



**A REPORT TO THE SUPREME COURT ADVISORY COMMITTEE
FROM THE TEXAS ACCESS TO JUSTICE COMMISSION
ON THE COURT'S UNIFORM FORMS TASK FORCE
APRIL 6, 2012**

INTRODUCTION

The Supreme Court of Texas established the Texas Access to Justice Commission ("Commission") in 2001 to serve as the statewide umbrella organization for all efforts to expand access to justice in civil legal matters for the poor. It is the role of the Commission to assess national and statewide trends on access to justice issues facing the poor, and to develop initiatives that increase access and reduce barriers to the justice system.¹ The Commission is comprised of ten appointees of the Court, seven appointees of the State Bar of Texas, and three ex-officio public appointees.

The Commission is fortunate to have a partner in the State Bar, with its strong commitment to increasing access to justice and to assisting pro se litigants. A main component of the Bar's mission is to "assure all citizens equal access to justice."² Its current Strategic Plan proposes to accomplish this goal in part by working "in collaboration with key partners to increase the availability and utilization of effective high quality pro se information, education, and support materials."³

Over the years, in recognition that it is always best to have a lawyer, the Commission has worked to increase the number of attorneys available to help the poor by augmenting funding to legal aid programs and by enlarging pro bono resources to serve the poor. The Commission, with the leadership of the Supreme Court, has been able to obtain much needed legislative funds for civil legal aid providers and has helped to increase statewide pro bono by working with firms, corporate counsel, and various sections and associations of the State Bar.

Despite these successful and continued efforts, the growth in the number of poor with civil legal assistance matters has far outpaced our ability to fund legal aid or recruit lawyers to assist on a pro bono basis. Without access to an attorney, the poor have no choice but to represent themselves.

¹ Supreme Court of Texas Misc. Docket 01-9065, Order Establishing the Texas Access to Justice Commission, April 26, 2001. See Exhibit A.

² Per the State Bar of Texas website and its Strategic Plan FY2012 & FY2013: "The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law and promote diversity in the administration of justice and the practice of law."

³ State Bar of Texas Strategic Plan, *supra* note 2, at page 6.

The phenomenon of increasing numbers of pro se litigants is not new, nor is it unique to Texas.⁴ Courts across the nation have experienced the same situation and have grappled with how to best go about addressing it. There have been countless conferences and journal articles within the judiciary, legal aid, and access to justice communities on this topic, including here in Texas.

In April 2010, a statewide Forum on Self-Represented Litigants was held in Dallas to discuss the issue of the burgeoning population of unrepresented litigants who cannot afford representation and who are unable to obtain representation through a legal service provider. A broad spectrum of stakeholders were invited to attend, including the private bar⁵, the judiciary, clerks, law librarians, and legal service providers. National leaders were invited to discuss various best practices⁶ and solutions that are widely accepted throughout the country. The Forum concluded with a consensus to pursue development of these best practices, including standardized forms.

Two entities were created in the wake of the Forum. The Texas Access to Justice Commission created its Self-Represented Litigants Committee in May 2010 to research and develop strategies to improve self-representation for the poor.⁷ The Supreme Court of Texas created the Uniform Forms Task Force in March 2011 to develop standardized forms.⁸

The Court made clear in its order creating the Uniform Forms Task Force that it was “concerned about the accessibility of the court system to Texans who are unable to afford representation”⁹ and believes that “developing pleadings and forms for statewide use would increase access to justice and decrease the strain on courts posed by pro se litigants.”¹⁰ Accordingly, it asked the Task Force to “develop proposed models of uniform pleading and order forms to be evaluated and approved by the Court for statewide use.”¹¹

To ensure broad representation of varying interests, the Court chose a diverse group of people as members of the Task Force, including two judges who regularly preside over family law matters, a district clerk, a county attorney, a court administrator, a local bar director, a legal aid family law lawyer, a law librarian of a large self-help center, a technology person, and three private board-certified family law lawyers.

At the initial meeting of the Task Force, the group spent time discussing its mission and priorities. Members agreed that the Task Force was to develop easy-to-use yet legally sound

⁴ *Documenting the Justice Gap in America, Current Unmet Civil Legal Needs of Low-Income Americans: An Updated Report of the Legal Services Corporation*, Legal Services Corporation, 2009, page 25.

⁵ State Bar Sections encompassing substantive legal areas that interface with poverty law were invited to attend the forum, including the following sections: ADR, Bankruptcy, Consumer and Commercial Law, Family Law, Hispanic Issues, Immigration, Individual Rights and Responsibilities, Justice of the Peace, Labor and Employment, Litigation, Appellate, Asian-Pacific Islander, and Administrative and Public Law. State Bar Committees were also invited, including the Unauthorized Practice of Law Committee. The mission of the State Bar of Texas is to “...assure all citizens equal access to justice...”

⁶ *Best Practices in Court-Based Programs for the Self-Represented*, the Self-Represented Litigation Network, 2008, funded by a grant from the State Justice Institute.

⁷ Supplemental Report to the Court on the Activities of the Self-Represented Litigants Committee of the Texas Access to Justice Commission, February 6, 2012. See Exhibit B.

⁸ Supreme Court of Texas Misc. Docket 11-9046. See Exhibit C.

⁹ *Id.* at 1.

¹⁰ *Id.* at 1.

¹¹ *Id.* at 2.

forms for non-complex, uncontested matters that were targeted for use by the poor. In deciding where to start, the Task Force reviewed data from various sources on the legal needs of the poor¹² and concluded that family law, specifically divorce, was by far the greatest area of need. Based on this information, the Task Force developed a set of instructions and forms for an uncontested divorce with no children and no real property. The leadership of the State Bar Family Law Section was asked for substantive input and criticisms of the forms in July 2012 and repeatedly asked thereafter. None was given. The set of forms was sent to the Court for approval on January 11, 2012. To this day, the alleged “72 flaws” have never been shared with the Task Force or the Commission.

There are no legitimate issues about whether people will represent themselves and use forms. Over 4 out of 5 people who qualify for legal aid are unable to get help from an attorney. People purchase family law forms from Craigslist, Google searches, office supply stores, etc. When one googles a family lawyer’s name, often links to commercial forms appear in the search results. The real question is whether Court-approved standardized forms will improve access to justice and lessen the administrative burdens on the court system. Thirty-seven states have found it helps without damaging private practitioners.

THE CURRENT SITUATION IN TEXAS

More Poor, Fewer Lawyers to Help

There are over six million Texans who qualify for legal aid, yet legal aid and pro bono programs are only able to help at most twenty percent of the qualified people who seek it. Significant decreases in funding to legal aid programs from reduced Interest on Lawyer Trust Accounts (“IOLTA”) revenue and federal funding cuts,¹³ combined with one of the highest poverty rates in the nation at eighteen percent, means that there will be fewer legal aid lawyers to help the growing numbers of poor who need assistance.

Substantial Number of Pro Se Litigants

Recent data from the Office of Court Administration (“OCA”) has made clear what has been suspected anecdotally in Texas for years—people are representing themselves. OCA statistics show that 21.6% of all family law filings in Texas are filed by a pro se *petitioner*.¹⁴

¹² This data included statistics provided by legal aid, TexasLawHelp.org, the Travis County Law Library Self-Help Center, and anecdotal information from Task Force members on the demand for legal services in their local areas. Legal aid and pro bono organizations consistently report that family law comprises over thirty percent of their case load. TexasLawHelp, an online resource for legal information and forms, shows that family law information and forms are the most frequently accessed on their website. The four most popular TexasLawHelp forms are family law forms, with 115,981 hits for just these four forms in comparison to 596,555 hits for the entire website. The Travis County Law Library, the largest self-help center in the state, states that family law forms are requested more than any other practice area.

¹³ This year alone, Texas experienced a \$6.2 million loss in federal funds to the three largest legal aid providers in the state due to federal funding cuts to the Legal Services Corporation. In just five years, funds generated from IOLTA have decreased over 75% from \$20 million in 2007 to \$4.4 million in 2011.

¹⁴ Data collected by the Office of Court Administration from District and County Courts during September 1, 2010, through August 31, 2011. The statistic under-represents the number of pro se litigants in court. It does not include pro se litigants who are respondents, who become pro se after hiring an attorney, or who secure an attorney after filing pro se. The statistics also do not include Title IV child support cases filed by the Office of the Attorney General, nor do they include post-judgment filings. Finally, several counties failed to report data, so their filings are not captured. See Exhibit D for a summary of pro se statistics. See Exhibit F for a breakdown of pro se litigants by county.

Based on information from counties who collect statistics on the number of pro se filings for specific case types, we believe that the numbers are much higher for divorce. Specifically, Bell County reports a 52% pro se filing rate for divorce in 2011, up from 40% in 2010.¹⁵ Lubbock County states that 44% of divorces filed over the past two years involved at least one pro se party.¹⁶ In Travis County, 78% of divorces without children and 56% of divorces involving children were filed pro se.¹⁷

Statistics from the Office of the Attorney General show that 461,147 parents represented themselves in Title IV-D family law cases during 2011.¹⁸ Title IV-D cases involve child custody, visitation, child support, and paternity issues. Approximately 50% of these cases involve the establishment of original orders, while the remainder involves modification or enforcement of those orders.¹⁹

Great Majority Pro Se by Necessity not Choice

Although OCA does not track the income levels of pro se filers in district and county courts, we do have information on user income levels of TexasLawHelp, the largest online self-help source for free legal information and free forms in Texas.²⁰ User income levels are extremely low. When viewing income levels with household size, approximately 81% of users qualify for food stamps.²¹ Even excluding household size, users are clearly poor, with 24% earning less than \$9,570 annually and 62% earning less than \$29,000 annually.²² Because all information and forms on the website are available at no cost, there is no incentive for users to lie about their income or household size.

We also have information on the income levels of unrepresented parents involved in Title IV-D cases. The Office of Attorney General reports that the great majority of unrepresented parents in Title IV-D cases are very low-income. Of the 1.3 million parents involved in currently open Title IV-D cases, approximately 750,000 are current or recent recipients of TANF (Temporary Aid for Needy Families) or Medicaid benefits.²³

¹⁵ "Divorce-by-Form Riles Texas Bar," *The Wall Street Journal*, Nathan Koppel, February 24, 2012. Interview with Sheila Norman, Bell County District Clerk, and Judge Rick Morris, 146th Judicial District Court, Bell County, on January 10, 2012. Interview with Sheila Norman on March 27, 2012 confirms that the increase cannot be attributable to returning soldiers as it is her understanding, and Judge Morris' understanding, that soldiers are returning in units of 200-300 troops at a time, rather than a mass return as had previously been expected.

¹⁶ "Divorce-by-Form Riles Texas Bar," *Id.* Interview with David Slayton, Director of Court Administration in Lubbock County, and Judge Judy Parker, County Court at Law Number Three, Lubbock County, on January 10, 2012.

¹⁷ "Divorce-by-Form Riles Texas Bar," *Id.*

¹⁸ Interview with Michael Hayes, Deputy for Family Initiatives, Office of the Attorney General, January 19, 2012.

¹⁹ *Id.*

²⁰ In 2011, the site had 596,555 visits, averaging 1,634 visits per day. Interview with Colton Lawrence, Website and Special Projects Coordinator, Texas Legal Services Center, January 6, 2012.

²¹ Graphic of TexasLawHelp user income and household size survey results from Feb 1, 2012 through March 6, 2012. See Exhibit F.

²² *Id.*

²³ Interview with Michael Hayes, Deputy for Family Initiatives, Office of the Attorney General, February 8, 2012.

Increased Pro Bono Will Not Meet Need

Legal aid and pro bono programs closed over 120,000 cases last year.²⁴ Of those, the three large legal aid programs and the three largest pro bono programs closed 17,531 cases through the generosity of 7,022 pro bono attorneys.²⁵

There are over 90,000 attorneys licensed by the State Bar of Texas. It has been suggested that increasing pro bono is the solution to the current situation. While laudable, the fact is that even if every lawyer were required to represent at least one pro bono client, we would still only be able to serve less than 40% of the poor who seek help from legal aid. A major additional barrier is that we do not currently have the infrastructure in place to coordinate urban pro bono lawyers with rural clients.

Forms are not an alternative to pro bono. Good Court-approved forms make it easier, not harder, to get more lawyers to handle family law cases on a pro bono basis. Pro bono attorneys who do not regularly practice poverty law are more willing to handle a pro bono matter when they have good forms to use to resolve it.

Improving Self-Representation for Poor is Vital to Increase Access to Courts

The stark reality is that there will never be enough legal aid and pro bono lawyers to help those who need it, and pro se litigants are here to stay.

While we must continue to strive towards the goal of providing attorneys to the poor, improving self-representation is one of the few avenues available to increase access to justice for the poor.

How can we realistically do so?

²⁴ Interview with Jonathan Vickery, Associate Director and Director of Grants, Texas Access to Justice Foundation, February 22, 2012.

²⁵ *Id.*

PART ONE

COURT-APPROVED FORMS

FORMS: A FUNDAMENTAL NECESSITY

Use of Forms Across the Nation

Many states have explored ways to improve self-representation and have started with standardized forms. Forms are not a radical or even new idea. They are simply a fundamental necessity without which a pro se litigant has little hope of redress.

Only Two States Do Not Have Court-Approved Forms

Research shows that 48 states have Court-approved family law forms and one state has forms approved by their state bar.²⁶ Family law forms are the most widely available, with 37 states having divorce forms and 30 states having divorce with real property forms. States have not shied away from dealing with more sensitive child custody and support issues, with 31 states having divorce with children forms, 33 states having child custody forms, and 39 states having child support forms. Additionally, 37 states require that their courts accept the standardized form when a pro se litigant chooses to use it. No state attempts to restrict use of the forms to low-income litigants.

Forms Effective at Increasing Access to Court with No Harm to Litigants or Lawyer Incomes

Forms are *the* most basic and common tool on the continuum of legal assistance²⁷ used by the many states faced with growing numbers of pro se litigants. States affirm that forms are effective at increasing access to the courts for the poor while not causing harm to the litigants or the livelihood of attorneys.²⁸

Forms Effective at Improving Judicial Efficiency and Economy

States also report that forms improve judicial efficiency and economy by having a better prepared litigant with accurate forms that comport with state law.²⁹ Judges report that they spend less time reviewing the form for legal accuracy. Clerks and courtroom personnel are able to process pro se litigants and pro se cases more quickly and with less frustration and time.³⁰

²⁶ Research on uniform forms in the 50 states plus the District of Columbia was conducted by the Commission via personal interviews of those involved in promulgation of forms, surveys, and online research. See State Form Research Chart in Exhibit G. Alabama has Bar-approved forms.

²⁷ The continuum of legal assistance is based on the concept that legal matters present varying degrees of difficulty. While some cases require full representation by a lawyer, others may need only partial representation, and yet others may need little to no assistance. See Exhibit H for graphic of the Continuum of Legal Assistance.

²⁸ Research on uniform forms in the 50 states plus the District of Columbia was conducted by the Commission via personal interviews of those involved in promulgation of forms, surveys, and online research. See State Responses on Statewide Forms in Exhibit I.

²⁹ State Responses on Statewide Forms, *supra* note 26, and National Center for State Courts survey on forms, Exhibit J.

³⁰ *Id.*

Use of Forms in Texas

Forms Already Exist

In Texas, the issue is not whether or not to have forms. Forms already exist and have for years.

Even the Family Law Section sells do-it-yourself forms. Its Texas Family Law Practice Manual has almost every form one would need. The manual is available for sale to anyone who wishes to purchase it for \$645 plus tax.³¹ These forms are also available for free in law libraries across the state. Additionally, the Family Law Section's website provides a link to LawGuru, where forms for a variety of situations, including divorce and complex matters such as premarital agreements, can be purchased at a lower cost than the Texas Family Law Practice Manual.³²

The Texas Young Lawyer's Association *Pro Se Handbook* has forms and is available on the State Bar of Texas website at no cost.³³ Forms are available for sale at retail stores like Office Depot or by vendors like LegalZoom. A quick search of the internet reveals multiple sources for forms, such as on websites like Craigslist and Google, including those with promises of assistance by attorneys who are no longer licensed to practice by the State Bar of Texas.³⁴

Available Forms Often Inadequate

Unfortunately, the forms currently available are often inadequate for use by pro se litigants. Many forms do not comport with Texas law. Others are incorrect or outdated. Both cause litigants to arrive at the courthouse with improper pleadings that must be redone, and require judges to review the form itself for accuracy. Still others are simply too complex for use by the average pro se litigant. While no one would deny that the Texas Family Law Practice Manual has as accurate and complete a set of forms as one could need at no cost to those who have access to it through a local law library, it is highly unlikely that a pro se litigant could navigate the six volume set to determine which forms to use, much less understand the technical legal language in which the forms are written or the daunting 123 page Final Decree of Divorce form.

Available Forms Not Accepted by Some Courts

The situation is complicated by the fact that although there are some adequate forms available though TexasLawHelp.org at no cost, not all Texas courts will accept them. Some courts prohibit the use of pleadings with fill-in-the blanks or check-boxes, or otherwise make it difficult for pro se litigants to proceed in court.

Court-Approved Protective Order Forms Have Existed Since 2005 with Success

In 2005, the Supreme Court of Texas approved a Protective Order Kit so that pro se litigants could obtain a protective order against an abusive partner. Since these forms

³¹ See Exhibit K.

³² See Exhibit L.

³³ See Exhibit M.

³⁴ See Exhibit N.

were approved for use, they have benefitted countless victims of domestic violence. They have helped many people navigate the court system in the midst of a serious situation, yet are simple, accessible, effective, and enforceable. The kit has also had the added benefit of increasing the number of pro bono attorneys willing to handle domestic violence cases.

It is important to note that there was no disagreement over these forms, even though the circumstances were similar to those today. Everyone agreed that it was better for a victim of domestic violence to have an attorney. There were not enough legal aid and pro bono attorneys to meet the need, especially in rural areas. Barriers to relief existed as they do now, in that some courts would not allow women to use other available forms to pursue protective orders on their own, and some district and county attorney offices would not pursue protective orders. However, protective orders are typically handled by local legal aid attorneys and county or district attorney offices rather than the private bar, which could account for the lack of controversy over this kit.

WHY COURT-APPROVED FORMS ARE NEEDED

Benefits to the Public

Access to Judicial System

1. Provision of Means to Comply with Legislative Requirements

In Texas, we require the public to resolve certain legal matters, such as divorce, in court. For the poor who cannot afford an attorney, it is imperative that the Court, as the entity entrusted with ensuring access to justice, provides a sound means for them to comply with this requirement. Failing to do so effectively bars the poor from the judicial system, a result that is incompatible with the notion of justice for all upon which our country was founded.

Some have argued that access to justice embraces more than access to the courts and can only be ensured by access to a lawyer, even if that lawyer is only able to provide advice. We agree that access to justice is a broad concept and that it is always better to have a lawyer, yet there can be no access to justice without access to the courts. Access to the courts starts with access to forms. Advice from a lawyer is unquestionably helpful, if one can obtain it, but advice cannot be filed in court. Only a form can be filed in court. No case can be filed without one. No case can be completed without one.

2. Provision of Safe Harbor

Although Rule 7 of the Texas Rules of Civil Procedure makes it clear that a party is allowed to represent himself³⁵, the unrepresented poor face many hurdles in getting heard in court. Current practices in various counties and courts put unnecessary constraints on pro se litigants, such as refusing to accept fill-in-the blank forms or requiring pro se litigants to retype any pre-printed form. As with the 2005 Protective Order kit and its subsequent revisions, courts would be required to accept forms

³⁵ “Any party to a suit may and prosecute or defend his rights therein, either in person or by an attorney of the court.”
TCRP 7

approved by the Supreme Court when presented by a litigant, thus providing a safe harbor against such barriers to access by the poor.

Additionally, the Supreme Court imprimatur on forms will give the poor confidence in the legal sufficiency of the forms and help abate the predatory form sale and advice practices that are currently occurring in Texas. A review of Craigslist ads from February 1, 2012, through February 14, 2012, revealed that there are paralegals, “notarios,” and lawyers no longer licensed to practice law offering their services to help people with forms or selling forms that are available at no cost online. Ironically, during the time that this paragraph has been written, we were notified of two separate people attempting to file a divorce in the same county who had been sold outdated forms from two separate sources that were once available at no cost online.³⁶

3. Increase of Pro Bono Attorneys Willing to Handle Divorce Cases

We have every reason to believe that Court-approved forms will increase the number of pro bono attorneys who are willing to handle a divorce case. We have anecdotal evidence from attorneys who state that they would not have handled a protective order case without the Court-approved Protective Order kit forms as well as reports from judges who have had pro bono lawyers using the forms in their courts. National research supports this conclusion, in that states report an increase in pro bono lawyers who use the forms, as well as lawyers who use the forms for their paying clients.³⁷

Efficient Use of Available Attorney Resources

The three largest legal aid programs are required to conduct a needs assessment study to determine how to best allocate their resources amongst the various needs of the poor. Based on the results of the study, they develop program priorities in terms of who is helped before others. In family law, the legal aid program priority is victims of domestic violence.

At a time when it is clear that there are not enough legal aid attorneys to meet the needs of the poor, it is important to look at the most efficacious use of available pro bono attorney resources. While we recognize that Court-approved forms make it easier to recruit pro bono attorneys to handle a divorce, we must also state that as matter of public policy, it does not make sense to use scarce pro bono attorney resources to handle simple, uncontested divorce matters. It makes more sense to improve pro se representation by the poor by providing easy-to-use, legally sound Court-approved forms and reserve limited pro bono attorney resources for the more complex and contested matters so that they can bring their considerable knowledge of the law to bear in a situation that no poor pro se litigant could handle.

Issues of Harm to the Poor

The Texas Family Law Foundation (“TFLF”), the lobbying arm of the State Bar of Texas Family Law Section, states that Court-approved forms are a trap for the unwary and will ultimately harm the public. This argument ignores our current use of a plethora of

³⁶ Interview with Paula Pierce, Texas Legal Services Center, March 7, 2012.

³⁷ State Responses on Statewide Forms, *supra* note 26.

commercial forms in Texas and the harm that comes from failing to provide simple, sound forms.

1. Good Forms Will Clearly Improve the Status Quo

TFLF states that Court-approved forms will cause more harm than good. It is true that inaccurate or otherwise bad forms can cause harm to those who use them. This happens on a regular basis with the forms currently available in Texas. It is a fundamental reason that good, easy-to-use and legally sound Court-approved forms are needed.

2. Most People Use Forms Correctly

TFLF further suggests that the quality of the form ultimately does not matter because people will either intentionally or inadvertently use the forms incorrectly to their disadvantage. Certainly, we all hear the horror stories—both by those who have been harmed by using forms incorrectly and by those who have been harmed by attorneys who have mishandled their case. We hear the anecdotal evidence of the case about the woman who lost her rights to her husband's retirement or the man who spent thousands of dollars trying to correct mistakes made by doing his own divorce. We also hear the anecdotal evidence about the woman who paid thousands of dollars to an attorney who failed to get her share of the equity in the house or who took no action on her case at all. We hear these stories because they are not the norm. They are the outliers that make great stories for the press and for our friends at cocktail parties but are not representative of the majority of pro se litigants who use legally-sound forms correctly, or those who have good experiences with their family law attorney.

3. Court-Approved Forms Minimize Risk of Harm

Those who use forms incorrectly often do so because the forms lack instructions for completion, or they are so poorly written that it would be hard for anyone to fill them out. Instead of banning Court-approved forms, which would effectively bar thousands of poor from resolving their legal matter, it makes more sense to create good forms with detailed instructions on accurate use to minimize the risk of harm. Court-approved forms would be standardized, making it easier for a judge to catch mistakes.

Clearly, the provision of Court-approved forms will not *add* to the level of harm that is presently happening from forms currently available for use. While it is true that more people are likely to use Court-approved forms than others, better forms will improve the situation, not worsen it.

4. Proposed Forms Narrowly Drawn to Minimize Risk of Harm

The forms developed by the Uniform Forms Task Force have been narrowly tailored to apply to extremely limited situations. The express purpose of creating forms tailored to such narrow situations is to create as little risk of harm as possible.

The forms and instructions for the Divorce with No Minor Children and No Real Property clearly state the appropriate use of the forms and provide warnings

against using them for other situations. They also admonish people to get a lawyer, if they can, and provide statewide hotline numbers for legal advice referrals to legal representation.

