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Citation: 8 Trends L. Libr. Mgmt. & Tech. 1 1997



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Trends in Law Library Management and Technology

Vol. 8, No. 5

Mark E. Estes, Editor

September/October 1997

Coloring Outside the Lines— The Prince George's Pro Se Project

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

Those of us who serve in public law libraries have encountered such an increase in the numbers of pro se users that a kind of desperation has set in at our inability to deal with the rising flood.

We suffer with the patrons when their requests for forms and guidance in completing the forms are met with "that requires a legal interpretation and legal advice, which by law I am prohibited from providing." At every step of the way on a pro se's visit to the courthouse, they are frustrated with their inability to get a straight answer. We anguish over their pain, anger, and helplessness.

American jurisprudence provides counsel to the indigent accused in criminal proceedings. But the whole realm of civil practice is bereft of such privilege. The truly needy usually have access to some form of legal aid, but qualifying income levels for those programs are now so low that America's working poor are often quite literally left out in the cold.

Prince George's County Law Library's experience in providing pro se forms (primarily in divorce and child support matters) for citizens in Maryland who choose to litigate without lawyers comes as a result of a profound sense among many citizens that jus-

tice, in a free society, should be accessible to all, regardless of income.

Courts, already burdened with extraordinary volume, are doubly burdened with the litigant without a lawyer. The inordinate amount of pro se assistance time spent by librarians, court clerks and other court staff, literally pulling out their hair at days of having served between 45 and 60 pro se users, seems a heavy price to pay.

Pro se users tend to have lower literacy rates, and legal information is only a part of what they need. Seldom do such users really understand just the information. They need advice and counsel on their rights, and on whether or not they meet the legal criteria required for whatever action they are considering. In short, they need lawyers.

Some jurisdictions approach the problem by offering self-help "divorce yourself" workshops taught by volunteer attorneys. While these offer good public relations opportunities, they don't address the daily needs in the courthouse. For that day-to-day environment, a program of "pro bono" lawyer volunteerism seemed the best option to consider. Legal advice, social services information, and lawyer referral are our initial program goals, so that

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the citizen requesting information can be told something about their case with at least a cursory analysis by an attorney.

Our attempt to stem the tide of this truly complex and desperate situation began by using volunteer lawyers for the purpose of pro bono legal information and lawyer referral counsel in 1994. The program began then as a modest one-day offering from 9 A.M. to noon on Wednesdays. The initial focus of this program was to provide information access to citizens with legal questions by a professional whose services were purely voluntary. Almost immediately the program had a wide range of support.

The image of the legal profession in our community was a concern. Our Young Lawyers section of the local bar had begun efforts at community outreach to improve the perception of lawyers. At that time the pro bono arm of the bar association, our bar foundation, had only recently been formed. The legal community had begun an awareness of pro bono commitment on the part of the bar, and the pool of volunteers being used by the Wednesday program was the same pool as the bar foundation volunteers for pro bono cases. While the lawyers who volunteered were attorneys from all types of practice, mostly they were generalists who did a good amount of family law practice. Some were (and still are) quite distinguished lawyers with considerable experience in all areas of practice, who volunteer because they are committed both to the community and to their profession. Many of the volunteers enjoy the opportunity for a discrete shot at a pro bono activity. Also, many wanted to bolster the efforts of the local bar's lawyer referral offices, which arranged for volunteers.

In 1994 the state legislature recognized the need to fund in some manner the demands for pro se services in the courts. Committees for the judiciary heard concerned and relevant testimony regarding the increase in demands made by citizens across the state for legal services. Roughly 60% of all domestic relations filings state wide are pro se, or filing with one party not represented by counsel. Middle-income people seemed to be the most in need, those whose annual incomes were in the \$20,000 to \$30,000 range.

The state legislature allocated \$120,000 to be split by the state's two law schools for a student assistance program to assist pro ses. In Prince George's County, Judge Steve Platt, then the head of our family court operations,

felt that a combination of paralegal support here in the courthouse, coupled with a volunteer lawyers program would be the program he wished to support for us. The paralegals then hired were supervised by the family division judge. As the program has evolved, they are now supervised by the Deputy Court Administrator for Operations.

