partners to choose their own menu of options about how to proceed, given the potential acrimony and divisiveness that are the hallmarks of many family law cases. For example, if domestic violence is an issue, the use of mediation often is questioned. Members of the group recommended special training for mediators and individualized decisions by courts on whether to order mediation, rather than a too-quick bar on its use in domestic violence cases.

There was substantial deliberation regarding new processes and practices, such as parenting coordination, early neutral evaluation, hybrid mediation-evaluation processes, and others. Participants recommended that national and international organizations, including CFCC and AFCC, collect and disseminate promising ADR practices; establish a clearinghouse for

information about promising practices; host regional and national conferences; and publish reports and articles.

The group recognized the need for post-judgment monitoring of select cases. It mentioned the beneficial use of parent coordinators and an expedited process for review of compliance issues when appropriate. Other action items included a redoubling of efforts by national, state, and local organizations to foster and develop Unified Family Courts and the establishment of a national clearinghouse of research and information that includes both web-based and live forums.

There was a suggestion that mediation be a pre-requisite to divorce filings. In addition, the group recommended that the definition of "successful mediation" be enlarged to move beyond a settlement focus, encompassing also informed decision-making and an improved legal process. Performance-based assessments of court-annexed mediators were recommended. Further, there was a recommendation to recognize that collaborative law, while beneficial in many cases, can substantially add to the expense of proceedings.

Group 2: Financial Dimensions — Attorneys and Other Professionals

This group identified financial ignorance among all the players in a divorce case as a major issue and the consequent need for effective education in the financial and tax ramifications of dissolution. The group believed that, because the vast majority of cases settle before trial, settlements generally reflected financial ignorance and were often unfair or misguided in an unacceptably high number of cases. The group also noted the intersection of property and child-related issues because of a settlement's impact on where a child lives, as well as on the child's financial security.

There was consensus among participants that the adversarial system creates too great a focus on winning, which, in turn, can result in delayed resolutions, undue litigation expense, and additional harm to the entire family.

Group members questioned the advisability or feasibility of uniform rules in financial matters due to the fact that jurisdictions vary significantly in how they calculate alimony and child support. In addition, the fact that the assumptions are different with respect to non-traditional families introduced an element of complexity that may make uniform rules less useful.

The group also considered the special challenges for family law practitioners who must contend with the difficult emotions of their clients, while they also strive to meet court goals and the economic imperative of efficiency. Some participants pointed out that lawyers themselves can be guilty of inflammatory behavior and prone to protracted and unnecessary litigation. The group advocated that judges set an appropriate tone and expectations and not hesitate to use sanctions. Also, the group recommended that suitable professionals, including qualified mediators (who could be involved in both economic and child-related issues), be brought into a case at an early stage.

There was general agreement that lawyers and judges should receive specialized education on family issues. The group also recognized the need to make changes in legal education to better prepare new lawyers for a family practice. Similarly, continuing legal education requirements should include appropriate training for family law practitioners on promising practices, as well as specialized issues relevant to the practice of family law.

The group agreed that litigants should receive some form of education about what to expect in a family law proceeding. Lawyers, financial professionals, and others involved in a given case can provide some information about the short- and long-term implications of their decisions. Many separating parties are self-represented, however, and look to the family court for reliable and comprehensive information.

The group recommended the following:

- The establishment of a centralized repository for forms and information about the divorce process;
- The availability of pro bono lawyers to answer questions in courthouses;
- The use of questionnaires to provide information to court personnel to assist with triage;
- The use of kiosks and self-help centers;
- The use of fact sheets that include information for litigants on issues such as domestic violence, child abuse/spousal abuse, mental health, substance abuse, financial needs, parenting issues, and immigration matters, to name a few. The hope of the group was that greater information could reduce litigants' unrealistic expectations and better address potential problems;
- The effective use of limited scope representation or unbundled legal services;
- The development and implementation of Unified Family Courts.

Group 3: Lack of Resources

This group grappled with the often-prohibitive cost of legal representation for litigants, the problems of self-representation, the difficulty of paying for other professionals' time, and the cost of targeted services for families and youth in distress.

Participants urged the adoption of "Civil Gideon" – the notion that attorneys should be provided for those without the ability to pay for civil legal representation. The group noted that implementation of Civil Gideon would create potentially costly and complicated issues, such as adequate specialized training for lawyers taking high-conflict custody cases.

The group acknowledged that self-represented litigants in general are a challenge for courts, particularly when only one party in a case is represented. The judge must avoid ethical

problems and the appearance of bias, while trying to assure fairness. The group recognized the disproportionate impact of self-representation on low-income litigants. Participants also noted that legal fees in matrimonial and other family law proceedings can vary widely depending on the jurisdiction, complexity of the case, and other factors. There was consensus that there is an overall dearth of affordable, well-qualified family lawyers.

Participants observed that the adversarial system itself contributes to the high cost of litigation, and that some lawyers are responsible for either allowing or stoking conflict. The group recommended educating judges so that they can more easily curb excessive tactics.

The group discussed the lack of resources for family law cases, agreeing that there is insufficient support for interdisciplinary services and case coordination. One possible response, according to participants, is to look to other countries for ways to restructure families in a less contentious and more family-friendly way. The group referred to New Zealand and Australia, where family centers focus on educating the general public and separating families about all aspects of family restructuring, including the practical and emotional. The group advocated early mediation and full use of interdisciplinary practitioners.

Participants developed several suggestions to increase and/or strengthen services, programs, and other resources for family courts, including the following:

- Free seminars and a dedicated office to educate and assist self-represented litigants;
- Increasing filing fees to raise revenues for services;
- Expanded fundraising by the courts;
- Developing uniform guidelines regarding alimony, custody, and child support.

The group recommended the following strategies aimed at finding the most cost-effective, evidence-based services, including:

- Public disclosure of fees;
- Public education about how to be a good consumer of legal, ADR, and other services;
- Educating judges and attorneys about the efficient use of services;
- Training judges to recognize and intervene when an attorney engages in unnecessary litigation;
- Greater use of preventive services.

It was noted that the number one predictor of damage to a child's well being is economic strain in the household, and that the cost of divorce itself can harm children.

Group 4: Courts

The group centered its initial discussion around court-specific problems, including the following:

- Cases pertaining to the same family handled by different judges/courts, with no communication between them;
- Lack of access to a judge in a timely manner because of crowded dockets or structural issues, such as only holding family court on certain days;
- The use of masters or other court-appointed officials to preside over family law cases;
- Insufficiently experienced or educated judges;
- Lower salaries for family court judges as compared to those for other judges;
- The perceived inferior status of family court as compared to other courts;
- Lack of specialized training for family court judges;
- The politics of judicial appointments, which can lead to family court judges who do not have the interest or judicial temperament to preside in family court;
- Poor outcome evaluations;
- Court processes that are either too rushed or too prolonged;
- Ineffective triage in case-processing, with over-reliance on "one-size-fits-all" justice;
- A legal education system that does not adequately prepare law students and lawyers for the practice of family law;
- Certain consequences of the adversarial process (e.g., greater acrimony, difficulty in achieving agreement, further exacerbation of family tensions, etc.) and lack of public awareness;
- Insufficient awareness by the public, litigants, and courts of the potentially harmful impact of litigation on children and how to mitigate harm;
- Inadequate recognition by judges and attorneys of which cases need to be settled versus tried;

- Insufficient holistic responses to allegations of abuse, etc.;

- Structural barriers to services, including legal representation and supportive resources;

- Litigants not feeling heard in court; emotions being neglected, and the judge not recognizing the need for referral to services.

The group recommended a wide range of solutions for the problems it identified.

With respect to judges, the group believed that proper selection and mentoring, as well as continuing support, are necessary, and that family court judges should have a dedicated assignment. Only those with the appropriate judicial temperament, interest, commitment to interdisciplinary cooperation and collaboration, and relevant background in family law should serve as family court judges. The group also recommended a variety of incentives and strategies for ensuring that the most suitable judges serve on family court. For example, there might be awards for mayors or governors who make particularly well-informed and well-researched family court appointments. Judges themselves can be rewarded with sabbaticals and other perks for serving on family court. Continuing education for judges is essential. The National Judicial College could spearhead training efforts, and perhaps distance learning could be used to good effect. New judges should receive special training, and there should be a national certification standard for family court judges. There should be ongoing research, possibly by a university consortium, to substantiate which approaches and practices have the best outcomes for families, and that research should be shared regularly with judges. Other ideas included having an online clearinghouse for judges; one example offered was www.familycourt.org.

In order to improve case flow and outcomes, participants recommended mandatory early case evaluation, early intervention referrals to appropriate and effective community resources, early mandatory parent education (with some exceptions), and case management plans that include explicit identification of case types and a clear explanation of the triage process. Fast-tracked case processing should differentiate among low-, mid-, and high-conflict cases, with special handling for domestic violence protective order cases. The group also highlighted the critical importance of well-informed case managers who could direct parties to an array of legal, accounting, mediation, mental health, and other specialists. Furthermore, parties, including the indigent, should be given collaborative options, and collaborative and mediation efforts that include the child's voice or perspective should be encouraged. There should be court-based centers or programs that link parties to resources and information, and courts should have available to them databases and clearinghouses about best practices and case management. The courts should provide a venue for neutral exchanges and supervised visitation of children. There also should be standards and rules for custody evaluators. The group suggested that incentives should be offered to those who agree to undergo mediation. Participants also noted the importance of effective post-divorce case management, with the same judge and assessment team hearing modification motions and other post-judgment matters. The group recommended that all court

personnel receive specialized training on matters such as how to interview a child and the basics of child development.

This group echoed the remarks of other groups regarding the importance of family law education and emphasized the need to promote curriculum improvements in law schools. These improvements include instilling a sense of service, increasing interdisciplinary awareness, and creating a better path to viable employment for graduating students interested in pursuing the practice of family law. For students in other disciplines, such as social work and psychology, there should be cross-fertilization and the opportunity for joint degrees. Participants recommended that family law practitioners should be certified and suggested that knowledge of ADR should be tested on bar exams. For those already engaged in the practice of family law, the group advocated that lawyers should be mandated to discuss ADR with clients and to certify to the court that they have complied with this requirement, with exceptions for certain cases of abuse. The group added that ADR should include the child's voice or perspective.

There was brainstorming about creative ways to inform the public about family law and family court processes, including, for instance, awards for the best and worst portrayals of family law in the media, a national public education campaign with multiple target audiences, and the creation of a Community Advisory Committee that would hold stakeholders' meetings. Participants emphasized the importance of spreading awareness about ADR and collaborative law.

Group 5: The Role of the Child/Child's Voice

This group addressed children's needs and their appropriate role in family law proceedings. Participants acknowledged that the child's voice often goes unheard in family court, but they also recognized that the question of how a child should be included is not a simple one. There was agreement that family dissolution, while theoretically adhering to a "best interests" approach, often leaves children's interests unprotected, especially when parents are enmeshed in a win-lose or adversarial mentality.

Participants emphasized the importance of understanding a child's developmental stage when determining an appropriate course of action. There was discussion about the distinction between child-directed versus "best interests" lawyers and children's capacity to direct representation. Participants expressed deep concerns about the automatic provision of a child-directed attorney.

The group noted the difference between a judge hearing from a child, on the one hand, and a child expressing a preference about custody issues, on the other. Participants were not favorably inclined toward the latter, due to a child's feeling put in the middle of the parents' conflict. The group debated whether children should appear before the judge at all, and there was general agreement that a child would be well served by having a mental health professional as guide, filter, and adjunct voice. There was a preference in the group for the use of best interest attorneys, rather than child-directed lawyers.

The group noted that there was a lack of evidence about which court approaches and practices are of greatest benefit to children and called for further research about the needs of children.

Specific recommendations included:

- Independent custody evaluations;
- No automatic appointment of a child's attorney;
- The development of a parenting plan at the outset of a custody case;
- A team-based approach when representing children, pairing legal and mental health professionals;
- Early neutral custody evaluation and case triage;
- Input from children that is filtered by mental health professionals, rather than received directly from the child;
- A "best interests" standard, with interdisciplinary cooperation critical to resolution;
- A communications campaign to educate the public;
- Changes in law school curricula, with greater focus on ADR and an understanding that courts are a last resort;
- Continuing legal and professional education focusing on the needs of children;
- Lobbying for legislative change around the country.

Group 6: Abuse/Violence

This group posited the following issues and problems:

1. The family court system generally lacks the capacity to address abuse within the family, in part because of the overwhelming emphasis on co-parenting and avoidance of conflict. Abuse – of adults or children – requires a clear and boundary-setting /accountability approach, as well as protection of children's and adult victims' needs over the rights or wishes of an abusive parent.

2. If possible without sacrificing victim safety, both judges and lawyers need to avoid conflict and focus on mutual interests. Courts need to recognize that abusers may be manipulative and calculating even when they appear contrite. Treating them as equally hurting and equally needy is profoundly mistaken and potentially very destructive to the rest of the family.

3. The response to abuse allegations too frequently is punitive and pathologizing to the victim.

4. There is not sufficient coordination among courts handling different aspects of family law cases, such as domestic violence and juvenile matters.

5. Accurate identification of domestic violence in family law cases is necessary for proper treatment.

6. Some family law professionals may lack real abuse expertise, causing them to misconstrue children's experiences and expressions.

7. While acknowledging the tension between potential safety risks and not rupturing the parent-child relationship, some custody evaluators may have strong biases toward co-parenting that would be inappropriate where abuse is at issue.

The group developed several recommendations to address these concerns. First, courts should commit to strengthening families by developing and implementing a new role for the family court. The family court's role should center on re-structuring a family so that family members emerge from litigation prepared as much as possible to support their children and other family members emotionally, economically, and socially. The suggested approach was characterized as a holistic one, similar to the drug court model. The group noted the potential for burnout and other trauma experienced by domestic violence judges and attorneys. Participants suggested that there be no long-term assignments in the domestic violence docket and that there be supportive services and networks for lawyers dealing with domestic violence.

Second, to expand and strengthen domestic violence expertise among judges, lawyers, and evaluators, a multi-disciplinary curriculum should be developed and there should be defined standards for domestic violence expertise for each profession. In addition, certification of domestic violence experts and custody evaluators for cases involving abuse is desirable. Abuse screenings should be done at the earliest stage possible in each case and should be repeated periodically.

Third, there should be widespread public education and outreach on domestic violence as a public health issue. A "pro-health" message was advised for public outreach campaigns in schools, colleges, and the general public, with a focus on prohibiting unacceptable behavior rather than punishing the perpetrator.

Finally, courts and attorneys should consider and address children's and parents' needs as separate issues that require different plans and programs. With respect to parental alienation, the group agreed that it was an especially thorny and controversial issue about which there was a lack of real expertise. Various participants cautioned that alienation frequently is raised in order to deny domestic violence or child abuse allegations. It should be noted, however, that children can be manipulated by one parent to reject the other parent

who does not deserve to be rejected. Of course, the presence of abuse suggests not only significant safety concerns but also implies serious parenting concerns.

Concluding Recommendations

In addition to the specific recommendations enumerated throughout this Final Report, both generally and by the Groups, the participants at the Families Matter Symposium recommended eight overarching actions to take following the Symposium that would move the transformation of the family justice system forward. The recommended actions include:

1. Commitment to action by CFCC, the Association of Family and Conciliation Courts (AFCC), the National Council of Juvenile and Family Court Judges (NCJFCJ), the Institute for the Advancement of the American Legal System (IAALS), and other national groups;

2. This published report to be disseminated among Symposium participants and more broadly in order to facilitate communication and enlist additional partners;

3. The establishment and development of Unified Family Courts; training to strengthen and expand appropriate skills, practices and procedures in Unified Family Court jurisdictions and pilot sites; and training and technical assistance to all jurisdictions considering the development of Unified Family Courts;

4. Adoption of a therapeutic and holistic approach to family law as the primary role of a family court;

5. Increased training and respect for family law practice;

6. A campaign of public awareness and public education about the detrimental effects of the adversarial approach to resolving separation and divorce issues and about the beneficial consequences of adopting a more therapeutic and less adversarial approach to family law.

7. The establishment of a web-based clearinghouse for responding to public interest about Families Matter (the clearinghouse may in time be a separate entity or have a separate identity);

8. Identification of promising family court and family law practices based on an integrated multi-disciplinary approach using a triage and case management system.

Coordinated efforts need to develop and continue, with the ultimate goal of improving the family law system so that it becomes less destructive to children and their families. This report is not intended to represent the final scope of issues or solutions necessary to this task, but it is meant as a contribution to the structure of the ongoing process and progress.

APPENDIX

Families Matter Symposium List of Invited Participants
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June 24 – 25, 2010

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Note: *Italic indicates affiliation at time of Symposium*. Remainder is current as of June 2014.

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Arizona Commission on Access to Justice

Quarterly Meeting Dates	Meeting Rooms	Time
February 4, 2015 – Wednesday	119A/B	10:00 a.m.- 2:00 p.m
May 20, 2015 – Wednesday	119A/B	10:00 a.m.- 2:00 p.m
August 12, 2015 – Wednesday	119A/B	10:00 a.m.- 2:00 p.m
November 18, 2015 – Wednesday	119A/B	10:00 a.m.- 2:00 p.m

ARIZONA COMMISSION ON ACCESS TO JUSTICE

Rules for conducting committee business

1. Decision-Making

Committee decisions will be made by consensus or majority vote when a quorum is present. A numerical vote will be recorded unless the decision is unanimous.

2. Quorum Policy

The minimum number for a quorum of members is 50 percent plus one member. Attendance may be in-person, telephonically, or by videoconference when available. The chair may require that members attend certain meetings in person**.**

3. Proxy Policy

Committee members may send proxies to attend meetings when necessary and with proper notification to the chair. The attached form is available for this purpose.

- A proxy has all the responsibilities of a member, including voting power.
- There is no limit on the number of times a member can send a proxy.
- A member may not also serve as a proxy.
- Proxies are included in the count of members present to determine a quorum.

ARIZONA COMMISSION ON ACCESS TO JUSTICE

Proxy Designation Form and Instructions

Appointed members of the committee are responsible for providing materials to and thoroughly briefing their proxy designees. Members may either complete this form or provide the information indicated below in a similar fashion or by email. Proxy designations should be sent to:

Kathy Sekardi, Committee Staff, Administrative Office of the Courts
Phone number: (602) 452-3253
Fax number: (602) 452-3659
E-mail: ksekardi@courts.az.gov

Please send the information at least one week prior to the meeting that the proxy will be attending.

To: Judge Lawrence F. Winthrop, Chair
c/o Kathy Sekardi, Committee Staff

I (please print your name), _____,
will be absent from the Arizona Commission on Access to Justice meeting scheduled for _____. Accordingly, I designate the following individual to act as my proxy for this meeting:

Name and employment position of proxy:

_____

E-mail address: _____

Telephone number: _____

_____ _____
Date Signature

PARKING FOR STATE COURTS BUILDING, 1501 W. WASHINGTON ST., PHOENIX, AZ

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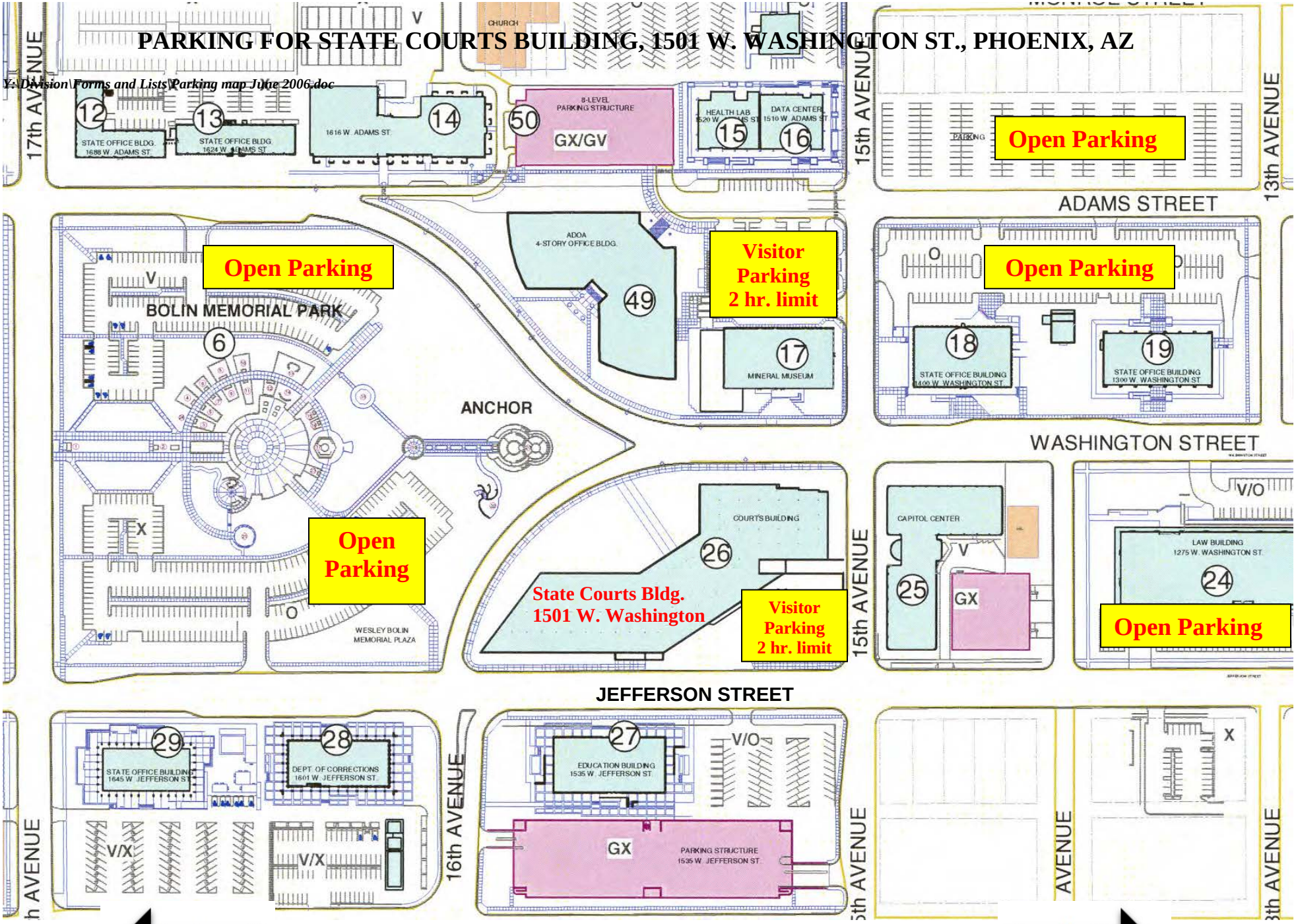

Previous Document

Next Document

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 2: Operations
Section 1-202: Public Meetings

A. Policy. To promote openness in government by assuring that the public has an opportunity to attend the meetings of all public councils of the supreme court and the Administrative Office of the Courts (AOC) while providing flexibility to close meetings when necessary.

B. Definitions. In this section, the following definitions apply:

"Public council" means any council, commission, board or committee established by administrative order that includes any public members or members who are judges or employees of different courts or established by a statute that provides for the supreme court to appoint members and adopt rules.

"Meeting" means gathering of the majority of the members of a public council whether in person or electronically for the purpose of discussing or conducting public council business other than an adjudicatory hearing conducted by a public council.

"Legal advice" means communication to the public council by an attorney employed by or representing any Arizona court regarding facts and information that have legal ramifications, the legality of various legal options, a recommended course of action and response to any questions about the communication.

C. Procedures.

1. Meeting Notice.

   a. Posting. Public council staff shall post meeting notices in the state courts building in a public area and on the Arizona Supreme Court internet site maintained by the Administrative Office of the Courts at least 48 hours prior to a meeting. Public council staff shall send additional notice of a meeting held in a county other than Maricopa to the clerk of the court of that county for posting at each location of the superior court in that county at least 48 hours in advance of the meeting. Notice of an emergency meeting shall be provided in these locations as soon as possible after the meeting location, time and agenda are established.

   b. Content. A notice shall identify the public council and the date, time and location of the meeting, specifying the name of the building, street address and room number where the meeting is located. The notice shall identify a person or an office to contact to obtain a copy of the meeting agenda. The notice shall include the following statement: "Persons with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting (name of contact at (address, telephone, text telephone number). A per

accommodation should make the request as early as possible to allow time to arrange the accommodation. (See sample notice, Appendix 1.)