5. Lack of Court-Approved Forms Harms the Poor

A lack of Court-approved forms causes great harm to the growing numbers of poor who have no access to an attorney. The inability of the poor to resolve their legal matters in a timely fashion can cause significant problems in later years. It can also be costly to the litigants and burdensome on the courts.

With respect to divorce, even when the divorce is amicable and uncontested, it is much more complicated for a couple to get divorced ten years after they have separated and gone their own ways, than it is for them to get divorced when needed. They may have acquired assets that are presumed to be community property even though they have not lived together for years. More commonly, they may have had children with another partner. These children are presumed to be children of the marriage because they were born during the marriage. A divorce with children born during the marriage but not of the marriage involves at least two respondents, or more, depending on the number of fathers of children born during the marriage. There may need to be additional legal action to determine paternity, which is burdensome to the court and costly to the parties. Another common issue is the inability of one spouse to locate the other spouse. Instead of simple service, the cost of which is covered under an Affidavit of Inability to Pay Costs for those who qualify for it, the party may be required to issue citation by publication at significant cost. Ultimately, what may have been able to be handled through the provision of Court-approved forms, may no longer be appropriate for such relief at a later date.

Aside from the many complicating factors that can occur from simply living life, failing to provide Court-approved forms continues the status quo of harm discussed herein where people are accessing forms from a wide variety of inferior sources, are being taken advantage of by unscrupulous people purporting to help, and are even prevented from using forms in certain courts

Benefits to Judicial System

The poor and pro se litigants will always be with us and their numbers are growing. In Texas, 21.6% of family law filings are pro se. Based on data from various counties, we believe that more than 40% of divorce filings are pro se. The overriding benefit of Court-approved forms to the court system, as indicated by national research, is increased judicial economy and efficiency.³⁸

For Judges

Currently, judges are presented with forms from multiple sources with varying degrees of quality. Court-approved forms provide judges with a reliable, standard form that is legally sound and comports with Texas law. Judges become familiar with the forms and no longer have to spend time reviewing the forms to ensure that they meet Texas law and can simply focus on reviewing the documents for completeness. Judges also report

³⁸ State Responses on Statewide Forms, *supra* note 26; National Center for State Courts survey, *supra* note 27.

that pro se litigants are better prepared when they come to court, which reduces the amount of time that the judge spends on the bench handling their case.³⁹

For Clerks and Courtroom Personnel

Anecdotal evidence suggests that clerks and courtroom personnel presently spend three times longer servicing pro se litigants than those familiar with the legal process. They are often the first people that interface with a pro se litigant and deal with the multiple questions that pro se litigants have about resolving their case.

Court-approved forms reduce time spent by court personnel with pro se litigants in a variety of ways. They have a place to refer pro se litigants for good, accurate forms, reducing the stress from upset litigants frustrated with a system not set up for public use.⁴⁰ Pro se litigants tend to be better informed on how to proceed, with the result that they reduce the number of trips to the courthouse with incorrect forms.⁴¹ Court personnel also become familiar with Court-approved forms and know where to look for key information in the pleadings, such as is needed for service of process.⁴²

For the Public

Court-approved forms improve the public's perception that the judicial system is truly open to all. Public faith in the accessibility of our judicial system helps in the acceptance of unfavorable rulings as fair, rather than concluding that the system is corrupt.

Benefit to Bar

The TFLF has suggested that Court-approved forms will harm the bar by changing the practice of law as lawyers currently know it. They worry that allowing forms for uncontested matters will quickly lead to forms for contested matters. The TFLF is also concerned that forms will negatively impact the ability of an attorney to earn a living, especially the “bread and butter” lawyers who rely on uncontested divorces to maintain their practices.

Many of the TFLF concerns about statewide forms were shared by attorneys in the numerous states that have them.⁴³ No state has reported that these concerns have materialized.⁴⁴ In fact, many states have seen lawyers benefit by assisting pro se litigants on a limited scope basis with completion of the forms, or by providing advice on their particular situation.⁴⁵ Typically, these clients represent new business to attorneys because they are not those who could have afforded the lawyer to handle their entire case.

Aside from a potential financial benefit to lawyers, states report that Court-approved forms makes it easier for pro bono attorneys to handle a case. Pro bono attorneys may be unfamiliar with practice areas that often affect the poor and are more willing to help when they are provided with good forms.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

PART TWO

**COLLATERAL ISSUES RAISED BY
THE STATE BAR OF TEXAS FAMILY LAW SECTION
AND THE STATE BAR OF TEXAS SOLUTIONS 2012 TASK FORCE**

AUTHORITY OF SUPREME COURT OF TEXAS TO PROMULGATE FORMS

The TFLF has raised the question whether the Court has the authority to promulgate forms for use by pro se litigants in court. The Commission has prepared a brief to address this issue, which has been filed with the Court and included in the materials sent by the Commission to the Supreme Court Advisory Committee. The brief concludes that the Court clearly has the authority to promulgate pleading forms under the Texas Constitution, statutory law, and common law.

Of note in the brief is the review of other forms created by the Court. Specifically, in 2009, the Court promulgated a form petition for tenants to use when filing suit to require a landlord to repair a condition materially affecting the health or safety of a tenant.⁴⁶ The form petition was promulgated along with an amendment to Texas Rule of Civil Procedure 737. While the Legislature had instructed the Court to promulgate the amendment to Rule 737, it had not instructed the Court to promulgate the accompanying form.⁴⁷

The Court has also promulgated numerous forms for use in the legislatively created “judicial bypass” procedure by which a court may authorize a pregnant minor to obtain an abortion absent parental notification.⁴⁸ The Court-approved documentation includes a set of detailed, plain language instructions regarding the judicial-bypass procedure, an application for the litigant to complete and file in court, a form for the litigant to use to request a continuance of a court hearing, and numerous other forms. Unlike the protective order and landlord-tenant forms, the judicial-bypass forms were promulgated at the Texas Legislature’s direction.⁴⁹ In doing so, the Legislature implicitly recognized the Court’s constitutional authority to promulgate such forms.

The Texas Rules of Civil Procedure contain numerous forms that litigants can use in judicial processes. Texas Rule of Civil Procedure 592b contains a template form that a litigant may use in submitting an attachment bond.⁵⁰ Rule 736(2) sets forth a form that a litigant may use to give notice of a suit to foreclose on certain liens.⁵¹ Rule 750 contains a form for litigants to use in filing an appeal bond in a forcible entry and detainer case.⁵² And Rule 117a sets forth a fill-in-the-blank form for citing by publication or personal service in suits for delinquent ad valorem taxes.⁵³

FORMS MAINTENANCE AND COST

The TFLF is concerned that a new bureaucracy will need to be created, at significant cost, to maintain any forms created. This fear does not comport with the seven years of experience we

⁴⁶ Brief of the Texas Access to Justice Commission on the Supreme Court’s Authority to Promulgate Forms filed on April 6, 2012 at page 9 and Exhibit K of the Brief. The Brief and its exhibits are available on the Supreme Court Advisory Committee website and in the packet of materials for the April 13, 2012 meeting.

⁴⁷ *Id.* at page 9 and Exhibit L of the Brief.

⁴⁸ *Id.* at page 9 and Exhibits M, N, and O of the Brief.

⁴⁹ *Id.* at page 9 and Exhibit M of the Brief.

⁵⁰ *Id.* at page 10 and Exhibit P of the Brief.

⁵¹ *Id.* at page 10 and Exhibit Q of the Brief.

⁵² *Id.* at page 10 and Exhibit R of the Brief.

⁵³ *Id.* at page 10 and Exhibit S of the Brief.

have with the Protective Order Kit. That Kit is maintained by the Court's Protective Order Task Force, a small group of volunteers who drafted the original forms and who regularly update the Kit as needed. Likewise, the Uniform Forms Task Force, a standing group that meets monthly, will be responsible for the maintenance of the forms it creates.

The TFLF suggests that maintenance of Court-approved forms will be similar to its experience with the six-volume Family Law Practice Manual in which it expended \$240,716 in print and travel costs to revise. However, to date, the Uniform Forms Task Force has *produced* the entire instructions and forms for an uncontested divorce with no children and no real property at a cost of less than \$10,000. To compare the two sets of forms is baseless. There is a vast difference in the complexity of these two sets of forms. For example, there are only 29 pages to the entire Uncontested Divorce with No Children and No Real Property kit including instructions, whereas the Family Law Practice Manual's divorce decree alone is 123 pages.

MEANS-TESTING USE OF FORMS

The TFLF has suggested that the forms be restricted for use by the poor. While the forms have been designed for use by the poor, the Commission does not recommend it.

No Other State Restricts Form Use to Poor

Of the 48 states plus the District of Columbia, none attempt to restrict their statewide forms to low-income people. Such an attempted restriction would make Texas the only state to do so. Texans have a right to self-representation under Texas Rule of Civil Procedure 7. What legitimate basis could there be for depriving citizens of the right to use the forms?

Several Problems Associated with Means-Testing Court-Approved Forms

Difficult to Means-Test Forms Available Online

If the forms were to be means-tested, who would conduct the means-testing? A human means-test would lead to creating the exact bureaucracy and expense that the TFLF fears would happen with form maintenance.

Correlating Forms with Pauper's Oath Potentially Bars Poor from Use

It has been suggested that the forms be restricted only to those who file an affidavit of inability to pay costs at the same time they file the forms. There are millions who qualify for legal aid who may be able to afford court costs but not the far greater cost of hiring a lawyer. There are multiple other problems associated with this approach. Currently, there are several large counties in Texas that automatically contest every pauper's oath filed. The likelihood of default for a low-income pro se litigant is extremely high, with the unintended consequence that the poor, for whom these forms were designed, would be barred from using them.

Additionally, Texas Rule of Civil Procedure 145 provides a safeguard to the poor's ability to access the court system while being mindful of each county's need to fund their courts. It does not make sense to combine Rule 145 with Court-approved forms. These forms are about increased access to, and efficient administration of, the justice system, not about generating additional revenue.

The TFLF has stated that their objection to forms is not financial, so it is unclear what purpose they think a Court-imposed restriction on their use would serve in the administration of justice. Decency calls for a judicial system where the poor can access the courts. The small minority of people who could afford a lawyer but choose not to retain one, as is their right, can use forms now, choosing from the array of forms that are widely available.

No Uniform Definition of Poor Across Counties and Courts

Additionally, there is no uniform definition of poor throughout the 254 counties in Texas. A person may qualify as poor in one county but not in another. In fact, there are multiple definitions of poor operating within our state and nation. To qualify for legal aid at a Texas Access to Justice Foundation (“TAJF”) funded organization, a person’s income must be at or below 125% of the federal poverty guideline. To qualify for food stamps, or for legal aid at a Legal Service Corporation (“LSC”) funded provider, a person’s income must be at or below 200% of the federal poverty guideline. However, both TAJF and LSC allow victims of crime to have income levels of up to 187.5% of the federal poverty guideline. Finally, to qualify for public housing, the project-based Section 8 program, and the Section 8 voucher program, a person’s income may not exceed 80% of the median income for the area in which he lives, as determined by the United States Department of Housing and Urban Development.⁵⁴ Statewide housing guidelines are approximately 300% of the federal poverty guideline for smaller families and less than 200% of the federal poverty guidelines for larger families. However, each county has specific guidelines that may be more or less than the statewide guidelines.

Due Process and Other Public Policy Concerns

Finally, there may be due process concerns with the Court promulgating a form and restricting its use to only one category of people. Additionally, it is unclear how restricting use of the forms to the poor is rationally related to a legitimate government interest. Protecting the earning capacity of the private bar would not qualify as a legitimate government interest. However, it is in everyone’s interest to ensure access to the judicial system.

ALLEGATION OF MISSION DRIFT

The TFLF is purportedly concerned that the Commission has strayed from its mission to increase access to justice for low-income people by pursuing efforts to improve self-representation that may have a consequence of benefitting those who could afford a lawyer but choose to represent themselves.⁵⁵ National leaders in access to justice matters and the Commission respectfully disagree. Those who can afford a lawyer, but unwisely choose not to, have ready access to forms now, including those sold on line by the Family Law Section.

⁵⁴ See 24 C.F.R. §982.201 (2011) (Section 8 housing voucher program); 24 C.F.R. § 960.201 (2011) (public housing); 24 C.F.R. § 5.653 (2011) (project-based section 8).

⁵⁵ *Why It Won’t Work: The Access to Justice Seven-Point Plan for Pro Se Litigants*, the Texas Family Law Foundation, January 18, 2012. Exhibit O.

Majority of ATJ Commissions Work to Improve Self-Representation

Developing strategies to improve self-representation falls squarely within the mission of anyone dedicated to seeking justice for the poor. Three-quarters of the Access to Justice Commissions across the nation, with the same mission of increasing legal services to the poor, are actively developing initiatives to improve self-representation, *regardless* of income level.⁵⁶ *No other* Access to Justice Commission has been challenged by their bar, or any other outside entity, for working on these efforts.⁵⁷

Access to Justice Commissions are working on pro se litigant issues without regard to income because, as previously discussed, the vast majority of pro se litigants are poor. In Texas, we know that 81% of TexasLawHelp users qualify for food stamps. TexasLawHelp is the primary online resource for pro se litigants in Texas to access free legal information and free forms.

The Commission simply must pursue all efforts that lead to increasing access to justice. The small number of people who do not meet legal aid income levels and choose not to hire a lawyer can do so under the status quo. None of the 48 states with officially approved forms has found that such forms adversely affect the business of private practitioners.

The State Bar of Texas Agrees with the Commission

The State Bar of Texas has a strong commitment to increasing access to justice and to assisting pro se litigants, as indicated in its current Strategic Plan, which proposes to help pro se litigants by working “in collaboration with key partners to increase the availability and utilization of effective high quality pro se information, education, and support materials.”⁵⁸ This commitment is visible in the report of State Bar’s Solutions 2012 Task Force (“Solutions 2012”) which identified many of the same pro se solutions currently being pursued by the Commission’s Self-Represented Litigants Committee and its six subcommittees.⁵⁹ By identifying these same solutions, the State Bar affirms the Commission’s work to improve self-representation and agrees that this work falls within the Commission’s mission. Conversely, it appears that the State Bar disagrees with the TFLF’s assertion that these solutions will not work.⁶⁰

The Commission’s Self-Represented Litigant Committee and its six subcommittees are currently working on the following areas that were identified by the Commission in 2010 and were recommended by Solutions 2012. As is clear from this list, forms are fundamental basis for many of these efforts.

⁵⁶ Interview with Robert Echols, State Support Consultant at ABA Resource Center for Access to Justice Initiatives, March 22, 2012.

⁵⁷ *Id.*

⁵⁸ State Bar of Texas Strategic Plan, *supra* note 2, at page 6.

⁵⁹ Indigent Pro Se Litigant Subcommittee Workgroup Report contained in Appendix 1 of the State Bar of Texas Solutions 2012 Task Force Report.

⁶⁰ *Supra* note 55.

Assisted Pro Se Efforts

Solutions 2012 recommends expanding assisted pro se clinics that use volunteer attorneys to help low-income people with their uncontested legal matters. Most pro bono programs and legal aid providers have assisted pro se clinics. Almost all are assisted pro se divorce clinics. Forms are a basic need for these clinics because the litigants cannot file their case without one. Solutions 2012 also suggests using online chat or video conferencing to assist pro se individuals in need.⁶¹

The Commission's Assisted Pro Se Subcommittee has been working to develop best practices for providing assisted pro se help, and acts as a resource to counties and legal aid programs wishing to develop, expand, or improve their current assisted pro se services.⁶² The Commission's Technology Committee is also looking at ways to connect rural clients with urban pro bono attorneys via video conferencing or other less expensive technology. Additionally, the Commission educates the public and the legal community about other available resources, such as the online chat program offered on the TexasLawHelp website.

Education

Solutions 2012 suggests developing judicial and court personnel education regarding pro se litigants, including discussing the difference between advice and information.⁶³ The Commission has already developed this training and has given it several times to resounding review.⁶⁴ In fact, the presentation is in such demand that Commission has a wait list for those wishing to receive the training.

Self-Help Centers

Solutions 2012 advises establishing self-help centers throughout the state for indigent unrepresented litigants.⁶⁵ Whether the self-help center is a kiosk, a court-based full-service center, or a mobile self-help center, access to information and forms are typically the base level services provided.

The Commission's Self-Help Center Subcommittee has collected information on the various models of self-help centers across Texas and the nation, and serves as a resource to counties who seek its help in establishing self-help centers within their own communities.⁶⁶ Recognizing that each community has different needs and different resources, the Commission does not purport to know what is best for any given community. The Commission leaves it to the local community leaders to determine what type of self-help center to establish and who it wishes to serve. Some

⁶¹ Indigent Pro Se Litigant Workgroup Report of Solutions 2012 Report, *supra* note 59 at page 2.

⁶² Supplemental Report to the Supreme Court of Texas on the Activities of the Texas Access to Justice Commission's Self-Represented Litigant Committee and its Subcommittee, *supra* note 7.

⁶³ Indigent Pro Se Litigant Subcommittee of Solutions 2012 Report, *supra* note 59 at page 3.

⁶⁴ Supplemental Report on Commission SRL Activities, *supra* note 7 at pages 2-4.

⁶⁵ Indigent Pro Se Litigant Subcommittee of Solutions 2012 Report, *supra* note 59 at page 5.

⁶⁶ Supplemental Report on Commission SRL Activities, *supra* note 7 at page 7.

communities prefer to restrict services to low-income pro se litigants, while other communities choose to serve any pro se litigant regardless of income.

Limited Scope Representation

Solutions 2012 proposes using volunteer lawyers or self-help center lawyers to staff a mobile self-help center on visits to communities within a specific county.⁶⁷ The example provided is the Mobile Self-Help Legal Access Center from Ventura County Superior Court, which is equipped with computers, video stations, books, pamphlets, self-help instruction manuals and packets of Court-approved forms.⁶⁸ The Mobile Center also maintains a list of lawyers who are willing to provide legal services on a task-by-task basis, also known as a “limited scope” or “unbundled” basis.

In recognition that it is always best to have the help of an attorney, the Commission’s Limited Scope Representation Subcommittee has been working on several limited scope representation presentations. The Commission is interested in limited scope representation because it increases access to justice for low-income people by allowing those who cannot afford full representation to get the help they need from a lawyer in more affordable way.⁶⁹ While the poor may not be able to afford a retainer fee, they might be able to pay an attorney for a discrete task. The Subcommittee has found that there is much confusion and fear around limited scope representation. To address these issues, the Subcommittee has been working on presentations to educate lawyers, judges, and the public about its benefits and drawbacks, as well as when it is appropriate or inappropriate for use.⁷⁰

Rules or Legislative Changes

Solutions 2012 suggests developing a rule to let judges know that it is not a violation of the Code of Judicial Conduct to assist pro se litigants through the court system.⁷¹ The Commission’s Rules Subcommittee discussed whether revisions were needed to the current provision regarding self-represented litigants in the Code of Judicial Conduct but determined that a rule was not needed at this time, preferring to rely on education.⁷²

Solutions 2012 also suggests offering reduced liability coverage to attorneys who handle decrees for uncontested cases, stating that it might require a legislative or other disciplinary rule. While the Commission did not investigate this exact issue, it did investigate the possibility of providing malpractice coverage for attorneys who were willing to handle matters on a limited scope basis through the current State Bar program that pays a portion of the malpractice coverage for approved legal service providers in Texas. It learned that discounted malpractice coverage cannot be provided to an individual attorney unless the attorney is associated with a 501(c)(3) organization. In essence, the attorney must volunteer, or take cases on a reduced-fee basis, through a

⁶⁷ Indigent Pro Se Litigant Subcommittee of Solutions 2012 Report, *supra* note 59 at page 6.

⁶⁸ Ventura County Superior Court’s Mobile Self-Help Center Overview, Exhibit Q, page 5.

⁶⁹ Supplemental Report on Commission SRL Activities, *supra* note 7 at page 5.

⁷⁰ Supplemental Report on Commission SRL Activities, *supra* note 7 at pages 5-7.

⁷¹ Indigent Pro Se Litigant Subcommittee of Solutions 2012 Report, *supra* note 58 at page 2.

⁷² Supplemental Report on Commission SRL Activities, *supra* note 7 at page 8.

current legal service provider. The result is basically the same program that is in place through the State Bar of Texas.

The Commission looks forward to partnering with the State Bar on their proposed solutions and has included an updated list of the Solutions 2012 proposed solutions to give more detailed information about efforts happening within our state.⁷³

CONCLUSION

It is clear that there will never be enough lawyers to help the growing number of poor who need legal assistance. The poor are already representing themselves in court, and there is no reason to believe that they will stop. They have no choice.

The greatest civil legal need of the unrepresented poor is with family law matters. It may be their only interaction with the court system. Forms are a requirement for accessing the court system. Without forms, the poor who cannot get legal aid have no access.

Court-approved forms are broadly accepted nationwide as a tool to increase access to justice and judicial efficiency and economy. Almost all states provide family law forms, and a significant majority of states provide divorce forms.

Finally, it is important that the *Court* promulgate forms so that the poor have confidence that the forms are legally sound and will be accepted throughout the State. It is the role of the *Court* to ensure access to justice, not vendors on Craigslist or Legal Zoom.

The tens of thousands of people forced by poverty to try to use their right of self-representation desperately need improved access to justice. States have uniform forms because they improve this situation. We support and work for increased funding and increased pro bono efforts by lawyers. No one with knowledge of the facts can legitimately claim that these efforts can deal with multitudes who cannot obtain legal assistance.



Harry M. Reasoner
Chair
Texas Access to Justice Commission



Patricia E. McAllister
Executive Director
Texas Access to Justice Commission



James B. Sales
Chair Emeritus
Texas Access to Justice Commission

⁷³ Updated Solutions 2012 proposed solutions. See Exhibit Q.

EXHIBIT A

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 01- 9065

ORDER ESTABLISHING TEXAS ACCESS TO JUSTICE COMMISSION

1. In 1999, a statewide planning process for legal services to the poor was initiated in Texas. The Texas planning group consisted of a broad range of individuals representing this Court, the State Bar of Texas, the Texas Equal Access to Justice Foundation, the Texas Bar Foundation, and the network of legal-service providers throughout the state.

2. During the statewide planning process, the following problems were identified:

- many gaps exist in developing a comprehensive, integrated statewide civil legal-services delivery system in Texas;
- many poor people in Texas are underrepresented, in that they receive limited advice from a legal-services provider when they would in fact be better served by full representation on a civil legal matter;
- inadequate funding and well-intentioned but uncoordinated efforts stand in the way of a fully integrated civil legal-services delivery system;
- achieving a committed and active justice community in Texas is essential to the effective delivery of civil legal services;
- while many organizations throughout the state share a commitment to improving access to justice, no single group is widely accepted as having ultimate responsibility for progress on the issues; and
- leadership that is accepted by the various stakeholder organizations committed to achieving full access, and empowered to take action, is essential to realizing equal justice for all in Texas.

3. At the conclusion of the statewide planning process, the planning group adopted an action plan with a broad range of goals and strategies. The cornerstone of the recommendations was that

an Access to Justice Commission be established by this Court to serve as the umbrella organization for all efforts to expand access to justice in civil matters in Texas. The organization would serve as a coordinator to assist all participants in developing strategic alliances to effectively move ideas to action. The Commission would report semi-annually on its progress to both the Court and the State Bar of Texas. The Court, having reviewed the report of the planning group and having received the endorsement of the Board of Directors of the State Bar of Texas, **HEREBY ORDERS:**

1. The Texas Access to Justice Commission is created to develop and implement policy initiatives designed to expand access to and enhance the quality of justice in civil legal matters for low-income Texas residents.

2. The Texas Access to Justice Commission will:

- identify and assess current and future needs for access to justice in civil matters by low-income Texans;
- develop and publish a strategic plan for statewide delivery of civil legal services to low-income Texans;
- foster the development of a statewide integrated civil legal-services delivery system;
- work to increase resources and funding for access to justice in civil matters and to ensure that the resources and funding are applied to the areas of greatest need;
- work to maximize the wise and efficient use of available resources, including the development of local, regional, and statewide coordination systems and systems that encourage the coordination or sharing of resources or funding;
- develop and implement initiatives designed to expand civil access to justice;
- work to reduce barriers to the justice system by addressing existing and proposed court rules, procedures, and policies that negatively affect access to justice for low-income Texans; and
- monitor the effectiveness of the statewide system and services provided and periodically evaluate the progress made by the Commission in fulfilling the civil legal needs of low-income Texans.

