

**EVALUATING PRO SE LITIGATION
AT THE TARRANT COUNTY FAMILY LAW CENTER**

Institute for Court Management

ICM Fellows Program

2011-2012 Court Project Phase

May 2012

Christie Loveless

Court Coordinator

360th District Court, Tarrant County

Fort Worth, Texas

Acknowledgements

I would like to begin by thanking Justice Debra Lehrmann, for giving me my first job in court administration. She taught me the importance of excellence in the pursuit of court administration. She encouraged me to pursue this experience with the Texas Association for Court Administration and the Texas Center for the Judiciary who provided the prerequisite courses to the ICM Fellows Program. It was there that I discovered court administration was more than just a “job” for me. Specific thanks to Bob Wessels, Ed Wells and David Slayton, each of whom encouraged me to complete the Fellows Program. I am so glad I did.

My sincere appreciation goes out to “my” District Judge, Michael Sinha, and to “my” Associate Judge, Cynthia Mendoza who supported my efforts in spite of the extended absences and high anxiety that came along with each approaching deadline.

The Tarrant County Family Bar Association Members, for whom I have long-standing respect and admiration, was crucial to my research. I sincerely appreciate them for their overwhelming participation and support as I went through this process.

I could have never made it without my colleagues, coworkers, and friends of the Family Law Center for their participation in discussions and surveys on this topic. With special thanks to Chris Chavez for “picking up the slack” when I was away from the office at classes, attending the Residency Phase in Williamsburg, and otherwise preparing for this opportunity, and Attorney, Robert Courtney, who generously volunteered to review my drafts.

Thank you to Chief Justice Wallace Jefferson, the State Justice Institute, Texas Association for Court Administration and the National Center for State Courts, each of whom provided valuable scholarships and financial support without which I could not have participated in this program.

I further express my gratitude to the folks at the National Center for State Courts, Dan Straub, Amy (Amy-Amy) McDowell, John Meeks and Toni Grainer with special appreciation to my advisor, Matt Kleiman, who did not lose faith in me even when his red pen was running low on ink.

I have a special shout out to the “society”, my dysfunctional family away from home while in the Residency Phase of the program for the many long nights around the pool grilling, chilling, and debating the merits of the Founding Fathers.

Finally, I would like to thank my family for greatly supporting me throughout this process.

Table of Contents

Abstract	8
Introduction	10
Literature Review	18
History.....	18
Who Are Pro Se Litigants?.....	19
Why Is The Pro Se Population Growing?	21
Why Should The Court System Assist Pro Se Litigants?	23
<i>Effects on Court Staff and the Judiciary</i>	23
<i>Problems for the Litigant and Fellow Litigants</i>	23
How Is Texas Currently Addressing the Pro Se Population?.....	24
Future Trends	26
Methods	26
Survey Instruments.....	27
Interviews and Correspondence Review	30
Findings	31
Demographic of Tarrant County Pro Se Litigants	31
Stakeholder Feedback	36
Increase in Pro Se Litigants.....	36
Training	39
Efficiencies.....	41
Self-Help Center.....	44
Standardized Forms.....	45

Bench-Bar Conflict	48
Summary of Findings	51
Conclusions and Recommendations	52
Conclusion 1	52
Recommendation 1	52
Conclusion 2	53
Recommendation 2	53
Conclusion 3	54
Recommendation 3	54
Conclusion 4	55
Recommendation 4	55
Conclusion 5	55
Recommendation 5	56
References	52

Table of Figures

Figure 1: Texas Court Structure	12
Figure 2: Tarrant County Demographic - 2010	13
Figure 3: Gender of Pro Se Litigants, Tarrant County	32
Figure 4: Age of Pro Se Litigants, Tarrant County	32
Figure 5: Educational Achievement of Pro Se Litigants, Tarrant County	33
Figure 6: Reported Income of Pro Se Litigants, Tarrant County	33
Figure 7: Reasons for Self-Representation, Tarrant County	34

Figure 8: Pro Se Litigants with Minor Children, Tarrant County.....	35
Figure 9: Home ownership of Pro Se Litigants, Tarrant County	35
Figure 10: Court Staff Interacts Frequently with Pro Se Litigants	37
Figure 11: Judges and Lawyers Agree Pro Se Numbers on the Rise.....	37
Figure 12: Court Staff Frustration in Dealing with Self-Represented Litigants.....	38
Figure 13: Attorneys Report on Decreased Productivity at Family Law Center	39
Figure 14: 90% of Court Staff Feel They Would Benefit from Formal Training.....	40
Figure 15: 93% of Court Staff Feels Written Guidelines Beneficial	40
Figure 16: Court Staff Reports Tasks Involving Pro Se Litigants Time Consuming	42
Figure 17: Court Staff Reports Pro Se Litigants Cause Some Interference with Daily Tasks	42
Figure 18: Judges' View, Docket Efficiency	44
Figure 19: Lawyers' View, Docket Efficiency	44
Figure 20: Judiciary Support of Self Help Center	45
Figure 21: Family Bar Support of Self-Help Center.....	45
Figure 22: Court Staff Reaction to Standardized Forms.....	47
Figure 23: Tarrant Bar Reaction to Introduction of Forms.....	47
Figure 24: Judges Agree Forms Could Impair Lawyers' Livelihood.....	47

Table of Appendices

Appendix A: Survey to Pro Se Litigants.....	A-1
Appendix B: Court Staff Survey.....	B-13
Appendix C: Judicial Survey	C-1
Appendix D: Tarrant County Family Bar Association Survey	D-1
Appendix E: Pro Se Litigant Survey.....	E-1
Appendix F: Court Staff Survey Results	F-1

Appendix G: Judicial Survey Results	G-1
Appendix H: Tarrant County Family Bar Results	H-1
Appendix I: Texas Supreme Court Order 9065	I-1
Appendix J: Texas Supreme Court Order 11-9046.....	J-1
Appendix K: Texas Supreme Court Order 11-9219	K-1
Appendix L: Texas Access to Justice Strategic Plan	L-1
Appendix M: Ausley Letter to SBOT President	M-1
Appendix N: SBOT President Letter to Chief Jefferson	N-1
Appendix O: Nickelson Letter to Tarrant County Family Bar Members	O-1
Appendix P: Tarrant County Family Law Bar Resolution to Texas Supreme Court	P-1
Appendix Q: Letter to SBOT President From Chief Jefferson.....	Q-1
Appendix R: SBOT Family Section Chair Email to Texas Family Lawyers	R-1

**EVALUATING PRO SE LITIGATION
AT THE TARRANT COUNTY FAMILY LAW CENTER**

By Christie Loveless

Abstract

The Family District Courts of Tarrant County located in Fort Worth, Texas experienced a marked increase in divorce filings over the last several decades, much like many other jurisdictions across the country. As a natural progression, the county started experiencing a steady rise in litigants making the choice to represent themselves in their matters of family law. Tarrant County responded to the increasing divorce rate by building a newer, larger, state of the art, Family Law Center that opened its doors in the summer of 2005. Each family court carries an average load of 2,200 cases on its docket at all times. The need to maintain high performance docket management and prevent a slow-down in docket management has forced Tarrant County to face the needs of the pro se litigant.

This paper examines: 1) the needs of the pro se litigants, court staff and judiciary, and members of the bar that practice at the Family Law Center, 2) the existing resources available at the Family Law Center to assist pro se litigants, and 3) options for improved services for pro se litigants at the Tarrant County Family Law Center, through a series of interviews with and surveys to important stakeholders in the Tarrant County family law community. Through this research, it was determined that the stakeholders share a common goal: to reduce delay in the courts. However, when it comes to the subject of streamlining processes in the assistance of pro se litigants, the opinions of the stakeholders begin to diverge. Court staff are in favor of improvements in processes, members of the family bars are against improvements that would

assist pro se litigants and the opinions of the judiciary lie somewhere in the middle. The paper will demonstrate a number of suggestions and programs to improve efficiencies and processes within the Tarrant County Family Law Center, such as standardized forms, staff training, and self-help centers. In addition, the paper explores the difficulties encountered as a result of the diversity of opinions and goals held by the program's stakeholders.

EVALUATING PRO SE LITIGATION AT THE TARRANT COUNTY FAMILY LAW CENTER

Introduction

In today's "do it yourself" world, people are no longer forced to rely on professionals to accomplish many tasks as they have in the past. In the age of the internet and YouTube, a person can get blow-by-blow, detailed instruction on virtually anything and everything. Lately, people are filing their own taxes with programs such as Turbo Tax. They invest their own money with eTrade and sell their houses "by owner", many times cutting out the role of the professional along with the fees associated with that role. In the family law courts, it seems that more and more people are cutting out the "middle man" (i.e., the family law attorney) and going on to handle their own legal affairs. They are filing their own divorces, adoptions, name changes, and a variety of other suits that a licensed attorney would typically manage. This has brought about the introduction of the "pro se" or "self-represented" litigant on the current legal scene. The term "pro se" is derived from the Latin term meaning "for himself", as in a person who is a party to a lawsuit that would appear in court on his/her own behalf without having retained counsel to appear and act for them.

Interestingly, statistics from around the country show that nearly eighty percent of all litigants in family law cases are without legal representation when they enter the courtroom (Herman, 2006). These litigants are entering into a very complicated system that will determine their future and they are trying to navigate it alone. They are expected to know the law, as well as rules and procedures for the court. They do not enjoy the benefit of having attended law school, so most of the time they are at a severe disadvantage. Texas Supreme Court Chief

Justice, Wallace Jefferson, describes the dilemma in his 2010 article in the Houston Chronicle (Jefferson & Reasoner, 2010):

Our legal system is best served when each litigant who comes to court is represented by a lawyer. We often fall short of this ideal. A large and growing number of litigants in civil cases represent themselves because they cannot afford a lawyer. They either do not qualify for legal aid or are turned away because legal aid organizations are understaffed and underfunded. These “pro se” or self-represented litigants must navigate the tangle of rules and precedent on their own, often forfeiting their rights on legal technicalities that might easily have been cured. Because there is no adequate system in place to assist the self-represented, confusion and frustration reign for the litigant, the courts and court personnel.

The Constitution assures that poor criminal defendants have counsel, but indigent civil litigants are not similarly protected. Imagine you are poor and your landlord has illegally locked you out of your home, or your spouse is abusive but you do not know how to obtain a protective order, or that your insurer wrongly denies medical coverage for your sick child. Without access to a lawyer or the means to represent yourself, these basic human needs go unaddressed (Jefferson & Reasoner, 2010).

The needs are clearly there, but what does this do to our already overburdened legal system?

Let’s begin with a brief description of the justice system within the State of Texas, and more specifically the structure of the family courts in Tarrant County, to increase our understanding of the effects of a growing pro se population at the Tarrant County Family Law Center.

In the State of Texas, cases begin in trial courts. At the lowest level are the local trial courts of limited jurisdiction that come in two types: Municipal courts that enforce municipal ordinances and Justice of the Peace courts that handle small claims and other small civil and criminal matters. County-level courts of limited jurisdiction are the next rung up the ladder of the court system. Each of the 254 counties in Texas has one Constitutional county court with limited civil and criminal jurisdiction. These county court judges, who are not required to have a legal

degree, usually have more executive and administrative responsibility than judicial responsibility. County courts at law parallel the Constitutional county courts and handle much of the judicial work of the courts at this level. Probate courts are the third type of county-level court. Next are the trial courts (i.e., District courts) of general and special jurisdiction that handle the most serious criminal and civil matters. Some of these specialize in particular types of cases, such as criminal cases and family law cases.

State appeals courts handle primary appeals from trial courts. The state is divided into appellate districts, each appeals court hearing cases from trial courts within its district. Final appeals within the state system go to the state's highest courts. Civil appeals and constitutional questions go before the State Supreme court while the Court of Criminal Appeals handles all criminal matters (Texas Office of Court Administration).

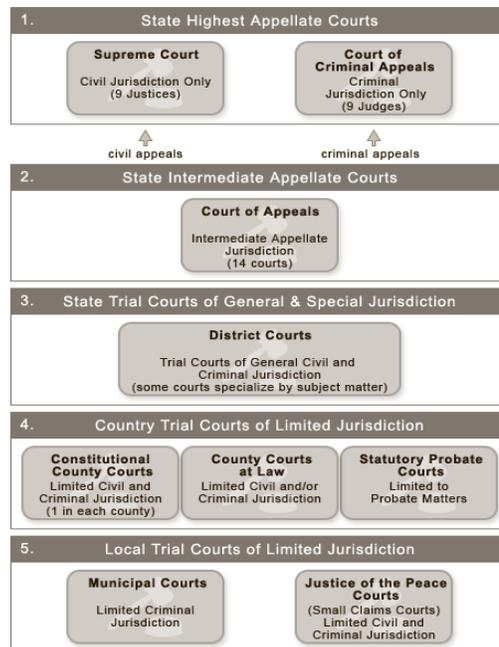


Figure 1: Texas Court Structure

Tarrant County covers 897 square miles. It is the sixteenth most populous county in the United States and the third most populous in Texas (Hightower, 2010). Its county seat is Fort Worth. Fort Worth is the sixteenth-largest city in the United States and the fifth-largest city in the state of Texas with a current population of 741,206 (U.S. Census, 2010). With an increase in 38.6 percent since the 2000 Census, it is estimated to grow to 1.2 million by the year 2030. Fort Worth is located in North Central Texas just southeast of the Panhandle and covers nearly 300 square miles of the Dallas-Fort Worth-Arlington Metropolitan Area. County demographics are as follows (US Census Bureau, Revised 2011):

Tarrant County (2010)		
	Number	Percent
POPULATION		
Total population	1,809,034	100.0
RACE		
One race	1,754,757	97.0
White	1,205,530	66.6
Black or African American	268,983	14.9
American Indian and Alaska Native	11,827	0.7
Asian	84,561	4.7
Native Hawaiian and Other Pacific Islander	3,184	0.2
Some Other Race	180,672	10.0
Two or More Races	54,277	3.0

Figure 2: Tarrant County Demographic - 2010

In Tarrant County, family law jurisdiction is shared by six District courts that preside over divorces, child custody, visitation and support matters, paternities, adoptions and shares jurisdiction over child welfare cases along with the county’s Juvenile court. The Tarrant County

Family Law Center (hereinafter referred to as the “Family Law Center”) opened its doors in July of 2005. This structure houses the special jurisdiction Family District Courts of Tarrant County that serve the people of Tarrant County. These courts hear all of the family law matters involving the 1.8 million residents of Tarrant County. There are six Family District Courts, each with a docket of roughly 2,200 active cases at any given time. These 2,200 cases will involve about 1,500 pro se litigants (JIMS, 2012). Each District Court has a Presiding Judge and an Associate Judge, who are supported by one court coordinator, one court reporter, three clerks, and two Sheriff Deputies. Each Court “team” experiences new filings of roughly 372 new or reactivated cases each month and disposes of an average of 393 cases each month. Additionally, there are two Title IV-D courts assisting with the collection of child support in all six of the District Courts in the Family Law Center. This division of labor has enabled the District Judges to focus on final trials, while the Associate Judges focus on temporary orders, and the Title IV-D Courts focus on child support issues. The hope is that this division of labor will enable the courts to better manage their dockets and keep the cases moving, so that the citizens of Tarrant County are more efficiently served.

The Family Law Center is also home to the Domestic Relations Office (DRO). The DRO began as a pilot program created to assist the families of Tarrant County who are embroiled in family court disputes. The DRO is comprised of four divisions, three of which involve child support. The Enforcement Division of the DRO is made up of four attorneys and support staff, whose goal is to enforce Tarrant County orders that are not being handled by the Attorney General’s Office. It is similar to the child support division of the Attorney General’s Office except that it functions on the county level and handles enforcement of both child support and visitation issues. The Child Support Monitoring Division of the DRO is made up of 11 clerks

who maintain, manage, and distribute child support records. The Community Supervision Division establishes and monitors probation terms for those persons who have been found in contempt for failure to abide by the court's orders. The other division of the Domestic Relations Office is the Family Court Services Division. This division focuses on the social work aspect and provides various court services to assist the Judiciary. This includes investigation and preparation of social studies, drug testing, access coordination, visitation supervision, and alternative dispute resolution.

Litigants who are victims of abusive relationships can also find assistance at the Family Law Center. A special Protective Order unit and unit of the Department of Protective and Family Services are also housed in this building. Therefore, people in need of protective orders can reach out for help here as well.

Lastly, there includes a special family division of the Tarrant County District Clerk's Office that manages the records, court fees and fines along with many other ministerial duties. The District Clerk's Office employs 41 full-time clerks, 5 part-time employees, and 3 managers.

Tarrant County has made an effort to concentrate all aspects of family law services in one location so that litigants can accomplish everything they need in one central place. There are many legal service resources available to the residents of Tarrant County at the Family Law Center. Unfortunately, many people representing themselves do not know the rules and procedures and cannot adequately represent themselves, much less take advantage of all the resources available to them.

When a pro se litigant does visit the Family Law Center, there is not a designated area or desk for that person to go to find out even the most basic information on how to go about their

business with the courts. The first point of contact for most litigants is a Sheriff's deputy working security detail at one of the two public entrances to the Family Law Center. However, if they try to ask any questions there, the deputies are either too busy with the task of screening entrants to the building or simply do not have an answer to their inquiry. From there a pro se litigant could end up in any number of places looking for answers to their questions. If they find their way to the District Clerk's office with legal or procedural questions, they are most likely redirected to the Tarrant County Law Library, which is located in another building about a block away. At the library, they may be assisted by being directed to form books that contain basic family law forms that they can copy for use in their family law case.

The Family Law Center is like a large business. The judges and court staff are employees of the business. They are the administrators, managers, supervisors, customer service, and line staff who provide a service. Their customers are the citizens, the litigants who come to the court each day seeking their services. The service the employees at the Family Law Center try to provide to their customers everyday is justice. Some of the Family Law Center's customers choose to use lawyers to assist them in their search for justice, but many do not. These are all people that will interact daily in the court's environment, which makes them very important stakeholders who should be considered in the evaluation of programs or services that may be proposed to increase productivity or improve customer service at the Family Law Center. In speaking to a few of these parties, they all have very different and compelling perspectives.

The Judges will tell you that their goal is to obtain enforceable orders that will not cause unrepresented litigants trouble in years to come. One of the biggest problems presented by increasing numbers of pro se litigants is that court coordinators, court clerks, and other support staff now report that a majority of their time is dedicated to assisting the unrepresented litigant.

These staff members say that time spent explaining to a pro se litigant what an attorney would already know is time-consuming and often treacherous. They are often terrified of treading into the forbidden territory of “the unauthorized practice of law”. State bar associations complain that having court staff devote so much time to assisting pro se litigants in legal matters is not only offensive and unfair to the lawyers, but can, and usually does, have disastrous effects on the pro se litigants who may have failed to understand the full ramifications of their decisions until it is too late. In casual conversations with members of the family bar, many feel that court staff should be strictly prohibited from assisting pro se litigants, making the argument that the practice is depriving a lawyer of a paying client. Nevertheless, beyond that, lawyers have specialized skills in understanding, interpreting, and advocating the law and procedures that cannot be consistently applied by a pro se litigant. More importantly, pro se litigants from lower income, less educated, and non-English speaking backgrounds can be at a severe disadvantage in the courtroom because they often do not understand the laws that affect their legal situation, nor do they have the knowledge of procedures to navigate the legal system.

The purpose of this paper is to examine the following questions:

- In what ways do pro se litigants place extra demands on the court?
- How does a large and ever growing population of pro se litigants impact staff at the Tarrant County Family Law Center?
- What resources are available for pro se litigants in Tarrant County?
- Are these resources effective?

- In what ways can the Tarrant County Family Law Center offer improved services to: 1) assist pro se litigants, 2) relieve the pressure on the Courts and staff, and 3) satisfy stakeholders and their unique views on the subject of assisting pro se litigants.

Literature Review

History

The subject of self-represented litigants did not just arise overnight. It has been increasing for quite some time. The most notable increases fall in the area of foreclosures, other housing matters, consumer disputes, and family law (Acello, 2011). In the context of family courts, this phenomenon really came on the scene in the 1980's. In 1970, 51,530 divorces were filed in the state of Texas. Just eleven years later, in 1981, the divorce rate in Texas jumped from 4.6% to 6.9%, nearly doubling with a staggering 101,856 filings that year (Texas Department of State Health Services, Revised 2011). Due to the overwhelming rise in case filings, the number of pro se litigants that chose to represent themselves in cases involving divorce and child custody has also steadily risen.

The Texas Office of Court Administration did not begin keeping separate statistics for family law cases until 2004. Study of the current active caseload and/or the records of the Judicial Information Management System (JIMS) for the 360th District Court of Tarrant County calculated any Tarrant County family law statistics not available through the Texas Office of Court Administration or the Tarrant County District Clerk's office. A random computer-generated selection process distributes new cases evenly among the six family courts and assigns cases filed in the Family District Clerk's Office of Tarrant County. Reactivated cases are

automatically placed on the docket of the court of original jurisdiction. The caseload of each of the six courts at any given time averages 2,200 cases. It was determined that a study of any individual court of the Family Law Center would produce similar results due to the common characteristics shared by the dockets.

Current statistics report that across Texas 21.6% of all new family court filings are initiated by a pro se litigant and 45% of all divorce cases involve pro se litigants (Reynolds, 2012). A review of Tarrant County's Judicial Information Management System (JIMS) reveals an increase in new filings by pro se parties on the rise since 1990. In 1990, a pro se litigant initiated 11.9% of all new case filings. That percentage has risen steadily over the last 20 years. In 2010, a self-represented litigant initiated approximately 27.4% of all new cases filed in Tarrant County family courts.

Although there are few statistics available about what was happening across the country in the 1970s, one study does exist of two Connecticut courts reporting only 3% of all domestic cases involved a self-represented litigant. It was not until the 1980s and the 1990s, with the dramatic rise in divorce filings, that a defined trend in self-representation was identified. In data regarding Maricopa County, Arizona, only 24% of all family law cases reported in 1980 had one or more self-represented parties in matters of domestic relations. This number rose to 47% in 1985 and, rose again, to a staggering 90% in 1990 (Goldschmidt, Mahoney, Soloman, & Green, 1998).

Who Are Pro Se Litigants?

Nearly all studies across the country generally show that self-representation is not associated with any one demographic; rather, pro se litigants come in all shapes and sizes.

A 1990s study of pro se litigation conducted by the Superior Court of Maricopa County, Arizona for the American Bar Association found that lower income and younger people with lower education were more likely to represent themselves. Although lower-educated persons were more likely to self-represent, the “majority of people who seek to self-represent are reasonably educated”, with 1-3 years of college education (Goldschmidt, Mahoney, Soloman, & Green, 1998). Self-represented litigants are more likely to hold unskilled jobs as opposed to being professional or upper management. They generally have no children and no significant property or real estate. They are more likely coming out of newer marriages rather than long-term unions. Litigants who choose to self-represent claim to be confident in their abilities to handle their own cases, but the study shows 30% reporting difficulty with the legal process and more than 50% failing to seek help for their difficulties (Goldschmidt, 1998). Sales, Beck, & Haan, 1993, in a report that shows self-represented litigants to be relatively well-educated (high school with some college), even though more than half had an annual income of less than \$30,000.00 per year, echo these trends.

A report on self-represented parties in family law cases from the late 1990s, California finds that more than 50% of all parties to a lawsuit proceed without legal representation and these folks appear to be of average income and education. In 2002, Greacen cites that the largest numbers of self-represented litigants appear in domestic relations and domestic violence matters (Greacen, 2002). That same year, a study in the Virginia Courts found no particular demographic prevailed when considering factors of income, age, education, race and gender (Supreme Court of Virginia, 2002). A 2007 study out of Jackson County (Virginia) Circuit Court agrees that no particular demographic prevailed to define the self-represented family law litigant (Cook, 2007).

In contrast to other findings across the country, the New York State Bar Association commissioned a study in 1996, which found self-representation among middle-income litigants was on the rise, with 26% of the respondents in that study having represented themselves in court (DCAJ-JI, 2005). Later surveys conducted in the New York City Family Court released in December 2005, describe self-represented litigants as mainly low-income individuals who did not believe they could afford a lawyer. The study reported 75% of litigants appeared without counsel. 83% responding to the NYC surveys reported to be African-American, Asian or Hispanic. 63% have no college, and a staggering 91% reported a household income of under \$40,000 per year.

The Texas Access to Justice Commission, as reported on its website, refers to research by Texaslawhelp.org (TxLH) (Texas Access to Justice Commission, 2012). This research reports 1634 visits per day to the Texaslawhelp.org website in 2011. 62% of the users of this site reported their income to be below \$26,000.00 annually. The most popular resource of a TxLH visitor is forms to assist them in filing for divorce. 66% of all visitors are seeking divorce forms, 18% are looking for forms to assist them in establishment or collection of child support. The majority of visitors to the TxLH website come from Dallas, Harris, Tarrant and Travis Counties with 39% of all users residing in one of these four counties.

