

Pro Se in Louisiana:

Working to Make a Difference in the Lives of Self-Represented Litigants

The legal community knows the hazards associated with “going it alone” in the justice system. Without training in the law and procedure, a self-represented litigant (SRL) may be at a severe disadvantage and risk losing his/her legal rights. It generally takes much longer to adjudicate a SRL’s case, and court dockets invariably get congested. Nevertheless, judges and state courts around the country have reported that SRLs are making up 50-60 percent of their court cases.¹ Given the inherent challenges, why are so many going it alone?

With poverty in America at its highest rate in 50 years — today, more than 46 million Americans live below the poverty level — many litigants find themselves unable to afford or otherwise access representation. Why aren’t SRLs receiving free legal aid from Louisiana’s legal service programs or other nonprofit legal aid organizations? The fact is, legal services organizations work at capacity and lack adequate resources to meet all needs for legal services. One study found that only 33 percent of the poor who qualify for legal services can actually be fully served by these legal services organizations due to budgetary constraints.² Also, grant restrictions and conflict rules can prohibit many poor people from qualifying for free legal services.

As poverty levels rise, and budgets for legal services programs are cut, more litigants can be expected to enter court without lawyers. One solution: Attorneys are finding ways to bridge this service gap by volunteering time and experience to assist SRLs.

The Louisiana State Bar Association’s (LSBA) Access to Justice *Self-Represented Litigation* Subcommittee is offering information on these projects and other innovative solutions to assist SRLs. Several volunteer opportunities are provided for attorneys wanting to become more involved.

Clinics for Self-Represented Litigants

The *pro se* clinics offered by Southeast Louisiana Legal Services (SLLS) are unique opportunities to discover common difficulties SRLs have with the legal process. Some common problems are participants filing paperwork out of order, having difficulty with the waiver of service and having spouses served. Most say the process is bewildering and confusing. Our clinic model allows us the ability to focus on those procedural problems without providing legal advice. For several months, I worked with the SLLS *Pro Se* Divorce Clinic. Many people need assistance with establishing or modifying custody or a divorce with custody. They also need instructions on filling out *in forma pauperis* affidavits and procedural direction with filing their 102 divorce forms. Knowing this, our team is able to focus on developing materials with the court for the SRLs to simply fill out and file on their own. This partnership with the judiciary is very successful and we are working on preparing additional documents. Clinic participants who complete the process will let us know of their success with their cases. They express feelings of accomplishment and pride.

Another clinic model is our *Pro Se* Eviction Defense Clinic at 1st City Court in Orleans Parish. The clinic operates as a triage to assist low-income tenants who may have defenses to their eviction. There are only a handful of affirmative defenses that can be identified and explained in the minutes before the hearing, and the tenants to whom these defenses apply can raise them during the hearing. For others, we inform them of other possible resolutions, such as the ability to negotiate with the landlord for more time or to agree on a payment plan.

—M. Shaughn Zambolla
Equal Justice Works AmeriCorps
Legal Fellow, Southeast Louisiana
Legal Services

Forms and Documents for Self-Represented Litigants

In primarily family law cases, Acadiana Legal Services Corp. (ALSC) provides *pro se* forms on a case-by-case

basis to applicants unable to receive full representation from ALSC's staff attorneys. The decision to provide a form usually depends on the complexity of the matter, whether there is a hearing officer process with the court, and the applicant involved. These matters include custody, visitation and child support.

—Sachida R. Raman
Managing Attorney,
Acadiana Legal Services Corp.

LSBA Developing Court-Based Help Desks

The LSBA's Access to Justice Committee views the crisis of *pro se* litigants as one of the greatest challenges facing the legal system today. The committee established the *Pro Se* Subcommittee to address this growing issue. Over the past five years, the subcommittee has developed an Action Plan to improve effective execution of educational materials, funding identification and communication with all stakeholders. Several members also have served on the Louisiana Supreme Court's Self-Represented Litigant Task Force. In support of the subcommittee's work, the LSBA hired Michael W. Schachtman as the new Self-Represented Litigation counsel. He will work to expand, duplicate and supervise the now three Self-Help Resource Centers (SHRC) and coordinate with the legal services providers, pro bono projects, courts and others to develop new materials and collect data.