3. The Texas Access to Justice Commission consists of fifteen members appointed by this Court and by the State Bar of Texas. A member of the Commission serves a three-year term. The terms of the members are staggered. A member may not be appointed to serve more than two successive full three-year terms. A member who has served two successive full terms is not eligible for reappointment until the third anniversary of the date that the member's last full term on the Commission expired.

4. This Court will appoint eight members to the Texas Access to Justice Commission as follows:

- a justice of the Supreme Court of Texas;
- a judge or justice from a county with a population of 650,000 or more;
- a judge or justice from a county with a population of less than 650,000;
- a member of the Texas Equal Access to Justice Foundation Board of Directors;
- two representatives of a state or federally funded legal-services program; and
- two at-large members who have demonstrated a commitment to and familiarity with access-to-justice issues in Texas.

5. The State Bar of Texas will appoint seven members to the Texas Access to Justice Commission as follows:

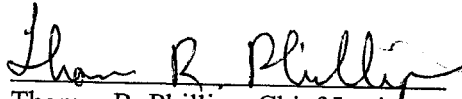
- two members of the State Bar of Texas Board of Directors;
- an attorney member of the State Bar of Texas;
- a member of the Texas Bar Foundation Board of Directors;
- two representatives of a state or federally funded legal-services program; and
- an at-large member who has demonstrated a commitment to and familiarity with access-to-justice issues in Texas.


6. This Court and the State Bar of Texas will coordinate appointments to the Texas Access to Justice Commission to assure that:

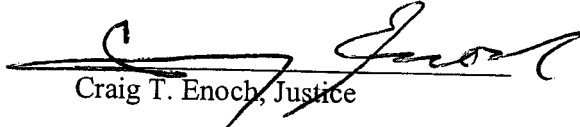
- at least three members of the Commission are nonattorney public representatives;
- members of the Commission appointed to represent a state or federally funded legal-services program reflect a diversity among Legal Service Corporation funded programs and programs funded from other sources, staff and pro bono based programs, and general civil legal-services programs and specific service- or client-based programs; and
- the members of the Commission reflect the diverse ethnic, gender, legal, and geographic communities located in Texas.

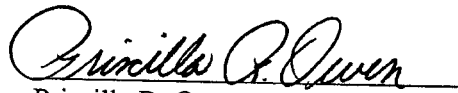
7. This Court will designate the presiding officer of the Texas Access to Justice Commission, after consultation with the President of the State Bar of Texas.
8. The Governor is invited to designate a person to serve as an ex-officio member of the Commission. The Speaker of the House and the Lieutenant Governor each are invited to designate one member of that presiding officer's chamber to serve as an ex-officio member of the Texas Access to Justice Commission. A member appointed by the Governor, Speaker, or Lieutenant Governor serves at the pleasure of the appointing officer.
9. In making initial appointments to the Texas Access to Justice Commission, this Court will designate three members as having a one-year term, three members as having a two-year term, and two members as having a full three-year term.
10. In making initial appointments to the Texas Access to Justice Commission, the State Bar of Texas will designate two members as having a one-year term, two members as having a two-year term, and three members as having a full three-year term.
11. The Texas Access to Justice Commission will submit any strategic plan for statewide delivery of legal services to low-income Texans to this Court and the Executive Committee of the State Bar Board for approval.
12. The State Bar of Texas has agreed to provide staff and financial support for the Texas Access to Justice Commission. Proposed budgets of the Texas Access to Justice Commission will be subject to the State Bar's annual budgetary process for presentation to the Board of Directors and ultimate approval by this Court. Supervision of the budget of the Commission is the responsibility of the State Bar of Texas. The Commission and staff supporting the Commission will comply with the fiscal policies of the State Bar of Texas.
13. The Texas Access to Justice Commission is subject to sections 81.033 and 81.034 of the Texas Government Code, and is also subject to other relevant provisions of Chapter 81 of the Texas Government Code.
14. The Texas Access to Justice Commission may adopt rules as necessary for the performance of the Commission's duties.
15. The Texas Access to Justice Commission will file, at least every six months, a status report on the progress of the Commission's duties. The Commission will send a copy of the report to both this Court and the State Bar of Texas. The initial progress report will be filed not later than December 1, 2001. The Commission will also provide an oral progress report at each State Bar board meeting.


BY THE COURT, IN CHAMBERS, this 26th day of April, 2001.

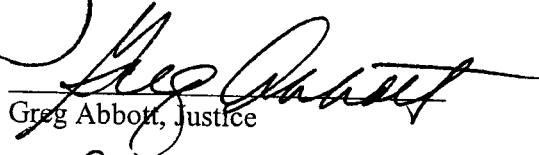

Thomas R. Phillips, Chief Justice



Nathan L. Hecht, Justice

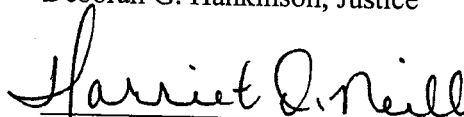

Craig T. Enoch, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbot, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice

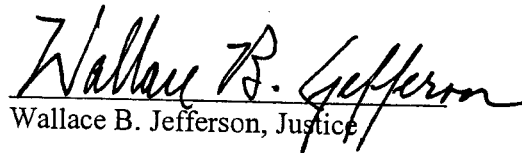

Wallace B. Jefferson, Justice

EXHIBIT B



A Supplemental Report to the Supreme Court of Texas on the Texas Access to Justice Commission's Self-Represented Litigants Committee and Subcommittees

Background Information

In April 2010, a statewide Forum on Self-Represented Litigants was held to discuss the issue of the burgeoning population of self-represented litigants who cannot afford representation and who are unable to obtain representation through a legal service provider. A broad spectrum of stakeholders were invited to attend, including the private bar¹, the judiciary, clerks, law librarians, and legal service providers. National leaders were invited to discuss various best practices² and solutions that are widely accepted throughout the country. The Forum concluded with a consensus to pursue development of these best practices, including standardized forms.

Two entities were created in the wake of the Forum. The Texas Access to Justice Commission created its Self-Represented Litigants Committee in May 2010 to research and develop strategies to improve self-representation for the poor. The Supreme Court of Texas created the Uniform Forms Task Force in March 2011 to develop standardized forms.

The Self-Represented Litigants Committee

The Self-Represented Litigants Committee ("SRL Committee") is charged with addressing the challenges presented by the increasing number of self-represented litigants who cannot afford an attorney. The SRL Committee is comprised of a wide range of those who interface with, or are impacted by, pro se litigants, including two private bar attorneys, three judges, one county clerk, one local bar association director, three legal aid representatives, one pro bono organization representative, one Office of Court Administration attorney, and one law librarian. The SRL Committee had its initial meeting in October 2010 to discuss follow up from the Forum and get a baseline idea of what self-represented litigant initiatives currently existed in the state. At its February 2011 meeting, the SRL Committee spent a great deal of time identifying priorities on how to best proceed in improving self-representation for the poor. The SRL Committee discussed the various best practices that have been implemented nationally to address the issue and decided to form five working subcommittees based on these best practices.

At the time, these subcommittees were an education subcommittee, a self-help center subcommittee, an assisted pro se subcommittee, a rules and guidelines subcommittee, and a communication and information dissemination subcommittee. In July, the assisted pro se subcommittee determined that the scope of its work was too broad to effectively accomplish in one subcommittee, and split into a sixth subcommittee focused on limited scope representation.

¹ State Bar Sections encompassing substantive legal areas that interface with poverty law were invited to attend the forum, including the following sections: ADR, Bankruptcy, Consumer and Commercial Law, Family Law, Hispanic Issues, Immigration, Individual Rights and Responsibilities, Justice of the Peace, Labor and Employment, Litigation, Appellate, Asian-Pacific Islander and Administrative and Public Law. State Bar Committees were also invited, including the Unauthorized Practice of Law Committee.

² *Best Practices in Court-Based Programs for the Self-Represented*, the Self-Represented Litigation Network, 2008, funded by a grant from the State Justice Institute.

We believe that these six subcommittees plus the Court's Uniform Forms Task Force make up the nonexistent "Seven Point Plan" referenced in emails from the Family Law Section leadership and materials produced by the Texas Family Law Foundation. This report will provide detailed information on the work of each subcommittee to date, and hopefully, dispel the myth that the Commission has a calculated plan to re-engineer the practice of law or force attorneys to adopt business models that they would otherwise not choose to adopt.

It is important to remember that the SRL Committee and its subcommittees are a resource for courts, communities, lawyers, and the poor on access to justice matters. It lacks the ability to force any entity or person to adopt any of the following best practices. When a court or community or lawyer asks for help addressing problems related to self-represented litigants, the appropriate subcommittee responds to that request with suggestions. It is up to each community to determine what is best for their particular situation.

Education Subcommittee

The Education Subcommittee seeks to inform and educate judges, clerks, court personnel and the private bar on self-represented litigant issues. The goals are to increase judicial economy and efficiency by more effectively handling self-represented litigants and to involve the private bar in assisting the self-represented litigant population through pro bono or limited assistance.

The Education Subcommittee decided to offer presentations as a means of providing this information. So far, it has developed three presentations and has been invited to give these presentations as detailed below:

1. Judiciary: The general judicial presentation gives an overview of the problems facing pro se litigants and proposes solutions that fit within the confines of their judicial ethical canons. This training will be given by judges to judges and will be tailored to the needs of the particular audience at any given conference (e.g. judges hearing child protection cases versus general jurisdiction judges). A modified version was given at the Shared Solutions Summit held by the Texas Judicial Council and the Office of Court Administration in January 2011.

Self-represented litigant training has been given at the CPS Associate Judge Conference and is given annually at the College of New Judges. Upcoming self-represented litigant training will be given in September at the Annual Judicial Conference sponsored by the Center for the Judiciary, and possibly in April at the College for Judicial Studies, although this is not yet confirmed.

2. Clerk and Court Personnel: The clerk and court personnel presentation focuses on the difference between legal advice and legal information. While clerk and court personnel are clear that they cannot give advice, they are often not clear what the actual difference between advice and information is. To ensure that they do not err on the side of giving advice, it is important that they understand this critical difference. It is also important that they understand what they can do to facilitate judicial efficiency when dealing with an unrepresented person. The training teaches them how to discern the difference, and how to provide information while remaining neutral and impartial, maintaining confidential information, and avoiding *ex parte* communications.

In 2011, the Education Subcommittee was invited to give this presentation at three regional court clerk conferences in Galveston, Waco, and Amarillo. In all instances, the feedback was overwhelmingly positive, and many district and county clerks have asked the speakers to return to educate their entire staff.

In January 2012, the presentation was given at the County and District Clerk School at Texas A&M University. The Subcommittee is scheduled to speak in Abilene and Hondo, and has many other requests to make the presentation in 2012. The Subcommittee is currently determining how to prioritize filling these requests in light of limited staff resources.

3. **Private Bar:** There are three different presentations given to the private bar. The initial presentation is typically an overview of access to justice issues, which contains brief information on self-represented litigants and limited scope representation. The second presentation focuses primarily on self-represented litigant issues, with a brief amount of limited scope information. The third presentation focuses primarily on limited scope representation information.
 - a. **Access to Justice Presentation** – This presentation existed prior to the development of the SRL Committee and has been given to many local bar associations. It discusses the overwhelming need for civil legal services to the poor, legal aid funding issues, the current systems in place to deliver legal services – including legal aid and pro bono providers – touches on self-represented litigant issues, and encourages pro bono.
 - b. **Self-Represented Litigant Presentation** – This presentation is an abbreviated version of the Access to Justice presentation in terms of civil legal needs of the poor and funding issues, and provides more detailed information on self-represented litigant issues and solutions. It acknowledges that it is best to have an attorney and encourages the bar to help by increasing local and national funding and by increasing pro bono. It then discusses alternative best practices when low-income people do not have access to a lawyer and the concept of a continuum of legal services from full representation to no representation. Topics covered include limited scope representation (addressed in full under the Limited Scope Representation Subcommittee section of this Report), assisted pro se with legal advice, assisted pro se without legal advice, staffed self help centers, and standardized forms. The self-represented litigant presentation, in conjunction with a series of self-represented litigant workshops, was given at the annual Local Bar Leaders Conference held by the State Bar in July 2011.
 - c. **Limited Scope Representation Presentations** – Two different limited scope representation presentations are planned. One is directed to attorneys and the other is directed to the judiciary.

The purpose of the attorney presentation is to make attorneys aware, if not already so, that limited scope representation is allowed under the Texas Disciplinary Rules of Professional Conduct 1.02(b) and to address common questions and concerns that lawyers have when contemplating representing someone on a limited scope basis. It addresses malpractice insurance and provides tips to avoid common pitfalls, such as using a written agreement specifying exactly what the attorney will do and what the client will do. It also

addresses when it is not appropriate to use limited scope representation. Further, it opens a dialogue on attorney concerns that a judge will try to expand the scope of representation beyond what the attorney had contemplated. The financial benefits of adding limited scope representation to an attorney's practice are also covered, in that low-income people who could not afford their services on a full scope basis, or come up with a retainer fee, may be able to afford their hourly rate for a discrete task. The first presentation was given in January 2012 to the Solo and Small Firm Section of the Austin Bar Association.

The judicial presentation has not yet been developed as a stand-alone training. Once developed, the presentation will approach limited scope representation from a judicial economy and efficiency standpoint because the more contact a litigant has with an attorney, the better prepared that person is. It will also address common concerns around attorney entry and withdrawal on cases and best practices in handling these situations.

Assisted Pro Se Subcommittee

The Assisted Pro Se Subcommittee is working towards expanding the availability of legal services for low-income pro se litigants. Assisted pro se programs are an important component of legal service delivery because they provide pro se litigants with some level of attorney assistance, although less than full representation. It is an efficient way to help many people while maximizing limited attorney resources.

Assisted pro se programs essentially offer pro bono legal services on a limited scope basis to low-income individuals who are unable to get an attorney through legal aid. Assisted pro se projects run the gamut from simple advice clinics to document preparation (such as drafting a demand letter for landlord repairs or preparing court pleadings) to settlement or hearing preparation. The underlying consistency in all assisted pro se projects is that the litigant ultimately represents him or herself in the legal matter.

Many pro bono programs in Texas already use this model as an efficient means of helping several low-income people with similar uncontested legal problems at one time, while preserving valuable attorney resources for more complex or contested legal issues. The most common example is an assisted pro se clinic for those with uncontested divorces. Pro bono and legal aid programs are often able to help ten or more low-income litigants at one time using only one or two attorneys to walk them through the process of completing forms, filing their case, obtaining service, and proving up their final divorce decree.

To date, the Assisted Pro Se Subcommittee has compiled a comprehensive list of assisted pro se programs in Texas. It has also finished its review and modification of the portions of an existing best practices guide that relate to assisted pro se programs and practices. The Subcommittee will now turn to offering technical assistance to programs who wish to learn more about assisted pro se projects or request help with starting a project.

Limited Scope Representation

Limited scope representation, also known as unbundled services, is the provision of discrete legal services to a client rather than handling all aspects of the client's case. A common

example is document review or preparation, where the attorney reviews or prepares pleadings and the litigant handles all other aspects of the case.

Limited scope representation increases access to justice for low-income people by allowing those who cannot afford full representation to get the help they need from a lawyer in a more affordable way. Limited scope representation is allowed in Texas under the Texas Disciplinary Rules of Professional Conduct 1.02(b), which states, "A lawyer may limit the scope, objectives, and general methods of representation if the client consents after consultation."

While the poor may not be able to afford a retainer fee, they might be able to afford the hourly rate that an attorney sets for specific discrete tasks. As such, limited scope representation has the potential to create a new market of clients from those who would otherwise not have hired an attorney. It can be a useful tool for attorneys who are trying to build a practice, or who prefer to focus on a particular aspect of their overall practice, such as drafting pleadings. However, the Subcommittee's experience has been that there is much confusion about limited scope representation among attorneys, suggesting that further education is needed.

Limited scope representation also promotes judicial efficiency and economy by increasing the number of pro se people who have access to an attorney. The result is a better prepared and more informed litigant, which reduces the time needed to move these cases through the judicial system.

It is important to remember, however, that limited scope representation is not appropriate in all situations, especially those that are very complex or highly contested.

Therefore, the purpose of the Limited Scope Representation Subcommittee is two-fold:

1. To educate and increase awareness among the judiciary, the bar, and those who cannot afford to hire an attorney about limited scope representation, including addressing common questions and concerns, and when it is inappropriate to use limited scope representation; and
2. To develop limited scope representation as a model of increasing access to justice for the poor by connecting attorneys who handle, or want to start handling, matters on a limited scope basis with low-income Texans.

The following work has been done by this Subcommittee towards these goals:

1. Research: Research on the experience of other states with limited scope representation has been conducted. The Limited Scope Representation Subcommittee is keeping up to date on current trends and developments, and updates its research accordingly.
2. Educational and Outreach Efforts
 - a. **Information Sheets** – The Limited Scope Representation Subcommittee developed information sheets geared to lawyers and judges explaining what limited scope representation is, why it is beneficial, and covering common questions and concerns. This resource was included with other self-represented litigant materials at the Texas Association for Court

Administration conference in October 2011 and will continue to be distributed when possible. A second handout will be developed for people seeking to hire an attorney on a limited scope basis.

- b. **Presentations** – In July 2011, the self represented litigant presentation at the annual State Bar Local Bar Leaders Conference included a breakout session for a discussion on limited scope representation. Participants voiced interest in participating in a training conducted by Sue Talia, a nationally-known limited scope representation expert. Participants currently providing limited scope representation described their experiences in a positive light, and common concerns and questions were voiced and discussed.

In early January 2012, the Education Subcommittee developed a stand-alone presentation on limited scope representation for local bar association audiences. It is described above under the work of the Education Subcommittee.

Future education and outreach plans include identifying key people in the local bar and judiciary to partner with in each community. The Limited Scope Representation Subcommittee seeks their advice and knowledge to facilitate local conversations with the local bar and judiciary and make live presentations on a local level. Other outreach strategies may include:

- Presenting at annual conferences and partnering with the State Bar to develop a CLE on how to best develop a limited scope practice;
- Helping local bars develop a resource for low-income people listing attorneys who handle matters on a limited scope basis;
- Helping local lawyer referral service providers create a limited scope representation referral panel; and
- Developing limited scope representation toolkits with sample retainer agreements, withdrawal pleadings and the like.

3. Limited Scope Representation Rules

- a. **Texas Disciplinary Rules of Professional Conduct 1.02(b)** – The Commission's Rules Subcommittee reviewed and assessed the possible need for a rule change regarding limited scope representation. The Rules Subcommittee looked at the current limited scope representation rule, Texas Disciplinary Rules of Professional Conduct 1.02(b), as well as the ABA model rule and various rules in other states. Because the current rule allows for the practice of limited scope representation, the Rules Subcommittee did not recommend a rule change at this time. If, in the future, an explanatory comment or rule change appears necessary, the Limited Scope Representation Subcommittee will ask the Rules Subcommittee to revisit the situation, determine if any action is needed, and draft a proposal if needed.
- b. **Local Limited Scope Representation Rules Efforts (not Efforts of the Limited Scope Representation Subcommittee)** – The Limited Scope Representation Subcommittee was asked by members of the Travis County bar and judiciary to review a limited scope rule they wished to propose on a local level. The Subcommittee reviewed the rule and gave its input. On October 19, 2011, the local rule was presented to the Travis County District

and County Court Judges for consideration. The judges supported the local rule and recommended it proceed to the Texas Supreme Court for approval.

The Commission and its SRL Committee were also asked to pass a resolution in support of local efforts to increase limited scope representation. The Commission and the SRL Committee voted to pass the resolution. The resolution was then presented to Travis County District and County Judges.

Self-Help Center and Services Subcommittee

The Self-Help Center Subcommittee provides technical assistance to courts and communities that are interested in developing or expanding self-help projects and have requested help in doing so. Self-help centers are a best practice because they increase judicial economy and efficiency by more effectively managing the ever-increasing numbers of pro se litigants moving through the courthouse. Self-help centers are typically established in courthouses or law libraries, and range from something as simple as an unmanned computer station where someone can access information or forms, to a full-service self-help center staffed by volunteer or staff attorneys.

Self-help centers reflect the needs and the resources of the particular community or court in which they are established. The local community, rather than the Self-Help Center Subcommittee, makes all the decisions regarding each aspect of their self-help center, including who the self-help center will serve and how it will be funded. For example, self-help centers can be established to serve only low-income pro se litigants or to serve all litigants regardless of income.

The Self-Help Center Subcommittee has developed a list of self-help centers available in Texas to serve as a contact list for those who wish to establish a similar center. The Subcommittee updates the list as needed. The Subcommittee will provide technical assistance to counties who request it. This assistance will be tailored to the needs and requests of particular jurisdictions.

Uniform Rules and Guidelines Subcommittee

The Rules Subcommittee researches and reviews possible rules, legislation, and policies that impact low-income self-represented litigants. The role of the Subcommittee is to:

1. Research and monitor the rule, legislative, and policy efforts of other states that impact self-represented litigants;
2. Research and review rule, legislative and policy issues as they arise within the other SRL Subcommittees; and
3. Make recommendations regarding the need for, or efficacy of, a proposed rule, legislative, or policy change.

To date, the Rules Subcommittee has not found the need for any rule, legislative, or policy changes in Texas.

The Rules Subcommittee has addressed the following issues:

1. Rule Regarding Uniform Forms: The Rules Subcommittee researched whether a rule was needed for any standardized forms that the Supreme Court might approve. The Subcommittee reviewed relevant Texas rules and procedures as well as what was done in the various states that currently have uniform forms. The Subcommittee learned that some states do not promulgate rules for their forms, while others have rules ranging from requiring court acceptance of forms to requiring self-represented litigants, and sometimes attorneys, to use the forms. The Subcommittee determined that a rule regarding forms was not necessary at this time. It will periodically review the need for such a rule in the future.
2. Provision Regarding Self-Represented Litigants in the Code of Judicial Conduct: The Rules Subcommittee researched whether revisions were needed to the current provision regarding self-represented litigants in the Code of Judicial Conduct. They looked at the American Bar Association model judicial rule, adopted by 12 states, as well as similar rules in other states. The Rules Subcommittee determined that the current Code of Judicial Conduct provision did not need revision. The Subcommittee felt that the issue of self-represented litigants is already on the minds of the judiciary and that education on what is and is not allowed under the Code of Judicial Conduct would be more helpful and timely. The Subcommittee plans to conduct further research on the effectiveness of judicial training alone in improving judicial efficiency regarding self-represented litigant issues.
3. Limited Scope Representation: As mentioned above, the Rules Subcommittee and the Limited Scope Subcommittee decided that no revision was needed to our current limited scope representation rule, Texas Disciplinary Rules of Professional Conduct 1.02(b).

The Rules Subcommittee is currently addressing the following issue:

1. Rule on Determining Indigence: The Rules Subcommittee is reviewing whether to propose changes to Rule 145 of the Texas Rules of Civil Procedure regarding determining indigence in civil courts. Currently, a person who qualifies for an affidavit of inability to pay costs in one court may not be deemed to qualify in another court.

Communications and Clearinghouse Subcommittee

The Communications and Clearinghouse Subcommittee is formulating a plan on how to communicate effectively with the judiciary, private bar, and general public about self-represented litigant issues. This subcommittee will also create a clearinghouse of available information and resources regarding self-represented litigants. Currently, the Subcommittee is collecting communications reports from the other Subcommittees to create a comprehensive communications plan.

EXHIBIT C

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 11-9046

ORDER CREATING UNIFORM FORMS TASK FORCE

The Texas Access to Justice Commission, in collaboration with the Office of Court Administration, the Texas Legal Services Center, and the Texas Access to Justice Foundation, hosted the Texas Forum on Self-Represented Litigants and the Courts in Dallas on April 8-9, 2010. Over 120 attendees, including members of the judiciary, legal services attorneys, court clerks and administrators, and law librarians participated.

Participants at the Forum considered the impact pro se litigants have on the court system and evaluated tools to enable the courts to help pro se litigants navigate the legal system and to improve court efficiencies. An issue that arose consistently throughout the Forum was the need for statewide standardized forms for pleadings frequently used by pro se litigants.

