



**COMMITTEE ON ACCESS TO FAMILY COURTS
AGENDA**

**Office of State Courts Administrator
121 Alameda Drive, Conference Room B
March 5, 2010
10:00 a.m. – 3:00 p.m.**

I.	Call to Order/Approval of Minutes (Levine)	
	Minutes from December 4, 2009, Conference Call	
	<i>Attachment Page</i>	3
	Action: Committee approval of minutes	
II.	Status Updates	
A.	Alliances with State / Local Bar Associations / Pro Bono Initiatives (Stewart/DeFeo)	
1.	What can judges do to encourage and support pro bono representation? Round-the-table brainstorming of ideas (See ABA <i>Dialogue</i> “Expanding Pro Bono: The Judiciaries Power to Open Doors.”)	
	<i>Attachment Page</i>	9
2.	Update of the <i>Pro bono</i> Subcommittee of the Delivery of Legal Services Committee (See “Characteristics of a Successful <i>Pro bono</i> Program”)	
	<i>Attachment Page</i>	14
B.	Forms (Smith)	
1.	Motion to Modify – Property and Debt Statement Form	
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C.	Self-Help Centers (Schneider)	
1.	Mid-Year Report for Mid-Missouri Access to Justice Project	
	<i>Attachment Page</i>	21
D.	Litigant Education Program/Brochure (Bird/Brown)	
1.	DVD/Brochure Update (Norris)	
2.	Petition for Name Change Education Component	
	<i>Attachment Page</i>	28
	Action: Committee approval of component	
3.	Motion for Family Access Education Component	
	<i>Attachment Page</i>	33
	Action: Committee approval of component	
4.	Motion to Modify Education Component	
a.	Custody and Visitation	
	<i>Attachment Page</i>	35
	Action: Committee approval of component	

- E. **Internet/Web Site (Bird)**
 - 1. Survey (Norris)
 - 2. DVD (Norris)
 - 3. Mid-Missouri Access to Justice Project (Norris)

F. **Communications/Networking (Cruse)**

G. **Court Staff /Clerk Education (Bird)**

H. **Judicial Education (Williamson)**

III. **Staff Report (Zacharias)**

Nothing to report

IV. **Old Business**

- A. Subcommittee New Assignments (Levine/Smith)
Attachment Page..... 44
- B. Discussion with Supreme Court about the placement of the Litigant Awareness Program on the website (Levine)
- C. New Education Components – Paternity (Brown)
- D. Press release for first year statistics (Cruse)
- E. Standard Entry of Appearance Form and Revisions to Answer (Forms Subcommittee)

VI. **Adjourn Meeting**

PLEASE MARK YOUR CALENDARS FOR THE NEXT CAFC MEETINGS:

June 4, 2010
September 10, 2010
December 10, 2010



**COMMITTEE ON ACCESS TO FAMILY COURTS
MINUTES
December 4, 2009**

Members Present: Judge Dennis Smith, Lou DeFeo

by Phone: Judge Bennett Burkemper, Judge Brent Powell, Judge Leslie Schneider, Judge Miles Sweeney, Judge J.D. Williamson, Judge Robin Vannoy, Lori Levine, Beth Dessem, Richard Holtmeyer, Marsha Holiman, Kelly Martinez, Mary Ann McClure, Richard Halliburton, Fredrich Cruse, Allan Stewart, Kathleen Bird, Patricia Scaglia

OSCA Staff: Terri Norris, Kelly Cramer, Debbie Eiken

Missouri Bar Staff: Bob Stoeckl

Members Absent: Deanna Scott, Karen Brown

I. Call to Order

The Committee on Access to Family Courts was called to order by Lori Levine at 10:07 a.m. at the Office of State Courts Administrator (OSCA), 121 Alameda Drive, Jefferson City, Missouri.

A. Approval of August 28, 2009, REVISED Meeting Minutes

Lou DeFeo clarified some of the amendments on page 4 of this packet. **Judge Brent Powell moved to adopt the amendments as made, Lou seconded the motion. The motion passed unanimously. Motion to approve the minutes as amended was made by Judge Powell, Mary Ann McClure seconded the motion. The motion passed unanimously.** Minutes are approved with amendments.

II. Status Updates

A. Alliances with State/Local Bar Associations/Pro Bono Initiatives

Allan Stewart is working with Lucas Boling with The Missouri Bar CLE division to organize webinars and seminars about limited scope representation (LSR) to tie in with use of the forms. He feels it's important to connect with lawyers through the Bar. They would like the Family Law Section to present seminars for lawyers about how to use LSR. Lori agreed. Allen stated the cost issue needs to be worked out with the Bar. Lori questioned the time frame for the seminars, and Allen stated he hopes they will happen within the first few weeks of January. He would like to have something in place by the March meeting.

Lou explained the report he emailed to committee members was only a recommendation of the Pro Bono Subcommittee of the Delivery of Legal Services Committee. The report has to go the Executive Committee then it The Missouri Bar Board of Governors for approval. It is not a full Bar action.

Dick Halliburton stated the motion to establish the new Missouri Bar Pro Bono Web site was approved by the Missouri Board of Governors November 20, 2009. He stated the Board of Governors changed the wording form “Web site” to “web presence” to see if it could be incorporated into the Missouri Bar Circle. The Board of Governors is concerned about cost. There is a budget of up to \$10,000 to cover this new Web site. MoBar staff does not think it will cost anything out of pocket to make this work. Lori questioned the time frame for the Web presence to be up and running. Richard stated they are working on it now and hope it will be up in a few short weeks.

B. Forms

The committee discussed Judge Jerri Bush’s suggested changes to the Motion to Modify Child Custody forms. The following changes were made:

Page 56, 61, 63, 68, 74 & 77 of 103 of the agenda packet:

- No changes were made to the question, “In what Missouri county was the judgment you want to modify entered.”
- The words “You must” were taken off the header “You must answer all questions on this form completely.” It now says “Answer all questions on this form completely.”
- The words Petitioner/Plaintiff and Respondent/Defendant were removed and replaced with the word “Party.”
- Question 2 now reads, “I was the party who filed the original case, or I was not the party who filed the original case.”

These changes were made in all applicable locations throughout the forms.

Page 58 of 103 of the agenda packet:

- In the box for “Children’s Information,” “that” was changed to “who.” This change was made in all applicable locations throughout the forms.

Page 59 of 103 of the agenda packet:

- In the box for “Change affecting Custody,” the following sentence was removed: “Normally you do not need a change of circumstances if you are only requesting a change in visitation.”
- In the box for “Additional Information about the Children,” the paragraph number in question 22 was changed from “23” to “25.”

Page 60 of 103 of the agenda packet:

- In the box for “Request for Relief,” the word “therefore” was deleted. This change was made in all applicable locations throughout the forms.

There was some discussion regarding the “Proposed Parenting Plan” on page 66 of 103 of the agenda packet. It was stated “Part B” could apply to more than just child support. No changes were made to this section.

Lori asked Judge Smith if he was responding to the State Judicial Records Committee (SJRC) about the changes. He stated he was not, and we as a body can make the changes and approve them. As a group we have to discuss the recommendation made by the Family Court Committee (FCC) and the SJRC. Kelly Cramer requested a summary of the changes be sent to the FCC and SJRC. Kelly will draft a letter to the committees about the changes approved.

Page 70 of 103 of the agenda packet:

- For question number 5, the word “unemancipated” was added before the word “child.”

Page 71 of 103 of the agenda packet:

- For question 6, under the third box, in the first sentence the word “in” was changed to “regarding” and the word “minor” was added before the word “child.” This change also was made in the fourth box under for question number 6.

Page 74 of 103 of the agenda packet:

- Fred Cruse suggested “etc.” be added to the Jr./Sr./III on the “Other Party’s Information.” No changes were made.

Page 77 of 103 of the agenda packet:

- For the “Property Owned by You” section, the change was made to add “real estate and personal property.” Judge Smith and Fred Cruise will finalize the language for this section.

Page 81 of 103 of the agenda packet:

- In the box for “Service Information,” the change is pending upon the development of an affidavit. A “Publication Affidavit” form is being developed for use with these forms.

Page 82 of 103 of the agenda packet:

- In the box for “Children’s Information,” the wording “Child’s Birth Date” was changed to “Child’s Age.”

Page 85 of 103 of the agenda packet:

- In the box for “Your Information,” question 2 was deleted.

The changes on page 90 of 103 of the agenda packet coincide with page 70 and page 82. On page 93 of 103 of the agenda packet, the changes made are consistent with the changes on page 77 and 78.

Judge Smith motioned to approve the changes and include all amendments. The motion was seconded by Judge Powell. The motion passed unanimously.

C. Self-Help Centers

Judge Schneider stated the self-help center in Boone County is progressing. Karen Brown scheduled training for lawyers. Not many people are taking advantage of the program. The office is open and attorneys are signing up. Judge Schneider's not sure how many contacts they have. She could not provide numbers yet.

