

SJR6: OPTIONS FOR SUPPORTING *PRO SE* SERVICES

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Law and Justice Interim Committee

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Please note: This options checklist is designed as a discussion tool to assist the Law and Justice Interim Committee (LJIC) during its work session on January 19, 2006, during which the LJIC will develop preliminary recommendations on how to enhance or expand self-help services statewide. This listed discussion objectives and options were developed by staff based on testimony and discussion received during the LJIC's previous meetings. They are not necessarily mutually exclusive.

ISSUE/GOAL:

How to enhance or expand *pro se* services statewide

(Adopted by committee action on November 17, 2005)

- Option A:** Legislation to fund a Judicial Branch statewide *pro se* program that would include a coordinator and/or a person dedicated to developing and maintaining standard forms for courts (all courts?)
- Option B:** Legislation to provide that each Clerk of Court (all courts? or at least in the largest District Courts) shall maintain a *pro se* support center and statutorily define the model to be used, such as web-based and/or hard-copy forms? dedicated support personnel? to assist patrons with using the support center resources)
- Option C:** Set statewide standards for *pro se* support centers, but do not define it in statute (i.e., the legislation would provide that statewide standards be set, that training be provided, but that each (county / court) develop its own *pro se* support center (executive or judicial branch?))
- Option D:** Provide state-funding to assist the MLSA in establishing more self-help law projects similar to the Eastern Montana Self-Help Law Project
- Option E:** Provide for a program of limited direct legal advise to *pro se* litigants by providing for state and/or local office(s) where an attorney or attorneys can assess a person's legal problem and, if the person is representing themselves, may provide limited advise and assistance so the person can more effectively represent themselves
- Sub-Option: Legislation to authorize para-professionals with certain training to provide direct advise to *pro se* litigants without being liable for "practicing law without a license"
- (1) State training and certification program under Judiciary?
 - (2) MLSA training and certification program?
 - (3) State Bar training and certification program?
 - (4) Other?

OPTION F: Legislation to establish and fund a program offering mediation services before going to court

Sub-Options: (1) Program sponsored through MLSA? Judiciary? Executive? State Bar? Other?

- (2) Program to specialize in:
- (a) Family law
 - (b) End of life matters (e.g., wills)
 - (c) Employer/employee issues
 - (d) Landlord/tenant issues
 - (e) Other?

OPTION G: Provide appellate *pro se* resources

Sub-Options: (1) Specifically mention appellate resources in any or all of the previous recommendations

- (2) Legislation to establish and/or fund a separate *pro se* appellate services program

OPTION H: Committee correspondence to support and encourage current efforts

OTHER OPTIONS?

BASIC FUNDING RESPONSIBILITY (to be asked with each of the options considered)

1. State
2. County
3. Both