The legal system functions most effectively when each litigant is represented by an attorney. But there are currently insufficient resources to meet the continually growing demand for civil legal aid. As a result, an increasing number of litigants will appear in courts pro se because they cannot afford an attorney and are unable to secure representation from legal aid.

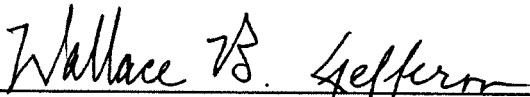
The Court is concerned about the accessibility of the court system to Texans who are unable to afford legal representation. After consultation with the State Bar of Texas and the Texas Access to Justice Commission, the Court agrees that developing pleading and order forms approved by the Court for statewide use would increase access to justice and reduce the strain on courts posed by pro se litigants.

Accordingly, it is **ORDERED** that:

1. The Supreme Court Uniform Forms Task Force is created to:
 - a. monitor local efforts to create, amend, or modify forms and incorporate local efforts within the Task Force's purview;
 - b. evaluate best practices for the creation and distribution of forms;
 - c. consult with and seek input from stakeholders including the Texas Access to Justice Commission, the Texas Access to Justice Foundation, and legal services providers;
 - d. draft an implementation plan that will identify legal areas that would benefit from the availability of uniform pleading and order forms and that will make the forms readily available;
 - e. develop proposed models of uniform pleading and order forms to be evaluated and approved by the Court for statewide use.
2. The members of the Task Force shall represent, at a minimum, the judiciary, the private bar, legal services attorneys, court clerks and administrators, and law librarians.
3. The following members are appointed:

Stewart Gagnon, Houston	Steve Naylor, Fort Worth
Hon. Tracy Gilbert, Conroe	Lisa Rush, Austin
Hon. Diane M. Guariglia, Houston	Hon. Phylis J. Speedlin, San Antonio
Casey Kennedy, Austin	Ed Wells, Houston
Cristy Keul, Tyler	Sheri Woodfin, San Angelo
Hon. Marilea Lewis, Dallas	Michael Wyatt, El Paso
Karen Miller, Austin	
4. The Task Force will deliver minutes of its meetings to the Court and report to the Court by September 1, 2011, on progress made and challenges faced, efforts underway to develop forms throughout the state and steps taken to incorporate those efforts into the Task Force's charge, forms that have been completed, documents to be developed and a schedule for creation of those documents, and best practices for use with statewide forms.
5. Justice Hecht is designated the Court's liaison to the Task Force.

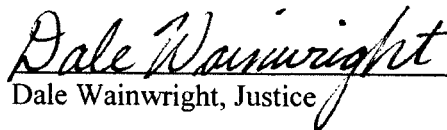
Dated: March 15, 2011



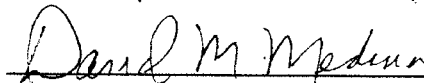
Wallace B. Jefferson, Chief Justice



Nathan L. Hecht, Justice



Dale Wainwright, Justice



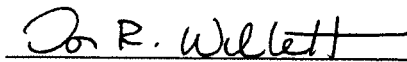
David M. Medina, Justice



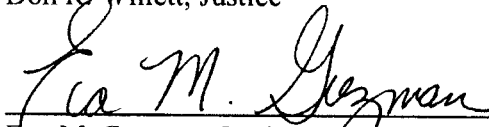
Paul W. Green, Justice



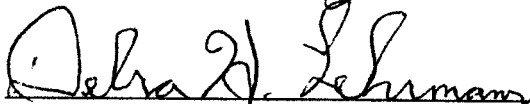
Phil Johnson, Justice



Don R. Willett, Justice



Eva M. Guzman, Justice



Debra H. Lehrmann, Justice

EXHIBIT D



Pro Se Statistics

Nationwide

- 2009 survey by Self-Represented Litigation Network
 - 60% judges reported increase in pro se litigants in their courtrooms
 - Only 29% reported no impact, and many were criminal court judges
- Data on Unrepresented Litigants from *Documenting the Justice Gap in America*, an Updated Report of the Legal Service Corporation, September 2009
 - **Judicial Impact:**
 - References the 2009 Self-Represented Litigation Network study mentioned above.
 - **Unrepresented by Necessity**
 - 2005 study of pro se litigants in New York City Family and Housing Courts found that 57% had incomes under \$20,000 and 80% had incomes under \$30,000 per year.
 - 2003 California Report to the Legislature found that more than 90% of the 450,000 people who use court self-help programs in the state earn less than \$24,000 per year.
- Maryland
 - Has very detailed data capturing information on SRLs who appear at any point in the case. They are able to capture very accurate data because reporting is tied to court funding.
 - 70% of cases involve at least one SRL at some point in the case.
 - Number of SRLs has remained steady over time.
- Oregon
 - Estimate 65% pro se in total family law. Based on a sample study data and extrapolated.

Texas

Data obtained from the Office of Court Administration, except poverty statistics and unless otherwise noted. Poverty statistics were obtained from Data from U.S. Census Bureau Small Area Income & Poverty Estimates (SAIPE). Data does not include pro se respondent filings, Title IV-D cases in which the parties are not represented, or post-judgment filings.

Total Cases Filed September 1, 2010 – August 31, 2011

- 57,597 family law cases in which petitioner filed pro se, representing 21.6% of total family law case filings
- 16,862 for other civil and probate cases in which petitioner filed pro se

Sample Counties:

- **Bell County (Central Texas)**
 - 27.4% total family law filings are pro se
 - 52.0% divorce filings are pro se, up from 40% in 2010 (*per the Bell County Clerk. Represents January 1, 2011 – December 31, 2011 time frame.*)
 - 20.9% increase in divorce filings over 5 year period from 2006-2010
 - 26.0% increase in poverty population over 5 year period from 2006-2010
- **Collin County (Northeast Texas)**
 - 34.8% total family law filings are pro se
 - 17.7% increase in divorce filings over 5 year period from 2006-2010
 - 44.4% increase in poverty population over 5 year period from 2006-2010
- **Galveston County (Southeast Texas)**
 - 54.0% total family law filings are pro se
 - 1.7% decrease in divorce filings over 5 year period from 2006-2010
 - 3.6% decrease in poverty population over 5 year period from 2006-2010
- **Midland County (West Texas)**
 - 36.9 total family law filings are pro se
 - 10.9% increase in divorce filings over 5 year period from 2006-2010
 - 10.7% increase in poverty population over 5 year period from 2006-2010

Family Law Filings in Counties with Population Size of 150,000 or more:

Family (no post-judgment)				
County	2010 Population	Cases Filed by SRLs	New Cases Filed	% of New Cases Filed
Harris	4,092,459	7,513	42,501	17.7%
Dallas	2,368,139	5,702	24,297	23.5%
Tarrant	1,809,034	4,139	19,119	21.6%
Bexar	1,714,773	3,421	21,594	15.8%
Travis	1,024,266	3,091	9,512	32.5%
El Paso	800,647	1,109	8,179	13.6%
Collin	782,341	2,301	6,609	34.8%
Hidalgo	774,769	880	7,408	11.9%
Denton	662,614	1,531	5,673	27.0%
Fort Bend	585,375	983	4,981	19.7%
Montgomery	455,746	1,321	4,979	26.5%
Williamson	422,679	1,241	3,925	31.6%
Cameron	406,220	421	4,083	10.3%
Nueces	340,223	793	4,226	18.8%
Brazoria	313,166	850	3,744	22.7%
Bell	310,235	1,526	5,569	27.4%
Galveston	291,309	1,874	3,470	54.0%
Lubbock	278,831	544	4,076	13.3%
Jefferson	252,273	458	3,329	13.8%
Webb	250,304	197	2,687	7.3%

McLennan	234,906	520	2,446	21.3%
Smith	209,714	684	2,854	24.0%
Brazos	194,851	73	296	24.7%
Hays	157,107	409	1,418	28.8%
Johnson	150,934	1,394	2,143	65.0%

Title IV-D Child Support Cases (custody and visitation are also determined in these orders) in 2011

- The OAG had 243,015 Title IV-D cases with legal filings or dispositions in calendar year 2011.
- 92.5% of non-custodial parents were pro se and 97.2% of custodial parents were pro se.
- A total of **461,147** non-custodial parents and custodial parents represented themselves or 94.9% of Title IV-D cases involved at least one pro se litigant.

TexasLawHelp Data, an online self-help website specific to Texas

- In 2011, TexasLawHelp.org had 596,555 visits, averaging 1634 visits a day.
- Top Forms:

Title	Page Views
Do-It-Yourself Court Forms Free	56221
Protective Order Kit	34794
Divorce Without Children in Texas	13200
Divorce With Children in Texas	11766
Divorce - Special Instructions for Filing in Travis County	7559
Common Questions About Divorce	6588
Affidavit of Inability to Pay Costs	5927

- User Income Levels:
 - 24% of LawHelp users make below \$9,570 annually.
 - 62% of LawHelp customers earn less than \$26,000 annually.
- Top Three Reason People Visit TexasLawHelp:
 - The main reason people visit LawHelp is to get forms that they download, print, and fill in later (43%).
 - The second reason is to obtain A2J forms, interactive forms that are completed online and printed (27%).
 - The third top reason people come to LawHelp is to find legal aid organizations (22%).
 - Divorce is by far the most popular resource people are looking for (66%), followed by child support (18%). No other category reaches more than 10%.
- User Demographics:
 - The majority of our users come from the following counties: Dallas (13.6%), Harris (11%), Tarrant (8.3%), and Travis (6%).

EXHIBIT E

Statewide Totals

Data By County

County	Family (no post-judgment)					Civil			Probate		
	2010 Population	Cases Filed by SRLs	New Cases Filed	% of New Cases Filed	Cases Filed by SRLs	New Cases Filed	% of New Cases Filed	Cases Filed by SRLs	New Cases Filed	% of New Cases Filed	
Harris	4,092,459	7,513	42,501	17.7%	702	71,459	1.0%	0	10,875	0.0%	
Dallas	2,368,139	5,702	24,297	23.5%	1,235	30,121	4.1%	89	6,183	1.4%	
Tarrant	1,809,034	4,139	19,119	21.6%	54	15,668	0.3%			#DIV/0!	
Bexar	1,714,773	3,421	21,594	15.8%	811	22,294	3.6%	38	23,459	0.2%	
Travis	1,024,266	3,091	9,512	32.5%	421	19,711	2.1%	0	5,878	0.0%	
El Paso	800,647	1,109	8,179	13.6%	623	8,476	7.4%	0	5,451	0.0%	
Collin	782,341	2,301	6,609	34.8%	476	10,048	4.7%	17	1,602	1.1%	
Hidalgo	774,769	880	7,408	11.9%	505	11,818	4.3%	373	1,517	24.6%	
Denton	662,614	1,531	5,673	27.0%	346	8,422	4.1%	41	1,011	4.1%	
Fort Bend	585,375	983	4,981	19.7%	104	7,101	1.5%	23	882	2.6%	
Montgomery	455,746	1,321	4,979	26.5%	71	5,306	1.3%	51	1,269	4.0%	
Williamson	422,679	1,241	3,925	31.6%	193	4,447	4.3%	29	772	3.8%	
Cameron	406,220	421	4,083	10.3%	67	6,756	1.0%	33	629	5.2%	
Nueces	340,223	793	4,226	18.8%	51	4,868	1.0%	50	871	5.7%	
Brazoria	313,166	850	3,744	22.7%	382	4,314	8.9%	73	724	10.1%	
Bell	310,235	1,526	5,569	27.4%	60	3,959	1.5%	25	672	3.7%	
Galveston	291,309	1,874	3,470	54.0%	43	6,281	0.7%	25	991	2.5%	
Lubbock	278,831	544	4,076	13.3%	83	3,271	2.5%	8	1,842	0.4%	
Jefferson	252,273	458	3,329	13.8%	60	5,234	1.1%	2	1,121	0.2%	
Webb	250,304	197	2,687	7.3%	50	4,075	1.2%	0	233	0.0%	
McLennan	234,906	520	2,446	21.3%	66	3,929	1.7%	3	1,175	0.3%	
Smith	209,714	684	2,854	24.0%	290	2,670	10.9%	5	667	0.7%	
Brazos	194,851	73	296	24.7%	28	355	7.9%	4	130	3.1%	
Hays	157,107	409	1,418	28.8%	30	1,910	1.6%			#DIV/0!	
Johnson	150,934	1,394	2,143	65.0%	1,178	2,370	49.7%	29	454	6.4%	
Ellis	149,610	2	1,589	0.1%	0	1,999	0.0%	0	338	0.0%	
Ector	137,130	313	2,079	15.1%	104	1,786	5.8%	0	373	0.0%	
Midland	136,872	606	1,642	36.9%	256	2,185	11.7%	19	510	3.7%	

Guadalupe	131,533	221	1,173	18.8%		12	1,308	0.9%		11	321	3.4%
Taylor	131,506	362	1,922	18.8%		31	1,450	2.1%		7	416	1.7%
Wichita	131,500	148	1,815	8.2%		20	1,943	1.0%		136	436	31.2%
Gregg	121,730	306	1,887	16.2%		22	1,622	1.4%		5	408	1.2%
Potter	121,073	357	1,611	22.2%		98	1,871	5.2%		9	339	2.7%
Grayson	120,877	464	1,478	31.4%		43	1,702	2.5%		22	508	4.3%
Randall	120,725	317	1,385	22.9%		46	966	4.8%		12	381	3.1%
Parker	116,927	224	992	22.6%		44	1,625	2.7%		9	345	2.6%
Tom Green	110,224	176	1,375	12.8%		11	1,241	0.9%		2	554	0.4%
Comal	108,472	29	1,043	2.8%		0	1,521	0.0%		0	513	0.0%
Kaufman	103,350	333	1,274	26.1%		15	1,589	0.9%		6	211	2.8%
Bowie	92,565	199	1,441	13.8%		1	28	3.6%		0	286	0.0%
Victoria	86,793	228	1,134	20.1%		7	1,090	0.6%		4	286	1.4%
Angelina	86,771	300	1,133	26.5%		22	777	2.8%		3	271	1.1%
Hunt	86,129	358	1,098	32.6%		714	1,762	40.5%		11	289	3.8%
Orange	81,837	0	0	#DIV/0!		0	669	0.0%		7	354	2.0%
Henderson	78,532	312	960	32.5%		126	1,518	8.3%		13	150	8.7%
Rockwall	78,337	236	793	29.8%		195	1,201	16.2%		4	101	4.0%
Liberty	75,643	275	1,085	25.3%		153	987	15.5%		29	210	13.8%
Coryell	75,388	31	970	3.2%		2	448	0.4%		0	119	0.0%
Bastrop	74,171	225	743	30.3%		77	1,189	6.5%		11	221	5.0%
Walker	67,861	151	572	26.4%		67	949	7.1%		0	318	0.0%
Harrison	65,631	8	827	1.0%		16	994	1.6%		4	228	1.8%
San Patricio	64,804	142	817	17.4%		39	1,012	3.9%		0	164	0.0%
Nacogdoches	64,524	435	789	55.1%		101	569	17.8%		11	225	4.9%
Starr	60,968	5	617	0.8%		3	903	0.3%		0	47	0.0%
Wise	59,127	132	604	21.9%		22	1,172	1.9%		1	138	0.7%
Anderson	58,458	177	652	27.1%		22	493	4.5%				#DIV/0!
Hardin	54,635	1	745	0.1%		0	890	0.0%		0	271	0.0%
Rusk	53,330	1	76	1.3%		86	560	15.4%		11	242	4.5%
Van Zandt	52,579	296	695	42.6%		253	728	34.8%		14	196	7.1%
Hood	51,182	285	575	49.6%		98	916	10.7%		21	252	8.3%
Cherokee	50,845	293	597	49.1%		110	580	19.0%		144	148	97.3%
Lamar	49,793	182	670	27.2%		65	498	13.1%		1	39	2.6%
Kerr	49,625	105	546	19.2%		12	672	1.8%		5	308	1.6%
Val Verde	48,879	0	480	0.0%		8	447	1.8%		3	107	2.8%
Navarro	47,735	190	632	30.1%		167	791	21.1%		53	169	31.4%
Medina	46,006	108	495	21.8%		13	310	4.2%		0	0	#DIV/0!
Polk	45,413	583	749	77.8%		198	1,041	19.0%		15	211	7.1%
Atascosa	44,911	6	641	0.9%		0	874	0.0%		0	85	0.0%
Waller	43,205	97	421	23.0%		20	400	5.0%				#DIV/0!
Wilson	42,918	59	411	14.4%		39	404	9.7%		5	32	15.6%
Burnet	42,750	17	49	34.7%		1	244	0.4%		1	189	0.5%
Wood	41,964	0	473	0.0%		15	642	2.3%		4	200	2.0%
Wharton	41,280	305	498	61.2%		303	671	45.2%		7	139	5.0%
Jim Wells	40,838	0	686	0.0%		0	1,089	0.0%		0	87	0.0%

Dimmit	9,996	1	108	0.9%			0	149	0.0%		0	22	0.0%
Stephens	9,630	12	129	9.3%			1	143	0.7%		0	78	0.0%
Mitchell	9,403	12	95	12.6%			5	141	3.5%		0	32	0.0%
Archer	9,054	18	75	24.0%			0	140	0.0%		0	36	0.0%
Jack	9,044	14	89	15.7%			0	68	0.0%		0	32	0.0%
Coleman	8,895	15	147	10.2%			19	177	10.7%		2	22	9.1%
San Augustine	8,865	0	80	0.0%			0	121	0.0%		0	63	0.0%
Hamilton	8,517	32	89	36.0%			20	95	21.1%		23	61	37.7%
Somervell	8,490	49	87	56.3%			43	140	30.7%		0	30	0.0%
McCulloch	8,283	4	90	4.4%			0	111	0.0%		0	48	0.0%
Yoakum	7,879	6	90	6.7%			0	96	0.0%		0	23	0.0%
Swisher	7,854	8	77	10.4%			4	75	5.3%		0	36	0.0%
Presidio	7,818	0	43	0.0%			0	88	0.0%		0	3	0.0%
Refugio	7,383	14	79	17.7%			22	141	15.6%		3	35	8.6%
Brooks	7,223	0	55	0.0%			0	93	0.0%		0	2	0.0%
Goliad	7,210	2	22	9.1%			13	76	17.1%		28	31	90.3%
Bailey	7,165	7	62	11.3%			4	80	5.0%		0	21	0.0%
Winkler	7,110	7	108	6.5%			1	82	1.2%		0	21	0.0%
Childress	7,041	0	73	0.0%			0	116	0.0%		0	27	0.0%
La Salle	6,886	0	55	0.0%			0	222	0.0%		0	8	0.0%
Floyd	6,446	37	84	44.0%			0	73	0.0%		0	34	0.0%
Carson	6,182	0	71	0.0%			0	280	0.0%		0	14	0.0%
San Saba	6,131	14	58	24.1%			5	65	7.7%		0	31	0.0%
Hartley	6,062	2	18	11.1%			1	54	1.9%		0	10	0.0%
Crosby	6,059	0	69	0.0%			0	47	0.0%		0	24	0.0%
Lynn	5,915	0	44	0.0%			0	108	0.0%		0	17	0.0%
Haskell	5,899	11	60	18.3%			2	79	2.5%		0	29	0.0%
Hansford	5,613	14	33	42.4%			4	65	6.2%		1	36	2.8%
Wheeler	5,410	4	58	6.9%			3	93	3.2%		0	23	0.0%
Jim Hogg	5,300	0	18	0.0%			0	45	0.0%				#DIV/0!
Delta	5,231	4	38	10.5%			2	107	1.9%		1	20	5.0%
Mills	4,936	5	44	11.4%			0	64	0.0%		0	32	0.0%
Kimble	4,607	3	48	6.3%			0	66	0.0%		0	32	0.0%
Crane	4,375	0	40	0.0%			0	38	0.0%		0	18	0.0%
Hardeman	4,139	0	46	0.0%			0	127	0.0%		0	0	#DIV/0!
Sutton	4,128	3	40	7.5%			0	30	0.0%		0	7	0.0%
Concho	4,087	0	17	0.0%			1	45	2.2%		0	14	0.0%
Mason	4,012	8	41	19.5%			5	49	10.2%		0	29	0.0%
Fisher	3,974	1	47	2.1%			0	100	0.0%		0	19	0.0%
Hemphill	3,807	0	31	0.0%			0	69	0.0%		0	20	0.0%
Baylor	3,726	0	41	0.0%			0	53	0.0%		0	0	#DIV/0!
Crockett	3,719	1	34	2.9%			1	48	2.1%		0	16	0.0%
Knox	3,719	0	41	0.0%			0	55	0.0%		0	23	0.0%
Donley	3,677	2	38	5.3%			0	58	0.0%		0	23	0.0%
Kinney	3,598	1	16	6.3%			0	86	0.0%		0	16	0.0%
Hudspeth	3,476	0	0	#DIV/0!			0	12	0.0%		0	0	#DIV/0!

Schleicher	3,461	0	19	0.0%			0	26	0.0%		0	8	0.0%
Shackelford	3,378	0	38	0.0%			0	64	0.0%		0	11	0.0%
Reagan	3,367	1	28	3.6%			18	76	23.7%		0	0	#DIV/0!
Upton	3,355			#DIV/0!			0	26	0.0%		4	133	3.0%
Hall	3,353	2	26	7.7%			1	77	1.3%		0	13	0.0%
Coke	3,320	8	27	29.6%			0	31	0.0%		0	0	#DIV/0!
Real	3,309	0	27	0.0%			0	40	0.0%		0	18	0.0%
Lipscomb	3,302	0	32	0.0%			0	45	0.0%		0	19	0.0%
Cochran	3,127	16	45	35.6%			4	27	14.8%		4	11	36.4%
Collingsworth	3,057	1	35	2.9%			0	94	0.0%		0	27	0.0%
Sherman	3,034	0	11	0.0%			0	27	0.0%		0	16	0.0%
Dickens	2,444	1	25	4.0%			0	20	0.0%		0	10	0.0%
Culberson	2,398	2	27	7.4%			3	58	5.2%		0	3	0.0%
Jeff Davis	2,342	0	14	0.0%			0	39	0.0%		0	2	0.0%
Menard	2,242	1	20	5.0%			0	33	0.0%		0	14	0.0%
Oldham	2,052	0	7	0.0%			5	36	13.9%		0	3	0.0%
Armstrong	1,901	0	15	0.0%			0	25	0.0%		0	9	0.0%
Throckmorton	1,641	4	11	36.4%			0	54	0.0%		0	10	0.0%
Briscoe	1,637	0	11	0.0%			0	71	0.0%		0	15	0.0%
Irion	1,599	0	0	#DIV/0!			0	5	0.0%		0	7	0.0%
Cottle	1,505	0	15	0.0%			0	29	0.0%		0	3	0.0%
Stonewall	1,490	1	11	9.1%			0	14	0.0%		1	6	16.7%
Foard	1,336	1	10	10.0%			0	7	0.0%		0	7	0.0%
Glasscock	1,226	0	1	0.0%			0	19	0.0%		0	4	0.0%
Motley	1,210	2	13	15.4%			0	13	0.0%		0	7	0.0%
Sterling	1,143	0	8	0.0%			1	21	4.8%		0	8	0.0%
Terrell	984	0	8	0.0%			0	5	0.0%				#DIV/0!
Roberts	929	2	9	22.2%			0	20	0.0%		1	8	12.5%
Kent	808	0	7	0.0%			0	14	0.0%		0	4	0.0%
McMullen	707	0	8	0.0%			0	59	0.0%		0	4	0.0%
Borden	641	0	4	0.0%			0	9	0.0%		0	2	0.0%
Kenedy	416	0	2	0.0%			0	149	0.0%		0	1	0.0%
King	286	0	0	#DIV/0!			0	0	#DIV/0!		0	2	0.0%
Loving	82	0	1	0.0%			0	11	0.0%		0	1	0.0%
Statewide	25,029,490	57,597	267,095	21.6%			14,742	344,972	4.3%		2,151	88,540	2.4%

EXHIBIT F

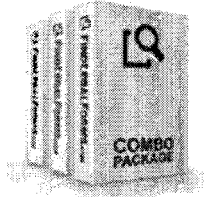


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Divorce Forms Combo Packages

Divorce Forms Combo Package - No Children

Customer Support



Divorce Forms Combo Package (with No Children)

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Overview

Specifications

Package Includes

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Going through a Divorce can be a very difficult time. You know that it is crucial to protect your rights and your property. This easy to use, attorney-prepared packet will help you understand better the process of divorce, and will provide you with forms necessary to go through a divorce.