Lori asked if there is a presence in the courthouse or anywhere for access to the legal services if someone qualifies. Judge Schneider stated there is a bulletin board posted in the courthouse. It was suggested to put information about the center on the "Representing Yourself" Web site under county resources. Richard asked if legal services are referring people to the online program. Lori asked if legal services are keeping statistics on the calls that are received. Judge Schneider stated they are but Richard disagreed. Lori also asked if the program is keeping numbers on referrals. Judge Schneider stated they are due to reporting requirements of OSCA. The program will be evaluated at the end of the one-year grant period.

Judge Smith stated they do not have an education program resource center so if someone's forms are completed incorrectly, he returns them for corrections and informs them about who to contact. Judge Schneider said people do come to have their forms reviewed, but they send them to the Web site. Judge Smith suggested putting a note on the Web site letting people know what services are available.

Judge Schneider stated she set up a special docket for pro se and if anyone needs help they can send them up to the classes. Lori asked Judge Schneider if she thought they needed help from the committee or if she would like to set up a subcommittee. Kelly Cramer stated a self-help center subcommittee is already formed. Judge Schneider said Karen Brown has helped out a lot and several lawyers provided good feedback. Bob asked Judge Schneider if there had been any publicity in the newspaper or other outlets. She stated she did not believe so.

E. Litigant Education

Karen Brown, Patricia Scaglia and Kathleen Bird have met several times. The family access motion and name change educational information has been completed.

1. DVD Update

The Department of Elementary and Secondary Education (DESE) may be able to provide a link to the DVD on their Web site. Terri Norris can contact Randy Wells at DESE to see if they can get the DVD on their Web site and create a link to ours. Bob asked about "YouTube." Lori stated we have authorization from the Court to use "YouTube" if needed

Kathleen reported the DVDs are ready to disseminate but asked if we should wait for the brochure to accompany them. Judge Schneider stated she's already using the DVD. There were some issues with burning the CD and the cost. One suggestion is to require a deposit that can be returned once they bring the DVD back. Lori thought the DVDs already had been mailed and the notice could go out to the clerks by email stating what they can do and when they'll be able to do

it. Lori moved to distribute the DVD and brochures. The motion was seconded unanimously approved. Terri will mail the DVDs.

F. Web Site

1. Survey

a. Comments Received

The committee reviewed the latest comments received from the Web site survey.

b. Proposed Revised Survey

The committee again discussed revisions to the Web site survey. For question 3, the following language was added: "Do not include anyone else living your house or your spouse." For question 4 the following selections were added: "5," "6" and "more than 6." For question 5, "Less than one year" was added. For question 7, the word "divorce" was changed to "case." For question 10, "child" was added in front of support. Additional selections added were "Name Change," "Modification" and "Enforcement of Orders."

J.D. Williamson made a motion to approve the survey as amended and begin its use. Mary Ann seconded motion. The motion passed unanimously.

Terri asked Judge Schneider if they are using the exit survey, she stated they are using it if they go to the center, but if they don't go to the center she doesn't think they are using it.

G. Communications

No report given. Lori asked Patricia if she would co-chair the communications subcommittee with Fred. The new communications subcommittee members are Fred Cruse, Patricia Scaglia, Judge Burkemper, Beth Dessem, J.D. Williamson and Bob Stoeckl.

Lori stated in talks about forms and pro se parties with Missouri Bar President Skip Walthers the message is not clear and the committee needs to clarify that the efforts and intent is to encourage litigants to obtain a lawyer. He plans to write an article for the president's page about this. Lori indicated she will send him the recommendations and some material to assist in writing the article next week.

H. Court Staff/Clerk Education

No report given

I. Judicial Education

No report given

J. Funding

No report given

III. Staff reports

No report given

IV. New business

A. Meeting Dates/Reduce Committee Expenses

Kelly Cramer reminded the committee that pursuant to the letter dated October 14, 2009, all committees are requested to reduce expenses by 50% and use teleconferencing as much as possible.

VI. Adjourn Meeting

The next meeting will be Friday, March 5, 2010, in Alameda B, 121 Alameda Dr., Jefferson City, MO.

The meeting adjourned at 12:00 p.m.

Dialogue

SPRING 1998, VOL. 2 NO. 2

Expanding Pro Bono: The Judiciary's Power to Open Doors

by The Honorable Judith Billings and Jenny M. McMahon

The judiciary has a special responsibility to insure access to justice. To fulfill this responsibility, judges are becoming actively involved in the effort to bridge the rapidly growing gap between the legal needs of those who cannot afford civil legal services and the resources available to meet those needs.

As leaders in the community and in the legal system, judges are opening doors by exerting their unique influence to increase participation in pro bono work. They are encouraging the involvement of more pro bono lawyers, making administrative accommodations for pro bono and forging alliances with community leaders to develop methods for increasing access to the courts.

This article examines various strategies judges can use to promote involvement in pro bono and the ethical standards that must govern their conduct.

Ethical Standards

In fulfilling their responsibility to improve access to justice, judges must abide by their ethical obligations and strive to maintain confidence in our legal system. A model code of ethical standards for the judiciary is contained in the ABA's Model Code of Judicial Conduct (the "Model Code"), which was adopted by the ABA House of Delegates on August 16, 1972, and revised in 1990.

As of October 1997, twenty jurisdictions had adopted codes of judicial conduct based

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DIALOGUE

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Open Doors

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on the 1990 Model Code, although none of them are identical to the Model Code. Interpretations of the Model Code's Canons vary from jurisdiction to jurisdiction and therefore, an accurate determination of what is ethical conduct for a judge can only be made by reviewing the advisory opinions in a given jurisdiction.

Ethical opinions on judicial conduct related specifically to pro bono involvement are sparse, reflective of the Model Code's permissive view of judges' civic and charitable activities. In fact, the term "pro bono" is not mentioned in the Model Code at all. Based on the application of Canons 2, 3 and 4, however, involvement in pro bono activities is acceptable if it does not compromise a judge's impartiality, demean the judicial office, or interfere with the proper performance of judicial duties.

Recruiting

Judges are participating directly and indirectly in the recruitment of pro bono attorneys. In general, the Model Code supports such activities, since it encourages judges to promote the improvement of the legal system and the administration of justice. The Commentary to Canon 4B states that given a judge's unique position "as a judicial officer and person specially learned in the law," it is appropriate for a judge to "contribute to the improvement of the law, the legal system and the administration of justice." It states that a judge "is encouraged" to make such contributions, independently or through a bar association, judicial conference or other organization

dedicated to the improvement of the law.

Judges are especially well-suited for direct recruitment of pro bono program volunteers. In many jurisdictions, judges sign letters urging members of the bar to join a program, which is a particularly effective strategy for increasing the numbers of pro bono program volunteers. In addition, they are:

- sending periodic reminders to encourage attorneys to participate in volunteer attorney panels;
- writing editorials, opinion pieces or articles for newspapers, magazines or bar publications on the need for volunteer attorneys and on the aspirational standard of Model Rule 6.1 of the Rules of Professional Conduct;
- making presentations on the need for volunteers when speaking at various events, including swearing-in ceremonies and bar association annual meetings; and
- assisting in the recruitment of law firms, corporate law departments or government law offices, by making individual presentations to them.

A Maryland advisory opinion states that judges may personally solicit attorneys to provide pro bono assistance to indigent parties in child custody cases by letter, by placing ads in the local bar newspaper and by making appearances at group meetings. *Maryland Judicial Ethics Handbook Opinion 124, 10/22/96.*

Judges are indirectly participating in recruitment by providing information to assist others in their recruiting efforts; serving in an advisory capacity to pro bono programs; attending recruitment sessions for legal services organizations; developing or assisting in the development of written policies that encourage pro bono

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activity by court personnel, thereby helping to increase the pool of potential program volunteers; and developing bench resolutions calling for pro bono involvement by local attorneys.

Such recruiting efforts are made not only as a means of improving the legal system or administration of justice, but also in furtherance of a judge's fulfillment of other obligations articulated in the Model Code, such as the obligation to accord every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard or to dispose of all judicial matters promptly, efficiently and fairly. *Canon 3B*.

Canon 4G prohibits judges from acting as pro bono attorneys, as an Arizona advisory opinion confirms. *Arizona Supreme Court Judicial Ethics Advisory Committee Opinion 95-3, 3/20/95*. In addition, any judicial recruitment efforts must comply with Canon 2A, which calls on judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Recognition

Judicial recognition of an attorney's pro bono participation is a memorable event for a lawyer. As a result, this is another area where judges are making a difference. Judges are presenting pro bono recognition awards and speaking at recognition events. These activities encourage more involvement from current volunteers and aid in the recruitment of new volunteers. Judges also send

notes of appreciation to lawyers or law firms that provide outstanding service to pro bono clients.

A Missouri advisory panel held that it is permissible for members of the judiciary to publicly recognize those individuals who have provided exemplary pro bono services. *Missouri Commission on Retirement, Removal and Discipline, Opinion 157, 4/24/91*. Any type of positive publicity through volunteer recognition potentially strengthens pro bono programs by garnering financial support from new sources and paving the way for the development of new partnerships and programs.