Why Is The Pro Se Population Growing?

Beginning in the 1990s, many courts began actively documenting the phenomenon of self-representation that was infiltrating the legal system. A survey of state courts, conducted in conjunction with the 1999 National Conference on Pro Se Litigation, revealed that the numbers of self-represented litigants had increased “moderately to dramatically”, and that the increase in

pro se litigants was most evident in family law cases. The report cited that most parties were proceeding on their own behalf because they were unable to afford an attorney. Backing up this theory is the Virginia Court System Planning committee, which made the finding that the rising costs of legal services, is relative to economic inflation that was also on the rise during the 1990s (Supreme Court of Virginia, Pro Se Litigation Planning Committee, 2002).

Goldschmidt reported anti-lawyer sentiment, low opinion of attorneys, and high cost of litigation to be the most significant factors for people choosing to represent themselves (Goldschmidt, 1998). The availability of “do-it-yourself” legal forms, document kits, and the internet creates a perception to the public that reasonably educated persons should be able to easily handle some legal matters. Due to cutbacks in state and federal funding to low income people, a significant portion of the population cannot afford to pay for legal representation but are not eligible for free legal services.

The Missouri Report found two reasons pointing to the rise in self-representation: 1) the inability to afford counsel (42%) and, 2) a belief that one can handle a case on his or her own (Cook, 2007). This perception is commonly referred to as the “do it yourself philosophy”. This study included a finding that 60% of respondents to the survey agreed with the statement, “It would be possible for me to represent myself in court if I wanted to” (Bennack, 1999). The NYC surveys echoed the results of the Missouri Study with 60% of the participants responding that they could not afford an attorney and 45% responding that they did not need one (DCAJ-JI, 2005).

Why Should The Court System Assist Pro Se Litigants?

Effects on Court Staff and the Judiciary

An increase in the number of litigants appearing in court without legal counsel has wide-reaching effects on the court staff and members of the judiciary who are trying to serve them. Court staff is finding that the increase in workload is closely related to large numbers of pro se litigants in need of assistance. These pro se litigants are seeking assistance directly from the court staff, thereby encumbering already strained resources by forcing personnel to instruct on the most common practices and procedures. This also raises

conflict issues for court personnel, who are charged with remaining impartial in the litigation process, and places staff in an ethically precarious position related to unauthorized practice of law... Judges likewise risk violation of the judicial code by providing help to litigants. They must also personally expend an inordinate amount of time deciphering pleadings. Hearings, even when properly scheduled, are slow and onerous (Conley, 2006).

Problems for the Litigant and Fellow Litigants

In a survey conducted by the ABA Coalition for Justice, some 60% of the judges responding to the survey said fewer parties coming before them during 2009 were represented by lawyers in civil cases. This was the start of a continuing pattern that began almost a decade ago. Outcomes, as reported by 62% of the responding judges, were said to be poorer for the self-represented litigants than for those with counsel, especially in the areas of family law, foreclosures, and other matters of housing and consumer disputes. 90% of the judges reported the increase in pro se litigation has affected the courts adversely and went on to cite the study, "the better the litigant is prepared, the more efficiently the court operates" (Acello, 2010). Continuing, "While judges would no doubt prefer fully represented litigants, the choice in most

venues is a self-represented litigant who is well-prepared or one who is not. Courts can avoid litigants who are in a perpetual revolving door when those litigants have access to the services lawyers provide" (Acello, 2011).

One self-represented party can cause problems for all players in the case. Even “the most determined self-represented individual finds him/herself significantly disadvantaged in the litigation by a typical inability to understand and clearly and properly assert the cause (or lack thereof)” (Conley, 2006). However, represented litigants also experience problems arising from the pro se litigant, ranging from scheduling and conducting depositions and other discovery, giving notice and being properly notified, and responding to poorly articulated and often-colorful claims and defenses. These problems can significantly increase the expense for the represented party. Lack of knowledge of the system not only impacts the litigant in the pursuit of a fair outcome in his/her case, but court staff and the judiciary are similarly impacted by the lack of knowledge of the system by the pro se litigant.

How Is Texas Currently Addressing the Pro Se Population?

As far back as 1984, during the peak of the divorce boom in Texas, the Texas Supreme Court established the Texas Equal Access to Justice Foundation, the primary state-based funding source for the provision of civil legal aid in Texas. In 1999, the Supreme Court began to recognize the growing need to carefully inspect and address the subject of “Access to Justice” in Texas. A Texas planning group was formed with members representing the State Bar of Texas, the Texas Equal Access to Justice Foundation, the Texas Bar Foundation, and various other legal-service providers from across the state. During the planning process, many problems were identified and an action plan was adopted. The cornerstone of the overall plan was to establish

an umbrella organization to serve as *a coordinator* for the various groups to develop “strategic alliances to effectively move ideas to action”. On April 26, 2001, by Order of the Supreme Court of Texas, the Texas Access to Justice Commission (“the Commission”) was formed. Among other duties this order charged the Commission to “identify and assess current and future needs for access to justice in civil matters by low-income Texans” and “work to reduce the 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” (Supreme Court of Texas, 2001). Over the years the Commission, in addition to its focus on delivering legal services to low income citizens, began to recognize the need for civil legal aid for parties choosing to represent themselves, whether by choice or by necessity. In May 2009, the Supreme Court and the State Bar Executive Committee approved a Five Year Strategic Plan for the Commission. In April 2010, the Commission held a forum in Dallas to hear various stakeholders’ concerns about self-represented litigants. Twelve months later, on March 15, 2011, the Texas Supreme Court signed the Order Creating Uniform Forms Task Force, which in turn developed a seven-point plan. The plan includes the development of pleadings and order forms approved by the Court for statewide use and creation of “self-help centers” in order to reduce the strain on courts posed by pro se litigants (Supreme Court of Texas, 2011).

Efforts on the county level throughout the state include self-help centers in Travis, Smith and Harris Counties. Nacadoches County provides pro se litigants with touch screen computers to assist in creating and printing legal forms and orders. Dallas, Lubbock and Bell Counties are among many offering assisted pro se programs that provide guidance through the legal system and assistance with forms (Carl Reynolds, October 2010).

Future Trends

The National Association of Court Administration is already warning courts of trends on the horizon. The emergence of a “widening gap between society’s expectations of courts and courts’ capacity to meet those expectations” along with “increasing numbers of court users with diverse and rapidly changing and evolving needs” are both very important emerging trends that courts need to be prepared to address. The courts must reexamine their missions and critically review and align the scope of services they provide (Martin, 2011).

Methods

It was determined that the primary research methods for this subject would be best represented by a compilation and analysis of the individual thoughts and opinions of the various “stakeholders” affected by the increase in demand by pro se litigants. By gathering the thoughts and opinions by surveys and interviews of the different stakeholders, recommendations and conclusions can be made that will consider all stakeholders with regard to any changes in processes and efficiencies at the Family Law Center.

Data collection methods were developed to target different stakeholders who work in or frequent the Family Law Center in the course of their employment, as well as individuals who fill the role of the “customer” of the Family Law Center. The stakeholders who work in or frequent the Family Law Center in the course of their employment include the judges, associate judges, coordinators, court bailiffs and Sheriff’s security detail, clerks, and administrative support staff of various departments and units. The stakeholders who fill the role of “customer” of the Family Law Center are identified as any citizen who visits a court or the courthouse with

any manner of business from looking up information in a court file to representing him/herself in a court proceeding or the attorneys who speak and act on their behalf.

Survey Instruments

The first survey (see Appendix A) is aimed at pro se litigants utilizing the Tarrant County Law Library. Since a large number of pro se litigants are directed to use the Tarrant County Law Library, a large number of these litigants could be identified and solicited for participation at their first point of contact with a library staff member. The survey asks questions designed to determine the general demographic of a person who chooses to represent him/herself in a court proceeding. The survey asks the respondent's gender, ethnicity, primary language, age, income, the kind of court matter they are researching, if they intend to represent themselves, and why. The survey was a written survey on 8 ½ x 11 bright pink copy paper and was made available at the front desk of the law library. It was offered to each person as they first approached the desk for assistance from library employees. An introduction described the reason for the survey as part of a research project to identify the needs of the litigant and to determine how those needs could be better served by the county. 45 completed surveys were collected between December 19, 2011 and February 9, 2012. A copy of this instrument is attached as Appendix A. Each Court Coordinator distributed a virtually identical survey for each of the six Family District Courts to pro se litigants who sought assistance directly from the Court. 24 completed surveys were collected between December 19, 2011 and January 13, 2012. The response rate was not able to be calculated for this survey. Additionally, 7 respondents answered that they would not be representing themselves in their legal matter. Those 7 surveys were not used in the calculation of data in the findings section of this paper. The collection of this data will help describe the typical litigant who might choose self-representation in Tarrant County.

The second survey (see Appendix B), a Court Staff Survey, directs questions at a variety of court employees serving pro se litigants in differing capacities. Court staff personnel represented in this survey include the clerks who serve the Family District Clerk's Office and the Office of the Attorney General, Family Court Coordinators, and Sherriff's deputies serving the 14 courts of the Family Law Center. Also included are the employees of all four divisions of the Domestic Relations Office (Child Support, Family Court Services, Enforcement, and Community Supervision). The survey is a combination of multiple choice questions patterned in the style of the Likert Scale, multiple choice with open-ended follow-up options and open-ended questions. Initially, this Court Staff Survey asks a participant to describe his/her perception of the change in the number of pro se litigants encountered daily and compares the amount of time spent assisting that litigant. The questions request an employee to rate the training received to prepare them to assist the pro se litigant, rate the level of preparedness of the pro se litigants that they assist, and to assess their feelings toward the task of assisting pro se litigants. The Court Staff Survey then poses a series of questions to determine if the court staff would be open to assistance programs for pro se litigants and to rate the impact on their work. Finally, the survey asks court personnel to give suggestions to improve the processes and services delivered at the Family Law Center. 111 surveys were deployed with the assistance of a survey web-based program: zoomerang.com. The deployment of this survey took place on December 5, 2011 and closed out on January 7, 2012. This survey included a request to the recipient to opt out of the survey if he/she did not have routine contact with pro se litigants in the course of their employment with the Family Law Center. 39 participants completed the survey, yielding a response rate of 35 percent. The purpose of the Court Staff Survey was to collect data from the perspective of employees of the Tarrant County Family Law Center who have *front line* contact

with the pro se litigants on a daily basis. Hopefully, this information will help paint a picture of the current climate at the Family Law Center and gather suggestions for processes and services that can better assist both the employees and the litigants. A copy of this instrument is attached as Appendix B.

The Judges of the 14 Benches of the Family Law Center are the target of the third survey (see Appendix C) or Judicial Survey. The purpose of the Judicial Survey was to determine the perspective of the Judges who serve the Family Law Center with regard to the efficiencies and processes that are being utilized: 1) to relieve the pressure of the pro se population of litigants, and 2) to help determine whether more programs and services would benefit the bench at the Tarrant County Family Law Center. This survey posed questions regarding the efficiency of each Court from the standpoint of the bench. It asked what assistance each provides to the pro se litigants when they appear before the bench and how this affects the courtroom environment. The survey asked the judges' opinions regarding the training of staff to assist pro se litigants and the offering of programs to assist the pro se litigant. It also solicited ideas from the bench for better ways to serve pro se litigants. Finally, the survey asked two questions regarding the impact pro se assistance programs might have on the family law practitioners of Tarrant County and whether they support the Texas Supreme Court's promulgation of standardized forms for pro se litigants in matters of family law. The survey was launched through the web-based program zoomerang.com on December 2, 2011 and was closed on January 22, 2012. It was sent to all 14 judges at the Family Law Center. Ten judges responded to the survey, producing a response rate of 71 percent. A copy of this instrument is attached as Appendix C.

Initially, a series of focus groups with the Board of Directors of the Tarrant County Family Law Bar Association and a random sampling of the general membership was planned.

The purpose was to explore the issues facing the family bar with regard to the pro se litigant presence at the Family Law Center. However, the family bar expressed a strong desire to participate in a more comprehensive manner. In response to their interest, a survey for members of the Bar was designed and implemented. A modification to the project plan includes a survey (see Appendix D) of the Tarrant County Family Law Bar general membership resulting in the Family Bar Survey, giving a voice to each member of the bar association who responded. This survey explored the opinions of the family bar in matters of staff training and assistance provided to pro se litigants by court staff and the bench, and the further development of assistance programs for the self-represented litigant. It also solicited suggestions for improvement of efficiencies and processes at the Family Law Center in general. As in many counties across the State of Texas and the U.S., the Tarrant County Family Bench and the Tarrant County Family Law Bar Association have a very strong relationship. It seemed very important to the project plan to determine the position of the bar association as an essential stakeholder in efficiencies and processes, as they develop in relation to the Tarrant County Family Law Center. The survey was launched through the web based program zoomerang.com via email to 372 members of the Tarrant County Family Bar Association on December 2, 2011. It was closed out on January 7, 2011. The survey received 141 visits and was completed by 119 participants, generating a response rate of 35 percent. A copy of this instrument is attached as Appendix D.

Interviews and Correspondence Review

Some research includes an investigation of a developing situation involving a dispute between the family bar associations across the State of Texas and the Texas Supreme Court. The bar associations have mobilized in an effort to prevent the Texas Supreme Court's promulgation

of standardized forms for pro se litigants in the matters of family law, which are currently in development by the Uniform Forms Task Force, from going forward without input from the family bar associations. This research was conducted through interviews with various key members of the Tarrant County Family Law Bar Association, a review of correspondence between the Family Section of the State Bar of Texas, the Executive Board of the State Bar of Texas, The Texas Family Law Foundation, and various family bar leaders across the state. The purpose of this research is to provide a condensed rendition of the events surrounding a fairly recent “push back” by family bar associations with regard to the efforts to develop and provide assistance to family law pro se litigants in the state of Texas. A narrative of events to-date is included in the *Bench Bar Conflict* section of this paper.

Findings

This section will begin with a description of the general current demographic of a typical pro se litigant of the Tarrant County family court system. It will be followed by a summary of information gathered from the survey instruments of the stakeholders, each in turn along with a discussion of the comparison of responses to similar questions by differing stakeholders. This section will next describe the current situation involving the local family bar association’s reaction to efforts to introduce standardized forms to assist pro se litigants in matters of family law.

Demographic of Tarrant County Pro Se Litigants

The survey proposed to self-represented litigants, as they visited the Family Law Center and the Tarrant County Law Library, reveals that a variety of individuals are likely to represent

themselves in matters of family law. The gender of the pro se litigants who responded showed a split of 50% female and 50% male as seen in Figure 3. 90% of respondents were English speaking, with 8% Spanish speaking and 2% other. A majority of respondents (75%) are in the age range of 30-55, but nearly half of the respondents, as depicted in Figure 4, fall between the ages of 30 and 39 years of age.

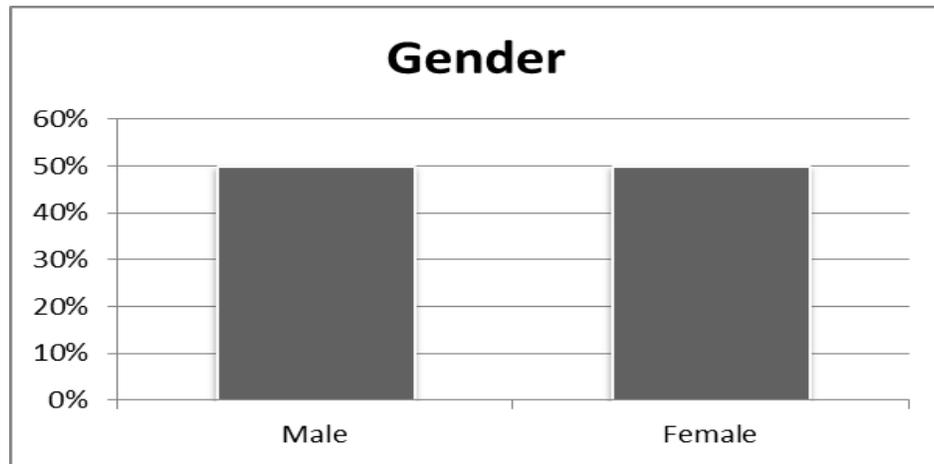


Figure 3: Gender of Pro Se Litigants, Tarrant County

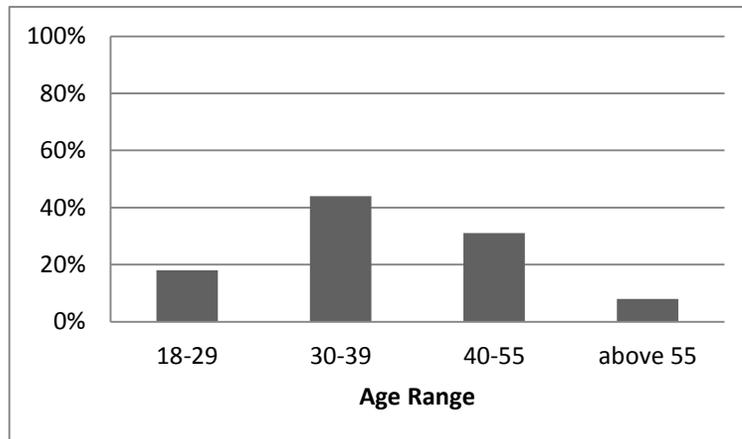


Figure 4: Age of Pro Se Litigants, Tarrant County

Figures 5 and 6 show that 92% of respondents have acquired at least a high school education with 17% reporting to be college graduates and beyond in education. The income of 58% of the pro se litigants responding to our survey falls within the range of \$0 – 24,000 annually. 21% of respondents reported an income in the range of \$24,001 - 36,000 annually, and another 21% gross over \$36,000 annually.

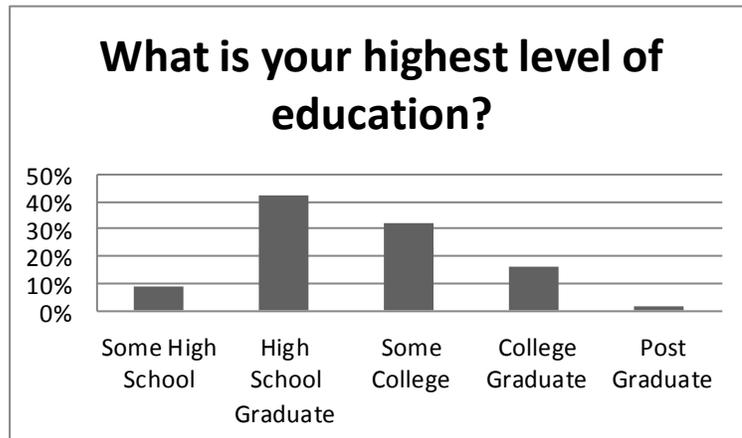


Figure 5: Educational Achievement of Pro Se Litigants, Tarrant County

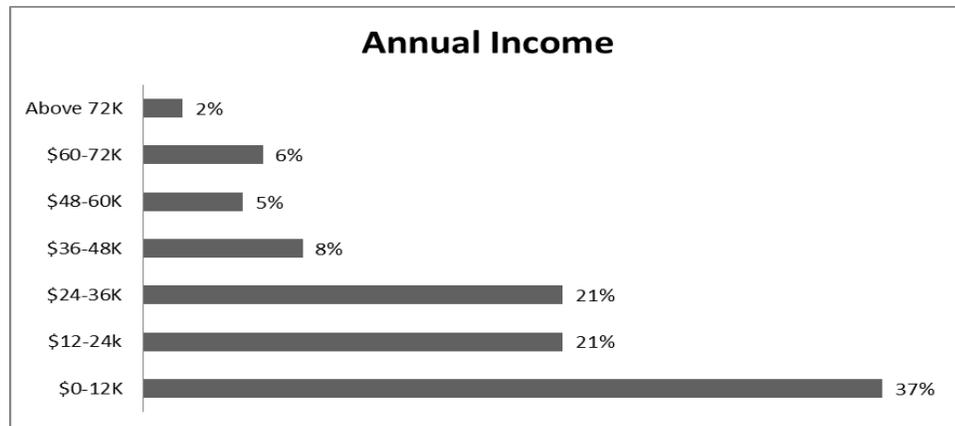


Figure 6: Reported Income of Pro Se Litigants, Tarrant County

Stated reasons for visiting the Family Law Center centered on divorce, child support and child custody, with 95% reporting their visit to be for one of these three matters. Figure 7 shows results, when asked, “Why did you choose to represent yourself in your legal matter?” 66% reported the reason for representing themselves is, “I cannot afford an attorney”. Another 34% answered with, “my legal matter is not complicated,” indicating they felt their legal matter to be simple enough to handle on their own. In addition to not being able to afford an attorney, some respondents added that they wanted control over their case or wanted to be able to talk to the judge themselves.

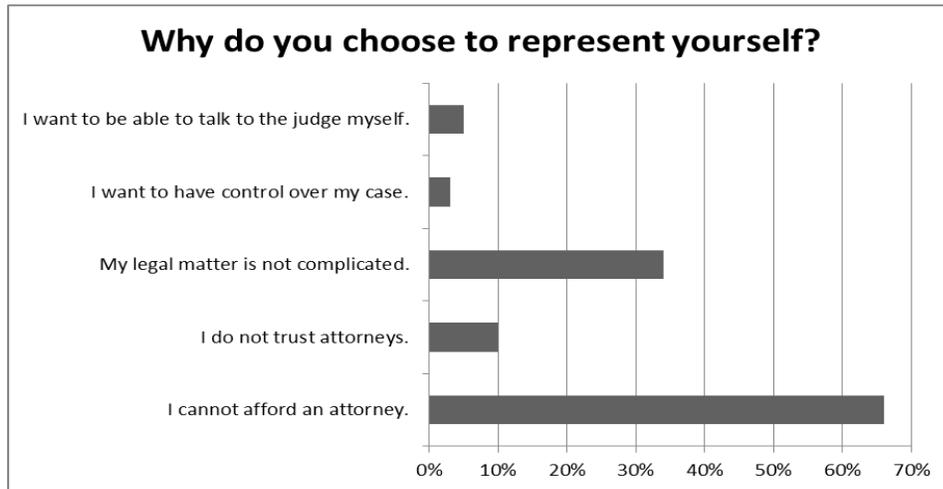


Figure 7: Reasons for Self-Representation, Tarrant County

As shown in Figures 8 and 9, 66% of respondents to this Tarrant County survey reported to have children under the age of 18. Only 35% reported home ownership.

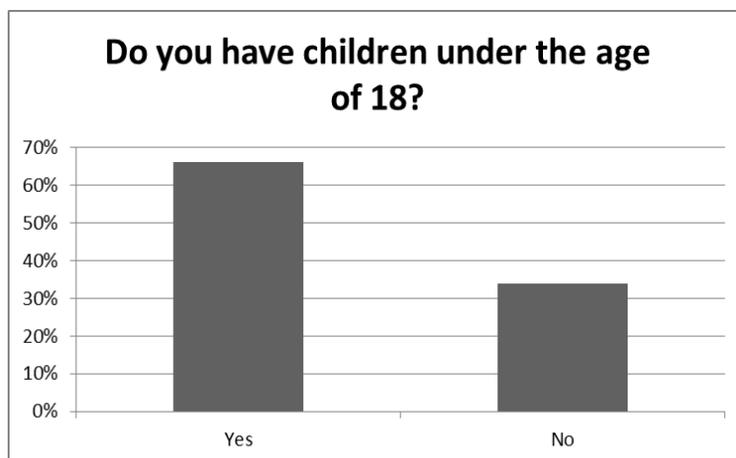


Figure 8: Pro Se Litigants with Minor Children, Tarrant County

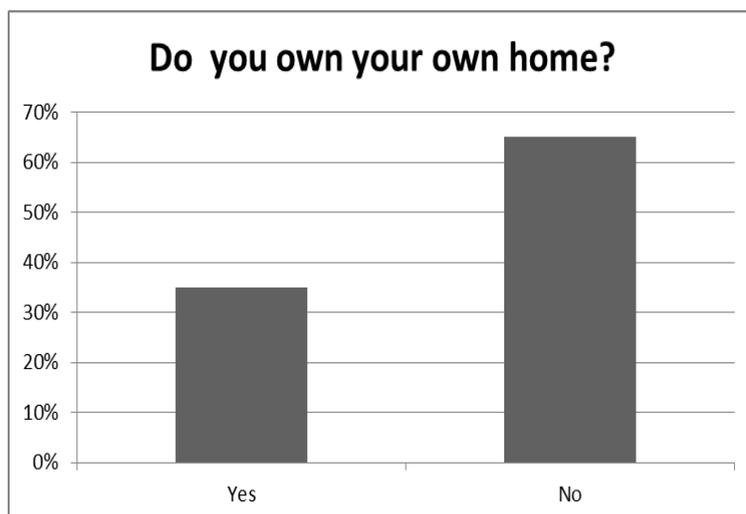


Figure 9: Home Ownership of Pro Se Litigants, Tarrant County

Overall findings demonstrate the typical pro se family litigant in Tarrant County tends to be of African American, Caucasian or Hispanic descent, between 30 and 55 years of age, mostly high school graduates, low wage earners with children, little real property and who “cannot afford” to hire an attorney. This is very much in line with what was discovered during the literature review on this topic, with the exception of the findings by Goldschmidt (1998), that pro

se litigants generally have no children. These results also tie in with findings in a report on divorce demographics, wherein the higher divorce rate in Texas can be attributed to such factors as low income, low education and lower dual income households (Langenfeld, 2011).