Why pay more to buy forms one-by-one when you can get everything you need for a fraction of the cost? Our attorney-prepared packet contains our Divorce Forms for your state.

With this attorney-prepared packet you will:

- **Avoid Headaches:** Know that you have all the forms you need
- **Save Money:** You won't pay expensive attorney's fee, and you won't pay for each form individually
- **Gain peace of mind:** Know that your forms are up-to-date and comply with the laws of your state

Writing a legal document yourself, or using out-of-date forms, can be a costly mistake. Protect yourself, your rights and your property - without expensive lawyer fees. Our Forms are prepared by attorneys, not just attorney-reviewed, up to date, and specifically designed for your state.

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Divorce Forms Combo Packages

Best Value - These attorney-prepared Divorce Forms Combo Packages are specifically designed to provide you many of the most frequently used forms and agreements needed in divorce proceedings. Including worksheets, petitions, agreements and more, for couples with or without children, these Combo Packages will save you time, money, and headaches. Available to download immediately.

Divorce Forms Combo Package - No Children

Divorce Forms Combo Package for Couples **without children**. Our experienced attorneys have created this Combo Package to help you navigate often complicated divorce laws, saving you time, money and headaches. Containing the most frequently used divorce forms in one convenient, easy to use and inexpensive package, this Combo Package is specifically for use by couples without children.



Divorce Forms Combo Package - With Children

Divorce Forms Combo Package for Couples **with children** for use in all states. As difficult as divorce can be, it is far more stressful when children are involved. This Combo Package, created by our experienced attorneys, will provide you with the forms and instructions to help you deal with often complicated laws and will save you time, money and headaches by providing all of the most frequently used divorce forms in one convenient, easy to use and inexpensive package. These forms are specifically designed for use by couples with children, to give you the tools you will need to navigate the process with them in mind.



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FAQ

#396

Divorce & Separation

Popular - These attorney-prepared Divorce & Separation Kits are specifically designed to provide you with the agreements and forms frequently used in divorce proceedings, all in one convenient location. These Kits contains property settlement, separation annulment forms, alimony forms, premarital agreements and more. Available to download immediately.

Divorce Forms Combo Packages

Best Value - These attorney-prepared Divorce Forms Combo Packages are specifically designed to provide you many of the most frequently used forms and agreements needed in divorce proceedings. Including worksheets, petitions, agreements and more, for couples with or without children, these Combo Packages will save you time, money, and headaches. Available to download immediately.



Divorce Petitions & Complaints

Popular - These attorney-prepared Divorce Petitions & Complaint Kits are specifically designed to be used when formally requesting from the court the termination of your marriage. These Kits include petitions and complaints for couples with children and without children, and include the guidelines and forms you will need to tailor to your unique situation. Available to download immediately.

Final Judgment & Decree of Divorce

Popular - This Final Judgment and Decree of Divorce includes the instructions you need to lawfully record the final judgment, decree and/or dissolution of your divorce. This document is the legally binding court order that declares that the marriage between the parties is dissolved and that the parties are restored to the status of being single. When you download this form, you will gain the benefit of our experienced attorneys at a fraction of the cost of hiring your own counsel.

Marital Settlement & Separation Agreements

Popular - These attorney-prepared Marital Settlement & Separation Agreements Kits are specifically designed for use by divorcing couples with or without children. These Kits contain the guidelines and forms to tailor a marital/settlement or property settlement agreement to your unique situation. Available to download immediately.

Postnuptial Agreements & Amendments

Popular - Postnuptial Agreements and Amendments for use in all states. These packets contain the instructions and forms you will need to draft a postnuptial agreement that specifically designates the distribution of your assets, as well as the form to amend an existing agreement. These attorney-prepared documents ensure compliance with governing laws, while helping you create an agreement that fits your unique needs.

Premarital (Prenuptial) Agreements & Amendments

Popular - These Premarital (Prenuptial) Agreements & Amendments will assist you and your fiancé to set forth your rights and duties before getting married. Take advantage of the work of our experienced attorneys when you download these forms and gain the benefit of their legal expertise at a fraction of the cost of hiring your own legal counsel.

Alimony Past Due Notice

Alimony Past Due Notice is a written communication with your former spouse that serves the purpose of informing them that the alimony payment(s) that he/she is obligated to make has not been received and is now past due. Beyond the reminder of his/her obligation to pay alimony in a timely manner, an Alimony Past Due Notice provides a crucial written record of your efforts and the failure of your former spouse to meet his/her legal obligations. This form is available for download immediately in all states.

Annulment Package

Marriage Annulment Package for use in the State of Georgia. This attorney-prepared package contains the necessary forms to file a Petition for Annulment and other important factors to consider when annulling your marriage. By purchasing this attorney-prepared form you can protect your rights at a fraction of the cost of hiring an attorney.

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EXHIBIT G

TexasLawHelp User
Income and Household Size Survey Results
February 1 - March 6, 2012

Household Size		125% Legal		200% Food														
		Aid	Stamps & LSC															
Guideline		Guideline	below														Totals	
1	\$13,963	\$22,340	9	10	0	3	6	2	1	2	0	2	0	0	2	37		
2	\$18,913	\$30,260	8	8	7	3	2	2	0	2	0	1	2	0	4	39		
3	\$23,863	\$38,180	7	5	4	0	3	0	2	1	2	0	0	2	4	30		
4	\$28,816	\$46,100	10	4	4	0	1	1	1	0	1	2	1	1	3	29		
5	\$33,763	\$54,020	3	0	3	1	1	0	0	0	0	0	0	0	0	8		
6	\$38,713	\$61,940	0	0	1	0	0	3	0	1	0	0	0	0	1	6		
7	\$43,663	\$69,860	1	1	0	0	0	0	0	0	0	0	0	0	0	2		
8	\$48,613	\$77,780	0	1	1	0	0	0	0	0	0	0	0	0	0	2		
Totals			38	29	20	7	13	8	4	6	3	5	3	3	14	153		

Legend		Meet Federal Poverty Guidelines & R145a
124	81%	Do Not Meet Federal Poverty Guidelines & R145a
28	18%	Uncertain if Meets or Does Not Meet Guidelines
1	1%	

- Notes**
1. Clients served through funds provided through the Texas Access to Justice Foundation to legal aid and pro bono providers must be at or below 125% of the federal poverty guideline, unless the client is a victim of crime (187.5% allowed) or a veteran (200% allowed)
 2. Clients served through funds provided by the Legal Services Corporation, the federal funding source to the 3 largest legal aid providers, must be at or below 200% of the federal poverty guidelines
 3. Food stamp eligibility is 200% of the federal poverty guidelines
 4. Rule 145a of the Texas Rules of Civil Procedure states that a person qualifies for an Affidavit of Inability to Pay Costs if they are currently receiving a public benefit, e.g. food stamps

EXHIBIT H

Statewide Uniform Forms - All 50 states + D.C.

Executive Summary:

Total states + D.C. with standardized forms: 49

Total states requiring courts to accept forms if presented by litigant or lawyer: 37

Total states with family law forms: 48

Total states with divorce forms: 37

(31 states have divorce with children, 30 have divorce with real property, 33 have forms for custody matters, and 39 have forms for child support matters)

Total states with forms available online: 49

Total states which limit access to forms to low-income litigants only: 0

Total states with a self-help website: 39

STATE	STATE-WIDE FORMS	COURT-REQUIRED ACCEPTANCE	SUBJECT-MATTER	FAMILY LAW FORMS	DIVORCE FORMS	DIVORCE + KIDS	DIVORCE + REAL PROPERTY	FORMS AVAILABLE ONLINE	INCOME RESTRICTIONS?	STATE SELF- HELP WEBSITE
Totals	49	37		48	37	31	30	49	0	39
<u>Alabama</u>	Yes	-----	State Bar created 25 forms and 20 Court approved forms: landlord/tenant, SAPCR, divorce	Yes	Yes	-----	-----	Yes	No	-----
<u>Alaska</u>	Yes	-----	18 different categories of forms including appeals. SRL forms issued in past 12 years	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>Arizona</u>	Yes	Yes (protective order kit only)	12 categories of forms: divorce, small claims, appeals, eviction protective order, etc. & 16 Family Procedure Forms 01/2009	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>Arkansas</u>	Yes		Protective order and some probate forms are approved by the Supreme Court. Other form kits for SRLs are provided by the ATJ Commission in collaboration with legal aid. While these forms are not court ordered, they are supported by the Court and widely accepted.	Yes- protective order Kit				Yes	No	-----
<u>California</u>	Yes	Yes	Hundreds of forms in existence for over 30 years. Forms are accepted and required by all courts in the state.	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>Colorado</u>	Yes	-----	Adoption, family, domestic relations, appeals, probate, protective order, small claims, water, juvenile, criminal, civil, paternity, misc.	Yes	Yes	Yes	Yes	Yes	No	Yes

Statewide Uniform Forms - All 50 states + D.C.

STATE	STATE-WIDE FORMS	COURT-REQUIRED ACCEPTANCE	SUBJECT-MATTER	FAMILY LAW FORMS	DIVORCE FORMS	DIVORCE + KIDS	DIVORCE + REAL PROPERTY	FORMS AVAILABLE ONLINE	INCOME RESTRICTIONS?	STATE SELF-HELP WEBSITE
<u>Connecticut</u>	Yes	Yes	Administrative, civil, criminal, family, general, housing, juvenile, probate, small claims, appellate, protective order	Yes	Yes	Yes	Yes	Yes	No	<u>Yes</u>
<u>Delaware</u>	Yes	Yes	Civil, family, criminal, traffic, appeals	Yes	Yes	Yes	Yes	Yes	No	<u>Yes</u>
<u>D.C.</u>	Yes	Yes	Family, domestic relations, protective order, civil, small claims, landlord/tenant, criminal, probate. Additional family law forms, including divorce forms, are provided on the Bar website	Yes	Yes	Yes	Yes	Yes	No	<u>Yes</u>
<u>Florida</u>	Yes	-----	Family, probate, landlord/tenant, small claims, guardianship	Yes	Yes	Yes	Yes	Yes	No	<u>Yes</u>
<u>Georgia</u>	Yes	-----	Juvenile, probate, protective order, criminal, domestic relations	Yes-protective order Kit	-----	-----	-----	Yes	No	<u>Yes</u>
<u>Hawaii</u>	Yes	-----	Family, civil, small claims, landlord/tenant, traffic, criminal, protective order	Yes	Yes***	Yes	Yes	Yes	No	<u>Yes</u>
<u>Idaho</u>	Yes	Yes	Family, landlord/tenant, name change, small claims, protective order, judicial consent to abortion.	Yes	Yes	Yes	Yes	Yes	No	<u>Yes</u>
<u>Illinois</u>	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
<u>Indiana</u>	Yes	Yes	Civil, criminal, and appellate matters. Started 10 years ago.	Yes	Yes	Yes	Yes	Yes	No	<u>Yes</u>
<u>Iowa</u>	Yes	Yes	Civil, small claims, family, divorce, protective order, commitments.	Yes	Yes	-----	Yes	Yes	No	<u>Yes</u>
<u>Kansas</u>	Yes	Yes	Civil, family, landlord/tenant, probate and juvenile. 20+ categories. 100+ forms.	Yes	Yes	Yes	Yes	Yes	No	<u>Yes</u>

Statewide Uniform Forms - All 50 states + D.C.

[illegible]

Statewide Uniform Forms - All 50 states + D.C.

STATE	STATE-WIDE FORMS	COURT-REQUIRED ACCEPTANCE	SUBJECT-MATTER	FAMILY LAW FORMS	DIVORCE FORMS	DIVORCE + KIDS	DIVORCE + REAL PROPERTY	FORMS AVAILABLE ONLINE	INCOME RESTRICTIONS?	STATE SELF- HELP WEBSITE
<u>Missouri</u>	Yes	Yes	Family: divorce, modification of protective order and custody, name change and paternity. SRLs MUST USE these forms.	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>Montana</u>	Yes	-----	Over 50 categories of forms including family law, discovery, appeals, protective order, landlord/tenant, probate, taxes, small claims.	Yes	Yes	Yes	Yes	Yes	No	Yes-Bar
<u>Nebraska</u>	Yes	Yes	Appeals, court records, children and family, estates, financial/medical, parental consent waiver, general trial procedure, guardianship, name change, small claims, worker's comp and protective order.	Yes	Yes	Yes	-----	Yes	No	Yes
<u>Nevada</u>	Yes	Yes	Civil, protective order, family, guardianship, landlord/tenant, appellate, divorce.	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>New Hampshire</u>	Yes	Yes	Appeals, divorce, domestic relations, child welfare, juvenile, adoption, estates, guardianship, probate.	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>New Jersey</u>	Yes	Yes	Civil, criminal, family, municipal, landlord/tenant, tax, appellate, foreclosures, small claims, juvenile, protective order.	Yes	-----	-----	-----	Yes	No	Yes
<u>New Mexico</u>	Yes	Yes	Civil, criminal, municipal, landlord/tenant, guardianship, domestic relations.	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>New York</u>	Yes	Yes	Family law, divorce, protective order, criminal, and variety of civil forms. Civil forms have been used for decades.	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>North Carolina</u>	Yes	-----	Criminal (88), civil (131), protective order, child support, paternity, juvenile. Divorce packets and self-help center provided at local district court level.	Yes	Yes	-----	-----	Yes	No	-----

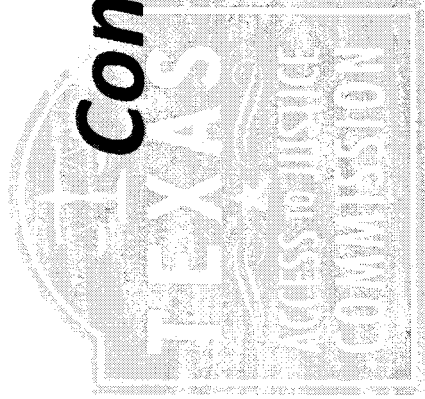
Statewide Uniform Forms - All 50 states + D.C.

STATE	STATE-WIDE FORMS	COURT-REQUIRED ACCEPTANCE	SUBJECT MATTER	FAMILY LAW FORMS	DIVORCE FORMS	DIVORCE + KIDS	DIVORCE + REAL PROPERTY	FORMS AVAILABLE ONLINE	INCOME RESTRICTIONS?	STATE SELF-HELP WEBSITE
<u>North Dakota</u>	Yes	Yes	Appeals, child support, visitation, guardianship, probate, protective order, small claims, simple divorce.	Yes	Yes	-----	-----	Yes	No	<u>Yes</u>
<u>Ohio</u>	Yes	Yes	Protective order and some custody & support forms. Other domestic relations forms, including simple divorce forms, are provided by local courts.	Yes-protective order Kit	-----	-----	-----	Yes	No	-----
<u>Oklahoma</u>	Yes	Yes	Protective order, child support, civil, appeals, criminal appeals.	Yes	-----	-----	-----	Yes	No	-----
<u>Oregon</u>	Yes	Yes	300+ family law forms, small claims, landlord/tenant, some criminal. Coalition of family law lawyers sought legislative mandate to create forms. Maintained by the Family Law Council, State Court Administrator and State Court Advisory Committee.	Yes	Yes	Yes	-----	Yes	No	<u>Yes</u>
<u>Pennsylvania</u>	Yes	-----	Probate, foreign adoptions, appeals, civil, landlord/tenant, expungements. Other forms including family law and divorce forms are provided at local court level.	-----	-----	-----	-----	Yes	No	-----
<u>Rhode Island</u>	Yes	Yes	Administrative appeals, civil, family, landlord/tenant, traffic, pre-trial. Limited family law forms. Criminal and small claims forms are "coming soon."	Yes	-----	-----	-----	Yes	No	<u>Yes</u>
<u>South Carolina</u>	Yes	Yes	Some civil and simple divorce created for SRLs. Divorce forms: uncontested, no kids, no property, But the SRL can modify the forms to include kids and property and contested matters. Also a lot of court-approved forms that are geared to attorneys.	Yes	Yes	-----	-----	Yes	No	<u>Yes</u>

Statewide Uniform Forms - All 50 states + D.C.

STATE	STATE-WIDE FORMS	COURT-REQUIRED ACCEPTANCE	SUBJECT-MATTER	FAMILY LAW FORMS	DIVORCE FORMS	DIVORCE + KIDS	DIVORCE + REAL PROPERTY	FORMS AVAILABLE ONLINE	INCOME RESTRICTIONS?	STATE SELF- HELP WEBSITE
<u>South Dakota</u>	Yes	-----	Protective order, divorce, name change, parenting time, civil	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>Tennessee</u>	Yes	Yes	Divorce no kids, no property were approved by the Supreme Court in 2011. They are the only Court approved forms. Tennessee's OCA has developed other forms available to lawyers and non-lawyers, but they have not been approved by the Court. These OCA forms include: protective order, child support, criminal, probate, small claims, traffic.	Yes	Yes	-----	-----	Yes	No	Yes
<u>Texas</u>	Yes	Yes	Protective Order Kit in 2005	Yes- protective order Kit	-----	-----	-----	Yes	No	-----
<u>Utah</u>	Yes	Yes	Divorce, child support, enforcement, protective order, landlord/tenant, guardianship, parentage, probate, small claims, expungement.	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>Vermont</u>	Yes	Yes	Civil, small claims, family, protective order, criminal, probate, name change, guardianship, partner adoption.	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>Virginia</u>	Yes	Yes	Protective order, traffic, paternity, child support, juvenile, mental health, civil	Yes	-----	-----	-----	Yes	No	-----
<u>Washington</u>	Yes	Yes	Divorce, custody, child support, protective order, juvenile, title, financial, criminal, adoption.	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>West Virginia</u>	Yes	Yes	Divorce, family, appeals, child support, custody, protective order, guardianship,	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>Wisconsin</u>	Yes	Yes	Divorce, family law, small claims, name change, juvenile, probate, protective order, appeals.	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>Wyoming</u>	Yes	Yes	Divorce, child support, child custody.	Yes	Yes	Yes	Yes	Yes	No	Yes

EXHIBIT I



Continuum of Legal Assistance

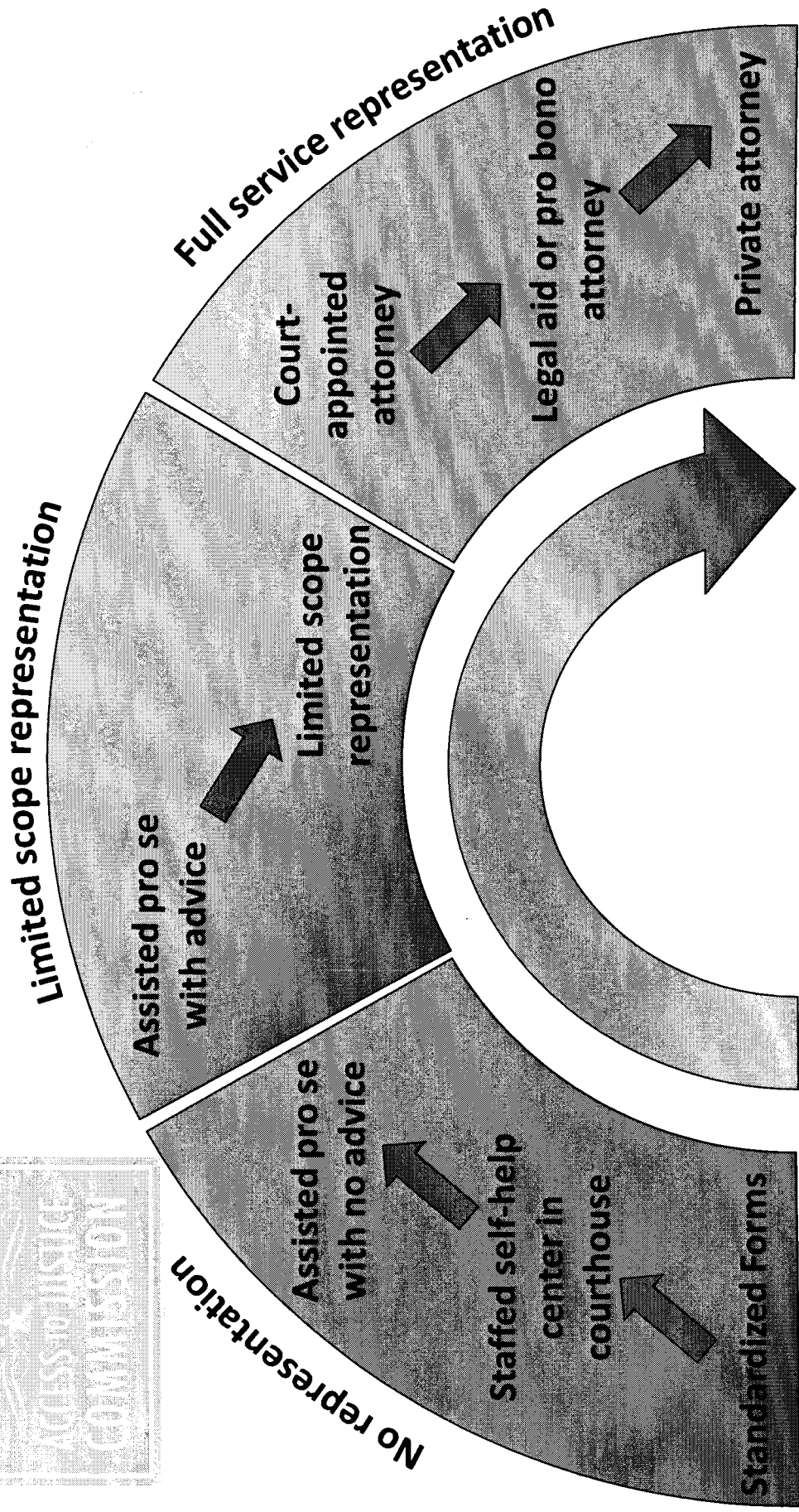


EXHIBIT J



State Responses on Standardized Forms

Commission staff has conducted extensive research on the availability of standardized forms in all 50 states and the District of Columbia. This information is a compilation of interviews with representatives from 22 states who were involved in the promulgation of their state's forms.¹

1. Is there any evidence that forms have harmed the public?

- No state reported any evidence of harm to the public. Not one person interviewed knew of a litigant who had been hurt by using the standardized forms.
- States reported benefits to self-represented litigants. Many states echoed **Kansas**, which reported "There already were a wide number of forms being used by the public before we made our forms available. The public was downloading the forms off the internet or purchasing at local stores. Many of these are not Kansas specific and do more harm to the public than the forms we developed."

2. What has been the impact of state forms on the ability of lawyers to earn a living?

- No state reported any evidence that the forms negatively impacted lawyers' businesses.
- Many states reported that forms positively impacted attorney businesses.
- **Maryland's** observations:
 - Attorneys could attract more clients by cutting fees and having clients prepare their initial filings while the attorney focused on the more complex matters involved in the case.
 - While forms and self-help centers are good at initiating a case, litigants still have challenges navigating the process, especially in contested trials and complex matters. Lawyers benefit from the state's efforts with self-represented litigant by referring litigants to the self-help center to complete a portion of the case on their own and then recommend the litigant hire the lawyer to handle other portions.

3. Are the forms restricted to use by the poor?

- No state has restricted the use of state forms to the poor.
- All states report that the majority of litigants accessing various self-represented litigant services are low-income.
- Many states' access to justice commissions helped develop the state's forms.

4. What is the impact on judicial efficiency and economy?

- All states report an increase in judicial efficiency and economy.
- Susan Ledray, Senior Pro Se Services Manager, Hennepin County Courts, **Minnesota**, stated:
 - "Forms result in the judge getting the information she needs, instead of struggling to make sense of free-form documents filed by self-represented litigants."

¹ The states interviewed were: Alabama, Alaska, Arkansas, California, Delaware, Hawaii, Illinois, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Montana, Nebraska, New York, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, and Washington.

- Staff and judges get used to the forms and where to find the information, and this makes it faster and easier to review forms before and during hearings.
- Form blanks that are not filled in draw attention to the fact that information is missing – while with a customized pleading, the court might not realize at the most opportune time that something is lacking.
- Court staff save a lot of time when able to refer people to written forms and instructions, instead of trying to explain, write notes, or get into an unpleasant conversation with a person who is angry that ‘you won’t do your job and answer my questions.’”
- Every state indicated that pro se litigation is not increased by the promulgation of uniform forms; the forms only make the process more efficient for the courts. Nancy Strauss, Director of Judicial Council of **Kansas** stated, “They are going to be representing themselves anyway so we might as well give them some tools so it’s not a nightmare for all of us.”

