

Analysis
of Survey of Missouri Circuit Clerks
Regarding Pro Se/Pro Bono Services.

September 30, 2008

Prepared for
Missouri Supreme Court
Committee on Access to Family Courts
(formerly Commission on Pro Se Litigation)

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Benchmark: This survey provides the Court and Committee on Access to Family Courts a benchmark to measure the effect of implemented recommendations. On July 1, 2008, changes in the Supreme Court Rules regarding limited scope representation and pro se practices and forms became effective. The Self Representation Website was reconstructed reflecting the new rules and forms. While some of the later responses reflect a limited awareness of the self help website during its “under construction” state, most of the survey responses were written before any recommendation was implemented. As seen from the eyes of circuit clerks we now have a good basis for before and after comparisons.

Goals

This survey had three goals:

1. Let the reality of pro se/pro bono services and resources speak to us as perceived by the circuit clerks.
2. Identify self-help resources available at the local level so that they can be linked to the Representing Yourself in Missouri Courts website.
3. Collect data which could be correlated with demographic data to gain insights into access to justice by marginalized persons.

Goal One was achieved. Out of 115 counties, responses were received from 111. The reality of pro se/pro bono services and resources in Missouri is that they are few and far between. This will be discussed in detail below.

Goal Two was achieved, but with few exceptions, there are no reported web-based resources available at the local level in Missouri. The following sites were reported:

[Cape Girardeau](http://www.courts.mo.gov/page.asp?id=3692) (32d Circuit) <http://www.courts.mo.gov/page.asp?id=3692>

[Jackson](http://www.16thcircuit.org) (16th Circuit) www.16thcircuit.org

[Clay](http://www.circuit7.net) (7th Circuit) www.circuit7.net

[St. Louis City](http://www.stlcitycircuitcourt.com) (22d Circuit) www.stlcitycircuitcourt.com

Curiously, although [St. Louis County](http://www.stlcitycircuitcourt.com) website (www.stlcitycircuitcourt.com) has numerous forms, the clerk answered “none.”

Independent of the clerks’ survey an internet search of Missouri circuit court websites was done. See: [Appendix B](#) below.

Goal Three will be addressed separately. Demographic data is being collected for correlation.

What did we learn?

Comment #1: The Committee on Access to Family Courts does not have an efficient way to obtain timely information from local courts. The survey took about six and one-half months with efforts by numerous parties to get the results. Note [history](#) below.

Comment #2: Some circuit clerks apparently do not see themselves as in “common cause” with the Committee, OSCA or the Supreme Court. Repeated re-enforcement was required in order to get the questionnaires returned. Frequently, questions were not answered or answered “N/A”. Note [history](#) of collection efforts.

Comment #3: The most consistent reality regarding pro bono/pro se services at the local level is the absence of services.

- The principal places pro se litigants are referred for help are: Legal Services (76 counties), Supreme Court website (31), public libraries (27), The Missouri Bar (11). (Q: 1.)
- Only a smattering of forms are available for pro se litigants locally. (Q: 2a)
- Law libraries are available in 67 counties. Internet access of some level is available in 50 counties. The survey did not ask for a detailed description of local internet access. In many cases, the access may be from the local public library and not the courthouse. (Q: 2b)
- Virtually no website or telephone resources are available specific to the local jurisdiction for pro se litigants. (Q: 2c, 2d)

- Educational workshops are available in only four counties (Jasper, Washington, St. Louis City and Scott.) (Q:2e) All other counties answered none or did not answer the question.
- As to books available to low income litigants, only 9 counties listed a few items. As to pamphlets available, 56 counties answered none or did not answer. Small claims pamphlets were mentioned by 18 counties, and The Missouri Bar pamphlets by 19 counties.
- When asked about “other resources,” 94 counties answered either none or did not answer the question. Six counties mentioned The Missouri Bar lawyer referral services, 3 mentioned Legal Services, Pemiscot answered “by clerk”. Dunklin answered “BAILS” (?). (Q: 6)

Comment #4: Circuit clerks are ill prepared to assist low-income litigants and are not supported with adequate resources to serve pro se/pro bono litigants. They are becoming aware of the Representing Yourself website. Some use The Missouri Bar publications. Generally, local forms are not available. Practically no circuit has access to a directory of pro bono attorneys.

Comment #5: The dearth of internet accessible resources, except in urban areas probably reflects the general lack of resources outstate. The internet allows economical communication statewide. Every circuit/county has a basic information website through the Courts website. See: <http://www.courts.mo.gov/page.asp?id=321> Consideration should be given to OSCA’s providing expanded websites for every county so that internet resources including local rules, forms, guides, etc. can be available economically beyond urban communities.