2. Meeting Agenda.

   a. Availability. The contact person for the public council identified in the meeting notice shall have the agenda available at least 48 hours prior to the meeting for distribution in response to requests from the public.

   b. Content. The meeting agenda shall state each item to be addressed. The agenda shall also state, without breaching confidentiality, the general subject of an executive session and the specific provision of this section that authorizes the executive session.

   c. Adherence. All public councils shall adhere to the published meeting agenda unless by majority vote the council determines:

      (1) Deviation from the agenda is necessary to address a matter that the public council and staff could not have reasonably anticipated, and
      (2) Delaying the matter until the next meeting would be detrimental to the work of the public council and the interests of the public, and
      (3) Addressing the matter without public notice would not significantly impair public awareness of the matter.

3. Public Comment. All agendas shall include a "Call to the Public" provision prior to meeting adjournment. The chair of the public council shall announce the opportunity for public comment regardless of whether a member of the public is in attendance or has expressed any desire to comment. The chair may impose reasonable time, place and manner limitations upon meeting participants including setting time limits, banning repetition and prohibiting profanity and disruptive behavior.

4. Public Access to Meetings. The public shall be permitted to attend meetings and listen to deliberations of public councils except as provided in subsection 5 below. The chair may permit public comment, other than during the call to the public, as appropriate. Public council staff shall schedule meetings in locations reasonably accessible to the public, including persons with disabilities, in rooms large enough to accommodate anticipated public attendance.

5. Executive Sessions. Upon a call by the chair or a majority vote of the members constituting a quorum, a public council may hold an executive session but only for the purposes stated below. The chair shall announce the general subject of the executive session and the specific provision of this rule authorizing the executive session without breaching confidentiality. Attendance shall be limited to members of the public council and additional persons whose presence is reasonably necessary for the public council to perform its executive session responsibilities. An executive session may be held for any of the following purposes:

a. Discussion or consideration of hiring, assignment, appointment, job performance, promotion, demotion, dismissal, salary, discipline, resignation, ethical misconduct or alleged criminal conduct of a public officer, appointee or employee of the Arizona judiciary;

b. Discussion or consideration of records or matters made confidential or privileged by statute, court rule or this code;

c. Discussion or consultation with an attorney employed by or representing any judicial entity regarding legal advice, potential litigation or pending litigation;

d. Discussion or consultation with officers, appointees or employees of the judiciary regarding negotiations for the purchase or lease of real property or for contracting for goods or services;

e. Discussion or consideration of court security or emergency response;

f. Discussion or consultation regarding relations with other governmental entities; or

g. Discussion or consultation in order to consider the position of the public council and to inform staff regarding the position of the public council regarding proposed or pending legislation.

D. Meeting Minutes.

1. Content. Public council staff shall keep meeting minutes, in writing or on tape that include:

   a. The meeting date, time and place;

   b. The members attending;

   c. The matters considered;

   d. The results of all votes taken; and

   e. The names of all persons who address the public council.

2. Availability. The contact person identified for each public council shall make the minutes available for public inspection, as soon as practicable but no more than 20 working days after the meeting.

3. Executive sessions. Executive session minutes shall identify persons present and include any instructions given by the public council. Persons present shall keep executive session discussions and minutes confidential except from personnel of the Arizona judiciary who

require access to perform their duties and other persons authorized by law. The chair shall instruct persons who are present at an executive session regarding these confidentiality requirements.

E. Noncompliance.

1. Remedial Measures. All public council chairs and staff persons shall comply with the provisions of this policy as one of the duties of their positions. If noncompliance is discovered, the chair of the public council, chief justice or administrative director shall take reasonable measures consistent with this code to bring the public council into compliance. Such measures may include reconsideration of a matter at a subsequent meeting.

2. Validity. Failure to comply with this code in any respect shall not be a basis for invalidation of any action of a public council.

Adopted by Administrative Order 2002-22 effective March 7, 2002. Amended by Administrative Order 2007-84, effective November 21, 2007.

APPENDIX 1

NOTICE OF MEETING

The (name of public council) will hold a meeting on the (date) of (month) 20- .

at
(location)

The meeting will begin at (time) o'clock (am/pm)

An agenda of the items to be considered, discussed, or decided may be obtained from the Administrative Office of the Courts, Arizona Supreme Court, 1501 West Washington, Phoenix, Arizona 85007 at least 24 hours in advance of the meeting. Agendas will be available between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Persons with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting (name of contact person) at (address, phone, text telephone number). A person requesting an accommodation should make the request as early as possible to allow time to arrange the requested accommodation.

Arizona Commission on Access to Justice

ACAJ

Chair

Honorable Lawrence F. Winthrop
Arizona Court of Appeals - Division I

Members

Mr. Kip Anderson
Superior Court in Mohave County

Honorable Janet Barton
Superior Court in Maricopa County

Mr. Mike Baumstark
Administrative Office of the Courts

Honorable Thomas Berning
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Honorable Maria Elena Cruz
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Ms. Barb Dawson, Esq.
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Mr. Michael K. Jeanes
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Ms. Ellen Katz, Esq.
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Honorable James Marner
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AOC - Court Programs Unit

Programs

- Program Profiles
- Find Legal Aid
- Program Resources
- Program Visit Reports
- Client Success Stories

LSC - Funded Programs in Arizona

Click here for a printer-friendly view.

CURRENT FUNDING STATUS			
FY 2014 Basic Field	FY 2013 Basic Field	$ Difference from FY 2013	% Difference from FY 2013
$10,946,907	$9,528,110	$1,418,797	13%

FUNDING HISTORY				
Year	LSC Funding*	Non-LSC Funding	Total Funding	LSC Funding %
2012	$10,416,155	$4,731,992	$15,148,147	69%
2011	$12,039,510	$4,480,197	$16,519,707	73%
2010	$12,034,171	$4,860,612	$16,894,783	71%

**Includes Basic Field and other LSC grants, carryover funds and derivative income.*

TOTAL CASES CLOSED		
2010	2011	2012
17,560	15,846	13,835

WORKFORCE 2012			
Attorney	Paralegal	Other	Total
72	28	83	**183**

NUMBER OF PEOPLE SERVED 2012*		
Adults	Children	Total
19,126	15,365	34,491

**Includes number of persons in households for cases closed.*

CASES CLOSED BY CASE TYPE 2012		
Case Type	#	%
FAMILY	5,850	42%
CONSUMER	2,342	17%
HOUSING	2,313	17%
INCOME	1,096	8%
MISC	677	5%
JUVENILE	541	4%
EMPLOYMENT	436	3%

CLIENTS BY ETHNICITY 2012		
Ethnicity	#	%
White	6,443	47%
African American	814	6%
Hispanic	2,192	16%
Native American	3,213	23%
Asian/Pacific	132	1%
Other	1,041	8%
TOTALS	**13,835**	**100%**

HEALTH	312	2%
INDIVIDUAL	222	2%
EDUCATION	46	0%
TOTALS	**13,835**	**100%**

CLIENTS BY GENDER 2012

Gender	#	%
Women	9,396	68%
Men	4,431	32%
TOTALS	**13,835**	**100%**

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LSC-FUNDED PROGRAM	COUNTIES SERVED
Community Legal Services, Inc. Lillian O. Johnson , Executive Director 305 South 2nd Avenue , P.O. Box 21538 Phoenix , AZ, 85036-1538 (602) 258-3434 http://www.clsaz.org	La Paz, Maricopa, Mohave, Yavapai, Yuma
Southern Arizona Legal Aid, Inc. Anthony L. Young , Executive Director Continental Building , 2343 East Broadway Suite 200 Tucson , AZ, 85719 (520) 623-9465 http://www.sazlegalaid.org/	Apache B (all Apache, except the Navajo and Hopi Reserations), Cochise, Gila, Graham, Greenlee, Navajo B (all Navajo except the Navajo and Hopi Reservations), Pima, Pinal, Santa Cruz, Native Americans living in Gila and Graham counties who are members of the San Carlos Apache Indian Reservations and tribal members living off reservation who have cases which require litigation in tribal court; Native Americans living off reservation in Maricopa; Native Americans living on or near the Tohono O'odham Reservation in Pima, Pinal & Maricopa Counties and Tohono O'odham tribal members living off reservation who have cases which require litigation in the Tohono O'odham National Court; and Native Americans living in (1) Fort Apache Indian Reservation which covers portions of Gila, Apache and Navajo Counties, (2) Gila River Indian Community in Pinal & Maricopa Counties, Ak-Chin Indian Community in Pinal, Cocopah Indian Community and Ft. Yuma Indian Comunity in Yuma, (3) Salt River Pima-Maricopa Indian Community & Ft. McDowell Mohave-Apache Tribe in Maricopa, (4) Camp Verde Yavapai-Apache Indian Community in Yavapai, (5) Pascua Yaqui Indian Comunity in Pima, and tribal members living off reservations who have cases which require litigation in tribal court.
DNA-Peoples Legal Services, Inc. T.J. Holgate , Executive Director Route 12, Highway 264 , P.O. Box 306 Window Rock , AZ, 86515-0306 (928) 871-4151 http://www.dnalegalservices.org	Coconino, Apache A (the Navajo and Hopi reservation areas of Apache), Navajo A (the Navajo and Hopi Reservation areas of Navajo), San Juan, Native Americans living on or near the Navajo Reservation in Arizona, New Mexico and Utah, and the Hopi Reservation in Arizona, and members living off reservation who have cases which require litigation in tribal court, Native Americans living on or near the Jicarilla Indian Reservation

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NATIONAL TOTAL CASES CLOSED IN YEAR 2003:935,793
NATIONAL TOTAL CASES CLOSED IN YEAR 2004:901,067
NATIONAL TOTAL CASES CLOSED IN YEAR 2005:906,338
NATIONAL TOTAL CASES CLOSED IN YEAR 2006:895,488
NATIONAL TOTAL CASES CLOSED IN YEAR 2007:906,507
NATIONAL TOTAL CASES CLOSED IN YEAR 2008:889,155
NATIONAL TOTAL CASES CLOSED IN YEAR 2009:920,447
NATIONAL TOTAL CASES CLOSED IN YEAR 2010:932,406
NATIONAL TOTAL CASES CLOSED IN YEAR 2011:899,817
NATIONAL TOTAL CASES CLOSED IN YEAR 2012:809,830
NATIONAL TOTAL CASES CLOSED IN YEAR 2013:758,689

#	LEGAL PROBLEM	2007 CSR TOTAL	2007 CSR %	2008 CSR TOTAL	2008 CSR %	2009 CSR TOTAL	2009 CSR %	2010 CSR TOTAL	2010 CSR %	2011 CSR TOTAL	2011 CSR %	2012 CSR TOTAL	2012 CSR %	2013 CSR TOTAL	2013 CSR %
1.	Consumer/Finance	104,698	11.5%	108,404	12.2%	114,870	12.5%	113,394	12.2%	105,251	11.7%	90,875	11.2%	83,463	11%
2.	Education	6,292	0.7%	6,839	0.8%	6,821	0.7%	6,978	0.7%	6,345	0.7%	5,865	0.7%	5,947	0.8%
3.	Employment	20,599	2.3%	26,896	3%	27,127	2.9%	28,800	3.1%	25,963	2.9%	23,646	2.9%	22,447	3%
4.	Family	340,572	37.6%	312,046	35.1%	319,569	34.7%	321,478	34.5%	309,409	34.4%	277,964	34.3%	249,843	32.9%
5.	Juvenile	8,406	0.9%	15,143	1.7%	15,374	1.7%	14,581	1.6%	14,702	1.6%	14,600	1.8%	13,415	1.8%
6.	Health	30,333	3.3%	30,802	3.5%	31,757	3.5%	29,995	3.2%	27,743	3.1%	27,668	3.4%	27,571	3.6%
7.	Housing	228,029	25.2%	229,512	25.8%	231,097	25.1%	235,402	25.2%	233,855	26%	211,603	26.1%	207,614	27.4%
8.	Income Maintenance	103,258	11.4%	98,257	11.1%	112,483	12.2%	117,991	12.7%	114,381	12.7%	98,328	12.1%	91,961	12.1%
9.	Individual Rights	13,925	1.5%	13,250	1.5%	13,207	1.4%	16,186	1.7%	16,915	1.9%	16,693	2.1%	15,289	2%
10.	Miscellaneous	50,395	5.6%	48,006	5.4%	48,142	5.2%	47,601	5.1%	45,253	5%	42,588	5.3%	41,139	5.4%

#	MAJOR REASON CASE CLOSED	2007 TOTAL	2007 CSR %	2008 TOTAL	2008 CSR %	2009 TOTAL	2009 CSR %	2010 TOTAL	2010 CSR %	2011 TOTAL	2011 CSR %	2012 TOTAL	2012 CSR %	2013 TOTAL	2013 CSR %
1.	A. Counsel & Advice	526,418	58.1%	535,783	60.3%	564,546	61.3%	573,881	61.5%	549,686	61.1%	493,901	61%	457,874	61%
2.	B. Brief Services	167,767	18.5%	166,306	18.7%	161,275	17.5%	154,866	16.6%	147,968	16.4%	131,305	16.2%	122,330	16.2%
3.	F. Negotiated Settlement without Litigation	16,230	1.8%	15,409	1.7%	15,409	1.7%	15,660	1.7%	14,566	1.6%	13,148	1.6%	12,708	1.6%
4.	G. Negotiated Settlement with Litigation	31,980	3.5%	41,282	4.6%	43,882	4.8%	45,326	4.9%	47,789	5.3%	44,855	5.5%	43,365	5.5%
5.	H. Admin Agency Decision	31,341	3.5%	28,574	3.2%	31,030	3.4%	33,669	3.6%	33,279	3.7%	29,713	3.7%	26,025	3.7%
6.	Ia.Court Decision Uncontested	N/A	N/A%	42,552	4.8%	44,092	4.8%	44,258	4.7%	42,827	4.8%	39,086	4.8%	38,033	4.8%
7.	Ib.Court Decision Contested	N/A	N/A%	31,668	3.6%	31,984	3.5%	33,044	3.5%	32,444	3.6%	29,527	3.6%	28,260	3.6%
8.	Ic.Court Decision Appeals	N/A	N/A%	452	0.1%	499	0.1%	504	0.1%	495	0.1%	456	0.1%	517	0.1%
9.	K. Other	13,786	1.5%	5,613	0.6%	4,383	0.5%	4,530	0.5%	3,041	0.3%	2,775	0.3%	1,751	0.3%
10.	L.Extensive Services	N/A	N/A%	21,516	2.4%	23,347	2.5%	26,668	2.9%	27,722	3.1%	25,064	3.1%	27,826	3.1%

Total Cases Closed - National Averages and Medians

		2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Basic Field (including PAI)	National Median	4,606	5,198	5,146	5,018	5,200	5,364	5,634	5,801	5,639	4,955	4,760
	National Average	5,891	6,322	6,497	6,525	6,604	6,527	6,749	6,823	6,538	5,929	5,555
PAI	National Median	337	387	377	351	385	384	435	483	489	462	435
	National Average	725	730	711	696	722	695	774	804	769	743	711
Migrant Worker	National Median	45	59	57	38	63	54	34	45	39	35	35
	National Average	150	122	116	108	117	114	107	125	112	111	97
Native American	National Median	118	93	105	136	122	89	206	216	250	194	163
	National Average	370	390	406	363	374	367	417	461	448	421	386

TOTAL CASES CLOSED IN YEAR 2008, 2009, 2010, 2011, 2012, 2013 AND LSC FUNDING 2008, 2009, 2010, 2011, 2012, 2013, 2014 BY STATE

#	STATE/AREA	2008 CSR TOTAL	2008 CSR %	2009 CSR TOTAL	2009 CSR %	2010 CSR TOTAL	2010 CSR %	2011 CSR TOTAL	2011 CSR %	2012 CSR TOTAL	2012 CSR %	2013 CSR TOTAL	2013 CSR %	FUNDING 2008 ($)	FUNDING 2009 ($)	FUNDING 2010 ($)	FUNDING 2011 ($)	FUNDING 2012 ($)	FUNDING 2013 ($)	FUNDING 2014 ($)
GRAND TOTAL		889,155	100%	920,447	100%	932,406	100%	899,817	100%	809,830	100%	758,689	100%	332,390,000	365,800,000	394,952,457	394,400,000	323,188,177	324,842,422	333,685,379
1.	Alabama (AL)	8,879	1%	11584	1.3%	11310	1.2%	14294	1.6%	13971	1.7%	14821	2%	6,256,553	6,885,427	7,434,461	7,127,137	6,082,314	6,112,520	5,880,400
2.	Alaska (AK)	1,321	0.1%	1480	0.2%	1481	0.2%	1493	0.2%	1561	0.2%	1686	0.2%	1,245,754	1,370,970	1,479,393	1,419,097	1,209,903	1,216,498	1,176,506
3.	American Samoa (AS)	0	0%		%		%		%		%		%	311,395	342,695	370,020	354,725	302,723	304,227	0
4.	Arizona (AZ)	14,452	1.6%	15594	1.8%	17097	1.8%	15294	1.7%	13359	1.6%	12560	1.7%	9,414,443	10,360,730	11,181,489	10,724,439	9,145,305	9,194,251	10,739,345
5.	Arkansas (AR)	10,459	1.2%	11209	1.3%	12148	1.3%	11869	1.3%	11698	1.4%	10640	1.4%	3,690,468	4,061,413	4,385,264	4,203,987	3,587,691	3,605,510	3,679,323
6.	California (CA)	88,219	9.9%	93618	10.5%	95534	10.2%	94847	10.5%	86101	10.6%	82063	10.8%	43,035,620	47,361,322	51,136,382	49,023,913	41,835,226	42,043,953	39,683,068
7.	Colorado (CO)	9,359	1.1%	10869	1.2%	11468	1.2%	11534	1.3%	10898	1.3%	9218	1.2%	3,579,156	3,938,912	4,252,837	4,077,186	3,479,274	3,496,657	4,550,426
8.	Connecticut (CT)	12,471	1.4%	13055	1.5%	932406	100%	899817	100%	9953	1.2%	10306	1.4%	2,324,902	2,558,588	2,762,581	2,648,405	2,260,122	2,271,363	2,395,522
9.	Delaware (DE)	1,120	0.1%	1387	0.2%	1444	0.2%	1437	0.2%	1259	0.2%	1162	0.2%	626,474	689,444	744,419	713,646	609,027	612,051	699,956
10.	District of Columbia (DC)	1,331	0.1%	1778	0.2%	1627	0.2%	1525	0.2%	1052	0.1%	740	0.1%	981,372	1,080,014	1,166,129	1,117,927	954,041	958,780	738,798
11.	Florida (FL)	33,529	3.8%	35680	4%	39654	4.3%	42625	4.7%	40014	4.9%	35962	4.7%	17,500,042	19,259,051	20,794,739	19,935,130	17,012,682	17,097,173	20,310,304
12.	Georgia (GA)	21,444	2.4%	23296	2.6%	24624	2.6%	21588	2.4%	19303	2.4%	18047	2.4%	9,265,161	10,196,443	11,009,494	10,554,384	9,007,135	9,051,868	11,529,966
13.	Guam (GU)	124	0%	155	0%	363	0%	330	0%	342	0%	418	0.1%	311,816	343,158	370,521	355,205	303,133	304,638	245,147
14.	Hawaii (HI)	6,116	0.7%	6865	0.8%	6496	0.7%	6848	0.8%	6297	0.8%	6684	0.9%	1,570,707	1,728,586	1,866,041	1,789,266	1,526,473	1,534,302	1,413,113
15.	Idaho (ID)	3,249	0.4%	3221	0.4%	3013	0.3%	3033	0.3%	3272	0.4%	2734	0.4%	1,396,065	1,536,390	1,658,793	1,590,324	1,357,047	1,363,857	1,676,781
16.	Illinois (IL)	41,439	4.7%	40345	4.5%	43303	4.6%	39363	4.4%	33074	4.1%	33450	4.4%	11,578,913	12,742,761	13,758,851	13,190,087	11,256,450	11,312,355	11,962,707
17.	Indiana (IN)	7,522	0.8%	7821	0.9%	7820	0.8%	7451	0.8%	7253	0.9%	8006	1.1%	5,014,263	5,518,268	5,958,287	5,711,984	4,874,621	4,898,830	6,533,648
18.	Iowa (IA)	19,151	2.2%	21668	2.4%	22792	2.4%	19030	2.1%	16255	2%	15095	2%	2,312,344	2,544,769	2,747,685	2,634,101	2,247,948	2,259,112	2,491,063
19.	Kansas (KS)	11,093	1.2%	10849	1.2%	12387	1.3%	13079	1.5%	12470	1.5%	11253	1.5%	2,310,741	2,543,003	2,745,779	2,632,274	2,246,389	2,257,545	2,569,194
20.	Kentucky (KY)	18,981	2.1%	18378	2.1%	19228	2.1%	19928	2.2%	18018	2.2%	16817	2.2%	5,566,446	6,125,955	6,614,429	6,341,004	5,411,427	5,438,300	5,406,013
21.	Louisiana (LA)	18,486	2.1%	17246	1.9%	17149	1.8%	16664	1.9%	15862	2%	15859	2.1%	7,627,929	8,394,646	9,064,025	8,689,334	7,415,498	7,452,325	5,641,121
22.	Maine (ME)	5,968	0.7%	5396	0.6%	5277	0.6%	5750	0.6%	4288	0.5%	5074	0.7%	1,328,448	1,461,976	1,578,445	1,513,298	1,291,314	1,297,797	1,266,636
23.	Maryland (MD)	8,289	0.9%	7651	0.9%	6896	0.7%	7445	0.8%	6916	0.9%	6446	0.8%	3,931,545	4,326,722	4,671,729	4,478,609	3,822,055	3,841,037	3,737,143
24.	Massachusetts (MA)	17,090	1.9%	17074	1.9%	17803	1.9%	16273	1.8%	13546	1.7%	11737	1.5%	5,123,047	5,637,987	6,087,552	5,835,905	4,980,374	5,005,109	4,834,286
25.	Michigan (MI)	28,812	3.2%	27269	3.1%	27315	2.9%	26860	3%	20865	2.6%	20043	2.6%	9,315,774	10,252,144	11,069,362	10,612,039	9,055,988	9,101,141	9,055,723
26.	Micronesia (MP)	6,136	0.7%	5689	0.6%	5500	0.6%	4607	0.5%	6119	0.8%	4893	0.6%	1,598,130	1,758,765	1,899,007	1,820,506	1,553,623	1,561,340	1,229,420
27.	Minnesota (MN)	20,733	2.3%	21421	2.4%	20606	2.2%	20022	2.2%	19132	2.4%	17625	2.3%	3,641,993	4,008,067	4,327,268	4,148,768	3,540,056	3,557,898	4,345,676
28.	Mississippi (MS)	8,930	1%	10428	1.2%	10918	1.2%	11168	1.2%	9427	1.2%	7594	1%	4,992,765	5,494,610	5,932,604	5,687,495	4,814,395	4,877,738	4,486,167
29.	Missouri (MO)	14,864	1.7%	14303	1.6%	15872	1.7%	16243	1.8%	15112	1.9%	13057	1.7%	5,716,969	6,291,607	6,793,289	6,512,470	5,557,757	5,585,359	6,028,010
30.	Montana (MT)	5,015	0.6%	4919	0.6%	4636	0.5%	4159	0.5%	1928	0.2%	1299	0.2%	1,304,967	1,436,136	1,550,386	1,486,551	1,268,285	1,274,756	1,143,084
31.	Nebraska (NE)	8,387	0.9%	9297	1%	7701	0.8%	10243	1.1%	9828	1.2%	9660	1.3%	1,477,438	1,625,941	1,755,536	1,683,019	1,436,221	1,443,391	1,567,080
32.	Nevada (NV)	3,816	0.4%	4457	0.5%	6098	0.7%	6206	0.7%	3760	0.5%	4217	0.6%	1,972,530	2,170,799	2,343,675	2,247,003	1,917,313	1,926,979	2,764,053
33.	New Hampshire (NH)	2,360	0.3%	1808	0.2%	2760	0.3%	3073	0.3%	2113	0.3%	2230	0.3%	694,175	763,949	824,865	790,767	674,842	678,194	727,453
34.	New Jersey (NJ)	35,142	4%	36328	4.1%	32654	3.5%	29282	3.3%	25220	3.1%	21775	2.9%	6,270,633	6,900,924	7,451,195	7,143,175	6,096,003	6,126,276	5,874,176
35.	New Mexico (NM)	5,043	0.6%	5509	0.6%	5423	0.6%	5507	0.6%	4975	0.6%	3953	0.5%	3,421,227	3,765,110	4,064,525	3,897,281	3,324,906	3,341,947	3,263,986
36.	New York (NY)	46,107	5.2%	54456	6.1%	50167	5.4%	51636	5.7%	47726	5.9%	46732	6.2%	24,128,318	26,553,560	28,670,905	27,485,709	23,456,366	23,572,858	19,455,697
37.	North Carolina (NC)	20,919	2.4%	21813	2.5%	22134	2.4%	22797	2.5%	21186	2.6%	21535	2.8%	8,803,780	9,688,687	10,460,887	10,028,803	8,558,135	8,600,875	11,134,343
38.	North Dakota (ND)	4,468	0.5%	4394	0.5%	4484	0.5%	4504	0.5%	3886	0.5%	3998	0.5%	919,908	1,012,372	1,092,650	1,047,911	893,713	898,444	815,968
39.	Ohio (OH)	36,273	4.1%	35712	4%	37232	4%	33458	3.7%	27819	3.4%	25405	3.3%	10,492,145	11,546,757	12,467,480	11,952,098	10,199,947	10,250,605	12,154,868
40.	Oklahoma (OK)	14,688	1.7%	16207	1.8%	14575	1.6%	8412	0.9%	9985	1.2%	7630	1%	5,197,651	5,720,091	6,174,845	5,920,891	5,051,148	5,077,125	4,990,229
41.	Oregon (OR)	8,175	0.9%	8680	1%	9040	1%	8067	0.9%	6858	0.8%	5931	0.8%	3,663,254	4,031,463	4,352,619	4,172,986	3,560,840	3,578,725	4,248,683