5. How have state bars been involved in their state’s efforts to assist pro se litigants?

- A variety of state bars have been actively involved in efforts to address the problem of pro se litigants. State bars are involved in all levels of pro se programs.
- In **Michigan**, the self-help website is administered by the state bar.
- In the **District of Columbia** and **Minnesota**, the state bar actively promulgates and distributes uniform forms.
- Uniform forms were promulgated by the State Bar of **Alabama**. In 2005, the state bar appointed a task force to determine if there was a problem with self-represented litigants in the court system. The Task Force studied the issue and arrived at the conclusion that Alabama indeed did have a problem with pro se litigants. The Task Force recommended two courses of action that could be completed without a large expenditure: 1) creating standardized forms and 2) implementing a rule and other tools to further limited scope representation. The Bar approved the Task Force to proceed on creating standardized forms.
- In **Oregon**, it was the Family Law Section of the state bar that initially recommended that uniform forms be created. The forms were created as a joint effort between the Family Law Council, the State Court Administrator, and the State Court Advisory Committee. There are now over 300 family law forms in existence in that state.
- In addition, the **American Bar Association** has a pro se resource center located on their website to assist state bar associations with programs aimed at the pro se population.

6. Has the private bar opposed the promulgation of uniform forms in any organized fashion in other states?

- States like **Nebraska** and **South Carolina**, which have experienced significant opposition, involved their opponents in the process and in the end came up with better forms. Robin Wheeler, Director of the South Carolina Access to Justice Commission stated that the opponents’ “feedback was incorporated into the forms and ultimately made them better.”
- While some states indicated that there were grumblings here and there by individual attorneys or judges, the Commission’s research did not yield any other states that face organized opposition to uniform forms by the private bar.


EXHIBIT K

We have received the following two questions from Carl Reynolds, Administrative Director of the Texas Office of Court Administration, regarding the use by self-represented litigants of state-approved forms for matters such as uncontested divorce:

1. Have you seen evidence that using the forms has harmed individuals or the public?
2. What is the impact of using the forms on judicial and court efficiency?

State/Respondent	Response
Alaska/Stacey Marz	<p>I am the Alaska Court System Director for the self-help program and draft the forms for use by self-represented litigants so Christine Johnson asked me to respond to the questions about usage of self-help forms.</p> <p>1. Have you seen evidence that using the forms has harmed individuals or the public?</p> <p>No, we have seen no evidence that using self-help forms has harmed individuals or the public. The Alaska Court System has been providing self-help forms for many years. Our self-help center was created in 2001 and began producing many forms to be used specifically by self-represented litigants. See www.courts.alaska.gov/shcforms.htm for a list of family law forms designed for self-represented litigants and www.courts.alaska.gov/shc/appeals/appealsforms.htm for a list of forms for civil appeals to the Alaska Supreme Court. The court system also provides forms in other case types: www.courts.alaska.gov/forms.htm. These forms have increased the ability of self-represented litigants to access the courts to resolve their legal matters.</p> <p>2. What is the impact of using the forms on judicial and court efficiency?</p> <p>Judges report that filings are more complete and include more relevant information about the issues in the case. In fact, in custody family law cases, the judges regularly issue final findings and conclusions of law and decrees on forms designed to be filed by self-represented litigants. Judicial officers routinely use other self-help orders designed for self-represented litigants. They appreciate the fill-in-the blank and check box formatting and the inclusion of all necessary provisions. Judges have also reported that filings on self-help forms are sometimes better than those drafted by attorneys.</p>

	<p>Court clerks report a reduced need to issue deficiency notices because the fill-in-the blank forms address many common problems (they are formatted correctly and include certificate of service sections) that historically have caused documents to be deemed deficient filings because of non-compliance with court rules.</p>
Arizona/Dave Byers	<p>I have never heard of any instance of harm due to the forms....Of course regardless of the forms, pro pers can make mistakes in filings and what they request (e.g. not asking for a portion of a pension)</p> <p>The impact of the forms on the court are all positive...They are legible. Instructions help make forms more complete...</p>
California/Bonnie Hough	<p>I am responding to the question you posed regarding the usage of self-help forms on behalf of Mr. Ronald Overholt, Interim Administrative Director of the Courts.</p> <p>California has used standard forms since the 1970's. We currently have about 1,400 forms that have been approved by the Judicial Council including translations of those that are most commonly used by self-represented litigants. For a list of all forms and link to each, please see: http://www.courts.ca.gov/forms.htm The procedure for adopting a rule or form is attached.</p> <p>The Judicial Council adopts legal forms in one of two ways. Under Government Code section 68511, the council may "prescribe" certain forms. Use of those forms is mandatory. The council may also "approve" forms. Use of an approved form is not mandatory, but the form must be accepted by all courts in appropriate cases (rule 1.35). Forms thus are "adopted" for mandatory use and "approved" for optional use.</p> <p>Some forms are for information only (including all translations). Most forms can be downloaded to a local computer and filled out. They are also available at clerks' offices, law libraries, and self-help centers. Parties can also print any form and fill it out by hand. See the section on the website re: "How to fill out court forms."</p>

	<p>We have no evidence that forms have hurt litigants in any way.</p> <p>Judges, clerks and practicing attorneys generally find them extremely helpful as they know where to look on forms for the information they need and do not have to worry about basic issues not being set out before the court. Self-represented litigants can prepare appropriate pleadings – often with the guidance of an attorney. Cases such as divorce, child support, domestic violence, small claims, guardianship, conservatorship, probate, adoption and a wide variety of other matters precede primarily using forms. It saves a huge amount of time in training and judicial review to know that the key elements are set forth in the forms. We have a relatively small number of judges given our population and I think that part of the reason that the system works is because of standardized forms.</p> <p>While we have a large number of self-represented litigants in California, our figures do not seem to be different than in most other states that report that data. We also have many litigants who may not be able to afford an attorney for the entire case, but are able to get help with a portion of the case, including completion or review of forms.</p> <div data-bbox="878 1362 967 1507">  <p>howprerule.pdf</p> </div>
Guam/Geraldine Amparo Cepeda	<p>The inquiry was the effects of the use of state-approved forms by self-represented litigants. Here is the response from the Judiciary of Guam:</p> <p>The Judiciary of Guam has self-help computer kiosks that allow self-represented litigants to complete pre-approved forms, which are then printed and filed by these litigants.</p> <p>Have you seen evidence that using the forms has harmed individuals or the public?</p> <p>No, the court has no evidence that the use of the self-help kiosks and forms has resulted in any harm. Those who cannot afford an attorney but do not qualify for assistance from Guam Legal Services are able to generate court filings for less</p>

	<p>complex court proceedings, such as guardianships and uncontested divorces.</p> <p>What is the impact of using the forms on judicial and court efficiency?</p> <p>The impact on members of the public who use the kiosks and the forms has been positive. They are able to represent themselves in less complex court proceedings, and save money. The impact on efficiency in the court system has been positive as well, because the court documents generated by the kiosk are correct and in proper format for filing. As a result, there is no hold up in the filing process.</p>
Idaho/Michael Dennard	<ol style="list-style-type: none"> <p>Have you seen evidence that using the forms has harmed individuals or the public?</p> <p>No. We try and limit our forms to court proceedings which are not complex, although that is difficult to do in family law cases which have the greatest need for assistance and the greatest inability to retain legal counsel. While there might be an occasional circumstance where instructions are not followed, or errors occur, the same thing happens in cases where the parties are represented by attorneys. Our goal is to provide access to the courts for citizens of limited means who are unable to retain legal counsel. If there were adequate resources for these people to assist them in retaining counsel, we would not have to provide this kind of assistance for self-represented parties. But the reality is, there is no other option. The "harm" to the public would be to provide no help for those unable to retain an attorney. For those who have dealt with this issue for many years, the argument that providing access to justice through court approved forms "harms" the public is very disingenuous.</p> <p>What is the impact of using the forms on judicial and court efficiency?</p> <p>If statistics are examined for the past 10 to 15 years, in particular in family cases, one will see an extremely high and consistent rate of self-representation. This is not the result of any action or inaction on the part of the courts, but driven by the high cost of legal representation in proceedings where parties have no choice but to go to court. Prior to our use of court approved forms, these parties were trying to create their own forms, or using inadequate or inappropriate forms they found from a variety of sources, which did nothing but frustrate court staff and judges who had to deal with the problems created by those documents. By having correct forms and instructions approved by the courts, these issues have diminished greatly. Less time is spent correcting or redirecting the self-represented litigants by court staff and judges, and matters are resolved more quickly and efficiently. But the greatest "impact" on the judiciary, however, is the appreciation expressed by the public and the public's very appropriate perception that everyone is ensured access to justice in our courts.</p>

Indiana/Camille Wiggins

Here are several responses from Indiana per your request to the COSCA listserv:

In response to your email dated February 8, 2012, to Indiana Supreme Court Division of State Court Administration Executive Director, Lilly Judson, I forwarded the survey questions to our SRL Committee for response. Our Committee is comprised of judges, lawyers, court librarians, legal service organizations, court clerks, law schools, and pro bono organizations. Below you will find the responses received from several of the Committee members:

From judges.....

People tend to use the forms without a full understanding of what they are supposed to be used for. They also think that once they file the forms their relief will either be automatically granted or the Court or court staff will assist them through the process. Many people do not bother to read or follow the directions that accompany the forms. They become frustrated when they cannot get the relief they are requesting.

The impact on the Court and judicial efficiency is that court staffs are glad to be able to refer people to the website for forms. However, the staff is not sufficiently aware that there are not forms available to fit all situations. The litigants return to the court frustrated that they cannot find the correct forms or resort to using the wrong forms just to get something on file. We often go in to Court to hear an emancipation only to discover that the moving party is seeking modification of custody or some other relief. I don't think the answer is creating forms to fit more situations. Litigants need to understand the limitations of the website.

The forms help separate the simple cases that can be done with little or no professional assistance, from the more complicated matters that genuinely require legal specialist and other professional guidance.

Please allow me to respond to your questions in reverse order.

The forms generally save the court time in two ways. First, they are recognizable as pleadings, which mean I do not spend as much time guessing what the litigant wants. Second, the forms are a huge improvement over handwritten pleadings because they are much easier to read.

I do not believe that the forms have harmed individuals or the public. Litigants are harmed by incomplete forms, missing important information or issues, and lack of understanding the legal process. As long as people are self represented, that is not likely to change.

The existence and use of the forms is incidental to that problem. That said, having the forms may give some persons a false sense of security that can be risky. The philosophical question of whether it is better to let people engage in legal combat where they may be overmatched and "outgunned" or not let them get into the fray at all is for those wiser than me.

From a court clerk.....

Have you seen evidence that using the forms has harmed individuals or the public? no

What is the impact of using the forms on judicial and court efficiency? Our Courts really appreciate the forms. Without them pro-se litigants turn the Court and Clerk staffs into interpreters.

From pro bono organizations....

Harm? I don't believe that I have ever seen the forms themselves result in harm to litigants that would not have occurred regardless. Certainly, litigants mis-use the forms sometimes, use them for the wrong reasons, or try and modify them to fit a situation that they aren't designed to address, but they would likely do that regardless of the existence of our court forms (using forms from the internet or other sources or no forms at all). There are times when litigants don't read the directions or understand the implications of court actions, but that is not the fault of the forms. That is the fault of a society that doesn't have adequate access to counsel -- which is a different issue entirely. I do think litigants are sometimes frustrated that our forms cannot work the magic they hope and pray for.

Efficiency? The forms have absolutely improved judicial and court efficiency, especially since the advent of the new versions that help litigants only use the appropriate forms for their specific situation (no more filing for both and final hearing and a waiver of the final hearing because they are in the same packet). When combined with pro se assistance, we have seen the number of continuances in litigated matters drop substantially with litigants completing matters more quickly and with fewer scheduled hearings.

Have you seen evidence that using the forms has harmed individuals or the public?

I have not seen any such evidence. All feedback to me has been positive.

What is the impact of using the forms on judicial and court efficiency?

I do not work in the courts but the pro bono plan administrators' observation is that the forms increase court efficiency and access to justice.

Iowa/John Goerdts on
behalf of David Boyd

David Boyd asked me to respond to this inquiry. The Iowa courts have offered a form for filing a small claims case for at least 15 years. In 2007, the Iowa courts began offering forms and instructions for self-represented parties in a divorce that does not include children. In 2008, our courts also began providing forms and instructions for parties involved in a proceeding to modify child support only. The committee that developed these forms expects to complete the forms and instructions for a divorce involving children sometime during 2012.

You can find the forms and instructions for domestic relations cases on the Iowa courts' website at:

http://www.iowacourts.gov/Representing_Yourself/DivorceFamily_Law/index.asp

1. Have you seen evidence that using the forms has harmed individuals or the public?

We have not received any complaints or feedback from the public or judges that use of these forms has harmed any individuals. Many or most of the people who have used the forms and instructions developed by the Iowa judicial branch would have found forms someplace (e.g., on the internet or at Walmart) -- and those generic forms often do not meet some specific requirements under Iowa law. By using the forms and instructions approved by the Iowa Supreme Court, parties and judges can be confident that the forms and instructions meet the requirements of Iowa law. Consequently, the forms and instructions probably prevent harm, rather than cause harm.

It should be noted that at approximately the same time when the forms and instructions for divorce without children were released (in 2007), the supreme court amended the Code of Professional Conduct for attorneys to allow them to handle just part of a case (i.e., unbundled legal services), rather than requiring them to handle everything in a case from start to finish. The instructions that accompany the forms for self-represented litigants encourage the parties to consult with an attorney whenever they have questions about a form or procedure described in the instructions.

2. What is the impact of using the forms on judicial and court efficiency?

Under the Iowa Court Rules, a self-represented party who uses forms in any case for which the supreme court has made forms available must use the approved forms. The forms are very simple and clearly explained by the instructions. Use of these forms almost certainly increases the likelihood that self-represented parties provide the type of information judges need to make decisions and move the case to the next step. Judges also know exactly where to find the information they need on the forms because the forms are standardized. Consequently, the forms and instructions have almost certainly increased the courts' efficiency in handling cases involving self-represented parties.

Massachusetts/Kim Wright	<p>Your inquiry to Listserv members regarding questions from Carl Reynolds regarding self help forms has been referred to me relative to a question about Probate and Family Court forms.</p> <p>We have a court promulgated form for filing an uncontested divorce, a Joint Petition, but we do not provide a form for the agreement that must be submitted with it that contains all the substantive information about the parties agreement relative to custody, visitation, child support, property division etc.</p> <p>We have various other complaint and petition forms for other case types available at our courthouse and some on our website.</p> <p>Please feel free to contact me with further questions.</p>
Michigan/Amy El Garoushi	<p>I am responding from Michigan. We have not yet started using court-approved forms for divorce proceedings in Michigan. We are in the process of developing them now for use with a pilot website being developed by the Michigan Poverty Law Program through a project funded by the State Bar Foundation and overseen an advisory group established by the Solutions on Self Help Task Force. The use of these forms and the website will be evaluated for effectiveness and impact on the judiciary in the upcoming year. If you would like more details, you can contact Angela Tripp of the Michigan Poverty Law Program. Feel free to contact me for more information.</p>
Missouri/Greg Linhares	<p>Missouri has no survey or other empirical data to determine if the public or individuals have been harmed by our forms, nor do we have such information to determine impact on court efficiency. Anecdotal evidence suggests both benefits and drawbacks to use of such forms in Missouri, with improved access to court process for pro se litigants being identified anecdotally as a benefit, and improper use of forms or improper attempts to represent oneself when an attorney should be used being identified anecdotally as a drawback.</p>
Montana/Erin Farris	<p>I am responding to this message on behalf of the Montana Supreme Court Court-Help Program. As the current Program Administrator, these comments are a reflection of the feedback I receive from clerks of court and judges statewide regarding the State's provision of forms for self representation.</p> <p><i>Have you seen evidence that using the forms has harmed individuals or the public?</i></p> <p>I cannot report a single incident where the use of self represented forms created and distributed by the State has harmed</p>

<p>a self represented litigant. Although form development is challenging, especially in light of legal progress, obstacles encountered by self represented litigants are only made easier by the State's provision of forms.</p> <p>A large contributing factor to Montana's success in form development and distribution is the administrative safeguards in place. The Montana Supreme Court has a Commission on Self Represented Litigation. One of the purposes of the Commission is to approve form development and revisions. The Commission has a process of determining what materials are most appropriate for self representation and endorses the development of only those forms. The Commission also delegates legal experts to review form content. The decision of whether to provide forms on a particular subject often hinges on whether the materials might put the litigant at risk of harm due to predictable or unpredictable legal outcomes.</p> <p>An example of near harm created by self representation forms was due to a litigant's utility of a form found from a foreign online source. The forms used were not provided by the State. This was only a situation of near harm because the presiding judge was able to identify the unfamiliar form and consult community and State resources about its inappropriateness. Through the provision of well defined state approved forms and communication with the court, Court based legal programs act as a safeguard to the multitude of misinformation available to people through various online legal resources.</p> <p><i>What is the impact of using the forms on judicial and court efficiency?</i></p> <p>Prior to the provision of forms, litigants were largely undirected. Given the relative unpreparedness of an individual attempting to navigate the court system, court staff had a very difficult time administering justice. Judges found themselves in uncomfortable positions in the court room; making difficult decisions in answering litigant questions and instructing litigants on filing. Clerks of court similarly had to regularly instruct litigants on filing requirements.</p> <p>Judges observations are that the State's provision of forms dramatically increased court efficiency by enhancing the effectiveness of scheduling and completing effective court hearings. However, complaints about forms are ongoing. Judges complain the "one size fits all" approach to form development results in overly lengthy forms. Judges have also complained that the forms are unconstructively vague. However, the solution in those jurisdictions has not been to abandon forms. Rather, judges developed county or district specific forms to address their concerns.</p> <p>Clerks of court are extremely appreciative of state wide form provision. Prior to form development, clerks of court would receive multiple visits from self represented litigants in their jurisdictions and found it very difficult to manage their time and avoid instructing individuals on filing instructions from the counter. Many clerks describe the ability to direct individuals to state forms as an option they couldn't do without. Some clerks have fully endorsed forms to the extent of</p>	
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	<p>actually providing printed forms to litigants at the clerk counter.</p> <p>I hope this brief description of our experience is helpful to your research. Feel free to contact me if you have additional questions.</p> <p>For a complete list of Commission endorsed self representation forms see: http://courts.mt.gov/library/topic/default.mcpdx</p> <p>For more information on the Commission on Self Represented Litigants see: http://courts.mt.gov/supreme/boards/self_represented_litigants/default.mcpdx</p>
New Hampshire/Don Goodnow	<p>Have you seen evidence that using the forms has harmed individuals or the public? Assuming "state-approved" refers to forms created by the judicial branch which are made available to the public, we have not seen any evidence that the use of these forms has harmed individuals of the public.</p> <p>What is the impact of using the forms on judicial and court efficiency? Our pre-made forms include spaces for individuals to include information set forth in statute or court rules and thus they provide a compliance roadmap for any filing party. The use of these forms increase efficiency because they reduce the explanation time required by clerical staff to the filing party, and both clerical and judicial staff know immediately where on the form to look for specific information to screen and review. These forms are updated by the court, thereby reducing the likelihood that they will have to be returned to the party for the inclusion of information newly required by law or court rule.</p>
New Mexico/Arthur Pepin	<p>1. Have you seen evidence that using the forms has harmed individuals or the public?</p> <p>NM introduced statewide uncontested divorce forms over ten years ago. The main problem with the form was that people did not understand the difference between contested and uncontested (no matter how clearly that was addressed in the form) and would try to file uncontested forms for contested matters. Because the need for pro se forms is so severe in NM, the NM Supreme Court is seeking to establish forms for use in both contested and uncontested cases through the interactive format of the LawHelp website.</p> <p>2. What is the impact of using the forms on judicial and court efficiency?</p> <p>The initial impact was confusion on the part of court staff and judges, but continued use resulted in familiarity and</p>

	<p>suggestions to streamline the process. There has never been a major push to pull the forms off the shelf once they were introduced, only to improve them. The forms improve court efficiency because court staff has forms and/or referrals to give to pro se litigants, who otherwise clog up the lines and phones with questions and requests for legal advice that court staff cannot give. Trained on the difference between legal advice and procedural information, and equipped with available, approved referrals, court staff are able to provide access to the courts to pro se litigants rather than turn them away with no help.</p>
<p>North Carolina/Todd Nuccio on behalf of Judge John Smith</p>	<p>Judge Smith forwarded the below email to my attention for comment and direct submission. I am the court administrator in Mecklenburg County, NC and we generally have the widest use of self-help forms and services in the state. Please let me know if you need any further clarification regarding the below responses. Thanks.</p> <p>Q. Have you seen evidence that using the forms has harmed individuals or the public?</p> <p>A. We have not seen any evidence which indicates the use of legal form packets by pro se litigants has harmed individuals or the public. To use the example of absolute divorce, litigants who wish to file for absolute divorce are required to meet all the same legal standards as an attorney filing for absolute divorce. A judge is assigned to review all documents filed by the individual in the case and determine that all legal standards have been met prior to signing the order granting an absolute divorce.</p> <p>The Mecklenburg County SelfServe Center has developed step by step instructions and local county forms that require the litigant to answer all of the legal requirements for filing for absolute divorce, child support, custody and other claims for relief. These forms have been reviewed and approved for distribution by various Family Court Judges in Mecklenburg County. We have found that these and the other steps mentioned below have helped in reducing harm to individuals and the public. In fact, the standardized forms actually assist in reducing errors, increasing efficiency and improving litigant satisfaction.</p> <p>In addition to forms and instructions, we provide supplemental services which further reduce any potential harm. One additional service is providing a list of attorneys willing to provide "unbundled services." This term is used to describe the wide range of discreet tasks that an attorney might provide without providing full representation. Unbundled services allow the litigant to seek assistance for those tasks that are beyond either their educational means, financial means or both. As such, they can elect to use an attorney for their entire case or just a particular phase of the case. Other measures we have implemented which reduce any potential harm to individuals or the public include the offering of educational workshops (clinics) for pro se litigants. In partnership with the Charlotte School of Law and the Latin American</p>

	<p>Coalition we conduct clinics in both English and Spanish during the lunch hour, in the evening and on weekends. These clinics cover the legal standards required and increase the accuracy and completeness of the forms. After attending a legal clinic, the litigant, if financially qualified, may also sign up for an Attorney for the Day appointment. This is a 30 minute consultation with a licensed North Carolina attorney. These attorneys have also attended a continuing legal education (CLE) on assisting self-represented litigants navigate the court system. The Mecklenburg County SelfServe Center hosts, on average, three (3) days per month where an attorney conducts up to six (6) consultations per day. This allows 18 litigants per month to have their documents reviewed for accuracy, completeness and the ability to ask additional questions about the divorce process.</p> <p>Q. What is the impact of using the forms on judicial and court efficiency?</p> <p>A. Each week one judge is charged with reviewing up to 135 divorce files. The judges have openly expressed their preference in reviewing and processing local template forms. Their preference is expressly based on uniformity, the ability to review the information at a glance for completeness, and the formatting of the documents. In fact, for ease in processing, most judges first separate the divorce files into two piles, local forms and other pleadings. The time spent processing the template forms is minimized greatly in comparison to those drafted by members of the Bar. The same preference is true for handling forms dealing with other case types. The completeness and uniformity serve to ensure that the Court has what it needs to address the relief being sought.</p>
North Dakota/Sally Holewa	<p>1. Have you seen evidence that using the forms has harmed individuals or the public? We have not done a study on this. Anecdotally, some judges and lawyers have raised this as an issue, but have not provided any specific examples.</p> <p>2. What is the impact of using the forms on judicial and court efficiency? Judges and court staff frequently raise this as an issue, but we have not done any type of study to determine whether that is actually the case or whether <u>not</u> having forms available for self-represented litigants would make the process more efficient.</p>
Ohio/Jo Ellen Cline on behalf of Steve Hollon	<p>Have you seen evidence that using the forms has harmed individuals or the public? None to our knowledge.</p> <p>What is the impact of using the forms on judicial and court efficiency? Allowing the use of standardized forms has a significant impact on judicial economy both in terms of administrative matters and case processing. Ohio uses standard forms in domestic relations cases, civil protection order cases, and in probate matters extensively.</p>

Oklahoma/Mike Evans	Occasionally the Oklahoma legislature has directed that the Administrative Office of the Courts prepare subject matter forms that are available to judges and litigants; however, these forms are not designed or specifically designated for use by self-represented litigants only. These forms have been used on a very limited basis. I am not aware of any particular concerns with their use in any Oklahoma trial court.
South Carolina/Cody Lidge	<p>1. Have you seen evidence that using the forms has harmed individuals or the public?</p> <p>No, but SC Court Administration has learned of isolated events where individuals have attempted to sell the Self-Represented Litigant Divorce Packet to litigants even though the packet is offered free of charge.</p> <p>2. What is the impact of using the forms on judicial and court efficiency?</p> <p>Our forms are easily accessible on the website and, in some cases, provided in the Clerks of Court offices for a nominal fee. When the court forms are used correctly, they benefit all players and help judicial proceedings run smoothly.</p>
Utah/Jessica Van Buren on behalf of Dan Becker	<p>The answers provided are based on anecdotal experience.</p> <p>1. Have you seen evidence that using the forms has harmed individuals or the public?</p> <p>We have not. We have, however, seen people harmed by not using the free court-approved forms. For example, people who pay for divorce packets that don't include vital forms, like the petition.</p> <p>2. What is the impact of using the forms on judicial and court efficiency?</p> <p>There has been a positive effect on clerical and judicial efficiency. The court-approved forms are also used by clinic staff and practicing attorneys.</p>

EXHIBIT L

The Family Law Section	
	<h1>Family Law Section</h1> <p>State Bar of Texas</p>
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Deposition/Trial Testimony DVDs Texas Family Law Practice Manual Family Lawyer's Essential Tool Kit Checklists Texas Pattern Jury Charges - Family Law Client Handbook for Family Lawyers	

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EXHIBIT M

PRO SE **DIVORCE HANDBOOK**

"Representing Yourself in Family Court"



Produced And Distributed As A Public Service By
The Texas Young Lawyers Association And The State Bar of Texas
2010

IMPORTANT INFORMATION
– PLEASE READ THIS FIRST –

IN THE EVENT YOU OR ANY MEMBER OF YOUR FAMILY IS THE VICTIM OF DOMESTIC VIOLENCE, YOU SHOULD IMMEDIATELY CONTACT 1 (800) 799-SAFE (1-800-799-7233).

