

Nebraska Supreme Court Implementation
Committee on Pro Se Litigation
2012 Committee Reports

Forms

Automated Forms

Self-Help Desk

Library

Limited Scope Legal Services

Supreme Court Implementation Committee on Pro Se Litigation

Annual Report of Forms Subcommittee

Date: October 2012

To be presented at the Committee's Annual October meeting

For period of October 1 of the prior year through September 30 of current year

Chair: Judge Teresa Luther

Members of Subcommittee: Kate Mahern, Creighton School of Law; Deanna Lubken, UNL College of Law; Jean McNeil, NSBA; Jen Gaughan, Legal Aid; Kevin Ruser, UNL College of Law; Lea Wroblewski, Legal Aid; Judge Michael Offner, County Court, Red Cloud; Robert Sanford, Statewide Domestic Violence; Judge Richard Sievers, Nebraska Court of Appeals

Staff: Janet Bancroft, Sheryl Connolly, Debora Brownyard, Toni Jensen

ANNUAL REPORT – PAST YEAR (may include attachments):

1. Identify accomplishments and successes over the past year, including relevant data

• New Forms Uploaded to Web site:

- **A2J Forms:** The forms committee's partnership with Legal Aid's A2J project has expended all grant monies and produced the following form sets:
 - Divorce with and Divorce without children
 - Protection Orders (domestic and harassment)
- **Protection from Abuse:** Toni Jensen, Domestic Violence Services Specialist, Office of Probation Administration has been added to the Pro Se Forms Committee for the purpose of reviewing protection order forms. The Committee reviewed and approved a set of changes (outlined in attached report) made by Jensen in response to 2012 legislative changes.
- **General and Health Care Power of Attorney forms:** Both general and health care power of attorney forms have been developed and approved. The forms are strictly based on the new Nebraska Statute forms. The need for forms comes from a reaction to the recently adopted Nebraska guardian/conservator rules which are perceived as placing an increased reporting burden on guardians. Reaction by the legal community was that there would be a greater need/use for power of attorney.



Need help with forms?

This link will walk you through the forms in a step-by-step process and will provide you with a typed form at the end. To access, just click on the link below:

Access to Justice
Interactive Forms >>

2. What were some of the challenges over the past year? How were they addressed?

- Landlord/tenant issues were originally tabled after Legal Aid was approached early in 2012 to file a grant proposal for a landlord/tenant triage program using legal aid and internet resources.

The grant was not funded. The landlord/tenant forms have been re-added to list of requested forms.

- Ongoing challenges with form development (cumbersome process) and technology. The committee agreed that face-to-face meetings are more productive than phone conferenced. Members met on two occasions, in addition to the annual October meeting.
- Ongoing technical support is needed in the area of web-enabling forms and A2J/AVATAR form development and maintenance.

3. Describe the subcommittee's impact on: pro se litigants; judges; court staff; attorneys; others.

- Nebraska-specific uniform forms sets with detailed instructions benefit courts, clerks, low-income legal services and litigants. While there is a great deal of pressure for more types of forms, the committee has done a great service to the community through their present accomplishments.

4. List any partners involved with subcommittee's work and their roles:

- Administrative Office of the Courts: The Committee cooperates regularly with forms designed by the AOC which are required by statute. All forms applicable to pro se clients are uploaded to the Nebraska Online Legal Self-Help Center Web site.
- A2J Project/Legal Aid
- District Court and County Court Forms Committee.
- Legal Self-Help Desks organized through the Nebraska State Bar Association.

5. Provide information for updates on the Nebraska Online Legal Self-Help Center:

- New instructions/forms added for General and Health Care Power of Attorney

6. Provide information on public and judicial branch education and outreach efforts:

- Significant outreach through the partnership with Nebraska Library Association as noted in the Library report.
- Each form is released to the court community as soon as it is finalized
- Protection Order changes webinar held with clerks across the state, A2J demo included
- Protection Order demo during summer judges meetings

7. Other comments regarding the prior year:

- None.

ANNUAL REPORT- UPCOMING YEAR (may include attachments):

1. List subcommittee's goals and new or continuation projects for the upcoming year:

- Cooperate/coordinate with future A2J projects through Legal Aid

- Carryover from last year: Cooperate with Court's Guardian/Conservator committee to assist in writing instructions for forms. Forms for establishing guardianships put on hold due to increased complexity.
- Child Support Calculator and Instructions: Several avenues approached and rejected, committee currently in contact with private attorney.
- Continue to work on outstanding list of requests.

