**Louisiana Access to Justice Commission**

**Self-Represented Litigant Service Provider Summit**

**November 2, 2018 – Natchitoches, LA**

**10:30-10:45am: Registration & Introductions**

**10:45-11:15: Courts as a Public Service**

**Description: *This session will explain the responsibilities of courts in ensuring meaningful access to the public, regardless of litigants’ financial circumstances. Best practices include proactively working with statewide partners to establish self-help services and resources, and educating staff about statewide and local referral options. Courts are encouraged to utilize and promote standardized and template materials are available from the ATJ Commission, Supreme Court, and state legislature.***

**Speakers:**

Hon. Lisa Woodruff-White (East Baton Rouge Parish)

President of the Louisiana District Judges Association

Hon. Harry Randow (Rapides)

Chair of the Louisiana Access to Justice Commission Self-Represented Litigation Committee

**Notes**: Courts are a public service that should be accessible to all. Courts have an obligation to ensure meaningful access to adjudication, regardless of financial circumstance.

* Especially for people with civil legal needs that cannot afford representation, cases are likely to have a big impact on core needs including family relationships, housing, health care, financial stability, and personal safety.
* According to an LSBA “Unmet Legal Needs in Louisiana” study[[1]](#footnote-1):
  + the four most prevalent areas of need include family law, disaster relief, employment, and consumer and financial;
  + over half of these people did not know how to access legal aid or information online;
  + without assistance, nearly 20% of people “did nothing” to address their legal issue.
* Though court staff and judges are restricted from providing legal advice, Canon 3 of the Judicial Code of Conduct encourages judges and court staff to refer SRLs to “available resources.”
* The goal of today’s event is to help courts proactively generate these resources, identify standardized forms and template materials from the ATJ Commission, LDJA and Supreme Court, and provide information on statewide services and referral network.

**11:15-noon: Self-Help Center Program Models & Best Practices**

**Description: *This session will provide template materials available from Access to Justice Commission partners, and best practices for the development of court-approved forms and self-help resources. Also highlighted will be a variety of service models that can be developed at minimal cost- including those reliant on pro bono attorneys, and others that are completely online.***

**Speakers:**

Hon. Desiree Dyess, 10th Judicial District Court

Mark Judson, Southwest Law Center, Lake Charles.

Kathleen Legendre, The Pro Bono Project (New Orleans)

Self-Help Desk Administrator in Orleans and Jefferson Parishes

**Notes:** Self-help services in Louisiana are not “one size fits all.” With the help of template resources, local partnerships and LSBA staff, courts can provide expanded services to the public without significant funding. Typically, self-help services provide legal information (not advice), a limited set of forms, and coordinated referrals to local attorneys, legal aid programs, and statewide services.

Over half of the state’s 42 judicial districts now offer some type of court-approved self-help service. Some jurisdictions provide “brick and mortar” [in-person assistance](http://www.familycourt.org/main/inside.php?page=self-help_resources) utilizing pro bono attorneys. Others have approved [customized self-help websites](http://www.4thjdcselfhelp.com) that are created and administered by the LSBA at minimal cost, and there are also [hybrid versions](https://www.lafayettebar.org/law_library). Several jurisdictions simply provide SRL forms at the courthouse or on the [court website](http://www.21stjdc.org/Legal-Information-and-Forms). Support for these programs among the private bar has expanded in recent years, in part because opposing a self-represented litigant is a common frustration for attorneys, and also due to the rise in notaries and online companies selling forms that may not be valid and/or are far greater in scope.

SRL service partners identified the following variables as key to success in launching services:

1. **Judicial Leadership and Court Engagement**: Judges and court staff do not need to provide the service directly, but court engagement is critical. This includes judicial leadership in galvanizing support among local stakeholders, and also ensuring communication with each section of the court, Clerk of Courts’ offices, and other court services.
2. **Limited Scope of Service**: Self-help centers provide legal information, not legal advice. Services are not designed to address every legal issue, but rather provide a starting point for finding information about the law and procedure, identifying available options, and/or receiving a referral to local attorneys and legal aid. Any forms provided should be limited in scope and as simplified as the law allows.
3. **Coordinated Referrals**: An important function of each self-help service, whether in- person or online, is to refer people to available services and resources. It is important to include information about hiring an attorney, legal aid, and statewide services.

