

Supreme Court Implementation Committee on Pro Se Litigation

Annual Report of Library Subcommittee

Date: October 2013

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**
 - Partnered with Nebraska Library Association in its federal Broadband Access (BTOP) grant.
 - This year's committee work has again been driven by the grant relationship with the Nebraska Library Commission, which ended July 30, 2013.

Grant Funded Library Visits 2012/2013

- **13.4.3 Madison – training with Judge Ross Stoffer**
 - **13.4.3 Pender - training with Judge Matt Samuelson**
 - **13.6.26 Auburn – Open House and Training with Judge Curt Maschman**
2. **What were some of the challenges over the past year? How were they addressed?**
 - Now that the funding has ended, committee will need to meet with leadership and reassess mission. Committee requests to be included in strategic planning to determine need for continued outreach.
 3. **Describe the subcommittee's impact on: pro se litigants; judges; court staff; attorneys; others.**
 - Believe that supporting local public librarians with resource information will provide a localized access to legal resources for pro se litigants; the access to computers, printers, internet will assist all interested parties. Librarians polled over a 2 year process have ranged from those who have never been asked for assistance, to librarians who have been asked to assist with estate planning, wills, child support and alimony collection.

Supreme Court Implementation Committee on Pro Se Litigation
Annual Report of Forms Subcommittee

Date: October 2013

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; Ann Borer, Omaha Law Library

Staff: Janet Bancroft, Sheryl Connolly, Debora Brownyard

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:
 - **General Health Care Power of Attorney forms:** Both general POA and health care uploaded as approved.
 - Established partnership/agreement with Adam Astley in Omaha for use of his Child Support Calculator to be linked from website.
 - Designed and tested divorce "Worksheets" in English and Spanish to encourage use of typed divorce forms. (sample attached)
 - The Administrative Office moved website from old website software to new Drupal design.
2. **What were some of the challenges over the past year? How were they addressed?**
 - Ongoing challenges with form development (cumbersome process) and technology.
 - Disconnect from district court and county court forms committee caused lack progress. Committee representatives from county court and district court clerks' offices and additional judges added to main committee to move projects forward.
 - Move of the court's website to a new platform necessitated that the Administrative Office of the Courts and Probation redesign the Self-Help site. Working on technical solutions to making sure that people hit the instruction pages when 'Googling', rather than going directly to the forms without finding the instructions.
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

Other comments regarding the prior year:

- Guardian Conservator Committee has uploaded and/or revised over 40 forms plus 5 packets, some for attorneys, some for judges and some for general public.

Divorce With No Children *Divorcio sin hijos*

Go to www.legalaidofnebraska.com/node/418- Click on
"Divorce without Children automated court forms"
Vaya al www.legalaidofnebraska.com/node/418- haga click en
"Formularios automatizados del Tribunal para divorcio sin hijos"

In order to type in your divorce paperwork online, you will need the following information at the computer with you:

Para poder ingresar la información por internet de sus documentos de divorcio, necesitará tener con usted la siguiente información:

For the "Complaint for Dissolution":
Para la "Demanda de disolución"

County where you will file divorce _____
Condado donde va a presentar el divorcio

Wife full name _____
Nombre completo de la esposa

Address, City, State, County _____
Domicilio, Ciudad, Estado, Condado

Former name (if changed and want back) _____
Nombre anterior (si lo cambió y lo quiere recuperar)

Husband full name _____
Nombre completo del esposo

Address, City, State, County _____
Domicilio, Ciudad, Estado, Condado

Former name (if changed and want back) _____
Nombre anterior (si lo cambió y lo quiere recuperar)

Date, City, State of Marriage _____
Fecha, Ciudad, Estado donde se llevo a ca

Confidential Party Information (2 forms and information in addition to above):
Información confidencial acerca de las partes (2 formularios e información además de lo de arriba)

Case number _____
(Assigned by Clerk at counter)
Número del caso (Asignado por la secretaria)

Wife phone
Teléfono de la esposa

Employer
Empleador

Health insurance (policy, etc)
Seguro de salud (póliza, etc)

Social Security Number
Número de seguro social

Husband phone
Teléfono del esposo

Employer
Empleador

Health insurance (policy, etc)
Seguro de salud (póliza, etc)

