

Nebraska Supreme Court Implementation
Committee on Pro Se Litigation
2011 Committee Reports

Forms

A2J 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 11, 2011

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

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:**

- **Court Records/Sealing of a Juvenile Record:** Requested by Minority Justice Implementation Committee – delay necessitated by legislative session during last session
- **Court Records/Criminal Conviction Set Aside:** Adaptation of often requested Legal Aid form (county court version only). Designed as an interim solution to a lack of juvenile record sealing process. To be redesigned in the future.
- **General Trial Court/Motion to Dismiss a Court Action:** Request by Clerks of the District Court Association - when divorce pro se says 'never mind' or similar circumstances
- **General Trial Court/Request for Continuance:** Request by Clerks of the District Court Association - generic designed to be linked to specific cases throughout site (25-1148)
- **Families & Children/Termination of Child Support:** Instructions designed and form reedited. (Outstanding request by Clerks of the District Court produce termination of child support form when child joins military or parent receiving support has died)
- **Court Records/Adoption Records Request:** Request by Clerk Magistrates – instruction page includes referral to HHSS – problems due to 9/11 with federal government not issuing passports without adoption documentation.
- **Families & Children/Divorce Answer and Counterclaim:** Form and process has been imbedded into the divorce instructions.
- **Protection from Abuse/How Do I Know Which Protection Order to Choose?:** The District Court Forms Committee designed a 'decision-making' flowchart for court clients deciding between a harassment protection order and a domestic abuse protection order.

The flowchart will be used by the A2J designers when putting together the protection order AVATAR form.

- Established partnership with A2J project (separate report submitted by Debora Brownyard)

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

- Ongoing challenges with form development (cumbersome process) and technology. Committee has agreed that face-to-face meetings are much more productive than phone conferences. Now that the Court travel ban has been relaxed, phone conferences will be used to iron out smaller problems/complaints, meetings will be held to develop new forms and instructions.
- Technical support is needed in the area of web-enabling forms and A2J/AVATAR form development and maintenance.
- Some concern has been expressed by court clerks that attorneys are using the divorce packets from clerk's offices to represent clients. Although the forms are not designed for attorney use, there is nothing to prevent lawyers from making money using the forms or format. Indeed, it may contribute to the uniformity of the practice of law.

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 (separate report submitted). The Pro Se forms subcommittee is tasked with identification of priority lists of forms to be converted to AVATAR format.
- District Court Forms Committee: This year the District Court Forms designed a 'decision-making' flowchart (see above "How do I know which order to choose?").
- County Court Forms Committee: Designed the original juvenile record sealing form and the adoption records forms (see above).

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

- Newly redesigned webpage launched in 2011, in partnership with Nebraska.gov
- New forms uploaded
- New instructions/forms added to divorce and protection orders (see above).

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

7. Other comments regarding the prior year:

- Conversations have begun with judges on the Guardian Conservator Committee to implement Supreme Court rule on January 1, 2011.

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
- Expand use of A2J – document assembly products through the Administrative Office of the Courts on behalf of committee projects that might not fit under future Legal Aid prioritization.
- Cooperate with Court's Guardian Conservator committee to assist in writing instructions for court forms to be used by pro se guardians and conservators/Author forms for the establishment of guardianships and conservatorships within pro se parameters
- Child Support Calculator and Instructions: Due to the complexity of the calculator, the committee decided to adopt the most commonly used scenarios to upload to the Web site: calculations for core family or core family where one party already has court ordered child support. No calculations will be provided for individuals who are self-employed.
- Continue work on outstanding forms 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, 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.

- Minimum of 1 face-to-face meeting to prioritize projects for upcoming year
- Follow-up meetings with individual sub groups (district court, county court, domestic violence) for form development

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

Supreme Court Implementation Committee on Pro Se Litigation

Special Report: A2J Project

Date: October 11, 2011

To be presented at the Committee's Annual October meeting

For period of October 1, 2010 through September 30, 2011

Facilitator: Debora Brownyard

Members of Subcommittee: Dave Pantos, Annette Farnan, Mike Kammerer, Legal Aid of Nebraska; Judge Sievers

Staff: Janet Bancroft, Debora Brownyard

ANNUAL REPORT – PAST YEAR (may include attachments):