Often lawyers' own dockets and calendars are so crowded that it is impossible for them to accept pro bono cases. The self-help resource centers allow lawyers to participate in pro bono efforts while maintaining control of their calendars and caseloads. Most importantly, though, SHRCs offer much-needed assistance to the public and the over-burdened courts. We are very hopeful that the SHRCs will proliferate throughout the state.

—Marta-Ann Schnabel
President, LSBA Access to Justice
Steering Committee

Volunteers at Work

I was astonishingly enlightened on the need for the Orleans Parish Civil District Court's Self-Help Resource Center after

staffing the desk the first few times. Particularly rewarding was witnessing how the help desk offers assistance to the victims of abuse in our community. I had no idea of the volume of abuse cases in CDC or the need for assisting unrepresented victims.

—Philip A. Franco
Partner, Adams and Reese, L.L.P.
Volunteer, The Pro Bono Project
(New Orleans)

Websites and Automated Forms

Southeast Louisiana Legal Services (SLLS) administers websites to help low-income people and to support pro bono and public interest advocates. The website, www.lawhelp.org/la, is Louisiana's site in the award-winning LawHelp national network of legal information and resource sites. That site includes a special topic area for self-represented litigants. Resources include automated court forms, automated forms for various legal issues and multimedia presentations. SLLS pioneered Louisiana's efforts to bring automated court forms to the public with the support of a Technology Initiative Grant from the Legal Services Corp.

On the advocate front, the website, www.probono.net/la, serves hundreds of site subscribers across a wide swath of Louisiana's public interest and pro bono communities. The site hosts an expansive online library of practice resources, an extensive list of email groups and active news and events pages.

—Lisa J. Stansky,
Statewide Website Coordinator

Other Louisiana Resources

Louisiana organizations have dedicated resources to assisting SRLs. Some of those efforts include:

► The 9th Judicial District Court in Alexandria operates a Self-Help Resource Center, providing legal information, forms and other resources to SRLs. The court soon will launch a SRL website for the access of forms and information. For more information, go to: www.9thjdc.org.

► The Baton Rouge Bar Foundation staffs and organizes volunteers for the East Baton Rouge Family Court Self-Help

Resource Center located on the fourth floor of the 19th Judicial District Court building. To volunteer, contact (225)344-4803.

► The **Lafayette Volunteer Lawyers' Program** and the **Acadiana Legal Service Corp.** were the first to initiate *pro se* divorce clinics in the state. The service covers the parishes of Acadia, Vermilion and Lafayette. Contact (337)237-4700 for more information.

► The **Lafayette Volunteer Lawyers' Program Pro Se Kiosk** is an effort between the Lafayette Bar Foundation and the 15th Judicial District Court to provide *pro se* domestic forms at the public law library. Contact (337)237-4700 for more information.

► The **Louisiana Civil Justice Center** provides intake and referral services in certain legal areas, allowing legal service and pro bono lawyers to devote more of their time to direct legal services. Call the help line at (504)355-0970 or (800)310-7029.

► The **Pro Bono Project** (New Orleans) organizes volunteers to staff the Self-Help Resource Center on the fourth floor of Orleans Parish Civil District Court. To volunteer, contact The Pro Bono Project at (504)581-4043.

► **Southeast Louisiana Legal Services** facilitates clinics to educate SRLs, including the Automated *Pro Se* Uncontested Divorce Project, the Automated Housing Law Resources, *Pro Se* Security Deposit Clinic and the Expungement Clinic. Contact (504)529-1000 for more information.