Social Security Number
Número de seguro social

Social Security Numbers of
Children under 18, born during the
marriage

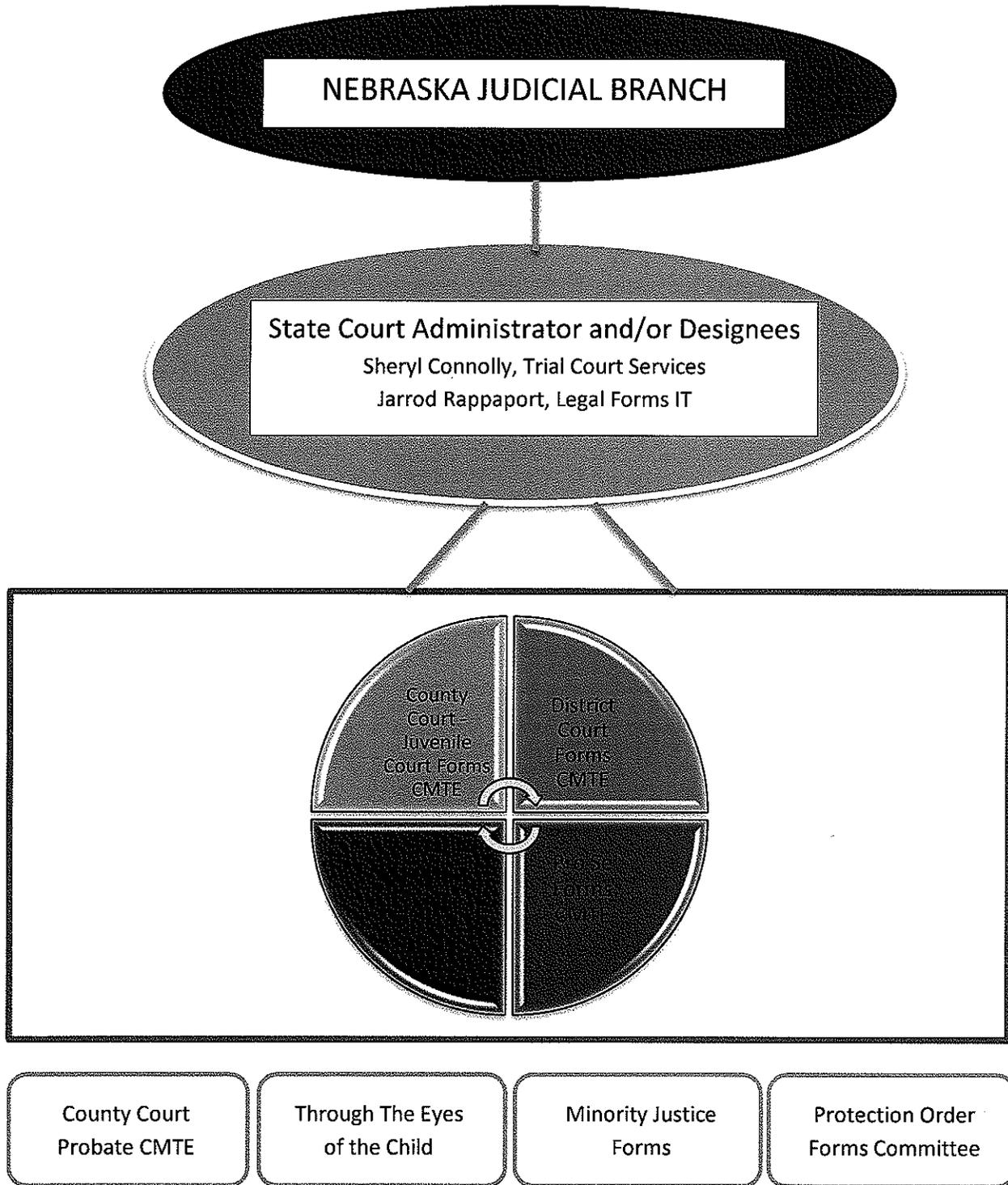
Números de seguro social de los hijos menores de 18 años, nacidos durante el matrimonio

Bureau of Vital Statistics Form (not court form, complete as much as possible):
Formulario de la Oficina de Estadísticas Vitales (no es un formulario del Tribunal,
complete lo más que pueda posible)

Husband Current Residence
Domicilio actual del esposo

Place of Birth
Lugar de nacimiento

Date of Birth
Fecha de nacimiento



NOTES:

- Principles: consistency in form format; consistency in language
- Most forms intended for the public should have instructions; form drafter should draft initial instruction guide using Janet's format
- Pro Se Forms Committee: focus on "administrative function" type forms which need little or no legal analysis



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October 2, 2013

To: Supreme Court Pro Se Committee
Fr: Dave Pantos, Legal Aid Chief Executive
Re: Legal Aid/Supreme Court PSC Automated Forms Project

Dear Members of the Committee:

What follows is the list of active, pending, and future automated legal pleadings created/to-be-created under the auspices of the above-captioned partnership. Thank you for your ongoing support!