2. What kind of public information and outreach is planned to inform the public, judges, court staff and lawyers of the subcommittee's efforts?

- Continued announcements to self-help desks, libraries, courts, and others when new forms are developed and uploaded to the self-help web site. Announcements repeated in the AOC's Administrative Memo.

3. Describe how subcommittee partners will be involved in the upcoming year's activities.

- Continued subcommittee meetings to develop and edit forms

4. Other comments for the upcoming year:

- Committee will continue to collect requests from
 - Clerks of the District and County Court
 - Self-Help Desks
 - Legal Aid

Modified Protection Order Forms and Guides

FORM	MODIFICATION MADE
DC 19:8 Petition and Affidavit to Obtain Domestic Abuse Protection Order	<ul style="list-style-type: none"> • New relief provision added
DC 19:14 Request for Hearing	<ul style="list-style-type: none"> • Language modified to make it generic for both respondents and petitioners • English speaker box was modified
DC 19:9 Protection Order Information (Domestic Abuse)	<ul style="list-style-type: none"> • New relief provision added • Updated definition of abuse • New notice to petitioner regarding request for hearing • Notice to respondent modified to include revised ex parte process and updated violation and penalty information
DC 19:10 Ex Parte Domestic Abuse Protection Order DC 19:11B Modified Domestic Abuse Protection Order DC 19:12 Domestic Abuse Protection Order	<ul style="list-style-type: none"> • Updated definition of abuse • Removed check box for Indication of credible threat • "And prohibited" language added to all relief available • New relief provision added • Hearing information removed (DC 19:10)
DC 19:13 Order to Show Cause -- Domestic Abuse	<ul style="list-style-type: none"> • New relief provision added • Notice to petitioner and respondent regarding requirement to appear was added
DC 19:20 Order Affirming Domestic Abuse Protection Order	<ul style="list-style-type: none"> • Updated definition of abuse

Guides Available:

Filing for a Protection Order: Frequently Asked Questions

- Used to be separate for Harassment and Domestic Abuse, information regarding both is combined.

Protection Order Form Guide

- Used to be separate for Harassment and Domestic Abuse, and walked petitioners through how to file for each order step by step.
- Now summarized, as A2J provides this service and is clearer.

How to Respond to an Ex Parte Protection Order: Frequently Asked Questions

- Used to be separate for Harassment and Domestic Abuse, information regarding both is combined in this document.

How Do I Know Which Protection Order to Choose

- Flow chart was modified to reflect changes in statutory language.

How to Prepare for a Protection Order Hearing

- Minimal modifications to represent changes in the statute.

Supreme Court Implementation Committee on Pro Se Litigation

Annual Report of the Automated Forms Subcommittee

Date: October 24, 2012

To be presented at the Committee's Annual October meeting

For period of October 1 of the prior year through September 30 of current year

Chair: Dave Pantos

Members of Subcommittee: Hon. Richard Sievers, Janet Bancroft, Deb Brownyard, Dave Pantos, Annette Farnan

ANNUAL REPORT – PAST YEAR (may include attachments):

1. Identify accomplishments and successes over the past year, including relevant data.

Legal Aid of Nebraska partnered with the Pro Se Committee to receive a Technology Initiative Grant (TIG) from the Legal Services Corporation (LSC). The TIG allowed for some forms approved or authored by the Pro Se Committee to be automated using HotDocs Software. Then, the Access to Justice Author (A2J Author) interface was applied and guided interviews were created for an interactive, user friendly format for pro se litigants to create forms. The primary goal was to create guided interviews and court form templates to help improve access to the court system for low-income pro se litigants. The automated forms were made available online at Legal Aid of Nebraska's website on March 2, 2012. There is also a link to the forms on the Supreme Court Website through the relevant Self-Help tabs.

