

Nebraska Judicial News

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2009 Marks Decade of Aiding Self-Representation in Nebraska Courts



Assistance for litigants representing themselves in select types of Nebraska court cases are just a mouse click away. . .

From the main menu on the Nebraska Supreme Court's Web site, a member of the public may find the link to the Court's Self-help Center for pro se litigants. This virtual self-help center is designed to connect people who represent themselves with information or services that will better inform them of their options.

The materials contained on or referred to in the Self-help Center have been developed by the State Court Administrator or the Nebraska Supreme Court Implementation Committee on Pro Se Litigation.

According to Chairperson Judge Richard Sievers, the committee had its roots in the American Judicature Society's National Conference on Pro Se litigation in November 1999, which he and Judge Teresa Luther attended. After hearing what other states were doing to assist pro se litigants, the Nebraska representatives recommended that the Nebraska Supreme Court form a committee to study pro se litigation and make recommendations for possible action.

Through the Self-help Center, litigants may find links to more specific information to assist with obtaining a simple divorce or asking the court to enforce child support orders.

Other litigants may be interested in the Center's instructions for filing a small claims case. These are only a few of the examples of a variety of non-criminal types of cases for which information is provided through the online Self-help Center:

www.supremecourt.ne.gov/self-help.

Clerk Magistrates Jolene Duffy (l), Julie Bergen (r) complete worksheet at Judicial Branch Education session on dealing with pro se litigants in April 2009.

NEBRASKA JUDICIAL BRANCH

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Representing yourself in court

This "Virtual" Self-Help Center has information and links to legal resources to help you represent yourself in Nebraska Courts.

The information here is **not** a substitute for legal advice. You should talk with a lawyer licensed to practice law in Nebraska to get legal advice on your issue. See disclaimer at the bottom of this page.

General Information - Nebraska Courts

- Overview of the State Court System (Citizen's Guide to Nebraska Courts)
- Definitions of Legal Terms

History of Pro Se Litigation Efforts in Nebraska

Before the existence of the Implementation Committee, there was the 2001 Nebraska Supreme Court Committee on Pro Se Litigation with Judge Richard D. Sievers as its chairperson and Judge Teresa K. Luther as its vice-chairperson.

After entering into dialogue with various stakeholders, including court personnel, judges, the organized bar, and litigants themselves, the committee conducted a needs assessment. It found that approximately 117,000 "unserved legal issues" in Nebraska are generated annually by people who do not qualify for low-income legal assistance and who are still too poor to be able to afford legal assistance on their own.

The committee also looked at existing resources for pro se litigants as well as the pattern of the actual extent of pro se litigation in Nebraska. In its efforts to bring about "equal justice for all," the committee undertook the following projects:

- Development of a Court Staff Manual in a "frequently asked question and answer" format to provide uniform and specific

guidance to court clerks and their staffs regarding assistance to pro se litigants (recently updated by Judges Curt Maschman and Kurt Rager for redistribution in 2008).

- Placement of uniform pleadings and instructions for a simple divorce on the Supreme Court's Web site and provide same materials in hard copy.
- Make the Pro Se Committee a permanent committee with continuing functions to monitor steps already taken and to make future recommendations.
- Incorporate into training for judges methods of managing cases involving self-represented litigants, focusing on ethical questions.

Forms Subcommittee

Having identified the need for Supreme Court-approved forms for public use, the committee appointed a Forms Subcommittee, chaired by Luther, who comments, "Forms are the bedrock of any pro se project."

Luther indicates that committee members conducted research and looked at other successful pro se programs that might serve as models for the Nebraska program. She cites a

Midwest Regional Pro Se conference in Des Moines in 2006 where the program really got its "kick start."

With the goal of "providing forms and detailed instructions to allow people to access the legal system without the benefit of counsel," the Forms Subcommittee conducted a review of existing forms and identified new forms to be created. All forms developed to date are posted on the Supreme Court Web site in the Self-help Center.

Luther credits the hard work of the committee, both lawyers and non-lawyers, for giving an "incredible effort" that has been required over an extended period of time. She also credits court staff members for all of the time they have devoted to the project. She says there has never been a stopping point, as forms are constantly reviewed for compliance with changing laws and that members of the public are always asking for additional forms.