The following packets of forms and instructions are published:

- 1) Divorce Packet with children, including
 - a) Notice of Hearing
 - b) Affidavit and Application to Proceed In Forma Pauperis,
 - c) Order to Proceed In Forma Pauperis,
 - d) Petition for Dissolution of Marriage
 - e) Motion for Service by Publication
 - f) Affidavit in Support of Motion for Service by Publication
 - g) Order for Service by Publication
 - h) Decree of Dissolution of Marriage
 - i) Instructions for your Divorce Hearing
 - j) Confidential Party and Social Security, Gender, Birth Date(s)
 - k) Bureau of Vital Statistics Worksheet
 - l) Certificate of Completion of Parenting Education Course
 - m) Financial Affidavit for Child Support
 - n) Parenting Plan, Parent-Created
 - o) Parenting Plan, Absent Parent, Court Use
 - p) Parenting Plan, Absent Parent, Plaintiff's Use

- 2) Divorce Packet without children
 - a) Notice of Hearing
 - b) Affidavit and Application to Proceed In Forma Pauperis,
 - c) Order to Proceed In Forma Pauperis,
 - d) Petition for Dissolution of Marriage,
 - e) Motion for Service by Publication

- f) Affidavit in Support of Motion for Service by Publication
 - g) Order for Service by Publication
 - h) Decree of Dissolution of Marriage
 - i) Instructions for your Divorce Hearing
 - j) Confidential Party and Social Security, Gender, Birth Date(s)
 - k) Bureau of Vital Statistics Worksheet
- 3) Criminal Set Aside for felonies
 - a) Motion to Set Aside
 - b) Order to Set Aside
 - c) Notice of Hearing
 - d) Instructions, including final hearing script
 - 4) Criminal Set Aside for misdemeanor
 - a) Motion to Set Aside
 - b) Order to Set Aside
 - c) Notice of Hearing
 - d) Instructions, including final hearing script
 - 5) Protection Order including
 - a) Praecipe
 - b) Social Security information Form
 - c) Petition and Order
 - d) Instructions: How to File a Domestic Abuse Protection Order FAQ
 - 6) Harassment Order
 - a) Praecipe
 - b) Social Security information Form
 - c) Petition and Order
 - d) Instructions: How to File a Harassment Protection Order FAQ
 - 7) Due process interview and form letters to request an IEP or IEE.

The following forms have been drafted by Kent State students but are not published. Links to these forms have been provided to Deb Brownyard and Janet Bancroft. While having the students convert the forms is helpful, it is only one step in the process. Once that is complete Legal Aid must review and edit the forms, as well as create or modify instructions. Here is the status of each.

- 1) Divorce answer and counterclaim (no children)-under review at Legal Aid. Instructions need to be drafted.
- 2) Annual Report of Guardian on Condition of Ward -This form is currently under review by the Pro Se forms committee. Until that review is complete we will not publish.

3) Parenting plans-The Legal Aid Family Law Task force is reviewing these now. It would be good to have the PSC Forms group review these as well. As before, please let folks know if we need to include instructions or other education materials to print out when the forms print out, just be sure to send that to me.

4) Adult name change—not completed, the student said he would be working on it over the summer but a completed form has not been received.

These forms have just been sent to the developer:

- 1) Living Will
- 2) Durable Power of Attorney
- 3) Motion and Order to Proceed In Forma Pauperis, stand-alone form
- 4) Praecipe for Personal Service, stand-alone form

Supreme Court Implementation Committee on Pro Se Litigation

Annual Report of the Self- Help Desk Subcommittee

Date: September 27, 2013

For period of October 1 of the prior year to September 27, of current year.

Chair: Jean McNeil

Members and Chair of Subcommittee: 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 3,636 individuals. The Douglas County Desk served 2110 individuals, the Lancaster County Desk served 1061 individuals, Hall County served 351 individuals, Madison County Desk served 43 individuals and Buffalo County Desk served 71 individuals.

Douglas County Self Help Desk is open Monday, Wednesday and Friday 10-2. Guardianship reporting clinic is open 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 is open 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:

The self help desks 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. They are also given information about the process.

The self- help desks assist 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. The District Court Clerk's office provides advisory support and the space. Volunteer lawyers staff the desk.

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.

Conversations with Legal Aid of Nebraska regarding coordinating of services and referrals to their A2J Centers occur throughout the year.

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. None at this time.
7. Other comments regarding prior year. None at this time.

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 will 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.