A complete report of the findings of the Pro Se Litigant Survey is attached as Appendix E.

Stakeholder Feedback

The surveys of the court staff, judges and family bar provide a valuable insight into the current climate at the Family Law Center as it experiences the growing pains of the introduction of more and more pro se litigants on the scene. The contrast and comparison of the varying responses, by group, to extremely similar questions demonstrates an interesting dynamic between the different stakeholders. All seem to agree there is a larger presence of pro se litigants, but depending on the role they hold, they have very different ideas on how to approach the problem.

Increase in Pro Se Litigants

When each group was asked whether they had witnessed an increase in the number of pro se litigants at the Tarrant County Family Law Center, all groups agree that there has been a noticeable increase in their presence. As shown in Figures 10 and 11, 60% (6 of 10) of the responding judges have noticed a “significant” increase with another 20% (2 of 10) reporting a “slight increase” in the numbers of pro se litigants appearing before their courts. The responding members of the Tarrant County Family Bar demonstrate similar results. 66% of their respondents report a “significant increase” in pro se litigants utilizing the Family Law Center with another 23% reporting a “slight increase” in pro se traffic. 82% of court staff responding to

the Court Staff Survey report that in the course of their employment they “often” or “occasionally” assist pro se litigants.

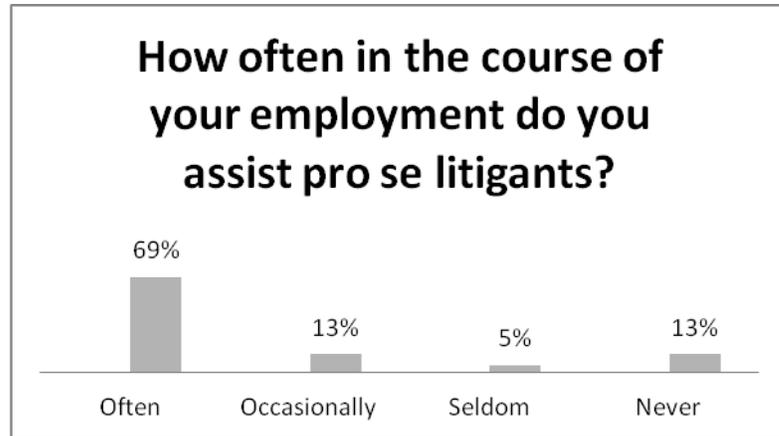


Figure 10: Court Staff Interacts Frequently with Pro Se Litigants

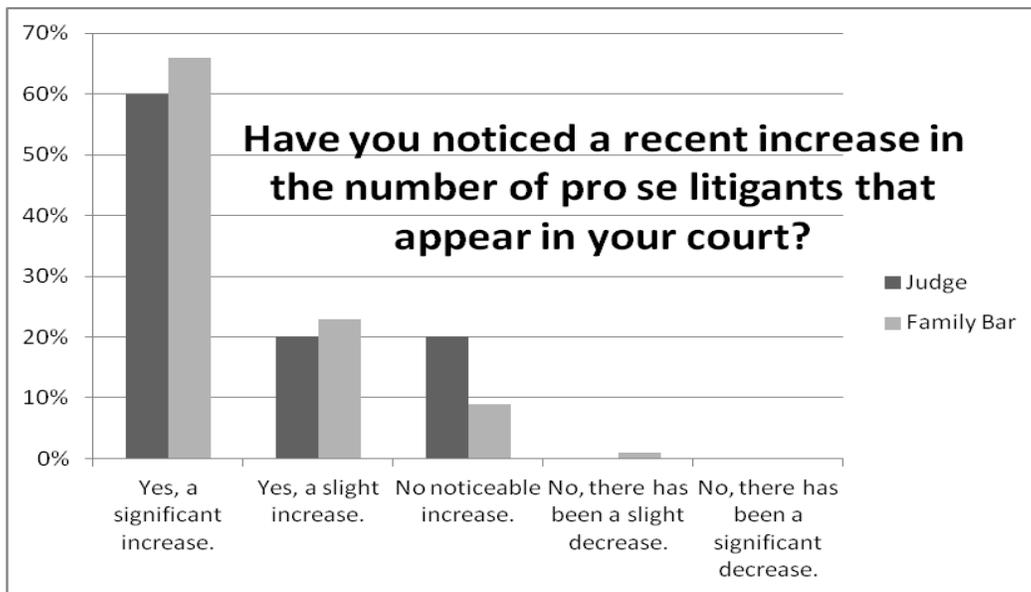


Figure 11: Judges and Lawyers Agree Pro Se Numbers on the Rise

Each of the surveyed groups describes the challenges encountered because of the increase in pro se litigants utilizing the Family Law Center. Responding members of the judiciary report: 1) an increase in the amount of litigation and settings in cases involving pro se litigants, 2) an increase in caseloads, 3) longer and slower dockets, and 4) an increase in time court staff spends assisting pro se litigants. Court staff describes challenges related to increasing numbers of pro se litigants as: 1) a slowdown in processes because of the additional time it takes to assist a pro se litigant, 2) frequent feelings of frustration with the job, and 3) a loss of time needed for other required tasks by spending additional time with pro se litigants.

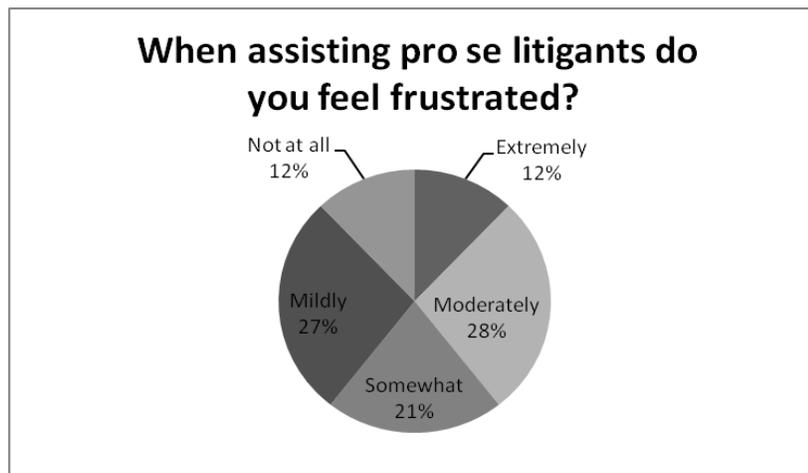


Figure 12: Court Staff Frustration in Dealing with Self-Represented Litigants

Members of the family bar association who responded to the survey describe problems such as: 1) waiting in long, slow-moving, lines behind pro se litigants who take longer to be assisted, and 2) rising legal costs to litigants who do retain attorneys due to increased litigation in cases against an unrepresented litigant, and increased charges for their clients due to delays during court appearances.

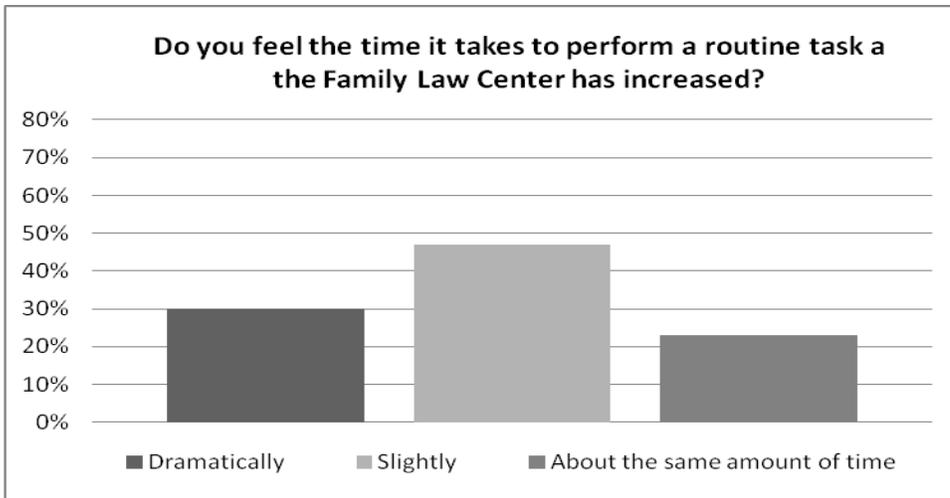


Figure 13: Attorneys Report on Decreased Productivity at Family Law Center

Training

The formal training of court staff and written guidelines for assistance of pro se litigants is another subject that divides the three surveyed groups. Again, court staff is in favor of these services, the family bar is strongly opposed and the judiciary weighs in somewhere around the middle, as described below.

A majority of court staff surveyed feel as though they have some level of training to assist pro se litigants. 37% responded being “well trained” and 43% report being “somewhat trained”. However, only 22% report being provided with written or formal instruction that is thorough and complete. Figure 14 below, shows 90% of court staff believe they would benefit from formal training on how to assist the pro se litigants and 93% believe they would benefit from written guidelines for referral. In spite of these answers about training, 94% of responding court staff do feel confident in the information they are providing and feel that pro se litigants

who come to them for help leave with some level of satisfaction of the assistance they received from court staff.

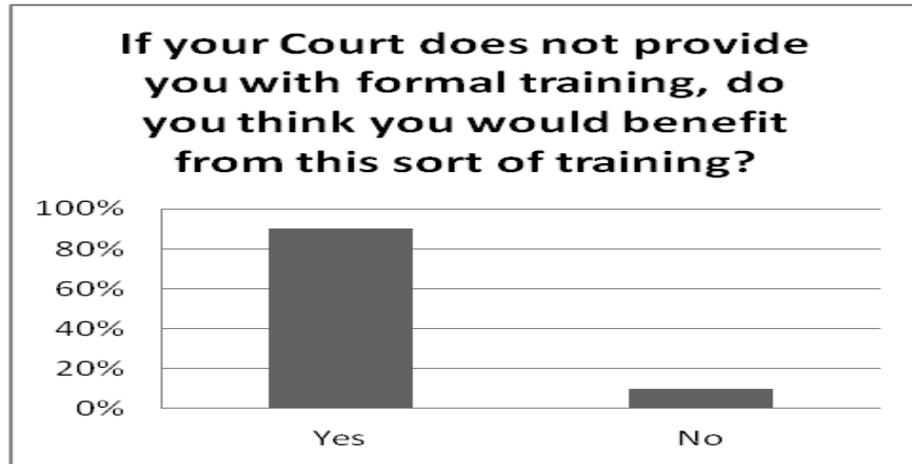


Figure 14: 90% of Court Staff Feel They Would Benefit from Formal Training

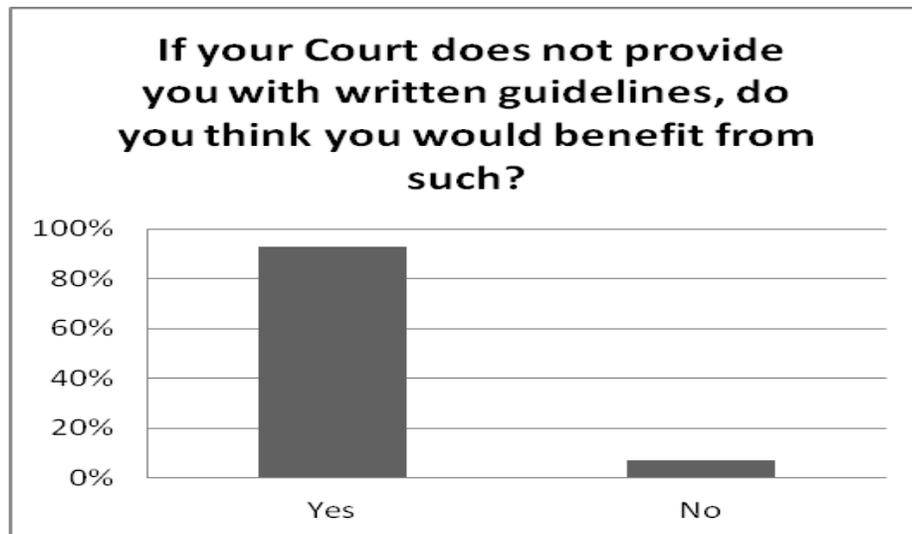


Figure 15: 93% of Court Staff Feels Written Guidelines Beneficial

40% (4 of 10) of the responding judges feel that their staff is “well” trained to assist pro se litigants with the remaining 60% reporting the staff as “somewhat” trained. 90% (9 of 10) of responding judges describe preparing their staff for assisting pro se litigants with frequent and informal discussions and direction as the need arises. 70% (7 of 10) do not provide written

instruction or other formal training for staff and 60% (6 of 10) do not see any benefit in written instruction. The responding judiciary is split down the middle with 50% who believe court staff would benefit from formal training and 50% who do not see any benefit in formal training for court staff with one judge responding that his/her staff is “prohibited” from assisting pro se litigants.

71% of family bar members responding to questions of staff training, report that they “disagree” or “strongly disagree” with staff being provided with any written instruction or formal training for court staff on procedures or policies when assisting pro se litigants. When given the opportunity to express opinion on the role of court staff and their interaction with pro se litigants, a strong theme emerged. Attorneys frequently commented that court staff should be trained to only respond to pro se litigants with, 1) advice to hire an attorney, or 2) referral to the law library.

Efficiencies

Court staff, judges, and members of the family bar were asked similar questions regarding the efficiency of work processes at the Family Law Center when pro se litigants are involved. 83% of responding court staff reported that tasks involving a pro se litigant take “slightly more” to “much more” time than completing the same or similar task for an attorney, as set out below in Figure 16. In open-ended responses, court staff describes frustration of having to explain “internal procedures” (which attorneys would already know) to pro se litigants that is very time consuming. Some court staff further describe that time spent assisting pro se litigants who are confused, frustrated, belligerent, or argumentative takes extra time that would not be necessary with an attorney. Figure 17, shows that about half of the responding court staff report

at least some effect on their ability to carry out their daily responsibilities due to additional time spent assisting pro se litigants.

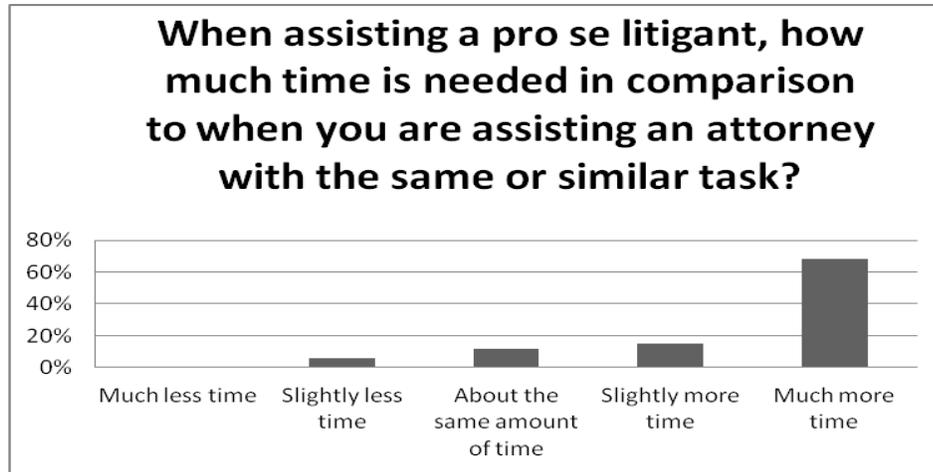


Figure 16: Court Staff Reports Tasks Involving Pro Se Litigants Time Consuming

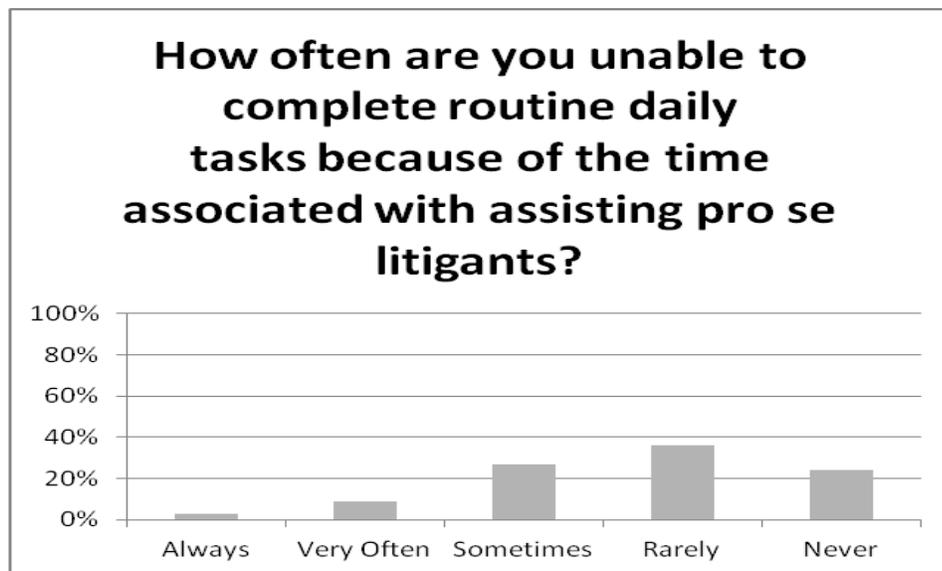


Figure 17: Court Staff Reports Pro Se Litigants Cause Some Interference with Daily Tasks

Figures 18 and 19 below show an interesting contrast in perception between the judiciary and the bar when it comes to pro se litigants' interference with docket efficiency. 50% (5 of 10) of responding judges reported proceedings with unrepresented litigants take "much more" or "slightly more" time than the same proceeding involving litigants represented by counsel. However, none of the responding judges report feeling any significant impact on the efficiency of their daily docket. One judge elaborates that they take the increase in pro se litigants in stride and move through their dockets as efficiently as possible.

In sharp contrast, 77% of responding family bar members report a "slight" or "dramatic" increase in the time it takes to perform a routine task at the Family Law Center due to long waits behind staff assisting pro se litigants, or waiting for their turn on the docket while the judge is conducting hearings or prove-ups with pro se litigants. 80% report being unable to conduct business as efficiently as they once did before the growth of the pro se population. In contrast to the judges' perception that their dockets are running efficiently, 47% of the responding members of the family bar report that court proceedings are "never" or "seldom" efficient when involving a pro se litigant. The bar expresses concern in their comments that judges and staff give too much assistance to the pro se litigants which is causing a slow-down in processes throughout the Family Law Center.

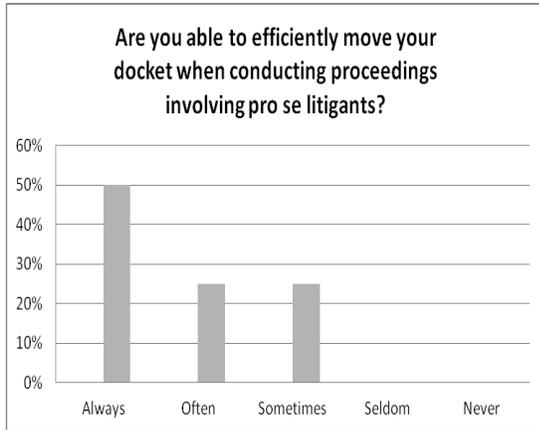


Figure 18: Judges' View, Docket Efficiency



Figure 19: Lawyers' View, Docket Efficiency

Self-Help Center

All three groups answered questions with regard to development of a self-help center at the Family Law Center. 80% of court staff are in favor of creating a self-help center for pro se litigants at the Family Law Center. Some of the benefits cited by court staff are that a self-help center would provide a centralized location for pro se litigants to obtain: 1) references to appropriate agencies for assistance, 2) information on where to obtain forms, 3) directions to their appropriate court, 4) direction on court processes and procedures, 5) direction to useful resources, and 6) consistent answers to Frequently Asked Questions and basic instruction.

80% (8 of 10) of the judges responded that they think a self-help center at the Family Law Center would “absolutely” or “somewhat” benefit the pro se litigants. However, only 20% (2 of 10) would support the development of a self-help center citing risks including *conflict of interest* and the *unauthorized practice of law*. 60% would not support the development of a “self-help” center, one respondent replied with “depends”, and one other did not respond to the question. Please refer to Figure 20 below.

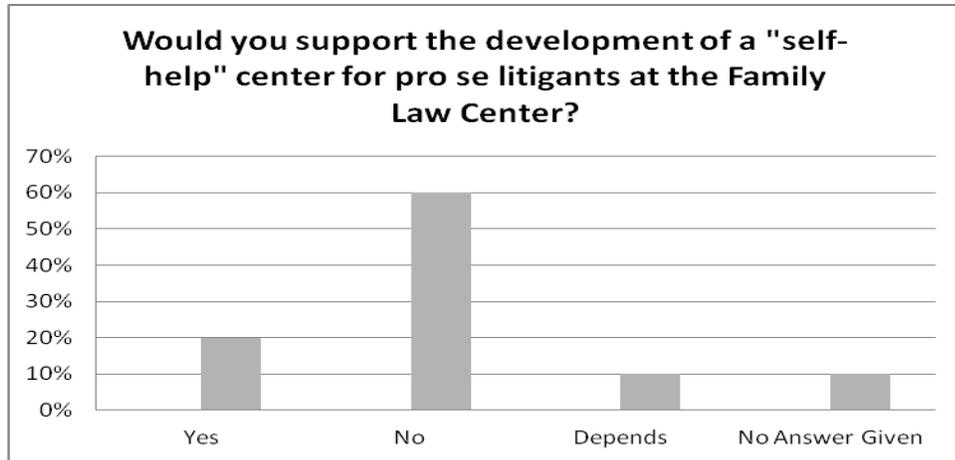


Figure 20: Judiciary Support of Self Help Center

Only 13% of responding family bar members report to be in favor of a self-help center at the Family Law Center. 65% are “opposed” or “strongly opposed” to such a program.

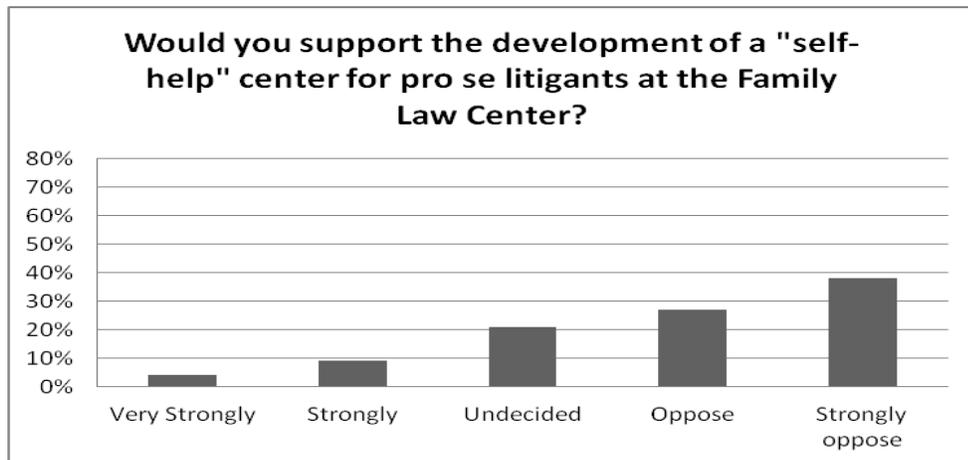


Figure 21: Family Bar Support of Self-Help Center

Standardized Forms

Figures 22, 23, and 24 demonstrate the conflicting opinions of the three groups with regard to the subject of standardized forms for use by pro se litigants. 83% of responding court

staff believe the introduction of standardized forms for pro se litigants would be beneficial to pro se litigants. Comments by court staff show a large support for the introduction of standardized forms. There is a belief that it would reduce the amount of questions pro se litigants have for employees, that it would give the pro se litigants a “place to start”, and that the quality of the end order would be better enforceable in event of future litigation. The responding judges are split down the middle on this issue, 50% (5 of 10) would be in favor of the development of standardized forms for the Family Law Center and the remaining 50% oppose the forms. The survey specifically asked the judges if they would be in favor of forms promulgated by the Texas Supreme Court for use statewide by indigent litigants. 70% (7 of 10) responded that they were not in support of these forms. Figure 23 clearly shows that Responding members of the family bar association were largely against the use of standardized forms for pro se litigants. Nearly 60% of the responding bar members were “strongly opposed” to the development and use of standardized forms and another 18% were “opposed” to the forms. In sum, 77% of the responding family bar members were generally opposed to the development and use of standardized forms for pro se litigants. Their reasons seem to center largely around a perceived impairment of their earning ability as family law practitioners and concerns for the unrepresented litigants who might unknowingly give up rights. Figure 24, below, indicates that the responding judiciary are in agreement with this sentiment. 9 of the 10 responding judges agreed that the introduction of standardized family law forms will in some way impair the family law practitioner’s livelihood. Additionally, 65% of responding family bar members disagree with distribution of a written instruction packet for pro se litigants. This is examined in more detail in the *Bench-Bar Conflict* portion of this paper.