1. Identify accomplishments and successes over the past year, including relevant data
 - Partnership between Nebraska Supreme Court Committee (PSC) and Legal Aid of Nebraska; LAN received national LSC TIG (Legal Services Corporation Technology Improvement Grant) for approximately \$25,000 to create online interview document assembly formats for targeted pro se form packets, and the Administrative Office of the Courts (AOC) on behalf of the PSC contributed \$1,000 from the Technology Fund.
 - Divorce with and without children; Criminal Conviction Set Aside; Protection Orders were the three targeted packets; these are nearly complete in proto form as of 9-30-11
2. What were some of the challenges encountered over the past year? How were they addressed?
 - The partners developed a project management system – not a challenge, but assisted with incremental decision-making during the project term.
 - Sustainability of A2J: (a) neither AOC nor PSC have at present capacity to sustain A2J or document assembly products, particularly the technology part. This issue has been discussed with AOC's technology staff. Possible future hire as an uncertain, but hoped for, solution. Another potential solution is that Nebraska.gov staff may take on A2J expertise, though AOC would likely have to contract for this. (b) LAN does have some level of A2J expertise, and has expressed a desire to commit further in this self-represented format.
3. Describe the subcommittee's impact on: pro se litigants; judges; court staff; attorneys; others.
 - Document assembly systems, such as A2J, is a much more accessible format for pro se litigants to use than reading written instructions and hand filling out forms.
 - Documents created by A2J should be more uniform and complete, which will provide ease of review for judges.
4. List any partners involved with subcommittee's work and their roles:

- Legal Aid of Nebraska, the grantee, took the lead in developing the RFP for programmers; managed the complete bidding and contracting process, and primary oversight of the substantive material submitted to the programmer. LAN will continue to take the lead in the initial beta testing. LAN website will be the primary parking place for these documents, which will be a flow through to LawHelpInteractive.
 - PSC and AOC provided project management oversight; consulted with its technology staff for problem solving in tracking the filing of A2J forms through the court system; provided the link to Nebraska.gov for coordination for pro ses
 - Nebraska.gov will be a partner in supporting the Online Legal Resource Center which will be a pass through to LAN's website to access the A2J forms.
5. Provide information for updates on the Nebraska Online Legal Self-Help Center:
- Pending – launch date for new A2J is prior to March 2012.
6. Provide information on public and judicial branch education and outreach efforts
- Informal word of mouth during this development phase
7. Other comments regarding the prior year:
- This has been an active project with committed partners!

ANNUAL REPORT- UPCOMING YEAR (may include attachments):

1. List subcommittee's goals and new or continuation projects for the upcoming year:
- A. Complete the LAN TIG grant – March 2012: launch at least the three applications
 - B. Seek additional resources for transforming more forms into A2J: one identified area is guardian and conservator filings by pro se G/Cs
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. Partnering with Legal Aid to put out information on websites
 - B. AOC's Administrative Memo
 - C. NSBA; JBE meeting; Clerk of District Court meeting in December 2012
3. Describe how subcommittee partners will be involved in the upcoming year's activities.
- Continued meetings to finalize the grant project
4. Other comments for the upcoming year:
- Need to coordinate efforts with the Forms Committee: discuss and determine future actions with the likelihood that the document assembly approach will eventually replace paper forms and instructions

Supreme Court Implementation Committee on Pro Se Litigation

Annual Report of Library Subcommittee

Date: October 11, 2011

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; AOC staff attended its November 2010 kick-off conference with over 100 Nebraska public libraries; Gates Foundation funding as well; Janice Walker on panel of partners, along with Dept. of Labor, UNMC, others
 - Two Nebraska Library Association webinars on pro se information: (a) Janet and Debora regarding AOC web, etc (b) Richard Leiter on UPL, best practices for librarians
 - Presentation to Lincoln City Libraries on online legal resources
 - Nebraska Library Association - federal Broadband Access site visits to local libraries in partnership with local courts: Neligh, Wayne, Red Cloud
 - Nebraska Library Association annual conference presentation for statewide public libraries on online legal resources; UPL best practices for librarians
2. **What were some of the challenges over the past year? How were they addressed?**
 - Emerging project; no direct challenges
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
4. **List any partners involved with subcommittee's work and their roles:**