The forms that were automated under this grant are:

1. Pleadings to Set Aside a Criminal Conviction
 - a. Petition to Set Aside Conviction
 - b. Notice of Hearing
 - c. Certificate of Service
 - d. Order Setting Aside Criminal Conviction
 - e. Instructions, including final hearing script
2. Pleadings to file for Protection and Harassment Orders (updated to reflect to July 2012 statutory changes)
 - a. Petition and Affidavit for Protection or Harassment Order
 - b. Request for Hearing
 - c. Praecipe
 - d. SSN, Gender and DOB form

e. Instructions

3. Divorce Pleadings

- a. Complaint for Dissolution
- b. In Forma Pauperis Application and Affidavit
- c. Order to Proceed In Forma Pauperis
- d. Praecipe for Summons
- e. Voluntary Appearance
- f. Motion and Affidavit for Service by Publication
- g. Order for Service by Publication
- h. Vital Statistics Worksheet
- i. Confidential Party Information Form
- j. SSN, Gender and DOB form
- k. Certificate of Completion of Parenting Education Course
- l. Notice of Hearing
- m. Financial Affidavit for Child Support
- n. 3 Parenting Plans to be created as appropriate
- o. Decree of Dissolution of Marriage
- p. Instructions with sample final hearing script

2. What were some of the challenges encountered over the past year? How were they addressed?

Staff time: The Project employed the resources of LAN and the Pro Se Committee partners. It took more time and effort than estimated/anticipated to draft interviews for the forms. Even though the project took more time than expected, Legal Aid and the Pro Se Committee worked together to do what was necessary to provide a good end product. Without the partnership between LAN and the Pro Se Committee the Project would not have been successful.

3. Describe the subcommittee's impact on: pro se litigants; judges; court staff; attorneys; others.

Prior to the implementation of the Automated Form Project, no A2J Author automated forms were available for non-lawyers in Nebraska. As a result of this Project, there are now full sets of automated forms in major legal areas that impact low-income individuals. The automated forms allow simpler, more complete, and more accurate ways for pro se litigants to obtain the court relief they are seeking. We hope that these pro se litigants are also better prepared to represent themselves in court, thereby making the process more efficient for judges and court staff.

Information from the Law Help Interactive Server indicates:

January – March 2012 - 613 interviews were started, with 42% of the started interviews resulting in completed documents.

April – June 2012 - 717 interviews were started, with 43% of the started interviews resulting in completed documents.

July – September 2012- information is not available yet (most likely available October 25).

The forms have an A2J mark which allows the ability to be track the number of forms filed through JUSTICE. From 4/1/12-6/30/12 there were 8 cases reported as being filed with automated forms (5 Dissolution of Marriage and 3 Protection Order). From 7/1/12 – 9/30/12 there were 22 cases reported as being filed with automated forms (17 Dissolution of Marriage and 5 Protection Order). These numbers do not appear to be consistent with the number of completed automated forms generated. Debora Brownyard is working with the clerks offices to remind them to track automated form filings.

4. List any partners involved with subcommittee's work and their roles:

After relevant Legal Aid staff and Core Pro Se Committee members approved drafts of forms and interviews for completing the forms, other stakeholders were asked to review them. Members from the Nebraska Commission on Public Advocacy, the Nebraska Domestic Violence and Sexual Assault Coalition, Domestic Violence Programs of the Administrative Office of the Court and Probation, and low-income Nebraskans reviewed the forms before being finally approved and made available online.

5. Provide information for updates on the Nebraska Online Legal Self-Help Center:

6. Provide information on public and judicial branch education and outreach efforts:

Legal Aid introduced A2J Author to automate court pleadings to Nebraska advocates, including the Pro Se Forms Subcommittee. Legal Aid held an open house with a live demonstration of the automated forms for Douglas County courthouse staff. Outreach demonstrations and trainings were given to various court staff and to a domestic violence community response team. Legal Aid promoted the forms with a news release that was email blasted to all Nebraska attorneys, Legal Aid funders, and other advocates for the poor.

LSC was impressed with the grant and its outcomes. Legal Aid's final grant report regarding this TIG was featured on the TIG website.

7. Other comments regarding the prior year:

Legal Aid is thankful for the partnership with the Pro Se Committee. Without this partnership the Project would not have been successful.