Accommodations

More and more, judges have designed innovative procedural and scheduling accommodations to facilitate volunteer service by pro bono attorneys. These efforts conserve volunteers' time, minimize inconvenience to them and provide recognition for their efforts. The methods employed must be designed to allow judges to:

- maintain their integrity and impartiality (*Canon 2A*)
- insure that every person who has a legal interest in a proceeding or that person's lawyer has the right to be heard according to law (*Canon 3B(7)*)
- dispose of all matters promptly, efficiently and fairly (*Canon 3B(8)*).

Judges use a variety of accommodation strategies. For example, they hear pro bono cases first on the daily calendar; grant docket times close to times the pro bono attorneys are appearing on other matters; organize the calendar so that all matters from pro bono programs will be heard by the same judicial officer at the same time each week; set pro bono cases at specific, non-standard

times and at non-standard places; and allow pro bono attorneys to attend routine hearings by conference call.

Judges also are relying on the court system to encourage pro bono, by offering courthouse space for pro bono clinics, including notices on formal court forms about how indigent parties may obtain legal assistance and making volunteer attorneys available to provide information to pro per litigants. When judges encourage court personnel to be especially cooperative with volunteer attorneys, they are taking an extra step to insure that these accommodations have the desired effect of promoting pro bono service.

Service in an Advisory Capacity

Pro bono programs that communicate with members of the judiciary on a regular basis benefit significantly. For example, program managers or board members frequently write, visit or call judges to keep them informed about the programs and to solicit their input and assistance. Many times judges initiate this contact. Judges also contribute to pro bono programs through service as board members, which allows them to take part actively in developments and to be easily accessible to offer guidance and assistance.

Whether or not a judge's service as a board member violates judicial canons, however, remains an open question in most jurisdictions. Some judicial canons may be interpreted as prohibiting members of the judiciary from serving on governing bodies of legal services providers.

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Under Canon 4A(1) for example, extra-judicial activities must not cast reasonable doubt on a judge's capacity to act impartially as a judge. Canon 4C(3) condones a judge's participation in "an educational, religious, charitable, fraternal or civic organization not conducted for profit," but Canon 4C(3)(a) prohibits service in organizations that "would ordinarily come before the judge" or that "will be engaged frequently in adversary proceedings" in that judge's jurisdiction.

Canon 4C(3) also provides that judges must not hold executive or director positions in organizations that are conducted for the economic or political advantage of their members. Under Canon 4A(1), extra-judicial activities must not cast reasonable doubt on a judge's capacity to act impartially as a judge.

A Washington advisory opinion states that a judge's service on a board for a county volunteer lawyer program was permissible (*Washington Ethics Advisory Committee Opinion 93-26, 11/22/93*) and withdrew its earlier, contrary opinion on a similar matter. *State of Washington Ethics Advisory Committee Opinion 93-16, 6/21/93*. The Committee acknowledged that its earlier opinion was based on the erroneous assumption that the judicial officer sitting on the board was acting as the employer for the volunteer attorneys appearing in court.

A Florida panel also held that such service by a judicial officer on a pro bono program board was permissible. *Florida Commit-*

tee on Standards of Conduct Governing Judges Opinion 86/16, 12/3/86. Advisory opinions in other states, however, have held that judicial service on the board of a legal services program is prohibited. *New York Advisory Committee on Judicial Ethics, Opinion 88-130, 12/8/88; Massachusetts Committee on Judicial Ethics, Opinion 89-2, 3/6/89; California Committee on Judicial Ethics, Opinion 31, 1983*.

Even when board service is permissible, judges are prohibited from providing legal advice, despite an organization's civic or

earlier case involving a full-time judge.

Another New York opinion states that a full-time judge may serve on the board of directors of a legal referral project of the local bar association because members of the project would not appear in court or provide direct legal services, but would instead be involved in the screening of prospective clients for financial eligibility and refer clients to legal service agencies for assistance. *New York Advisory Committee on Judicial Ethics Opinion 91-121, 10/31/91*.

As leaders in the community and in the legal system, judges are opening doors by exerting their unique influence to increase participation in pro bono work.

charitable status, because under Canon 4G, a judge shall not practice law. Canons 2 and 3, which state that a judge must maintain impartiality, also apply. Further, a judge shall not participate in most fundraising activities of the governing body pursuant to Canon 4C(3)(b), as discussed below.

A New York advisory opinion states that a part-time village justice could serve as a board chair for a legal assistance corporation that represents indigent clients as long as his involvement was restricted to those activities deemed permissible by the state's judicial code of conduct. *New York Advisory Committee on Judicial Ethics Opinion 94-51, 6/16/94*. The advisory committee viewed the justice's part-time judicial status as significantly different from an

Training

Members of the judiciary often lend their valuable assistance in the training of volunteer attorneys and other judges. The training method selected must promote public confidence in the integrity and impartiality of the judiciary, pursuant to Canon 2A.

Judges assist pro bono programs by educating volunteer attorneys about both substantive and procedural matters and by acting as presenters at training events. They also serve as writers or editors of training materials and manuals designed for use by program volunteers and teach CLE classes addressing their particular areas of expertise.

It is helpful when the judges offer information during CLE events about the need for volunteer attorneys. They also disseminate this type of information at bar association meetings and meetings of judges.

Fundraising

Canon 4C(3)(b)(i) provides that judges must not participate

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personally in the solicitation of funds or other fundraising activities except that a judge may solicit funds from other judges over whom the judge does not exercise supervisory or appellate authority. A judge shall not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or if the membership solicitation is essentially a fundraising mechanism. *Canon 4C(3)(b)(iii)*.

For example, the use of an organization letterhead for fundraising is permissible if the letterhead lists only the judge's name and position in the organization and the judge's judicial designation may be listed if comparable designations are listed for other persons (*Commentary to Canon 4C(3)(b)*). A judge must not be a speaker or guest of honor at an organization's fundraising event but may attend such an event if otherwise consistent with the Model Code. *Commentary to Canon 4C(3)(b)*.

A Washington advisory opinion states that a judge was prohibited from chairing a legal aid pledge drive committee. *State of Washington Ethics Advisory Committee Opinion 94-8, 12/5/94*. Similarly, a Florida opinion states that a judge may not solicit funds from her fellow judges on behalf of a legal aid organization. *Florida Supreme Court Committee on Standards of Conduct Governing Judges Opinion 97-6, 3/18/97*. The Committee found that legal aid is not an organization devoted to the improvement of the law, the legal system, or the administration of justice, but rather it is in

the nature of a law firm that limits its representation to indigent clients. By engaging in direct fundraising for legal aid, the judge would have threatened the aura of impartiality that is essential to a fair judiciary. Although these opinions concern legal aid program fundraising, the general prohibition of Canon 4C(3)(b) is such that it is unlikely that the conclusion would be different if the fundraising were for a pro bono program.

Judicial Proactivity

As stated above, Canon 4C(3) provides that a judge is encouraged to contribute to the improvement of the law, the legal system and the administration of justice due to his or her unique position. Thus, judges are free to exercise a fair amount of creativity when attempting to open doors for persons of limited means who need increased access to justice. They need to keep the Model Code in mind and weigh the likelihood of a given method resulting in improvement to the law, the legal system or the administration of justice. They also must conclude that the method reflects impartiality in application and appearance.

Judges are undertaking a wide range of efforts on their own, including the initiation of programs; the development and implementation of proposals to deal with increasing numbers of pro per litigants; the study and recommendation of systemic changes that streamline legal services cases; consideration of methods for institutionalizing cooperative efforts; the development and implementation of methods for educating the judiciary about the issues facing the legal system as a result of the

significant loss of federal funding; the examination and implementation of ways to encourage increased pro bono; and working with pro bono programs to make clinics available at or near the courthouse for those who cannot otherwise afford counsel.

Judges also pass resolutions to reinforce the need for pro bono. This sort of action has a significant positive effect, due to the leadership role the judiciary plays in bringing about change. The Conference of Chief Justices adopted Resolution VII—Encouraging Pro Bono Services in Civil Matters, in February 1997, which endorses pro bono efforts by reaffirming the chief justices' commitment to pro bono and to the promotion of it in certain ways. The national leadership that this organization demonstrates invites judges throughout the country to join in the promotion of pro bono service.

Conclusion

The Model Code allows judges to seize opportunities to facilitate access to justice. Through the awareness and promotion of pro bono activities, judges are maximizing their capacity to bring about positive change. In the face of decreased funding, they are finding new ways to open doors for the poor and fulfilling their special responsibility as leaders in the community and in the legal system. As the work of the judiciary increases, so will the number of volunteer attorneys. The doors of justice, as a result, will open wider.

The Honorable Judith Billings is Chair, ABA Standing Committee on Pro Bono and Public Service.

Jenny M. McMahon is Assistant Counsel, ABA Standing Committee on Pro Bono and Public Service.

Characteristics of a Successful *Pro bono* Program

Report of the *Pro bono* Subcommittee of the Delivery of Legal Services Committee.