42.	Pennsylvania (PA)	48,524	5.5%	52839	5.9%	54799	5.9%	50431	5.6%	45396	5.6%	42326	5.6%	11,687,883	12,862,686	13,888,339	13,314,224	11,362,389	11,418,816	11,086,727
43.	Puerto Rico (PR)	61,366	6.9%	53606	6%	38497	4.1%	34478	3.8%	32200	4%	25125	3.3%	16,299,615	17,937,962	19,368,311	18,567,663	15,845,685	15,924,381	11,397,059
44.	Rhode Island (RI)	5,548	0.6%	5858	0.7%	5559	0.6%	5737	0.6%	3718	0.5%	4233	0.6%	1,078,675	1,187,098	1,281,756	1,228,770	1,048,636	1,053,843	930,837
45.	South Carolina (SC)	6,787	0.8%	5490	0.6%	5895	0.6%	7275	0.8%	7336	0.9%	7300	1%	4,910,165	5,403,707	5,834,592	5,593,401	4,773,422	4,797,128	5,583,540
46.	South Dakota (SD)	2,014	0.2%	2542	0.3%	2919	0.3%	2746	0.3%	2363	0.3%	1808	0.2%	1,766,124	1,943,643	2,097,077	2,011,874	1,714,938	1,724,471	1,670,913
47.	Tennessee (TN)	13,394	1.5%	16674	1.9%	16913	1.8%	17052	1.9%	15512	1.9%	14647	1.9%	6,692,946	7,365,683	7,953,012	7,624,252	6,506,555	6,538,866	7,505,777
48.	Texas (TX)	56,312	6.3%	57679	6.5%	66567	7.1%	61523	6.8%	57719	7.1%	54857	7.2%	27,971,331	30,782,854	33,237,382	31,863,468	27,192,289	27,327,368	29,977,688
49.	Utah (UT)	6,006	0.7%	5813	0.7%	6710	0.7%	6090	0.7%	5150	0.6%	5234	0.7%	1,929,058	2,122,957	2,292,102	2,197,482	1,875,160	1,884,561	2,444,960
50.	Vermont (VT)	2,356	0.3%	2172	0.2%	2151	0.2%	2075	0.2%	1813	0.2%	1633	0.2%	489,610	538,823	581,788	557,738	475,975	478,339	476,706
51.	Virgin Islands (VI)	803	0.1%	879	0.1%	779	0.1%	980	0.1%	1039	0.1%	1088	0.1%	313,062	344,529	372,001	356,624	304,344	305,855	161,546
52.	Virginia (VA)	24,863	2.8%	24182	2.7%	29900	3.2%	29019	3.2%	25686	3.2%	23576	3.1%	5,885,011	6,476,542	6,992,972	6,703,897	5,721,119	5,749,533	5,894,453
53.	Washington (WA)	17,411	2%	18820	2.1%	15956	1.7%	15787	1.8%	14023	1.7%	11835	1.6%	5,764,853	6,344,304	6,849,717	6,567,018	5,603,698	5,631,837	6,275,679
54.	West Virginia (WV)	5,095	0.6%	5845	0.7%	6448	0.7%	7822	0.9%	6885	0.9%	6464	0.9%	2,830,240	3,114,720	3,363,083	3,224,060	2,751,421	2,765,084	2,206,616
55.	Wisconsin (WI)	8,252	0.9%	8759	1%	9964	1.1%	8566	1%	6940	0.9%	7241	1%	4,197,444	4,619,347	4,987,430	4,781,507	4,080,219	4,100,648	5,050,174
56.	Wyoming (WY)	464	0.1%	380	0%	1063	0.1%	1007	0.1%	1349	0.2%	2967	0.4%	658,722	724,933	782,452	750,383	754,617	757,983	577,622

Click here for TOTAL CASES CLOSED By LEGAL PROBLEMS and REASONS IN YEAR 2000 through 2002

Click here for TOTAL CASES CLOSED AND FUNDING IN YEAR 2000 through 2003 BY STATE

Back to Top

An overview of ATJ initiatives

Presentation to the Arizona Commission on Access to Justice

Key ideas

- Most people who come to court with civil cases do not have attorneys
- Courts need to rethink their operations to address this change

Wide range of need & ability

Unity of Interest

- Public wants to get their legal matters resolved as efficiently and fairly as possible
- So do the courts

  - providing self help services is in everyone's best interests

Self Help Centers

- Now in every court in California by rule – a core court function
- Attorney supervised, often have other staff
- Provide neutral information & assistance – ethical guidelines

Self Help Centers

- Serve more than 1.2 million people per year in CA - 3.7 nationally
- Family law, guardianship, landlord/tenant, domestic violence, consumer/small claims – based on community needs

JUDICIAL COUNCIL
OF CALIFORNIA

Income

- 75% report income from employment
- 81% of those earn less than $3,000/mo

Self Help Attorneys

- High quality work and understanding of legal issues
- Develop forms & instructions
- Help courts identify systemic issues and solutions for cases involving SRLs

Self Help Services

- Assistance through all stages of the process
- Partnerships with legal services, community agencies, libraries, schools to provide comprehensive services

Highly effective

- SRLs very happy
- Saves time for courts
- Cases can be decided on the law and fact
- More people can start – and finish – their cases

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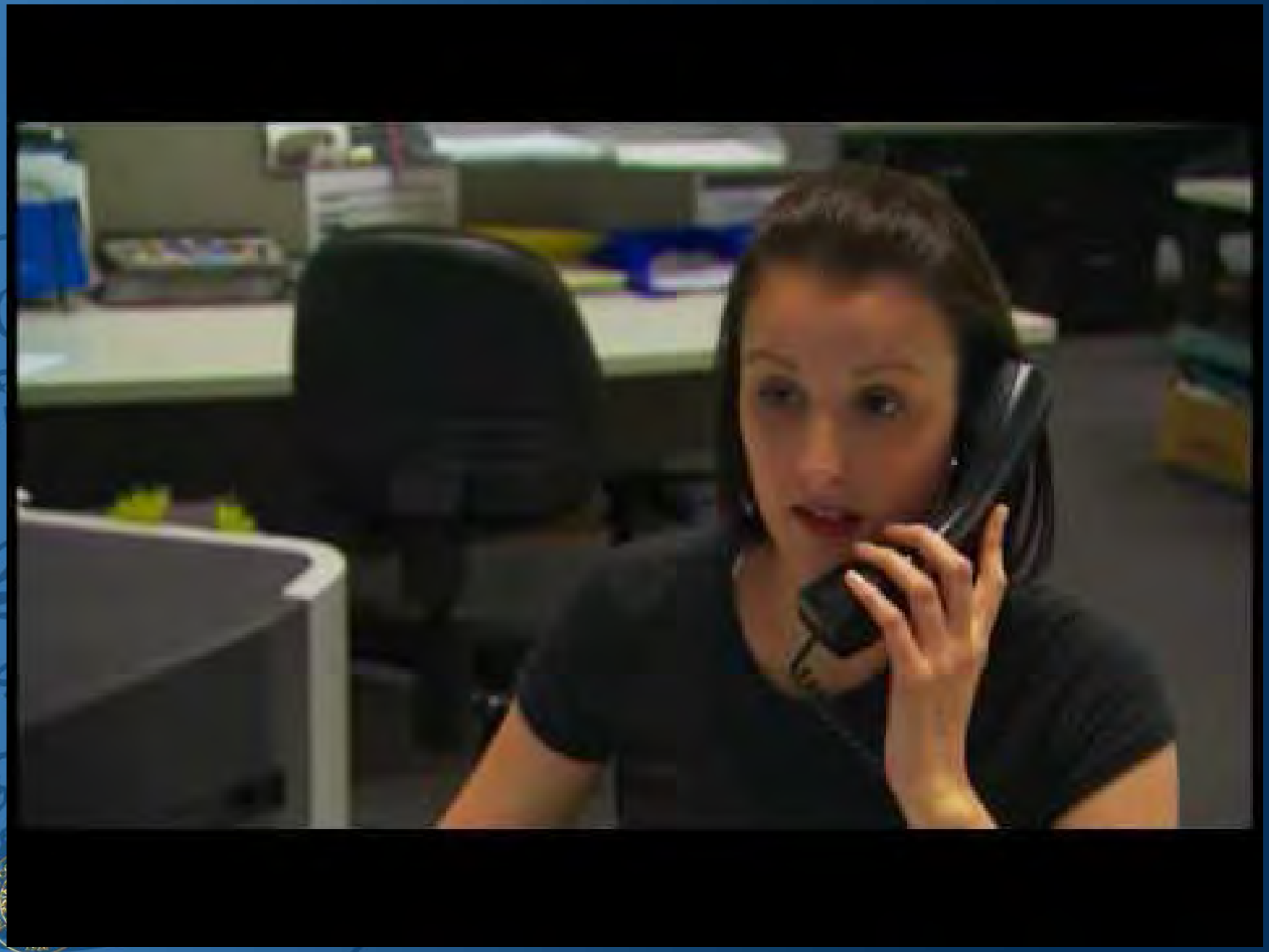
Left: Attorney Susanne Morlock meets via video conference with assistant Margaret Vasquez-Alfaro and a Spanish-speaking litigant. Vasquez-Alfaro translates as Morlock answers the litigant's questions.

Below: At the same time, Morlock instructs two SHA clients as they complete DV forms.



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Self-Help

Online Self-Help Center

Welcome, Self-Help will help you find assistance and information, work better with an attorney, and represent yourself in some legal matters. En español. More languages.

A to Z Index A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W |

GETTING STARTED

- Finding Free and Low-Cost Legal Help
- Help From Your Court
- Fee Waivers
- Resolving Your Case Out of Court
- Preparing for Court
- More Topics

MORE »

SMALL CLAIMS

$10,000

- Suing Someone
- Being Sued
- Collecting Your Judgment
- Mediation

MORE »

FAMILIES & CHILDREN

- Custody & Visitation
- Child Support
- Asking for Guardianship
- How to Adopt a Child
- Child Abuse & Neglect
- If Your Child is Arrested

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DIVORCE OR SEPARATION

- Filing for Divorce or Separation
- An Easier Way to Get Divorced
- Responding to a Divorce
- Spousal Support
- Dividing Your Property

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ABUSE & HARASSMENT

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NAME CHANGE

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- Traffic & Ticket Basics
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- FAQs

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- Elder Abuse
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$$

- Cases for $10,000 or Less
- Cases for $25,000 or less
- Cases for over $25,000
- Sued by Credit Card Company
- Bankruptcy

MORE »

CRIMINAL LAW

- Cleaning Your Criminal Record
- Understanding Criminal Court

APPEALS

- Civil Appeals
- Small Claims Appeal

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Se

CORTES DE
LA RAMA JUDIC

Judicial Branch Home

Courts | Centro de ayuda | Forms & Rules | Opinions | Programs | Policy & Administration

Centro de ayuda

Centro de ayuda en línea

Bienvenido al Centro de Ayuda de las Cortes de California. Este sitio web le ayudará a encontrar ayuda e información, trabajar mejor con un abogado y en algunos asuntos legales le ayudará a representarse a sí mismo. Visit the English version of this website. O haga clic para ver más idiomas.

GUÍA DE INICIO

- Ayuda legal gratis y de bajo costo
- Ayuda en su corte
- Exención de cuotas
- Resuelva su problema fuera la corte
- Cómo preparase para la corte
- Más temas

MORE »

RECLAMOS MENORES

- Cómo demandar a alguien
- Si lo demandan
- Cómo cobrar el fallo
- Mediación

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FAMILIAS Y NIÑOS

- Custodia y visita
- Manutención de los hijos
- Cómo pedir la tutela de un niño

DIVORCIO O SEPARACIÓN

- Cómo iniciar un divorcio o separación
- Una manera más fácil de divorciarse
- Cómo responder a un divorcio o separación

Buscar en Cen

ENLACES RÁP

» Abogados
» Encuentre

Pregunte a
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UBICACIONES
AYUDA Y ASIS
FAMILIAR DE

Self-Help

Getting Started

Small Claims

- Basics
- **Suing Someone**
  - Steps to Filing a Small Claims Case
  - Change Your Claim or Court Date
  - **Plaintiff's Post-Trial Checklist**
- Being Sued
- Research Your Case
- Mediation
- Going to Court
- Collect Your Judgment
- Pay Your Judgment
- Appeals
- Forms
- FAQs

Families & Children

Divorce or Separation

Abuse & Harassment

Eviction & Housing

Plaintiff's Post-Trial Checklist

1. Read *What to Do After the Court Decides Your Small Claims Case* (Form SC-200-INFO).
2. If you won the case and the other person (the defendant) owes you money, try to get him or he defendant has paid, file a form called *Acknowledgment of Satisfaction of Judgment* (Form SC Form EJ-100). Read Collect Your Judgment for more information about what you can do t
3. If you lost and owe money pay the court or the other person directly. After you pay, make sure form called *Acknowledgment of Satisfaction of Judgment* (Form SC-290 or Form EJ-100 owe money to does not file this form, you can ask the court clerk to enter a "satisfaction of jud you paid the full amount of the judgment with the interest and costs.
   - After you request in writing that the defendant file the *Acknowledgment of Satisfactio* (Form SC-290 or Form EJ-100), the defendant has 14 days to comply. If the d refuses to, you can sue him or her for $50 plus any actual damages you incurred. T Code of Civil Procedure section 116.850 .
   - If you do not pay, you must mail a *Judgment Debtor's Statement of Assets* (Form SC you owe money to within 30 days of the court's judgment in your case.
   - Read Pay the Judgment and *Payments in Small Claims Cases* (Form SC-220-INFO information.
4. As the plaintiff, you CANNOT appeal the judge's decision on your claim. Only the person or bu appeal the decision.

Self-Help

- Getting Started
- Small Claims
- Families & Children
  - » **Custody & Parenting Time (Visitation)**
    - Parenting Time: Developing Plans
    - Custody and Parenting Time (Visitation) Orders
    - **Custody Mediation**
    - Supervised Visitation
    - Custody and Domestic Violence
    - Visitation Rights of Grandparents
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- Divorce or Separation
- Abuse & Harassment
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- Traffic
- Seniors & Conservatorship
- Problems With Money
- Criminal Law
- Civil Appeals

Custody Mediation

Print | Español

Child custody mediation gives parents a chance to resolve disagreements about a parenting plan for their children. In mediation, the parents have the help of an expert (a mediator) in resolving these disagreements. If the parents are able to work out an agreement, the mediator helps the parents write a parenting plan that may then become a custody and visitation order if it is signed by a judge. In some counties, this service is called "child custody recommending counseling" because the mediator (called a "child custody recommending counselor") can give a written recommendation to the parents and the court if the parents cannot agree to a parenting plan.

The goals of mediation are to:

1. Help you make a parenting plan that is in the best interest of your children.
2. Help you make a parenting plan that lets your children spend time with both parents.
3. Help you learn ways to deal with anger or resentment.

The following video describes the mediation and child custody recommending counseling court process, provides helpful information about parenting plans, and offers tips on how parents can reduce conflict and help their children adjust to the changes happening in their family.

You can read more information about child custody by reading:

- *Child Custody Information Sheet – Child Custody Mediation* (Form FL-314-INFO). This information sheet is

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amilies & Children

Custody & Parenting Time (Visitation)

- Parenting Time: Developing Plans
- Custody and Parenting Time (Visitation) Orders
- Custody Mediation
- Supervised Visitation
- Custody and Domestic Violence
- Visitation Rights of Grandparents
- Forms
- Custody & Parenting Time FAQs

Child Support
Parentage/Paternity
Child Abuse & Neglect
Guardianship
Juvenile Delinquency
Adoption
Emancipation
Special Education Rights for Children and Families
FAQs

ivorce or Separation

Custody & Parenting Time (Visitation)

Print Español

Here you can learn about child custody and parenting time (also called "visitation") cases, how to prepare a parenting plan for you and your children, and how to get or change a court order. You can also find many resources to help you and your children through your separation or divorce.

Parenting Time: Developing Plans

If you and your child's other parent are separating, start by reading this section. It will give you information about how children cope with their parents' separation, what children of different ages need, and how to write a parenting plan that is best for your children and your family. It will also give you resources to help you in parenting your children during and after separation.

Families Change

This is an online guide for families going through separation and divorce. With three versions – one for parents, one for children, and another for teens and pre-teens – it complements the legal information found here.

COURT LOCATIONS
Jury Info, Court Info, Court Websites
Enter city or zip Find

QUICK LINKS
» Lawyers and Legal Help
» Find Court Resources

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LIVE ONLINE REFERENCE

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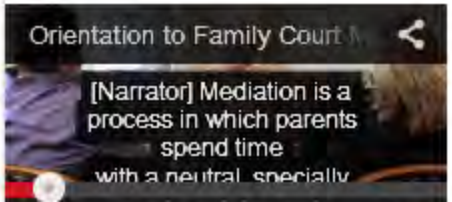

Online Course
Parenting After Separation

BRITISH COLUMBIA

Families Change

JUSTICE EDUCATION SOCIETY

Get Started | Course | Resources

Select Language

English | 中文 | ਪੰਜਾਬੀ

Getting Started

This online course helps parents make informed decisions about their separation, putting the children's needs first.

The multimedia course covers the same topics as in-person Parenting After Separation workshops.

E-mail *

Password *

Log in

Getting Started | REGISTER | START COURSE

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http://www.youtube.com//v/Zv49SAu0IpA&list=PL9134B1FDB8A8198E - Windows Internet Explorer

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PLAYLIST Resolving Your Small Claims Case in California

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FL-100

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

John Smith

TELEPHONE NO. (Optional): FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

MARRIAGE OF

PETITIONER:

RESPONDENT:

PETITION FOR

☐ Dissolution of Marriage

☐ Legal Separation

☐ Nullity of Marriage ☐ AMENDED

CASE NUMBER:

1. RESIDENCE (Dissolution only) ☐ Petitioner ☐ Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition for Dissolution of Marriage*.

2. STATISTICAL FACTS

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DV-200 Proof of Service (In Person)

Clerk stamps below when form

Court name and street address

Superior Court of Califor

Case Number:

1 Protected person's name:

2 Restrained person's name:

3 **Notice to Server**

You must:

- Be 18 or over.
- Not be listed on the restraining order.
- Give a copy of all documents checked in 4 to the restrained person in 2. (You cannot send them by mail.) Then sign this form and give or mail it to the protected person.

4 I gave the person in 2 a copy of all documents checked below:

a. ☐ DV-110 with DV-100 and a blank DV-120 (Temporary Restraining Order and Notice of Hearing; Request for Order; blank Answer to Temporary Restraining Order)

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Conservatorship Litigant Input program (LA v.060713)

Help

Interview Outline

- Introduction
- First Questions
- Last Questions
- Important Notice
- What Courthouse do You Want to
- Name of Conservatee and Conse
- Question(s) about the Petitioner ir
- Successor Case or Competing C
- Questions About Proposed Cons
- Questions About Proposed Cons
- Does Proposed Conservator wan
- Questions about _____
- Questions About _____
- Where will _____ L
- Veteran's Benefits
- Physical Condition of _____
- Other Information about _____
- More Information for Declarations
- Relatives of _____
- Does _____ Have
- Add to Declaration Regarding ___
- Congratulations!

First Questions

- No

Is the person who needs a conservatorship over 18 years old?

- (•) Yes
- ( ) No

Does the person who needs a conservatorship have a **developmental disability**? Is the person a **Regional Center** client?

- (•) Yes
- ( ) No

Did the person who needs a conservatorship have the developmental disability **before the person was 18 years old**?

- (•) Yes
- ( ) No

Do you know the name of the Regional Center Worker (for the person who needs a conservatorship)?

- ( ) Yes
- (•) No

What is the Regional Center where the person who need a conservatorship received services:

- ( ) Eastern Los Angeles, 1000 South Fremont, Alhambra, CA 91802-7916
- (•) Frank D. Lanterman, 3303 Wilshire Boulevard, Suite 700, Los Angeles, CA 90010-1710
- ( ) Harbor, 21231 Hawthorne Boulevard, Torrance, CA 90503-5591
- ( ) North Los Angeles County, 15400 Sherman Way, Suite 170, Van Nuys, CA 91406-4211
- ( ) San Gabriel/Pomona, 761 Corporate Center Drive, Pomona, CA 91768-2633
- ( ) South Central Los Angeles, 650 West Adams Boulevard, Suite 200, Los Angeles, CA 90007-2545
- ( ) Westside, 5901 Green Valley Circle, Suite 320, Culver City, CA 90230-6953
- ( ) Another regional center that is not listed here.
- ( ) I don't know.

First | Previous | Next | Last | Finish

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https://lawhelpinteractive.org/groups/CA-LawHelp/template.2014-03-03.3336891275/get_interview?session_id=template.2014-03-03.3336891275-2014-05-17-1400371610522

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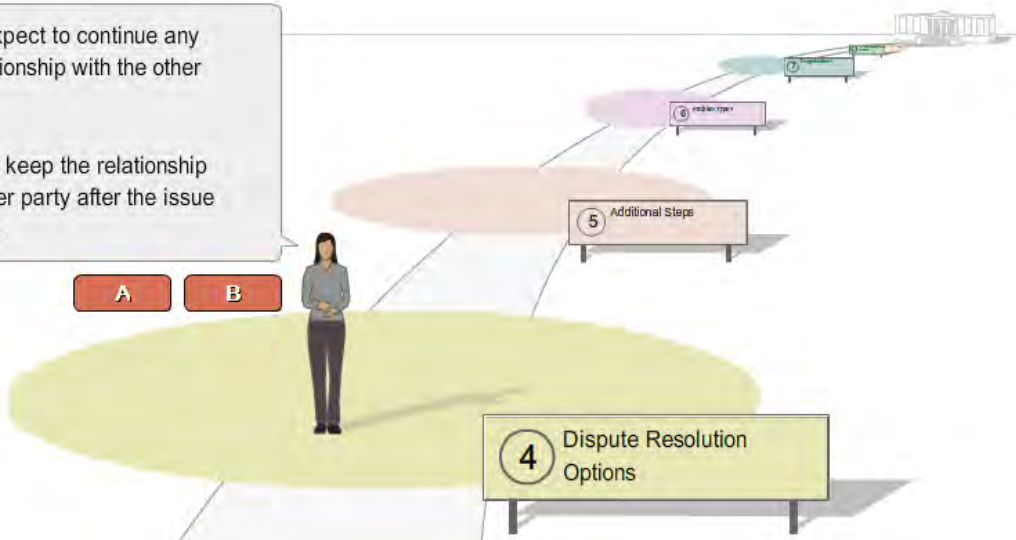
BACK NEXT MY PROGRESS 12 A) I don't expect to continue any type of EXIT AA A

a2j Access To Justice
AT CHICAGO-KENT COLLEGE OF LAW

A) I don't expect to continue any type of relationship with the other party.