*“Modest Means” and Limited Scope Representation*

For people who do not financially qualify for legal aid services, but still cannot afford market rate representation, “modest means” attorneys may be a good option. The Southwest Law Center in Lake Charles works closely with the 14th JDC and legal aid partners to provide coordinated referrals from the local self-help desk to SWLC’s reduced fee services. The LSBA also now provides a statewide directory of “modest means” attorneys who will provide reduced fee, limited scope, or other “low bono” services.

For additional information, template materials, and/or assistance creating or expanding self-represented litigant services, contact Monte.Mollere@lsba.org.

Handouts (Attached):

1. Judicial Leadership & Access to Justice (10 step template)
2. “SRL Bookmarks” - *Courts are encouraged to cut and distribute these to the public. Bookmarks can be customized, and all listed services are free and available statewide.*
3. Find Legal Help Portal Flyer (to post in courthouse)
4. Bench Card: Self-Represented Litigants (for judges)
5. “The Benefits and Costs of Programs to Assist Self-Represented Litigants” report from California Administrative Office of the Courts. – *This report is dated and contains a limited sample size, but it provides helpful methodology for quantifying the benefits of SRL services.*
6. Use of Interpreters Reference Card
7. Template Resources List

**12:15-12:30: Legal Aid Partnerships and Pro Bono Partnerships and Recruitment**

**Description:** *Legal Aid and Pro Bono Organizations are valuable partners for courts in meeting the public’s legal needs. This session will highlight various partnership opportunities with local legal aid organizations, best practices for recruitment, and new CLE incentives.*

**Speakers:**

Lewis Gladney, Acadiana Legal Services

Kathleen Legendre, The Pro Bono Project (New Orleans)

**Notes**: Louisiana’s two largest civil legal aid providers are Southeast Louisiana Legal Services (SLLS) and Acadiana Legal Services Corporation (ALSC). Combined, their service areas cover the entire state, and provide critical services for important issues such as health care, family law, housing, disability access, veterans’ benefits, domestic violence, and more. These programs partner with local bar associations and pro bono organizations across the state. Nearly 42% of Louisiana households cannot afford basic expenses– housing, child care, food, transportation, health care, and taxes, let alone legal fees.[[2]](#footnote-2) Plus, 71% of low-income households experience at least one civil legal problem per year.[[3]](#footnote-3) The demand for legal aid services, plus net reductions in federal funding in recent years (and no state appropriation) for these programs, means that not everyone who qualifies can receive direct representation. Self-help services mitigate this by assisting people with simpler issues, and providing a tool for court staff to offer assistance in accordance with rules and guidelines when representation is not available.

Legal aid programs can be ideal partners for courts when initiating self-help services. In some jurisdictions, legal aid programs actually operate the self-help service, and in others areas, the self-help services are supported by legal aid and/or provide coordinated referrals. SLLS and ALSC can also help with form development, educational materials and events (i.e. “community clincs”), and technology initiatives. Programs have previously received funding in the form of “Technology and Innovation Grants” to support self-help development, and also may be ideal partners to receive Cy Pres money (see funding section). University language programs may be able to assist with translator services in accordance with relevant court rules (see “Use of Interpreters Reference Card.”)

Pro Bono attorneys play an important role in providing services to self-represented litigants. Larger jurisdictions partner with firms to provide services, and all areas can offer the benefits and incentives below.

**Self-Help Center Pro Bono Service Benefits and Incentives**

* Limited scope of service and subject matter
  + No “take home responsibilities”
  + No need to learn everything about family law, only venue and prima facia elements for issues addressed (and where to refer people beyond that scope)
  + Court-approved forms alleviate concerns about ghost-writing
  + Frequent interaction with the public
* Professional Incentives
  + Curatorships
  + Recognition from local/state bar associations
  + Liability coverage available for certain opportunities
  + CLE (see below)

**CLE**

Under Regulation 3.21, attorneys who provide pro bono legal representation can earn 1 hour of CLE credit for every 5 hours of pro bono representation, up to a maximum of 3 hours of CLE credit per year. Credit can be claimed for “providing uncompensated pro bono legal representation to an indigent or near-indigent client or clients, or through other activities approved by the Committee.” To be eligible for credit, “the matter must have been assigned by a court, a bar association, or a legal services or pro bono organization…” Courts in areas without a pro bono organization are encouraged to certify pro bono attorneys’ work in their jurisdiction.