Deanna Scott, Chair

October 15, 2009

Approved by Delivery of Legal Services Committee of the Missouri Bar

November 11, 2009

A successful plan ought to be comprehensive and sustainable. It ought to:

1. Significantly increase services to the presently unserved (estimated 50,000 households annually.)
2. Be statewide in scope yet flexible to accommodate local circumstances.

3. Recruitment

4. Conduct a coordinated program to inspire and recruit attorneys to volunteer for *pro bono* service. Recruitment ought to:
 - a. Include the active involvement of the judges at all levels
 - b. Include mailing an annual letter from the Chief Justice and President of The Missouri Bar to every Missouri attorney encouraging volunteering for *pro bono* services. On-line and mail enrollment should be provided.
 - c. Include special recruitment events led by Supreme Court judges and Mo Bar officers in each circuit over a 3 year cycle, if not more frequently. The events would include:
 - i. Expressing and demonstrating their support for *pro bono* services e.g., modification of rules, recognition of service, CLE credit etc.
 - ii. Suggesting that each local bar association encourage and support *pro bono* services as part of their core structure e.g. establishing a committee or individual responsible for *pro bono*.
 - iii. Include providing information to local news media regarding special recruitment events and inviting local news media to attend.
 - iv. Describing the need of marginalized persons for access to justice.
 - v. Explaining how needy clients are connected to willing attorneys.
 - d. Also be done on a continuous basis year round as well as at special events. E.g. at bar meetings, at CLE programs, in bar publications etc.
 - e. Involve the local bar associations. Each local bar association should promote and support *pro bono* work, e.g. establishing a *pro bono* committee or other appropriate means.

- f. Involve recruitment of mediators as well as attorneys.
- g. Involve the law schools and include law students, especially Rule 13 qualified students.
- h. Provide for user friendly central sign up through the Mo Bar website.
- i. Include stories of how needy persons have been helped and stories of how *pro bono* practice is rewarding to attorneys not only personal satisfaction but economic benefits and communicate those stories at recruitment events and through Mo Bar website, ESQ, publications, speakers, videos, newsletters, etc.
- j. Encourage newly enrolled attorneys to volunteer for *pro bono* work and provide them with *pro bono* information as part of YLS activities.
- k. Have young lawyers, e.g., YLS Council members, *pro bono* leaders, etc., speak to young lawyers and firms to provide information about and encourage *pro bono* service.
- l. Encourage law school placement offices to include information about law firms' *pro bono* activities and to inform students.

5. Information Management Tools

- 6. The *pro bono* sub-committee recommends that the Delivery of Legal Services Committee endorse a *pro bono* recruiting website similar to the website that the Kansas City Metropolitan Bar Association is implementing. The website would give attorneys the opportunity to volunteer to do *pro bono* work for one or more specific *pro bono* service providers of their choice in their area. The *pro bono* service providers would have to be approved by the DLS to be listed on the site. The website should also give volunteers the opportunity to sign up for all *pro bono* providers in the area or in the state. We further recommend that DLS ask the Missouri Bar for funding to create the website

7. Develop More *Pro bono* Provider Agencies.

- 8. Mentor and otherwise assist organizations that are providing services that no current organization is providing.
- 9. Identify underserved areas in the State so that the Bar can be aware of areas needing additional services and so that unmet needs can be addressed.

10. Recognition of *Pro bono* Attorneys

- 11. Provide greater recognition of *pro bono* attorneys, e.g.

- a. Annual awards by state and local bars. Increase present Mo Bar *pro bono* awards to four (one St. Louis, one Kansas City, two outstate.)
- b. Add annual *pro bono* award for young lawyers to be awarded by Young Lawyer's Section.
- c. Feature stories in bar publications (e.g. ESQ)
- d. Annual appreciation letter from Chief Justice and Mo Bar President to attorneys who provide a certain number of hours of *pro bono* service. Also provide token awards e.g., mug, coaster, paperweight etc. which advertise *pro bono*. e.g., mug, coaster, paperweight, pin, etc. for attorneys who meet certain *pro bono* goals. These token awards would also help bring awareness of and advertise *pro bono* service.
- e. *Pro bono* attorney/firm of the quarter/month recognized in ESQ or Mo Bar website. The story would include why the attorneys are being recognized and comments regarding the rewards of *pro bono* service. Encourage this locally on a quarterly basis.

12. Provide Support for *Pro bono* Attorneys

- 13. Pair young lawyers with senior lawyers to the advantage of both. This would give young lawyers practical, hands-on, skill-building experience and a mentorship relationship, and may encourage more senior lawyers to be more willing to devote time to *pro bono* service because of the time saved through the assistance of the younger attorney. Make sure that this is well publicized.
- 14. Develop a sense of community statewide among *pro bono* attorneys by encouraging use of the *pro bono* list serve and Mo Bar Circles and other means.
- 15. Revise Rules and official forms as may be appropriate to make *pro bono* practice more efficient. E.g. LSR rule.
- 16. Design and implement programs of training and education for judges to make *pro bono* practice more efficient and to recognize and encourage attorneys to engage in *pro bono* practice. E.g. preference on dockets.
- 17. Design and implement programs of training and education of *pro bono* attorneys e.g., free CLE programs, special topic clinics.
- 18. Provide a system where attorneys can volunteer in areas of law beyond their normal practice by providing support through mentors, training, standard forms and practice aids etc.
- 19. Establish a fund to reimburse *pro bono* attorneys for needed expense of *pro bono* clients where in forma pauperis status is insufficient. As an ideal, attorneys who give free time should not be expected to give out of their pocket for expenses of *pro bono* clients. Local bars and circuits should be encouraged to find funds to pay for expenses which are not covered by in forma pauperis status.

20. Encourage and promote employers (government, corporate, large firms) to support *pro bono* work by their attorneys e.g., allowing some *pro bono* hours to be treated as billable time or allowing paid leave for *pro bono* services with a defined cap.
21. Encourage law firms to make a *pro bono* pledge to have a percentage of their attorneys meet an annual *pro bono* time commitment goal.
22. Develop resources to facilitate *pro bono* practice including:
 - a. On-line Deskbook for *pro bono* attorneys.
 - b. On-line forms and practice aids and encouraging attorneys to share forms..
 - c. On-line database on the Mo Bar website of support services e.g., meeting rooms, law library access, reduced cost court reporting services, access to office equipment etc. Large firms, corporations, law schools etc. should be invited to contribute in-kind resources to *pro bono* attorneys. Allow donor to choose provider agency they wish to use their resources.
 - d. A database of mentor attorneys on *pro bono* provider websites.
 - e. Encourage each Mo Bar committee to develop CLE programs or resources for *pro bono* practice and on the advantages of limited scope representation.

23. Evaluation

24. Encourage agencies to implement a statewide system for tracking *pro bono* hours, cases and, if possible, outcomes. Attorneys should be asked to express their suggestions as to the strengths and weaknesses of the program. Provider agencies should provide cumulative reporting of feedback of strengths and weaknesses of programs. Reports will be made to the Delivery of Legal Services Committee of the Missouri Bar.
25. Encourage provider agencies to systematically monitor and evaluate *pro bono* services. Participating attorneys should be asked to provide a report at the end of the representation as to the outcome and the time contributed by the attorney to the matter. Provider agencies should provide cumulative report
26. Require annual reporting by attorneys of *pro bono* hours of services with distinction between services without compensation to needy individuals, reduce fee (e.g. Judicare) and community service hours. (See ABA recommendations.)
27. Annually or biennially hold a “summit” meeting of all *pro bono* provider agencies in the state and other stakeholders (Bar officers, firm representatives, social service agencies) to facilitate continued collaboration and to exchange views on best practices.

28. Collaboration with Social Service Agencies

29. Increase collaboration between the Bar (state and local) with social service and community agencies. The purpose is twofold: informing social service agencies on how to access needy clients to *pro bono* legal services and informing *pro bono* attorneys on how their clients can access social services. Attorneys should have access to resources so that they can look at their client's needs holistically.

###

Form CAFC140 - Property and Debt Statement

For use in Motions to Modify

In what Missouri county was the custody or support judgment entered?

In the Circuit Court of MISSOURI

What is the case number of the custody or support judgment?

Case Number Division Number

Answer all questions on this form completely.

Your Information

My current full name is:

_____ (First Name) _____ (Middle Name) _____ (Last Name) _____ (Jr./Sr./III)

I filed the original case. (Petitioner/Plaintiff)

I did not file the original case. (Respondent/Defendant)

I am the Mother

I am the Father

Other Party's Information

The current full name of the other party is:

_____ (First Name) _____ (Middle Name) _____ (Last Name) _____ (Jr./Sr./III)

Property Owned by You

Item of Property	Present Fair Market Value <small>(Do not deduct amount owed from this value)</small>	Monthly Income from Property	Amount Owed on Property? <small>(List Debt in Table 2)</small>
Property is anything you own or you are in the process of buying. Anything you consider yours is property that should be listed. This includes anything that you might own with another person.			
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

MID-MISSOURI ACCESS TO JUSTICE MID-YEAR REPORT

Purpose of the Organization

The Mid-Missouri Access to Justice Project was formed to provide various levels of assistance to low-income individuals attempting to access the courts in civil matters in the 13th Judicial Circuit. The purpose of the project is to provide appropriate levels of assistance and education in the pursuit or defense of civil litigation in priority areas established by the project. The level of assistance provided will depend on the nature of the matter involved, the needs of the individual seeking assistance, the effectiveness of the type of assistance provided in meeting the needs of the client, and the resources of the project.