B) I hope to keep the relationship with the other party after the issue is resolved.

A B



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THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

Self-H

Small Claims Online Interview
Summary Sheet

YOUR INFORMATION

Name: Bonnie
County: Orange County
Case Type: CUSTOMER COMPLAINT
Process Choice: Go to Court
Suing a state/local government or public agency? No

INFORMATION DISCLAIMER

The online interview tool provides information based on the answers that you gave during your o interview. The Summary Sheet is intended as a guide to services, resources, and options for your particular matter as a public service. This is not legal advice. You may consult an attorney for legal advice on your Claims case. Attorney referral information is provided at the end of this summary.

YOUR SERVICES AND RESOURCES OPTIONS

✓ If you decide to go to court, follow these steps:

SRL calendars

- Schedule cases involving self-represented litigants for one calendar
- Get as many resources as possible into that courtroom – self-help, mediation, legal aid, relevant social services, etc. and work to get cases resolved
- Great pro bono work for attorneys – short, focused, tangible

Case Management

- Build automated check-in points into case management system
- Send email / text message / mail to litigants who haven’t completed steps alerting them about that and referring to self-help
- Judge looks at every court hearing as settlement opportunity

JUDICIAL COUNCIL
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Judicial Branch Education - judges

- Extensive curriculum
- Specialized benchguide
- On-line resources
- Incorporated into curriculum such as New Judge Orientation

JUDICIAL COUNCIL OF CALIFORNIA

Judicial Branch education - staff

- Staff education on legal information v. legal advice
- On-going information on the law for court staff
- Conferences and webinars for self help providers

Facilities

- Self Help Centers and services part of court facilities design
- Research shows centers much more effective when located in courthouse
- Outreach locations very helpful

Fiscal Impact

- Expanded state funding
- Justicecorps and other grants
- Cost benefit studies show savings to court of providing self-help services

Simplify

JusticeCorps

A Good Fit for Arizona?

Judge Dean M. Fink,
Maricopa County Superior Court

JusticeCorps

- Q: What is it?
- A: A program that started in California to increase access to justice for citizens who come to court without attorneys. It is part of the AmeriCorps network of programs.

JusticeCorps

- AmeriCorps is a federal program that places thousands of young adults into intensive service positions where they learn valuable work skills, earn money for education, and develop an appreciation for citizenship.
- AmeriCorps engages more than 75,000 Americans in intensive service each year at non-profits, schools, public agencies and community and faith-based groups across the country.

JusticeCorps

- My court received a National Center for State Courts grant that paid for myself and the Director of our Self-Help Center to travel to California and observe/learn about the JusticeCorps program with an eye toward possibly importing the program to Maricopa County.
- We travelled to Los Angeles last March, and visited Self-Help Centers in Downtown Los Angeles and in Pasadena where JusticeCorps members were serving.

JusticeCorps in California

- The program began in 2004.
- It places AmeriCorps members (primarily undergraduate students) in California courthouses.
- These volunteer students (members) receive extensive training.
- The members agree to serve the court for 300 hours (either two, four-hour shifts during school year or five eight hour days/week during summer months).
- Members do not receive a stipend, but upon completion of the program are eligible for a $1,132 education award.

JusticeCorps in California

- JusticeCorps members work in self-help centers providing:
  - Information about procedures, options and referrals to appropriate services within or outside the courts;
  - Help to identify and complete appropriate legal forms, either one-on-one or in workshop settings;
  - Assistance to litigants after courtroom hearings (e.g., explaining orders)

JusticeCorps in California

- Services are largely focused in the Family Court arena and on protective orders.
- Members also provide services in the Probate arena, and in landlord/tenant or eviction proceedings.
- The possibilities for expansion to other areas are relatively unlimited.
- Services offered varies somewhat from courthouse to courthouse and county to county.

JusticeCorps in California

- Program has now expanded to include "Fellows"
- Fellows are former members who return for a year to work as full-time employees. AmeriCorps pays $10,000 toward their salary for the year, and the court pays $10,000. Basically, the courts receive a full-time employee for ½ the cost.
- Fellows are able to handle more sophisticated matters, perform special projects, train and supervise members, etc.

JusticeCorps in California

- The AmeriCorps grant cycle occurs every three years, and they allocate funds to each state. The state, in turn, has a commission that allocates that state's AmeriCorps funds by awarding grants to specific projects/groups. The grants have to meet criteria established at the federal level, in addition to any requirements at the state level.
- The CA JusticeCorps program is administered by the California Administrative Office of the Courts ("AOC"), who is the applicant for the AmeriCorps grant.

JusticeCorps in California

- California currently receives a grant of $850,000 from AmeriCorps. This pays for three full-time staff members, funds toward part of other staff members' salaries, training materials, uniforms, t-shirts and a messenger bag for each member.
- The California program is administered in three regions (essentially, Bay Area, Los Angeles, and San Diego). Each region receives one of the full-time staff members funded by the AmeriCorps grant.

JusticeCorps in California

- The courts involved with JusticeCorps have established partnerships with various universities in each of the three regions to assist with the recruitment and retention of members.
- The courts and universities work together to obtain a diverse group of members. A premium is placed on members with foreign language skills. There is also an effort to recruit veterans who have gone to college.

JusticeCorps in California

- Designated partner universities: UCLA; California State University Northridge, California State University Dominguez Hills, California Polytechnic University Pomona; California State University Long Beach; Univ. of Southern California; University of California Berkeley; California State University East Bay; San Jose State University; San Francisco State University; Stanford University; UCSD; and California State University San Marcos.

JusticeCorps in California

- California's current funding levels provide for 263 of the 300 hour/year members. Of those, 70 are in the Bay Area region, 140 are in the Los Angeles region, and 53 are in the San Diego region.
- California's funding also allows for 24 of the full-time fellows: 7 in the Bay Area, 15 in Los Angeles, and 2 in San Diego.
- In 2009, JusticeCorps members provided 121,756 instances of assistance, and helped to complete 104,449 legal forms.

JusticeCorps in California

JusticeCorps in California has a decade of demonstrated success.

In fact, the program has now begun to expand. There is a fairly new JusticeCorps program in the Chicago area, and other states and localities are looking into similar programs.

How About Arizona?

- Arizona's AmeriCorps funding is controlled by the Arizona Governor's Commission on Service and Volunteerism. Historically, this commission has not given out all of the AmeriCorps funds allotted to the state.
- The AmeriCorps funding is on a three year cycle (as discussed above). Grant applications will be solicited shortly, and the application period is expected to be open for six weeks.

How About Arizona?

- It should take approximately one year to learn about whether a grant application was funded, so grant monies (if awarded) should become available in the fall of 2015.
- Maricopa County Superior Court is working on putting a grant application together. We hope to begin a JusticeCorps project to work in our self-help centers.

How About Arizona?

- Positives:
  - Our court was an early innovator and national leader in the development of self-help centers.
  - We have determined, however, that our self-help center is no longer at the cutting edge and requires some re-vamping.
  - The JusticeCorps project is consistent with our intent to update and re-design our law library and self-help center into a state of the art Law Library and Resource Center.

How About Arizona?

- Positives continued:
  - We have a large urban area, similar to others where this program has proven to be successful.
  - We feel that we have sufficient university/college resources to support this program.
  - Initial discussions (pre-grant application cycle) with folks at the Arizona Governor's Commission on Service and Volunteerism have been very encouraging.
  - This project seems quite in line with the Arizona Supreme Court's strategic plan under Chief Justice Bales, as well as the mission of this commission.

How About Arizona?

- Positives continued:
  - We have a large population with a great demonstrated need for this type of service.
  - This program would be very consistent with our development of E-Z forms, fillable forms, and other technology designed to better serve both the court and the public.
  - Our administration, like the Supreme Court, is highly interested in better serving the public and enhancing access to justice in any way practicable.

How About Arizona?

- Challenges:
  - Matching funds or in-kind matches of 50% are required.
  - Our staff has a long-standing "Don't give legal advice" attitude that will have to be changed somewhat to be consistent with what we hope JusticeCorps members will do.
  - Getting off the ground will be somewhat difficult. We will have to recruit sufficient members to do the work, be prepared to train them, and have the necessary infrastructure created to support them.

How About Arizona?

- Challenges continued:
  - Over time, the AmeriCorps funding source may not be reliable. If the project takes off, we may need to shift to other funding sources in the future.
  - Initially, court staff can be threatened by the introduction of the JusticeCorps members.
  - Rolling out to all of our regional centers may take some time, as each is very different, the sizes vary greatly, and supervision of AmeriCorps members at outlying locations may be more difficult. We will likely start downtown, and expand with experience.

How About Arizona?

- Next steps for us:
  - Continue preparation of our grant application
  - Pay additional visits to California for observation and educational purposes
  - Work on developing necessary college and university partners
  - Re-configure space and labor resources to accommodate this program (and perhaps meet the matching funding requirement)

How About Arizona?

- Next steps for us (continued):
  - Determine our biggest needs and how, if at all, our program may differ from the various models in use in California.
  - Develop other non-academic partners. E.g., Community Legal Services, Arizona Bar Foundation, State Bar of Arizona, etc.
  - Obtain letters of support for our grant application.
    - Chief Justice Bales?
    - This Commission?

How About Arizona?

- Possible statewide benefits:
  - If this is successful, it will likely be fairly easy to expand program to certain other counties. Particularly, Pima and Coconino.
  - If successful, and with some modified thinking, may also be something that can be expanded to our rural counties or counties without major university resources. We may need to engage assistance of community colleges, public libraries, etc. However, if we share information and experiences, possibilities are fairly expansive.

How About Arizona?

- Possible statewide benefits continued:
  - Happier litigants
  - Better delivery of justice
  - More efficient court proceedings/dockets
  - Higher public opinion of courts and the legal system

LAW LIBRARIES AND **ACCESS TO JUSTICE**

A Report of the American Association of Law Libraries Special Committee on Access to Justice

July 2014

American Association of Law Libraries

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Introduction

The primary goal of the "Access to Justice" movement is to improve the quality of participation in the justice system by all. It also envisions an even "playing field" for the disadvantaged by removing barriers to access, such as income, literacy, mobility, and language, for those individuals with civil legal needs. The movement is a multifaceted one, consisting of a variety of institutions, including courts, other government stakeholders, legal services providers, bar associations, and other advocates of enhanced legal assistance. Such entities, either individually or collaboratively through state-level commissions, seek to discern unmet legal needs, devise and implement services to address them, and evaluate program outcomes. For the public to have trust and confidence in the justice system, and indeed in the rule of law, all citizens must possess an equal opportunity to resolve their disputes during their "day in court."

From the earliest days of their profession, law librarians have facilitated access to legal information. At first, their services were extended primarily to judges, legislators, and attorneys, but in the last part of the 20th century, the public came to rely on public law librarians to locate information to assist them in handling their own cases, without the assistance of counsel. The number of self-represented litigants accessing the courts continues to grow rapidly. For many self-represented litigants, who may not have civil legal aid available to them, attorneys' fees can be a burdensome expense. Still, they may find the legal system to be highly complex and often more favorable to those parties with sufficient resources, such as the benefit of counsel. In spite of this, the number of self-represented litigants accessing the courts is rapidly growing.

The Access to Justice movement challenges society to seek ways to educate citizens about the law and legal procedure, expand the appearance of counsel to those most in need, and provide information and programs for those handling their own cases. By providing a wide array of services, the movement hopes to allow disadvantaged and self-represented litigants to gain a more equitable foothold when resolving disputes with those parties who bear greater resources.

As the principal providers of legal information, law libraries are an indispensable part of the services that can be provided to those with legal needs. Law libraries make "The Law" available, and law librarians serve as guides to finding the most relevant legal information. Some may think that only court librarians can play a role in fostering access to justice. While it is true that they have such a core responsibility, law school and private firm libraries, by fostering the rule of law, can also be leaders in promoting access to justice in their communities.

The goal of this White Paper is to outline in detail the many valuable ways in which law libraries can take an active part in improving access to justice. It should serve as an important guide for stakeholders in the Access to Justice community as they consider the implementation of services to benefit those in need.

Finally, I am most grateful to the members of the AALL Access to Justice Special Committee. Their rich expertise, in-depth research, and creative ideas have made this document a significant contribution to the Access to Justice movement.

Steven P. Anderson, AALL President 2013-2014

I. WHAT IS ACCESS TO JUSTICE?

> Just as health is not found primarily in hospitals or knowledge in schools, so justice is not primarily to be found in official justice-dispensing institutions. Ultimately, access to justice is not just a matter of bringing cases to a font of official justice, but of enhancing the justice quality of the relations and transactions in which people are engaged.[1]

Access to justice is common parlance in our society. The phrase is heard everywhere – in the media, in the classroom, in the street, and of course in the courthouse. We all have an idea of what it is, though we may be unable to articulate it. It's a universal concept with definitions influenced by individual attitudes and experiences. Access to justice is open to interpretation.

Webster's Ninth New Collegiate Dictionary defines **access** as the ability or freedom to obtain or make use of something.[2] The American Heritage Dictionary defines **justice** as the upholding of what is just (rightful, equitable), especially fair treatment and due reward in accordance with honor, standards, or law.[3] According to Webster's Ninth, the word justice, as commonly used today, comes from Middle English by way of Latin and Old French. Its earliest recorded use in the English language, as far as could be determined, is the 12th century.[4] Access to justice could be defined as the freedom to obtain fair treatment and due reward in a court of law. Equal access to justice suggests that everyone, even those with severely limited financial resources, legal knowledge, and time, can navigate the legal system and obtain a just outcome.

Certainly, this notion of justice is not novel. We could go back millennia in human history and find marvelous examples of legal codes that sought to apply the law evenly in the societies for which they were written. The Code of Hammurabi (1771 B.C.), Torah (ca. 1312 B.C.), Law of the XII Tables (ca. 450 B.C.), Justinian Code (6th century A.D.), and Magna Carta (13th century A.D.) are several of them.

Magna Carta is sometimes viewed as the antecedent to cornerstone justice documents in the U.S. - the Constitution and Bill of Rights. The quarrel between King John of England and his barons resulted in John signing the Great Charter in 1215, which advanced the idea that rulers are not above the law and the people by right are entitled to certain protections. Magna Carta essentially limited the power of the government and advanced and protected the rights of the citizenry.[5] Habeas corpus, due process, right to a speedy trial, and trial by a jury of peers have their foundation in this document. Some argue that Magna Carta supported the concept that a litigant's ability to pay should be irrelevant when taking a dispute to court. U.S. Supreme Court Justice

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[1] Marc Galanter, "Justice in Many Rooms" in M. Cappelletti (ed.), ACCESS TO JUSTICE AND THE WELFARE STATE, 1981. Sijthoff, Alphen aan den Rijn, 147-81 p. 161-2.
[2] WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY. Springfield, Massachusetts: Merriam-Webster Inc., 1984. p. 49.
[3] AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE. 4th ed. Boston: Houghton Mifflin, 2000. p. 951.
[4] WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY. p. 655.
[5] Helen M. Cam, "Magna Carta – Event or Document?" SELDEN SOCIETY LECTURE. London: Bernard Quaritch, 1965.

Hugo Black stated in 1964 that "there can be no equal justice where the kind of trial a man gets depends on the amount of money he has."[6]

The phrase access to justice was popularized in 1978 with the Cappelletti and Garth report.[7] In an essay, Mauro Cappelletti and Bryant Garth stated:

> The words 'access to justice' are not easily defined but they focus on two basic purposes of the legal system – the system by which people may vindicate their rights and/or resolve their disputes under the general auspices of the state. First, the system must be equally accessible to all; second, it must lead to results that are individually and socially just.[8]

Law librarians and law libraries have a keen interest in and a duty to promote access to justice in the various law libraries in which we work, be they academic, firm, state, court and county, or special. We have the knowledge, skills, and resources to provide self-represented litigants with needed information and assistance and provide referrals to legal resources in the community. It is important to distinguish between providing information and engaging in the unauthorized practice of law, however, e.g., giving legal advice. It is also important to maintain impartiality and neutrality.

Access to justice includes affordable legal services; readily available legal information and forms; the ability to bring a case to trial without hiring an attorney; the unbundling of legal services; fair treatment and equality in the justice system regardless of social standing; and confidence that the outcome will be fair and just. It is all these things and more.

A. Challenges/Opportunities

For almost a year, members of the AALL Access to Justice Special Committee met for monthly conference calls involving lively discussion about law libraries and access to justice. Committee members included representatives from academic, private firm and state, court, and county law libraries. In a spirit of collaboration, committee members shared information about specific access to justice efforts in their libraries. While the description of programs in specific libraries was informative, the members also readily identified common concerns and opportunities for all law libraries, irrespective of library type.

Noting their elevated importance, the committee defined several challenges and opportunities as worthy of special attention by law librarians seeking ways to make a productive impact on access to justice. One challenge involves geographic disparities in law library service. Another challenge regards the ongoing need to train librarians, especially public librarians, about the unauthorized practice of law from the perspective of permissiveness rather than restrictiveness. Opportunities emerged with members' evolving consideration of core collections, partnerships

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[6] *Griffin v. Illinois*, 351 U.S. 12, 19 (1956).
[7] THE WORLD BANK. LAW AND JUSTICE INSTITUTIONS. ACCESS TO JUSTICE – TOPIC BRIEF. 2012. http://go.worldbank.org/ZELBVA60W0
[8] Mauro Cappelletti and Bryant Garth, "Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective," 27 BUFF. L.REV. 182 (1978).

(especially with public librarians), and involvement with Access to Justice Commissions. Law librarians' strengths with regard to technology and online resources were detailed, with the opportunity to advocate the law librarians' special expertise with regard to centralized websites and technology principles. The White Paper describes these challenges and opportunities as experienced by academic, state court and county, and private firm librarians.

Committee members also believed that strong programs in the three types of law libraries offer models for similarly typed law libraries. Thus, sections detailing access to justice efforts in private firm; state, court, and county; and academic law libraries are separately reported below. Various suggestions and recommendations, and references to good examples of law library programs, offer ideas for each library type. It is the hope of this committee that the White Paper is sufficiently informative to describe ways for other law libraries to develop and enhance their own efforts to expand access to justice, in collaboration with others or independently.

B. Geographic Disparities

Geographic diversity among state, court, and county law libraries is multifaceted, including urban, rural, and large regional variations. Even in large urban areas, courts may split off certain service areas and locate them in separate buildings away from the central court law library. Among the states, state, court, and county law library services vary depending upon political governance, funding issues, and whether the court law library is a public or private entity. Some county law libraries are hybrid operations that are combined with law school libraries or public libraries. However, for most self-represented litigants, the best location for the law library is in the courthouse.

Most state, court, and county law libraries are governed by state law. Some states require a public law library in every courthouse, and some do not. Some states have courthouse law libraries, but they are not open to the public. Some law libraries in rural areas are open to the public but lack funding to sustain a viable access to justice program. Court law library locations, governance, and organizational information are well documented in other sources.[9] With regard to geographic disparity, the access to justice concern is to address deficiencies in law library service that are surmountable. The access to justice challenge is to try to offer guidance on how these particular law libraries can be improved. If there is no possibility for enhancing courthouse locations, then partners in public and academic law libraries are most important.

Probably the biggest difference occurs among urban and rural libraries—i.e. well-funded and well-staffed metro area county law libraries in contrast to small county courthouse operations. While staffing and funding are major obstacles for small rural libraries, many access to justice resources can be added to the law library, particularly in those states where access to justice commissions or courts are providing resources freely on the web. Larger law libraries that are

[9] Laurie Selwyn and Virginia Eldridge. "Governance and Organizational Structures," IN PUBLIC LAW LIBRARIANSHIP: OBJECTIVES, CHALLENGES, AND SOLUTIONS. INFORMATION SCIENCE REFERENCE (an imprint of IGI Global), 2013, pp. 41-71; and STATE, COURT AND COUNTY LAW LIBRARIES IN THE U.S. (2014) produced by the Law Library for San Bernardino County, Map at http://www.sblawlibrary.org/find-a-public-law-library-in-the-us.html.

engaging in access to justice programs have first-hand knowledge of many basic services that are very helpful to self-represented litigants. Many of them are low or no cost. Efficient use of technology may also be a boost for linking small libraries to remote but helpful services. Recommendations on ways to improve services apply not only to small rural operations but also to any urban courthouse law library that has not been properly staffed or funded, without regard to location.

While no formal guidelines exist to define levels of courthouse library service, a tiered approach can have broad applicability. Recognizing that no one size fits all, this committee's recommendations for three levels of law library service are defined elsewhere in this report (see State Court and County Law Library report, Section II.B. of this White Paper). For small law libraries, especially those in rural areas, the recommendations are very basic. However, they provide a checklist for improving services for self-represented litigants.

Like the access to justice issues that arise in the context of state, court, and county law libraries, academic law libraries present their own challenges for self-represented litigants. These challenges include limited numbers of academic law libraries; inconsistent opportunities to access libraries due to restricted hours, public patron policies, etc.; and varying service priorities of the academic law libraries.

The lack of a local law school presents the first barrier to library access and assistance for those seeking legal research assistance. For example, Alaska does not currently have an accredited law school.[10] In other states, such as South Dakota, Hawaii, and Maine, there may be only one law school and thus only one academic law library. It may be extremely difficult, if not impossible, for library patrons to visit the law school library. Generally, availability of academic law libraries is more limited for those living in rural areas compared to those living in urban areas.

Assuming that a researcher could travel to a law school, academic libraries are not uniformly open to the public, and restricted access to the library presents a barrier to conducting legal research to address legal problems. Private law school libraries often have policies that provide access only for students and alumni. Although some self-represented litigants may be able to make appointments to view government publications in depository libraries (assuming that the private law school library participates in the Federal Depository Library Program), that access may be extremely limited and may not come with any assistance using the materials. Finally, even law schools otherwise generally open to the public may limit library access at specific times of the year, such as final exam study periods.

There are many ways that law schools provide resources that promote access to justice, but there is significant variation in the access to justice tools available across the country. For example, schools offer their students a variety of clinics that provide access to justice assistance to

[10] Seattle University School of Law is currently seeking approval of the American Bar Association for a satellite campus in Anchorage, Alaska. Seattle University School of Law, Law School seeks ABA approval of Alaska satellite campus. Http://www.law.seattleu.edu/news-and-features/news/2013-news-archives/law-school-seeks-aba-approval-of-alaska-satellite-campus last visited 5/10/2014.

members of the public for a variety of issues, including applying for veteran benefits, legal support for domestic abuse survivors, criminal defense, environmental law, consumer protection, investor advocacy, tax assistance, health law, etc. Because of differing regional needs and priorities, there is no guarantee that the presence of a law school means that somebody seeking assistance with a tax issue would be able to receive it from a clinic of that school. For example, the school may have a veterans' legal assistance clinic instead of a tax clinic. Law schools' interest in promoting experiential learning and producing "practice-ready" graduates, with an end goal of improving graduate employability, suggests that clinics will continue to be an important part of law school education.[11]

There is also regional variation in the programs law school libraries provide to assist public libraries in improving their ability to provide access to justice services for their patrons. In some states, such as South Carolina, strong partnerships—or strong training programs—exist. South Carolina's Circuit Riders Outreach Program that teaches legal research for non-lawyers is a great example of a law school working to promote access to legal information.[12] In other states, training provided by law librarians for other librarians may take the form of a webinar[13] or may not happen at all. Academic law librarians often must prioritize their services first for staff, students, and faculty of their institutions, and there may be insufficient time or resources available to support outreach by academic law librarians to public librarians.

C. Core Collections

a. Core Collections for Public Libraries

While core collections for court law libraries are well established, there are fewer standard guides for public library legal collections. Given some of the geographic disparities and unevenness of public law library access in the states, public libraries can provide basic legal resources and serve as gateways to access to legal information. Public libraries are more prevalent than law libraries; they also typically offer evening and weekend access. Thus, partnerships with public libraries to expand access to core legal resources are critical.