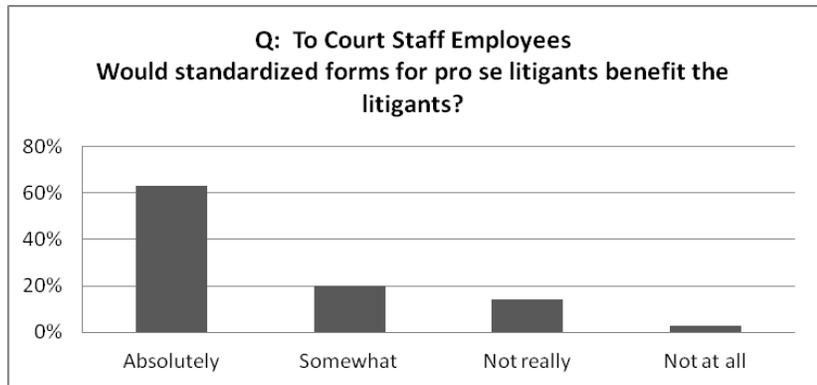


Figure 22: Court Staff Reaction to Standardized Forms

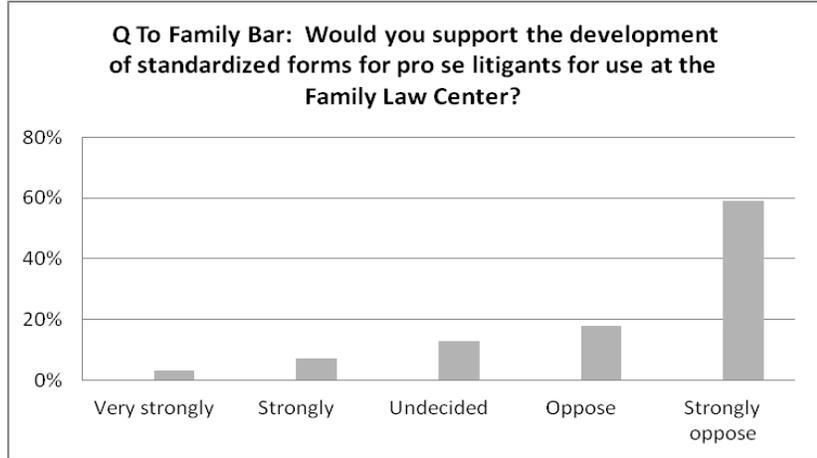


Figure 23: Tarrant Bar Reaction to Introduction of Forms

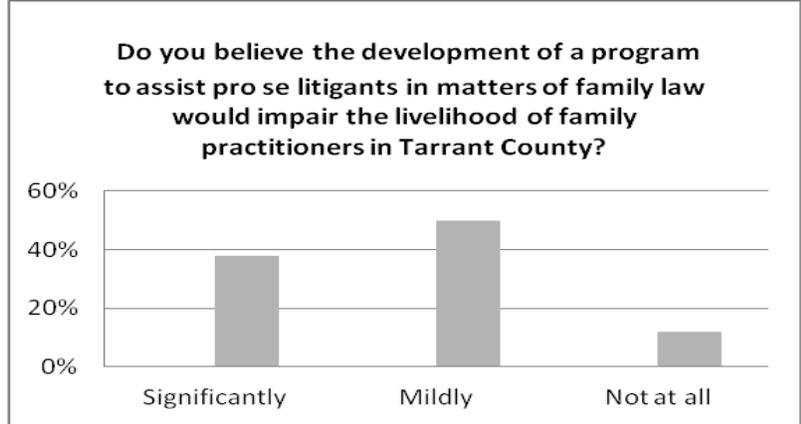


Figure 24: Judges Agree Forms Could Impair Lawyers' Livelihood

Bench-Bar Conflict

Nearly ten years after the Texas Access to Justice Commission was formed by the Texas Supreme Court, the Uniform Forms Task Force was created by Order (attached as Appendix J) signed on March 15, 2011 (Order Creating Uniform Forms Task Force, 2011). The family bar has strong feelings about how the growth of the pro se population is impacting the court system, so when the Family Law Section of the State Bar of Texas, the Texas Family Law Foundation, and the Tarrant County Family Law Bar discovered the existence of the “Task Force” and its “seven-point plan”, controversy ensued. The three groups have recently united and mobilized in an effort to put the brakes on the implementation of the seven-point plan of the Task Force. All these groups feel that the efforts of the Task Force are undertakings without the involvement of the State Bar’s leadership or approval. Since the September, 2011 report of the Task Force and the bar’s discovery of the implementations by the Task Force of its seven-point plan (Attached as Appendix L), there have been intense and frequent discussions (formal and informal) supporting interventions of the Task Force’s efforts. This research has uncovered some lively discussions taking place on internet family law list services, and Facebook threads, to more and more formal letters and emails. These include letters to the Texas Supreme Court by the leaders of the State Bar Family Section, the Texas Family Law Foundation, and the Tarrant County Family Law Bar Association, all expressing great concerns about the Task Force and its seven-point plan. Commenting on the creation of standardized forms, Steve Bresnan of the Texas Family Law Foundation says, “These forms were not going to be acceptable to the Family Law Section and were going to have ramifications” (Morris, 2012). Gary Nickleson, a “Concerned Family Lawyer” and President of the Texas Family Law Foundation writes, “They have labeled their efforts as being for the indigent people who cannot afford an attorney, but that is not what they

are doing”. He goes on with a plea to members of the Tarrant County Family Bar Association (attached as Appendix O) to attend the Board Meeting of the State Bar of Texas and speak out against the Task Force’s efforts (Nickelson, 2012). In a *Resolution to the Texas Supreme Court*, the Tarrant County Family Law Bar Association requested that the Supreme Court “dissolve its Task Force on Uniform Forms and decline to proceed further with the approach taken by the Task Force”, and “to continue working with the members of the Family Law Section and the State Bar of Texas to provide legal services to Texans who cannot afford a lawyer through pro bono, legal aid and similar programs in the future” (Tarrant County Family Law Bar Association Board Members, 2011). Family Law Section Leader, Thomas Ausley, writes in a letter to the President of the State Bar of Texas, Bob Black, wherein the section requested that the State Bar Board:

perform fundamental ongoing oversight functions as intended in Docket Order #9065, as to the funds sought and expended by the Commission and Foundation, as to consistency with the express terms of their charters and properly-approved strategic plans and budgets and as to consistency with the interests of the public, the courts, and the various sections of the State Bar of Texas (Ausley, 2012).

The controversy not only caught the attention of the family bar associations, but judges, as well. On January 13, 2013, the Judge of the 415 District Court of Parker County, Texas writes to the Texas Supreme Court pointing out the pitfalls in the idea of “uniform forms”. He states in his letter,

It is a judge’s job to provide justice to litigants, not to make life easier for court clerks frustrated by the influx of these unrepresented litigants. Has anyone considered that one reason for this frustration could be that the courts are perpetuating the problem by creating a “pro se” culture? (Quisenberry, 2012).

On January 27, 2012, Texas Supreme Court Chief Justice, Wallace Jefferson, wrote to Texas State Bar President, Bob Black, stating that the Supreme Court had decided to refer the Task Force report to the Supreme Court Advisory Committee to “engage in the careful critique they have always given on matters of profound importance to the administration of justice (Jefferson, 2012). In his letter (attached as Appendix Q), Chief Jefferson sets out instructions to the Committee to “consider input from all sectors, including the judiciary, the legal profession, representatives of the Legislature, and the public”, and urging the State Bar to present their own recommendations to the Committee and the Court. In response to Chief Jefferson’s request, Texas State Bar President Black appointed a committee “Solutions 2012” to study and make recommendations on the subject of pro se litigation. Solutions 2012 met for the first time on February 10, 2012, and plans to present its recommendations to the Supreme Court Advisory Committee at their meeting on April 13, 2012 (Denton, 2012).

When it became clear to the family law attorneys in Texas that the Texas Supreme Court was promulgating standardized pro se forms, the initial reactions were one of disbelief. Attorneys felt such a concept would not only minimize and devalue the family law attorney, but would diminish their livelihood as well. However, upon further consideration, the family law attorneys agreed, overall, that in the long run they will make up the difference in income when they represent pro se clients who have to come back to repair and correct the damage done by using standardized pro se forms. The family law attorneys warn that the forms are laden with potential pitfalls, some of which have a disastrous impact on the most disadvantaged litigants. They fear that the children who are the subjects of these suits will be victimized when terms regarding their support and custody end up being unenforceable or even non-existent.

Summary of Findings

Overall, court staff seem to agree that assisting pro se litigants does dominate their workday and that assisting a pro se litigant is time consuming and often frustrating. However, given the opportunity to add their own comments in the course of the survey, a number of court staff seems to be much more concerned about the welfare of the pro se litigant than about how such assistance to the litigants may affect their job. A majority of the court staff is certainly in favor of services designed to relieve some of the pressure of their daily routine, but are sincerely interested in assisting the litigants.

Where the judges are concerned, they certainly feel the crunch of the pro se litigants on their docket. Nevertheless, they appear to take the inconveniences in stride, recognizing that a majority of the strain seems to land squarely on the shoulders of the court staff that fields the pre-litigation inquiries. In opposition to the desires of the court staff, they are generally opposed both to the development of programs to assist the pro se litigants and to the implementation of formal training for court staff to better equip them to deal with the daily task of directing the pro se litigant.

While the judiciary and the family bar seem to agree that there should be little assistance given to the pro se litigants with regard to conducting their own court cases, this is where their commonality departs. The judges appear to be holding rather strongly to the premise that when a person enters a courtroom and chooses to represent him/herself, that person is held to the same standard as an attorney and should be likewise bound by the rules of court and civil procedure. The judiciary recognizes that a case in family court cannot be treated as gamesmanship. The judges know that the lives of real people and their children are at stake and that the “best interest

of all” must be considered when they make rulings that will significantly affect the lives of the litigants and their families.

The attorneys, on the other hand, have dedicated their careers and lives to the practice of law. Some practice only family law. The rules of law and civil procedure are instilled in their minds through years of formal training, and even more years of experience in the courtroom. The idea of a person coming off the street, into the courtroom, and being provided with a form that has taken years for these lawyers to perfect in their enforceability is upsetting to attorneys who have made the proper practice of family law their lives’ work.

Conclusions and Recommendations

Conclusion 1:

There is a clear strain on the workforce of the Tarrant County Family Law Center due to the growing pro se population that affects the court staff, the judiciary and the attorneys that practice in the Family Law Center. The complaints seem to center around long lines and delays created by the extra demands on the staff and judiciary by unrepresented litigants.

83% of polled court staff report that it takes longer to assist a pro se litigant than it does to assist an attorney. 77% of the polled attorneys report that it takes longer to complete a routine task at the Family Law Center than it did before the increase in pro se litigants and slightly more than half of the responding judges agree that that their dockets are experiencing a slow-down when proceedings involve pro se litigants. Respondents in all three groups made suggestions of offering separate service lines and dockets that are unique to the needs of pro se litigants.

Recommendation 1:

Creation of separate service lines in the District Clerk’s Office and special dockets in the courtroom would isolate the more time consuming tasks associated with assisting the pro se litigants.

Collaboration with the Family District Clerk’s Office to develop a special service line at the file desk to assist only pro se litigants would prove to be mutually beneficial to both the pro se litigants and attorney customers. With specific training for employees who would be assisting primarily pro se litigants would greatly improve the accuracy and consistency of the information

disseminated to pro se litigants. This should increase efficiency for attorneys and their staff who frequent this service by eliminating long lines and delays created by the extra time needed to assist the pro se litigants with their filing needs, and provide better service and information to the pro se litigants themselves.

Judges and their court coordinators working together to create special docket times for pro se litigants to conduct prove ups, urge special motions and present special orders for signature would eliminate a great deal of delay. Creation of a special time to conduct court proceedings for pro se litigants would help to concentrate the special issues and delays associated with assisting these litigants to one particular time of the day or week. Such a schedule would prevent the unpredictable and sporadic interruptions and delays associated with a traditional “open docket”.

Conclusion 2:

There is no immediate point of contact for a user of the Family Law Center to obtain general information or instruction.

On any typical day at the Tarrant County Family Law Center, a variety of people might visit the building for any number of reasons. A visitor could be a litigant (with counsel or without), a local attorney or one from another county, a caseworker, a witness or a juror. If you are not someone that is familiar with the Family Law Center finding the way to your destination can prove to be a perplexing.

Recommendation 2:

An information center for general information and direction is necessary to reduce confusion and improve the visitors’ experience when using the Family Law Center.

There are many services offered within the Family Law Center. When a visitor passes through security, it is essential that there be a place to obtain basic information about the family law center. The courts should install an information center in the main lobby of the building directly inside the primary entrance on Weatherford Street. A specially trained employee should occupy the information booth to direct visitors easily and quickly to their destination. The information center should offer a map of the building showing the floor and location of the following:

- Each of the 14 courtrooms and the location of its court coordinator
- The District Clerk’s Office
- The Domestic Relations Office
- The Child Support Office
- The Enforcement Division

- The Protective Order Unit
- Archived Records
- Bathrooms and water fountains

Since a proceeding in any given court may be conducted before the District Judge, Associate Judge or Title IV-D Judge, the employee responsible for the information center should have access to the Judicial Information Management System in order to easily reference the court's docket for that day and direct a litigant or attorney to the proper courtroom. This attendant of the information center should have the training to provide direction to the law library, which is not located within the Family Law Center or any other offices or services that may not be located within the Family Law Center. This service offered at the Family Law Center would provide a valuable service to all visitors to building. Going to court is often a stressful event for litigants, witnesses, jurors, and others. Eliminating the confusion and frustration to the already often-anxious visitors to the building would be a positive improvement in the quality of the experience when in the Family Law Center.

Conclusion 3:

There is little, if any, formal training of court staff in the proper assistance of the pro se litigant.

Although the court staff, judges, and attorneys are all of differing opinions regarding training of employees on the subject of assisting pro se litigants, employees armed with basic guidelines and information would be better equipped to assist pro se litigants.

Recommendation 3:

The development of a desk reference for each employee that has daily contact with pro se litigants would be an improvement in the consistency and accuracy of information being disseminated to pro se litigants throughout the Family Law Center.

A committee consisting of representative members of court staff, judiciary, other support departments, and perhaps even members of the family bar should be formed with the goal of compiling a desk reference manual for each employee that sets out information and guidelines acceptable for assisting pro se litigants. The Texas Office of Court Administration has a publication on their website entitled, *Legal Information vs. Legal Advice, Guidelines and Instructions for Clerks and Court Personnel Who Work with Self-Represented Litigants in Texas State Courts*, for use by trial courts and their staff. (<http://www.courts.state.tx.us/pubs/LegalInformationVSLegalAdviceGuidelines.pdf>). This publication, in conjunction with court specific policies and guidelines, should be required reading and easily accessible at the workspace of any employee of the Family Law Center that assists pro se litigants in the course of their employment. This would ensure the consistency and accuracy of information delivered to pro se litigants throughout the Family Law Center. It would

further provide information to help employees avoid giving legal advice in the course of assisting the pro se litigants.

Conclusion 4:

Although it is important to both the bar and the judiciary to ensure that all parties are being treated equally and fairly in the courtroom, furnishing instructions and/or assistance to pro se litigants is a controversial subject for the members of the Tarrant County Family Law Bar Association.

Because cases in family court involve families and children, the judges are charged with the difficult task of properly applying the law and adhering to the rules of court, while, at the same time, trying to ensure that justice is served by protecting the families and the children. Lawyers, on the other hand, have the duty of zealously advocating for the client. This dynamic can cause a dilemma in the courtroom when a self-represented litigant comes up against an opponent who is represented by counsel.

Recommendation 4:

Each judge should develop a packet that sets out the court's policy on what is expected of a litigant who chooses to represent himself or herself in a court proceeding.

A clearer understanding of what the bench will allow in the courtroom when trying cases involving a pro se litigant would be beneficial to the family bar in preparing a case that will proceed to trial with a pro se litigant. By educating pro se litigants on exactly what is expected of them if they choose to represent themselves in court will help promote more orderly proceedings in the courtroom when a pro se litigant is involved. This could also help pro se litigants understand the importance of properly preparing their case and carefully considering whether they should employ counsel to ensure that their rights are protected. By making the court's policy known on expectations of pro se litigants in the courtroom, the appearance of giving special treatment to one side or the other is avoidable. The clerk of the court should provide these court specific guidelines to every pro se litigant when they file their suit and to each party who files an Original Answer or enters an appearance on his/her own behalf.

Conclusion 5:

The subjects of both standardized forms and "self-help" centers for pro se litigants are a highly controversial subject for both the bench and the bar.

The research in this paper shows a lack of overwhelming support for the development of standardized forms or a "self-help" center for pro se litigants at the Family Law Center. The idea of a "self-help" center for the Family Law Center is not yet ready to be completely embraced by either the judges or the members of the Tarrant County Family Law Bar Association. The subject of standardized forms is still under hot debate at this time between the Texas Access to Justice Commission and family bar organizations across the state.

Recommendation 5:

Solutions 2012 and the Supreme Court’s Uniform Forms Task Force should continue to collaborate on the development of standardized family law forms. At such time that the Task Force’s standardized forms are approved by the Texas Supreme Court, the Family Law Center should adopt and use these forms for all pro se litigants. The “self-help” center should continue to be explored as an option for the Family Law Center in the future.

At this time, Solutions 2012 is not in favor of the development for the creation of standardized forms for use by pro se litigants. The members of Solutions 2012 are working toward recommendations to the Texas Access to Justice Commission and Uniform Forms Task Force as alternatives to the introduction of the proposed forms. This process and collaboration should be handled professionally and respectfully to all parties involved in order to preserve the long-standing relationship of mutual respect between the bench and the bar of the Tarrant County family law legal community. In the event that the Texas Supreme Court approves the proposed standardized forms, it would be best for the Family Law Center to support the forms and accept them in their court. The bench and the bar should collaborate and explore the development of a “self-help” center that would be mutually beneficial to the litigants, judges and court staff, and attorneys.

References

- Acello, R. (2010, September). Seeing Ghosts. *ABA Journal* . Retrieved from http://www.abajournal.com/magazine/article/seeing_ghosts/
- Baxter, J. J. (2006). *Final Report: Survey of Self-Represented Parties in the Utah State Courts*. Utah Judicial Council Standing Committee on Resources for Self-Represented Parties.
- Bennack, F. (1999). How the Public Views the State Courts: A National Survey. 7, 25. Williamsburg, VA: The Hurst Corporation/NCSC.
- CCJ/COSCA Task Force on Pro Se Litigants. (2002). Conference of Chief Justices and Conference of State Court Administrators. *Final Report of the Joint Task Force on Pro Se Litigation*. Rockport, ME: CCJ/COSCA.
- Conley, D. (2006). Judges' Views of Pro Se Litigants' Effect on Courts. *National Coalition for a Civil Right to Counsel* , Clearinghouse REVIEW Journal of Poverty Law and Policy.
- Cook, C. (2007, May). Self-Represented Litigants in Family Law Cases in Jackson County, Missouri. *ICM Phase III Project Paper* . Kansas City, MO, US: Institute for Court Management, National Center for State Courts.
- DCAJ-JI, Office of the Deputy Chief Administrative Judge for Justice Initiatives. (2005). *Self-Represented Litigants: Characteristics, Needs, Services*. New York City, NY: ODCAJ-JI.
- Denton, J. (2012, February 14). Email Correspondence. *Recent News from State Bar Family Law Sections on Forms Task Force* .
- Goldschmidt, J. (1998). *Meeting the Challenge of Pro Se Litigation, A Report and Guidebook for Judges and Court Managers*. American Judicature Society and State Justice Institute.
- Goldschmidt, J., Mahoney, B., Soloman, H., & Green, J. (1998). *Meeting the Challenge of Pro Se Litigation*. Chicago: American Judicature Society.
- Gray, C. (2005). *Reaching Out or Overreaching*. DeMoines, IA: American Judicature Society.
- Greacen, J. M. (2002). *Self Represented Litigants and Court and Legal Services Responses to Their Needs - What We Know*. California.
- Greacen, J. M. (2011, Spring). The Benefits and Costs of Programs to Assist Self-Represented Litigants. *Judges' Journal* , pp. 15-20.
- Herman, M. (2006, September 25). Self-Representaion: Pro Se Statistics. National Center for State Courts.

- Hough, B. R. (2003). *Description of California Courts Programs on Self Represented*.
- Jefferson, C. J., & Reasoner, H. (2010, April 5). Helping the Poor in Civil Court Cases. *Houston Chronicle* .
- JIMS, J. I. (2012). Tarrant County, Texas.
- Langenfeld, J. (2011, April 29). *Content: newgeography-divorce-and-demographics-state*. Retrieved March 16, 2012, from newgeography Web site: <http://www.newgeography.com>
- Martin, J. A., & Wagenknecht-Ivey, B. J. (2011, Spring). Trends Indicate Need for Dramatic Changes in Courts. *Court Express, National Association for Court Management* , pp. 4-5.
- Nebraska Supreme Court Committee on Pro Se Litigation. (2002). *Report of Nebraska Supreme Court Committee on Pro Se Litigation*. Lincoln, NE: Nebraska Supreme Court Committee.
- Quisenberry, G. (2012, January 13). *Letter to Texas Supreme Court* .
- Reynolds, C. (2012, January 24). *CourTex - Within the Judicial Branch of Texas*. Retrieved 01 24, 2012, from Blogger.com: <http://courtex.blogspot.com/>
- Sales, B. D., Beck, C. J., & Haan, R. K. (1993). Self-Representation in Divorce Cases. *Standing Committee on the Delivery of Legal Services* . American Bar Association.
- Stratioti, C. C. (2002). *Four Perspectives on Self Representation and the Judicial System in Duluth, Minnesota*. Williamsburg: Institute For Court Management Court Executive Development Program Phase III.
- Supreme Court of Texas. (2011). *Order Creating Uniform Forms Task Force, Misc. Docket No. 11-9046*.
- Supreme Court of Texas. (2001). *Order Establishing Texas Access to Justice Commission, Misc. Docket No. 01-9065*.
- Supreme Court of Virginia, Pro Se Litigation Planning Committee. (2002). *Self-Represented Litigants in the Virginia Court System, Enhancing Access to Justice*. Richmond, VA: SJI.
- Texas Access to Justice Commission. (2011). *Report of the Texas Access to Justice Commission to the Supreme Court of Texas*. Austin, TX: Texas Access to Justice Commission.
- Texas Access to Justice Commission. (2012). *Texas Access to Justice Commission*. Retrieved February 22, 2012, from Self-Represented Litigants and the Courts/Texas Access to Justice Commission: <http://www.texasatj.org/files/file/3ProSeStatisticsSummary.pdf>

Texas Department of State Health Services. (1970-2008). *Texas Department of State Health Services, Vital Statistics 2007 Annual Report, Table 7*. Retrieved August 5, 2011, from Texas Department of State Health Services: <http://dshs.state.tx.us/chs/vstat/latest/t07.shtm>

U.S. Census Bureau. (2011). *Tarrant County QuickFacts*. Retrieved August 5, 2011, from State & County QuickFacts: <http://quickfacts.census.gov/qfd/states/48/48439.html>

Voelke, J. (2000). *Wisconsin Pro Se Task Force Report*. Florida: Committee of the Office of Chief Justice of the Wisconsin Supreme Court.

Wikipedia. (2011, August 9). *Fort Worth, Texas - Wikipedia, the free encyclopedia*. Retrieved August 9, 2011, from Wikipedia: http://en.wikipedia.org/wiki/Fort_Worth,_Texas

Wikipedia. (2011). *Tarrant County, Texas - Wikipedia, the free encyclopedia*. Retrieved August 9, 2011, from Wikipedia: http://en.wikipedia.org/wiki/Tarrant_County

APPENDIX A – SURVEY TO PRO SE LITIGANTS

Survey to Pro Se Litigants

This survey is part of a project to improve programs to assist the “Self-Represented Litigant”.

Your participation is greatly appreciated.