History of the Organization

The Mid-Missouri Access to Justice Project is a cooperative effort of the Thirteenth Judicial Circuit Court, the members of the Boone County and Callaway County Bars, and local service agencies, to provide needed legal assistance and litigant education to citizens of Boone and Callaway counties who do not have the resources to effectively access the civil justice system in matters essential to their well-being.

With the Missouri Supreme Court's approval of amendments to its court rules which allow the practice of limited scope representation, the 13th Judicial Circuit Court was interested in encouraging local attorneys to provide pro bono services to selected individuals. With the support of the court, Lou DeFeo, Director of the Legal Care program of the Samaritan Center in Cole County, organized an initial meeting of interested agencies which took place on July 21, 2008. Representatives from the agencies in attendance at that initial meeting continued to meet over a period of time to develop goals for the proposed project. Representatives from the following organizations were active in the development of the project: 13th Judicial Circuit Court, Mid-Missouri Legal Services, University of Missouri School of Law, Clerk of the Boone County Circuit Court, Clerk of the Callaway County Circuit Court, Missouri Supreme Court Pro Se Commission, Boone County Bar Association, Callaway County Bar Association, The Shelter, Voluntary Action Center, and Central Missouri Community Action.

It was anticipated by the organizers of the project that the project would provide various levels of legal assistance to individuals whose income did not exceed 150% of federal poverty guidelines.

The project proposed providing the following assistance: direction in how to access information about legal procedures and forms; providing limited scope representation to individuals in representing themselves in civil matters; providing full legal services in matters where it is not possible, or not advisable, for the individual to pursue the legal issue pro se; and providing training and materials to individuals and agencies assisting the project.

The project was not intended to provide legal assistance to individuals who are represented by private counsel, or who qualify for assistance from Mid-Missouri Legal Services.

Need for the Program:

The judge hearing uncontested dissolutions of marriage identified a need to pay special attention to cases involving self-represented litigants. She was concerned that even those self-represented litigants who had completed the litigant awareness program did not understand the documentation which was required, the evidence which needed to be presented, or the procedures of the court. In order to address this need, the judge set a special docket for pro se dissolutions, and the Mid-Missouri Access to Justice Project (MMA2J) developed and implemented a program of Pro Se Dissolution Clinics. The judge estimates that she handles ten pro se dissolutions a month. In addition to the judge hearing pro se dissolutions, there is a Family Court Commissioner who also hears pro se dissolutions.

Project Goals and Objectives

GOAL: Increase the accessibility of the court to individuals proceeding pro se for dissolutions of marriage.

Objective 1: Increase the number of people attending the Boone County Pro Se Dissolution Clinics from an average of 3 per class to 10 per class.

Objective 2: Increase the number of Pro Se Dissolution Clinics offered in Callaway County from none to 11 per year.

Objective 3: Increase the number of clients assigned to pro bono attorneys from 5 in one year to 10.

Progress Made in Establishing the Program

Significant progress has been made in establishing a program to assist self-represented individuals in dissolution of marriage cases.

Pro Se Dissolution Clinics. MMA2J has conducted monthly Pro Se Dissolution Clinics for residents of Boone County since October 2009. The clinics cover the information from the on-line self-representation class, and explain how to fill out the pro se dissolution forms. These clinics are being expanded to Callaway County, and residents of other counties will be allowed to attend, upon approval of the courts in those counties.

Pro Bono Attorneys. Five cases have been referred to pro bono attorneys for the project. These were cases where it was believed the pro se clinics would not provide sufficient assistance to the individual applying for service, and the individual met the project's income guidelines for pro bono assistance.

Screening of Clients. The project office takes calls from 1:00 pm to 3:00 pm three days a week. Individuals calling at other times can leave a message on the office answering machine. Individuals are screened for income and type of service needed, and an attempt is made to refer them for appropriate assistance. To date, the following phone calls have been received and processed by the project coordinator.

Subject matter of calls received in the project office:

Divorce:	42	Bankruptcy	1	Non-client	18
Legal Separation	3	Criminal	6	Unknown	20
Domestic Violence	2	Guardianship	7		
Clinics	5	Foreclosure	1	Total Calls	161
Child Support	2	Landlord/Tenant	3	Family Law	100
Child Custody	46	Miscellaneous	5		

Services rendered:

Referred to Pro Se Clinic	29
Attended Pro Se Clinic	9
Other Referral	
Volunteer Attorney	5
Paid Attorney	7
Mid-Mo Legal Serv.	4
Other Agency	1
Answered Question	2

No services rendered:

Could Not Contact	41
*Not Project Priority Case	38
**Out of County/State	9
Over Income	3
Not Requesting Service	9
Miscellaneous	1

*Not Project Priority Case: This includes cases which are not family law cases, and the child custody cases that the project is without resources to assist. Mid-Missouri Legal Services does provide representation in child custody cases for individuals falling within their financial guidelines.

**Out of County/State: Only one case was out of state. The project will be assisting out of county individuals in its pro se dissolution clinics.

Tasks Accomplished To Date

- In May 2009 a Missouri not-for-profit corporation, the Mid-Missouri Access to Justice Project (MMA2J), was registered with the Missouri Secretary of State committee.
- A Board of Directors was formed and officers elected. The current Board of Directors and officers are: Ben Nelson, attorney, Boone County Bar Association, President; Lisa Brown,

Director, SHARE, Vice President; Cindy Mustard, Director, Voluntary Action Center, Secretary; Joy Rushing, Assistant to the Court Administrator, Treasurer; Christy Blakemore, Boone County Circuit Clerk; Sue Crane, attorney, Callaway County Bar Association; Susan Lutton, Director, Mid Missouri Legal Services; Chris Schnappe, attorney, Boone County Bar Association; and the Hon. Leslie Schneider. The Board of Directors has been meeting monthly.

- The project hired a part-time project coordinator, Negar Jackson, an attorney in private practice in Columbia, with a background in providing legal assistance to underrepresented populations.
- The project has received an employer ID number from the IRS, and approval as a 501(C)(3) not-for-profit corporation.
- The project obtained \$15,000 in initial funding from IOLTA.
- The project held a recruitment event for members of the Boone and Callaway County Bars in May 2009. Representatives from the Judges of the 13th Circuit and the Missouri Supreme Court were in attendance. The new project coordinator was introduced, the program was explained, and input sought from members of the bar. The project received applications to volunteer from 30 members of the bar and 3 non-attorney mediators.
- The project celebrated Pro Se Week with a breakfast for volunteer attorneys in Boone County, and dessert at a lunch meeting of the Callaway County Bar Association.
- Office space has been donated to the project by Central Missouri Community Action in Columbia, Missouri. The project opened its office in August 2009. A computer and printer have been donated, and supplies have been purchased. CMCA has temporarily loaned a desk to the project.
- The Young Lawyers section of the Boone County Bar Association had a golf fundraiser that raised over \$7,000 for the project.
- The project coordinator has established regular office hours, and screens clients for two hours a day three days a week. She also returns calls received on the office answering machines, and responds to e-mails directed to the project's e-mail address.
- Monthly pro se dissolution clinics have been held in Boone County since October 2009 (except for December).

Obstacles Encountered by the Project

The project has encountered several obstacles during its first six months.

Slow Start-Up. The project received funding before it was fully operational. This resulted in one grant year expiring before funding could be fully used, and the use of DRRF funds being delayed while the initial grant funding from IOLTA was exhausted.

Services Offered. There is incongruence between the needs of the target population and the ability of local attorneys to provide pro bono assistance. As can be seen from the data above, the majority of requests for services in the area of family law were for child custody litigation, and many divorce inquiries were for contested divorces. Contested cases are time intensive, and attorneys are reluctant (or unable) to accept these cases on a pro bono basis. At the same time, the project does not have sufficient funding to hire staff attorneys to provide representation in contested cases.

Training for Potential Pro Bono Attorneys. There is a potential source of pro bono attorneys among recent law school graduates. These attorneys, however, have expressed reluctance to assume representation of clients without training in the area/areas of law that are the subject of the representation.

Funding. The project is currently dependent on grant funding, which is restricted in its use. This limits the flexibility of the project in meeting the needs of the community, and the viability of the program will be threatened if the grant funding is lost.

Responses of the Project to these Obstacles

Slow Start Up. The project is now moving forward at a much quicker pace. The project director has become acclimated to the position, and there are sufficient funds to increase the number of hours she works on the project from 20 hours per week to 30 hours per week.

Services Offered.

Expansion of Areas of Law in Which Assistance is Offered. From its implementation, the project has limited its assistance to family law matters. Since the project is currently unable to assist individuals with contested family law cases, the Board of Directors at its last meeting voted to expand the areas of service to landlord/tenant and debtor/creditor law and to some services to the elderly in order to serve more people with available resources. The project will be developing clinics to educate the public in how to proceed pro se in these additional areas, and to assist individuals in completing simple forms, such as “living wills.”