ANNUAL REPORT- UPCOMING YEAR (may include attachments):

1. List subcommittee's goals and new or continuation projects for the upcoming year:

2. What kind of public information and outreach is planned to inform the public, judges, court staff and lawyers of the subcommittee's efforts?
3. Describe how subcommittee partners will be involved in the upcoming year's activities.
4. Other comments for the upcoming year:

A TIG to create a landlord tenant "triage" for individuals with housing issues throughout Nebraska was submitted for the upcoming year. This TIG request was not funded. In obtaining information regarding why the TIG application was not funded, LSC indicated that it was a good application. However, the significant amount of money requested for this TIG would mean other good TIG projects would go unfunded. Therefore, LSC determined not to fund the triage grant proposal at this time.

As part of the Justice and Technology Practicum course at Chicago-Kent College of Law, students are doing projects that create automated forms with the A2J avatar program. Legal Aid of Nebraska was chosen this semester and the students are completing the following forms for Nebraska:

Annual Report of Guardian on Condition of Ward

Divorce Answer and Counterclaim (with no children)

Adult Name Change

IDEA-Petition form for requesting a Special Ed Due Process Hearing

Supreme Court Implementation Committee on Pro Se Litigation

Annual Report of the Self- Help Desk Subcommittee

Date: October 16, 2012

For period of October 1 of the prior year to September 30, of current year.

Chair: Jean McNeil

Members and Chair of Subcommittee: Richard Sievers, Judge Gleason, Judge Luther, Jane Schoenike, Ann Boer, Linda Sanchez- Masi and Jean McNeil. Please note this sub-committee does not meet as a whole. Individual members will meet to discuss issues occurring at the self-help desk in their geographic areas.

Define the Subcommittee's Current Goals: To support the Self Help Desk in their geographic area.

ANNUAL REPORT – PAST YEAR:

1. Identify accomplishments over the past year (including data as relevant): The Self Help Desks served 3,683 individuals. The Douglas County Desk served 2555 individuals, the Lancaster County Desk served 874 individuals and the Central Nebraska Desk served 254 individuals.

Douglas County Self Help Desk is open Monday, Wednesday and Friday 10-2. Guardianship reporting clinic opened in Douglas County the second and fourth Tuesdays, from 12-3.

Lancaster County Self Help Desk is open Monday 12-2, Thursday 9-1 and Friday 9-12. Guardianship reporting clinic opened in Lancaster County the second and fourth Thursday from 1:30-3:30.

Hall County Self Help Desk is open Fridays 10-2.

Buffalo County Self Help Desk is opened the first Friday of the month 10-2.

Madison County Self Help Desk is opened the third Friday of the month 10-2.

2. What were some of the challenges encountered over the past year? How were they addressed?

Self- Help litigants are under the impression the self help desk will help them in all types of legal matters we have every type of legal form or that we will prepare legal forms for them and at times provide them an attorney. The individuals are informed of what services the desk will provide to them. In addition, if there are no approved forms, the self-help litigants are instructed if they want to proceed without the assistance of an attorney, the desks will review the forms they prepare, but that they will have to prepare the necessary forms.

Another challenge we encounter is when the Self Help Litigant does not appear to be competent to represent themselves in court. These individuals are referred to appropriate agencies to assist and encouraged that it is in their best interest to obtain an attorney.

3. Describe the subcommittee's impact on: public; courts staff; attorneys; and judges

It is believed that the self help desk assist the public by giving pro se litigants the information they need to determine if their issue is one where they can represent themselves in court. If it is an issue where they can represent themselves, information and limited advice is given to the litigant as well as any form that is available to the public. If not appropriate for self-representation, the individual is given referral numbers. These individuals are told they have the right to represent themselves, but it might not be in their best interest.

The self- help desk assists court staff by being a referral source for them to answer legal questions. Court staff cannot give legal advice and the court staff can tell them to go to self help desk to get their questions answered.

The self- help desks assist judges and attorneys by preparing the pro se litigant for their hearings and trials. This should use less of the court's time as well as the opposing counsel's time.

4. List any partners involved with subcommittee's work and their roles:

The Nebraska State Bar Association Volunteers Lawyers Project coordinates and staffs the Self-Help Desks. The Self- Help Desks routinely uses the pro se forms found on the Supreme Court's Website. Partners assisting VLP at the desk includes:

In Omaha: the Douglas County Law Library, the Court Administrators office and Omaha Bar Association. The partners' role is advisory in nature. Volunteer Lawyers staff the desk.