- Nebraska Library Commission: provides easy access to regular webinars to broadcast and archive information for public librarians; AOC is a partner with Nebraska Library Commission's federal Broadband Access grant
 - Nebraska UNL College of Law: law-trained law librarians offer (a) mentor public librarians on appropriate "research interview" protocols for pro ses; (b) legal resources for pro ses who wish to come onsite; (c) expertise as law-trained law librarians for webinars to public libraries
5. Provide information for updates on the Nebraska Online Legal Self-Help Center:
- Newly redesigned webpage launched in 2011, in partnership with Nebraska.gov
 - New forms uploaded
6. Provide information on public and judicial branch education and outreach efforts,
- Significant outreach through the partnership with Nebraska Library Association to over 200 statewide public libraries regarding online legal resources, other pro se legal resources
7. Other comments regarding the prior year:
- This subcommittee evolved from the 2009 invitational forum on the Courts and Libraries as partners to provide access to justice.
 - National resources on this partnership is available through Richard Zorza and the SelfHelp Center.

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 for 2 more years
 - B. Continue with the partnership with UNL College of Law Library; this may include the production of youtube-type brief videos on pro se questions for posting on websites
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. Partnering with Nebraska Library Association
 - B. AOC's Administrative Memo
 - C. Targeted site visits to local public libraries with court / judge co-presentation
3. Describe how subcommittee partners will be involved in the upcoming year's activities.
- Continued meetings and programs through webinars
 - Expand subcommittee to include both Law Schools and Omaha Legal Library
4. Other comments for the upcoming year:

Supreme Court Implementation Committee on Pro Se Litigation

Annual Report of the Self- Help Desk Subcommittee

Date: at October Annual meeting

(for period of preceding October 15 to Oct 1st preceding annual meeting)

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 3,779 individuals. The Douglas County Desk served 2531 individuals, the Lancaster County Desk served 956 individuals and the Central Nebraska Desk served 292 individuals.

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

Lancaster County Self Help Desk is open Monday 12-2, Thursday 9-1 and Friday 9-12.

Central Nebraska Desk is open Fridays 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 themself 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.

Prior to June 1, 2011, the Milton Abrahams Legal Clinic staffed the desk every Friday, however due to a cut in funding the Milton Abrahams Legal Clinic stopped their weekly involvement. Legal Aid of Nebraska staffed the desk one Friday a month in the third quarter, but they have not committed to future dates.

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.

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.

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.

Legal Aid has informed Jean McNeil that they will be providing information to pro se family law litigants once a month in North Platte.

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.

Supreme Court Implementation Committee on Pro Se Litigation

Annual Report of Un-bundled Legal Services Subcommittee

Date: October 2011

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: Jackie Madara-Campbell

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

ANNUAL REPORT -- PAST YEAR (may include attachments):

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

The Subcommittee was finalized and held its first meeting in September, 2011.

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

Gathering benchmark data to enable accurate measure of outcomes regarding the committee's goal of increasing availability of un-bundled Legal Services in key practice areas & overcoming obstacles in the logistics of providing said services from the attorney standpoint.

Committee chair and key stakeholders have taken informal polls of judges and attorneys. The committee has begun working on a set of forms for attorney use as a result. To gather more accurate data, the committee is working on a survey for distribution via email to family law attorneys (identified as a key practice area for un-bundled legal services) and judges via a program that will enable data analytics.

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

Due to the subcommittee's infancy, there is no outcome data available as of yet.

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

Due to the subcommittee's infancy, none as of yet.

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

Due to the subcommittee's infancy, none available as of yet.

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

Due to the subcommittee's infancy, none available as of yet.

7. Other comments regarding the prior year:

ANNUAL REPORT- UPCOMING YEAR (may include attachments):

1. List subcommittee's goals and new or continuation projects for the upcoming year:
 - a. Gather benchmark data to enable accurate measure of outcomes regarding the committee's goal of increasing availability of un-bundled Legal Services in key practice areas & overcoming obstacles in the logistics of providing said services from the attorney standpoint;
 - b. Develop a kit, including, pointers, & information to educate and assist attorneys in providing un-bundled legal services in the family law area;
 - c. Develop awareness of family law attorneys regarding availability of practice resources pertaining to the logistics of providing un-bundled legal services;
 - d. Develop awareness of legal consumers regarding un-bundles legal services & providers offering said services;
 - e. Measure outcomes described in (a) above.

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

Due to the infancy of the sub-committee, strategy is under development.

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

Due to the infancy of the sub-committee, strategy is under development.

4. Other comments for the upcoming year: