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Coloring Outside the Lines Part II—or We Built It and They Came

By PAMELA J. GREGORY, Circuit Court for Prince George's County Law Library

This article is the second of two parts, the first having appeared in *Trends in Law Library Management and Technology* Sept.-Oct. (1997). A program based on the project also was presented to the American Association of Law Libraries, 92nd Annual Meeting and Conference, C-7 Unauthorized Practice of Law 1999, Two Different Views From Two Different Pews. The first part of the two articles offers a fairly complete description of the history of the pro se project in Prince George's County, Maryland and the factors which influenced it from 1994 to 1999. The statistics reported in the first article were from 1996. Subsequent statistics from 1999 also appeared published in the proceedings of the AALL Conference, At the Crossroads, Information Management, Technology, Policy, at page 124. In 1999, the Volunteer Lawyers project saw 2,794 citizens who either were self-represented litigants or were considering becoming self-represented litigants. In 2001 the project assisted 6,780 citizens, now with the benefit of a greatly enhanced service center, and newly produced forms and Web access.

Since 1994, the Prince George's County Bar Association has had a partnership with the court and the law library to provide legal information and referral assistance to self-represented parties primarily in family law cases. This partnership began as a one-day-per-week program, with volunteer attorneys from the Lawyer Referral Service of the local county bar association. This program has now grown to one which offers service four and one-half days per week, Monday through Friday, closing at noon on Fridays. Current staffing includes a job-shared attorney position which is full-time at thirty-five hours weekly, and a full-time paralegal position. Our pro bono arm of the bar association, the Law Foundation of Prince George's County, contracts with the court on an annual basis to provide this greatly needed public service. The local bar continues to provide a back-up attorney to the clinic, and the paralegal performs a triage function to attempt to answer those questions which she can. Other questions are referred to the attorneys sometimes based on income, and more often on need. Both pro bono and legal professional referrals often result.

Here in Prince George's County, Maryland our court has been privileged to receive direct legislative support in the form of Family Division grants on an annual basis. The grants are audited and managed by the Administrative Office of the Courts, Family Services Program. In 1998 the Maryland Judiciary, with generous support from the General Assembly, established circuit court family divisions in Maryland's five largest jurisdictions. The services provided by the courts in those jurisdictions include: alternative dispute resolution with custody/visitation mediation; marital property mediation; volunteer attorney facilitators; dependency mediation; settlement of pretrial conferences; evaluation services such as custody evaluations, home studies, mental health/psychological evaluations, and substance abuse assessments; educational and therapeutic services; safety and protection services in domestic violence situations; and legal services which include pro se assistance, domestic relations forms, family law information and referral centers, and domestic violence advocacy programs.

From the earliest days of this project in 1994 until now, the law library and the law library director have been involved in the day-to-day operation of the pro se clinic, and the librarian has acted as the court's liaison to the project. The benchmarking of usage by type of request and the breakouts using the library's Inmagic system greatly assisted the court in garnering the annual grants needed to sustain the project and grow the staffing. Some library staff members thought that this was a natural extension of the library's services, and others thought that the clinic should fall under the umbrella of legal and not library or information services.

At the same time that the clinic was beginning to experience an almost overwhelming volume of clients, in June of 1999 the court opened the Family Division Information and Referral Center (FDIRC) as part of the newly formed Family Division. It was designed, developed, and implemented to be a Family Division "one-stop shop," or place to obtain forms with instructions, court resources information, and procedural advice. The law librarian served on the management team to assist in the development of

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this Information Center, and continues to serve on a team which will soon implement a training course for self-represented litigants, similar in format to ones in place in Minnesota, California, Michigan, and Florida. The actual daily operation of the FDIRC has located all of the Family Division services in a central location, which now is staffed by some twenty-two legislatively funded grant positions, including six paralegal positions and four professional administrative and social work positions, mediators, psychologists, and other related services, including greatly improved telephone service to the public which has assisted in the ever-increasing load of Family Division cases. The volume of that case load continues to exceed 20,000 cases filed per annum, with 67% self representing. While the library has seen a considerable decrease in direct requests for legal assistance, the volume of usage by self-represented users has not really decreased. If anything, the demand for other types of self-help information has increased to a very large extent. Questions now involve the business and commercial subject areas as well as bankruptcy and landlord tenant law, in place of the many family law questions which were so present at our desks in the early 1990s and into the new millennium.

Technology and the Advances of the Maryland Legal Assistance Network

The Maryland Legal Services Corporation (MLSC) with grants from the Open Society Institute and the Civil Justice, Inc. sponsor a site called "The People's Law Library." Located at <<http://www.peoples-law.com>> this site contains a wealth of information to assist the low- and moderate-income Marylander with legal issues. Those librarians and other interested legal service providers who were directly involved in service to self-represented litigants in Maryland were asked in the Fall of 1999 to begin the gathering, gleaning, and disseminating process that would become one of the most content-rich Web sites of its type. Led by Ayn Crawley and Director Bob Rhudy of MLSC this site began with the assistance of both Baltimore law schools, and with the advice and consent of the courts of appeal. The site began its tandem development with the court's Web site (see <<http://www.courts.states.md.us>>) roughly with similar and related improvements.

Considerable financial support by the Open Society Institute has made possible development of the site's continued valuable coverage of legal issues, explanations of forms and court procedures, and general legal information and referral. Those librarians who serve on the advisory committee for the People's Law Library are from all types of libraries across the state, and not just law libraries. The developers of the People's Law Library chose these subject areas as topics for categories: bankruptcy, criminal, consumer law, domestic violence, elder law, family law, government benefits, guardianship, immigration, landlord and tenant, mediation, public housing, small claims, and social security. This Web site has been a boon to libraries and the people using them. In the upcoming months the Maryland Legal Assistance Network representatives will team up with law librarians and other librarians to train public sector librarians to use the People's Law Library files and databases to the greatest possible advantage to the public. This author will join others in the training effort to help further deliver through public libraries this legal information for the people.

Endnotes

- Educational Program Handout Materials, American Association of Law Libraries Annual Meeting, Washington, D.C. 1999, pp. 117-24. *Unauthorized Practice of Law 1999, Two Different Views From Two Different Pews.*
- Fordham Law Review (April 1999), "Proceedings of the Conference on the Delivery of Legal Services to Low-Income Persons: Professional and Ethical Issues." An extremely comprehensive source for information about all types of pro se assistance programs across the nation, including the "unbundling" of legal services.
- Linda M. Morris, *Development of a Pro Se Orientation Program, A Project Paper and Practicum for the Institute for Court Management*, May 2001.
- Edward M. Holt, *How to Treat "Fools": Exploring the Duties Owed to Pro Se Litigants in Civil Cases*, Student Note, 25 J. LEGAL PROF. 167 (2001).
- When this article was first produced in 1997, a general literature search on Westlaw and LEXIS produced about sixty relevant articles. The material was dated and not particularly relevant or very useful for research purposes. In January 2002 a search on Google, using the terms "pro se litigant" or "self-represented litigant" produces more than 3,000 hits, nearly all of which are relevant.

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