

Pro Se Implementation Commission Invites Comments on Recommendations

Members of the Bench and Bar are invited to review and comment on the recommendations of the Supreme Court of Missouri's Pro Se Litigation Implementation Commission. The Commission, appointed by the Court and Bar, is composed of judges, lawyers and clerks. After its creation in 2002, the Commission conducted three statewide surveys of the judges and clerks of the state. After study the Commission made [nine recommendations](#) to the Supreme Court of Missouri and The Missouri Bar. [Click here](#) for the executive summary of the Commission's 2003 report.

The interim report of the Missouri Legal Services survey from October 2002 found that during the three years before the report, 77% of low-income households faced at least one legal problem (190,172 households containing 507,760 persons) (p.10). Many households experienced multiple legal problems. The average number of legal problems per household was 6.28 (p.13). A study based on a pro bono project done in six central Missouri counties during 2003-2006 found a similar number of legal needy households who were unable to afford an attorney.

Most (about 70%) of these households were not able to obtain legal assistance.

Many of these needy households tried to help themselves by becoming pro se litigants. Some became victims of internet, mail-order form factories which took their money while giving them nothing of value. Pro se litigants are not familiar with pleading requirements or court procedures and seek help from court personnel. Clerks and judges are in a "catch-22" since they must be impartial and cannot give legal advice to the litigants. As a result, hearing dockets get delayed as judges attempt to explain basic processes to them, cases get repeatedly continued, or pleadings get dismissed without resolving legal problems.

Other households are unable to even attempt to act pro se. A sick or injured person who does not have access to a doctor or hospital does not cease to suffer. Persons who cannot get their legal problems resolved by access to lawyers or the courts do not simply cease to exist. They lead dysfunctional lives. Children go without support. Parents wrangle over custody. Families lose their housing. Need for public assistance increases. Without access to just resolutions, persons resort to self-help solutions which on occasion results in confrontation and violence to the parties and innocent bystanders.

The Commission has proposed and implemented considered responses to these needs so that those with insufficient income are not denied the fundamental American right to access to justice.

- The Supreme Court is considering adding material to its website under the "self-representation" section. It cautions against the dangers of going without a lawyer. For those who still decide on self-help, the site would provide practical information and forms. **The proposed site is not now**

available to the public, but lawyers can preview the proposed site. [Click here](#) to preview the proposed “self-representation” site.

- A virtual Deskbook for Pro Bono Attorneys is now on The Missouri Bar website in the members only section. [Click here](#) to review the Pro Bono Deskbook.
- The Commission has proposed to the Supreme Court revisions in the rules regarding pro se litigants and clarification of limited scope representation (unbundled legal services). Click below for the full text of the proposed rules. ([Rule 4-1.2\(c\)](#), [Rule 55.03](#), and [Rule 88.09](#))
- New guidance and tools have been proposed to clerks regarding what is and what is not permitted in dealing with assisting pro se litigants. [Click here](#) to see the proposed guidance for clerks.

The Commission offers these changes to improve access to justice while making the work of clerks, judges and attorneys more efficient.

The Missouri Bar survey of pro bono services in 2002 found that solo and small firm lawyers do more pro bono work for poor persons than larger firms (p. 22). Firms with 1-9 members averaged 75.57 hours per year (p. 26). Firms with less than 10 lawyers are “almost twice as likely to give free legal help to the poor” (p. 28). [Click here](#) for a summary of the study. The Commission has implemented the Deskbook for Pro Bono Attorneys as a way to appreciate and support the many attorneys engaged in pro bono representation and will be especially beneficial to small firms with less resources. The proposed rules on limited scope representation are intended to facilitate attorneys assisting low-income clients efficiently by reducing the time the lawyer must spend e.g., waiting on a hearing docket for an uncontested case. Experience in other states has demonstrated that these changes provide needed legal representation while economizing the lawyer’s time. By making it easier for attorneys to provide limited representation, hopefully the number of pro se litigants will be reduced.

Address your comments to the Commission by [clicking here](#).

At this year's Solo and Small Firm Conference, on June 8, 2007 between 1:15 p.m. and 3:45 p.m., there will be an open forum discussion for registered attendees of proposed Operating Rule 25 and Limited Scope Representation. For more on the Solo and Small Firm Conference, [click here](#).