► The **VERA Institute** of Justice Legal Orientation Program (LOP), with facilities at both Catholic Charities of the Diocese of Baton Rouge and Catholic Charities of the Archdiocese of New Orleans, combines intense *pro se* education in the immigration court context with the opportunity to locate pro bono counsel for exceptional cases. Call (225)336-8700 for more information.

► The **Louisiana State Bar Association** has prepared a "What You Need to Know About Representing Yourself in Court" brochure in its line of consumer brochures. These brochures can be viewed and ordered at the LSBA website, www.lsba.org/PublicResources/consumerbrochures.asp.



FOOTNOTES

1. Richard Zorza, *Access to Justice: Economic Crisis Challenges, Impacts, and Responses*, National Center for State Courts (NCSC) Online Publication (Trends 2009). www.ncsconline.org/WC/Publications/Trends/Trendssum/ProSeTrSum.html. See also, Madelynn Herman, *NCSC Court Topics, Knowledge and Information Services, Self-Representation, Pro Se Statistics, Memorandum* (Sept. 25, 2006): "Report to the Utah Judicial Council, July 25, 2006: For divorce cases, 49 percent of petitioners and 81 percent of respondents are self-represented. California

Judicial Council Task Force on Self-Represented Litigants (2004): For family law cases: 67 percent of petitioners at filing (72 percent for largest counties) are self-represented and 80 percent of petitioners at disposition for dissolution cases are self-represented." www.ncsconline.org/wc/publications/memos/prosestatmemo.htm. At time of publication, Louisiana has not quantified the number of individuals going to court *pro se*.

2. The national study was coordinated by the Legal Services Corp., *An Indicator of Louisiana's Gap in Access to Justice* (data was collected from 3/16/09-5/15/09).

Do Good. Do Well. Do Pro Bono.

By Linton W. Carney

In today's turbulent economic times, many members of the legal profession are finding it more difficult to maintain profitable practices. Particularly, the scores of recent graduates are competing for scarce employment opportunities. The economy has impacted all Americans, most acutely those without the benefit of a graduate degree and professional connections. With poverty in America at its highest rate in 50 years, legal needs are on the rise. As legal service providers face some of the largest budget cuts in decades, achieving equal justice for all has become increasingly difficult, and our profession must find innovative ways to bridge the gap.

If the past is prelude to the present, there is no reason to doubt that Louisiana's legal community will find workable solutions to complex problems. We will find ways to leverage our existing resources to both support the profession and provide access to justice for all. In short, we can "do good" work in our community, and "do well" for our profession, when we "do pro bono."

Do Good.

Louisiana has many pro bono organizations, with at least one major pro bono service coordinator in each region of the state. Through these programs, attorneys have the opportunity to engage in substantive legal work that directly benefits those in need.

The Baton Rouge Bar Association has helped to develop a Self-Help Desk for self-represented litigants at the East Baton Rouge Family Court and runs regular advice desks such as the "Thirst for Justice" program in partnership with the St. Vincent DePaul Society.

The Shreveport Bar Foundation Pro Bono Project has developed a regular "Ask a Lawyer" Clinic where residents, with a special focus on veterans, can speak with attorney volunteers about legal issues.

The Pro Bono Project in New Orleans increased its services to clients with consumer problems through new clinics with community partners staffed by volunteers

recruited and trained for the purpose.

In Alexandria, the Central Louisiana Pro Bono Project has helped to coordinate training and pro bono opportunities for attorneys to take on critical Child in Need of Care cases, representing the interest of neglected and abused children who find themselves navigating a complicated justice system.

These are just a few of the ways that Louisiana's pro bono attorneys are doing good work in our communities.

Do Well.

Many pro bono attorneys also find that they are doing well through their efforts. While today's new attorneys face a challenging economic climate and more difficult job prospects, doing volunteer work through a recognized pro bono organization can give them hands-on experience, networking opportunities and recognition for their good work. This is also a way for an unemployed/underemployed attorney to practice law, allowing them to distinguish themselves as more seasoned recruits during the job interview process.