1. What is your gender?

- Male
- Female

2. What is your ethnicity?

- American Indian or Alaskan Native
 - Asian
 - Black or African American
 - Hispanic or Latino
 - Native Hawaiian or other Pacific Islander
 - White
 - Mixed Race
 - Other, please specify
-

3. What is your primary language?

- English
 - Spanish
 - Other, please specify
-

4. What is your age?

- 18-29
- 30-39
- 40-55
- above 55

APPENDIX A – SURVEY TO PRO SE LITIGANTS

5. What is your current income?

- \$0.00 - \$12,000.00 annually
- \$12,001.00 - \$24,000.00 annually
- \$24,001.00 - \$36,000.00 annually
- \$36,001.00 - \$48,000.00 annually
- \$48,001.00 - \$60,000.00 annually
- \$60,001.00 - \$72,000.00 annually
- above \$72,000.00 annually

6. What type of legal matter brings you to the Tarrant County Law Library?

- Family Law Matter
- Civil Litigation Matter
- Criminal Matter
- Probate Matter
- Other

7. Will you be representing yourself in your legal matter?

- Yes
- No

8. Do you have children under the age of 18?

- Yes
- No

9. Do you own your own home?

- Yes
- No

APPENDIX A – SURVEY TO PRO SE LITIGANTS

10. Why did you choose to represent yourself in your legal matter? You may choose more than one answer.

- I cannot afford an attorney.
 - I do not trust attorneys.
 - My legal matter is not complicated.
 - I want to have control over my case.
 - I want to be able to talk to the Judge myself.
 - I think there is a greater chance to settle the dispute if there are no lawyers involved.
 - Other, please specify
-

Thank you for your participation.
Your answers are very important to my research.

APPENDIX B – COURT STAFF SURVEY

Family Law Center Staff Survey - Pro Se Litigants

Page 1 - Question 1 - Choice - One Answer (Bullets)

In the course of your employment how often do you assist self-represented litigants?

- Often
- Occasionally
- Seldom
- Never

Page 1 - Question 2 - Choice - Multiple Answers (Bullets)[Up To 2 Answers]

With what sort of activities to you assist pro se litigants?

- Filing of documents
 - Assistance in filling out paperwork
 - Questions regarding procedure
 - Questions regarding how to proceed with their case
 - Setting hearings
 - Other, please specify
-

Page 1 - Question 3 - Choice - One Answer (Bullets)

When assisting a pro se litigant, how much time is needed in comparison to when you are assisting an attorney with the same or similar task?

- Much less time
- Slightly less time
- About the same amount of time
- Slightly more time
- Much more time

Page 1 - Question 4 - Choice - One Answer (Bullets)

Do you feel that you are properly trained to assist the pro se litigant?

- Well trained
- Somewhat trained
- Poorly trained
- Untrained

APPENDIX B – COURT STAFF SURVEY

Page 1 - Question 5 - Choice - One Answer (Bullets)

When assisting a pro se litigant in filing paperwork, do you find their paperwork to be

- Complete
- Mostly complete
- Mostly incomplete
- Slightly incomplete
- Not complete at all

Page 1 - Question 6 - Choice - One Answer (Bullets)

When assisting pro se litigants do you feel frustrated?

- Extremely
- Moderately
- Somewhat
- Mildly
- Not at all

Page 1 - Question 7 - Choice - One Answer (Bullets)

When assisting pro se litigants do you feel confident that you have help them with their problem?

- Extremely
- Moderately
- Somewhat
- Mildly
- Not at all

Page 1 - Question 8 - Choice - One Answer (Bullets)

Do pro se litigants seem satisfied with the assistance you provide them?

- Extremely
- Moderately
- Somewhat
- Mildly
- Not at all

APPENDIX B – COURT STAFF SURVEY

Page 1 - Question 9 - Choice - One Answer (Bullets)

How often are you unable to complete routine daily tasks because of the time associated with assisting pro se litigants?

- Always
- Very Often
- Sometimes
- Rarely
- Never

Page 1 - Question 10 - Choice - One Answer (Bullets)

When assisting a pro se litigant, do they seem satisfied with the information they have been given?

- Always
- Very Often
- Sometimes
- Rarely
- Never

Page 1 - Question 11 - Choice - One Answer (Bullets)

When you are unable to assist a pro se litigant, do you know where to refer them for help?

- Always
- Very Often
- Sometimes
- Rarely
- Never

Page 1 - Question 12 - Choice - One Answer (Bullets)

Does your Court provide you with written instructions for assisting the pro se litigant?

- Yes. It is complete and thorough.
- Yes, but it is not comprehensive.
- No, but I am trained with proper responses to most questions.
- No. I have no instruction on how to assist the pro se litigant.

APPENDIX B – COURT STAFF SURVEY

Page 1 - Question 13 - Choice - One Answer (Bullets)

If your Court does not provide you with formal training, do you think you would benefit from this sort of training?

- Yes
- No

Page 1 - Question 14 - Choice - One Answer (Bullets)

If your Court does not provide you with written guidelines, do you think you would benefit from such?

- Yes
- No

Page 1 - Question 15 - Choice - Multiple Answers (Bullets)[Up To 2 Answers]

Do you think the development of a "self help" center would benefit pro se litigants?

- Absolutely
- Somewhat
- Not really
- Not at all

Page 1 - Question 16 - Open Ended - Comments Box[Up To 2 Answers]

If you answered "yes" above, please describe how you think a "self help" center could benefit pro se litigants?

.....

.....

.....

.....

Page 1 - Question 17 - Choice - One Answer (Bullets)

Would standardized forms for pro se litigants benefit the litigants?

- Absolutely
- Somewhat
- Not really
- Not at all

APPENDIX B – COURT STAFF SURVEY

Page 1 - Question 18 - Open Ended - Comments Box

What type of services do you think the Family Law Center should offer to assist pro se litigants?

Page 1 - Question 19 - Open Ended - Comments Box

Please describe how dealing with pro se litigants impacts your job.

Page 1 - Question 20 - Open Ended - Comments Box

If the Tarrant County Family Law Center were able to provide additional resources for pro se litigants (e.g., self help center or standardized forms), how would this impact your ability to perform your job duties?

APPENDIX C – JUDICIAL SURVEY

Judicial Survey - Pro Se Litigants

Page 1 - Question 1 - Choice - One Answer (Bullets)

Over the last 10 years, have you noticed an increase in the number of pro se litigants that appear in your court?

- Yes, a significant increase.
- Yes, a slight increase.
- No noticeable increase.
- No, there has been a slight decrease.
- No, there has been a significant decrease.

Page 1 - Question 2 - Choice - One Answer (Bullets)

Do you feel that your court staff are properly trained to assist pro se litigants?

- Well trained
- Somewhat trained
- Poorly trained
- Untrained

Page 1 - Question 3 - Choice - One Answer (Bullets)

When conducting a case involving a pro se litigant, how much time is needed in comparison to when you are handling a case where counsel is present for the same or similar task?

- Much less time
- Slightly less time
- About the same amount of time
- Slightly more time
- Much more time

Page 1 - Question 4 - Choice - One Answer (Bullets)

When considering the paperwork and pleadings of a pro se litigant, do you find their paperwork to be

- Complete
- Mostly complete
- Mostly incomplete
- Slightly incomplete
- Very incomplete

APPENDIX C – JUDICIAL SURVEY

Page 1 - Question 5 - Choice - One Answer (Bullets)

How often do you find yourself giving assistance to a pro se litigant during a court proceeding?

- Always
- Often
- Somewhat
- Seldom
- Never

Page 1 - Question 6 - Choice - Multiple Answers (Bullets)[Up To 5 Answers]

What kind of assistance do you give to a pro se litigant during a court proceeding?

- Entering Final Orders
 - How to proceed with questioning of witness
 - Entry of evidence
 - How to properly object
 - None
 - Other, please specify
-

Page 1 - Question 7 - Choice - One Answer (Bullets)

Are you able to efficiently move your docket when conducting proceedings involving pro se litigants?

- Always
- Often
- Sometimes
- Seldom
- Never

Page 1 - Question 8 - Choice - One Answer (Bullets)

Do you provide your court staff with written instructions for assisting pro se litigants?

- Yes.
- No.
- No, but I would consider it.
- No. I would never consider it.

APPENDIX C – JUDICIAL SURVEY

Page 1 - Question 9 - Choice - Multiple Answers (Bullets)[Up To 6 Answers]

How do you prepare your court staff for assisting pro se litigants?

- Formal training
 - Written policy
 - Frequent discussions
 - Informal discussions and direction from superiors as a need arises
 - All of the above
 - I provide no training to my staff with regard to pro se litigants.
 - Other, please specify
-

Page 1 - Question 10 - Choice - One Answer (Bullets)

If you do not provide your court staff with written guidelines, do you think they would benefit from such?

- Yes
- No

Page 1 - Question 11 - Choice - One Answer (Bullets)

If you do not provide your court staff with formal training, do you think they would benefit from such?

- Yes
- No

Page 1 - Question 12 - Choice - Multiple Answers (Bullets)[Up To 4 Answers]

Do you think the development of a "self help" center for pro se litigants would benefit the litigants?

- Absolutely
 - Somewhat
 - Not really
 - Not at all
 - How could this be helpful?
-

APPENDIX C – JUDICIAL SURVEY

Page 1 - Question 13 - Choice - One Answer (Bullets)

Would you support the development of a "self help" center for pro se litigants at the Family Law Center?

Yes

No

If you answered "no", please explain

Page 1 - Question 14 - Choice - One Answer (Bullets)

Would you support the development of standardized forms for pro se litigants for use at the Family Law Center?

Yes

No

If you answered "no", please explain

Page 1 - Question 15 - Choice - One Answer (Bullets)

Do you support the Texas Supreme Court's proposed promulgation of standardized forms for pro se family law litigants across the State of Texas?

Yes

No

Page 1 - Question 16 - Choice - One Answer (Bullets)

Do you believe the development of a program to assist pro se litigants in matters of family law would impair the livelihood of family practitioners in Tarrant County.

Significantly

Mildly

Not at all

Page 1 - Question 17 - Open Ended - Comments Box

What responsibility does the Court have to provide resources for pro se litigants?

APPENDIX C – JUDICIAL SURVEY

Page 1 - Question 18 - Open Ended - Comments Box

What is the impact on the Court of the increasing numbers of pro se litigants?

Tarrant County Family Law Bar Association Re: Pro Se Litigants

Page 1 - Question 1 - Choice - One Answer (Bullets)

Have you recently noticed an increase in the number of pro se litigants using the Family Law Center?

- Yes, a significant increase.
- Yes, a slight increase.
- No noticeable increase.
- No, there has been a slight decrease.
- No, there has been a significant decrease.

Page 1 - Question 2 - Choice - One Answer (Bullets)

Do you feel court staff should be trained to assist pro se litigants?

- Strongly Agree
- Agree
- Undecided
- Disagree
- Strongly Disagree

Page 1 - Question 3 - Choice - One Answer (Bullets)

Do you feel the time it takes to perform a routine task at the Family Law Center has increased?

- Dramatically
- Slightly
- About the same amount of time

Page 1 - Question 4 - Choice - One Answer (Bullets)

Do you think the Court is giving too much assistance to pro se litigants during court proceedings?

- Always
- Often
- Somewhat
- Seldom
- Never

APPENDIX D – TARRANT COUNTY FAMILY BAR ASSOCIATION SURVEY

Page 1 - Question 5 - Choice - One Answer (Bullets)

Do you think it is appropriate for the Court to give assistance to pro se litigants during court proceedings?

Yes

No

It depends on the circumstances

Page 1 - Question 6 - Choice - One Answer (Bullets)

Are you able to efficiently conduct your business in court when involved in a proceeding with pro se litigants?

Always

Often

Sometimes

Seldom

Never

Page 1 - Question 7 - Choice - One Answer (Bullets)

Do you agree with the Court providing written instructions to pro se litigants?

Yes.

No.

Undecided

Page 1 - Question 8 - Choice - One Answer (Bullets)

Would you support the development of a "self help" center for pro se litigants at the Family Law Center?

Very Strongly

Strongly

Undecided

Oppose

Strongly oppose

APPENDIX D – TARRANT COUNTY FAMILY BAR ASSOCIATION SURVEY

Page 1 - Question 9 - Choice - One Answer (Bullets)

Would you support the development of standardized forms for pro se litigants for use at the Family Law Center?

- Very strongly
- Strongly
- Undecided
- Oppose
- Strongly oppose

Page 1 - Question 10 - Choice - One Answer (Bullets)

Do you support the Texas Supreme Court's proposed promulgation of standardized forms for pro se family law litigants across the State of Texas?

- Very strongly
- Strongly
- Undecided
- Opposed
- Strongly opposed

Page 1 - Question 11 - Open Ended - Comments Box

What do you think staff at the Family Law Center could do to improve efficiency with regard to pro se litigants?

Page 1 - Question 12 - Open Ended - Comments Box

Please use the space below to add any comments you have with regard to the state of pro se litigation in the Tarrant County Family Law Center.

APPENDIX E- PRO SE LITIGANT SURVEY RESULTS

Survey Results

Pro Se Litigant Demographic Survey

Response Status: Completes

Filter: No filter applied

Jan 09, 2012 8:50 AM PST

1. What is your gender?		
Male	31	50%
Female	31	50%
Total	62	100%

2. What is your ethnicity?		
American Indian or Alaskan Native	0	0%
Asian	5	8%
Black or African American	22	35%
Hispanic or Latino	13	21%
Native Hawaiian or other Pacific Islander	0	0%
White	20	32%
Mixed Race	1	2%
Other	1	2%
Total	62	100%

3. What is your primary language?		
English	56	90%
Spanish	5	8%
Other	1	2%
Total	62	100%

APPENDIX E- PRO SE LITIGANT SURVEY RESULTS

4. What is your age?		
18-29	11	18%
30-39	27	44%
40-55	19	31%
above 55	5	7%
Total	62	100%

5. What is your highest level of education?		
Some High School	5	8%
High School Graduate	25	40%
Some College	20	32%
College Graduate	11	18%
Post Graduate	1	2%
Total	62	100%

6. My income is		
\$0-12K annually	23	37%
\$12,001-24k annually	13	21%
\$24,001-36K annually	13	21%
\$36,001-48,000K annually	5	8%
\$48,001-60,000K annually	3	5%
\$60,001-72,000K annually	4	6%
Above 72K annually	1	1%
Total	62	100%

7. What type of legal matter brings you here?		
Divorce	39	63%
Child Support Enforcement	3	5%
Modification of Custody	17	27%
Other	3	5%
Total	62	100%

APPENDIX E- PRO SE LITIGANT SURVEY RESULTS

8. Will you be representing yourself in your legal matter?		
Yes	62	90%
No	6	9%
Unanswered	1	1%
Total	69	100%

9. Do you have children under the age of 18?		
Yes	41	66%
No	21	34%
Total	62	100%

10. Do you own your own home?		
Yes	22	35%
No	40	65%
Total	62	100%

11. Why did you choose to represent yourself in your legal matter? You may choose more than one answer.		
I cannot afford an attorney.	41	66%
I do not trust attorneys.	6	10%
My legal matter is not complicated.	21	34%
I want to have control over my case.	2	3%
I want to be able to talk to the judge myself.	3	5%
I think there is a better chance to settle the dispute if there are no lawyers involved.	2	3%
Total	75	

APPENDIX F – COURT STAFF SURVEY RESULTS

Family Law Center Staff Survey - Pro Se Litigants

Response Status: Completes

Jan 30, 2012 5:18 PM PST

1. In the course of your employment how often do you assist self-represented litigants?

Often	27	69%
Occasionally	5	13%
Seldom	2	5%
Never	5	13%
Total	39	100%

2. With what sort of activities to you assist pro se litigants?

Filing of documents	7	21%
Assistance in filling out paperwork	4	12%
Questions regarding procedure	17	52%
Questions regarding how to proceed with their case	6	18%
Setting hearings	3	9%
Other, please specify	12	36%

3. When assisting a pro se litigant, how much time is needed in comparison to when you are assisting an attorney with the same or similar task?

Much less time	0	0%
Slightly less time	2	6%
About the same amount of time	4	12%
Slightly more time	5	15%
Much more time	23	68%
Total	34	100%

APPENDIX F – COURT STAFF SURVEY RESULTS

4. Do you feel that you are properly trained to assist the pro se litigant?

Well trained	13	37%
Somewhat trained	15	43%
Poorly trained	3	9%
Untrained	4	11%
Total	35	100%

5. When assisting a pro se litigant in filing paperwork, do you find their paperwork to be

Complete	0	0%
Mostly complete	8	29%
Mostly incomplete	10	36%
Slightly incomplete	4	14%
Not complete at all	6	21%
Total	28	100%

6. When assisting pro se litigants do you feel frustrated?

Extremely	4	12%
Moderately	9	27%
Somewhat	7	21%
Mildly	9	27%
Not at all	4	12%
Total	33	100%

APPENDIX F – COURT STAFF SURVEY RESULTS

7. When assisting pro se litigants do you feel confident that you have help them with their problem?		
Extremely	4	12%
Moderately	12	36%
Somewhat	9	27%
Mildly	6	18%
Not at all	2	6%
Total	33	100%

8. Do pro se litigants seem satisfied with the assistance you provide them?		
Extremely	2	6%
Moderately	12	36%
Somewhat	15	45%
Mildly	2	6%
Not at all	2	6%
Total	33	100%

9. How often are you unable to complete routine daily tasks because of the time associated with assisting pro se litigants?		
Always	1	3%
Very Often	3	9%
Sometimes	9	27%
Rarely	12	36%
Never	8	24%
Total	33	100%

APPENDIX F – COURT STAFF SURVEY RESULTS

10. When assisting a pro se litigant, do they seem satisfied with the information they have been given?		
Always	0	0%
Very Often	10	30%
Sometimes	15	45%
Rarely	5	15%
Never	3	9%
Total	33	100%

11. When you are unable to assist a pro se litigant, do you know where to refer them for help?		
Always	10	29%
Very Often	14	41%
Sometimes	10	29%
Rarely	0	0%
Never	0	0%
Total	34	100%

12. Does your Court provide you with written instructions for assisting the pro se litigant?		
Yes. It is complete and thorough.	7	22%
Yes, but it is not comprehensive.	1	3%
No, but I am trained with proper responses to most questions.	14	44%
No. I have no instruction on how to assist the pro se litigant.	10	31%
Total	32	100%

APPENDIX F – COURT STAFF SURVEY RESULTS

13. If your Court does not provide you with formal training, do you think you would benefit from this sort of training?		
Yes	28	90%
No	3	10%
Total	31	100%

14. If your Court does not provide you with written guidelines, do you think you would benefit from such?		
Yes	28	93%
No	2	7%
Total	30	100%

15. Do you think the development of a "self help" center would benefit pro se litigants?		
Absolutely	27	77%
Somewhat	4	11%
Not really	3	9%
Not at all	1	3%

16. If you answered "yes" above, please describe how you think a "self help" center could benefit pro se litigants?		
25 Responses		

APPENDIX F – COURT STAFF SURVEY RESULTS

17. Would standardized forms for pro se litigants benefit the litigants?

Absolutely	22	63%
Somewhat	7	20%
Not really	5	14%
Not at all	1	3%
Total	35	100%

18. What type of services do you think the Family Law Center should offer to assist pro se litigants?

27 Responses

19. Please describe how dealing with pro se litigants impacts your job.

25 Responses

20. If the Tarrant County Family Law Center were able to provide additional resources for pro se litigants (e.g., self help center or standardized forms), how would this impact your ability to perform your job duties?

26 Responses

APPENDIX F – COURT STAFF SURVEY RESULTS

COURT STAFF QUESTION 16

they might better understand the type of hearing that they are requesting and be able to understand procedures better.

They could leave me alone to do the work I need to do.

I think it is overwhelming for them to find the correct forms and know how to fill them out. Some sort of on-line service would help, but it seems some don't have access to on-line. Some sort of a hot line might be nice for them. resources such as faq, blank documents to use, etc.

Because we're not licensed to give legal advice, having a paralegal or attorney available at a center would be beneficial. to help them better understand the process involved, the paperwork needed, understanding of the legal system.

by giving them the guidance they need to proceed with their case

The court system can seem complicated and overwhelming to a pro-se litigant. A self-help center would provide helpful information that the litigant could digest at their own pace, rather than getting bombarded with a lot of information at once. Explain and have step by step written instructions for each type of case the pro se litigant is filing for.

APPENDIX F – COURT STAFF SURVEY RESULTS

COURT STAFF QUESTION 16

Hopefully, they would receive more comprehensive information & help on what is needed to help them along the course of their litigation & complete it to their satisfaction

We are unable to give any legal advice, therefore we can't tell them any more than they already know. Guidance in the right direction is helpful OR knowing we just didn't "shoo" them away is gratifying. We work with this paerwork everyday.. we understand most of it.. a first off, the packet at the law library NEEDS TO GO! they are incomplete and for whatever reason, attorneys forget once they are assigned a court, they need to follow the court rules. the rules and instructions in that packet by the law library are vague and WRONG!

APPENDIX F – COURT STAFF SURVEY RESULTS

COURT STAFF QUESTION 19

Question 19: Please describe how dealing with pro se litigants impacts your job.

Time consuming.

The modification or order that needs to be done never gets done. The biggest impact in our office would be if someone is ordered to pay child support, but stops because he/she has physical custody of child, but does not know how to do a modification to gain legal custody.

slows it down considerably

They take more time and increase the frustration level of the job. minimally

It actually impacts it a lot. They come into our office lost, confused and frustrated. I either am able to get them to the right person that has the answer they're looking for or I can just be an ear that's listening to them.

Does not impact my job a lot.

It makes me realize that persons without legal representation often do not get equal or fair results from the court.

More time must be dedicated to inform them of internal procedures that the attorneys all know. That is coupled with the added stress of having to navigate the boundaries of assistance we are allowed to give according to our courts, and the unauthorized practice of law statutes.

If people feel they have been treated unfairly because they did not have an attorney they distrust the system and they pull away. They do not believe they had the opportunity to be heard. They evade their responsibilities when all they might need is some guidance to get their orders modified so that they can stand a chance to comply.

I am a mediator and provide information and referral resources to assist litigants in obtaining the legal information they need/seek. I have to be careful not to provide information in a manner that puts me in a position of "giving legal advice". makes enforcement of their orders difficult

it keeps my dockets tied up with pro se hearings because they are just filing anything and everything. They have no idea what they are supposed to be doing or how to go about getting it done. challenging - some pro se expect the staff to do the paperwork for them and get agitated when this does not happen.

takes time away from other required tasks.

In my particular position, it doesn't impact it greatly. It does take more time on our attorneys part. It is difficult sometimes to interpret the pro se paperwork as often it is not completely correctly.

APPENDIX F – COURT STAFF SURVEY RESULTS

COURT STAFF QUESTION 19

It helps control the anger or anxiety for the litigants. Many times they are so frustrated due to lack of knowledge. It keeps litigants from having to continually come to court due to unnecessary resets.

Pro Se litigants are the ones that appear on our court cases so they represent themselves in lawsuits we file against them. Therefore we deal directly with Pro Se's on a daily basis. Often times they ask "what happens now?" the public needs assistance in the legal system due to not being able to afford legal representation to at least help understand the basics of the process. A lot of times, Pro Se Respondents want a court appointed attorney thinking they will "get off" for why they are here in the first place when really they know they are guilty and now all they've done is cause themselves to pay more money which will impact them negatively even more.

time dealing with them

It helps me keep my work in perspective and keeps the reality in front of me on a daily basis - that I am helping people solve the complicated problems they have caused themselves in life, and a good experience here might help set them on the right track.

I work in legal enforcement for child support. Most all of our customers are pro se so I have to explain what happens after their case is filed and set for a court hearing.

It becomes draining. They do not want to hear that we cannot give them the information they are seeking. It makes a good day go bad quickly when I have to deal with a pro se who is belligerent and argumentative. They want services provided by an attorney given on a pro se's budget.

I have to stop & clear out my work, have them explain what they have come in for, sometimes hey're mad, crying or just confused. It may take an average of 5-10min for every person sent to our section and we may see an average of about 15-20 pro-se's a day.

we deal with pro ses 90 percent of the time.

We don't assist pro se litigants while their lawsuit is pending. We deal with the finished product. We find the current standardized forms floating around either insufficient or incorrectly filled out by the litigants. This creates problems for us when it comes to filing subsequent action to enforce their orders.

APPENDIX F – COURT STAFF SURVEY RESULTS

COURT STAFF QUESTION 20

Question 20: If the Tarrant County Family Law Center were able to provide additional resources for pro se litigants (e.g., self help center or standardize) it could streamline the time needed and spent assisting the litigants.

might make it easier-but our office has seen catastrophic results from the standardized forms I suspect it would add more time dealing with the pro ses with them asking for explanations and more help. somewhat

if we had more educated clients, I probably would have more time to do my other obligations. it would not affect my work day very much but it might be great for the client and that would make it worth while - right? I think it would lessen the amount of time spent answering questions and directing them to where they need to go to file.