Expansion of Pro Se Dissolution Clinics. The pro se clinics are now up and running successfully in Boone County, and are becoming more popular. They will be expanded to Callaway County. Also, as long as the capacity exists, it has been determined to allow individuals from other counties to attend the clinics, provided their courts will accept them as a fulfillment of the self-representation training requirement. Local attorneys have been generous in donating their time to these classes.

Training for Potential Pro Bono Attorneys. The Family Court judge and commissioner have agreed to conduct training for attorneys interested in providing pro bono representation in the

area of family law. Similar classes will be developed for the additional areas of law to be covered by the project.

Funding

Young Lawyers Fundraising Event. The Young Lawyers section of the Boone County Bar Association had a golf fundraiser which made \$7,129.96 for the project.

Formation of an Advisory Board. The Board of Directors is soliciting individuals to serve on an advisory board, which will develop and implement a plan to promote the organization in the community, both in order to obtain funding for project activities and to educate the public about the availability of the services provided by the project.

Joint Fundraiser with Mid-Missouri Legal Services. The Board of Directors is exploring the possibility of a joint fundraiser with Mid-Missouri Legal Services.

Future Activities

- The Mid-Missouri Access to Justice Project will continue to provide, promote and expand its pro se dissolution of marriage clinics. The project coordinator will promote the clinics, sign up attendees, obtain volunteer attorneys to present the clinics, and ensure that materials are available for the clinics (self-representation booklet, court forms, surveys, etc.).
- Flyers to promote the pro se dissolution clinics have been developed and are being given to local social service agencies to make available to their clients.
- The Circuit Clerk is providing the flyers to individuals who are attempting to proceed pro se with a dissolution of marriage.
- The project is receiving referrals from Mid-Missouri Legal Services.
- It is hoped that during the next grant year the project will also be able to use volunteer attorneys to staff “office hours” either in the courthouse or the local library to provide information on the self-representation process and the pro se dissolution clinics. Both the court and the library have offered space for this to occur.

Contractual Services to be Purchased

The Court intends to contract with the Mid-Missouri Access to Justice Project to provide, promote and expand the pro se dissolution of marriage clinics. The project coordinator will promote the clinics, sign up attendees, obtain volunteer attorneys to present the clinics, and ensure that materials are available for the clinics (self-representation booklet, court forms, surveys, etc.).

Sustainability

New Funding Sources. In addition to the activities discussed under Funding above, the project is actively seeking to identify other sources of funding. The project coordinator has undertaken a number of activities to identify possible sources of funding for the project. She has participated in a number of networking opportunities to reach individuals and organizations in the community

who might have funding available for the project. She has also contacted local financial institutions regarding available trusts, and local churches regarding becoming one of their mission activities. The project coordinator has also become involved with United Way and the project plans to become a United Way partner with a goal of United Way funding once the project has a track record.

DRRF Funding. Currently, the project is in need of partial funding for the services of the project coordinator for an additional year. The Board of Directors believes that within that time the project will be able to develop a program of ongoing fundraising which will sustain the project in the future. Both the number of attorneys willing to assist with the project, and the number of individuals taking advantage of project services is steadily increasing. While this development has been slower than hoped, the fact that numbers are increasing is very promising.

Income and Expenses

DOMESTIC RELATIONS RESOLUTION FUND January 31, 2010

Date	Check	Description	DRRF - FL		DRRF - DV	
			Expended	Remaining	Expended	Remaining
				\$ 12,500.00		\$ 6,250.00
7/13/09	1003	Negar Jackson - Services	\$ 226.33	\$ 12,273.67	\$ 109.67	\$ 6,140.33
8/5/09	1005	Negar Jackson - Services	\$ 172.20	\$ 12,101.47	\$ 364.47	\$ 5,775.86
8/12/09	1007	Negar Jackson - Services	\$ 242.67	\$ 11,858.80	\$ 121.33	\$ 5,654.53
8/28/09	1010	Negar Jackson	\$ 519.40	\$ 11,339.40	\$ 259.93	\$ 5,394.60
9/11/09	1013	Negar Jackson - Services	\$ 737.80	\$ 10,601.60	\$ 382.20	\$ 5,012.40
		Balance - End of 2009	\$ (12,500.00)	\$ 23,101.60	\$ (6,250.00)	\$ 11,262.40
1/5/10	1038	Negar Jackson - Services	\$ 290.89	\$ 22,810.71	\$ 145.44	\$ 11,116.96
1/14/10	1039	Negar Jackson - Services	\$ 379.55	\$ 22,431.16	\$ 189.78	\$ 10,927.18
1/29/2010	1040	Negar Jackson - Services	\$ 548.80	\$ 21,882.36	\$ 274.40	\$ 10,652.78
1/29/2010	1041	Negar Jackson - Services	\$ 353.42	\$ 21,528.94	\$ 176.71	\$ 10,476.07
		Current Balance		\$ 21,528.94		\$ 10,476.07
		Total Available Through 6-30-10		\$ 32,005.01		

Petition for Change of Name – Adult

Persons 18 and older seeking to change their name may do so by filing a Petition for Change of Name. The Petition must state important facts required by law in order for a name change to be granted. Generally the Petition must describe who you are, where you live, why you are seeking the change and whether the name change is being made in good faith and without intent to defraud creditors. This form is available for download at the end of the Litigant Awareness program. Most lawyers will file a Petition for Change of Name for a modest fee. If you have limited money to spend, you may also ask a lawyer to help you part of the process, such as drafting the Petition, reviewing the Petition after you complete it, appearing in Court at a hearing or helping you with publication. Court Rules allow a lawyer to help a party with certain specific tasks without handling the entire case for a party. This is called *Limited Scope Representation*. A lawyer providing limited representation will usually charge a fixed fee or charge by the hour.

The Steps Include:

1. Filing of a *verified* Petition;
2. Possible hearing;
3. Entry of Judgment; and
4. Publication

How to file a Petition for Change of Name

A Petition for Change of Name must be *verified* before it can be filed. This means that you must swear or affirm the truth of the facts in the Petition. Then you must sign the Petition under oath before a notary. Most banks have notaries that can do this for a small fee.

The Petition must be filed in the Circuit Court in the county where you live.

How much will it cost to file?

Filing fees vary depending on the type of case. Filing fee information may be posted online or you may obtain this information from the Court Clerk at your local courthouse.

What if I cannot afford the filing fee?

The Court may waive the filing fees. If you cannot afford the court filing fee, you may file an application asking that the fees be waived. This is sometimes called *In Forma Pauperis* (in the manner of a poor person). You will have to provide the Court with detailed financial information under oath so that the judge can decide if you are eligible for a waiver. The form is available for download after the completion of the Limited Access Program and may also be obtained from the Court Clerk.

What happens after filing?

In most cases, if the verified Petition is filed properly, there is no need for a Petitioner to appear in Court for a hearing. However, you must check with the Court Clerk in your Circuit to see if an appearance is required. Once the Petition is reviewed and approved by the Court, the Court will issue a judgment changing the name.

Upon receipt of a certified copy of an order from a Court of competent jurisdiction changing the name of a person born in this state and upon request of such person or such person's parents, guardian, or legal representative, the Missouri Department of Health and Senior Services, Bureau of Vital Statistics shall amend the certificate of birth to show the new name. The Court Order shall include such facts as are necessary to locate and identify the certificate of birth of the person whose name is being changed.

Publication

Upon receipt of the judgment, the petitioner **must** make public notice of the name change at least once a week for three (3) consecutive weeks in a newspaper of general circulation in the county in which they live. In addition, proof of said notice must be filed in the Office of the Clerk (in some courts

this is the Court Administrator's Office) within 10 days after the date of the last publication. It is in your interest to publish your name change or it may be ineffective.

Petition for name change – Minor

Changing the name of a minor is more complicated and requires additional steps. The following basic steps will help you understand the court process when seeking a name change on behalf of a minor.

The steps include:

1. Filing of *verified* Petition;
2. Written Notarized Consent (agreement) of both known parents or service on non-consenting parent;
3. Petition for Appointment of Next Friend;
4. Written notarized consent of the child, if age 14 or older,
 - to the name change and
 - to the **appointment of next friend**
5. Possible Hearing;
6. Entry of Judgment; and
7. Publication.

Filing the Petition

A child, through a **next friend**, may file a Petition for name change with the written notarized consent of both parents. The Petition must state important facts required by law in order for a name change to be rendered. Generally the Petition must contain basic information about each parent, the child(ren), why the name change is being sought and whether the name change is in the child(ren)'s best interest. This form is available for download upon completion of the Limited Access Program.

Petition for Appointment of Next Friend

This is a formalized request to the Court to act on a behalf of a minor child(ren) and is available for download from this site at the conclusion of this Litigant Awareness program. The next friend is usually the child's physical custodian.