Pro bono service will benefit the community, and it can benefit legal careers by helping attorneys build knowledge and practice skills through training, client interaction and mentoring from more experienced colleagues.

Attorney Shandy L. Arguelles of the De St. Germain Law Office in Slidell explained that her pro bono experience helped jump-start her solo practice. As a recent graduate, Arguelles had only a small number of clients and little legal experience. When a mentor suggested that she contact the Southeast Louisiana Legal Services pro bono program, she decided to offer her help. "Taking those first steps as a solo was scary," Arguelles said, but her pro bono cases helped her to build confidence by developing office forms, engaging in client interaction, filing pleadings and familiarizing herself with the overall process of lawyering. "Reaching out to volunteer for the pro bono initiative opened doors for me to meet and interact

with attorneys that I otherwise would not have met," she said. It has been almost four years since Arguelles made her first call to do pro bono, and she still strives to keep at least one active pro bono file at a time.

Another recent graduate, attorney Matthew M. Livaccari, also benefitted from his experience volunteering with The Pro Bono Project in New Orleans. As a new attorney with limited legal experience, he was given an opportunity to handle cases on his own and interact with clients. The pro bono work "helped prepare me for the work I do now, allowing me to develop the legal skills which I use on a daily basis," he said. Pro bono service is a mutually beneficial endeavor. "My work at The Pro Bono Project was also personally fulfilling, imbuing me with a sense of accomplishment and satisfaction for the results I was able to produce for my clients," he said.

An exemplary Pro Bono Project volunteer, Livaccari, in just a few months, had taken on more than 100 divorce cases. While not all pro bono volunteers are expected to take on such a volume, every attorney can contribute something in terms of time and skills, and every pro bono hour counts.

Do Pro Bono.

If every attorney in Louisiana met the Rules of Professional Conduct Rule 6.1 aspirational goal of 50 pro bono hours annually, that would provide more than 1 million hours each year dedicated to helping meet legal needs in our state and strengthening our profession.

To review volunteer opportunities in your area and statewide, go online to: www.lsba.org/atj.

Linton W. Carney is chair of the Louisiana State Bar Association Access to Justice Pro Bono Subcommittee. He is chief legal officer and coordinator of the Homeless Outreach and Clinic for The Pro Bono Project in New Orleans. He can be emailed at lcarney@probono-no.org.

Louisiana Celebrates Pro Bono

Legal services are often unavailable for many poor people in Louisiana. Low-income households in Louisiana will experience approximately one civil legal need every year, but, due to limited resources, only one in five will be assisted by a legal aid provider or pro bono volunteer. This means approximately 80 percent of the state's most vulnerable citizens have no representation as they attempt to secure the most basic legal needs, like protection from an abusive spouse or access to affordable housing.

In facing these challenges, Louisiana's legal community has an inspiring tradition of public service. In 2011 alone, Louisiana's attorneys provided more than 130,000 hours of pro bono service and seven law firms around the state, representing hundreds of attorneys, adopted a version of the model pro bono policy for the first time. Several other firms, with pro bono policies already in place, reaffirmed their commitment by renewing their policies.

During difficult economic times,

Louisiana's lawyers may be impacted as well by a lack of employment opportunities, especially for recent graduates. Volunteering as a pro bono attorney not only provides much needed support for the community, but it also gives attorneys an opportunity to gain substantive legal experience, mentoring and connections with potential employers. There are so many ways in which pro bono service is both a win for the community and a win for the legal profession.

The Louisiana State Bar Association (LSBA) recently joined other state bars in celebrating the community's commitment to public service and the profession. Several Louisiana events were scheduled during National Pro Bono Week Oct. 21-27. In conjunction with the American Bar Association, Pro Bono Week is part of a coordinated effort to showcase the great difference that pro bono lawyers make to the nation.