In Lancaster County: the project partners include the Lancaster County District Court Clerk's Office and Legal Aid of Nebraska. The District Court Clerk's office provides advisory support and the space. Volunteer lawyers staff the desk. In addition, Legal Aid of Nebraska staffs the clinic on Fridays.

In Hall County: the Hall County District Court's Office is a partner. Volunteer lawyers staff the desk. In addition, Legal Aid of Nebraska assists in staffing the desk occasionally.

In Buffalo and Madison County: the County's District Court Clerk's office, the local bar associations, and if present Legal Aid of Nebraska.

5. Provide information for updating posting on the Nebraska Online Legal Self-Help Center:

The Self- Help Desks use the forms routinely. As issues arise, contact is made with the Court Administrators office.

6. Provide information on public and judicial branch education and outreach efforts. NSBA issued press releases about the new self help desks open in the fall.

7. Other comments regarding prior year.

ANNUAL REPORT- UPCOMING YEAR:

1. List goals and new projects for the upcoming year for this subcommittee:

Maintain the services provided at the established self- help desks.

2. What kind of public information and outreach is planned to inform the public, lawyer, court staff and judges of the subcommittee's efforts?

No official outreach is planned. However informal outreach occurs in the local courthouses. Additional attorney recruitment may be sent out in separate geographical areas.

3. Describe how subcommittee partners will be involved in the upcoming year's activities. The program partners will determine their involvement at a future date.

4. Other comments for the upcoming year.

Supreme Court Implementation Committee on Pro Se Litigation

Annual Report of Library Subcommittee

Date: October 2012

To be presented at the Committee's Annual October meeting

For period of October 1 of the prior year through September 30 of current year

Chair: Doris Huffman

Members of Subcommittee: Sandy Placzek, UNL College of Law; Richard Leiter, UNL College of Law; Julie Beno, Lincoln Public Libraries; Mary Jo Ryan, Nebraska Library Commission; Marie Wiechman, Nebraska State Library

Staff: Janet Bancroft, Debora Brownyard

ANNUAL REPORT – PAST YEAR (may include attachments):

1. Identify accomplishments and successes over the past year, including relevant data

This year's Committee work has been driven by the grant and relationship with the Nebraska Library Commission. Following the successful grant application to the Library Commission, the Committee received money for travel related expenses to make personal visits to libraries across the state.

Two types of events are held: 1) Open Houses or 2) Education sessions or a combination of the two.

- 1) Judges are involved in as many events as possible, particularly in Open Houses where they are featured speakers. A licensed attorney is invited to all education sessions to answer questions not appropriate for court staff and judges.
- 2) Education sessions focusing of the Judicial System Self-Help Web site are provided to librarians and community members
- 3) Education sessions are open to area court personnel who are given JBE credit
- 4) Media is contacted prior to, and after the event. Photos taken and articles written for news media specific to the library visit.

The project is supported in part by the
Department of Commerce National
Telecommunications and Information
Administration (NTIA) Broadband Technology



Opportunities Program (BTOP), funded by the American Recovery and Reinvestment Act (ARRA) and the Bill and Melinda Gates Foundation, and administered by the Nebraska Library Commission.

Grant Funded Library visits 2011/2012:

- 11.9.19 **Neligh Public Library** (Open House) **Judge Donna Taylor** (staff: Bancroft)
- 11.10.4 **Red Cloud Public Library** (Open House) **Judge Mike Offner** (staff: Bancroft)
- 11.10.14 **Wayne Public Library** (Open House) **Judge Robert Ensz** (staff: Bancroft)
- 11.11 **Lincoln-South Street Public Library** (Open House) Brownyard
- 12.5.7 **Kimball Public Library** (individual Ed Session) (presenters: Huffman/Bancroft)
- 12.5.7 **Sidney Public Library** (Ed Session) **Judge Randin Roland**, Tom Sonntag, court staff (presenters: Huffman/Bancroft)
- 12.6.14 **St. Paul Public Library** (Open House, Ed Sesson) **Judge Alan Brodbeck**, Barb Wroblewski, court staff (presenters: Brownyard/Bancroft)
- 12.6.14 **O'Neill Public Library** (Open House, Ed Session) **Judge Brodbeck**, Frosty Peetz, court staff (presenters: Brownyard/Bancroft)
- 12.8.13 **Lexington Public Library** (Ed Session) **Judge Jim Doyle** (presenters: Brownyard/Bancroft)
- 12.8.14 **Scottsbluff Public Library** (Open House, Ed Sesson) **Chief Justice Heavican**; included Paul Snyder several area judges and Mediation Center (presenters: Brownyard/Bancroft)
- 12.8.15 **Alliance Public Library** (Ed Session) Clerk Magistrate Joni Wood Lincoln Public Library – South Street Branch (presenters: Brownyard/Bancroft)
- 12.8.24 **Norfolk Public Library**; (Ed Session) **Judge Ross Stoffer**, court staff, included Nebraska Mediation Center, Fremont (presenters: Brownyard/Bancroft)