YOU SHOULD ALSO CONTACT A PRIVATE ATTORNEY OR YOUR LOCAL LEGAL AID PROVIDER BEFORE FILING FOR DIVORCE. THIS HANDBOOK AND THE PRO SE DIVORCE PROCESS MAY NOT BE APPROPRIATE FOR A DIVORCE WHERE DOMESTIC VIOLENCE IS INVOLVED. DOMESTIC VIOLENCE CAN INCLUDE PHYSICAL, MENTAL, EMOTIONAL AND VERBAL ABUSE.

The Texas Family Code (Section 71.004) defines Family Violence as: *(1) An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault or sexual assault, but does not include defensive measures to protect oneself; (2) Abuse by a member of a family or household toward a child of the family or household; or (3) Dating violence (as defined by Texas Family Code Section 71.0021.)*

The Texas Council of Family Violence defines Battering (or Abuse) as: *A pattern of coercive control that one person exercises over another. Battering is a behavior that physically harms, arouses fear, prevents a woman from doing what she wishes or forces her to behave in ways she does not want. Battering includes the use of physical and sexual violence, threats and intimidation, emotional abuse and economic deprivation.*

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EXHIBIT N

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In cooperation with

LICENSE INFORMATION

Bar Card Number: 24049967
 Texas License Date: 03/07/2008

WEBSITE

www.nemecclaw.com

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Federal

Texas Northern Bankruptcy Court

Texas Northern District Court

Other Courts

None Reported By Attorney

OTHER STATES LICENSED

None Reported By Attorney

PRACTICE INFORMATION

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 Wills-Trusts-Probate, Other, Elder Law, Entertainment,
 Immigration, Aviation, Construction, Juvenile, Military,
 Public Utility, School Law, LGBT Law, Social Security Law,
 Securities Law

Services Provided: Hearing impaired translation: Not Specified

ADA-accessible client service: Not Specified

Language translation: Not Specified

Foreign Language Assistance: None Reported By Attorney

LAW SCHOOLS

Law School	Graduation Date	Degree Earned
Texas Wesleyan University	05/2007	Doctor of Jurisprudence/Juris Doctor (J.D.)

PUBLIC DISCIPLINARY HISTORY

State of Texas*

Sanction	Date of Entry	Sanction Date	Probation Date

EXHIBIT O

Texas Family Law Foundation

Why It Won't Work: The Access to Justice Seven-Point Plan for Pro Se Litigants

Executive Summary

The Access to Justice Commission (ATJ), funded by mandatory dues paid by Texas lawyers, is championing a seven-point plan ("The Plan") to help litigants without lawyers handle their own cases—regardless of ability to pay. The Plan proposes a system. It designed to affect probate, consumer, family, landlord/tenant, employment and other practice areas.

The Plan's proponents say forms alone won't work; the whole system has to be there. Because most of that system's elements won't happen, The Plan will fail, leaving pro se litigants with nothing but a set of blank forms, endorsed—"Safe for Use: Texas Supreme Court." Unwary pro se litigants lured into a false sense of safety will inevitably be hurt. If the damage can ever be undone it will only be at great cost—with the help of a lawyer.

The Plan can't succeed because it relies on:

- Centralized authority: The Supreme Court orders everyone beneath it—represented parties, trial courts, clerks, librarians, lawyers—to carry out a service for unrepresented litigants. Rather than being solved by people at the local level, statewide elected officials would impose ATJ's "vision."
- Redistribution of money from some for the benefit of others: Diverting lawyers' Bar dues to pay for new infrastructure and services and, eventually, taxing all civil litigants, including the people who *do* pay their own lawyers (or key elements of the proposal must be jettisoned).
- New spending—statewide—for new services to be grafted onto our judicial infrastructure.
- Establishing a new social service that does not exist today.
- Significant change in the historic relationship between lawyers and their clients.
- Driving lawyers into using new business models.

Source Note: The following information is based on some 2500 pages of documentation, including extensive email traffic, obtained from the State Bar of Texas through an open records request for materials relating to ATJ and the seven-point plan.

Texas Family Law Foundation

Background

What Is The Seven-Point Plan? As described in the documents and public statements by ATJ Chairman Harry Reasoner, The Plan includes:

- (1) The development of uniform forms applicable to *numerous legal practice areas*—family law, probate, guardianship, landlord/tenant, consumer, employment, etc. Uniform forms have been described by the proponents as the “foundation” of The Plan. Mr. Reasoner has said: “This is the first step in a much larger plan.”
- (2) New Supreme Court rules requiring use of the new forms and acceptance by the state’s trial courts, as well as “...legislation and other policies to assist self-represented litigants or to clarify how various stakeholders in the court system *properly interact with self-represented litigants*.”
- (3) Creating “self-help centers” added to courthouses across the state. ATJ’s literature describes “document assembly” facilities, or kiosks, video and written materials and staff guidance made available at these centers. This new infrastructure exists today only in a handful of localities based on local decisions. Who’s going to pay for new ones in over 250 counties?
- (4) Retraining and education of the private bar, clerks, court staff, clerks and trial judges regarding how to “...more effectively serve self-represented litigants...”
- (5) Expanding so-called “assisted pro se” services legal aid or pro bono lawyers, perhaps paralegals, to provide limited services targeting discrete elements of litigants’ cases.
- (6) Moving private sector attorneys into “limited scope representation,” including “...new rules to allow attorneys to more easily assist people on a limited scope basis...” and training them to “...develop it as a new business model of practice.”
- (7) Establishing a centralized clearinghouse to “...develop a plan of how to effectively communicate with the judiciary, private bar and public about self-represented litigant issues...” initiatives and resources.

The Plan, as described above does not differ in any material way from a proposal put before ATJ as long ago as 2008 (see *Where Did It Come From?* below). And yet, although the proponents recognized its far-reaching implications (one said in May, 2009: “I have seen sunrises that are less breathtaking than this fine document that begins our journey together down the road of history...”), at no juncture did they comprehend that such fundamental changes called for the input and acceptance of the State Bar membership, which was apparently never sought.

Where Did It Come From? In 2008, a small group, dubbing itself the Texas Self-Represented Litigants Work Group, met in Baltimore, Maryland, and decided that they were “committed to improve services to Texas self-represented litigants.” That group was led by one representative

Texas Family Law Foundation

of each of the following agencies: Texas Office of Court Administration, Texas Legal Services Center, Travis County Courthouse Self-Help Center, Travis County Law Library, Texas Access to Justice Foundation. Similar kinds of representatives were added later.

NOTICE there is no mention of the State Bar of Texas or any of its Sections in that list.

On March 26, 2009, ATJ adopted the Workgroup's mission as a "special project" and decided to "...explore all avenues (with regard to self-representation strategies) and come up with a proposal(s)..." In May of 2009, the Texas Supreme Court and State Bar Executive Committee approved the most recent guidelines governing the Commission's work. Buried at the bottom of Page 4 was an activity vaguely described as "*Study and make recommendations* regarding self-representation." There was no other mention, nor any more detail, of what ATJ had in mind, although the Workgroup had already spelled out in detail the proposals ATJ would soon adopt.

About that time, the Workgroup provided the Commission a document with what it described as "The Plan" and outlined "How We Propose to Get It." All of the elements of the Commission's seven-point plan for assisting pro se litigants, and their rationale, are laid out in that document.

The Workgroup's intention was stated at that time: "The point of this exercise is to get *advance support* for our effort *from the highest levels...*" so they proposed to get the Supreme Court to "...*direct* the Commission and the OCA [Office of Court Administration]..." with regard to developing programs to assist pro se litigants. And, that's what's going on today.

In short, the seven-point plan was always intended by its proponents to be directed from the central authority of the judicial system—the Texas Supreme Court—so everyone affected by it would have to fall into line. That remains the lynchpin today—and it has begun.

The **first** step under The Plan was to hold a forum by which various stakeholders would be "educated" about pro se issues, which occurred in the Spring of 2010. In a chronology given the Court, ATJ claims that The Plan "came in the wake of the forum," when in reality the forum was the first step in selling The Plan.

The **second** step under The Plan was for ATJ to appoint a Self-Represented Litigants Committee to carry out The Plan, which was done later in 2010. The **third** step: the Committee then established six subcommittees to carry out six elements of The Plan.

The **fourth** step came in the fall of 2010, as ATJ began executing the seventh point by giving Justice Nathan Hecht a draft Supreme Court Order establishing a Task Force on Uniform Forms. It took him a while, but Justice Hecht assured ATJ he'd get it done, which he eventually did in the spring of 2011, and the Task Force met for the first time in mid-March, 2011.

The **remaining steps** are being readied for implementation at this time.

Texas Family Law Foundation

Why The Plan Won't Work

Besides the fact that it shouldn't be implemented for policy reasons, those pushing the seven-point plan have failed to recognize certain basic realities—financial, institutional and policy realities—that will render the scheme a failure.

The most important reasons, as will be seen below, are:

- The Plan will inevitably fail, leaving unwary pro se litigants with nothing but forms they do not understand applied to the most sensitive interests a human being can have with inevitably disastrous results for many people.
- Well-organized spaces on pieces of paper for categories of information aren't what litigants need, it is legal advice based on a clear understanding of what's at stake—the information and the vitally important ramifications of that information presented to advance the litigants' interests.
- The Supreme Court's imprimatur will act as a lure for people who wrongly think they're interests are safe because the Court gave its seal-of-approval. But, those people will be denied other services ATJ considers critical to the system; forms are all they will get.

A national proponent of the self-help movement, relied upon extensively by ATJ, has stated:

“...The bench and bar need to help assure the availability of *that full range of services* to ensure that persons representing themselves obtain the results that the facts and law applicable to their causes warrant...”

“Provision of forms is the foundational task of every program...[of assistance to pro se litigants]...While necessary for litigants to assert their rights, forms by themselves *are not sufficient to ensure that self-represented litigants will be able to assert those rights effectively*. The forms must be part of a more comprehensive process...” (See Greacen, John, “*Resources to Assist Self-Represented Litigants*.” National Edition June 2011. ATJ has relied extensively on Mr. Greacen's work.) [emphasis added]

More on why The Plan's elements will fail:

- *The Plan relies on the exercise of centralized authority and new bureaucracy.* The Plan explicitly calls for the Texas Supreme Court to order its implementation in every locality, a massive new assertion of the Court's authority into a judicial system that, although some have described it pejoratively as “fragmented,” is fragmented for a reason.
 - ✓ Texas is not a “big government” state and generally abhors the exercise of centralized authority.

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Texas voters choose their trial judges and those judges work for those citizens, not the Supreme Court. Trial judges have the power to handle pro se cases as they deem proper considering local conditions and the needs of individual litigants and that is an element of discretion afforded them by the voters. If local voters think they ought to be doing more for pro se litigants, those voters can make that decision, as they have in various ways (see Travis County or Lubbock County for varying approaches).

- ✓ Pro se litigants have a right to represent themselves (see Tex. R. Civ. P. 7) and case law makes clear that trial courts have *the discretion* to provide a liberal reading of pro se litigants' pleadings and briefs. Trial judges can help pro se litigants to an extent, but those litigants must be held to the same procedural and substantive standards as represented parties—otherwise a dual system of laws would arise, one for the unrepresented and one for those with lawyers.
- ✓ Requiring use and acceptance of uniform forms statewide, for example, requires the maintenance of a permanent capability—at the state level—to continually revise the forms as required by constant changes in the statutes and case law that govern each practice area. The more legal practice areas for which uniform forms are prescribed, the larger the capacity that will be required to continually revise them (not to mention merely monitoring changes in law and exercising judgment regarding *when* form changes are needed as a result).

This expanded state-level capability is what is called “bureaucracy” when it occurs in the Executive Branch.

- ✓ Alongside the “forms maintenance” bureaucracy will be the “education, training and communications” bureaucracy called for by The Plan. Indeed, The Plan’s proponents have suggested in the past having the Supreme Court designate their Task Force as a permanent entity with authority over forms that would have no necessity to obtain Court approval for periodic revisions. *The Plan depends on the creation of new entities with new powers.*
- ✓ Re-ordering the relationship between lawyers and consumers will require yet another kind of top-down direction from the Supreme Court. That subject is discussed below.
- *The Plan’s proposed new system, like all social services, necessarily requires funding—but there is no funding and won’t be.* The Plan envisions a complete prescription for a new social service. Each part is an element of an envisioned *system* of services.

The failure of funding for the remaining parts of the system will leave consumers armed with a set of forms that will inevitably explode on them due to the absence of the support, guidance and advice that The Plan’s proponents envision. There would be nothing benign

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about a forms-alone world. In fact, it would increase the danger for the very people the proponents seek to serve.

- ✓ The Texas Supreme Court may be able to order some aspects of The Plan into existence, but the Court has no authority to establish a funding mechanism or to appropriate funding for these new services.
- ✓ Self-help centers do not exist today, except in one or two counties where local money is being spent. New resources would have to be found to pay for equipment, space, materials and staff. The Smith County Bar Association received a \$65,000 *one-time* grant in 2010 from the Access to Justice Foundation to establish a self-help center, but the Foundation cannot be counted on to sustain that effort year after year in Smith County, much less in each of the 254 counties of Texas.
- ✓ The permanent forms maintenance and education, training and communications bureaucracies envisioned by ATJ do not exist today. They'd have to be created, managed and funded continuously.
- ✓ County governments have historically funded court-related facilities and services. Texas counties are seriously limited in their resources, both by the current economy and the notorious lack of will within the Legislature to allow new or increased fees. If the Legislature won't adequately fund legal services for the poor through existing programs, it is naïve at best to think the Legislature or the counties will fund these new services, especially for those who can afford a lawyer but choose not to.
- ✓ So far, the costs of *developing* and selling this plan to a limited audience has been funded by diversions of mandatory State Bar dues paid by lawyers. The word "diversion" is appropriate because nothing in the charter establishing ATJ speaks to it performing any of these functions.

Many lawyers object to this diversion and will continue to do so, which makes larger incursions into the State Bar's budget that would be needed to fund the state-level forms maintenance and education, training and communications bureaucracies far from certain.

- *The Plan explicitly calls for significant changes in the historic relationship between lawyers and their clients*—the "Jiffy Lube approach: we'll agree to change your oil, but a wheel alignment is your problem."
- ✓ To carry out this element of The Plan, either new Disciplinary Rules or other Supreme Court directives—or legislated changes—are anticipated.

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- ✓ Disciplinary Rule 1.02(b) and its associated comments expressly authorize limited scope representation after consultation with and agreement of the client. Therefore, the “limited scope representation” plank of The Plan is not needed, unless the proponents have in mind to further modify the attorney-client relationship on a basis that has yet to be detailed.
- ✓ The Plan calls for “new business models” that lawyers would move to in response to this new system. The policy is to drive down prices by “unbundling” services.

Since current law allows limited scope services, the market would seem capable of allocating those services were there a demand for them. It is not clear what market-forcing mechanisms (a.k.a., new regulations) ATJ proposes to resolve this “market failure.”

- ✓ ATJ’s mission, as defined in its charter, does not include reordering the relationship between lawyers and consumers, nor does it have the expertise to do so. If that function is to be performed, it is the State Bar of Texas that should initiate and govern that process.

Why The Plan Should Not Be Implemented

1. Forms alone will prove dangerous to pro se litigants and the entire system cannot be sustained. As demonstrated above and below, forms alone is what may well result.
2. The Plan depends on a redistribution of resources of a kind that is anathema to most Texans and cannot be sustained in the Texas political environment.

What has gone unmentioned in ATJ’s literature is the recommendation of the Workgroup for a \$10 fee imposed on all civil filings that could be used to fund the system envisioned by The Plan. (To date, ATJ has not advocated this fee increase.) That would mean that civil litigants who can afford a lawyer—but choose not to—would be subsidized by the rest of the universe of civil litigants who choose to use a lawyer.

As has been shown above, a diversion of the mandatory State Bar dues paid by lawyers have been relied upon by ATJ so far to develop The Plan and there will be much future resistance to continuing that, much less expanding it.

It is unlikely the Legislature will further expand general revenue funding to provide services to litigants who can afford a lawyer, seeing that it was tough enough in the 2011 session to get even substandard funding for actual legal services for poor people.

3. The Plan was developed by people who did apparently did not question whether existing resources were being allocated in the most appropriate manner. Any efforts to assist pro se people should start with an examination of the use of existing resources.

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4. No one thinks there are currently sufficient resources to serve the low-income population of Texas. However, The Plan has already diverted resources from the service of low-income people and The Plan is not limited to providing services to low-income people. It would also authorize legal aid organizations and others to serve people who are not eligible for legal services from those organizations.
5. The Plan was developed based upon an analysis of the pro se litigant issue that can charitably be described as thin. That is because the resources of the State Bar were diverted only to the uses favored by those with a preconceived mindset, who developed The Plan. That mindset was produced by people who see their mission as “helping pro se litigants,” but the proposals have systemic implications that affect many more people than just those they are anxious to serve.

The basis and description of the problem to date is as simple as:

- A. There is an increasing number of pro se litigants; and
- B. There are complaints from some judges, clerks, law librarians and others that pro se litigants cause problems.

But, those elements don’t dictate the “solutions” that have been proposed.

In short, no effective public policy development processes were employed in solving this problem. The proposal started and stopped with what others have done because the proponents apparently looked only in that direction. After that, it was a sales job.

4. The kind of policy development approach that might result in a sustainable solution, would include the kinds of efforts described below and require the kinds of resources and decision making that only the State Bar of Texas and its Sections could deploy:
 - A. There will need to be a complete inventory of the current uses of the existing resources at all levels (federal, state, local, other local) for assisting low-income people.
 - B. Evaluate whether existing resource uses match up with the priorities of this state, so that current resources are targeted toward those priorities.
 - C. An inevitable question will be whether family law, landlord/tenant law, employment law or some other practice area, such as immigration, are the first, second or third priorities (or levels of a priority scheme) for the use of current resources.

The answer to those questions must be based on tough decisions that identify the hierarchy of needs of the people of Texas and transparent criteria for determining that hierarchy.

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For example: The United States and Texas Constitutions have treated family-related concerns as heavily connected with constitutional rights. So, it might be argued that providing lawyers to people who need them in family law cases using existing resources intended for assisting low-income people (and some other classes) is of the highest priority. This would be true whether the client is a citizen, a legal alien or an illegal resident.

By contrast, some other uses of existing resources would not rise to the level of most family-issues, although, as in family law cases, all clients would have a constitutional interest in procedural Due Process. In one sense, it might be said that people with family law cases have both substantively constitutional issues (e.g., the rights of fit parents) as well as procedurally constitutional issues and that may trump other uses of the current scarce resources.

Accordingly, if legal aid organizations and others are not fulfilling the demand for family law services, if the Access to Justice Foundation is bleeding resources off to lower priorities, if the Access to Justice Commission is diverting its resources to lower priorities, etc. then the efforts of each and every one of those organizations and their funding should be directed to the higher priorities first.

- D. Once priorities are established, the existing resources should be laid alongside those priorities. There will need to be a cost identified for meeting each priority.

At some point down the list of priorities, the money runs out.

- E. A decision will need to be made whether any of the remaining functions must be provided in order to have a decent society and what must be done to achieve that goal.
- F. To the extent there are remaining functions that need to be provided, they must be paid for. ATJ's current approach is to divert lawyers' Bar dues to fund their costs of developing and administering the new system and they'll need some new source of revenue, likely to be charged to all civil litigants, to fund the operational aspects of the system they espouse.

This kind of approach went down in flames in the Legislature when there was an attempt to impose a bed tax on those paying for nursing home care out-of-pocket or with insurance to match and draw down federal Medicaid money for those without means or insurance.

A proposal to pay for these services will more likely find support with the public, the Legislature and lawyers if the solutions rest on a sound policy basis, careful adherence to priorities and broad support from the State Bar membership.

EXHIBIT P

VENTURA COUNTY SUPERIOR COURT'S MOBILE SELF-HELP CENTER

Project Summary:

In November, 1999 the Ventura County Superior Court acquired a Mobile Self-Help Center to expand the court's existing self-help programs to meet the needs of those in the community who have difficulty accessing the Self-Help Legal Access (SHLA) and Family Law Self-Help Centers in the courthouses and the *Colonia* neighborhood of Oxnard. The Mobile Self-Help Center provides the same informational assistance, educational materials, and referrals to non-profit agencies and organizations that the SHLA Centers provide, but it does so in the form of a "book mobile" type unit housed in a 35 foot custom built motorhome. The Mobile Self-Help Center travels around the county visiting communities geographically remote from the courthouse on an established schedule. It is also used to respond to special requests from schools, health care districts and community based law enforcement programs to participate in educational forums.

The Existing Process and Specific Problem:

The court recognizes that for a variety of reasons, primarily economic ones, many people needing to access the courts must do so without an attorney. Often these people are elderly, disabled, single women with children, or others having special needs. Courts have traditionally operated with attorneys representing their clients in an adversarial system. The complexities of the law create minefields for those who find themselves in court without an attorney. As greater numbers of self-represented people access the courts the level of frustration and barriers to justice increase.

Many other people find themselves in crisis situations, without the knowledge of where they can go for assistance. They may have special needs arising from physical or mental disabilities, or children with special needs. They may be in the midst of a financial crisis and on the brink of homelessness, or are already homeless. Courts are not designed to address people's crisis or special needs. Courts are empowered to resolve disputes by applying the law to the facts. Often people need comprehensive assistance with problems that the court cannot begin to resolve, yet failure to address the underlying problems can lead to court actions that compound the original problem.

De-mystifying the law and making it accessible to people enhances their participation in, and respect for, our democratic institutions. As is often said, "knowledge is power." By educating people about the law, their rights and obligations as landlords, tenants, parents, minors, employers, employees, neighbors, etc., we can empower people to take responsibility for their lives, and their contacts with others.