In May 2017, the rule was revised for a second time to include: "...or through other activities approved by the Committee." This is intended to capture pro bono services such as legal fairs and disaster clinics that do not involve direct representation. This also includes self-help programs, “Ask-A-Lawyer” events, Wills for Heroes, LA.FreeLegalAnswers.org, Lawyers in Libraries, etc… (so long as it is approved by the Committee).

**Handouts (Attached):**

1. **“Pro Bono Attorneys are Vital to Access to Justice” Flyer**
2. **“*In Forma Pauperis* Basics” Brochure**

**12:30-1:30 – Lunch and Breakout Groups (Lunch Provided)**

**Description:***Most of the challenges faced by Louisiana courts are not unique. In breakout groups, attendees will meet with similar courts or organizations to identify frequently asked questions and common issues, and brainstorm resources that the Access to Justice Commission may be able to provide.*

**1:30-1:45 – Resources from the Louisiana District Judges Association**

**Description:** The Louisiana District Judges Association has many resources available to courts including forms, bench cards, staff training videos and more.

**Speaker:**

Jennifer Eagan, Supreme Court of Louisiana

1. **Bench Card: Self-Represented Litigants (for judges)**

**Notes:** The Louisiana District Judges Association Self-Represented Litigation Committee, created by Judge Lisa Woodruff-White and now chaired by Judge Patricia Koch (Rapides), provides city and district court judges with a wide range of resources including template forms, bench cards, videos for self-represented litigants, and more. The Committee also created a short training video for all court staff who interact with the public, that includes tips on providing helpful information without advice, and how to connect people with available services, regardless of parish. For access to the LDJA website on behalf of a city or district court judge, email Jennifer Eagan at JEagan@lasc.org.

**Libraries and Access to Justice 1:45-2pm**

**Description:** *Public libraries in every parish in the state provide internet access and assistance from library staff to visitors. This is a valuable tool for meeting the public’s legal needs. Plus, the Law Library of Louisiana provides statewide training for public library staff through the LEAP program, the LSBA coordinates “Lawyers in Libraries,” and the Louisiana Civil Justice Center conducts a “Justice Tour” providing legal assistance in public libraries.*

**Speakers:**

Miriam Childs & Sara Pic, Law Library of Louisiana

**Notes:** Libraries play an important role in meeting the public’s legal needs, especially in areas without a physical legal aid office. In partnership with the LSBA Legal Education & Assistance Program (LEAP), the Law Library of Louisiana provides regional training sessions for public library staff on how to respond (but not answer) legal inquiries, and supplemental research support via the reference desk either in person, on the phone, or online. The Law Library is also part of the statewide lending system.

Many legal aid organizations host events at public libraries, including the LSBA “Lawyers in Libraries” program. Libraries in every parish provide internet and printing capabilities to the public, and courts are encouraged to reach out to their local branch to provide resources, or simply information to disseminate to the public about available resources.

**1:15-1:30pm: Data Collection and Funding Opportunities**

*Resources are limited, and our state is experiencing a budget crisis, but funding sources do still exist. This session will explain funding opportunities available from the Louisiana Bar Foundation and other sources, and also best practices for recording data to aid in this effort.*

**Notes:** Data collection is important when seeking or reporting to funders. Most “live” services combine an intake waiver (requiring the visitor’s signature) with a data collection form. The waiver requires SRLs to acknowledge that no attorney/client relationship exists. Programs are suggested to capture, at a minimum, information on the services being sought, and financial information about the visitor (including household income and employment status). This will help justify future funding and also confirm that people utilizing the service are truly “in need.” Contact Monte Mollere at MMollere@lsba.org for a template.

Though the state is experiencing a budget crisis, funding sources are out there. This includes:

**Louisiana Bar Foundation** ([www.RaisingtheBar.org](http://www.raisingthebar.org/))

The Foundation coordinates “Community Partnership Panels,” which provide regional awards for legal aid initiatives. The Foundation also has a dedicated grant for SRL programming. For more information, contact Renee LeBoeuf at Renee@raisingthebar.org.

**Cy Pres**

This typically refers to funds that are controlled by a judge when complete dispersal following a class action is not possible. Use of the funds is dictated by restrictive criteria, and often 501c3 legal aid programs are the perfect conduits to receive funds for providing court-based services.

**Community Organizations & Legislative Appropriation**

Some programs have successfully obtained funding from non-legal community organizations (i.e. United Way). The Commission has data and resources available to support grant applications, and also to seek local legislative appropriations.