Comment #6: Networking between clerks and other agencies (The Missouri Bar, libraries, etc.) is weak. Legal Services is the most frequent networking agency.

Comment #7: Special local rules for pro se litigation are virtually non-existent. Only four counties (Bollinger, Chariton, Worth and Washington) had any local rules. (Q: 3)

Comment #8: There are significant numbers of pro se litigants, but firm data is generally not available. Estimated per cent of pro se litigants in family law cases vary widely from 50% to “unable to estimate.” Some clerks included small claims and adult abuse cases in their estimate; others did not. (Q: 7) Prior examination of JIS/CaseNet data by the Pro Se Commission indicates that it does not accurately record pro se cases.

Comment #9: Most clerks have little knowledge of the number of cases involving pro bono attorneys. This is not surprising considering that only 5 clerks reported having any list of pro bono attorneys. (Q: 8)

Comment #10: Clerks do not have lists of pro bono attorneys available. The exceptions were Benton, Jackson, St. Louis County, Newton and Pike Counties. No county has a list available to the public. (Q: 5)

Comment #12: Special problems in accessing civil justice exist for prison inmates in counties (e.g. Audrain) where prisons are located. The Committee should have conversations with the Mo. Department of Corrections regarding efficient practices and procedures when prisoners are represented on civil matters by pro bono attorneys. Topics should include how to get service, communications with inmates, etc.

Survey History:

On October 23, 2007, the survey was mailed by first class mail to all circuit clerks. The cover letter was from a Washington University law student volunteer. ([Appendix A](#)) Thirty-two counties responded.

On November 30, 2007, Terri Norris of OSCA sent email reminders to non-responders. Twenty-seven more came in between November 30, 2007 and March 17, 2008.

On March 17, 2008, an email memo was sent by Judge Stith to all non-repliers. A second reminder was emailed to non-responders. Forty-four more came in after March 17.

A total of 112 replied by May 5, 2008.

2 clerks (Polk, St. Chas.) initially refused to respond. They subsequently responded. Only Dent, Iron, Macon and Webster counties failed to respond.

Note: Between April 17 & 24, webinars were held for clerks on COR 25 and LSR and pro se rule changes.

Credits and Thanks

This survey and analysis was prepared for the Commission on Pro Se Litigation to assist it in attaining its goals. Effective April 15, 2008, the Commission was replaced by the Supreme Court Committee on Access to Family Courts which is continuing the mission to address pro se/pro bono services.

A law student at Washington University Law School, developed the survey questionnaire in collaboration with the Commission and spent many hours inputting the returned questionnaires into a data base for analysis. Using internet search tools, the law student also compiled a list of local court websites in Missouri. The student volunteered his time without compensation, demonstrating his commitment to serving the good of community and the needs of marginalized persons to legal services.

Terri Norris of OSCA devoted numerous hours to encouraging circuit clerks to respond to the survey. Her many emails and calls made the difference in obtaining a broad base of data.

Chief Justice Laura Deaver Stith personally re-enforced the importance of all clerks responding increasing returns about 40 per cent.

APPENDICIES

Appendix A (sample of survey with tabulation of replies.)

St. Louis, MO 63108

October 22, 2007

Dear Circuit Clerk:

As a student at Washington University School of Law, I am interested in how courts around the state handle indigent and pro se parties. To that end I have composed the attached questionnaire on some common issues within this topic to assist my research. I would appreciate if you could return your answers to the questions by mail or by e-mail to me **by November 5, 2007**.

Please also feel free to contact me with any questions. Thank you for your help with my project.

Yours sincerely,



Student
Washington University School of Law

Pro Se/Pro Bono Questionnaire

Please note: This questionnaire only relates to civil matters
(not criminal or traffic matters).

Based on 111 replies.

1. In general, where does your court direct low-income persons who are representing themselves or who request information about representing themselves?

Supreme Court website = 31

Represent Yourself website = 14

The Missouri Bar = 11

Legal Services = 76

Library = 27

2. Which of the following resources does your court provide or are otherwise available to citizens within your jurisdiction (and please list those available):

a. Court forms: Please list on a separate sheet all forms available on paper or on local computers, especially any targeted specifically at pro se litigants. If the forms are available on the Internet, simply indicate the Web address.

b. Research facilities: [**67**] law library, [**50**] Internet access, [] other (please describe)

c. Legal help/advice websites (specific to your jurisdiction)

d. Legal help/advice telephone services (specific to your jurisdiction)

e. Legal education workshops

None = 79, NA = 25 Total = 104

Jasper – Pro se divorce workshop by Legal Aid.