Law librarians can teach public librarians basic legal research skills, how to conduct an effective legal reference interview, and how to avoid the unauthorized practice of law (UPL)—all to better serve the legal research needs of their patrons and thus promote access to justice. To accomplish

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[11] Todd A. Berger, *Three Generations and Two Tiers: How Participation in Law School Clinics and the Demand for 'Practice-Ready' Graduates will Impact the Faculty Status of Clinical Law Professors*, 43 WASH. U.J.L. & POL'Y 129, 152 (2013), http://digitalcommons.law.wustl.edu/wujlp/vol43/iss1/10.

[12] Coleman Karesh Law Library, Circuit Riders Outreach Program: Legal Research for Non-Law Librarians, http://www.law.sc.edu/library/circuit_riders/ last visited 5/10/14.

[13] Georgia Library Association, Professional Development Events in May http://glanews.blogspot.com/2014/05/professional-development-events-in-may.html, last visited 5/10/14, listing Basic Legal Research for Any Librarian webinar.

this goal, however, public libraries need to acquire and maintain core collections of legal materials, print and online, that are "appropriate, current, accurate, and accessible."[14]

AALL's State, Court, and County Law Libraries Special Interest Section has developed standards for county public law libraries, appellate court libraries, and state law libraries, which include recommended core legal collections.[15] AALL could assist public (non-law) libraries as well, particularly in states without public law libraries, by recommending a core legal collection for public libraries. AALL special interest groups—Legal Information Services to the Public (LISP) and Research Instruction and Patron Services (RIPS) both of which include academic and public law library members—could combine their shared interests, expertise, and experience serving the legal research needs of self-represented litigants to develop and maintain a current recommended core legal collection for public libraries. LISP has in fact begun the process with its Public Library Toolkit project.[16]

It must be kept in mind, however, that given the broad missions and recurring funding problems of public libraries in many states, maintaining a core collection of legal materials for many public libraries may depend on sharing agreements with other public libraries, along with effective referrals to local law libraries open to the public. Limited budgets of public libraries might also necessitate reliance upon electronic government resources, particularly those that are official, authenticated, and provide permanent public access.

Law library groups in each state could then adapt AALL's recommended core collection for public libraries to include their state-specific primary and secondary resources. Law librarians in some states have already created their own recommended core collections. For example, the Minnesota Association of Law Libraries' (MALL's) *Legal Resources for Public Libraries* is a comprehensive list of print materials that incorporates reliable online resources and includes purchasing and law library referral information.[17] In each category, MALL's list recommends *basic* and *enhanced* materials for small and larger public libraries and library systems, respectively.

b. Core Collections for Academic Libraries

Academic libraries (law and non-law alike) that are open to the public could also adopt similar standards for a core legal collection. The extent of the academic libraries' core legal collections could vary depending on the availability of public library legal collections in their respective communities and states. Just as academic and law school libraries within the same institution combine their resources to serve the needs of their law and law-related curriculums, so can

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[14] *Guidelines for Medical, Legal, and Business Responses*, REFERENCE AND USER SERVS. ASS'N, http://www.ala.org/rusa/resources/guidelines/guidelinesmedical (last visited 05/02/2014).
[15] *Standards*, AM. ASS'N OF L. LIBR., http://www.aallnet.org/sections/sccll/leadership/Standards (last visited 05/05/2014).
[16] *Public Library Toolkit*, AM. ASS'N OF L. LIBR., http://www.aallnet.org/sections/lisp/Public-Library-Toolkit (last visited 05/05/2014).
[17] *Legal Resources for Public Libraries*, MINN. ASS'N OF L. LIBR, http://www.aallnet.org/chapter/mall/legrespublib.pdf (last visited 05/05/2014).

academic libraries work with their local public libraries to serve the legal research needs of their communities.

Once developed, a key next step would be to promote AALL's recommended core legal collection for public libraries through national groups such as the American Library Association and local state library associations for adoption by its members.

Core collection requirements are available at AALL's State, Court, and County Law Library Special Interest Section website at http://www.aallnet.org/sections/sccll/docs/2013 appellate-standards.pdf , part VIII (Collection) of the Standards for Appellate Court Libraries and State Law Libraries (revised June 2013) (1). Part VIII of the Standards is divided into three broad categories: (A.) Home State Resources, (B.) Federal Resources, and (C.) National Publications. Types of materials are listed within categories A-C: legislative, administrative, judicial, finding aids, and other secondary sources. Further breakdowns are listed and in some instances with specific titles.

D. Working with Public Librarians and the Unauthorized Practice of Law

As noted by Paul Healey in his book *Legal Reference for Librarians*: "Most state, county and court libraries, and many academic law libraries, have a mandate to serve the public. As part of this mandate, law librarians from such libraries participate in efforts to support and assist general academic and public libraries as they try to service pro se library users."[18] In fact, law librarians and public librarians have come to rely on each other to enhance access to justice. While public librarians refer patrons to the law library, the law library relies on the public library for easy computer access, services during non-courthouse hours, and as gateways to law library and legal information service providers. With the advent of pro se e-filing, the connection between public and law librarians should only grow stronger.

Law librarians and public librarians share many common characteristics in the delivery of library services to the public. As trusted information providers they are each guided by their own professional principles to avoid UPL.[19] Although rules defining the unauthorized practice of law differ from state to state, [20] as do opinions among academics on how concerned librarians should

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[18] PAUL D. HEALEY, LEGAL REFERENCE FOR LIBRARIANS: HOW AND WHERE TO FIND THE ANSWERS 21 (2014).

[19] *AALL Ethical Principles*, AM. ASS'N OF L. LIBR., http://www.aallnet.org/ main-menu/Leadership-Governance/policies/PublicPolicies/policy-ethics.html (last visited 05/02/2014); *Guidelines for Medical, Legal, and Business Responses*, REFERENCE AND USER SERVS. ASS'N, http://www.ala.org/rusa/resources/guidelines/guidelinesmedical (last visited 05/02/2014).

[20] *See* AM. BAR ASS'N, 2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEE, http://www.americanbar.org/ content/dam/aba/administrative/professional_responsibility/2012_upl_report_charts.authcheckdam.pdf (summary *available at* http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/2012_upl_introduction.authcheckdam.pdf)

be about violating these rules,[21] for many public librarians, this is a troubling area. In a survey conducted in 2012 by Minnesota Legal Services State Support, 77% of public librarians were concerned about providing legal information. A common concern in about 25% of these responses was crossing the line from legal reference to legal advice.[22]

As Richard Zorza points out in his 2012 White Paper, "The Sustainable 21st Century Law Library and Access to Justice," the "best protection" for "anxiety" over violating UPL rules is "clear written guidelines and a robust and ongoing staff educational program for all staff, well integrated into operations and staff development."[23] Law librarians are valuable resources for teaching public librarians about the unauthorized practice of law. They are very familiar with the types of issues self-represented litigants bring to the library, and they are experienced in techniques for drawing the line. While law librarians may have a greater zone of comfort when it comes to providing legal information, they also have a good perspective on ways to provide encouragement and guidance for public librarians trying to tread these waters.

a. Training

Training for public librarians might involve giving classes in the public library, creating PowerPoint presentations for public librarians to train their own staff, placing helpful materials on centralized websites, and encouraging public librarians to contact the law library. One challenge for some public librarians is the infrequent occurrence of legal questions, which necessitates regular formal training opportunities to serve as both a refresher for all library staff and to train new hires. Placing materials on centralized websites for well-timed consultation by public librarians is a good solution for ongoing professional development needs, which is a key component of the American Library Association's Code of Ethics.[24]

In fact, the Reference and User Services Association division of the American Library Association has developed Guidelines for Medical, Legal, and Business Responses that address many of the recommendations that are typically part of any training provided by law librarians. These guidelines include acquiring appropriate resources that are current, comprehensive, accurate, and accessible; clarifying their roles and developing written disclaimers; and making referrals to published resources as well as individuals as necessary, without recommending a specific lawyer.[25]

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[21] *See* Paul D. Healey, *Pro Se Users, Reference Liability, and the Unauthorized Practice of Law: Twenty-Five Selected Readings*, 94 LAW LIBR. J. 133, 134 (2002).
[22] MN Legal Services State Support, 2012 Survey, summary http://www.lawhelpmn.org/resource/public-libraries-access-to-justice-project.
[23] RICHARD ZORZA, THE SUSTAINABLE 21ST CENTURY LAW LIBRARY AND ACCESS TO JUSTICE: VISION, DEPLOYMENT AND ASSESSMENT FOR ACCESS TO JUSTICE 23-24 (2012), http://www.zorza.net/LawLibrary.pdf.
[24] *Code of Ethics of the American Library Association*, AM. LIBR. ASS'N, http://www.ala.org/advocacy/proethics/codeofethics/codeethics (last visited 05/02/2014).
[25] Reference and User Services Association, *supra* note 19.

b. Resources

With regard to traditional services, law librarians and public librarians have much in common. In addition to good customer service, librarians have skills for finding information in print and online. General guidelines regarding currency of legal materials, finding and evaluating authoritative legal websites, and acquiring materials from reputable publishers are valuable business practices in both the law library and the public library. Law librarians can partner with public librarians on collection-building projects to arrive at the best possible resources for the public library collection.

c. Policies and Disclaimers

Public librarians should also develop policies and disclaimers for specific responses to challenging patrons. Law librarians who work with public librarians can share their policies. Policies can offer established guidelines for ethical legal reference. When a librarian cannot provide an answer expected by the patron, policies decrease the likelihood that a patron will take it personally. Law librarians can also suggest positive verbal disclaimers such as, "I can point you to some helpful information, but I cannot give you legal advice," rather than discouraging statements like, "I cannot help you. I cannot give legal advice."

d. Referrals

A key aspect of training for public librarians is encouraging the use of referrals. For many public librarians who are accustomed to finding the patron's exact answer, referrals can offer an escape route when a patron demands an immediate solution to a legal problem. These may take on a variety of formats, including legal aid; pro bono help; brief advice clinics; and phone, email, and chat services.

E. Centralized Websites

One area in which libraries can serve self-represented litigants is through operation of or contributions to legal information websites designed to assist those with low and moderate incomes. One example of such a site is Maryland's People's Law Library, which is managed by the Maryland State Law Library, a court-related agency of the Maryland Judiciary.

The State Law Library assumed responsibility for the site from the Maryland Legal Aid Bureau in 2007, but retained the concept of a stakeholder advisory committee primarily comprised of judiciary staff and representatives of organizations funded by the Maryland Legal Services Corporation. This Content Advisory Committee continues to provide feedback on development priorities and suggests new resources and services. Additionally, library reference staff and other court librarians in Maryland offer recommendations for new content based on incoming reference questions from the general public. The State Law Library staffs the site with a full-time employee, who possesses both legal and computer experience. The web content coordinator is responsible for daily site administration, technology planning, legal updates to existing content, and developing new information resources in collaboration with the Content Advisory Committee and other contributors to the site. The director of the State Law Library and several

members of the Content Advisory Committee serve on the Maryland Access to Justice Commission, which has the positive result of clear and effective communications between stakeholders and website management.

In order to strategically orient the site to assist potential users most effectively, the site adheres to strict collection development guidelines. According to the site:

> The purpose of the People's Law Library is to provide self-represented litigants access to justice in Maryland state courts information about the law, including summaries of the law, links to primary and secondary legal sources and referrals for legal services. The site gives the highest priority to selecting for content development topics that closely relate to civil case types most frequently handled in Maryland state courts by self-represented parties.[26]

Therefore, much of the information focuses on family law, domestic violence, housing, and consumer law, as well as background procedural material for self-representation. Federal, administrative, and criminal law is ranked as a second content development priority.

Stakeholders are encouraged to contribute their own articles in their fields of expertise to the People's Law Library. The web content coordinator also writes articles to fill possible gaps in needed information and edits contributions before final posting. Article guidelines stress clear writing and recommend that readability be set at the sixth grade reading level. Recently, with assistance from Maryland's Pro Bono Resource Center, the web content coordinator has begun a successful project that taps volunteer attorneys for creating and updating articles on the site. The site has several pages in Spanish and additional content in other languages is planned.

The Maryland State Law Library has been able to provide this service in part because expenses can be kept modest. In addition to the full-time staff member, other direct costs include hosting, translation services, and the printing of brochures and posters. These purchases are made even more affordable by leveraging existing state government contracts and the professional expertise provided by the judiciary's procurement department. There are numerous efficiencies to be gained, such as ease of research and collaboration with colleagues, by having the site physically located in a large public law library.

The web content coordinator, with assistance from the State Law Library's head of reference and outreach services, promotes the site in a variety of settings. They have made numerous presentations to public librarians, conferences of court leaders, and legal services stakeholders. Statistics show that such efforts are worthwhile. The People's Law Library currently receives approximately 2 million hits and 300,000 page views per month, which demonstrates significant usage.

The People's Law Library furthers the Maryland State Law Library's mission to serve "the needs of Maryland's government and citizens by: building and preserving collections of legal information resources, promoting access to these collections, and creating educational

[26] Introduction to the People's Law Library, http://www.peoples-law.org/about.

opportunities that enhance the understanding of legal information."[27] The site has become a vital resource for Maryland's self-represented litigants and an effective tool for colleagues in the access to justice community to provide accurate and current legal information to those in need.

F. Access to Justice Involvement

a. Access to Justice Commissions

State, court, and county law librarians have benefited from membership on Access to Justice Commissions. The commissions exist in many states to implement access to justice initiatives. Commissions vary in size from state to state, so opportunities for involvement may vary. Nonetheless, any level of engagement would be a good place to start.

Some states have entities similar to Access to Justice Commissions—for example, in Minnesota the state court led the development and implementation of access to justice collaboration. The commissions are usually collaborative groups that combine many legal access stakeholders. For state, court, and county law libraries this is a critical partnership, on both formal and informal levels.

While librarian involvement is still limited, there are various ways for law librarians to get involved with these commissions. In Washington, the Public Law Library of King County (Seattle, Washington) law librarian requested to apply to be on the commission, and she was invited to be on the technology subcommittee. In Maryland, the state law librarian and several other librarians are on the commission. For state, court, and county law libraries, having a judge on the law library board and on the commission may be very influential in getting a law librarian appointed.

Access to Justice Commissions and law library purposes align in important ways. Aside from the overarching interest of expanding access to justice, in some instances, the law library may demonstrate that it has a specific strength—e.g., technology or document assembly services, access to plain language court forms, and ability to provide a wide array of educational resources for self-represented litigants. In Maryland, the Maryland State Law Library is the provider for a major access to justice web resource—the People's Law Library of Maryland. The law librarian's membership on the commission helps promote the People's Law Library and provides a mechanism for obtaining feedback about this important online resource.[28]

b. Reasons or Benefits for State, Court, and County Law Libraries

- Promoting law library services and gain visibility
- Networking
- Partnerships
- Advocacy - Law library members gain insights into court and access to justice projects

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[27] Maryland State Law Library, http://www.lawlib.state.md.us/.

[28] Steve Anderson, D4: Access to Justice Committees and the Growing Importance of Law Librarian Involvement: The View from Maryland, July 23, 2012, AALL ANNUAL MEETING PROGRAM, July 2012.

- Referrals - State, court, and county law librarians become more aware of legal aid organizations and services

There are many benefits for law librarians who collaborate with formal and informal access to justice groups. The goal is to expand access to justice while also promoting the law library's unique value. State, court, and county law librarians should seek ways to become involved with their state's Access to Justice Commission or their equivalents. In some states, the commissions may be small—but there may be a variety of subcommittees where smaller working groups would welcome a law librarian's expertise. Within the courthouse, this active role is appreciated and acknowledged by judges and court staff.

G. Technology

a. Technology Principles

In early 2000, members of the Communications and Technology Committee of the Washington State Access to Justice Board discussed the diverse ways that advances in technology can create and eliminate barriers to the justice system. The committee discussed a survey conducted by National Public Radio (NPR), the Kaiser Family Foundation and Harvard University's Kennedy School of Government[29] where they defined the digital divide as one not limited to race, income, or education. Rather, the survey found the persistent divide to be access to technology and the Internet.[30]

The committee considered that a technology bill of rights (which was adopted as technology principles) could:

1. Be shared with content providers in both private and public sectors
2. Serve as a framework for encouraging government and private sector entities to create new resources to fill service gaps
3. Function as a tool for reviewing existing technology applications and assisting their functionality as enablers of justice
4. Ensure that developers of new products and services for access to justice clients consider and create design functionality to help bridge the digital divide.[31]

In 2001 the Access to Justice Board empowered and charged a Board committee to engage in a broad-based and inclusive initiative to create a body of authoritative fundamental principles and proposed action based thereon to ensure that current and future technology both increases opportunities and eliminates barriers to access to and effective utilization of the justice system, thereby improving the quality of justice for all persons in Washington State.[32]

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[29] http://www.npr.org/templates/story/story.php?storyId=1071196 (last visited June 9, 2014)
[30] Jean Holcomb, "The Digital Divide and Digital Justice: Do Clients Need a Technology Bill of Rights?" WASH. ST. BAR NEWS, May 2000, 40, 41.
[31] *Id.*
[32] Washington Supreme Court Order, December 3, 2004, at http://www.courts.wa.gov/court_rules/?fa=court_rules.rulesPDF&groupName=am&setName=ATJ&pdf=1 (last visited February 20, 2014).

The six Technology Principles[33] are:

1. REQUIREMENT OF ACCESS TO JUSTICE

Access to a just result requires access to the justice system. Use of technology in the justice system should serve to promote equal access to justice and to promote the opportunity for equal participation in the justice system for all. Introduction of technology or changes in the use of technology must not reduce access or participation and, whenever possible, shall advance such access and participation.

2. TECHNOLOGY AND JUST RESULTS

The overriding objective of the justice system is a just result achieved through a just process by impartial and well-informed decision makers. The justice system shall use and advance technology to achieve that objective and shall reject, minimize, or modify any use that reduces the likelihood of achieving that objective.

3. OPENNESS AND PRIVACY

The justice system has the dual responsibility of being open to the public and protecting personal privacy. Its technology should be designed and used to meet both responsibilities. Technology use may create or magnify conflict between values of openness and personal privacy. In such circumstances, decision makers must engage in a careful balancing process, considering both values and their underlying purposes, and should maximize beneficial effects while minimizing detrimental effects.

4. ASSURING A NEUTRAL FORUM

The existence of a neutral, accessible, and transparent forum for dispute resolution is fundamental to the Washington State justice system. Developments in technology may generate alternative dispute resolution systems that do not have these characteristics, but which, nevertheless, attract users who seek the advantages of available technology. Participants and actors in the Washington State justice system shall use all appropriate means to ensure the existence of neutral, accessible, and transparent forums which are compatible with new technologies and to discourage and reduce the demand for the use of forums which do not meet the basic requirements of neutrality, accessibility, and transparency.

5. MAXIMIZING PUBLIC AWARENESS AND USE

Access to justice requires that the public have available understandable information about the justice system, its resources, and means of access. The justice system should promote ongoing public knowledge and understanding of the tools afforded by technology to access justice by developing and disseminating information and materials as broadly as possible in forms and by means that can reach the largest possible number and variety of people.

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[33] Holcomb, *supra* note 30, at p. 4-6.

6. BEST PRACTICES

To ensure implementation of the Access to Justice Technology Principles, those governed by these principles shall utilize "best practices" procedures or standards. Other actors in the justice system are encouraged to utilize or be guided by such best practices procedures or standards. The best practices shall guide the use of technology so as to protect and enhance access to justice and promote equality of access and fairness. Best practices shall also provide for an effective, regular means of evaluation of the use of technology in light of all the values and objectives of these Principles.

How can law libraries adopt the Technology Principles?

1. Create research guides and pathfinders that take into consideration the principles to make sure the documents are written in plain language, understandable at the fifth grade reading level.

2. Use clear and concise descriptions, incorporate lots of white space, use appropriate graphics, etc.

3. Design pages on library websites that are clearly accessible to the public. Review the pages so that library jargon and legalese do not provide barriers to the public. Arrange information by subject or function. Arrangement by jurisdiction is confusing. The patron just wants information on how to file for a divorce or how to file for bankruptcy.

4. Create more research guides or pathfinders on small, discrete topics, i.e., how to file a witness list or how to do service of process, rather than one encompassing guide on court procedures from beginning to end.

5. Alert administrators to the Principles and encourage their application when creating new procedures within the courts, law schools, etc. or when purchasing software that will be used by the public, including court software for accessing court dockets or e-filing.

II. LIBRARY TYPES

A. Private Firm Librarians

a. Why Should Private Firm Librarians Consider Involvement in Pro Bono?

As private firm librarians provide research support to the attorneys within their firms, they can also use this as an opportunity to partner with firm attorneys in their mission to support pro bono needs. Attorneys have requirements, in some states "aspirational," to provide pro bono service—this opens the door to private law librarians to join the attorney's initiative by providing librarians an arena outside the firm to showcase their talents and to increase visibility in their respective legal communities. Librarians are well equipped to assist. Librarians have strengths that may enable the lawyers to service greater numbers of pro bono clients in a more efficient manner, such as:

- Knowledge of legal resources and information organization
- Working knowledge of legal research
- Understanding of efficient workflow and work product in the form of knowledge management.

b. How Do Private Firm Librarians Get Started?

Visit the American Bar Association, Standing Committee on Pro Bono & Public Service and Center for Pro Bono Directory of Pro Bono Programs—
http://apps.americanbar.org/legalservices/probono/directory.html
This site provides a listing of statewide pro bono organizations sponsored for every state. The site offers all the basic contact information for each organization and a description of the types of case support provided.

The Volunteer Librarian Coalition (VLC) in Minnesota selected the Volunteer Lawyers Network (VLN) as the organization to support. VLN is an independent, non-profit organization and the oldest and largest pro bono referral organization in the state. Founded in 1966, VLN serves the legal needs of the economically disadvantaged primarily in Hennepin County by reaching out to eligible clients and providing them with quality legal services through volunteer attorneys. VLN, the only pro bono legal services organization providing legal advice and full representation in almost all civil case types in Hennepin County, serves an area that is home to 20% of the poverty population in Minnesota.

VLN also provides consultants, training, and materials on a statewide basis. VLN consists of approximately 1,000 lawyers, many of whom are private firm lawyers, providing support either directly to VLN as member attorneys or indirectly as their firm elects to support VLN in their respective firm pro bono committee programs. Because of librarian experience with VLN, in supporting lawyers within their respective firms, librarians gained familiarity with VLN and its mission; it seemed natural to provide direct support to this organization.

The VLN homepage directs volunteer attorneys to VLC, stating: "VLC WIKI - created by our valued partners, the Volunteer Librarians Coalition, this includes up-to-date research links for every VLN volunteer area and free Westlaw research, conducted by private firm librarians, for your VLN client issues. It also includes all forms that our resource attorneys have created for the various areas of law. All VLN volunteers are eligible to be members of this valuable resource! To join the wiki go to www.vlcmn.info and click on 'join' in the upper right corner of the webpage." Currently, VLC's membership consists of 475 attorneys.

The next step is to determine whether the firm has an established relationship to support the pro bono needs of one of the organizations. Explore in-house client and matter databases to determine who provides the greatest support for an established pro bono organization. Contact that attorney requesting to present a proposal to support pro bono needs. Another option is to seek permission to attend a firm pro bono committee meeting to present the proposal for providing pro bono support and then determine if there is interest or support to go forward.

Present the proposal for private law librarian support of pro bono to the local chapter of AALL. In VLC's case, the proposal was presented to the Consulting and Community Outreach Committee of MALL to gain their approval and support to go forward. Local chapter support is very important for success. MALL provided VLC the sponsorship needed financially, by funding the annual subscription to Wikispaces; subsidizing the annual renewal payment to *Minnesota Lawyer*, a publication important to VLN; and, in essence, providing VLC the clearance to go forward with respect to non-authorized practice of law issues. The sponsorship by MALL also provided access to a highly qualified membership of law librarians from which to recruit volunteers.

c. What About Licensing of Fee-Based CALR Databases?

Seek partnership with the firm's online Computer Aided Legal Research (CALR) legal provider, whether it is Lexis or Westlaw, empowering the contract negotiation skills that most private law librarians have developed. VLC librarians forged a partnership with Thomson Reuters via the local representative. VLC was successful in negotiating a slice of Westlaw (WL) to be used by VLC librarians and staff attorneys at VLN. The slice of WL included Minnesota state and federal case law; Minnesota state and federal statutes and regulations; and secondary resources in the form of Minnesota Practice materials and legal journals, law reviews, and newsletters. Seeking such partnership is only advisable when an ad hoc committee of librarians has been established to provide pro bono service for a pro bono organization within a state and has developed a centralized portal of resources on which the access to Westlaw or Lexis may reside.