Having one place to refer them to for resources would be the most help on my job. Standardized forms may actually cause more problems since they will think we put them out there, so we should help them with filling them in. I would feel better knowing that we were able to provide guidance to these folks that cannot afford an attorney that just need help. It would put my pro se clients in a position to be better educated about this system and how it works. would help in that we wouldn't have to inform parties what is missing in their orders and we would be able help enforce more orders it would allow me to be able to provide the person with more resources

The correct paperwork would be a great start! perhaps the repetition would be reduced

it would increase my productivity I believe that would make everybody's job easier.

it would probably reduce the number of phone calls received as well as reduce the amount of time on each call.

Again, matters could be resolved sooner, less court dates. Maybe they will understand more clearly therefore not call so much with the same questions over and over.

streamline it
It would take some of the pressure off me when I am unsure how to advise somebody.

APPENDIX F – COURT STAFF SURVEY RESULTS

COURT STAFF QUESTION 20

This would make my job easier since we enforce court orders with child support. It would cut down on unenforceable and unreadable court orders. Legal papers are intimidating to most people. The process would be much easier if a pro se litigant was given instructions on how to proceed with their case without giving legal advice. If it is a complicated case then they need to be referred to a private attorney. We should provide a list of telephone numbers for the family law bar association or attorney referral service, state bar website, etc...it would cut down on people calling various departments to get this information and maybe get the wrong information and get frustrated.

A self help center will only help if there is detailed instructions on what the pro se needs to & how to use the information that is given. Otherwise, they will continue to seek that information through us.

I think it would help them out & help us out tremendously!!! We can get alot more done with less interruptions. we would have to work harder than we already do. just get rid of those instructions in the law library packet and that would fix the problems!! just put a piece of paper in there telling them they will get their instructions after filing and being assigned a court!!

Again, any impact created by a self help center or standardized forms would only occur after the process is completed, the order is entered and we are asked to file to enforce that order.

APPENDIX G – JUDICIAL SURVEY RESULTS

Judicial Survey - Pro Se Litigants

Response Status: Completes

Jan 26, 2012 2:31 PM PST

1. Have you noticed a recent increase in the number of pro se litigants that appear in your court?	
Yes, a significant increase.	60%
Yes, a slight increase.	20%
No noticeable increase.	20%
No, there has been a slight decrease.	0%
No, there has been a significant decrease.	0%
Total	100%

□

2. Do you feel your court staff is properly trained to assist pro se litigants?	
Well trained	40%
Somewhat trained	60%
Poorly trained	0%
Untrained	0%
Total	100%

3. When conducting a case involving a pro se litigant, how much time is needed in comparison to when you are handling a case where counsel is present for the same or similar task?	
Much less time	10%
Slightly less time	10%
About the same amount of time	30%
Slightly more time	30%
Much more time	20%
Total	100%

APPENDIX G – JUDICIAL SURVEY RESULTS

4. When considering the paperwork and pleadings of a pro se litigant, do you find their paperwork to be

Complete	0%
Mostly complete	0%
Mostly incomplete	40%
Slightly incomplete	0%
Very incomplete	60%
Total	100%

5. How often do you find yourself giving assistance to a pro se litigant during a court proceeding?

Always	0%
Often	40%
Somewhat	30%
Seldom	10%
Never	20%
Total	100%

6. What kind of assistance do you give to a pro se litigant during a court proceeding?

Entering Final Orders	10%
How to proceed with questioning of witness	30%
Entry of evidence	10%
How to properly object	10%
None	20%
Other, please specify	50%

APPENDIX G – JUDICIAL SURVEY RESULTS

7. Are you able to efficiently move your docket when conducting proceedings involving pro se litigants?	
Always	40%
Often	20%
Sometimes	40%
Seldom	0%
Never	0%
Total	100%

8. Do you provide your court staff with written instructions for assisting pro se litigants?	
Yes.	10%
No.	70%
No, but I would consider it.	10%
No. I would never consider it.	10%
Total	100%

9. How do you prepare your court staff for assisting pro se litigants?	
Formal training	0%
Written policy	0%
Frequent discussions	20%
Informal discussions and direction from superiors as a need arises	70%
All of the above	0%
I provide no training to my staff with regard to pro se litigants.	10%
Other, please specify	10%

APPENDIX G – JUDICIAL SURVEY RESULTS

10. If you do not provide your court staff with written guidelines, do you think they would benefit from such?	
Yes	40%
No	60%
Total	100%

11. If you do not provide your court staff with formal training, do you think they would benefit from such?	
Yes	50%
No	50%
Total	100%

12. Do you think the development of a "self help" center for pro se litigants would benefit the litigants?	
Absolutely	30%
Somewhat	50%
Not really	0%
Not at all	20%
How could this be helpful?	30%

13. Would you support the development of a "self help" center for pro se litigants at the Family Law Center?	
Yes	20%
No	60%
No Answer/Depends	20%
Total	100%

APPENDIX G – JUDICIAL SURVEY RESULTS

14. Would you support the development of standardized forms for pro se litigants for use at the Family Law Center?

Yes	50%
No	50%
Total	100%

15. Do you support the Texas Supreme Court's proposed promulgation of standardized forms for pro se family law litigants across the State of Texas?

Yes	30%
No	70%
Total	100%

16. Do you believe the development of a program to assist pro se litigants in matters of family law would impair the livelihood of family practitioners in Tarrant County.

Significantly	30%
Mildly	60%
Not at all	10%
Total	100%

17. What responsibility does the Court have to provide resources for pro se litigants?

9 Responses

18. How has your Court been impacted by the increasing numbers of pro se litigants?

9 Responses

APPENDIX G – JUDICIAL SURVEY RESULTS

Judge - Question 17

Question 17: What responsibility does the Court have to provide resources for pro se litigants?

I think we are responsible for making sure the orders we sign are enforceable especially in cases involving children, to the litigants some.

to children every responsibility to protect their best interest and help avoid further litigation involving them

None.

Very little responsibility. I have concerns about the courts being directly involved in any way.

None - they are held to the same standards as attorneys. I think we should support a renewed commitment and funding for formal Legal Aid offices.

None

I don't believe it is the court's responsibility.

I believe it is my responsibility to be patient and respectful of pro se litigants...as all litigants and attorneys. I don't think the Court has a duty to provide resources to aid them in

When the issue involves children I provide as many resources as are available to insure their safety and best interest.

APPENDIX G – JUDICIAL SURVEY RESULTS

JUDGE QUESTION 18

Question 18: How has your Court been impacted by the increasing numbers of pro se litigants?

We have special docket times for them. My coordinator spends most of her time on the phone dealing with them. Pro Se cases that are litigated with more litigation and less properly prepared paperwork and more time increased caseload but little else.

More time is spent in dealing with pro se litigants. I am not of the opinion though that there is a huge increase in pro se litigants over the last few years. My court has always had a majority of pro se's. We just plow ahead on a more informal basis than other courts might.

More dismissals for want of prosecution. More staff time taken in trying to help litigants without giving legal advice.

Ever growing dockets and having to wade through many improper pleadings.

I believe we've handled the increasing numbers effectively without any adverse effects to the overall running of the Court.

Dockets are substantially longer and move substantially slower. Behavior in the courtroom has degenerated significantly. Patience of court staff

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

Tarrant County Family Bar - Pro Se Litigants Survey

Response Status: Completes

Jan 26, 2012 1:15 PM PST

1. Have you recently noticed an increase in the number of pro se litigants using the Family Law Center?

Yes, a significant increase.	66%
Yes, a slight increase.	23%
No noticeable increase.	9%
No, there has been a slight decrease.	1%
No, there has been a significant decrease.	0%
Total	100%

2. Do you feel court staff should be trained to assist pro se litigants?

Strongly Agree	4%
Agree	16%
Undecided	16%
Disagree	29%
Strongly Disagree	35%
Total	100%

3. Do you feel the time it takes to perform a routine task at the Family Law Center has increased?

Dramatically	30%
Slightly	47%
About the same amount of time	23%
Total	100%

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

4. Do you think the Court is giving too much assistance to pro se litigants during court proceedings?

Always	25%
Often	42%
Somewhat	18%
Seldom	14%
Never	2%
Total	100%

5. Do you think it is appropriate for the Court to give assistance to pro se litigants during court proceedings?

Yes	3%
No	56%
It depends on the circumstances	41%
Total	100%

6. Are you able to efficiently conduct your business in court when involved in a proceeding with pro se litigants?

Always	3%
Often	13%
Sometimes	37%
Seldom	43%
Never	4%
Total	100%

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

7. Do you agree with the Court providing written instructions to pro se litigants?

Yes.	26%
No.	56%
Undecided	19%
Total	100%

8. Would you support the development of a "self help" center for pro se litigants at the Family Law Center?

Very Strongly	4%
Strongly	9%
Undecided	21%
Oppose	27%
Strongly oppose	38%
Total	100%

9. Would you support the development of standardized forms for pro se litigants for use at the Family Law Center?

Very strongly	3%
Strongly	7%
Undecided	13%
Oppose	18%
Strongly oppose	59%
Total	100%

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

10. Do you support the Texas Supreme Court's proposed promulgation of standardized forms for pro se family law litigants across the State of Texas?

Very strongly	2%
Strongly	6%
Undecided	9%
Opposed	16%
Strongly opposed	67%
Total	100%

11. What do you think staff at the Family Law Center could do to improve efficiency with regard to pro se litigants?

78 Responses

12. Please use the space below to add any comments you have with regard to the state of pro se litigation in the Tarrant County Family Law Center.

61 Responses

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 11

Question 11: What do you think staff at the Family Law Center could do to improve efficiency with regard to pro se litigants?

I do not believe that pro se litigants should be able to speak with clerks directly regarding what needs to be done on their specific case. A pro se litigant chooses to represent himself or herself and should therefore learn what needs to be done through their own research. This will dramatically decrease the time a clerk must speak with a pro se litigant and deter the potential danger of a clerk providing legal advice to a pro se litigant.

Set up separate service lines so the lawyers are not held up by pro ses asking very time consuming questions regard procedure and otherwise. Maybe a totally separate court that handles nothing but pro se litigants.

Only provide written instructions to pro se litigants without attempting to explain or answer questions. Refer them to one central location to answer questions, instead of each of the coordinators or clerks having to take the time to explain the same thing repeatedly. Or just refer them to the People's Law Clinic for questions. Pro Se litigants often ask legal questions that cannot be answered by staff and just referring them to a legal resource would be faster and more reliable.

Tell them to hire an attorney. This is important matters that attorneys go to school for 7 years to learn how to do correctly. It is worth the money to have an attorney do the papers correctly.

A "pro se" counter should be implemented and a fee could be assessed and contributed to legal aid.

Advise them to get an attorney rather than trying to "help" them I'm not sure; pro se litigants are difficult to deal with b/c they want someone to hold their hand and walk them through the process for free. Maybe set aside a special docket for pro se litigants to allow for extra time to answer their questions. set aside specific time and space for all of the pro se litigants to appear before one judge, one or two afternoons a week and get divorced

Give them a sheet with some of the form books from the library and where the library is located. Time is finite. Beyond that, I am stumped. I know that pro se litigants are expected to theoretically act as attorneys and they don't and can't. Judges are elected and are loathe to anger voters. The lawyers get caught in the middle.

Instruct them to follow the Texas State Rules as shown in the Texas Family Code, Civil Practice and Remedies Codes or others as applicable.

Refer them to a local bar association lawyer referral service or legal charities

I don't know, sorry.

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 11

Inform the pro se litigant that they are to be held accountable to know the law, the Rules of Procedure and the Rules of Evidence as if they were licensed to practice law. Further, such pro se litigant should be informed that all court personnel cannot provide legal counsel or advise to the pro se litigant and that the Judge is bound by the law to offer no such assistance to any litigant, pro se or other wise. direct them to library or attorney

Written instructions. Separate clerk just for them. make them hire an attorney

Encourage them to retain an attorney

I don't think they should do anything. This is not their job. They are not supposed to be practicing law without a license and they are charged with knowing the rules.

I think that Tarrant County does a lot to help the Pro Se litigants and it is helpful if they are going to be allowed to practice law for themselves. However, I do not think it is the staff's responsibility to help them. In fact, I think it borders on an ethical violation because I think many times it is giving legal advice.

I think they are doing a good job, but I have no new suggestions.

Quit explaining everything 3 times. Most are messing up their lives. Pro Se forms should never be used in SAPCR's
Tell them to hire a lawyer:

You don't see Doctors giving away their profession

Have a sheet advising Pro Se's that their legal rights cannot be protected without a thorough understanding of their situation and issues, therefore, they should be directed to consult with Counsel of their choosing or conduct their research at the law library (provide map with directions and hours).

Inform them that staff is not qualified to give legal advice, and tell them where the law library is.

Direct pro se litigants to the law library

Have a system, if their isn't one already to get their cell phone numbers and email accounts or even facebook pages so they can be communicated with. Some counties automatically put TRO type orders in place by local rule. That could minimize the issues at temporary orders.

I am not sure that staff could do much. They are basically caught in the middle. If they don't give advice, pro se litigants get frustrated, but if they give any advice and things don't turn out well, they get blamed.

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 11

- Simple response, "I cannot help you with legal advice. Do you have something to file?" If they have nothing then respond, "Go away"
- Pro Se Litigants should be treated the same as attorney's. It is their choice to proceed as their own lawyer and they are charged with the responsibility to know the law and the proper procedure.
- Tell them they have to follow the rules like everyone else, period.
- In Houston they have a volunteer manned booth staffed with attorneys that help pro se litigants with basic issues. In California, there is a court master that pro se litigants go through before submission of orders for court approval.
- Get a lawyer
- hand them a list of qualified family attorneys
- Put up a large sign citing state statute that they cannot provide legal advice -- Denton County does this at their filing desk.
- The family law center needs a policy on how to handle pro se litigants. It is obvious that some courts/clerks provide assistance and some do not. Being consistent will be helpful to pro se litigants, even if the policy limits the assistance they receive. If pro se litigants know what is expected of them, they can make an informed decision on how to proceed, including whether to hire an attorney.
- Only schedule pro se hearings when they do not interfere with attorneys representing paying clients!
- Tell them to hire an attorney or get lost.
- I like the idea of having a designated day or time for pro se litigants. We could set aside Tuesday and Friday afternoons for them.
- Computer questionnaires for pro se litigants in layman's terms that will ask series' of questions based on responses. Auto-generated forms based on responses to check boxes/drop down menus. Lists of necessary supporting docs; simple court instructions. List of attorneys available to review docs for minimum fees.
- Have all pro se litigants go to an overflow elsewhere in the courthouse to conduct their business with a visiting judge and an overflow clerk.
- Employ an attorney as the Pro Se coordinator to assist the pro se litigants to streamline the processes and at least determine if all the correct papers are prepared for the Judge for order entry
- Set preferred times for pro se patrons to appear for prove ups. Let the attorneys know when those times are so we can avoid appearing then. This will help for cases where neither party is represented by an attorney. In cases where one party has an attorney and the other is self represented, we all need to be patient.
- Only give advice regarding the proper procedures to follow.
- If Pro se litigants are involved, they should be scheduled at times when the court activities are less crowded, like in the afternoon or well after the morning dockets.

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 11

Charge them to take a course on the risk versus the reward. Make them sign a warning that any case involving children is probably not appropriate for pro se litigants.

Hire an attorney to look at documents to ensure they are correct and confirm that all necessary forms are complete. This should be done in the self-help center.

Let them figure it out themselves. Unfortunately, have a lawyer check the file/papers before the file gets to the courtroom and Judge. I do not, however, support paying for a lawyer to do this support work with my tax dollars.

The staff needs to instruct pro se litigants that they are not lawyers, that they cannot practice law without a license and that they need to seek the advice of counsel with questions related to filing their divorce and issues related to children. There is always the potential that staff, who are not lawyers, will provide wrong information although provided in good faith.

Tell them to learn the law or hire a lawyer. I have spent time having to fix pro se's screw ups. I have a limited family practice and I run into this routinely. I can only imagine what others run into.

Set up a time specifically for pro se

Maybe create one position to file and review their papers and let them know if they are right or wrong with no advice.

Pro se litigants need to understand that the staff is not there to help them with their cases. You are there to set hearings or provide a receipt for the filing of a case. You are not there to tell them how to do their case. There are resources available to pro se litigants who are genuinely indigent. If they are not indigent by the court's standards then they should not be allowed to represent themselves in the courts. I know other types of courts prohibit pro se. I also know at least one county that requires that a lawyer be hired by one or the other party to review any order involving children. There are rules against practicing law without a license, and the District Clerk and his employees as well as the courts and their staffs are crossing over into that territory. I have considered bringing the actions of staff to the attention of the Stare Bar's committee on unlicensed practice of law, but I am too busy working twice as hard to make up for the loss of business I have suffered due to the recession which has been compounded by efforts of the courts and the district clerk to help pro se. I believe that the efforts on the part of the clerk and on the part of the District Judges and their staffs have cut into my ability to make a living.

Sometimes, pro se litigants could actually qualify and be served by local pro bono agencies, if the proper referral was made. Does the Family Law Center have an up-to-date referral list?

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 11

- refer to law library or refer to seek help from an atty
Make sure that the Office of the Attorney General does not already have an open case and if so, then they should have to notice the OAG according to the code.
- In the past, judges always took care of the clients with lawyers before addressing pro-se matters. The judges should re-implement that policy in order to keep the pro-se logjam to a minimum.
- Tell them their best bet is to hire an attorney when property and significant children issues are involved.
Unsure at this time.
- They should not have to improve. If you are going to practice law you should know how.
I think that they should be dealt with in a courteous manner and told if they cannot figure it out, they should get an attorney to protect their interests.
- Just because you pay a filing fee, does not mean that the staff at the courthouse has any obligation to help.
nothing
- Tell them that if they choose to represent themselves they will be expected to know the rules, laws, etc.
Advise them to seek legal advice from an attorney. If they say that they cannot afford an attorney, have them go to Northwest for intake.
- Have a monthly information session and require the people to attend.
They really need to hire attorneys. I realize it can be expensive, but when I see pro se litigants coming to court with their iPhones and Coach bags (and I know the difference between a real and a fake one), it can be really frustrating.
Suggest that they hire an attorney or seek assistance from legal aid, etc.
Encourage them to find counsel as the process is too difficult otherwise and lends itself to return trips to court in the future for items they have missed
- I am stumped.
I think the staff should be cautious about dealing with pro se litigants. There is a thin line between giving instructions and giving legal advice.
- Provide them with numbers for referral services and/or Legal Aid. Advise them that tools are available in the Law Library.
I think the most efficient way to handle them is the "old school" approach that they can do anything they want, provided that they take the time to learn how to do it, but that they assume the risk of performing their own legal functions, just as they would assume the risk of infection, etc., if they elected to remove their own infected tooth, appendix, etc.

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 11

Dismiss cases when rules not followed.
And pro se pauper's affidavits should be challenged.
Schedule pro se days, so that cases with attorneys get preference on the other days. Perhaps the bar association could offer some seminar educating pro se people on how to get an uncontested matter approved.
Treat them like lawyers, but with courtesy and respect.

Directions to Law Library. Schedule in the afternoon.

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 12

Question 12: Please use the space below to add any comments you have with regard to the state of pro se litigation in the Tarrant County Family Law Center.

I strongly believe we have people who truly need assistance; however, there are programs set up for those people. To allow basic forms to be easily accessible to the public at large gives the public a false sense that those forms will provide for their specific needs when filing their own divorce/custody action. Unfortunately, a large number of educated people with the resources to hire an attorney will use these basic forms and find out the hard way that their divorce decree was not probably prepared by them and lose out on community property that should have been divided in a just and right manner.

The growth of the pro se population must be addressed in some way. The system is being terribly bogged down by time consuming hand holding that pro se litigants require

I would support some sort of clinic to help indigent clients with basic cases involving no children and no significant property. I do not think the County should be paying personnel to help people with divorces just because they don't feel like paying an attorney to help them. Attorneys will work at all different price points and if a client looks hard enough they can find someone they can afford to help them. I don't think the Court staff should be put in the position of having to help them.

Pro Se litigants with questions should be referred to the law library to obtain forms and do their own research.

Refer them to one central location to answer questions, instead of each of the coordinators or clerks having to take the time to explain the same thing repeatedly. Or just refer them to the People's Law Clinic for qu

They mess up their papers. Want the Judge's to fix it for them for free. Want the lawyers to work for free. Those who qualify already get legal aid attorneys. I would agree to have the Court start a list or wheel of attorneys who would be willing to offer their services at a reduced cost based on the income of the pro se litigant.

I feel we are providing too much assistance and I have witnessed non lawyers giving legal advice repeatedly in the Courthouse.

Advise them to get an attorney rather than trying to "help" them

It's sad that many pro se litigants feel they cannot afford an attorney to see to their issues and make sure they are receiving adequate representation. As a paralegal, when I worked in an office (I'm a freelance paralegal now) and dealt with pro se litigants I spent most of my time explaining the procedures of court hearings, and filing pleadings. I'm not sure if they realize there are resources such as the Tarrant County Library where they can get some help, but so many of them want "actual" legal advice and can't get it because of the rules that prohibit non-lawyers from giving legal advice.

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 12

pro se litigants cases should not be taken up before litigants appearing with counsel. it unreasonably shifts a economic hardship for the expenditure of the "time spent waiting" to do a prove up behind a stack of pro se's. 11/29/2011 at 8:00 when the clerks office unlocked the door to enter, there were 26 pro ses and two lawyers lined up. the pro se's pushed their way to the front and stacked up 4 or 5 deep trying to get their files pulled.

Litigants are not entitled to a "perfect" or "best" order. The legal market here has so many attorneys doing family law that I think anyone who really wants an attorney, and is willing to pay just a little, can get one. Add the AG and DRO for child support cases, and legal aid for battered spouses, and I just don't think there are that many people who cannot afford attorneys. If it is so important that they have attorneys, set up a program of compensation like in criminal cases.

Instruct them to follow the Texas State Rules as shown in the Texas Family Code, Civil Practice and Remedies Codes or or others as applicable. It is inconceivable that any set of forms smaller than the practice manuals could cover all contingencies. Even then legal knowledge and experience is required. Forms should be limited to no property no child cases

My apologies for my answers straddling the proverbial fence, I'm a newer attorney and just really don't have much of a history with which to compare current pro se litigation changes.

Too much assistance is given to them as if they are entitled to such help.

I do Not try to give myself flu shots or give myself stitches when I cut myself....I go see a doctor. The pro se are seeking the cheapest way out while at the same time affecting the lives of children and families. We are trained professionals and it should be left to the professionals to do. Seeing a pro se litigant being helped by the court runs the risk of your client seeing it and wondering why his attorney's services are needed if the Judge is going to do it for them anyway. NOT RIGHT!!!!

Pro se litigants are clogging up the system. Cases are being set 1-1.5 years out for a final trial because of the increased number of cases going to trial- the majority being pro se persons because they do not have attorneys advising them of the merits of their case. Written instructions. Separate clerk just for them. make them hire an attorney

Encourage them to retain an attorney

Question 5: Assistance is more about the assistance offered than "circumstances." At times the court needs to inform litigants simply to keep the matter moving. Nothing else.

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 12

I do not think that Pro Se litigation should be allowed at all. We are not allowed to go into a hospital and perform our own surgeries. Why are people who are uneducated and unequipped allowed to come in and clog up our court system?

I think the only pro se litigants that should get any help are indigent pro se litigants. Maybe the TCFBA could conduct a class once a month to help qualified indigent pro se litigants.

see above

Don't do it. Let them hire attorney's

There is more to family law than just checking boxes on forms. Every situation is unique - there are no standard cases, each is different in some way - some are a little different from others, other situations require a lot of digging to determine what the litigant really needs or wants. I have been approached to fix pro se check-the-box divorce forms - we have had limited success in the Courts because some things cannot be fixed by the courts without the agreement of the other side. Pro Se's do not understand the basic scheme of conservatorship in this state or the problems they are asking for when they deviate from some of the statutory provisions.

Pro se's do not feel comfortable they have protected their rights and usually find out too late that they really screwed up (ie, gave away separate property, limited their own rights to property or children - dumb errors).

Everybody thinks that splitting time with the child is great because they don't have to pay child support. Kids are getting the shaft because of selfish or dumb parents.

The child support system is broken and does take too much money from many obligors - that whole system needs to be fixed before we look at the rest of

I am of the firm belief that pro se litigants are generally very difficult to deal with (they don't know what the other side is entitled to), they are often inaccessible (no fax, etc.), and they often don't understand what they are/are not asking for with regard to the prefab forms. Further, they often don't know their own rights and lose out on property/money to which they should be entitled. Untangling their messes is usually costlier than originally hiring a lawyer would've been.