Consent

In the State of Missouri, changing the name of a minor requires written, notarized consent (agreement) of each known parent. This written consent must be filed along with the Petition for name change. If the written consent of both parents is not available, service on the non-consenting party will be necessary. A child age 14 or older must provide written notarized consents to the name change and to the person appointed as next friend.

Service

If the written consent of each known parent is not filed, a copy of the Petition together with a notice stating the date of the hearing shall be served on each non-consenting, known parent not less than 30 days before the date of the hearing. The service shall be by registered or certified mail addressed to the last known address of the non-consenting parent. Service shall be proved by the certificate of the Court Clerk that a mailed copy of the Petition and notice has been sent by registered or certified mail.

Hearing

In most cases, name changes involving minors require an appearance by the parties in Court. Some courts will issue a notice of hearing which tells you when and where to appear. It is important that you check with your local court to see what their requirements are. If a hearing is required, you could ask an attorney to appear for you for a modest fee. Court Rules allow an attorney to help parties with certain limited tasks.

Publication - Minor

As with adults, the change of name of a minor is conditioned upon proper publication. Upon receipt of the judgment, the petitioner **must** make public notice of the name change at least once a week for three (3) consecutive weeks in a newspaper of general circulation in the county in which the minor(s) live. In addition, proof of said notice must be filed in the Office of the Circuit Clerk (in some courts this is the Court Administrator's Office) within ten (10) days after the date of the last publication.

Change of Name on Birth Certificate

The Missouri Department of Health and Senior Services, Bureau of Vital Statistics will amend the birth certificate to show the new name of person born in Missouri when that person, or that person's parents, guardian, or legal representative makes a request and provides a certified copy of the name change judgment.

Petition for Name Change – Family

Parents and minor children may join in a Petition for change of name and the Petition shall include all information required of the parents (see Petition for Change of Name – Individual above) and the name of the minor children may be changed at the discretion of the Court.

This is designed to allow one Petition to take the place of several where an entire family is seeking a change of name.

Motion for Family Access (Visitation)

The family access motion is a process to enforce an **existing order** for “access” (visitation/parenting time) with a child that has a specific schedule of time with the child. An administrative order for child support does not address custody or visitation/parenting time provisions that qualify for an existing order. A person may file a family access motion if the court order is denied or interfered with without good cause. The motion must state the specific facts that establish a violation of specific access (visitation/parenting time) periods set forth in the court order. An order for “reasonable” visitation or parenting time may not be specific enough for the Court to enforce it. Most lawyers will file a Motion for Family Access for a modest fee. You may also ask a lawyer to help you part of the process, such as drafting the Motion, reviewing the Motion after it is completed or appearing in Court with you at a hearing. Court Rules allow a lawyer to help a party with certain specific tasks without handling the entire case for a party. This is called *Limited Scope Representation*. A lawyer providing limited representation will usually charge a fixed fee or charge by the hour.

How to file a Motion for Family Access

A motion for family access must be filed in the Court that has continuing jurisdiction over custody and access of the child. This is usually the Court that entered the order that the motion is addressing.

The Family Access form is available for download below or at the Court Clerk’s Office where you can get more information on the filing procedures if necessary. A filing fee is charged for filing the motion. There is also a fee for serving notice on other persons entitled to notice of the motion.

What happens after a Motion is filed?

Other persons entitled to notice must be served with a copy of the motion for family access. Persons who are served may file a response. The Court Clerk can provide forms and explain the filing

procedures. You can also download a copy of the Response to a Motion for Family Access below. Some Circuits refer these matters to dispute resolution before an appearance in Court.

The parties involved in the case will have an opportunity to present evidence, including calling witnesses. Witness may be subpoenaed to testify. A request must be made for the Court Clerk to issue subpoenas. State law authorizes a judge to order the following remedies when a person denies or interferes with a Court Order for access to a child:

- Hold the violator in contempt.
- Order compensatory (make up time) visitation not less than the time denied.
- Order the violator to obtain counseling or pay counseling between child and the person who filed the motion for family access.
- Require the violator to post security (bond) for future compliance with the order.
- Assess a fine of up to \$500.
- Grant attorney fees and Court costs.

Forms are available below.

NOTE: Terri, We would like the following forms: Motion, Response, Confidentiality Sheet, and UCCJEA.

Motion to Modify The Parenting Plan

The parenting plan ordered by the Court for your child may need to be revised as your child's circumstances change. This may be accomplished either informally or formally. First, consult the other parent to determine if the changes may be agreed upon. It is not necessary to go to trial or have a contested hearing to make a simple change to the parenting plan if both parents agree.

Parents may agree to an informal simple or minor change. Such simple or minor changes may include a change in days, times or exchange location. In some cases a parent may want to a more major change, such as where the child resides the majority of the time. This would require a new court order to be binding. Unless the agreement is formally filed with the Court and approved by the Court the prior parenting plan remains in effect.

If an agreement with the other parent is not possible and you have a contested case you are strongly advised to consult a lawyer to determine whether modification of the parenting plan is advisable.

A Motion to Modify is the pleading filed with the court to make changes in the best interest of your child. Changes to the schedule of parenting time (visitation) may be anticipated as a child grows, goes to school, and engages in more extra-curricular activities. Changes in the amount of child support may be anticipated as the needs of the child and income of the parents' change. **Another section will address a motion to modify child support.** Some changes are sought to make the parenting plan more workable or to address new concerns for the child's welfare. Modification of the parenting plan will focus on circumstances of the child and/or child's *custodian* that have changed since the last court decision. Events or concerns heard by the Court in the past will not be reconsidered by the judge. Changes in the physical custody of the child are more difficult to obtain by a court. The Court is unlikely to modify the physical custody of a child for at least one year after the most recent custody decision. By law a change of custody requires specific findings that consider more than the wishes of the parent and the child. Requesting a change simply because a parent

thinks the child wants to live with that parent may not satisfy the legal requirements. Requesting a change simply because you and/or the child does not like the parenting time (visitation) may not satisfy the legal requirements for a modification.

How is a Parenting Plan modified by agreement?

When parents agree on the changes to be made to the parenting plan they may file a *stipulation* for modification with the court. A stipulation means both parents agree that the Court should make the change. The Court may grant the request without a formal hearing depending on the nature of the change. The parents secure their agreement by a judgment so that their agreement becomes binding. You may also ask a lawyer to help you with part of the process. Even if you have limited resources to pay a lawyer you can still receive help from a lawyer. Court Rules allow a lawyer to help a party with certain specific tasks without handling the entire case for a party. This is called *Limited Scope Representation*. A lawyer providing limited representation will usually charge a fixed fee or charge by the hour. A lawyer providing limited representation could draft a Motion or Stipulation, review the Motion or Stipulation after it is completed, draft a parenting plan, calculate child support, appear in Court at a hearing with you, draft a Judgment or review a Judgment after it is completed.

How is a Parenting Plan modified when the parents are not in agreement?

When parents disagree on modifying the parenting plan, the matter is “contested.” The procedures for a contested hearing apply. The Court will require the parent requesting the change to present evidence. Evidence is necessary to meet the legal burden of proof that the change is required. The responding parent may also introduce evidence. The burden of proof required depends on the type of changes sought. This may be legally complex. You will want to consider hiring a lawyer to present your case to be effective in a contesting hearing.

Even after legal proceedings have started, the parties should explore opportunities to settle contested issues. A case may be settled at any time without the court making the decision. The parents may

discuss the case and reach a resolution themselves. It is better for your child when parents can agree on whether to make changes to the parenting plan. Most cases do settle, rather than go to trial. Mediation is available at any time. The judge can and often will request that the parents meet with a mediator before hearing a contested motion to modify the parenting plan.

What Court can grant a modification to the parenting plan?

A Court may only grant modification of a parenting plan if they have authority (jurisdiction) over the issues and the people involved. Missouri and most other states and territories of the United States participate in a uniform law that establishes the jurisdiction of a court to modify a parenting plan. If both parents and the child continue to live in the state where the court entered a judgment establishing the parenting plan, then that state has “continuing jurisdiction” to make changes to the exclusion of all other states.

In Missouri, custody and access (visitation) issues are heard in the same *Circuit* that entered the parenting plan even if a parent or child moves to a different *Circuit* within the State. When a parent or child moves out of state or the parenting plan was ordered in another state, the laws on jurisdiction become very complex. You should consult a lawyer to determine whether a particular court may hear your case in these circumstances.

What are the steps in a Modification?

1. Filing of Motion
2. Service of Summons
3. Completion of litigant awareness program
4. Completion of parent education program
5. Mediation
6. Discovery
7. Pre-trial hearing

8. Trial
9. Entry of Judgment

Filing A Stipulation for Modification of the Parenting Plan:

The Motion to Modify is a formal pleading to the court which must be filled out completely and *verified* before it can be filed. This means both parents swear or affirm before a notary public that the facts contained in the motion are true and sign the motion before the notary. Most banks have notaries that can do this for a small fee.

You must also file these forms: Confidential Filing Information Sheet (Form CAFC067), Family Court Information Sheet (Rule 55.05 statement of jurisdiction over children), Proposed Parenting Plan, Certificates of completion of the Litigant Awareness Program and a parent education program, Form 14 (if child support is changing), and a proposed Judgment on Stipulation. These forms are available for download from this site at the conclusion of this Litigant Awareness Program. Check with your local court to see if additional forms are necessary.