Use of firm CALR resources for supporting pro bono needs outside the firm is not advisable and would be in violation of the firm's license. Most private firm librarians are asked on occasion to assist with a firm pro bono matter that has an established client and matter number. Use of the firm's CALR tools is acceptable for this kind of internal pro bono project.

d. What Private Firm Librarian Skills May be used to Support Pro Bono Efforts?

Leveraging contract negotiation skills, as discussed above, may also be used to seek discounts on secondary print legal resources. For example, VLC was successful in negotiating a discounted cost for a subscription to the *Minnesota Lawyer*, a weekly newspaper often covering pro bono matters.

Private law firm librarians also are responsible for creating and or managing law firm Knowledge Management (KM) applications. This expertise was useful for VLC librarians as they indexed VLN's internal work product, including forms, pleadings, and memos. The entire collection of VLN internal work product is now available on the VLC wiki and is searchable only by VLN member attorneys. Searching may be done at home, within attorney offices, or at the legal aid clinic for immediate access to forms and work product. Prior to this, all work product was available in hard copy in various files at the VLN office.

e. What About the Time Commitment Necessary to Provide Librarian Pro Bono Support?

Many firms track time for pro bono and community service support projects into either a time and billing database or an internal database for annual reporting purposes. Draft a detailed document outlining interest in supporting pro bono needs and quantifying the time requirement. Seek firm support for pro bono involvement with management and with the pro bono committee. Most firms have a strong commitment to public service and will indeed support the time away from normal work duties. Once the initiative to support pro bono needs has been established, meeting once a week for one hour may be enough time for a group of interested librarians to form a formal strategy for support. Strategies may include:

- Creating a wiki, which provides access to organized collections of legal resources
- Volunteering at a community legal clinic
- Researching legal issues on behalf of volunteer attorneys for the established legal organization.

f. What Other Ways May Private Firm Librarians Support Pro Bono?

One private law librarian expressed interest in VLC volunteerism. Her focus is hands-on, contributing two hours twice a month to serve at the Legal Access Point (LAP) clinic of the VLN. She partners with the attorneys from her firm by accompanying them on their visits to LAP. Her role is to help the pro bono client and the lawyer make the most effective use of the 15-minute time limit per client. She may interview clients to summarize their concerns, assemble documents, and retrieve information resources, often on the VLC wiki, before the client meets with the lawyer. Often the librarian's contribution is in the form of assisting the lawyers in areas of law outside of their daily law firm experience. Librarians are most often generalists and can quickly point the attorney in the right direction. This is beneficial to the volunteer lawyer so that he/she may potentially provide quicker service, reaching more pro bono clients within the two-hour visit. The experience is beneficial to law librarians at large; it is an opportunity to showcase librarian skills and an opportunity to partner with law firm lawyers, hopefully increasing their profile with the legal community.

g. Rewards for Private Firm Librarians' Support for Pro Bono

The rewards for private law librarians' support of pro bono are many. First and foremost, there is the personal satisfaction of knowing that, in some small way, one is making a difference by serving the legal needs of those who cannot afford attorney representation. Second, the personal and professional friendships that develop in the process of working together to develop content, answer questions, and expand legal knowledge are truly rewarding and long-lasting.

Another significant reward is exemplified by co-founder Jennifer Doyle's appointment to the Board of VLN. Beginning with her firm's desire for a VLN liaison, Doyle fit the role because of her involvement with VLC and her status as an attorney. In her role as liaison, her relations with VLN staff attorneys led her to be appointed to the board. Jennifer brings a non-practicing attorney perspective to the board, along with her librarian skills and knowledge. Her role on the board has expanded to chair of the Volunteer Committee, and she has served on the fundraising committee as well. In addition, she occasionally volunteers at the Housing Law Clinic.

h. Testimonials for the VLC Wiki and Librarian Support

"VLN has so appreciated the expert help of volunteer librarians! They have supported the quality of our services by organizing our substantive resources for our volunteers in a way that is accessible and intuitive. They have supported individual attorneys by one-on-one phone calls to share case-specific information about the resources we have. They have researched various topics for us, including pro bono resources and substantive legal issues. They have increased the level of service our clients receive at walk-in legal clinics by providing one-on-one follow-up support to clients after the advice session. They have supported efficient board meetings by creating wikis on which we may upload and share board information. It has been a pleasure working with the librarians, not only for the unique perspective and skills that they bring but also for their enthusiasm to participating in our mission to provide access to justice to those in poverty."

…..Martha Delaney, Esq.
Deputy Director at Volunteer Lawyers Network

"For librarians the work of the clinic places us in a new role. Working directly with clients, but the service we provide calls upon skills we have in abundance. The clients are grateful for the assistance they receive, even when it does not favor them; at least they understand the legal issues and their options. The attorneys who may have little experience with this type of legal work are grateful for the information that the librarians provide, to find appropriate statutes, forms, and other documents. I am rewarded with the gratitude of clients who really need someone to hear them, to understand their issues, their confusion, and their fears."

…..Leslie Kallas
Coordinator of Research Systems/Services
Nilan Johnson Lewis P.A.

"The VLC wiki has been created with passion and dedication of the MALL members below, to serve the needs of the Volunteer Lawyers Network; thereby, facilitating access to justice to the economically disadvantaged people with legal problems."

…..Trudi Busch
Director of Information Resources
Oppenheimer Wolff & Donnelly LLP

B. State, Court and County Law Librarians

a. On Defining Access to Justice

> For both low- and moderate-income persons, the concepts of access to justice and delivery of legal services should not be viewed as synonymous with access to an

> attorney, access to judicial process, or individual representation. For both groups, a broad range of strategies, services, providers, and forms should be available.[34]

The above statement, made at an American Bar Association (ABA)-sponsored conference on access to justice in the 1990s, points to a challenge for discussions about access to justice—that is, there are different conceptions of access to justice and the strategies for achieving it. A more traditional view associates access to justice with access to a lawyer or some other legal assistance. Others make arguments for a much broader conception of access to justice. Richard Zorza, for example, has written extensively on these broader conceptions of access to justice.

In his introduction to his access to justice blog, Zorza defines access to justice "broadly to include innovations in courts, the bar, legal aid, and community that make it easier for people to obtain access to justice institutions, and to just results within those institutions.[35]

Many of the innovations, experiments, and research described by Zorza have been achieved because of close collaboration between the courts and other "access to justice" partners, including law libraries. Zorza has also written extensively on the importance of law library support to access to justice:

> Law libraries have long served a variety of constituencies, and are well-positioned to assume a broader role, with a particular focus on those historically excluded from access to justice. Put another way law libraries have great potential to play an important role in making the judicial system more user-friendly and accessible for people without lawyers.[36]

This was the focus of Massachusetts trial court judge Dina Fein's address at a 2012 AALL program entitled "Access to Justice Committees and the Growing Importance of Law Librarian Involvement." Judge Fein spoke about the critical role law libraries play in the access to justice movement and reminded librarians to not let the courts off the hook in providing access to justice. She was quoted as stating that law librarians are part of the access to justice movement, and they shouldn't let access to justice go into a silo. It is the center of the court's work.

The justice gap that exists for both poor people and the middle class is widely documented in the literature. For example, a 2009 Justice Gap report issued by the Legal Services Corporation

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[34] American Bar Association Consortium on Legal Service and the Public and Tulane Law School, Civil Justice an Agenda for the 1990s, REPORT OF THE AMERICAN BAR ASSOCIATION NATIONAL CONFERENCE ON ACCESS TO JUSTICE IN THE 1990S (June1989), available at http://www.americanbar.org/content/dam/aba/migrated/legalservices/downloads/sclaid/accessconf.authcheckdam.pdf (last visited March 27, 2014).

[35] Richard Zorza's Access to Justice Blog, http://www.accesstojustice.net (last visited March 26, 2014).

[36] Zorza, Richard, THE SUSTAINABLE 21ST CENTURY LAW LIBRARY: VISION, DEPLOYMENT AND ASSESSMENT FOR ACCESS TO JUSTICE (April 2012), available at http://www.zorza.net/LawLibrary.pdf (last visited March 27, 2014

(LSC) notes that roughly half of the people who seek help from LSC-funded legal aid providers are denied service.[37]

As the barriers to adequate representation for poorer members of society persist, prominent advocates are calling it a "human rights crisis." A recent blog post on NPR cited a new report from Columbia Law School's Human Rights Clinic confirming that women, minorities, and immigrant communities struggle disproportionately to access justice in the United States.[38]

Many middle-class Americans face similar challenges in accessing legal assistance. As stated in a 2009 Symposium "Access to Justice: It's Not for Everyone," the middle-class in the United States is often priced out of the legal system because their income level disqualifies them from being eligible for legal aid services, but they cannot actually afford to hire an attorney.[39] The focus on access to justice has grown recently, fueled by the economic downturn, the rise in the number of people without attorneys, and significant cuts in funding for legal aid organizations.

Not only has the number of self-represented litigants been growing in state courts over the last few decades, but self-representation has also become increasingly prevalent in federal courts. In light of the widening justice gap and continuing financial difficulties, self-representation will continue to be a significant trend, and one that impacts accessibility of access to justice institutions to low income individuals and those who are otherwise economically vulnerable.

The 2013 Court Technology Conference, held in Baltimore September 17-19, featured a full track on the use of technology to assist in court access for the self-represented. Presenters included a number of key stakeholders in the access to movement, including Dr. Julie Macfarlane, who reported on her findings from an 18-month study of the experiences of the self-represented in the Canadian courts.[40]

Dr. Macfarlane's research in Canada shows that the self-represented are frustrated with the complexity and pace of the system; shackled by the legal information/legal advice distinction; disenfranchised by the lack of transparency of costs and fees; overwhelmed by court procedures; and daunted by the accessibility and amount of information online.[41]

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[37] LEGAL SERVICES CORPORATION, DOCUMENTING THE JUSTICE GAP IN AMERICA: THE CURRENT UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS (2009), available at http://www.lsc.gov/sites/default/files/LSC/images/justicegap.pdf (last visited March 27, 2014).
[38] RIGHTS ADVOCATES SEE 'ACCESS TO JUSTICE' GAP IN U.S. (2014), available at http://www.npr.org/blogs/thetwo-way/2014/03/10/288225649/rights-advocates-see-access-to-justice-gap-in-u-s (last visited March 27, 2014)
[39] Sande L. Buhai, "Access to Justice for Unrepresented Litigants: A Comparative Perspective," 42 LOY L.A. L. REV. 979 (2009).
[40] THE NATIONAL SELF-REPRESENTED LITIGANTS PROJECT: IDENTIFYING AND MEETING THE NEEDS OF SELF-REPRESENTED LITIGANTS FINAL REPORT available at http://representingyourselfcanada.files.wordpress.com/2014/02/reportm15-2.pdf (last visited March 27, 2014.)
[41] SRL'S AND COURT TECHNOLOGY available at http://www.ctc2013.com/Education-Program/Tuesday-Sept-17/Morning/Session-

There are important takeaways here for the role of law libraries in meeting the needs and challenges of the self-represented, which include more engagement and innovation in the following:

- A rethinking of our legal information/legal advice distinction
- Promoting unbundled legal services to the self-represented and legal community
- Increased partnerships and collaboration with the courts and other access to justice partners on online information resources tailored to the self-represented including simplified plain language forms and instructions in multiple languages and going to court videos and/or screencast tutorials
- Greater access to simplified information about court processes and procedures, including causes of action, presentation of evidence, discovery, negotiations, trial preparation, etc.
- Accessibility to online legal information resources and library services on mobile devices
- Increased advocacy for non-lawyer options for legal assistance to the self-represented
- Greater access to legal education and information for the public on alternatives to litigation
- More serious engagement in statewide access to justice commissions and committees.

Law libraries serve as a resource for state and federal courts working to address the challenges raised by self-represented litigants. They have implemented processes to provide initial triage and referrals and the direct assistance of library staff or other legal aid groups. They also provide information about substantive and procedural law, implement various forms of live assistance in the library (e.g., Lawyers in the Library, clinics, library-based self-help centers, videoconferencing); provide simplified, plain language guides, form templates, and instructions; and use technology to increase accessibility to the courts (online chat, e-filing, automated forms, etc.). Law libraries can both enable the development and expansion of these innovations to assist the person without a lawyer in meeting their needs and challenges. These are ways in which law libraries can both provide the self-represented with the information needed to know when they should be in court, and, if in fact they should be in court, to truly have access to justice.

i. What Are Law Libraries Doing—What is the Scope of Self-Help Centers in Libraries?

State, court, and county law libraries have a long history of serving all users, from court and bar to non-attorney users. However, self-help legal resources and self-represented litigants have uniquely impacted law library services over the past 20 years. The growth of resources and access to justice poses opportunities and challenges for all types of law libraries. State, court, and county law libraries have met some of the challenges by proactively replicating certain legal self-help services that originated in courts, law schools, and legal aid programs. These new law library services have the essential requirement that law libraries collaborate with outside partners, to determine what works and to implement successful solutions.

1/~/media/Microsites/Files/CTC2013/Classes%20Round%202/TUES_10am_Litigants_Expect.ashx (last visited March 27, 2014).

Historically, public law libraries have offered print and online resources, including legal materials for non-attorney users. Many past law library patrons have tried to navigate court rules, cases, and statutes to avoid attorney costs. With the explosion recently in access to justice, the response by the legal community has been overwhelmingly positive. The "do it yourself" (DIY) strategies of non-attorneys have been bolstered in recent years to provide resources to make them more successful. Law libraries play critical roles in connecting individuals with these resources. Luckily, many vibrant, well-staffed public library programs provide a visionary framework for the future services for all public law libraries. While many law library programs are underfunded and understaffed, there is great promise for their vitality and expansion. Because many good working examples exist, law librarians can learn from those who have embraced new services and programs to reach self-represented access to justice in public law library settings.[42]

Zorza, the former coordinator of the Self-Represented Litigation Network (SRLN), published a 2012 report on the 21st century law library. Zorza challenges law librarians and defines new roles for public law libraries. Zorza sees the opportunity for law libraries "to transform themselves as leaders in providing access to justice for all as part of a broad realignment of the legal system as a whole."[43] In his report, he cites the need for law libraries to move toward a broader range of services. He recommends enhancements in space, technology, and ambitious partnerships to bring this about.

A 2013-14 survey and study of SRLN's law library subgroup describes what some libraries are doing.[44] One hundred and fifty-three respondents—largely from state, court, and county law libraries—described their current efforts to support access to justice and self-help center programs. The analysis describes basic services as well as self-help center support in three scenarios: in the library and coordinated by the law library; in the library but coordinated by an outside organization; and physically located outside of the library. Largely, courts are the primary partners for these libraries that support self-help centers. Other partners include local legal service providers and bar associations. Resources more prevalent in these library operations include legal research help, referrals to other legal programs, computers, court forms, email reference, telephone reference, and professional collections for the person without a lawyer. Some libraries also reported their involvement with services that are less frequently deployed in law libraries, including creating their own court forms, maintaining a website to provide legal information for the person without a lawyer, producing classes and webinars for patrons, and maintaining legal advice clinics.

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[42] DIRECTORY OF LIBRARY-BASED SELF-HELP PROGRAMS: SELF-REPRESENTED LITIGATION NETWORK; LAW LIBRARIANS' WORKING GROUP, 2009 http://www.aallnet.org/sections/sccll/toolkit/Self-Representation-Resources/directory.pdf (last viewed March 27, 2014).

[43] Zorza, *supra* note 34, at p.1.

[44] SELF-REPRESENTED LITIGATION NETWORK, LAW LIBRARY SUBGROUP. "LIBRARY SELF-HELP PROGRAMS AND SERVICES: A SURVEY OF LAW LIBRARY PROGRAMS FOR SELF-REPRESENTED LITIGANTS, INCLUDING SELF-HELP CENTERS, April, 2014, https://www.surveymonkey.com/sr.aspx?sm=47PgaiH6n0dBEv_2bqeBqXA5WLA3ccQk3V7zOlvkKD8IA_3d (last visited 6/4/2014) and Report also at http://selfhelpsupport.org/surveys.

Given the background of the SRLN survey, description, and observation of long-standing self-help centers in law libraries, there is validity in recommending what self-help centers in law libraries might look like. Since there are many law libraries that have yet to implement self-help centers, this report offers three levels for service. However, very basic service for any viable public law library includes a core list of basic services including staff, collection, computers, phone, fax, scanner, and photocopiers.

Special benefits accrue to law libraries that perform self-help center functions, which include no income screening; no conflicting out when opposite parties come to the law library for service; and assistance in triaging the issue. The triaging benefit involves the ability of the law librarian (or the self-help center attorney) to direct the patron to internal resources, other self-help centers, or refer the patron to other service providers. For example, at the Ramsey County Law Library (St. Paul, Minnesota), a person with a landlord tenant issue met with a volunteer attorney. The attorney learned that the person also had a harassment issue. The law library was able to immediately connect the person with harassment services in the court.

The self-help center in the law library also benefits from the additional resources and services of expertly trained information staff, computers, print, and online resources, often in multiple languages, which can be folded into services provided to the self-help center users, depending upon the user's needs. If someone visits a brief advice clinic held in the law library and the attorney volunteer recommends a certain form to be completed, the user can consult with the librarian about accessing and completing the form in the law library. The packaging of document assembly technologies with a self-help center depicts one of the unique strengths that law libraries contribute to centers located within them. Libraries that are more equipped both on the staffing and resource end can assist even more. Some law libraries provide scanners for patrons who must now e-file documents to the court.

Considering three levels of self-help center programs in law libraries, a number of services may exist in some or all of these centers. The following list describes some of the services that law libraries provide, whether the self-help center is a formalized operation or the law library is simply the default self-help center resource in the courthouse.

ii. Law library Self-Help Resources and Services

More common:

- Make available existing forms and instructions packets
- Create and make available forms and instructions packets (such as Travis County, Texas)
- Make referrals to other legal service providers
- Coordinate "attorneys in the library programs" (staffed by volunteer attorneys)
- Sponsor clinics in library (organized by others)

Less common:

- Attorney/paralegal on library staff

- Assistance with procedures
- Assistance with filling out forms
- Assistance with reviewing forms
- Assistance with instructions to completion of matter
- Assistance to the consumer from other personnel/library staff (if the self-help center is too busy, Kern County (California) law library staff supplement the self-help center staff)
- Assistance with filling out forms
- Assistance with reviewing forms
- Contract with staff of state's legal services to be in the library, (such as Stearns County, St. Cloud, Minnesota)

iii. Gather Prospective Partners

As indicated above, access to justice requires cooperation and collaboration with many parties. Clearly, interaction with the courts is vital. The goal is not only to help people become better prepared to navigate the legal system, but also to relieve some of the stress on the courts. The judge may be able to rule on an issue more effectively and not send the person out to gather more information or complete additional forms when the litigant comes to court with completed forms and all of their documentation collected and at hand. Self-help centers in partnership with law libraries, volunteer attorney programs, and other legal services providers can make a major contribution to removing some of the roadblocks in the legal process.

Local legal aid services are also essential to providing services to the person without a lawyer. Often a person who needs legal services is unsure of where to turn. Many show up at their local law library or public library. Referrals to legal services providers allow the patrons to connect with an attorney, if they meet certain qualifications.

The state and local bar associations may offer services specific to an area. In Seattle, a regional planning committee, composed of representatives of legal service providers, meets regularly. Law library participation in such a group is an excellent way to stay informed and connected.

Public libraries continue to be on the front line, assisting patrons with legal questions regularly. Partnering with the public libraries is an excellent way to assist the librarians and to reach the public who may not be aware of the local public law library and its services.

Other partners include local senior centers or neighborhood centers, social services agencies, and other departments of the local governmental entities.

iv. Best Practices

Geographic disparities, staffing, and funding impact the levels of service a law library self-help center might provide. However, as more county law libraries embrace access to justice and self-help center programs, law librarians can better define elements of basic, intermediate, and advanced self-help center programs in libraries. These three levels are described below and are recommended as best practices; each level includes the level(s) preceding it as a part of the program.

One previous attempt to define different levels of service for county law libraries was reported in Minnesota in the 2007 Report of the Statewide Law Library/Self-Help Center Project Advisory Work Group.[45] The workgroup recognized that urban, suburban, and more rural county law library programs would differ based upon the populations served and patron demands. The report estimated that 63 percent of Minnesota's population was exposed to quality county law library services due to the existence of well-staffed suburban and urban county law libraries in the more highly populated areas of the state. However, the workgroup recognized that it was worthwhile to define three levels of service—from very basic to the larger funded metro area county law libraries in Minneapolis and St. Paul. One of the objectives in defining basic levels of service was to acknowledge that very minimal service could only exist if the county law library had certain core characteristics.

One of this Special Committee's goals is to offer assistance to those law librarians who wish to advance their library self-help programs. Ongoing discussion among law librarians regarding their roles in supporting self-help and access to justice can be distilled into some basic criteria for the three service levels.

b. Levels of Service

i. Basic Level—Best Practices for Small Libraries or Those Just Starting to Implement a Law Library Self-Help Center

At a very basic level, the law library may only provide space and books—the sad relegation in many unstaffed, small, and rural courthouses. However, seen in a different light, these same resources may be viewed as providing very basic self-help center services. In *The Self-Help Friendly Court: Designed from the Ground Up to Work for People Without Lawyers*, Richard Zorza recommends an approach to creating self-help friendly environments. Specific courthouse amenities he describes include spaces that allow connection and privacy, problem-solving

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[45] Report of the Statewide Law Library/Self-Help Center Project Advisory Workgroup, Minnesota, January 17, 2007, http://mn.gov/lawlib/StatewideLLReport.pdf (last visited March 27, 2014).

Executive Summary P. 3—"According to the Minnesota State Demographic Center's 2005 population figures, 63% of Minnesota citizens are served by ten county law libraries with full-time staffing. These libraries offer an impressive array of services to the public and most have collaborative programs addressing the needs of self-represented litigants. However, in the 77 law libraries with minimal or no staffing, resources are underutilized by the public. There is great potential for improving the county law libraries of greater Minnesota in a manner that will both help the libraries and further court programs directed at the public, especially in the area of assisting self-represented litigants".

See Appendix C: Minimum Standards and Best Practices for Minnesota County Law Libraries, at p. 18-20. Breaks standards into three tiers of service with regard to the facility and its location (recommending that all law libraries, even those at the most basic level, be located in the court house and including such essentials as chairs, tables air conditioning, lighting, signage—it also describes staffing and resources for the three tiers.)

resources, and an educational environment that promotes access technologies.[46] While these attributes alone vastly oversimplify the overall design that encompasses his vision for the self-help friendly court, they match, on a very basic level, the role of the small courthouse law library. Specific recommendations for Basic Level courthouse law libraries are described below:

- The law library should employ a librarian or a person functioning as a librarian, with the library open during court hours Monday through Friday.
    - If the state has developed online resources (created by the access to justice initiatives, courts, or legal services providers) for forms/instructions, the library should promote and support those materials. The library should also support document assembly programs for the online production of forms if they are available.
- Access to Justice Principles should be embraced by the public law library.
- The law library should develop a list of local referrals, if there is not a list in place, as well as identify and create mechanisms to share the list with people in need.
- Adapt core collection requirements as described above.
    - While budgets are very limited, access to the Internet in the public law library will provide easy access to many of these items.
- Develop and maintain access to centralized websites that provide links to legal resources.
    - The law library may develop its own website with related links to helpful information; utilizing an "askalawlibrarian" email reference. If the law library doesn't have its own website, it should promote other good legal information provided in the state or county.
- Make note of what the law library needs and what their patrons are requesting or where they need assistance.
    - Articulating these needs will guide the library in links to post on their website, items to purchase, etc.
- Provide basic equipment, workspace, telephone, computers, copiers, scanners, reference tools, and plain language forms/resources, as available.

ii. Intermediate Level—Next Steps, Expand Services

The next level of service will incorporate the recommendations above plus those listed in this section. Law libraries will need the support of their communities and partners to develop and maintain these services. Libraries may become host sites for other legal service providers to hold clinics that they operate. They may host "Attorney in the Library" programs or coordinate similar programs hosted in public libraries or in other community gathering places. Not only can law libraries host seminars or continuing legal education programs for both attorneys and the public, they can also create guides of resources available in their library on specific topics, highlighting not only books but links to resources found on their website or the Internet. They can also create and make available forms and instructions packets authored by the library, with one of their partners, the courts, or other agencies, etc.