The most effective way to address this matter is to assign low cost capped representation such as is done in the IV-D courts. While this is costly it would afford the best of both worlds for both pro se litigants and the general bar as a whole. Efficiency would increase the system would be more accessible to those most in need and overall justice standards would be improved in Family law settings.

I would be willing to take one or two pro se cases per year. We could have a group of lawyers who would make the same commitment. In addition older lawyers could work with newer lawyers or third year law students. They could do the paper work. The lawyers would do this with the understanding that they can withdraw if the people take advantage. I have occasionally taken cases for \$20 per hour just to make sure that the client has a financial stake.

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 12

This is a very frustrating matter without a simple solution. Only family law attorneys seem to appreciate how complicated these issues can be and the landmines caused by 'internet forms' and other mistakes pro se litigants make. People seem to assume that all divorces are like uncontested divorces with no children (the only ones that should even attempt the process without an attorney, imho)

Hold them to the same standard as attorneys. If they cannot follow the rules (local or rules of civil procedure) kick them out. Simply say, you did this wrong, go away.

The county is putting itself and its employees in the precarious position of being held liable for the unauthorized practice of law. Immunity should not be extended to knowingly answering legal questions when not qualified. Pro Se Litigants are reporting that county employees are telling them what the law is and/or what the Judges will do in a particular situation. Furthermore, I have seen cases where the county provided 'dispute resolution' by a non-attorney that resulted in the entry of a void final order that cost the party substantial economic loss. So in an effort "to help" the pro se litigants the county has put the party in a detrimental position that could have (and should) have been avoided.

I am part of the organized family law attorneys strongly opposed to the Supreme Court forms and how our bar dues are being used to fund that project. The forms are flawed and do not, in many instances, accurately advise litigants of their rights. The task force is supposed to be helping people who cannot afford an attorney but the forms are not limited to no property, no kids cases, nor is there any limitation on who can use the forms. IF these forms are approved and put to use, within two years we will have tons of motions to modify and attempts to set aside decrees that are flawed and that do not accurately divide property or protect children.

It's an issue as people seem to think the practice of law is like a vending machine- if you stick something in it, you get what you want out. When they have children, retirement or real property, they need more than a form handed to them.
Get a lawyer

A. Standardized forms will give a false sense of security to pro se litigants. They will think they have solved a problem, when in fact they may very well have created many more problems.

B. There is no way that a standardized form can give adequate legal advice. I spend 1.5-3 hours with virtually everyone that comes to see me, because that is how long it takes to analyze the situation, give advice, and explain all of the options available to most family law litigants.

C. If we truly believe that the State of Texas owes a duty to the children of the State to look out for their best interests, then surely we have a duty to prevent the children from being harmed by allowing their parents to make erroneous legal decisions without competent legal advice.

D. It is outrageous for the courts to be giving legal advice and essentially trying the case for pro se litigants. If the court is doing it where only one party is pro se, then it is unfair to the represented party and takes the court out of the proper role of being the impartial arbiter of justice. If both are pro se it is wrong for the same reason that it is wrong (and an ethical violation) for one lawyer to represent both parties to the case -- it is a zero-sum game. What one party wins, the other loses; it is impossible to give "neutral" advice. Family law is not a math problem -- there isn't just one "right" answer. Case in point: The Guidelines are "guidelines"; please see the word "shall" in Section 154.123(b) Tex. Fam. Code (2011).
hand them a list of qualified family attorneys

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 12

When I have practiced outside of Texas, the rule in other courts is that those who have an attorney go first on large dockets. If you are pro se, you have to wait until after all of the cases with retained counsel have been heard first. There need to be an incentive for those who hire counsel or we will just continue to have more pro se's and we in the legal system will have more headaches with the forms they use -- inappropriately.

The family law center needs a policy on how to handle pro se litigants. It is obvious that some courts/clerks provide assistance and some do not. Being consistent with Questions 4, 5, and 10 are the real issues here. I feel that it is acceptable for courts to help pro se litigants, for example, in proving up cases and suggesting resources. I do not approve of courts using different rules for pro se litigants and although all of them claim not to do so, it happens all of the time in trial. Yesterday, I had a judge essentially object for a pro se litigant and point out weaknesses in pleadings.

As to standardized forms, I have a concern that using a form without understanding the law behind it could terribly prejudice a party. This is particularly true in property settlements. Even if there appears to be no property, there might be something that the pro se does not know can be divided. Using standard children's provisions might make it easier, but in some cases, they are just not appropriate.

Courts and their staffs should not provide legal services or advise to pro se litigants.

Several judges are practicing law from the bench as they illegally assist pro-se litigants.

I think my biggest complaint is that the pro se litigant often hurts himself by not knowing what to do. Then, once they realize they made a mistake, it takes longer to fix the problem than it would have done to do it correctly in the first place. For example, I have a case in Dallas County where the pro se petitioner didn't even check the box for community property, and then he wants to hire me to write up the decree. They have a \$325,000 house purchased in January that is obviously community property. Sigh. I think folks who don't understand that family law is 50% about the relationships between people ("family") and 50% about the legal relationships they have created ("law"). The pro se litigants slow down the system by their ignorance of the law and of the procedures, making the court system significantly less effective.

There are "admin services" (ie, Dadsandfathersoftexas.com) around the country doing similar forms. There is no good reason that litigants who can't afford an attorney shouldn't have access to legal system forms, support groups, child support mods. No one is losing money if they wouldn't access the system anyway. This way they can.

Providing forms without knowledge to pro se litigants is a disservice to the legal profession and should not be allowed.

It is becoming a nightmare to practice law as the pro se litigants are rarely held to the same standard as an attorney although they are supposed to be. Judges and court staff feel sorry for the pro se litigants; unfortunately, it costs the opposing side with an attorney significantly higher fees and there is almost no award of attorneys' fees when a pro se is involved.

The courts have no business undertaking teaching pro se litigants how to practice law. They have the right to represent themselves but they don't have the right to expect the court to teach them what to do. Most of them can hire lawyers but they choose not to do so. They make that choice at their peril.

The Tarrant County Law Library is the appropriate self-help center for pro se family law litigants. But the library must be staffed and funded to handle the ever-increasing number of pro se parties.

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 12

I believe that Judges and staff are prohibited from giving legal advice and assisting pro se litigants beyond procedural instructions violates that prohibition.

Allowing the pro se practice to operate as is is degrading the importance of Family Law Practice and the undermines the significance of the court's action in the parties lives.

Glad someone is conducting this research.

Hire an attorney to look at documents to ensure they are correct and confirm that all necessary forms are complete. This should be done in the self-help ce Neither the Court staff nor the Judges should be practicing law for the pro se litigants. Family law is not "fill in the blank" and it is a disservice to the litigants to give them forms that supposedly fit their situation. If they want to be pro se they should be treated the same as the lawyers. Either their paperwork should be approved or denied based on how it is drafted. I expect Judges to treat Po Se litigants as the law requires and they don't. They bend over backward to practice law for the pro se . I hold the same expectation about cort coordinators and clerks. thank you.

I believe too much time is spent in court and otherwise assisting pro se litigants to the detriment of those individuals that have sought the assistance of lawyers. I believe the judges, the clerks and the coordinators spend way too much time explaining the law, court procedures, and how to file a divorce or modification, while litigants with lawyers wait in courtroom for his/her hearing or during a hearing. This conduct impacts litigants and attorneys alike financially. Additionally, the efficiency of the court system and its staff has become bogged down with all of the assistance the courts and its staff is providing. Further, the Texas Family Law Practice Manual consists of 5 volumes and the Texas Family Code and Texas Rules of Evidence exceed 1000 pages. I do not understand how forms can be promulgated to address all of these issues, especially when the pro se litigants do not understand the forms that are currently in existence. I believe the court system is actually working an injustice on these folks by providing a false sense of security when they assist them without knowing all of the facts, especially where children are involved. I am adamantly opposed to forms in that the use of forms can be abused to gain and advantage by one party over another as it relates to children, visitation, custody, and property division.

Tell them to learn the law or hire a lawyer. I have spent time having to fix prose's screw ups. I have a limited family practice and I run into this routinely. I ca

Set up a time specifically for pro Se

I believe we give too much to pro se litigants in the way of forms and advise. Even with forms they still do not understand community property and retirement issues. We are only hurting alot of them who think one thing and do their own case and end up hurting themselves. No other professional field that I am aware of gives self help forms. It hurts our profession and creates situations for people that are sometimes not able to be fixed.

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 12

I think I have said enough in response to 11. Court staff and judges are paid to be at the courthouse M - F from 8-5 or so. If you aren't having to work overtime, then you don't really have a problem, do you? I run a business. I have to deal with people who want something for nothing all the time. Most of the time I send them away. My time and my experience is all that I have to sell. When you devalue that you de-value me. You aren't providing a life-saving surgical procedure-- you are providing a divorce or a child support suit. If someone has to wait until they can save the money to hire an attorney, no one is going to die in the meantime. Please stop the forms and the help and the practicing law without a license.

Some of these questions were very hard to answer in a multiple-choice format. Many times, when a question had an undecided category, I picked it because my answer would depend on the circumstances or what was meant exactly. I refer to law library or refer to seek help from an attorney.

The forms they have are unenforceable and present problems for anyone trying to enforce later. Many of the pro se litigants do not care until they need help later, just want to get the divorce over with, it is just not that easy and they should have to spend more time preparing for their cases just as any attorney does to make sure everything is proper. Judges and court staff have no obligation to help persons acting pro-se with legal matters any more than they have an obligation to help lawyers with legal matters. Judges and their respective staff have an obligation to run the courts efficiently. So, if a person acting pro-se doesn't have the ability to do so properly, he/she should be told to return when he/she has all of her matters in order - no different than what a lawyer would be told under the same circumstances.

Tell them their best bet is to hire an attorney when property and significant children issues are involved. I have had a few clients come in who attempted self representation through some of these companies promising cheap forms, etc... However, what was supposed to cost \$400-500 ended up costing a client a couple thousand dollars. She came to me and I could have given her the forms. I believe it is not only going to undermine the attorney who have worked their cans off to get the knowledge they have and paid a dear price for that knowledge, but it is unfair to the pro se people because they do not have a clue so many times what the forms mean. In the end, if the forms are made accessible to the public, even with the instructions, we the attorneys will be charging more for our services to clean up the mess that has been left in the wake of "Free Forms". But hey, I'm all about making more money in the end, so I guess the one who really loses is the pro se litigant. If you want it done right the first time, hire the experts to do the job and it will cost less in the end.

I am concerned that the staff at the Family Law Center are practicing law without a license. Also, I am constantly seeing Judges having to spend a good portion of their mornings trying to help pro se litigants instead of conducting hearings.

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 12

I think that using forms will only make the situation worse. Let's face it, the Judges want to make it easier on themselves and forms would be easier for them, but it would take much income out of the family law profession. I have no real problem providing basic forms to help people get their cases filed and served on the opposite party. My problem with forms is trying to provide people with final decree of divorce forms that, only in those circumstances where there is little or no property, will only confuse the division of community assets (i.e., real estate, retirement, etc.) and totally screw up the possession, access, and child support issues. Are these decrees going to be enforceable?? If not, it could bring more business our way down the road, but I would much rather see the courts strongly urge pro-se parties with some property, and with children, to seek attorney advise regarding the final decree they want the judge to sign.

This would make everything easier for the judges. All the forms in order; all the boxes checked; etc., then the coordinator could just stamp everything. Do I think that the judges would want to interview these people b/4 the bench? No I don't. It's all about the numbers. Get the case filed then get it out of my court as soon as possible. It's a race to clean out the cases, so forms would make that happen faster. Probably be better for the judges but nobody else.

Pro Se Litigants should be held to the same standards as they are in all courts
I answered number four as somewhat because it depends on the particular court.

Tell them that if they choose to represent themselves they will be expected to know the rules, laws, etc.
Advise them to seek legal advice from an attorney. If they say that they cannot afford an attorney, have them go to Northwest for intake.

Have a monthly information session and require the people to attend.

I have personally had to "fix" the pleadings of a client who was a former pro se. I have also had a case against a pro se, and it was very frustrating trying to obtain simple things, like financial statements, etc. They just don't "get" the procedures involved and it ends up costing my client more fees, which is unfair.

Suggest that they hire an attorney or seek assistance from legal aid, etc.

Encourage them to find counsel as the process is too difficult otherwise and lends itself to return trips to court in the future for items they have missed

I am stumped.

Perhaps for cases that are completely agreed without children and very little property, the pro se folks can handle their own cases efficiently - but complicated situations regarding children and property should be monitored with attorneys or mediators who have the knowledge to see that documents are prepared properly and completely. It's kinda' like diagnosing your own illness without a doctor - sometimes you do ok and sometimes you don't. Lawyers and mediators who have spent time and money learning their trade are there for a reason - which presents the need for the professionals to keep their cost in line with the needs of people they serve.

It basically forces court staff and Judges to give legal advice. Pro Se litigants in civil and criminal courts do not have forms provided nor do they receive legal advice. Family law pro se litigants should not be afforded any special treatment either.

APPENDIX H – TARRANT COUNTY FAMILY BAR SURVEY RESULTS

FAMILY BAR QUESTION 12

I think the most efficient way to handle them is the "old school" approach that they can do anything they want, provided that they take the time to learn how to schedule pro se days, so that cases with attorneys get preference on the other days. Perhaps the bar association could offer some seminar educating pro se people who can afford lawyers should get one. People who can't should have ready access to a fully-funded Legal Aid.

I have seen a great deal of people coming in not understanding the effect of the "forms" they have used in their divorce. Then an appeal or modification will follow to fix it but they do not understand that they have made certain representations.

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.

Misc. Doct. No. 01- 9065

APPENDIX I – TEXAS SUPREME COURT ORDER 9065

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.

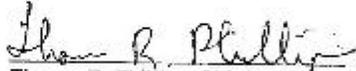
5. The State Bar of Texas will appoint seven members to the Texas Access to Justice Commission as follows:

- 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.

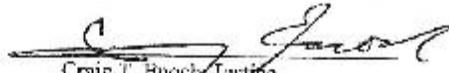
6. This Court and the State Bar of Texas will coordinate appointments to the Texas Access to Justice Commission to assure that:

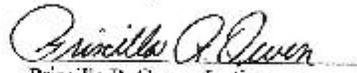
- at least three members of the Commission are nonattorney public representatives;
- members of the Commission appointed to represent a state or federally funded legal-services program reflect a diversity among Legal Service Corporation funded programs and programs funded from other sources, staff and 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.

Misc. Docket No. 01-9065

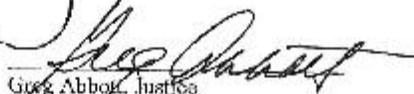

Thomas R. Phillips, Chief Justice


Nathan I. Hocht, Justice

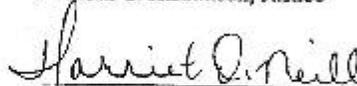

Craig T. Enoch, Justice

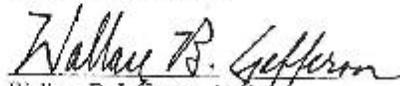

Priscilla R. Owen, Justice


James A. Bakca, Justice


Greg Abbott, Justice


Deborah G. Harkinson, Justice


Harriet O'Neill, Justice


Wallace B. Jefferson, Justice

Misc. Docket No. 01- 0060

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:

APPENDIX J – TEXAS SUPREME COURT ORDER 11-9046

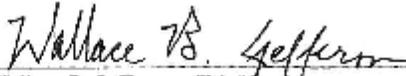
1. The Supreme Court Uniform Forms Task Force is created to:
 - a. monitor local efforts to create, amend, or modify forms and incorporate local efforts within the Task Force's purview;
 - b. evaluate best practices for the creation and distribution of forms;
 - c. consult with and seek input from stakeholders 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.

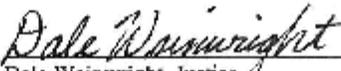
Dated: March 15, 2011

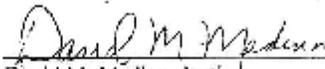
Misc. Docket No. 11-9046

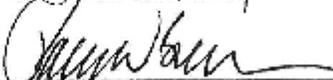
Page 2


Wallace B. Jefferson, Chief Justice

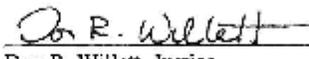

Nathan L. Hecht, Justice

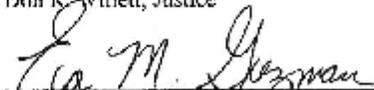

Dale Wainwright, Justice

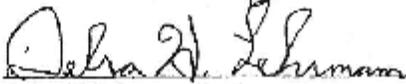

David M. Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice


Eva M. Guzman, Justice


Debra H. Lehrmann, Justice

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 11-9219

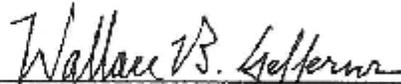
DISBURSEMENT OF ACCESS TO JUSTICE CONTRIBUTIONS

On August 12, 2011, the Texas Access to Justice Commission reported that Texas lawyers had contributed approximately \$870,678 to access to justice on their 2011 State Bar of Texas annual dues statements to support civil legal services to the poor through programs funded by the Texas Access to Justice Foundation and the Texas Bar Foundation. In consultation with the State Bar of Texas, the Texas Bar Foundation, and the Texas Access to Justice Foundation, the Commission recommends in its report that the contributions be distributed as follows. The Commission's report, to which no objections have been received, is attached. Accordingly,

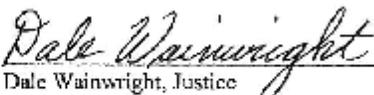
IT IS ORDERED that, as recommended by the Commission, the State of Texas and the Clerk of the Court shall transfer from the State Bar of Texas' Access to Justice Account:

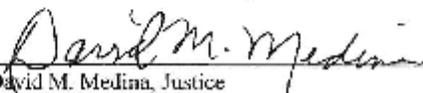
1. \$200,000 to the Texas Bar Foundation, of which \$50,000 must be used for a grant to the South Texas Pro Bono Asylum Representation Project (ProBAR), and \$20,000 must be used to provide stipends for law students participating in the Access to Justice Summer Internship Program; and
2. The balance to the Texas Access to Justice Foundation, of which \$20,000 must be used to match State Bar of Texas funds for the Texas Student Loan Repayment Assistance Program.

Dated: November 8, 2011


Wallace B. Jefferson, Chief Justice

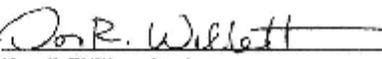

Nathan L. Hecht, Justice


Dale Wainwright, Justice

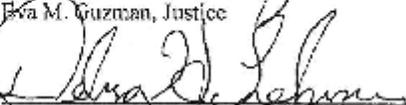

David M. Medina, Justice

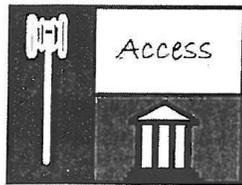

Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice


Eva M. Guzman, Justice


Debra H. Lehrmann, Justice



**Texas
Self-Represented Litigants
Work Group**

**Texas Access to Justice Commission Request to
Special Projects Committee for Self-Representation Strategies**

On March 26, 2009, the Texas Access to Justice Commission charged the Special Projects Committee to:

“Explore all avenues with regard to self representation strategies and come up with a proposal(s) in consideration of all due concerns that have been raised.”

With this charge in mind, The Texas Self-Represented Litigants Work Group¹ presents four proposals to the Special Projects Committee of the Texas Access to Justice Commission for consideration and adoption by the Commission.

Proposal 1 – Create a mechanism for a coordinated approach to access to justice for self represented litigants (SRLs) in Texas.

Texas lacks a coordinated approach to the challenges presented by self-represented litigants. This issue is of national dimension and there are multiple national models that are considered successful. There is a plethora of information available to judges and court staff, but the information is not cataloged or organized in a way that is easy to access. Texas has not adequately harnessed its available resources nor developed a comprehensive approach to these challenges.

There are also policy considerations that must be addressed at the highest level, chiefly:

- (1) resistance among members of the Bar to the notion of assisted pro se services,
- (2) non-uniform court procedures and lack of forms, and
- (3) perceived competition for limited resources between legal service providers and assisted pro se service advocates.

The Work Group proposes that the Supreme Court and the Access to Justice Commission support the coordinated governance of SRL issues by the Special Projects Committee of the Commission. This will allow the expansion of the efforts of the Work Group and Committee into a statewide SRL Network.

APPENDIX L – TEXAS ACCESS TO JUSTICE STRATEGIC PLAN

- Web-based assistance that provides online document assembly based on responses provided by the potential litigant.
- B. Creation or increased utilization of local and courthouse information access points, utilizing existing county law libraries to the greatest extent possible, through which self-represented litigants may receive guidance in various ways including:
- In-courthouse help desks that offer one-on-one help regarding both procedural and substantive questions, including how to fill out forms and prepare pleadings;
 - Clinics where information is provided without any interaction with the participants beyond general questions and answers;
 - Clinics using volunteers where individuals receive general information and then are assisted with specific guidance based on their circumstance by volunteer attorneys;
 - Individual interview and counseling sessions in person or remotely by telephone or online chat.
 - Automated or staffed telephone system to provide general court information (including directions to the courthouse and hours of operation) and information on available legal assistance.
 - Bilingual signage around the courthouse to direct litigants to information access points and to provide orientation to the court buildings.
 - Bilingual forms; bilingual volunteers and other strategies designed to assist litigants who have Limited English Proficiency (LEP)
 - “Self-help centers”, located near the civil courts, dedicated to providing information regarding court procedures and legal forms.
 - Web videos developed by legal aid providers, local bar associations, and law schools to provide an overview of court processes and procedures that could be viewed by the public in self-help centers or law libraries. The videos could be very general in nature, or with the cooperation of local courts, contain more specific information for particular jurisdictions.

Proposal 4 – Request the Supreme Court of Texas to direct the Commission and the Office of Court Administration to develop standardized forms.

The Work Group recommends these guidelines for the development of standard forms:

- A “standard form” should be defined as a form accepted by the Supreme Court as a “safe haven” approach, under which standardized forms do not have to be used, but must be accepted in all courts if used.
- Standard forms should be designed and intended for use by both self-represented litigants and attorneys.
- Standard forms should be written in clear, plain language and, to the extent possible, contain clear, plain-language instructions for their use.
- Standard forms should be reasonably uniform in appearance and contain some notice of the authority under which the forms were created and date of last revision.
- Standard forms and instructions should include Spanish or other language translations,

APPENDIX L – TEXAS ACCESS TO JUSTICE STRATEGIC PLAN

based upon the populations in the areas where they need to be utilized.

- Standard forms are to be completed and be able to be printed on a computer and created in a manner conducive for inclusion in a document assembly software program.
- The development and use of standard forms should include a system for updating the forms and instructions in a timely manner so that the standard forms stay current as laws and court rules change.
- Forms and instructions should be developed with priority to the following areas: family law, landlord-tenant disputes, consumer complaints, small-claims court disputes, expungements, guardianship, simple wills, restraining orders, pleadings necessary to defending against suit such as answers, discovery requests and trial preparation, occupational drivers licenses, and small estate probate matters.
- The development of standard forms, local court rules, and locally-required forms will include publication on www.TexasLawHelp.org or other non-commercial web site accessible to Texas pro se litigants and attorneys. The forms, or computer access to the forms, should also be made available in Texas courthouses through county law libraries, self-help centers, information desks, video production, automated court telephone systems, court computer terminals or other means.

ⁱ Judge Lora Livingston (Travis County), Judge Karen Pozza (Bexar County), Judge Judith Wells (Tarrant County), Lisa Rush and Karen Miller (Travis County Law Library), Michelle Brinkman (Travis County District Clerk's Office), David Slayton (Lubbock County Court Administrator), Cristy Keul (Smith County Law Library), Monique Gonzalez (Texas Legal Services Center), Emily Garza (Texas Advocacy Project), Andrea March (Texas Rio Grande Legal Aid), Jonathan Vickery and Lisa Melton (Texas Access to Justice Foundation), Carl Reynolds, Katie Bond and Judy Speer-Gamino (Office of Court Administration).

APPENDIX M – AUSLEY LETTER TO SBOT PRESIDENT

AUSLEY, ALGERT, ROBERTSON & FLORES, L.L.P.
ATTORNEYS AT LAW

January 2, 2012

Mr. Bob Black, President
State Bar of Texas
1414 Colorado
Austin, Texas 78701

Dear President Black:

The 5300-member Family Law Section of the State Bar of Texas is concerned about the seven-point plan (copy attached) being implemented by the Texas Access to Justice Commission; specifically, its claims that it will help pro se litigants with do-it-yourself kits for handling divorce, property division, child custody and support, and other family law legal matters. The Commission has stated that it intends to take the same kinds of actions regarding other areas of law.

The Family Law Section members believe that these actions threaten harm to pro se litigants, parties who are represented by an attorney in a matter with a pro se party, the court system, and the lawyers who serve in that system.