Washington – “Children First”

St. Louis City – Eviction for landlords

Scott – “Focus on Kids”

f. Books, pamphlets, or other guides on the legal process or some specific subject of law. (Please list on a separate sheet if many or if you wish send samples.)

Books: None = 72, NA = 25 Total = 97

Pamphlets : None = 31, NA = 25 Total = 56

Small claims = 18

The Missouri Bar pamphlets = 19

3. Does your court have special local rules regarding pro se litigants?

[4] Yes (please include a copy) [107] No. Yes are: Bollinger, Chariton, Worth (in progress), Washington (verbal)

4. What is the process by which the court handles and decides applications for litigants to appear *in forma pauperis*?

Judge decides = 98

NA = 4

Carroll, Osage, Knox & Holt = “no set process”

Shannon, Ripley – answer unclear

5. Does your court or other entity within your jurisdiction maintain a list or database of local volunteer attorneys? [**5 - Benton, Jackson,, St. Louis County, Newton, Pike**] Yes [**105**] No. Is this database available online? [] Yes [111] No.

a. If not, how does a potential party access this information?

b. How are local attorneys added to this guide?

NA or don't know

6. What other resources not listed above are available to persons wishing to represent themselves or find volunteer/pro bono attorneys?

The Missouri Bar referral = 6

Legal Services = 3

Pemiscot = “by clerk”

Dunklin “BAILS”??

None = 56, NA = 38 Total 94

7. If possible, please **estimate** the percentage of cases during the first six months of 2007 where one or more parties represented themselves. If you have actual statistics on pro se litigants for this six-month period, please attach a copy.

_____ percent.

8. If possible, please **estimate** the percentage of cases during the first six months of 2007 where one or more parties is represented by a volunteer/pro bono attorney. If you have actual statistics on volunteer/pro bono attorneys for this six-month period, please attach a copy.

_____ percent.

Appendix B

Missouri Circuit Court Pro Se Resources Available on the Internet

[13th Judicial Circuit](#) (Boone, Callaway counties)

Forms:

[none applicable]

Pamphlets:

Mediation brochure (link currently unavailable)

[16th Judicial Circuit](#) (Jackson County)

Forms:

[none applicable]

Pamphlets:

[Advisory Services Available](#)

[Pro Se FAQ](#)

Pro Se Orientation Course (link currently unavailable)

Pro Se Risk and Responsibilities (link currently unavailable)

[Small Claims Booklet](#)

Other:

[Legal Referrals](#)

Links:

[Pro Se Forum](#)

[Pro Se Law Center](#)

[19th Judicial Circuit](#) (Cole County)

Forms:

[none applicable]

Pamphlets:

[none]

[21st Judicial Circuit](#) (St. Louis County)

Forms:

[Petition for Dissolution of Marriage for Pro Se use](#)

[Judgment of Dissolution of Marriage for Pro Se use](#)

[Statement of Property/Debt and Separation Agreement for Pro Se use](#)

[Statement of Income and Expenses for Pro Se use](#)

[Child Support Worksheet for Pro Se use](#)

[Parenting Plan for Pro Se use](#)

[Answer to Petition for Dissolution of Marriage for Pro Se use](#)

Pamphlets:

[none]

[22nd Judicial Circuit](#) (City of St. Louis)

Forms:

[none applicable]

Pamphlets:

[Landlord-Tenant Matters Handbook](#)

25th Judicial Circuit

Forms:

[none applicable]

Pamphlets:

[none]

27th Judicial Circuit (Bates, Henry, St. Clair counties)

Forms:

[none applicable]

Pamphlets:

[none]

Other:

[Legal Aid](#)

Links:

[Legal Aid of Western Missouri](#)

32nd Judicial Circuit (Bollinger, Cape Girardeau, Perry counties)

Forms:

[Waiver of Service and Entry of Appearance](#)

[Case Filing Party Information Sheet](#)

[Certificate of Dissolution of Marriage.pdf](#)

[Directions for Service](#)

[Form 14 Child Support Calculation.pdf](#)

[Income & Expense Statement](#)

[Information for Petition](#)

[Judgment - with Children](#)

[Judgment - no Children](#)

[Parenting Plan](#)

[Petition for Dissolution of Marriage](#)

[Statement of Property and Proposed Distribution](#)

[Answer](#)

Pamphlets:

[General Instructions](#)

END