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[46] Richard Zorza, THE SELF-HELP FRIENDLY COURT: DESIGNED FROM THE GROUND UP TO WORK FOR PEOPLE WITHOUT LAWYERS, National Center for State Courts, Williamsburg, VA, 2002, at p. 29-30 http://www.zorza.net/Res_ProSe_SelfHelpCtPub.pdf .

New York State has incorporated many of these steps in the development of their Judicial District Help Centers. There is at least one publicly accessible law library in each of the 62 counties in New York State. Two counties—Monroe, the city of Rochester is the county seat, and Suffolk, the city of Riverhead is the county seat—have two. The New York State Courts Access to Justice Program oversees the 24 Court Help Centers located in Family, Surrogate's, Supreme, Civil Courts, or their law libraries throughout the state. The mission of the program is to ensure access to justice in civil and criminal matters for New Yorkers of all incomes, backgrounds, and special needs, by using every resource, including self-help services, *pro bono* programs, and technological tools, and by securing stable and adequate non-profit and government funding for civil and criminal legal services programs.[47]

The 7th Judicial District Help Center, which opened in January 2013, is located in the law library at the Monroe County Hall of Justice (Rochester), a multiple court facility, and is managed by the law librarian. It is a collaboration between the New York State Unified Court System and Volunteer Legal Services Project of Monroe County, Inc. (VLSP), a pro bono program and not-for-profit organization that provides civil legal services to the poor and needy. The initial category of cases focus primarily on civil matters, starting with family law, child custody and visitation, support, and paternity and domestic violence, as well as some other civil services such as landlord-tenant issues and small claims.[48]

The Centers were established to provide self-represented litigants with the tools and resources to help them navigate the court system without hiring an attorney. Legal information is given rather than legal advice. Access to free Internet and selected legal databases and an Internet-based user-friendly DIY Form program, some with branch logic (http://www.nycourts.gov/ip/nya2j/diyavailable.shtml), among other resources, are available. There are no income restrictions for receiving assistance; anyone seeking help receives it free of charge. Access to justice remains anonymous, but home postal zip codes are requested in an effort to identify geographic locations in need of services. Statistics are logged regarding the kinds of questions asked and the kinds of forms requested.

The Help Center is open Monday through Friday, 10 a.m. to noon and 1 to 4 p.m. It is staffed Monday, Wednesday, and Friday by trained 7th Judicial District staff and Tuesday and Thursday by paid VLSP attorneys and paralegals and also attorneys doing pro bono work through VLSP. Along with other Centers, it provides help for people representing themselves in their legal matters, education for the public about the role and function of the courts, information on access to justice and the public and about alternatives to civil litigation, and networking with and referrals to other community and public social service agencies to assist access to justice.[49] The law librarian is part of the staff rotation and is otherwise on hand to give assistance.

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[47] NEW YORK STATE COURTS ACCESS TO JUSTICE PROGRAM, REPORT TO THE CHIEF JUDGE AND THE CHIEF ADMINISTRATIVE JUDGE OF THE STATE OF NEW YORK. February 2014. P.29.

[48] Champagne, Denise M., "Doren: HOJ to set up legal help center." NY DAILY RECORD, 8 October 2012.New York (State).

[49] 7TH JUDICIAL DISTRICT COURT HELP CENTER AT ROCHESTER, N.Y. A GUIDE TO SERVICES. Rochester, N.Y. ca. 2013.

Local governance resides with the Court Help Center committee, which meets quarterly. The committee is composed of an array of court staff and local organizations, including the law librarian, 7th Judicial District Judges (Administrative; City, Family, and Supreme Court) representatives from the Center for Dispute Settlement, VLSP attorneys and support staff, and the chief clerks from City, Family, and Supreme Court. The governance committee is also a knowledge and procedures resource, available to answer specific questions about procedures and amend forms and brochures. The Help Center is a collaborative and evolving effort.

iii. Advanced Level—Self-Help Center of the Future

Is there a place for expanded self-help centers in law libraries beyond the services discussed previously? The description of services listed above provided by the law library are an extension of what a law library typically does—conduct the reference interview, point the patron to information contained in the library and available on the Internet, and refer patrons to attorneys to help them complete forms, identify issues, answer questions regarding court procedures, etc. What is missing here? These services come with limitations such as patron's income, delay in obtaining assistance, out-of-town visitors handling a local issue, or limits on the amount of time an attorney can spend with a patron (usually 30 minutes).

The future is a self-help center as part of the library's mission and operations, with an attorney on the library staff directing the operation of a self-help center as exemplified by Travis County Law Library (Texas) and Sacramento County Law Library (California). The self-help center is a place where all people who need legal assistance can meet with an attorney within appropriate time frames to not only help them begin addressing their legal needs but also to provide assistance in completion of the legal process. If the needs of the patron fall out of the range of the self-help center, patrons can be referred to attorneys and technicians who can provide limited representation or unbundled services, or to other legal services providers.

Law libraries are in a unique position to assist self-represented litigants. Law librarians are skilled in the reference interview, i.e., asking appropriate questions to determine the legal concern of the patron after they have told their story. They have legal reference materials at their fingertips, in print or on the Internet. They have a more comprehensive knowledge of primary resources in multiple subject areas. They are skilled at searching the Internet for appropriate items. The synergy between the librarians and the staff attorney, with their expertise in court procedures, identifying the legal issues, and their skills in the interview, along with the availability of legal resources at their fingertips, provides a richer and more complete environment with which to serve the person without a lawyer. Zorza notes the following:

> For law libraries (and indeed public libraries too), the task is how to make sure that the patron gets to the needed information or legal or social service referrals (if that is more appropriate). While the online finding tools are getting better and better, and while our ability to write it in comprehensible form is also improving, there are still significant barriers to finding, understanding, and applying the law, even in this form.

> It is at this crucial interface that the law library role must be most innovative. Library staff need to be able to help people actually find the information they need and to understand it. This is different from being the source of legal judgment. … But, it is necessary to underscore, *this function is also more than just pointing at the relevant material and walking away.*[50] (emphasis added)

Law libraries are perceived as neutral locations.[51] Patrons feel less intimidated entering a law library where the library's mission is to help people to the extent possible. Attorneys employed by the courts for the courts' self-help centers may have a conflict of interest with the operations of the courts if they are also part of the adjudicative process.

The future is the integration of a self-help center within the law library's organizational structure. What will the center look like?

Patrons who access these services will:

- Not be limited to low income individuals or families
- Be able to seek assistance on a point of need basis, or very close to it, and not have to wait a week or more to see an attorney
- Be able to draw on the expertise of both the librarian and the attorney
- Have legal reference materials at hand
- Have the opportunity to seek assistance for longer than a 30 minute session
- Be able to seek assistance for all legal questions, not just a few
- Be able to have access to tools such as research guides, videos, or court practice tips for the most frequent issues.

The law librarians and the attorney will:

- Create tools such as research guides, videos, forms, and court practice tips for the most frequent issues
- Create workshops to address specific legal needs
- Address the patron's issue at their point of need
- Provide a neutral environment for discussing their needs
- Provide referrals to appropriate legal services agencies and other services as needed
- Partner with the court to design methods to assist the patron move through the court process more smoothly
- Partner with other legal services to provide effective referrals.

C. Academic Law Librarians

a. Academic Librarians and Access to Justice

[50] Zorza, *supra* note 36, at p. 19-20.
[51] Zorza, *supra* note 36, at p. 21.

Law schools and particularly academic law librarians are keenly aware of the gap in legal services in the United States, a situation that has only worsened with our recent economic downturn.[52] However, as Professor Roy Stuckey notes in his seminal work, *Best Practices for Legal Education*, "[t]he legal profession, due in part to the shortcomings of legal education, is failing to meet its obligations to provide access to justice."[53] Professor Gene Nichol in his foreword written for Harvard Law School's 2011 symposium on Jobs and the American Worker further submits that "[m]ost of our legal education occurs as if there were no poor and near poor persons in America."[54]

Regardless of the degree to which these statements relate to any particular law school, academic law librarians must rise to the challenge presented by Professor Deborah Rhode in her book *Access to Justice*: "As gatekeepers to the profession, law schools have a unique opportunity and obligation to make access to justice a more central social priority."[55]

b. Law School Values and Standards

The American Association of Law Schools (AALS) requires certain core values of its members, which include a faculty "devoted to fostering justice and public service in the legal community."[56] The preamble to the 2013-2014 ABA Standards and Rules of Procedure for Approval of Law Schools states that an approved law school

> must provide an educational opportunity that ensures that its graduates: (1) understand their ethical responsibilities as representatives of clients, officers of the courts, and public citizens responsible for the quality and availability of justice; … and (3) understand the law as a public profession calling for performance of pro bono legal services.[57]

Chapter 3 of the ABA standards addresses the program of legal education for law schools. Standard 302(b)(2) under CURRICULUM mandates that "[a] law school shall offer substantial opportunities for:… (2) student participation in pro bono activities."[58] Interpretation 302-10

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[52] *See, e.g.*, LEGAL SERV. CORP, DOCUMENTING THE JUSTICE GAP IN AMERICA: THE CURRENT UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS (Sept. 2009), *available at* www.lsc.gov/sites/default/files/LSC/pdfs/ documenting_the_justice_gap_in_america_2009.pdf.; Deborah L. Rhode, *Access to Justice: An Agenda for Legal Education and Research*, 62 J. LEGAL EDUC. 531 (2013).
[53] ROY STUCKEY, BEST PRACTICES FOR LEGAL EDUCATION 24 (2009).
[54] Gene R. Nichol, *Wages, Work, Privilege, and Legal Education*, 5 HARV. L. & POL'Y REV., 2011, at 12.
[55] DEBORAH L. RHODE, ACCESS TO JUSTICE 193 (2004).
[56] *Bylaws Section 6-1, in* ASS'N OF AM. LAW SCH., ASSOCIATION HANDBOOK 61 (2013).
[57] AM. BAR ASS'N, 2013-2014 ABA Standards and Rules of Procedure for Approval of Law Schools, at ix (2013), *available at* http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2013_2014_final_aba_standards_and_rules_of_procedure_for_approval_of_law_schools_body.authcheckdam.pdf.
[58] *Id* at 22.

encourages law schools to "be creative," but requires that such opportunities "at a minimum involve the rendering of meaningful law-related service to persons of limited means or organizations that serve such persons."[59]

Chapter 4 of the ABA standards addresses the faculty. Under RESPONSIBILITIES OF FULL-TIME FACULTY, Standard 404(a)(5) states: "Law schools must develop policies with respect to a full-time faculty member's responsibilities in teaching, scholarship, service to the law school community, and professional activities outside the law school. The policies need not seek uniformity among faculty members, but should address:… (5) Obligations to the public, including participation in pro bono activities."[60]

Furthermore, upon graduation, law students must be prepared to fulfill their ethical duties as practitioners. According to Rule 6.1 of the ABA Model Rules of Professional Conduct, "[e]very lawyer has a professional responsibility to provide legal services to those unable to pay."[61]

c. Law Librarian Duties and Responsibilities

Academic law librarians are obvious candidates for promoting access to justice. Not only are they experts at providing access to legal information, but they are also in constant contact with students preparing to become lawyers. Academic law librarians are involved in research instruction through their duties at the reference desk. They conduct legal research workshops and seminars, teach legal research courses, supervise student papers, and advise journals and student organizations.

In addition to these unique opportunities to positively influence their primary patrons—future lawyers, judges, and legislators—other opportunities for academic law librarians to promote access to justice exist in the form of library services, collection development, legal research instruction, scholarship, and service.

However, library services and collections cost money, and in academic law libraries public patrons are typically at the bottom of the priority list of patron groups served, after law students and faculty, other university students and faculty, and the bench and bar. Nevertheless, in promoting and supporting access to justice initiatives, academic law librarians not only help the law school meet its standards, they also fulfill their own ethical obligations as members of (AALL.

The preamble to AALL's Ethical Principles aptly states:

> When individuals have ready access to legal information, they can participate fully in the affairs of their government. By collecting, organizing, preserving, and

[59] *Id* at 23.
[60] *Id* at 34.
[61] *Rule 6.1: Voluntary Pro Bono Publico Service*, AM. BAR ASS'N, http://www.americanbar.org/groups/probono_public_service/policy/aba_model_rule_6_1.html (last visited 04/28/2014).

> retrieving legal information, the members of the American Association of Law Libraries enable people to make this ideal of democracy a reality.
>
> Legal information professionals have an obligation to satisfy the needs, to promote the interests, and to respect the values of their clientele. Law firms, corporations, academic and governmental institutions *and the general public* have legal information needs that are best addressed by professionals committed to the belief that serving these information needs is a noble calling and that fostering the equal participation of diverse people in library services underscores one of our basic tenets, open access to information *for all individuals* (emphasis added).[62]

AALL's Ethical Principles also encourage access to justice through service:

> We promote *open and effective access* to legal and related information. Further, we recognize the need to establish methods of preserving, maintaining, and retrieving legal information in many different forms.
>
> We provide zealous service using the most appropriate resources and implementing programs consistent with our institution's mission and goals (emphasis added)."[63]

Even if promoting access to justice is not central to the mission of a particular law school or law library,[64] doing so will help that law school meet its AALS and ABA values and standards as well as help academic law librarians satisfy their ethical obligations as members of AALL. Moreover, it is simply good public relations for law schools seeking to attract the best and the brightest, to support open and equal access to the system they promote.

d. Access to Justice

Academic law librarians can and do promote access to justice through library services, collection development, legal research instruction, scholarship, and service. Following is an examination of the varied access to justice services and initiatives academic law librarians support and suggestions for ways they can do more, including, where relevant, results and conclusions

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[62] *AALL Ethical Principles*, AM. ASS'N OF L. LIBR., http://www.aallnet.org/main-menu/Leadership-Governance/policies/PublicPolicies/policy-ethics.html (last visited 04/28/2014).
[63] *Id*.
[64] See, e.g., *Mission and Vision*, UNIV. OF ST. THOMAS SCH. OF LAW, http://www.stthomas.edu/law/about/mission/ (last visited 04/28/2014); *Mission and History*, N.Y. LAW SCH., http://www.nyls.edu/about_the_school/mission_and_history/ (last visited 04/28/2014); *Spirit of Service*, FORDHAM LAW, http://law.fordham.edu/about-fordham/6268.htm (last visited 04/28/2014); *About Us*, SEATTLE UNIV. SCH. OF LAW, http://www.law.seattleu.edu/about-us (last visited 04/28/2014).

gleaned from the informal survey the Access to Justice Special Committee (the committee) recently conducted entitled *Academic Librarians Providing Access to Justice*.[65]

e. Library Services

Of the 89 libraries that responded to the committee's survey, all but six allow some type of public access. Two-thirds provide unlimited access, while others limit access to the public by number of hours or types of materials, or require a pass from another library. Academic law libraries that are open to the public typically provide reference assistance to public patrons, along with computers for access to free online legal resources, government documents, and legal research databases such as LexisNexis Academic. Only 28 of the survey respondents, however, indicated that they provide computers for word processing, a responsibility surely passed on to public libraries, but one that academic law libraries could share.

Twenty-seven of the 89 libraries responding to the survey provide check-out privileges for public patrons, which could become standard in academic law libraries, as it is with public libraries and friends and alumni groups associated with academic libraries. Only 24 libraries responded that they provide document delivery services for public patrons, mostly for a fee. Inmates without adequate prison libraries often seek to obtain legal research materials from academic law libraries. Academic law librarians could form alliances with prison librarians in their states to better serve this vulnerable patron group.

f. Collection Development

Academic law libraries can maintain print collections that are geared toward serving the research needs of persons representing themselves in a legal matter, i.e., self-represented litigant patrons. Some integrate these materials into their general collections, while others maintain special collections with titles such as Self-Help.[66] Fifty-three of the libraries responding to the committee's survey provide public access to online legal research databases. By doing so, these libraries are serving not only the legal research needs of self-represented litigant patrons, but also those of solo practitioners and attorneys from small firms who cannot afford to pay for such services. The same is true of print materials, which are often published for lawyers, but prove helpful to self-represented litigant patrons as well.

A wealth of legal information is now available on the Internet for free. Both public and private academic law librarians can help public patrons identify and access the best legal resources by creating websites for public patrons on free and low-cost legal research,[67] as well as research

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[65] We surveyed librarians using law library and non-law library discussion lists. Respondents included law school (60), college or university (16), community college (1), and technical college (3) libraries. A summary of the survey results is available at https://www.surveymonkey.com/results/SM-8CL779L/ and also at http://selfhelpsupport.org/surveys.

[66] Seventeen survey respondents maintain special collections, which may be used more if they are visible and easily accessible without asking for assistance.

[67] See, e.g., *Free and Low Cost Legal Research Guide*, GEORGETOWN LAW LIBRARY, http://www.law.georgetown.edu/library/research/guides/freelowcost.cfm (last visited

guides on topics of interest to public patrons, such as family, consumer, employment, and criminal law, starting a small business or nonprofit, or copyrighting a work of art, to name a few.[68] These websites could also include information on how to access free or low-cost legal representation from state agencies, legal aid organizations, and pro bono programs and how to navigate the various courts and court forms in that jurisdiction.

Unfortunately, only 23 of the survey respondents maintain websites, and 26 reported that they provide online research guides geared toward public patrons. Academic law librarians must focus their limited time on their primary patrons (students and faculty), and many teach now more than ever. Nevertheless, if access to justice issues and serving the needs of the unrepresented were to become more integrated into law school curriculums, priorities could change. With software such as LibGuides now more available, it is becoming easier for academic law librarians to create and share materials for the Web. Additionally, academic law librarians can form partnerships to promote access to legal information. For example, Louisiana State University Law Library responded to the committee's survey that they are working with their bar association group to create LibGuides for public patrons and public librarians assisting the self-represented.[69]

Another way academic law libraries can use the Internet to promote public access to legal information is to digitize print and archival materials, such as state codes, state registers, and appellate court records and briefs, and make them available on their websites. In fact, 17 survey respondents indicated that their library digitizes primary legal materials for public access.

g. Legal Research Instruction

i. Workshops and Training for Librarians

Academic law librarians appreciate the difficulties non-law librarians face when assisting patrons with legal research. Academic law librarians are expert legal researchers and enjoy sharing their knowledge about legal research strategies and resources. One very effective way they can promote access to justice is to teach public and academic non-law librarians basic legal research skills and advise them on how to provide legal reference without giving legal advice.

Of the 89 libraries that responded to the committee's survey, 17 provide workshops or related training for other librarians and 12 advise other librarians on how to avoid the unauthorized practice of law. This takes time, commitment, and money, particularly if traveling is involved,

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04/28/2014); *Free and Low Cost Resources for Legal Research*, PACE LAW LIBRARY, http://libraryguides.law.pace.edu/free (last visited 04/28/2014); *Online Legal Research: Beyond LexisNexis & Westlaw*, UCLA SCH. OF LAW, http://libguides.law.ucla.edu/onlinelegalresearch (last visited 04/28/2014); and *Guide to Free Internet Legal Resources*, UNIV. OF S.C. SCH. OF LAW, http://guides.law.sc.edu/internetlegalresources (last visited 04/28/2014).

[68] See *The Colorado Law Project*, UNIV. OF DENVER, http://www.law.du.edu/index.php/the-colorado-law-project/topical-research-guides (last visited 04/28/2014).

[69] In fact, the University of South Carolina recently shared its Circuit Riders Outreach LibGuide template with Louisiana State University.

but is another area where technology can help. For example, the online book entitled *Locating the Law: A Handbook for Non-Law Librarians* created by the Public Access to Legal Information Committee of the Southern California Association of Law Libraries is now in its 5th edition.[70]

Tutorials and training materials can be posted online, and software is available for taped or live interactive lectures and presentations. For example, the University of South Carolina law librarians began their Circuit Riders Outreach Program as a traveling workshop series in 2007, but are now transitioning to an online guide (using LibGuides) with materials and videos for non-law librarians to use for professional development or to teach public patrons about legal research.[71] Academic law librarians can also teach legal reference courses and conduct continuing education seminars in person and online through their local library schools and library associations.

Another way academic law librarians can help public and academic non-law librarians to best serve the legal research needs of their patrons is to recommend core collections of primary and secondary legal materials for self-represented patrons.[72] Ten of the libraries surveyed provide collection development assistance to other librarians. The University of Florida law librarians even helped their local public library organize its materials when it became the county law library.

h. Access to Justice in the Law School Curriculum

Academic law librarians in law schools across the country teach first-year (1L) and advanced legal research courses and are always in search of interesting real-life research problems for their students. In "*Engaging First-Year Law Students Through Pro Bono Collaborations in Legal Writing,*" Professor Mary Nicol Bowman describes the Legal Writing Collaborative that the legal research and writing faculty at Seattle University School of Law (SU) created, in cooperation with its Access to Justice Institute and the local legal services community, to provide SU's 1L students with current legal research problems from lawyers in the legal services community.[73]

Deborah Hackerson calls on those who teach practical skills in law schools to ensure access to justice by preparing their students to "enter the legal profession with the level of competence needed to provide assistance to all potential clients."[74] Even without a formal program like SU's Legal Writing Collaborative, academic law librarians know the typical legal issues of their self-represented litigant patrons and can use those issues as examples and assignments in their 1L and

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[70] *Locating the Law, 5th edition*, S. CAL. ASS'N OF L. LIBR. http://www.aallnet.org/chapter/scall/locating.htm (last visited 04/28/2014).
[71] The Circuit Riders Outreach Program: Legal Research for Non-Law Librarians is located at http://www.law.sc.edu/library/circuit_riders/.
[72] *See*, the Core Collections section I.C. of this White Paper.
[73] Mary Nicol Bowman, *Engaging First-Year Law Students Through Pro Bono Collaborations in Legal Writing*, 62 J. LEGAL EDUC. 586 (2013).
[74]Deborah K. Hackerson, *Access to Justice Starts in the Library: The Importance of Competent Research Skills and Free/Low-Cost Research Resources*, 62 ME. L. REV. 473, 486 (2010).

advanced legal research classes. Academic law librarians can also teach their students to use free and low-cost resources for their legal research. Both help students to become competent legal researchers by preparing them to "represent all types of clients."[75]

Academic law librarians can also promote access to justice beyond graduation as well by providing continuing education training for practicing attorneys on the efficient and effective use of free and low-cost legal research resources to support their pro bono activities.

Just as academic law librarians agree that legal research should be a part of the law school curriculum beyond the first year[76] and have suggested innovative ways to teach it,[77] so should law schools agree that access to justice issues and public service be incorporated throughout the law school curriculum. In "*Beyond Externships and Clinics: Integrating Access to Justice Education into the Curriculum*,"[78] Professor Cynthia Adcock presents the research to support teaching law students throughout their three years of law school about access to justice issues and their professional responsibility to engage in pro bono service, so that they may learn not only how to *think* like lawyers, but how to *be* lawyers.[79]

Promoting access to justice in law schools typically involves traditional volunteer experiential learning opportunities for students through clinics, pro bono, and self-help programs. One example of a model volunteer law school pro bono program recognized by the National Center for Access to Justice as worthy of replication is the Pro Bono Collaborative at Roger Williams University, which places law students with law firms to provide legal assistance to local non-profits serving low-income clients.[80] Academic law libraries can certainly support such programs through library services, collection development, and research instruction (e.g., collaborating with clinics and pro bono programs for research and writing problems). Incubator programs that train law graduates to operate their own small firms are also beginning to appear on law school campuses. Some programs such as City University of New York (CUNY) School of Law's

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[75] *Id* at 474.

[76] Brooke J. Bowman, *Researching Across the Curriculum: The Road Must Continue Beyond the First Year*, 61 OKLA. L. REV. 503 (2008).

[77] Vicenç Feliú & Helen Frazer, *Embedded Librarians: Teaching Legal Research as a Lawyering Skill*, 61 J. LEGAL EDUC. 540 (2012); Genevieve Blake Tung, *Academic Libraries and the Crises in Legal Education*, 105 LAW LIBR. J. 275 (2013).

[78] Cynthia F. Adcock, *Beyond Externships and Clinics: Integrating Access to Justice Education into the Curriculum*, 62 J. LEGAL EDUC. 566 (2013).