Grant funded Regional Technology Seminars:

- Sept. 5, 2012 Norfolk region on Nebraska Online Legal Self-Help Center and Mediation centers (presenter: Brownyard)
 - October 19, 2012 Tri Conference of The Mountain Plains Library Association; The Nebraska Library Association; and the Nebraska School Librarians Association: **Back to the Basics: Building the Future** (presenter: Brownyard)
2. **What were some of the challenges over the past year? How were they addressed?**
- Greater demand for seminars than can be accommodated
3. **Describe the subcommittee's impact on: pro se litigants; judges; court staff; attorneys; others.**
- Conversations and interactions with librarians have been very revealing. Librarians have long been an avenue for individuals who cannot afford legal services. Librarians polled this past year have ranged from those who have never been asked for assistance to librarians who have been asked to assist with estate planning, wills and child support collection.

- Supporting local public librarians with resource information will provide local access to legal resources for pro se litigants; the access to computers, printers, and internet will benefit all interested parties.
- Providing librarians with proper referral locations (experienced law librarians, local domestic violence shelters) and forming relationships between the legal community and library staff helps to relieve the concern felt by librarians when dealing with patrons who intend to pursue their own legal cases.

4. List any partners involved with subcommittee's work and their roles:

- Nebraska Library Commission
- Nebraska UNL College of Law: law-trained law librarians offer assistance to public librarians via training announcements (handout)
- Lawyers in communities where training is being provided

5. Provide information for updates on the Nebraska Online Legal Self-Help Center:

- No new information

6. Provide information on public and judicial branch education and outreach efforts:

- See libraries trained above

7. Other comments regarding the prior year:

- This subcommittee will continue with direct training of librarians through the end of Library Commission grant funding in early 2013

ANNUAL REPORT- UPCOMING YEAR (may include attachments):

1. List subcommittee's goals and new or continuation projects for the upcoming year:

- A. Continue with the partnership with Nebraska Library Association – July 2013
- B. Continue with the partnership with UNL College of Law Library and, perhaps, Creighton

2. What kind of public information and outreach is planned to inform the public, judges, court staff and lawyers of the subcommittee's efforts?

- A. Bar Foundation "Foundation Facts"
- B. AOC's Administrative Memo
- C. Continued site visits to local public libraries with court / judge co-presentation

Scottsbluff Library Open House

Public Computer Center
& Law-Related Education Session

Tuesday, August 14, 2012
4:30 p.m. Open House
followed by 5:00 p.m. Training Session

Navigating the Waters of Legal Information and Self-Help for Library Patrons

Using the Supreme Court's Self-help Web page
Resources to assist people representing themselves &
Legal research/court process vs. legal advice