The court acquired a Mobile Self-Help Center (Mobile Center) as part of its comprehensive program to augment existing self-help centers in helping self-represented litigants navigate their way through the court system. The Mobile Center provides informational and referral assistance to those facing a life crisis, and educational materials to those desiring to learn more about the law. The SHLA and Family Law Self-Help Centers located in the courthouses, and in the *Colonia* neighborhood of Oxnard, were not able to meet all the needs within the county because of geographic limitations. For some people living in outlying communities, limited public transportation creates barriers between the court and those needing services. Funding limits preclude the court from establishing permanent centers in each community. The Mobile Center can travel from city to city within the county bringing desperately needed services at a fraction of the cost of renting and staffing multiple facilities.

The Mobile Center staffed by a court attorney and driver, with the assistance of volunteer attorneys and law student interns, can travel to different communities within the county and target those who encounter the greatest obstacles in coming to court. Often these are the elderly, disabled, victims of domestic violence who lack transportation and live isolated in their communities, and the homeless. They are often unaware of court and community resources available to help them. Bringing court information and assistance to the people will help ensure access to justice to all segments of our population, particularly the poor, disenfranchised, and under represented.

Target Groups:

Since the court established its self-help programs many people have been able to get assistance at the court and its branch SHLA Center in Oxnard. For many however, remote geographic location combined with poverty, language differences and cultural issues often created an access barrier that they found insurmountable. Additionally, certain populations may be reluctant to come to the government centers where the courts are located for fear of reprisal from a batterer, or in some cases, fear of inquiry about their immigration status. For homeless individuals, coming to court poses unique challenges because they may not have a place to secure their meager possessions while in court. Also, many avoid coming to court for fear of being taken into custody on outstanding failure to appear warrants for unresolved infractions. The Mobile Center provides access to court information and related services directly in the communities it visits. The very act of going to people, instead of waiting for them to find a way to the court, helps to break down barriers, build public trust and confidence, and improve access to justice.

The people we see in the Mobile Center confirm the nature of the target populations we seek to serve. Many are elderly. Even if they still drive, they do not drive on the freeway or venture far from home. Many are non-English speaking and face language and cultural barriers. Many are homeless, suffering from advanced stages of liver disease or mental illness. Some also have immigration issues in addition to other legal problems. Almost all are low-income.

Work Team:

The court's then Assistant Executive Officer, Florence Prushan, first broached the idea of a mobile center. She had been intimately involved with the development of all the court's self-help programs. Her background with libraries allowed her to envision a mobile center similar to a "book mobile," that could take the self-help program on the road. The success of the branch SHLA Center in Oxnard proved the need for court services directly within low-income communities, and disclosed the special needs and concerns of immigrant populations when accessing government or court resources. Budgetary constraints made the opening of branch centers throughout the county a financial impossibility. A mobile center could meet the unique needs of distinct populations and communities without incurring the cost of opening more permanent facilities.

Through the dean of a local law school and one of the SHLA Center coordinators, a private foundation donor was approached to provide seed money to purchase the 35 foot custom built Winnebago. Sheila Gonzalez, then Executive Officer of the court, strongly supported the project. Under her direction, court administrators and staff designed the interior of the coach, and stocked the Mobile Center with materials consistent with those maintained in the SHLA Centers.

Existing "partnerships" between the SHLA Centers and other community agencies were utilized to ascertain community need and determine locations and schedules for the Mobile Center. The "work team" continues to expand to incorporate representatives from various community groups, as the court's outreach programs evolve.

Law students intern in the Mobile Center just as they do in the SHLA Centers. The students learn first hand how to interview those needing legal assistance, how to recognize legal issues and salient facts, and where to direct people for additional help. Students learn court procedure, not only from books, but also from actual contact with the court. Most importantly, students are exposed to the myriad needs of the community, and will hopefully take to heart their duty, when they become attorneys, "Never to reject, for any consideration personal to him or herself, the cause of the defenseless or the oppressed." (Business and Professions Code section 6068(h))

Alternatives and Selected Solution:

The success of the branch SHLA Center in Oxnard demonstrated the need for the court to reach communities geographically and culturally distant from the courthouse. Opening other branch SHLA Centers throughout the county might achieve the same objective as the Mobile Center, but the cost would be prohibitive. The Mobile Center can also be used in conjunction with other outreach programs to better acquaint the community with the court, how our justice system works, the importance of jury service, and general legal information. The Mobile Center can go to schools and health care districts to complement existing education programs where a legal component is missing.

Project Details:

It took approximately one year for the Mobile Center to go from an idea to its maiden voyage. A partnership of court administration, the presiding judge, SHLA Center attorneys and court staff, a local law school dean, a private foundation, and community volunteers brought the project from an idea to reality. Fortunately the court was able to build on its very successful and comprehensive self-help programs in designing and equipping the Mobile Center with the materials and staff necessary to provide quality service to the community.

A. DESIGNING THE MOBILE SELF-HELP CENTER

The Mobile Center was designed to replicate the resources in the SHLA Centers. The motorhome is equipped with video stations, computer terminals, and a law library with self-help style materials such as *Nolo Press* books and many step-by-step instructional materials developed by Mobile Center staff. Tables, chairs and workstations are arranged in a comfortable, easy to access fashion. An expandable wall allows for greater ease of movement within the Mobile Center. Court staff involved in designing court facilities and computer systems worked on the Mobile Center design so it would integrate well with existing court programs and services. The Mobile Center includes the following:

Education Materials for Youth. Videos and publications written for adolescents including subjects such as date rape, violence free relationships, youth law, rights of students and Teen Court. Information for parents dealing with troubled teens is also available, including referrals to programs on anger management, Teen Court, substance abuse programs, and parenting classes.

Computer Stations. Computer terminals linked to the court case management system allow the public to access information about their cases and other legal information located on the Internet. Legal sites are bookmarked for easy reference. Those with limited computer skills can receive assistance from center staff in accessing the information.

Video Stations. Video stations allow people to view videotapes on many subjects including conservatorship, which is mandated viewing by anyone seeking to be appointed as a conservator in a case. Other topics include landlord/tenant, consumer law, debt management and bankruptcy, parental responsibility, mediation, labor law, probate, law and motion, and how to read a contract. Many videos are available in English and Spanish, and special equipment is available for the hearing impaired. Many of the court's videos were produced in conjunction with the local bar association and a local cable company that filmed the videos free of charge in exchange for the right to air them on local public access programming. Through this partnership the public can become better educated about the laws that affect them, and the court can expand its video library without incurring additional costs.

Books, Pamphlets and Brochures. The Mobile Center has a comprehensive library with books written for non-lawyers, such as *Nolo Press* books, on subjects commonly

encountered by self-represented litigants. The Mobile Center also carries brochures published by the State Bar of California, community organizations, and the court targeted toward consumers of legal services, and other matters of interest to the public. A variety of materials are available to the public on Alternative Dispute Resolution (ADR), both explaining what it is and how to proceed in different ADR forums. Through its "partnerships" with other community organizations, the Mobile Center is able to carry materials specifically related to resources within each community in which it travels. Thus people needing referral to a battered women's shelter or consumer credit counselor can obtain resource information targeted to the particular geographic area convenient to them.

Self-Help Instruction Manuals and Packets. The Mobile Center carries on board the same instructional materials developed by the SHLA Center staff and used successfully in the stationary centers. These step-by-step booklets gently walk people through the complicated process of a lawsuit. There are step-by-step instructions for unlawful detainer cases, guardianships, breach of contract/collection type cases, personal injury, name change, small claims and traffic cases. Sample Judicial Council forms and local forms are provided as well as sample self-drafted pleadings for certain motions for which form pleadings do not exist.

Expanding Access to Legal Representation. The Mobile Center carries extensive information about how people can access legal representation, even if only for a limited aspect of their case. The Mobile Center staff works with the local bar association and the court developing strategies to encourage private attorney *pro bono* involvement. People are referred to the Ventura County Bar Association's Lawyer Referral and Information Service, its Voluntary Legal Services Program (*Pro Bono*), and local legal aid providers. With the expansion of "unbundled" legal services, or task-by-task representation, greater options are available to the public in accessing private legal advice for at least a portion of their cases. The Ventura County Superior Court continues to encourage *pro bono* attorney involvement by publicly recognizing contributions, and giving priority on the court calendar to those cases in which the attorney is appearing *pro bono* through one of the established volunteer attorney programs in the county.

Preventative Law. A major component of the Mobile Center focuses on education as well as comprehensive assistance for those whose problems reach beyond the traditional court process. The Mobile Center staff "partner" with the local bar association, legal aid providers, and community organizations such as Interface; The Coalition Against Domestic and Sexual Violence; Catholic Charities; Jewish Family Service; Tri-Counties Regional; Protection and Advocacy, Inc; and the Greater Los Angeles Area Agency on Deafness, among others. These agencies and organizations help the Mobile Center staff to address the comprehensive needs of self-represented litigants, especially those with special needs.

The Mobile Center staff also works with the community to present information on substantive areas of law in an effort to reduce legal conflict necessitating court intervention. The Mobile Center has traveled to communities in response to requests for

workshops on specific topics such as landlord/tenant law and guardianship. Problems encountered by people in the community become the subject of additional workshops, videos, and question and answer columns in local newspapers.

B. SCHEDULING THE MOBILE UNIT

One of the greatest challenges with the Mobile Center was in developing a schedule that accommodates the needs of the community, and provides consistency and dependability for those relying on its services. The work hours of farmworkers and day laborers, and their inability to get time off from work during the day, also created challenges in scheduling the Mobile Center. The Mobile Center's original schedule provided for stops on the second and fourth Tuesdays, or first and third Mondays in four different communities. The court found it was difficult for people to compute when the Mobile Center was coming, so the schedule was changed. The Mobile Center now goes weekly to the communities of South Oxnard and Santa Paula, both with large farm worker populations, and biweekly to Ojai and Thousand Oaks, communities geographically remote from the courthouse with pockets of poverty amidst a largely affluent population. It travels weekly to Ventura Avenue where it serves a primarily homeless population, and on the first Wednesday of each month, visits Leisure Village, a senior community in Camarillo. Other cities have requested they be added to the Mobile Center's schedule, and requests are being addressed on a needs priority basis.

The Mobile Center spends two and a half to three hours at each location and assists people with matters ranging from traffic infractions, to landlord/tenant, to family law. The number of people helped at any given time varies. When the Mobile Center staff met with community leaders to find suitable sites to park the mobile unit they were told how some communities are divided along ethnic lines with one population residing primarily on one side of town, and another residing on the other side. It was suggested that the Mobile Center alternate where it parked so it would be equally accessible to both populations. The court found two locations to park in each of the cities of Fillmore and Santa Paula, with one of the locations in each city located within the ethnic *barrios*. After several months of parking in alternating locations it was apparent that the sites in the *barrios* were not getting as much traffic as the other sites. It was also confusing for the public to figure out which site the Mobile Center would be parked at each week, so the court established a new schedule of parking just at one site in each of the cities it visits.

C. STAFFING AND THE USE OF VOLUNTEERS

The SHLA Center coordinators, along with a driver and various volunteers staff the Mobile Center on a rotating basis. Each SHLA Center coordinator is an attorney with strong ties to the community. Besides going out with the Mobile Center to assist the public, the coordinators meet regularly with community leaders. They participate on advisory boards, committees and boards of directors of numerous non-profit organizations in the county. This allows them to network with those agencies to which people may be referred to for further assistance, and helps the court to establish a relationship of trust with the communities the Mobile Center visits. One of the attorney

coordinators is fully bilingual and the other is studying Spanish, in part through a class that was taught at the court during the lunch hour. In order to serve the large volume of people needing one-on-one assistance with a limited budget, the self-help programs have developed an extensive volunteer program recruiting from local law schools, legal secretary and bar associations. Retired business people have also been a good resource for volunteers.

Most of the volunteers who help with the Mobile Center also volunteer in the SHLA Centers. They are usually attorneys, or in some cases, third and fourth year law students who have sufficient familiarity with legal principles to assist self-represented litigants in completing most standardized court forms, under the guidance and direction of an attorney. The students benefit by earning school credits, learning civil procedure first hand, and improving communication skills with the people they serve. The public benefits by having knowledgeable people ready to assist them, without having to wait in line for a single attorney. The attorney coordinators and volunteer attorneys staffing the Mobile Center benefit by having a law student interview the self-represented litigant to distill the relevant facts, and then present the legal issue to the attorney. This spares the attorney's time listening to people vent, while still providing the public with a sympathetic ear to express themselves.

D. COST/BUDGET

Initial funding for the Mobile Center was obtained from a private grant. The grant was for \$40,000 with the opportunity to submit a request for the entire \$108,000 purchase price of the motorhome. Operating costs are contained by the court's reliance on volunteers. Even before the Mobile Center was fully operational, the court received many offers from private attorneys volunteering to help.

Evaluation:

The Mobile Center uses exit questionnaires to evaluate its effectiveness with the public using the service. Because of its ability to move from place to place, the Mobile Center is able to continually adjust its schedule and location to better serve the needs of its constituents. Thus in addition to using questionnaires, one of the best evaluation measures is the level of response from the community as a whole. Are people coming to the center when it arrives? Are people comfortable getting help from the court? These questions can be answered by the number of people we see. The Mobile Center is both a community outreach program and an ongoing experiment to learn how the court can best reach the most marginalized populations, who are often in the greatest need of help.

Transfer or Replication Characteristics:

The Mobile Center concept can be replicated in any jurisdiction where the commitment to serving the public has a high priority. Because it builds on existing resources in the community, the Mobile Center can provide a broad range of assistance with limited staff and money. Private or public grants can often provide seed money to start a program or

purchase a motorhome, but the ongoing costs can be contained through judicious use of existing resources and volunteers. Because of its mobility, the Mobile Center can be adapted to a wide range of needs and services. It lends itself to rural and urban settings, and can be easily adapted to unique demographics in terms of the languages spoken, or materials carried on board. It allows a court to maximize the gain from limited resources.

Additional Process Analysis:

As mentioned above, the Mobile Center presented some unique problems in terms of reaching the target groups. The court, perhaps naively, thought, "if we park, they will come." This did not prove to be the case, especially in the low-income communities with large numbers of immigrants. One would think the need is greatest in these communities, thus the demand for service would be the greatest. On the contrary, while the need is great, language and cultural barriers, and the inability of laborers and farmworkers to take time off from work during the day, collectively created enormous obstacles, even when the court came right to the communities. The program went back to the drawing board to arrive at a schedule most suitable for the communities we serve. The court also began an intensive outreach program including having the Mobile Center coordinators address city council hearings, post flyers in laundromats, *tiendas* and *panaderías*, and bring the Mobile Center to Sunday Mass at those churches that serve primarily Spanish speaking populations. The outreach is working, but it is a process that requires patience and has been a tremendous learning experience for those involved in the Mobile Center project. Those who have used the services of the Mobile Center and completed exit questionnaires, by an overwhelming majority indicated the mobile center services were "very helpful."

The Mobile Center will continue to evolve as it faces new challenges in meeting the needs of an ever-growing diverse population. Through the process of overcoming the obstacles we face as a court in reaching the public we serve, we are helping people overcome the obstacles of achieving access to justice. The learning experience on both sides has been invaluable, and hopefully will lay a solid foundation for improved community relations, public trust and confidence and better access to justice for this and future generations.

EXHIBIT Q

**Indigent Pro Se Litigant
Subcommittee Report
Received and Approved by SOLUTIONS 2012, March 9, 2012**

The possible solutions identified below by the Indigent Pro Se Litigant Subcommittee are solutions that either A) Incentivize volunteers; B) Expand current programs or projects, or C) are based on ideas that are different from current programs or projects. No fiscal note or feasibility study has been done regarding any of these programs but are offered as options that might be acceptable or built upon throughout the state to address issues of particular concern.

Premise: These solutions are to address the needs of people who are indigent under TEAJF/LSC standards. They are not listed in any particular order.

STATEWIDE Potential Solutions

<u>Possible Solutions</u>	<u>Description</u>	<u>Comments</u>
A) Offer CLE based incentives	Provide free or reduced price incentives to attorneys that handle pro-bono cases. Use of TXBAR scholarships to provide to lawyers for CLE's.	Is there a way to incentivize non Texas Bar CLE organizations to participate as well? What is the impact on the TXBAR CLE bottom line? Attorneys who do pro bono can be nominated for a Texas Bar CLE scholarship via LSSD. Members of the Pro Bono College have free access to Texas Bar CLE's on-line library. Additionally, all the organized pro bono programs offer free CLE in exchange for handling pro bono matters.
C) Pro-Bono Smart Phone Application	Use an app to help connect lawyers with indigents in need of representation to greater access to the justice system.	An attorney in Arkansas has developed the first interactive pro bono mobile app to create "ProBono" available to Arkansas pro bono attorneys free of charge through iTunes. Would need technical assistance to build the application. The state of Illinois is also using such an app.
A & B) Pro Bono Matching Website	Use a website to post pro-bono cases to be handled by volunteer attorneys.	Some case matching websites currently exist (such as Legal Match) where the public can post their case and a lawyer will respond to it if they want to handle the case. Consider developing such websites for pro bono cases. A statewide matching website currently exists in Texas.

		called TexasLawyersHelp. Pro bono and legal aid organizations can post pro bono cases online and pro bono attorneys can choose which cases they are interested in handling via the "Take a Case" feature." The feature has been in existence for four years.
B) Online Chat/Video Programs	Use online chat or video programs through websites to provide one to one assistance to individuals in need of assistance.	<p>Encourage legal aid, volunteer groups and local bars to develop an online chat feature on websites. Use remote access terminals in rural counties with video conferencing and online chat capabilities.</p> <p>TexasLawHelp, a statewide online resource for free information and forms that has been in existence for X years, has an online chat feature. Indigent people can talk to an attorney via online chat to get advice and information about their legal situation. The Live Chat feature is hugely popular and is used by more Texas residents than any other state using the LawHelp platform.</p>
B) Expand clinics throughout the state	Set up clinics (or develop a model clinic for bars to use) where volunteer attorneys provide assistance directly to low income persons in specified cases. Example: Community Justice Programs.	<p>The Dallas Volunteer Attorneys Program (DVAP and Legal Aid of NW Texas) sponsors four Assisted Divorce Clinics per month. They use volunteer attorneys to help low-income clients with uncontested family law cases. Staff and volunteers help low-income clients prepare their uncontested family law cases. Malpractice insurance for volunteers is provided by Legal Aid of Northwest Texas. Give bar leaders a project like this with training at the Local Bar Leaders Conference.</p>
A) Reduce liability for attorneys who handle decrees	Offer or reduce liability for attorneys who handle decrees for uncontested cases.	<p>Might require legislative or other disciplinary rule amendments or petitioners can be screened by a local legal services provider. Provided by SBOT liability coverage?</p> <p>The Commission investigated the possibility of SBOT liability coverage for attorneys who handle matters for low-income clients who were not referred by a 501c3 legal service provider. Discounted malpractice coverage cannot be provided to an individual attorney unless the attorney is a member of a group associated with a 501c3.</p>

A) Extend liability coverage to attorneys who handle pro bono cases	For attorneys that handle pro bono cases through a legal aid service, they would be covered under the liability insurance coverage provided through the SBOT.	Provided by SBOT liability coverage.
C) Use technology to provide CLE training.	Utilize resources such as webinars, phone seminars, or tools such as Skype, to provide free CLE training to attorneys on how to handle pro-bono cases.	No commentary.
B) Judicial Education Component	Develop rule to say that it is not a violation to help an indigent pro-se litigant through the court system. Have judges/court clerks hand-out a one page information sheet about the court process to those individuals who are indigent and who are not represented by a lawyer.	<p>Providing information vs. providing legal advice, including their staff. Coordination between Supreme Court, State Bar, and Texas Center for the Judiciary (TCJ). The TCJ receives grants from the Court of Criminal Appeals.</p> <p>The Commission and the Office of Court Administration have partnered to provide presentations on the difference between providing information versus legal advice. The presentation has been made multiple times and is well received.</p> <p>The Commission investigated the need for a rule clarifying that it is not a violation of judicial ethics nor is it a violation of UPL. The Commission determined that a rule is not needed at this time and opted in favor of education.</p> <p>There are currently Pre-Paid legal insurance programs in the state.</p> <p>The Commission is exploring use of pre-paid insurance programs and has met with the outreach director of the Texas Legal Protection Plan.</p>
B) Pre Paid Legal Insurance Programs	Explore the use of Pre-Paid insurance programs to determine their effectiveness in assisting indigents. Encourage the public to use Pre-Paid Legal programs for reduced cost legal services.	

Regional Solutions

A) Offer incentives to	Identify incentives for attorneys	Conduct annual seminars to recruit and train lawyers to take
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attorneys who provide training (such as clinics) to attorneys on how to handle pro-bono cases.	who provide training to other attorneys on how to handle pro-bono cases. Such incentives include CLE credit, free or reduced price CLE's, reduced price section memberships, etc.	family law cases through Volunteer Legal services. Lower potential impact on TXBAR CLE. May not benefit small firms or solo practitioner, or in rural areas.
B) Education of indigent pro se litigants	Require indigent pro-se litigants to attend mandatory training (such as a clinic) on how to file pro-se.	It will be difficult to enforce the mandatory requirement of attending training sessions in order to proceed with a case. In Colorado, legal clinics are staffed by legal aid providers. Development of resources to assist pro se litigants; not necessarily as a prerequisite to self-representation. Remove the mandatory requirement and look for resources to offer.
A or B) Encourage local bar associations to create lawyer referral services	Educate local bar's on the benefits of implementing a certified referral service	Lubbock County offers an optional video training to pro se litigants. Bell County has a standing order requiring all pro se litigants to attend training, however, anyone who does not want to take the training is provided a waiver. Currently, the State Bar, and most of the local bar referral services throughout the state require its members to have Professional Liability Insurance as a condition of membership. Largely this is done because the ABA requires it as a condition of its certification. Additionally, referral services generate revenue, and are meant to refer indigent callers to private attorneys. Rather referral services refer such callers to legal aid providers and resources. For example, in 2011, the State Bar of Texas Lawyer Referral Service referred 26% of its calls to legal aid resources (including legal aid services, other community services, agencies, websites, etc.) Two referral services in the state offer modest means panels that provide services to individuals above the poverty line, but that have limited means (as defined by the referral service). May need to inquire with the ABA about dropping the requirement (for ABA Certification) that lawyer referral services must require professional liability insurance from its members.
B) Establish more Domestic	Using existing DRO's as a model,	Need technical assistance in establishing a DRO in other

Relations offices using public/private partnerships	find ways to use public and private partnerships to create additional DRO's throughout the state.	communities.
B) Use of Self Help Centers	Establish self help centers available to indigent pro se litigants throughout the state to provide access to self help. Such help can be kiosks, volunteer/staff attorneys, reference materials, etc. Ideally a lawyer is available to assist in the self help center	Currently, there are self help centers in Angelina County, Bexar County, Collin County Law Library, Fort Bend County, Grayson County, Harris County Courthouse, Hidalgo County, Lubbock County, Montgomery County, Nacogdoches County, Smith County, Tarrant County, Travis County, and the Lutheran Ministries and Social Services of Waco. Bringing together stakeholders is critical.
C) Local Volunteer Attorney Group	Create volunteer board/group to be contacted by listserv or monthly email alerting lawyers/local bar associations to needs in their communities.	Waco has a monthly volunteer attorney gathering where bar assns. get together at churches with printers, etc., lawyers do the screening and pass on to the next table where someone prepares forms; perhaps local bar assns. Should form local ATJ committees to explore these types of activities. SBOT can provide technical assistance.
B) Mentoring Programs for attorneys	Offer CLE credit for attorneys to serve as mentors	SBOT Pro Bono Mentor Program offers 5 hours of CLE credit for taking a case referred by a pro bono program or legal aid program. The Dallas Volunteer Attorney Program (DVAP) and other volunteer attorney programs offer mentoring for pro bono attorneys. Houston Volunteer Lawyers Mentoring program provides mentoring to an attorney who handles an HVLP case. HLVP mentors are available to answer any procedural or substantive law questions that may arise in pro-bono cases.
B) Legal hotline	Develop a model legal hotline for local bars to use to provide assistance to indigents in need of legal assistance.	Similar to the Legal Line hotline run by Dallas Bar Association. Consider expanding sources for hotlines to local lawyer referral services. The Lawyer Referral Service of Central Texas holds a monthly legal hotline. The Texas Advocacy Project has three statewide legal hotlines with one each for sexual assault, domestic violence and general family law issues.