These efforts are being undertaken without the Bar's leadership, much less its approval, while being funded by the mandatory dues paid by members of the Bar as a condition of licensure. It is entirely appropriate for Texas lawyers to have an effective say in the use of their Bar dues, and to insist that their dues be used in a manner supported by a consensus of the Bar, rather than in pursuit of a small group's agenda.

The charter governing the Commission is Miscellaneous Docket Order #9065 of the Texas Supreme Court dated April 26, 2001. (See copy attached.) We believe it is time to require greater accountability as to the operations of the Commission, which appears to have veered from the mission for which it was created—which does have broad support—and seems intent on substantially re-engineering the day-to-day practice of law.

The immediate cause for our Section's concern was the creation by the Supreme Court of the Task Force on Uniform Forms, which was organized at the request of the Commission. We have communicated extensively with members of the State Bar Board of Directors regarding this matter. We request that the Board of the State Bar communicate to the Court its opposition to going forward with the uniform forms project.

Because Docket Order #9065 gives the State Bar authority for funding and overseeing the Commission, we also request that the Board of Directors of the State Bar of Texas take the following actions on behalf of its members:

FAMILY • COLLABORATIVE • MEDIATION

1102 NORTHLAND DRIVE, SUITE 400 • AUSTIN, TEXAS 78701
PHONE (512) 454-8791 • FAX (512) 454-9081
WWW.AARLAW.COM

APPENDIX M – AUSLEY LETTER TO SBOT PRESIDENT

Mr. Bob Black
January 2, 2012
Page 2

1. Docket Order #9065 provides that the Commission's budget is "...*subject to the State Bar's annual budgetary process...*" The Order further provides that "Supervision of the budget of the Commission is *the responsibility of the State Bar of Texas*. The Commission and the staff supporting the Commission will comply with the fiscal policies of the State Bar of Texas." [emphasis added]

We request that the Commission's proposed budgets be circulated for review and comment by each section of the State Bar —during the Bar budget process and prior to approval by the State Bar. The notice conveying the proposed budget should be required to include a certification indicating to each section of the Bar whether that section's subject-matter of focus will be affected by an activity of the Commission to be funded by the proposed budget.

If so, a detailed description of the way any planned activity of the Commission will affect each affected section and how its subject matter of focus will be affected should be included. Each section should be given adequate time to send its comments to the State Bar Board and the opportunity to comment at a public hearing prior to the approval of the Commission's budget.

2. Docket Order #9065 clearly states that the Commission's activities are to be for the purpose of providing legal services to *low-income Texans*. However, there is nothing in the Commission's seven-point plan for pro se litigants that restricts its activities to provide legal services only to low-income people. In fact, the Commission's actions and publications make it clear the plan is intended to assist pro se litigants *without regard to income*.

We request that a rider be added to the Commission's budgets limiting any and all of its activities to activities directly related to providing legal services to low-income Texans, consistent with its charter.

3. Rather than limiting its mission to providing legal services to low-income Texans, materials produced by the Commission state explicitly that some of its actions are intended to force Texas lawyers to engage in "new business models."

It is not within the purview of the Commission to re-engineer the business models by which the practice of law is performed. This is a prime example of "mission creep" by which the Commission has assumed authority it does not have and has led inevitably to the current conflict between the Commission and the Family Law Section, and likely will lead to conflict with other sections.

APPENDIX M – AUSLEY LETTER TO SBOT PRESIDENT

Mt. Bob Black
January 2, 2012
Page 3

We request that the Commission be directed to refrain from attempts to restructure the practice of law and that the State Bar of Texas Board of Directors and administration exercise their duty to supervise the expenditures of the Commission to ensure compliance with this limitation.

4. Docket Order #9065 also requires that the State Bar Executive Committee approve any Strategic Plan that guides the work of the Commission. The most recent such Plan is dated May 2009. On Page 4 of the five-page Plan is this proposed activity: "Study and make recommendations regarding self-representation."

This was hardly transparent notice to the public or members of the Bar regarding what the Commission and its staff actually intended to do. Rather, that intention seems to have become clear two years later in July, 2011 with a document entitled "Texas Access to Justice Self-Represented Litigants Committee," which provides for the 7-point plan of action. It is clear from this document that, rather than "study and make recommendations," the Commission is *implementing* a plan that is sweeping in scope and will affect much of the State Bar membership.

We request that all future Strategic Plans submitted to the State Bar Executive Committee be detailed enough to be transparent as to what the Commission actually plans to do. We also request that all proposed Strategic Plans be circulated to each Section of the Bar so that each section may obtain answers to any questions it may have regarding the Commission's proposed activities.

Each budget item (as discussed above) should be reflected in the Strategic Plan, or be deemed unauthorized, unless an amendment to the Plan is approved by action of the State Bar Executive Committee. Items denoted in the Plan with words like "study and make recommendations" should be limited to studying and recommending, rather than implementing, until an amendment to the Plan is approved by the State Bar Executive Committee, along with any needed corresponding changes to the Commission's approved budget.

APPENDIX M – AUSLEY LETTER TO SBOT PRESIDENT

Mr. Bob Black
January 2, 2012
Page 4

5. The Commission has stated its intention to seek legislation from the 83rd Legislature “...to assist self-represented litigants or to clarify how various stakeholders in the court system properly interact with self-represented litigants.” See “Texas Access to Justice Commission: Self-Represented Litigants Committee” document dated July 1, 2011 (copy attached)

We request that any such legislation be required to be handled through the same process as legislation sought by a section of the Bar, including circulating any draft legislation to all the Bar sections for review and comment and gaining approval of the State Bar before pursuing such legislation.

6. The following solicitation appears on the State Bar of Texas website:

“This [Access to Justice] fund supports programs that provide free civil legal services to the poor in Texas. . .

“Organizations and other individuals (non-attorneys) can support legal services to the poor by making a contribution payable to: STATE BAR OF TEXAS ATJ FUND”

As pointed out above, the Commission has recently adopted and is implementing a plan of action by which it would extend services to *any Texas, regardless of ability to pay* for those services. So that solicitations of financial support for the Commission are not rendered deceptive, or the actions of the Commission about which we are concerned do not become confused with the legitimate provision of legal services to the poor, we request that funds solicited by the Commission, through the State Bar or otherwise, be used only for the provision of legal services to the poor. Any other use dilutes the resources available to the Commission for its appropriate activities.

7. Over \$500,000 was granted by the Access to Justice Foundation to legal aid organizations in its 2010 funding cycle for, among other things, the development of standardized forms for use by pro se litigants, expressly for use in a wide variety of practice areas. Others have raised additional questions regarding the uses to which Foundation grants are being put.

Half a million dollars would serve a number of low-income people in need of family law representation. These grants appear to pay for activities that duplicate the efforts of the Uniform Forms Task Force and others. And, there is no mention in the descriptions of the grants on the Foundation website regarding any income limitation for the intended beneficiaries of these activities.

APPENDIX M – AUSLEY LETTER TO SBOT PRESIDENT

Mr. Bob Black
January 2, 2012
Page 5

This raises the concern that the Task Force is duplicating work being done by others and raises questions about how the activities and resources of the Foundation and legal aid organizations are being prioritized. Any responsible decision regarding whether and how to address pro se litigants in our court system should be based on a full understanding of how the currently-available resources are being used.

We request that the Board of the State Bar of Texas inquire into the present uses of the limited resources available to the Access to Justice Foundation and the legal aid organizations in Texas. The Board should work to make sure those uses are prioritized to address low-income people needing legal representation in cases involving their most pressing needs—which includes family law.

In summary, we request that the State Bar Board perform fundamental ongoing oversight functions as intended in Docket Order #9065, as to the funds sought and expended by the Commission and Foundation, as to consistency with the express terms of their charters and properly-approved strategic plans and budgets and as to consistency with the interests of the public, the courts, and the various sections of the State Bar of Texas.

We look forward to seeing those requests enacted by action of the Board of the State Bar of Texas at its meetings to be held on January 19 and 20, 2012.

Please call me if you have any questions.

Sincerely,



Thomas L. Ausley, Chair
Family Law Section

cc: Members, Board of Directors, State Bar of Texas
Michelle Hunter, Executive Director, State Bar of Texas

STATE BAR OF TEXAS

BOB BLACK
PRESIDENT



Direct Correspondence to:
2615 CALDER, STE. 300
BEAUMONT, TX 77704
TEL: (409) 825-5011
FAX: (409) 835-5729
bob@black@mchalfyweiner.com

January 5, 2012

Chief Justice Wallace Jefferson
Supreme Court of Texas
P.O. Box 12248
Austin, TX 78711-2488

Dear Chief Justice Jefferson:

The Executive Committee of the State Bar of Texas met today and after much respectful discussion and consideration voted to request that the Supreme Court of Texas “suspend the work of its Uniform Forms Task Force and direct the State Bar of Texas to review the issue of indigent self-represented litigants in the State’s courts, including collecting data demonstrating the numbers of these litigants, gathering information about how these cases are handled by Courts throughout the state, and reviewing possible solutions.”

The State Bar of Texas is fully committed to access to justice for all Texans and applauds the efforts of all those who have worked on this issue over the past few months to do what is best. Unfortunately, at this point there is no consensus and, equally distressing, we are unaware of any available data on indigent self-represented litigants. A lack of data coupled with anecdotal reports has created a stalemate in the rhetoric being used to support what may be legitimate perspectives from all interested parties.

We believe we are at a critical juncture on this issue. Along with numerous individuals and groups – all with the best interest of access to justice and administration of justice as a motivating force – the State Bar of Texas Executive Committee believes that immediate action is required so that critical information can be gathered and considered in the development of any possible recommendations. It is imperative that all those who have expressed an opinion on this issue know the facts, be heard, and be part of any recommendation considered by the Court.

Thank you for your consideration. We are anxious to hear from the Court on this issue and look forward to working with all interested parties to best serve our Courts, the public, and the profession.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Bob Black".

Bob Black

LAW OFFICE OF
GARY L. NICKELSON

GARY L. NICKELSON
BOARD CERTIFIED FAMILY LAW
TEXAS BOARD OF LEGAL SPECIALIZATION
MEMBER TEXAS ACADEMY OF
FAMILY LAW SPECIALIST
FELLOW OF THE AMERICAN ACADEMY
OF MATRIMONIAL LAWYERS
FELLOW OF THE INTERNATIONAL ACADEMY
OF MATRIMONIAL LAWYERS
DIPLOMAT OF THE AMERICAN COLLEGE OF
FAMILY TRIAL LAWYERS

CHRIS NICKELSON
BOARD CERTIFIED CIVIL APPELLATE LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

NORMA A. BAZAN
MEMBER COLLEGE OF THE STATE BAR
OF TEXAS

January 5, 2012

Dear Tarrant County Family Law Attorneys:

As you all know, the Access for Justice Commission is using our bar dues and money paid for CLE to promulgate forms for "pro-se" litigants or as they call them "self-represented litigants". They have labeled their efforts as being for the indigent people who cannot afford an attorney, but that is not what they are doing.

We need as many family law attorneys as possible to show up at the State Bar of Texas Board Meeting at 9:00am on January 20, 2012. If you want to speak, you must come by at 8:30am to fill out a card. It is a formal meeting and therefore, men must wear a coat and tie and ladies business suits.

Let me assure you that every officer of the Texas Family Law Foundation that can be present will be in attendance as well as many officers of the Family Law Section. (I cannot attend due to a prior speaking commitment in Houston, but a letter I am writing as the President of the Texas Family Law Foundation and former President of the American Academy of Matrimonial Lawyers will be read into the record by Brian Webb. I wish I could be there in person!!) Most of the Family Law Council will be present as well as attorneys from all over the State. If you can possibly come, WE NEED YOU to be present at that meeting to show the State Bar how outraged we are that our own resources are being used to put us out of business in the name of assisting the poor.

These forms will be used by "self-represented litigants" just as the other forms that are in use today except that these forms will have your Texas Supreme Court's seal of approval. However, it still will not be able to teach them about the community property or family law and spouses will lose rights to property through ignorance or by deceit.

In my opinion, women will get hurt the most because traditionally the husband puts real property in his name and pays the monthly mortgage with his income and therefore, there is this perception from the public that the property therefore belongs to that spouse.

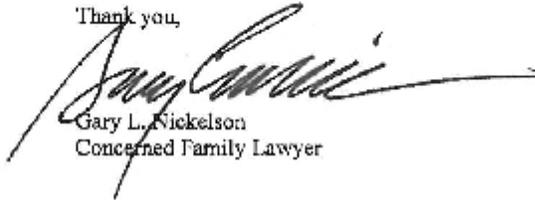
APPENDIX O – NICKELSON LETTER TO TARRANT FAMILY BAR

Tarrant County Family Law Attorneys
Page 2 of 2
January 5, 2012

None of the ATJC seem to care about the ramifications of these forms and only point out that 47 other States have done it and therefore, we should too even though our community property, jury trial system is totally unique! Also, in the works are procedural rule changes that would direct a Court to give preference to the Supreme Court forms. Therefore, if you have a self-represented litigant on the other side, you will have to use their forms -even if they are faulty! The Judges will be mandated to use these forms over the forms in the Family Law Practice Manual or Pro Doc!

We need everyone to attend if you can!!

Thank you,

A handwritten signature in black ink, appearing to read "Gary L. Nickelson", with a long horizontal flourish extending to the right.

Gary L. Nickelson
Concerned Family Lawyer

APPENDIX P – TARRANT COUNTY FAMILY BAR RESOLUTION
TO TEXAS SUPREME COURT

Christie S. Loveless

From: janetmdenton [janetmdenton@msn.com]
Sent: Friday, January 06, 2012 11:39 AM
To: Christie S. Loveless
Subject: LETTERS RE: UNIFORM FORMS TASK FORCE
Attachments: ATJC.pdf; Justice Jefferson Uniform Forms Task Force Jan 5 2012.pdf; FAMLAW_SECTION_LTR_TO_BAR_PRESIDENT_BOB BLACK FROM FAMILY LAW SECTION1_2_12v2[1].pdf; TARRANT COUNTY BAR ASSOCIATION TO THE SUPREME COURT.pdf

Here's the listserv stream. Lots of good info and thoughts

From Evernote:

LETTERS RE: UNIFORM FORMS TASK FORCE

Clipped from: <http://by149w.bay148.mail.live.com/mail/Inbox/Light.aspx?n=1681915923>

FROM TARRANT COUNTY FAMILY LAW BAR ASSN TO SUPREME COURT

October 21, 2011

Chief Justice Wallace B. Jefferson *Place 1* Justice Don R. Willett *Place 2*

Justice Debra Lehmann *Place 3* Justice David Medina *Place 4*

Justice Paul W. Green *Place 5* Justice Nathan L. Hecht *Place 6*

Justice Dale Wainwright *Place 7* Justice Phil Johnson *Place 8*

Justice Eva Guzman *Place 9*

Task Force on Uniform Forms; *Stewart Gagnon, Steve Naylor, Hon. Tracy Gilbert, Lisa Rush, Hon. Diane M. Guariglia, Hon. Phyllis J. Speedlin, Casey Kennedy, Ed Wells, Cristy Keul, Sheri Woodfin, Hon. Murilea Lewis, Michael Wyatt, Karen Miller*

Re: Resolution to the Supreme Court of Texas

WHEREAS, the Tarrant County Family Law Bar Association, composed of 363 members, is committed to the principle of justice for all and recognizes that the equal and fair administration of justice are cornerstones of our democracy, as well as core functions of our national and state governments; and

WHEREAS, the expertise provided by attorneys and the commitment inherent in the attorney-client relationship are fundamental and indispensable to making these bedrock principles a reality in Texans' lives; and

WHEREAS, Family Law affects the most personal and paramount interest of Texas families, covering such diverse issues as the birth and support of their children, the characterization and division of their separate and community property, their health care, their businesses, the maintenance of their livelihoods, their retirements and many other facets of their lives;

WHEREAS, Texas Family Law and our state's Family Code are necessarily as complex as Texans' lives, making representation by a lawyer essential to protecting the interest of Texas families in Family Law cases; and

APPENDIX P – TARRANT COUNTY FAMILY BAR RESOLUTION
TO TEXAS SUPREME COURT

WHEREAS, at the request of the Access to Justice Commission, the Texas Supreme Court appointed a Task Force on Uniform Forms that was intended to assist Texans who cannot afford legal representation and reduce the strain posed by such litigants on the courts; and

WHEREAS, the Commission and the Task Force are now attempting to develop do-it-yourself "kits" for use by any self-represented litigant in a Family Law case, without regard to whether that litigant can afford an attorney or otherwise has access to legal representation; and

WHEREAS, the "kits" developed by the Commission and the Task Force are intended for use in contested cases involving the care and custody of children, division of property of any kind or amount, child support, spousal maintenance, retirement benefits, rights of military personnel and virtually any other Family Law matter; and WHEREAS, the laudable goal of helping low-income litigants cannot be achieved through a simplistic set of forms and instructions, given the needs of Texans and the complexity of the law; and

WHEREAS, encouraging pro se Family Law litigation through the use of Supreme Court-endorsed forms will seriously threaten the vital interest of those people who depend on the civil justice system and will inevitably, and, perhaps, irrevocably damage those interests; and

WHEREAS, the Family Section of the State Bar of Texas and the Texas Family Law Foundation oppose the Task Force's work; and

WHEREAS, many members of the Judiciary of Texas who hear and decide Family Law cases recognize that the Task Force's approach will actually increase the number of, and amplify the problems of the courts in dealing with pro se litigants;

THEREFORE, BE IT RESOLVED that the Tarrant County Family Law Bar Association respectfully requests the Supreme Court of Texas dissolve its Task Force on Uniform Forms and decline to proceed further with the approach taken by the Task Force; and

FURTHER, BE IT RESOLVED that the Tarrant County Family Law Bar Association requests the Supreme Court of Texas to continue working with members of the Family Law Section and the State Bar of Texas to provide legal services to Texans who cannot afford a lawyer through pro bono, legal aid and similar programs in the future.

Signed this _____, of _____, 2011.

Tarrant County Family Law Bar Association

MATTHEW RIEK, President

JEFFREY KAITCER, President-Elect

JANET DENTON, Treasurer

LINDSAY DeVOS, Secretary

LAURIE ROBINSON, Past President

NORMA BAZAN, Director

JOHN CLARK, Director

MARK COCHRAN, Director

CINDY DILLARD-INCE, Director

DAVID KULESZ, Director

KARIN MAYER, Director

KEVIN SCHMID, Director

DONNA SMIEDT, Director

STEPHEN NAYLOR

APPENDIX P – TARRANT COUNTY FAMILY BAR RESOLUTION
TO TEXAS SUPREME COURT

FROM TARRANT COUNTY BAR ASSOCIATION TO SUPREME COURT

TO TARRANT COUNTY FAMILY LAWYERS FROM GARY NICKELSON

TO BOB BLACK/STATE BAR EXECUTIVE COMMITTEE FROM FAMILY LAW SECTION OF
STATE BAR

TO CHIEF JUSTICE WALLACE/SUPREME COURT FROM BOB BLACK/STATE BAR
EXECUTIVE COMMITTEE

APPENDIX Q – LETTER TO SBOT PRESIDENT FROM
CHIEF JEFFERSON



The Supreme Court of Texas

CHIEF JUSTICE
WALLACE B. JEFFERSON

201 West 14th Street Post Office Box 12248 Austin TX 78711
Telephone: 512/465-1312 Facsimile: 512/465-1365

CLERK
BLAKE A. HAWTHORNE

GENERAL COUNSEL
JENNIFER L. CAPPERTY

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

PUBLIC INFORMATION OFFICER
OSLER MCCARTHY

JUSTICES
NATHAN L. BECHT
DALE WAINWRIGHT
DAVID M. MEDINA
PAUL W. GREEN
PHIL JOHNSON
DON R. WILLET
FVR M. SUZMAN
OGBRAH, LEHRMANN

January 25, 2012

Mr. Bob Black
President, State Bar of Texas
P.O. Box 12487
Austin, TX 78711

Dear President Black:

The Court met yesterday to consider comments we have received about how best to provide our poorest citizens access to the rule of law. We greatly appreciate and accept the State Bar's offer to assist with this shared mission. No Court can accomplish this goal alone; the profession must help. The Court and the profession cannot do it alone; the State must help. No easy solution exists. Yet we must try.

Six million Texans qualify for legal aid. Even with the strong support of the Texas Legislature, economic conditions continue to force funding levels downward. Legal aid providers are cutting back as funding dissipates. They can provide help to fewer than one in five who apply. Texas lawyers have generously contributed both money and time toward legal services, yet each year tens of thousands of Texans are compelled to seek justice in our courts without legal representation. They need legal services they cannot afford.

For that reason, after consulting with the State Bar, we announced last year 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." Order in Misc. Docket No. 11-9046. Such forms have been officially sanctioned by courts in most states. The Court created the Supreme Court Uniform Forms Task Force with broad representation to develop similar forms and to provide counsel on their most effective use. The Task Force delivered its first report earlier this month.

In accordance with its usual practice, the Court has decided to refer the Task Force report to the Supreme Court Advisory Committee. We expect the Advisory Committee members to engage in the careful critique they have always given on matters of profound importance to the administration of justice. We instruct the Committee to consider input from all sectors, including the judiciary, the legal profession, representatives of the Legislature, and the public. I anticipate that the Court will receive the Committee's recommendations in April and will begin to review them in May. Considering the importance of this enterprise, we encourage the State Bar to present recommendations to the Advisory Committee and to the Court. This should allow all who wish to participate to be heard.

APPENDIX Q – LETTER TO SBOT PRESIDENT FROM
CHIEF JEFFERSON

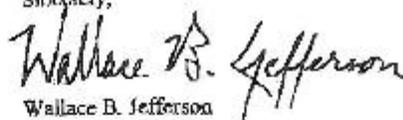
Mr. Bob Black

January 25, 2012

We will approve forms only if they are substantively correct and are reasonably calculated to accomplish the goal of greater access to the courts. Uniform forms are but one means of addressing the problems presented by pro se litigation. The State Bar may develop other recommendations.

The Constitution requires the Court to administer justice. This occurs not only by deciding cases, but also by establishing a judicial climate in which people who lack money to hire a lawyer have a reasonable chance to vindicate their rights in a court of law. We are pleased to have the Bar's full participation toward that end.

Sincerely,



Wallace B. Jefferson
Chief Justice

APPENDIX R – FAMILY SECTION CHAIR
EMAIL TO TEXAS FAMILY LAWYERS

LOWELL DAVIS AND REQUEST REGARDING UNIFORM FORMS



Court Denies Bar Request Regarding Uniform Forms

Friday, January 27, 2012 10:29 AM

From: "Thomas L. Ausky" <info@scottfam.org>

To: "Robert D. Courtney" <familylawbob@isglobal.net>

1 File (487KB)



Chief Just...

If this email does not display properly, please [click here](#) to view it in your browser.



STATE BAR SECTION

FAMILY LAW

January 27, 2012

Texas Family Lawyers:

Attached you will find a letter Chief Justice Wallace Jefferson sent to Bob Black, President of the State Bar, on Wednesday. The bottom line is that the Supreme Court has denied the unanimous request of the State Bar Board (and the Family Law Section) to suspend the work of the Task Force on Uniform Forms and allow the Bar to research the issues surrounding pro se litigation and recommend appropriate solutions.

We are very disappointed that the Court decided to continue with its preconceived process and not defer to the Bar's request, which has overwhelming support.

The Chief Justice suggested that members of the Bar make recommendations to the Supreme Court Advisory Committee regarding the forms and he states that forms will not be approved unless they are "reasonably calculated to accomplish the goal of greater access to the courts." While he states that the Court wants to help those who "need legal services they cannot afford," as we have pointed out several times, there is nothing about these forms or the Access to Justice Commission's seven-point plan that limits their suggestions to the poor.

Prior to the Court's decision, we had already begun educating members of the Advisory Committee and will continue to do so.

We will also work to eliminate the disconnect between the proper role of the Access to Justice Commission and the role of the State Bar and its membership. Of course, we will update you as events warrant and request that you take appropriate action as these issues develop.

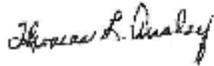
Sincerely,

<http://us.mc820.mail.yahoo.com/mc/showMessage?sMid=14&filterBy=&rand=19910496...> 1/27/2012

APPENDIX R – FAMILY SECTION CHAIR
EMAIL TO TEXAS FAMILY LAWYERS

Court Denies Bar Request Regarding Uniform Forms - 'att.net Mail

Page 2 of 2



Thomas L. Ausley, Chair
Family Law Section, State Bar of Texas

Copyright 2012
State Bar Family Law Section

To unsubscribe from Family Law Section emails, please contact info@sbcfls.org.

<http://us.mc820.mail.yahoo.com/mc/showMessage?sMid=14&filterBy=&rand=19910496...> 1/27/2012