Lied Scottsbluff Public Library
1809 3rd Avenue, Scottsbluff

RSVP to Abby Yelman at nyelman@scottsbluff.org or 308-630-6251

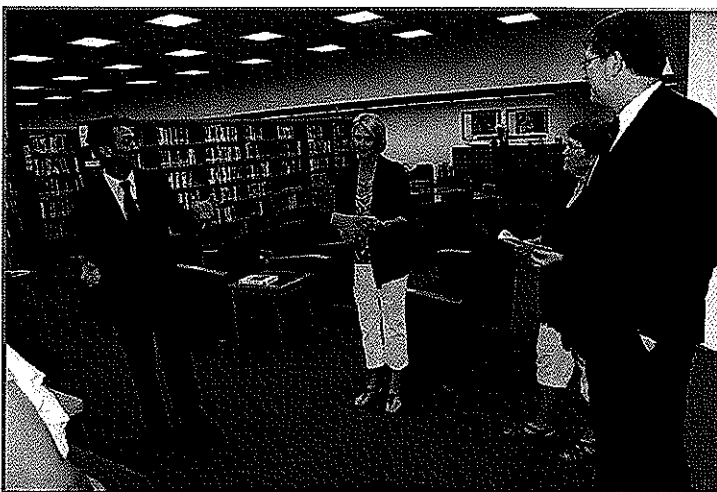


Chief Justice Mike Heavican
Nebraska Supreme Court

This project was supported in part by the Department of
Commerce, National Telecommunications and Information
Administration (NTIA) Broadband Technology Opportunities
Program (BTO), funded by the American Recovery and
Reinvestment Act (ARRA), and the Bill and Melinda Gates
Foundation, administered by the Nebraska Library
Commission.



(Left) Scottsbluff with Chief and Paul Snyder, State Court Administrator, court staff, local judges, library patrons.



(Below) Judge Ross Stoffer at his childhood library with new librarian and court staff.

**Supreme Court implementation Committee on Pro Se Litigation
Annual Report of Limited Scope Legal Services Subcommittee**

Date: October 2012

To be presented at the Committee's Annual October Meeting

For period October 1 of the prior year through September 30 of Current year

Chair: Jackie Madara-Campbell

Members of Subcommittee: Hon. Thomas Otepka, Ann Borer, Amanda Karr, Tracy Hightower, Gail Steen

ANNUAL REPORT – PAST YEAR

1. Accomplishments and Successes of Past year:

The Limited Scope Legal Services Subcommittee completed a benchmark email survey of the Nebraska District Court Judiciary and Nebraska Family Law Section attorneys. As a result of the outcomes, the Subcommittee has focused in the past year on education efforts regarding limited scope/un-bundled legal services.

The Sub-committee has participated in or given six CLE seminars in the past reporting period designed to educate and inform the judiciary and the bar regarding limited scope representation. The effort reached dozens of district court judges and hundreds of Nebraska attorneys across the state.

2. Challenges encountered over the past year and how they were addressed:

The Limited Scope Legal Services Subcommittee learned that there is an extreme deficit of knowledge among members of the Nebraska Bar regarding the provision of limited scope legal services. Additionally, the subcommittee learned during its outreach efforts that many attorneys are reluctant to practice in a limited scope capacity because they fear malpractice risk.

This information regarding the general lack of knowledge resulted from a benchmark email survey which began development in October 2011, and was submitted to the District Court Judiciary and Nebraska Family Law attorneys in January, 2012.

In sum, from the sixty seven family law attorneys who responded to the survey, the most relevant highlights from **Family Law Bar** survey's results revealed:

- When asked whether continuing legal education on providing limited scope/unbundled legal services would be helpful, 65.6% of attorney respondents answered in the affirmative;
- 70.1% of attorney respondents answered in the affirmative when asked whether a package of example forms, templates, and contracts for their use would be helpful to them in providing limited scope/unbundled legal services in their family law practice;
- 41.7% of attorney respondents currently offer limited scope/unbundled legal services in their family law practice;
- 47.7% of attorney respondents are interested in offering offer limited scope/unbundled legal services in their family law practice.

In sum, from the fifteen District Court Judges who responded to the survey, the most relevant highlights from the **District Court Judiciary** survey's results revealed:

- 46.6 % of District Court Judge respondents reported seeing an increase in the number of pro-se litigants utilizing limited scope legal services in their court in the year prior to the survey (January 2011 – January 2012).
- 100% of District Court Judge respondents reported that they most pro-se litigants in their court are in the area of family law.
- 73.3% of District Court Judge respondents answered in the affirmative when asked if an increased accessibility to limited scope/unbundled legal representation would help improve the administration of justice in their court. (13.3% answered "no." 13.3% answered "not sure").

3. The subcommittee's impact on: pro-se litigants; judges; court staff; attorneys; others:

The subcommittee has not yet gathered data that would enable it to give a statistical report regarding its impact. It is the intention of the subcommittee to conduct a one year follow up survey in January 2013.

4. Partners involved with subcommittee's work and their roles:

The subcommittee has not yet developed partnerships.