In September, Governor Jindal issued a Pro Bono Week Proclamation, urging all Louisianans to recognize the

contributions of the legal community to help those most in need. Louisiana's Pro Bono Week Celebration focused attention to the legal work lawyers do in their communities to improve the lives of their friends and neighbors.

Across Louisiana, local pro bono programs and community organizations organized a series of events during Pro Bono Week (and the month of October) to highlight the work of Louisiana's pro bono community. These events ranged from awards ceremonies and networking receptions to CLEs and volunteer opportunities.

This year, the LSBA and its partners embarked on an ambitious new program to bring legal services to each corner of the state and to celebrate the work these lawyers are doing for the community. On Oct. 25, pro bono programs participated in a Statewide Day of Service, including events in Alexandria, Baton Rouge and New Orleans. Each location provided a free legal clinic or an ask-a-lawyer program for those in their community who cannot afford or access a lawyer on their own.

Even after thousands of hours of volunteer time and thousands of clients served, there is still much work to be done. Members of the Louisiana Bar recognize that it takes more than one week each year to promote and improve pro bono programs. In an effort to build truly sustainable and effective pro bono services, the LSBA's Access to Justice Pro Bono Subcommittee presented its annual strategic planning session during the Louisiana Justice Community Conference in Baton Rouge on Oct. 11. The group focused on recruiting, retaining and rewarding those who volunteer their time to the public and strive to reach their professional goal of service.

For more information about pro bono volunteer opportunities near you, visit the LSBA's pro bono page at www.lsba.org/ATJ/probonoresources.asp, or ProBono.net, the statewide listserv for attorneys, at www.probono.net/la/.

Celebrate Pro Bono!
National Pro Bono Celebration
October 2012



Sponsored by the ABA, the National Pro Bono Celebration is a coordinated effort to showcase the great difference that pro bono lawyers make to the nation. LSBA's Access to Justice Program is working with your local pro bono project to highlight the work of Louisiana's pro bono community and the difference it makes to our state, its system of justice, its communities and, most of all, to the clients served. Visit www.lsba.org/celebrateprobono for more information on events in your area and how to get involved.

Louisiana celebrates pro bono all year!
www.lsba.org/ATJ

Louisiana Celebrates National Pro Bono Week

Several events were scheduled across the state during National Pro Bono Week, Oct. 21-27.

Saturday, October 20, 2012

▶ “Ask a Lawyer Day.” The Baton Rouge Bar Foundation Pro Bono Project hosted a free walk-in legal advice clinic on all topics at the Main Library in Baton Rouge.

Tuesday, October 23, 2012

▶ Construction Law CLE. For many residents in Louisiana, working with a contractor and completing home repairs are essential parts of life following storms and flooding. To encourage pro bono assistance in these matters, The Pro Bono Project in New Orleans organized a one-hour CLE on construction law presented and hosted by Krebs, Farley & Pelleteri, P.L.L.C..

▶ Self-Help Resource Center. The Baton Rouge Bar Foundation Pro Bono Project hosted a Pro Se Help Desk specifically for family matters at the East Baton Rouge Parish Family Court.

Wednesday, October 24, 2012

▶ Title Clearing Project, Small Successions CLE. The Pro Bono Project in New Orleans organized a one-hour CLE on simple succession procedures for attorneys interested in helping residents to clear title to their properties and maintain homeownership. The CLE was presented by attorney Chris Coty of the Pro Bono Project and hosted by Jones Walker, L.L.P.

▶ Thirst for Justice. A free walk-in legal advice clinic was held at St. Vincent de Paul in Baton Rouge. The clinic covered all topics.

▶ Free Bankruptcy Seminar. Arthur Vingiello and Gary McKenzie of Steffes, Vingiello & McKenzie presented a free seminar in Baton Rouge on the fundamentals of bankruptcy (“Bankruptcy and Bolts”) to attorneys who accept two pro bono bankruptcy cases.

