

SJ22 Study: Pro Se Litigants – Challenges and Available Resources

Presentation to the Law and Justice Interim Committee

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I. Overview of District Court Workload Beth

1. Workload Study
2. Family law numbers and pro se numbers

II. Overview of Assistance Available to Pro Se Litigants Beth and Alison

1. People have a right to represent themselves in Court
 - a. Many people would prefer a lawyer but cannot afford one
 - b. With assistance, some people can navigate the system without an overwhelming amount of court or judge time
2. Public-private partnership with three legs to provide services to pro se litigants
3. Private Leg of the Stool – Attorneys providing pro bono or free service
 - a. Why – professional obligation and a desire to help clear clutter from dockets
 - b. How – organized and unorganized programs; not just family law
 - c. Statistics - numbers of lawyers, number of hours, etc.
4. Nonprofit Leg of the Stool – Montana Legal Services Association
 - a. Primary provider of free civil legal assistance
 - b. Partner with Court to address the needs of pro se litigants through providing AmeriCorps members for self help centers, and drafting and automating legal forms
 - c. Decline in federal funding, and no state funding means limited staff and resources
 - d. Only family law services provided by pro bono attorneys.
5. Public Leg of the Stool – Judicial Branch Programs
 - a. Why – provide meaningful access to the courts and clear the dockets
 - b. How – Court Help program (see map); pro bono developer; forms; partnerships with local libraries, nonprofits and clerks
 - c. Statistics
6. Conclusion and Possible Options