5. Provide information for updates on the Nebraska Online Legal Self-Help Center:

The subcommittee would like to gather names and contact information for family law attorneys across the state who would like to "opt in" to have their names and contact information included on the self-help website as providing limited scope legal services. The subcommittee is aware of possible issues of propriety involved and plans to explore the idea more in the coming year.

6. Provide information on public and judicial branch education and outreach efforts:

The subcommittee has focused its efforts in its first year of existence on educating the bar in an effort to "kick-start" an increase in attorneys providing limited scope services in the area with greatest need (family law), with the exception of subcommittee chair Jackie Madara-Campbell's participation in an October 21, 2011, civil litigation panel CLE seminar for District Court Judges at the NSBA Annual meeting. The CLE goal was to contribute to the education and awareness of the judiciary regarding limited scope representation.

In response to the information gathered from the surveys, the subcommittee has focused its efforts on educating family law attorneys. The subcommittee developed a set of basic forms and contracts for legal services as templates for attorneys providing limited scope representation and has sought to distribute them and educate attorneys regarding limited scope practice via multiple seminar opportunities in the past year.

In response to the feedback and concerns of attendees at the CLE seminars regarding fear of malpractice risk in limited scope representation, the committee developed a CLE presentation targeted to specifically address those concerns.

During the past year, the subcommittee has provided the following continuing legal education opportunities to Nebraska attorneys:

- **October 20, 2011:** Sub-committee chair Jackie Madara-Campbell presented a 10 minute update to the Family Law Section at the NSBA Annual Meeting regarding the formation of the Limited scope Legal Services Subcommittee and informed them of the Committee's upcoming benchmark email survey regarding limited scope legal services.

- **February 1, 2012:** Sub-committee members Judge Thomas Otepka, Jackie Madara-Campbell, Tracy Hightower, and Amanda Karr presented a panel format one hour lunch hour CLE at a Nebraska Women's Bar Association luncheon. There were 49 people in attendance, with the majority being from the Omaha area. Sample forms were provided.

- **March 30, 2012:** Lexington Ethics Seminar at the Central Community College: Judge Teresa Luther and sub-committee chair Jackie Madara-Campbell presented two hours of materials on ethical provision of limited scope representation along with its history and general practice tips. There were 74 people in attendance, with the majority being from the central and western Nebraska areas. Sample forms were provided.

- **July 13, 2012:** Annual Family Law Update Seminar at Embassy Suites in Omaha. Sub-Committee chair Jackie Madara-Campbell presented a 20 minute CLE "Limited Scope – Malpractice and You." This CLE was developed as the result of multiple concerns raised by members of the Nebraska Bar at prior Limited Scope CLE seminars regarding malpractice risk in Limited Scope practice. Sample forms were provided.

- **September 17, 2012:** – Lunch & Learning CLE at Nebraska Bar Center, Lincoln, NE. Sub-Committee chair Jackie Madara-Campbell and members Ann Borer and Tracy Hightower presented one hour of materials on malpractice issues, practice pointers, and ethics rules regarding limited scope practice. Approximately eighteen attorneys were in attendance. Sample forms were provided.

7. Other comments regarding the prior year:

During its first full year of existence, the Limited Scope Legal services subcommittee has accomplished much in the way of establishing benchmark data and educating the bar in its efforts to increase availability of limited scope services to pro-se litigants with cases in which limited scope services may be reasonable under the circumstances.

ANNUAL REPORT – UPCOMING YEAR:

1. Subcommittee's goals and new or continuation projects for the upcoming year:

- a. Complete an update annual survey to measure outcomes of the committee's efforts of increasing availability of limited scope legal services for appropriate cases in the area of family law and overcoming obstacles in attorney provision of those services.
- b. Further develop practice materials for attorneys.
- c. Continue education efforts for the bar and judiciary.

2. What kind of public information and outreach is planned to inform the public, judges, court staff and lawyers of the subcommittee's efforts?

The subcommittee will continue its CLE efforts, to include information for practitioners to assist them with marketing to the public the availability of limited scope services in their practice. See also #3 below.

3. Describe how subcommittee partners will be involved in the upcoming year's activities.

The subcommittee, in its second year, will explore partnerships with various entities providing information and services to pro-se litigants as an avenue for making the public more aware of the availability of limited scope legal services.

4. Other comments for the upcoming year: