



**COMMITTEE ON ACCESS TO FAMILY COURTS
TENTATIVE AGENDA**

**Office of State Courts Administrator
121 Alameda Drive, Conference Room B**

**September 10, 2010
10:00 a.m. – 3:00 p.m.**

I.	Call to Order/Approval of Minutes (Levine)	
	A. Minutes from June 4, 2010, Meeting	
	<i>Attachment Page</i>	3
	Action: Committee approval of minutes	
	B. Introduction of New Member	
	Don Crank	
	<i>Attachment Page</i>	11
	C. Resignation of Judge Bennett Burkemper	
	D. Annual Report to Supreme Court	
	<i>Attachment Page</i>	12
	E. Discussion with State Court Administrator (before lunch)	
II.	Status Updates	
	A. Alliances with State / Local Bar Associations / Pro Bono Initiatives (Stewart/DeFeo)	
	1. Judicial Pro Bono Tool Kit (Norris & DeFeo)	
	Action: Review and recommendations for improvement of Tool Kit	
	<i>Attachment Page</i>	41
	2. Update of the LSR-CLE faculty and information (Stewart)	
	<i>Verbal Update</i>	
	B. Self-Help Centers (Schneider)	
	1. Written update	
	<i>Attachment Page</i>	77
	C. Internet/Web Site (Bird)	
	1. Survey – Statistics and Comments (Norris)	
	<i>Handout</i>	
	D. Forms (Smith)	
	1. FCC – SJRC comments regarding Paternity Forms and Petition for Appointment of Next of Friend Form	
	<i>Attachment Page</i>	84

- E. Litigant Education Program/Brochure (Bird/Brown)**
 - 1. Paternity Education Component
Action: Committee approval of component
Attachment Page.....114
 - 2. Website update and demonstration (Bird)

- F. Communications/Networking (Cruse/Scaglia)**
 - 1. Pro Se resources for Librarians
 - 2. Press release for first year statistics
 - 3. Publicity for Mid-Mo Access to Justice Project

- G. Court Staff /Clerk Education (Bird)**
 - 1. Update
 - 2. LSR Survey
Attachment Page124

H. Judicial Education (Williamson)

- III. Staff Report (Zacharias)**
 - A. Committee expenses – Memo from Circuit Court Budget Committee
Attachment page.....126

- IV. Old Business**
 - A. “When Mommy and Daddy Get a Divorce” coloring book
 - B. Update on DLS Pro Bono Projects (Scott/Halliburton)

- V. New Business**
 - A. Meeting dates for 2011
March 4, 2011
June 3, 2011
September 9, 2011
December 2, 2011
 - B. Replacement for Judge Burkemper, liaison to FCC

VI. Adjourn Meeting

PLEASE MARK YOUR CALENDARS FOR THE NEXT CAFC MEETINGS:

**September 10, 2010
December 3, 2010 (by conference call)**



**COMMITTEE ON ACCESS TO FAMILY COURTS
MINUTES
June 4, 2010**

Members by Phone: Judge Dennis Smith, Judge Brent Powell, Judge J.D. Williamson, Lori Levine, Beth Dessem, Kelly Martinez, Mary Ann McClure, Lou DeFeo, Richard Halliburton, Fredrich Cruse, Allan Stewart, Kathleen Bird, Patricia Scaglia, Deanna Scott, Karen Brown

OSCA Staff: Cathy Zacharias, Terri Norris, Kelly Cramer, Debbie Eiken

Missouri Bar Staff: Bob Stoeckl

Members Absent: Judge Bennett Burkemper, Judge Leslie Schneider, Judge Miles Sweeney, Judge Robin Vannoy, Marsha Holiman, Richard Holtmeyer

I. Call to Order

The Committee on Access to Family Courts (CAFC) meeting was called to order by Lori Levine at 9:08 a.m. at the Office of State Courts Administrator (OSCA), 2112 Industrial Drive, Jefferson City, Missouri, by telephone conference.

Allen Stewart moved to accept the minutes from the March 5, 2010 meeting, Judge J.D. Williamson seconded the motion. The minutes were approved as written.

II. Status Updates

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

1. Research update for “What can judges do to encourage and support pro bono representation?”

Lou DeFeo stated he’s identified some ideas about what judges can do to encourage and support pro bono representation. He has tried to pretest them by sending them to the judges on our committee for feasibility in Missouri. After feedback from our judges we will survey a wider area of Missouri judges. The idea would be to compile these ideas into a tool kit for judges to encourage pro bono representation. Lori asked what the timeframe would be. Lou stated his goal is to have a draft completed in 90 days, but he needs a little more response from the judges on our committee. Cathy Zacharias asked Lou to send her a copy of all his emails.

Lori asked Allan for an update on the Limited Scope Representation (LSR) program. Allan stated they would like to get together with the faculty and meet with the Missouri Bar to see if MoBar can do it for free. The committee discussed the fee for the program and thought they

could charge \$120.00 per person. Allan stated if the MoBar offers the CLE they will have to charge for the seminar. Lori thinks it would be a great idea to advertise it.

2. Update of the *Pro bono* Subcommittee of the Delivery of Legal Services Committee

The Missouri Bar has been making progress on the *Pro Bono* issue. There were three (3) additional MoBar-DLS subcommittees created to further develop the match making proposal. A pro bono webpage is being developed by the Missouri Bar-DLS. This pro bono webpage will be demonstrated at the Solo & Small Law Firms Conference that will be held on June 10th. Robert stated that eventually the webpage will be online and he encourages everyone to review it and provide any suggestions. Lou asked if CAFC could be added to the webpage. Robert will discuss Lou's request with the Bar.

Deanna stated there will be a pro bono summit similar to the 2009 summit. She also reported that there were several pro bono providers last year and they are welcome to attend again.

B. Forms

1. Update and Supreme Court Order regarding the following the following forms: CAFC 101, 102, 111, 112, 140, 150, 170, 291, 211, 249, 259, & 270.

a. Paternity Forms Corrections

Paternity forms have not been sent yet to the State Judiciary Records Committee (SJRC), or the Family Court Committee (FCC). Cathy stated the FCC will not meet until September but the SJRC will meet on July 16th. It is intended for the forms to be sent out by email for comments. Judge Smith stated that Paternity forms are hard to work with because of the number of parties that are involved.

Lori questioned how fast the paternity forms would be approved. Judge Smith stated that they'll be approved very quickly; he thought it would be right after the SJRC July meeting. He said the urgency of getting the forms approved was due to the confidentiality requirements. He hopes the Supreme Court will act in September or October.

The committee discussed a new form CAFC302a, Petition for Appointment of Next Friend. Dennis stated that Mother's Petition for her Appointment as Next Friend would not have to be approved by the CAFC before review by the FCC and SJRC.

b. Motion to Modify Custody Corrections

There were no content changes made to these forms. Judge Smith indicated these will be posted to the website. He would like everyone to test these forms and see what works and doesn't work with them. If the Filing Information Sheet changes, it will need to be modified because it is part of the interactive forms.

Lori wanted to know when this can go over to the Supreme Court. Judge Smith stated they do not approve the interactive forms.

The committee discussed the forms and how they retain information. Judge Smith stated you cannot save your information on these forms. He stated if we could get an Adobe license it would be great, but it is costly. He had been quoted a price of \$100,000 or more. Cathy mentioned that a lower price might be obtained through state contracts and since OSCA is a state agency we might be able to get a better price. Judge Smith stated that we would need reader rights also and this would enable the litigants to save their forms. Lori would like Cathy to look into this. Cathy agreed to talk with our I.T. staff to see if we can get a server license.

C. Self-Help Centers

No report

D. Litigant Education Program/Brochure

1. Paternity Education Component

Kathleen Bird reported that they are still working on language for paternity education that will work statewide. She will be getting with Judge Smith to work on the language.