Ask the Court Clerk whether it will be necessary for you to request a hearing date or whether the judge will consider your motion without a hearing.

What will it cost to file?

Filing fee information from your local court may be posted online (see www.selfrepresent.mo.gov and click on court clerk assistance). Otherwise, contact the Circuit Clerk at your local courthouse. Some Circuits do not charge a filing fee for stipulations for modification.

Filing a Contested Motion for Modification:

The Motion to Modify is a formal pleading to the court which must be filled out completely and *verified* before it can be filed. This means you swear or affirm before a notary public that the facts contained

in the motion are true and sign the motion before the notary. Most banks have notaries that can do this for a small fee. Your case may be delayed if these important steps are not followed.

There are standard forms that must be filed along with the motion so that the court has enough information about you to review the circumstances of your case before a hearing. These forms usually include a Confidential Filing Information Sheet (Form CAFC067), Family Court Information Sheet (Rule 55.05 statement of jurisdiction over children), Proposed Parenting Plan, certificates of completion of the Litigant Awareness Program and a parent education program. You may also need to include a Form 14 for calculation of child support. These forms are available for download from this site at the conclusion of this Litigant Awareness Program. Check with your local court to see if additional forms are necessary.

You will want to consider hiring a lawyer if you have a contested case.

What if I cannot afford the filing fee?

The court may waive filing fees. If you cannot afford the court filing fee, you may file an application asking that the fees be waived. This is sometimes called *In Forma Pauperis* (in the manner of a poor person). This form is available for download at the conclusion of this Litigant Awareness Program. You may also ask the Court Clerk for the application form. You will have to provide the court with detailed financial information under oath so that the judge can decide if you are eligible for a waiver.

Do I need to have a hearing?

If your case is agreed upon (i.e., non-contested), check with the Court Clerk to determine if a hearing is required. You can hire a lawyer for the specific task of appearing with you at the hearing.

How is a hearing scheduled?

In Missouri, the Court Clerk will schedule hearings. In some Circuits, a litigant will not be placed on

the docket automatically, but will need to request a hearing to get on the docket. You should check with your local court for the applicable procedure.

Why do I have to go to the parenting education program if I have an agreement with the other parent?

Some local court rules require the parents to complete a parenting education program in modification cases. The program will raise awareness of the benefits of cooperative parenting, the best interest of your child and resolving disputes.

What is required for my hearing?

A parenting plan, Form 14 (if child support is being changed), and a proposed judgment will be required. Please check with the Court Clerk to determine what other forms are needed and how many copies you should provide.

What do I need to do the day of my hearing?

- Call Court Clerk Prior to Hearing. You must call the Court Clerk office to make sure all required forms are on file, the other parent has been served, and the hearing is still set.
- Read and organize all documents. Being familiar with the documents of the case will help you reach a satisfactory outcome.
- Create an outline/brief summary of the case. This will help in the organization of the case. If you go unprepared then you may forget important points of your case.
- Find out in advance where the court house is and the specific courtroom where your case is assigned. When you arrive at court, check-in with the division your case is assigned to.
- Wear appropriate attire for the courtroom. Wearing clean, business casual attire (collared shirt, blouse, sweater, khaki/chino style slacks, skirt, dress, appropriate shoes, sandals) is sufficient.

- Arrive at court early. Remember, courts have tight security! It may take a while to get in the building. The judge will not appreciate anyone being late for a hearing, so give yourself plenty of time to get through security and to make your way to the courtroom.
- Make sure your witnesses show up for court. This is important so you can get the information onto the record. Be sure that the “return of service” affidavit is on file to show that the witnesses subpoenaed were notified to attend court.
- Before you go into court make sure you turn off all electronic items, i.e., cell phone, pagers, etc. Interruptions such as ringing cell phones are not appreciated by the court.
- Dispose of any food or drinks before you enter the courtroom. It is common court etiquette to leave all food and drink outside the courtroom.
- Make sure you enter and leave the courtroom quietly, so as not to disturb others. Silence is required of people when they are in a courtroom unless the judge asks them to approach and be heard.

Proposed Judgment

Some courts may require parents to submit a proposed judgment in advance of the hearing. Please check with the Court Clerk. Failure to do so may result in delay or dismissal of your case. This form is available for download at the conclusion of this Litigant Awareness Program. You can hire a lawyer for the specific task of drafting the judgment.

What happens during my hearing?

- The judge or commissioner will call your case for the hearing. Make sure you stand when the judge/commissioner enters and when you are talking to the judge/commissioner.

- Address the judge or commissioner as "Your Honor." Do not interrupt the judge/commissioner while he or she is talking. When responding to a judge/commissioner do so in a respectful manner.
- When your case is called for hearing, respond that you are present and you can come forward to the front of the courtroom. The judge or commissioner will make some remarks before your hearing begins. Listen to the judge and ask for any clarification if you do not understand anything. An official court reporter will be taking down the testimony or the hearing will be tape recorded. Make sure you speak loud enough to be heard.
- The petitioner will be heard first. At this time you and your witnesses will be heard by the court to tell your side of the case. Be prepared to make a brief summary of the case to help the judge understand what you are seeking from this trial.
- Before the witnesses testify they will be given an oath by the judge. The first question you should ask is the witness's name and address. This will help lay down a framework for further questions. After this you can ask questions that will bring out the information pertaining to your case. When you question witnesses (other than yourself), ask questions, do not make statements. It is the witness giving testimony, so it needs to be their answer. The respondent may object to evidence which you offer. You may respond to their objection. The judge or commissioner will decide if the objection is valid. Wait for the judge's decision before you proceed.
- The respondent is heard second. The petitioner may object to evidence offered by the respondent. During the course of the hearing the judge may ask questions at anytime. Listen attentively to the question and then answer. After the respondent's presentation, the Petitioner may present rebuttal (to mitigate testimony the other party presented) evidence. You have the right to cross examine the other side's witnesses. Make sure you have questions written down

when you go up to cross examine. Show respect for all witnesses, even though they may be testifying against you.

When will the judge decide my case?

After the evidence, the judge or commissioner will make a decision, which may be announced at the time of the hearing. Sometimes the judge or commissioner will take additional time to consider the evidence and the law before deciding a case. Once the judge or commissioner decides your case, the judge or commissioner will issue a written [judgment](#).

You may be required to prepare the judgment form for the judge's signature. IT IS YOUR RESPONSIBILITY TO REVIEW THE JUDGMENT, MAKE SURE IT IS WRITTEN CORRECTLY AND THAT INCLUDES EVERYTHING AT ISSUE. You are usually required to allow the other parties to review the judgment before it is signed by the judge.

The case concludes when the judgment is signed by the judge.

What do I have to do after the judge signs the judgment?

First, you must do all the things that the judge ordered you to do in the judgment. That means you may have to request an assignment of wages for payment of child support, obtain health insurance for the child, or pay money. You may also need to provide copies of your judgment to others.

Failing to do what the judge ordered may result in additional court proceedings for enforcement of the judgment or for contempt of court.

[Click here](#) to print the Certificate of Completion of the Statewide Litigant Awareness Program and to obtain forms.

**COMMITTEE ON ACCESS TO FAMILY COURTS -- SUBCOMMITTEES
JANUARY 2010**

Recommendation #1 & #5 -- Litigant Education Program/Brochure

Kathleen Bird - Co-Chair
Karen Brown - Co-Chair
Beth Dessem
Kelly Martinez
Mary Ann McClure
Deanna Scott

Recommendation #2 -- Court Staff Education

Kathleen Bird - Co-Chair
Marsha Holiman - Co-Chair
Karen Brown
Mary Ann McClure

Recommendation #3 -- Judicial Education

J.D. Williamson - Co-Chair
Brent Powell - Co-Chair
Bennett Burkemper
Miles Sweeney
Robin Vannoy

Recommendation #4 -- Internet/Website

Terri Norris - Chair
Kathleen Bird
Lou DeFeo
Marsha Holiman
Dennis Smith

Recommendation #6 & #7 -- Alliances with State and Local Bar Associations / Pro Bono Initiatives

Lou Defeo - Co-Chair
Allan Stewart - Co-Chair
Kathleen Bird
Karen Brown
Fred Cruse
Dick Halliburton
Richard Holtmeyer
Kelly Martinez
Tricia Scaglia
Brent Powell

Miles Sweeney
Robin Vannoy

Recommendation #8 -- Forms

Dennis Smith - Chair
Richard Holtmeyer
Leslie Schneider
Deanna Scott
Robin Vannoy

Communications/Networking

Fred Cruse - Co-Chair
Tricia Scaglia - Co-Chair
Ben Burkemper
Beth Dessem
Dick Halliburton
Allan Stewart
Bob Stoeckl

Self-Help Centers

Leslie Schneider - Chair
Ben Burkemper
Kelly Cramer
Tricia Scaglia
J.D. Williamson

Funding - inactive