**Handouts:**

1. **Louisiana Bar Foundation SRL Grant Overview**

**1:30-1:45pm: Expungement: Resources and Partnership Opportunities**

**Description*:*** *Changes in state law and the creation of standardized forms have made expungement a frequently asked about issue of courts and legal aid partners. The Justice and Accountability Center will explain how courts can best direct self-represented litigants who ask about this, including potential clinic partnership opportunities.*

**Notes:** Expungement is a relatively common legal issue in Louisiana. Recent changes in law and the promulgation of forms have resulted in an increase of inquiries for services. Courts are encouraged to direct the public to the “Justice and Accountability Center of Louisiana” (JAC). “The Justice & Accountability Center of Louisiana has provided expungement legal services, education and advocacy for Louisiana residents since 2011. Our goal is to provide direct and technical assistance to individuals and organizations that need our help.”

This organization can help people determine if they are eligible for an expungement, and if so, the steps necessary to pursue it. JAC has also worked with local DAs, Public Defenders, legal aid programs, and other partners on “expungement clinics.” For example: https://www.freshstartcalcasieu.com/

Here is a link to JAC’s how-to guides in digital format: <https://www.jaclouisiana.org/expungements>

Here is a link to scheduling a video chat on expungements:

<https://www.jaclouisiana.org/schedule-appt>

**1:45-2pm: Break**

**2:00-2:30pm: Statewide Services**

**Description:** *An increasing number of people turn to online companies and notaries because they are unaware of the services and resources available to them. This portion of the Summit will cover free and reliable services that courts and Access to Justice Partners can refer the public to regardless of location- including the LSBA “Find Legal Help Portal,” the Louisiana Civil Justice Center hotline, La.FreeLegalAnswers.org, Louisiana “LawHelp,” and more.*

**Speaker:**

Rachael Mills, LSBA Projects Counsel

**Notes**: All services listed below are free (though financial eligibility requirements may apply) and available statewide. Courts can refer the public to all of these services simultaneously via the “SRL Bookmark” handout and “Legal Assistance Resource Guide” provided by the Louisiana District Judges Association.

* The [**LSBA “Find Legal Help Portal**](http://www.lsba.org/goto/FindLegaLHelp)**”** connects the public with the full spectrum of legal services in the state, including hiring an attorney, legal aid, forms and self-help services, and online information. For more information or to suggest additional resources, contact MMollere@lsba.org.
* [**La.FreeLegalAnswers.**org](file:///C:\Users\michaels\Desktop\la.freelegalanswers.org) is an online pro bono program that allows self-represented litigants to ask questions online about civil legal issues, which are then answered by volunteers remotely through the websites. Financial eligibility requirements apply, and liability coverage is provided for volunteers. For outreach materials or more information, email [Rachael.Mills@lsba.org](mailto:Rachael.Mills@lsba.org).
* **LouisianaLawHelp.org** provides legal information on a wide variety of legal issues. The site also contains certain forms (including “automated” versions), and livechat assistance. For more information, contact Lisa Stansky at LStansky@slls.org.

**Handout:**

1. **LSBA “Find Legal Help” Portal Flyer**
2. **Free Legal Answers Flyer (to hang in courthouse and elsewhere)**

**Handouts:**

1. **LawHelp Brochure (English)**
2. **LawHelp Brochure (Spanish)**

**2:30-3:00pm: Wrap-Up & Next Steps**

**Notes:** The ATJ Commission SRL Committee and Louisiana District Judges Association SRL Committee, are available to help local courts and service providers initiate partnerships and services, customize resources, and assist as necessary to ensure sustainability. For more information on any of the services or resources discussed at the Summit, please contact Access to Justice Director Monte Mollere at MMollere@lsba.org.

To read more about the work of the Louisiana Access to Justice Commission, visit https://www.lsba.org/ATJCommission/.

Special thank you to the 10th Judicial District Court for hosting, and all participating Access to Justice partners.



1. *“Understanding the Unmet Civil Legal Needs of Low-Income Individuals in Louisiana” – Published by the LSBA Access to Justice Committee Gap Assessment Committee (2018).*  [↑](#footnote-ref-1)
2. United Way “ALICE Report” http://www.unitedwaysela.org/alice-report [↑](#footnote-ref-2)
3. Legal Services Corporation “Justice Gap Report” www.lsc.gov/media-center/publications/2017-justice-gap-report [↑](#footnote-ref-3)