Statewide Day of Service Thursday, October 25, 2012

▶ Lake Charles Advice Clinics. Southwest Louisiana Legal Services will conduct free legal advice clinics at the Calcasieu Parish public libraries throughout the fall and will provide free notarial services through the Salvation Army.

▶ Assisting Our Elders: Wills and Power of Attorney Clinic. The Central Louisiana Pro Bono Project hosted a free Wills and Power of Attorney Clinic at the Rapides Parish Main Library in Alexandria.

▶ BP/Deepwater Horizon Claims Clinic. As part of the statewide pro bono day of service, The Pro Bono Project in New Orleans organized a legal clinic to provide assistance with BP/DWH claims. This clinic is being held in partnership with St. Peter Claver Catholic Church in New Orleans and staffed by the Pro Bono Project and attorney volunteers.

▶ Self-Help Resource Center. The Baton Rouge Bar Foundation Pro Bono Project hosted a Pro Se Help Desk specifically for family matters at the East Baton Rouge Parish Family Court.

▶ Thirst for Justice. A free walk-in legal advice clinic was held at St. Vincent de Paul in Baton Rouge. The clinic covered all topics.

▶ Preserving Homeownership CLE. Louisiana Appleseed, the Pro Bono Project in New Orleans and Southeast Louisiana Legal Services organized a three-hour CLE on heir property and clear title. Participants learned the law and issues that affect low-income clients so they can provide pro bono services in their communities.

Friday, October 26, 2012

▶ Celebrate Pro Bono: Go Casual for Pro Bono Fundraising Event. The Baton Rouge Bar Association teamed up with law firms in the area for its “Go Casual for Pro Bono” event. Participating attorneys and law firms held a “casual Friday dress” day. In exchange for a donation to the Baton Rouge Bar Foundation Pro Bono Project, attorneys and support staff were allowed to wear casual dress to the office.

▶ BP/Deepwater Horizon Claims CLE. The Pro Bono Project in New Orleans organized a one-hour CLE on the BP/DWH claims process, presented by Sean Sullivan with the Pro Bono Project.

▶ Jim Ortego Pro Bono Award Ceremony. Southwest Louisiana Legal Services presented the Jim Ortego Pro Bono Award at the Fall Court Ceremony at the 14th Judicial District Courthouse.

▶ Monroe Pro Bono Hosts Awards Luncheon. Legal Services of North Louisiana, Inc. Pro Bono Project (Monroe branch) conducted its annual Pro Bono Awards Day luncheon for its attorney volunteers.

▶ Northshore Pro Bono Awards Luncheon. The North Shore Pro Bono Project of Southeast Louisiana Legal Services presented its annual awards luncheon. Judge Reginald T. Badeaux III was the guest speaker.

Saturday, Oct. 27, 2012

▶ Wills for Heroes. The Louisiana State Bar Association’s Young Lawyers Division, in cooperation with the Baton Rouge Bar Association, sponsored a Wills for Heroes event for the Louisiana State Police Troop A.

Other Activities and Events

▶ The Central Louisiana Pro Bono Project reported that a digital billboard ran an appreciation ad for pro bono attorney volunteers on Tuesday, Wednesday and Thursday during the week. An appreciation ad also was placed in the local newspaper naming and thanking pro bono attorneys who accepted cases in 2011-12.

▶ The North Shore Pro Bono Project of Southeast Louisiana Legal Services held a free “Ask a Lawyer” day on Friday, Oct. 5, at the Covington Branch of the St. Tammany Parish Library.

▶ Southwest Louisiana Legal Services contacted the mayor about declaring “Pro Bono Week” for Lake Charles.

▶ The Pro Bono Project in New Orleans secured proclamations for Pro Bono Week from New Orleans Mayor Mitch Landrieu and Jefferson Parish President John Young.

For a complete list of events, visit www.lsba.org/celebrateprobono