Luther assesses the work of the Forms Subcommittee to date by saying, "I think the response to the forms has been overwhelmingly positive. The public has been able to use forms to complete their cases with less assistance from court staff."

Self-Help Desks

In July 2007, the Committee entered into a partnership with the Nebraska State Bar Association and Nebraska Legal Aid to operate a Self-Help Center in Lancaster County as a pilot project. With assistance from the Clerk of the District Court in Lincoln, the Self-Help Desk project has continued to provide assistance to unrepresented litigants, primarily in the area of family law. State Bar Association personnel and a cadre of volunteer lawyers in the Lincoln area have given of their time to assist by providing information on court procedures, filling out necessary court documents and forms, and preparing for court hearings. Feedback provided by those using the Self-Help Desk indicates that they have been significantly helped by the services provided at the District Court. As an outgrowth of the success of the Lancaster County Self-Help Desk, another such project began in Omaha in 2008. It is located in the Douglas County Law Library and is managed by the Douglas County Law Library and the Nebraska State Bar Association Legal Services.

Recognition for Pro Se Litigation Efforts

Judge Sievers and Judge Luther, in recognition for their work in the area of pro se litigation, shared the Supreme Court's 2005 Distinguished Service to the Community Award. They were cited for their commitment to fulfilling the promise of the Nebraska Constitution by trying to assure that the state's courts are "open, and every person...shall have a remedy by due course of the law in justice administered without denial or delay..."

Deanna Lubken, staff member in the Civil Clinic of the University of Nebraska's College of Law, was recognized by the Nebraska State Bar Association for her role on the Forms Subcommittee. She received the Bar's Award of Appreciation at its 2008 Annual Meeting in Omaha.

The work of the Pro Se Committee has also been the focal point of a recent Associated Press article titled, "More Americans Serving as Their Own Lawyers." Acknowledging



Judge Richard Sievers, Pro Se Committee Chair (l) and Judge Teresa Luther (center right) congratulated for their distinguished service awards by State Court Administrator, Janice Walker (center left) and former Chief Justice John Hendry.

"Forms are the bedrock of any pro se project."

Judge Teresa Luther



Volunteer for the Nebraska Supreme Court Pro Se Committee Forms Subcommittee, Deanna Lubken (center) is congratulated by committee Chairman, Judge Richard Sievers (left) and committee Vice Chairwoman, Judge Teresa Luther, after receiving the NSBA's Award of Appreciation for her work on the forms committee and UNL's Civil Legal Clinic.

the national trend, the writer outlines the proactive role being taken by the Nebraska Supreme Court, citing the self-help desk, forms available on the Web site, and the amending of attorney ethics rules in a measure called "unbundling" of services. This rule change allows attorneys to assist clients with a part of a case rather than being responsible for the outcome of the entire case.

Limited Representation Rule

When you click on a link on the Supreme Court's Web-based Self-help Center, this message appears: "The information here is not a substitute for legal advice. You should talk with a lawyer licensed to practice law in Nebraska to get legal advice on your issue."

Until recently, however, a lawyer's ability to "partially" represent a client has been limited by the Code of Professional Conduct. At the request of the Pro Se Committee, the Court passed a Limited Scope Rule, which can be utilized if, according to the Court, "the limitation is reasonable in the lawyer's judgment under the circumstances, and it provides for the entry of a limited appearance in a case."

The Court's JUSTICE computer was recently reprogrammed to accommodate this change and the state's first limited scope appearance was recorded through the system in March 2009. Training for attorneys will be made available this summer at the NCLE Family Law Update seminar; training for judges will be in conjunction with the fall meeting.

State of Judiciary Cites Importance of Committee; Funds Requested to Continue Work



Chief Justice Heavican delivers State of the Judiciary address to the Unicameral in 2009.

In his State of the Judiciary presentation to the Nebraska Legislature on January 22, 2009, Chief Justice Heavican cited the growing trend of self-representation and the challenge it presents for judges and court staff. The Court has submitted a request to the legislature for funding to continue the work of the Implementation Committee on Pro Se Litigation in its efforts to promote equal access to justice in Nebraska.



Nebraska Supreme Court

State Capitol
P.O. Box 98910
Lincoln, NE 68509
Phone: 402-471-3205
Fax: 402-471-2197
E-mail: janet.bancroft@nebraska.gov