The paralegals handle pro se forms questions and utilize the volunteer attorneys to inform and refer. Initial experience in the law student assistance program had mixed reviews because the students were not lawyers and could not dispense legal advice. A little accurate legal advice in these pro se matters can go a long way. Conflicts checking was also a concern. Since our project uses a "triage" approach or screening, volunteers don't risk seeing both husband and wife. Our triage worker screens for the volunteer attorneys, with a numbered intake form.

Those programs using student assistants suffered from a lack of a lawyer's attention to the students. Mentoring and supervision in some of the urban counties was so lacking that problems were reported. Those programs provided little more than access to the trial courts (*Pro Se Assistance Program Evolving, Showing Growing Pains*, Maryland Family Law Monthly, Aug. 1996).

In the summer of 1996, this library wrote a grant proposal piggybacking on the anticipated state grant request for pro se assistance. The requested \$20,000 was awarded for adjunct assistance to the library including services of a contract attorney from the bar's foundation. The project started in October 1996. The law librarian became both the court's liaison to the volunteer lawyer's program and the foundation's liaison with the pro se project. This same grant has been renewed for 1998, in the same amount.

A large percentage of the questions now generated by users of the pro se forms packets relate to child support payments and court activities regarding child support and paternity issues. Some of the types of questions generated can be quickly categorized, and some not. Interfacing with a "live" lawyer can make an enormous difference. We wanted to help make such a difference.

With the successful awarding of the \$20,000 grant (for services of contract attorneys), came decisions about advice and its limitations, what could and might constitute a conflict, and whose project we might emulate if we wanted a successful pro se family law resource center, complete with limited legal information and advice. The structure of our model of service delivery most resembles San Diego's FLAP (Family Law Assistance Program),

Published by Fred B. Rothman & Co., 10368 W. Centennial Road, Littleton, CO 80127. Phone: (303) 979-5657; 1-800-457-1986; Fax: (303) 978-1457; GST Registration # R126744275.

Production Editor: Sheila M. Jarrett

Editor: Mark E. Estes, Librarian, Holme Roberts & Owen LLC,

1700 Lincoln Street, Suite 4100, Denver, CO 80203. Phone: 303-866-0260; Fax: 303-866-0200; Internet: MESTES@CSN.ORG.

Published six times a year. Subscription price \$60.00.

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which also utilizes the services of both contract and volunteer lawyers. The FLAP program also has an emphasis on referral and information.

Networking with our own law librarian colleagues in California helped us learn about similar programs. The programs there have volume similar to ours, with a kind of track record which brought legislative support.

Our program is just beginning to become fully operational, with just one month's statistics to report. During the first month of operation because of scheduling and holidays, there were only 12 actual days of business from 11/25/96 through 12/24/96, but these figures are of interest. There were 110 individuals interviewed. A typical user of the triage program was a man between the ages of 20 and 40 who had some form of family law problem but did not otherwise qualify for legal assistance.

Of those interviewed, 58% were between 20 and 40 years old; 53% were men, 47% were women; 65% presented some kind of family problem (mostly custody or guardianship), 17% were current or potential plaintiffs in suits for damages (contract, tort, civil rights), 5% had some category of criminal matter, 5% had some category of real estate dispute, and 8% had some other type of legal concern; 76% were African American, 9% were Hispanic, 10% were Caucasian, and 5% were of other ethnic backgrounds.

Over one third (36%) qualified for free legal services under MLSC guidelines; the average reported income was \$26,868, with 73% reporting an income less than \$30,000. Some had relatively high incomes; 13% reported incomes over \$45,000. 5% of the individuals interviewed decided to retain an attorney using the lawyer referral service. In 1995, Prince George's County charted 20,065 domestic relations cases in the Annual Report of the Maryland Judiciary 1994-1995.

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ally are. Few studies have been completed with consistent statistics like those reported above.

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Pamela J. Gregory is Law Librarian, Prince George's County Law Library, Upper Marlboro, Maryland. ■