[79] *Id* at 574 (citing studies by Deborah Rhode, Robert Granfield, and Deborah Schmedemann as well as William M. Sullivan, Anne Colby, Judith W. Wegner, Lloyd Bond & Lee S. Shulman, *Educating Lawyers: Preparation for the Profession of Law* 22 (Jossey-Bass 2007) and Roy Stuckey and Others, *Best Practices for Legal Education* 8-9 (Clinical Legal Education Assn. 2007).

[80] See *Pro Bono Collaborative*, ROGER WILLIAMS UNIV. SCH. OF LAW, http://law.rwu.edu/feinsteincenter/experiential-learning/pro-bono-elr/pbc (last visited 04/28/2014); NAT'L CTR. FOR ACCESS TO JUSTICE, MODEL PROJECTS & STRUCTURES TO STRENGTHEN LAW STUDENT PRO BONO TO INCREASE ACCESS TO JUSTICE, *available at* http://ncforaj.org/wp-content/uploads/2012/10/final-models-memo-lspb-2p.pdf.

Incubator for Justice, do so while encouraging their graduates to serve low-income clients.[81] Academic law libraries can support these incubator programs by not only providing access to library collections, print and online, but also by teaching program participants how to utilize low-cost and free legal research resources.[82]

Academic law librarians could also work with local public law librarians in training law students who could provide support for the various online and/or phone reference services provided by public law libraries. These programs may include local chat services or regional/statewide 24/7 or "Ask Now" services.

Of the 89 libraries that responded to the committee's survey, 19 support on-campus and six support off-campus clinics programs; 10 support on-campus pro bono programs and one supports an off-campus (community sponsored) pro bono program; three support on-campus and four support off-campus self-help programs; and three support on-campus incubator programs. Again, these numbers would surely increase if access to justice and pro bono service were more integrated into law school communities and curriculums.

In 2012, New York added a 50-hour pro bono service requirement for admission to the New York bar. The National Center for Access to Justice is advocating for other states to do the same and for the ABA to include 50 hours of pro bono service to its national accreditation standards for law schools.[83]

Pam Robinson, who started the first formal voluntary law school pro bono program,[84] described the University of South Carolina School of Law's approach in 1990 as sending "a message that volunteer work is worthwhile to society, will provide opportunities to expand skills, and will enhance personal growth," [85] and recommended building "a professional pro bono habit by demonstration, not by force."[86] However, after describing the "gap that grew between the law school curriculum and pro bono programs,"[87] the "resurrection of curriculum-based pro bono service" with the ABA's adoption of Standard 302(b)(2),[88] and recent studies of graduates of schools with voluntary and mandatory pro bono programs, Professor Adcock concludes that pro

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[81] *Incubator for Justice*, CUNY SCH. OF LAW, http://www.law.cuny.edu/clrn/incubator.html (last visited 04/28/2014).
[82] Tung, *supra* note 76, at 298-99; Sonal P. Desai, *Law School Firms and Incubators and the Role of the Academic Law Library*, 33 LEGAL REFERENCE SERV. Q. 68 (2014) (Describes 11 law-school-supported incubator programs and suggests opportunities for law library involvement in such programs).
[83] *Law Student Pro Bono*, NAT'L CTR. FOR ACCESS TO JUSTICE, http://ncforaj.org/law-student-pro-bono/ (last visited 04/28/2014).
[84] Adcock, *supra* note 77, at 570.
[85] Pamela DeFanti Robinson, *Insurmountable Opportunities or Innovative Choices: The Pro Bono Experience at the University of South Carolina School of Law*, 42 S.C. L. REV. 959, 970 (1991).
[86] *Id* at 971.
[87] Adcock, *supra* note 77, at 566.
[88] Id at 572.

bono service alone cannot produce graduates who engage in pro bono service—that "[p]ro bono service must be connected to or part of the curriculum"[89] and that "[l]aw schools must teach the value of pro bono services and its complexities as they teach other skills and values."[90]

Professor Rhode, writing for the Consortium on Access to Justice in "Access to Justice: An Agenda for Legal Education and Research,"[91] proposes a plan for law schools to integrate access to justice into the "traditional core curriculum,"[92] which includes offering at least one course that focuses on access to justice, covering topics "relevant to the justice gap" in first-year and upper level courses,[93] creating an online clearinghouse of teaching materials, and, encouraging editors to include relevant topics in their casebooks.[94] Rhode also recommends that law schools "promote understanding and commitment on issues involving access to justice"[95] through "lectures, panels, workshops, conferences, mentoring programs, and student initiatives."[96]

As encouragement for law schools to include more pro bono activities in their curriculums, Rhode suggests that the ABA require more detail on "their coverage of social justice issues and participation rates in pro bono activities" for accreditation purposes and that bar examiners include questions about the justice gap and pro bono obligations on bar exams.[97]

A key mission of academic law libraries is to support their law school curriculums through library services, collection development, and research instruction. If access to justice becomes more integrated into law school curriculums, law library collections will respond with materials for study and research, as will law librarians who assist students with research strategy and resources. Academic law librarians can also assist with special projects and events related to student research and scholarship.

i. Access to Justice Scholarship in Law Schools

In addition to her recommendations for integrating access to justice issues throughout the law school curriculum, Professor Rhode outlines strategies for encouraging academics to focus their research and scholarship on the justice gap so that they might "create constituencies that are more informed and motivated to address its challenges." [98] Law school rankings are affected by the scholarship of their law faculty, and scholarship is a large portion of law faculty tenure criteria. A key mission of law school libraries is to support faculty research through library services and collection development. Law librarians also provide direct research assistance to

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[89] *Id* at 574.
[90] *Id*.
[91] Deborah L. Rhode, *Access to Justice: An Agenda for Legal Education and Research*, 62 J. LEGAL EDUC. 531 (2013).
[92] *Id* at 545.
[93] *Id* at 546.
[94] *Id*.
[95] *Id* at 547.
[96] *Id*.
[97] Rhode, *supra* note 90, at 549.
[98] *Id* at 532.

individual law faculty and their research assistants for specific research projects and can help develop best practices and create accessible databases of access to justice research as well as assist with conferences and symposia promoting such scholarship.[99]

Furthermore, academic law librarians can engage in their own research and scholarship about law libraries and access to justice;[100] can share their efforts to promote public access to legal information in their law libraries, law schools, and communities;[101] and can gather research and create bibliographies for others to use in their research.[102] There are many different ranks and statuses of academic law librarians but, regardless of the need to engage in scholarship for tenure or promotion, law librarians write because they are interested or even passionate about a subject. Given their ethical duty to "promote open and effective access to legal and related information,"[103] what better topic to choose? Grants could serve as incentives for such scholarship; however, none of the 89 respondents to the committee's survey had sought or received funding for scholarship about access to justice. Perhaps AALL could include the ways in which academic law libraries work to ensure access to justice in its research agenda.[104]

j. Service

Because of the realities of their jobs, tenure, and promotion requirements, academic law librarians often focus less on scholarship and more on service to their law schools, institutions, and communities. Nonetheless, AALL's Ethical Principles encourage access to justice through service without regard to rank or status.[105]

In addition to promoting access to justice programs through library services, collection development, and legal research instruction, academic law librarians can work with their legal services groups, bar associations, courts, prison systems, local and state government agencies, community groups, other librarians, library associations, and library schools to promote access to justice through access to legal information and low-cost and free legal services.

Through such partnerships, academic law librarians can add their energy and expertise to that of non-academic law librarians (state, court, county, and private), non-law librarians (public and academic), and government and private entities to better serve the legal needs of the public. Working together, they can seek funding, develop and implement access to justice programs, and

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[99] *Id* at 545.
[100] Hackerson, *supra* note 73.
[101] Marcia L. Dority Baker, *Leading Landlords to the Law Library*, AALL SPECTRUM, February 2008, at 14; James Kelly, *Going Public: How Law Libraries of all Types and Sizes Serve the General Public*, AALL SPECTRUM, March 2006, at 12; Michael Whiteman, *Fortifying the Front Lines: Providing Legal Research Training to Public Librarians*, AALL SPECTRUM, March 2011, at 18.
[102] *Legal Information Services to the Public SIS [AALL Special Interest Section Recommended Reading Lists]*, 100 LAW LIBR. J. 728 (2008).
[103] *See* AMERICAN ASSOCIATION OF LAW LIBRARIES, *supra* note 61.
[104] *AALL Research Agenda 2013-2016*, AM. ASS'N OF L. LIBR. http://www.aallnet.org/main-menu/Member-Resources/grants/research-grants/research-agenda.html (last visited 04/28/2014).
[105] *See* AMERICAN ASSOCIATION OF LAW LIBRARIES, *supra* note 61.

share their collaborations with their colleagues in the library and legal communities by writing together for legal and non-legal publications. AALL could facilitate this sharing of experiences and expertise by maintaining a clearinghouse of access to justice programs and scholarship that is accessible to all.

Finally, academic law librarians can promote access to justice through advocacy. Academic law librarians should lobby to become members of Access to Justice Commissions in all states,[106] and should support AALL's advocacy efforts to promote access to legal information, including passage of the *Uniform Electronic Legal Material Act* in all states to ensure meaningful public access to state legal materials through authentication and preservation.[107]

III. CONCLUSION

This White Paper offers general themes and specific recommendations for all types of law libraries interested in access to justice. Law librarians from the various types of law libraries will hopefully glean useful ideas from the experiences described in this report. As law libraries expand efforts to claim their unique but significant roles in this endeavor, several key areas should be highlighted. In one sense, these may qualify as best practices in the access to justice movement. They also represent obvious law library principles with an evolving focus on access to justice.

For example, partnerships are essential for law libraries to reach out to legal aid agencies and the courts; law librarians gain from these more direct providers, but they also promote their own unique resources. Likewise, partnerships with public libraries offer the opportunity to assist in collection building and legal reference and thus enhance access at the public library level. Partnership opportunities with pro bono attorney volunteers and services also offer a vital link to law library services and programs. Online resources and technology are mainstream law library components. Advocacy, development, and support for these resources help distinguish the law library's more unique contribution to access to justice goals. Finally, promoting core collections for self-represented litigants in a variety of law library and non-law library settings provides the bibliographic tools to equip all types of libraries with basic legal information resources.

Private firm; state, court, and county; and academic law librarians can offer specific strengths to the access to justice community. These distinguished law library efforts not only provide models of innovation for others, but they also help expand access to justice by supporting pro bono programs and by direct assistance to self-represented litigants.

Firm librarians can uniquely impact access to justice by collaborating to marshal their knowledge management skills, work product perspectives, and technology expertise. Law firm librarians support the practicing bar in their ethical duties as practitioners to engage in pro bono service. By reaching out to other firm librarians, a collaborative approach to developing resources for the broader pro bono community helps expand available legal resources for pro bono volunteers. The ability to utilize technologies for web collaboration enhances access by making resources more

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[106] *See*, the Access to Justice Involvement section I.F of this White Paper.
[107] *Access to Legal Information*, AM. ASS'N OF L. LIBR. http://www.aallnet.org/main-menu/Advocacy/access (last visited 04/28/2014).

widely available to volunteer attorneys. Technology promises to offer much in the future, and law firm librarians can effectively bring technical innovations into mainstream pro bono programs and services.

State, court, and county law librarians offer space and resources where self-represented litigants will hopefully find a self-help friendly courthouse. Basic, intermediate, and advanced models foster development for all state, court, and county law libraries. No matter how geographically disparate, these public law libraries can push boundaries and deploy programs that connect basic resources and services with self-represented litigants. For those law libraries with established access to justice programs, there is opportunity to partner particularly with public librarians in their roles as gatekeepers who refer self-represented litigants to viable public law library resources. Some of these public law library resources may include lawyer in the law library programs with volunteer attorneys or even attorneys employed by the law library.

Academic law librarians work in institutions that foster student values regarding ethics and pro bono service. As a core value, academic law librarians can help foster pro bono service by teaching students how to utilize low-cost and free legal research resources. Academic librarians can also promote access to standard self-represented collections in law and non-law academic libraries. These core collections can be modified for recommended collections in public libraries as well, and, along with training, they allow for wider dissemination of core collections for self-represented litigants. Academic law librarians often provide direct assistance to the self-represented by striving to help when their primary commitment to faculty and students are fulfilled. Some academic law libraries even support centralized websites with free legal resources helpful to self-represented litigants.

As all types of law librarians work together to achieve access to justice goals, they can share useful information and collectively advocate for the ongoing development of services and programs. Law librarians are an important part of the access to justice community. Not only do they offer long-standing traditional reference services, but they also develop programs that foster innovation. By pushing their own boundaries, law librarians can gain meaningful perspectives on access to justice and can boldly assert their own unique contributions.

IV. SIDEBAR—Judy Meadows on Access to Justice

Judy Meadows retired as Montana State Law Librarian in 2013. Her career has included positions in a law firm, with a legal publisher, and in state and county law libraries. She has also been a tireless advocate for access to justice and for partnerships between law librarians in any setting and organizations and individuals working toward equal justice goals. Judy is a past president of AALL, a winner of the Marian Gould Gallagher Award, and a 2013 inductee to the AALL Hall of Fame.

Q. How did you get started in law librarianship, particularly court librarianship?
A. I first worked for a law firm, then for a few years I directed the library for a legal publishing company. Then I was hired to direct a small county law library. It was there that I came to realize the great unmet needs of those who cannot afford an attorney. Accepting the challenges of being the State Law Librarian of Montana satisfied my desire to help a larger population at the same

time that moving to the Rocky Mountain West answered the desire of my family to relocate out of the Washington, D.C. area.

Q. Did you come to the court library with an interest in access to justice issues or did you develop an interest over time?
A. It really developed over time. Montana doesn't have county law libraries. When I started my 29-year stint there also was no Internet. The more outreach and training I did with both public libraries and local clerks of court, the busier we became. It was heartbreaking to hear how desperate people were.

Q. What prompted your interest in access to justice issues? Was it a single event? Did it happen over time?
A. My staff was diligent about providing legal information, and not legal advice. But we lacked basic, Montana-specific legal forms and scripts for explaining processes. I saw what was happening in other states, and was sure the legal entities in Montana could work together to create good tools and programs.

Q. How did you become involved in the Montana Access to Justice Commission? Was the fact that you do not hold a JD a hindrance?
A. The Montana Supreme Court first created its Commission on Self-Represented Litigants. I was a founding member, and was appointed Chair a few years later. At about the same time, the Court created the Equal Justice Taskforce, with designated members from various groups, such as the State Bar of Montana, the University of Montana School of Law, Montana Legal Services, and my Commission. It was this Task Force that eventually, last year, became the new Commission.

I never felt that not completing law school hindered my work or acceptance in the legal community. I had more than enough of a legal education to know and understand the milieu in which I worked.

Q. What kind of work did you do with the Commission?
A. We were never funded or provided any staff, unlike Commissions in other states. But we did have committed and caring members who gave a lot of their time and energy. We worked with Montana Legal Services to prioritize, create, and approve legal forms. We instituted a continuous and statewide training schedule for all clerks of court and their staffs, encouraging them to be more forthcoming about providing fact-based answers to litigants. We did outreach and training for public reference librarians, showing them credible and authoritative web sites to use in their work. We testified and lobbied the state legislature to fund a court-help program. This created self-help programs around the state. We also worked hard to convince our Supreme Court to adopt rules permitting limited scope representation. Our members participated in our first statewide legal needs study. Last year this was followed up by a gaps and barriers study, which I helped with.

Q. What do you see as the biggest obstacles to providing access to justice in the United States and in states like Montana?

A. I could say time and money, but that is too facile an answer! I think that we have turned a significant corner in our national efforts. More and more attorneys are recognizing that only a small percentage of the population can afford their hourly fees and hefty retainers. They are joining us by helping to come up with programmatic solutions. Pro bono work increases every year, and limited scope representation becomes more and more accepted.

Q. What can librarians do to improve the cause of access to justice where they are?
A. By being aware of programs, other entities, and opportunities for involvement. I was always the person who said that if a need existed, I personally would find a way to fulfill it. Law librarians can join their local and state bar associations. If they can't become full members, they can push for associate membership. They can volunteer for court-based committee work. They can get to know their legal aid attorneys. They need to know the people at their local court who interact with the public. You have to be aware to know how and where you can assist.

Q. Do you have advice for librarians in firm or corporate settings who don't regularly interact with the public but would like to help with access to justice issues?
A. All attorneys are required to provide pro bono work, but most large law firm attorneys shy away from family law, where the need is greatest. Librarians can help them identify other kinds of pro bono opportunities, such as volunteering a couple of hours each month at their county law library. Or they can draft or edit legal forms for legal aid programs. Firm librarians can also volunteer to help staff coordinate a "lawyer in the library" program at their local public library. Our colleagues at law schools and firms can work together to institute a "celebrate the law" month or evening at the public library, with local judges and attorneys speaking on specific legal topics or explaining how their practice or courtroom functions. Law librarians should do more outreach to public libraries, from advising what self-help materials they should have in their collections to training reference staff.

Q. Do you have any access to justice heroes?
A. Richard Zorza is the first person who comes to mind. He has championed the Equal Justice movement and was quick to recognize that law librarians were natural allies. I have some champions in Montana, especially some judges, who certainly answered my pleas for help and support.

Q. Anything else?
A. That old adage, "if you''re not part of the solution, then you're part of the problem" is so relevant to this topic. There are few things as important in a democracy as the right to redress before a court of law. But if one does not know how to file a complaint or a petition, or doesn't know where to find the right form or how to fill it out, and cannot afford an attorney, then we might as well have locked the doors to the courthouse and hidden the key.

V. APPENDICIES

Appendix A

Core Collection Standards

These materials are recommended as the core of a strong appellate court library or state law library collection. Electronic resources may be substituted for print materials, provided the historical nature of the state's primary law is retained. The list may be used as a checklist for collection evaluation purposes.

When selecting materials from other states, emphasis should be given to those from surrounding states. Maintaining cooperative resource sharing agreements with libraries and other state agencies within a reasonable geographic area or providing electronic access to selected materials will satisfy the collection requirements if staff is available to assist users in effectively accessing any electronic or off-site resources.

A. Home State Resources

1. Legislative

All editions of the state constitution;
All constitutional convention proceedings and any related materials on the history and adoption of the state's constitutions;
Current official statutes and all prior editions;
Annotated statutes, if not the same as the official version, and all prior editions;
Current and historical session laws;
Complete set of House and Senate journals;
All legislative manuals; and
Municipal and county codes, plus all superseded editions, if available.

2. Administrative

Attorney General opinions;
State administrative code, plus all superseded versions;
Complete set of administrative registers, if available; and
State agency decisions when available.

3. Judicial

All published and unpublished (if available) appellate court decisions;
Appellate court briefs;
Current court rules and all superseded editions;
Annual reports of the state court administrator; and
Other reports, directories and guides of a relevant judicial nature.

4. Finding aids and other secondary resources

At least one state case law digest;
State legal encyclopedia, if available;
State citator;

The State's Bluebook, if available;
Significant treatises, form books, and practice books plus all superseded editions;
State and local bar associations' publications; and
Legal periodicals and newspapers.

5. State Depository Programs

Many states have programs which provide libraries within their respective states access to many of the state's primary legal and secondary materials in either tangible or electronic format.

B. Federal Resources

1. Legislative

Statutes at Large;
Current *United States Code* and all previous editions, plus at least one commercially published annotated version; and
Materials for researching federal legislative history, such as *United States Code Congressional and Administrative News (USCCAN).*

2. Administrative

Federal Register;
Current *Code of Federal Regulations* and all superseded editions;
Opinions of the U.S. Attorney General;
Selected federal agency decisions; and
United States Government Manual.

3. Judicial

Official *United States Reports* and at least one commercially published unofficial reporter of decisions of the United States Supreme Court;
All published decisions of the U.S. District Courts, U.S. Courts of Appeal, and U.S. Bankruptcy Courts;
At least one commercially published reporter of federal rules decisions; and
At least one complete set of federal court rules for federal circuit and district courts of the home state jurisdiction.

4. Finding aids and other secondary resources

At least one commercially published digest of U.S. Supreme Court opinions;
Federal Practice Digest, all editions; and
Citators for reports and codes.

5. Depository status

The Federal Depository Library System provides access to many of the primary federal legal materials that should be collected, either tangible copies or by providing electronic access. The highest appellate court library in each state is eligible for depository membership, as are state libraries.

Most state libraries also operate cooperative distribution systems that appellate court/state law libraries might be able to join.

C. National Publications

Access to the legislative, administrative, and judicial information from other states, particularly those sharing the same legal history as the home state;
Selected finding aids and other secondary resources, such as digests, legal encyclopedias, American Law Reports, citators, Restatements, and law reviews;
Basic collection of current legal texts and treatises;
Legal reference tools, including dictionaries, thesauri, compilations of legal abbreviations and legal quotations, and a law directory; and
General reference tools, including an unabridged dictionary, atlases, almanacs, and the *Statistical Abstract of the United States*
A comparable standard for core collections for county public law libraries is also available at http://www.aallnet.org/sections/sccll/docs/countystandards2009.pdf.
Centralized websites are another tool in the core collection repository. One such website is *Access to Justice NY State Courts* (2) a program of the New York State Unified Court System at http://www.nycourts.gov/ip/nya2j/. It provides online resources for self represented access to justice including DIY forms, publications, court facts and procedure as well as links to court-sponsored volunteer attorney program information and online application links.

Appendix B

Law Librarian Volunteerism

For the Volunteer Law Librarian Coalition (VLC) wiki project, the following law librarians dedicated countless hours to its creation and implementation:

VLC Co-founders
Trudi Busch, Director of Information Resources
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Minneapolis, MN

Retirement Opportunities for Law Librarians

As law librarians retire, a window of opportunity opens to make a difference in the lives of those in need of access to legal justice.

Past professional experience, whether it was in the state, court, or county law library, academic law library, or in a private law firm library, now may continue to be channeled to serve those in need.

Technology enables librarians to work from home by updating or developing content on centralized research portals like the VLC wiki by providing access to information to volunteer attorneys or assisting attorneys locate the requisite information to answer the question at hand. Such provision of information support to volunteer attorneys assists them in potentially responding to a greater number of pro bono clients.

Librarians may also volunteer in person at legal access clinics.

Librarian's experience and knowledge of legal topics may be used to refer pro bono clients to the attorney best able to meet their need.

VI. ACKNOWLEDGMENTS

Committee Members:

Sara Galligan, Chair, Ramsey County Law Library (St. Paul)
Rita Dermody, Public Law Library of King County (Seattle)
Joan Hoolihan, Appellate Division Law Library (Rochester, NY)
Trudi Busch, Oppenheimer Wolff & Donnelly LLP (Minneapolis)
Sarah Mauldin, Smith, Gambrell & Russell, LLP (Atlanta)

Terrye Conroy, University of South Carolina Coleman Karesh Law Library
Margaret (Meg) Butler, Georgia State University College of Law Library

Ex-Officio Members:

Larry Meyer, Chair, State Court and County Law Libraries Special Interest Section, Law Library for San Bernardino County

Janine Liebert, Chair, Legal Information Services to the Public Special Interest Section, LA Law Library

Committee Liaisons:

Steven P. Anderson, Executive Board
Emily Feltren, AALL Director of Government Relations

AALL President Steve Anderson's quest to explore access to justice initiatives among all types of law libraries resulted in this one year Special Committee. It has been a privilege beyond expectation to serve as the committee chair this past year. Steve's inspiration and good sense to settle us together to address the topic collectively was both timely and rewarding. The informative, brisk discussions never lagged over the nine months we met for one-hour monthly conference calls. Topics, surveys, individual insights, and experiences finally jelled into an outline, and the writing began in earnest. Trudi, Terrye, and Rita led the efforts in the firm, academic, and state, court, and county law library sections—with Joan's skillful rendering of collection standards, and with important survey and data gathering completed by Meg and Sarah. Rita's adroit management of the editing and formatting is most appreciated. I am also grateful to Larry, Janine, and Emily for their astute suggestions and willing contributions. This productive group also had an AALL program proposal accepted to further describe the findings of this report during the San Antonio Annual Meeting.

I also want to acknowledge AALL Headquarters staff for their ongoing assistance and support for the committee.

Last but not least, I want to acknowledge the larger institutions, governing boards, and upper levels of management to whom all of us are accountable. Their support for the principles of access to justice is implicated by the generous information and vitality of ideas expressed by all these committee members.

Sara Galligan, Chair, Access to Justice Special Committee