Karen Brown asked about the coloring book from the Bar Association of Metropolitan St. Louis (BAMSL). Judge Smith said that he would rescan and resend it via email to the committee. Karen will review the book. Judge Smith stated he did receive copyright permission from BAMSL to put it on our website.

Judge Smith stated that there are other ways to establish paternity, such as a Paternity Affidavit, and there are alternatives to going to court. He thinks we should explore these alternatives.

Allen Stewart stated that the Division of Family Services (DFS) will try to obtain a paternity affidavit but it takes time. He said he tells his clients it may take from a couple of months up to a year to get an affidavit.

Judge Smith said the litigant awareness program is a one page item on the website. Lori thinks we need to make some changes to the website to allow for more information. There was some discussion with regards to what should be on the website, how much information in the forms should be specific and how much should be generic. Patricia Scaglia stated she believes we would have more “buy in” from the bar if we were to generalize it more. It would make it easier for solo attorney’s to understand and accept. Judge Smith stated that we should get the information out to the bar that these forms may be used by the attorneys in Missouri, beginning July 1, 2010.

Judge Smith stated the dissolution education section had about 80% general information and this could be included in the new educational part of the website. Lori thought a link between the new program and the old would be an option. The self assessment program might need some

work to incorporate these changes. Kathleen agrees that the litigant awareness program needs to be reconfigured and being able to link it together better. Terry Norris stated the litigants will always be able to go straight to the forms.

Lori believes the general information is fine on the first page of the LAP. She thought the website might need some revising; she assigned the project to the LAP committee with the website subcommittee's help. Judge Smith would like to get together in the next few months to work on this but not over the phone. Cathy Zacharias wanted to know if they wanted the reorganization done by July 1. Lori stated that what we have already works.

Judge Smith would like to leave the dissolution page alone, but on the next page have a generic form. He stated the only forms that needed to be revised by July 1, 2010 are the motion to modify child support and modify custody petition.

Lori asked for an update on the brochure that was sent out. Terri Norris stated she had gotten requests for more copies.

E. Internet/Website

1. Survey

Terri stated the actual survey began on January 16, 2010. She believes that we are getting similar results. She also reported that she does not have to enter the data herself, she now has data extract. Lori was happy to hear that the results were similar and nothing had changed.

Lori wanted to know how the press release was coming along. Robert Stoeckl stated they had created one and Patricia had sent it to Fred Cruse. Fred made some changes to the release. Fred stated he liked the information that was contained in the second press release and would like to add it to the first release. His goal is to make the legal community aware that we are not taking things away but we want to help them. Fred stated that any press release must be put in a bar publication. Lori agreed and stated it will help with LSR.

Judge Smith would like to see these statistics put in a report, Karen Brown agrees. She will take them to a court analyst and have a report put together. Lori wants a report to be sent to the Supreme Court by July 1.

Karen wanted to know how far back she should go with the statistics. Lori said since we've collected statistics from the beginning to compare them with the current statistics we have now. Allan Steward believes we should go back as far as feasible and that may help get the point across to the bar. Fred, Terri and Judge Smith will be sending information to Karen to include in her report. Richard Halliburton stated that the unemployed should be included in the 0 – 999 income set on the survey. Lori asked Karen how long it would take her to put together a report; Karen thought it could be done within the next 10 days. Lori would like to have it completed by July 1.

Lori wanted to address an issue from the comments on pages 19 and 20 from Jackson County. She stated a comment from an individual in Independence said the county court would not accept

the forms. Kathleen stated this is incorrect. She said if the forms were incorrect in court they would not be accepted by a Clay County Circuit Judge. She stated the Judge had now changed his position and but has started accepting the forms.

Kathleen reported the number of people hiring lawyers is now going up dramatically. Fred would like this information to go to the bar. Lori would like all the data to go into the news release.

2. Website

Fred stated this had already been talked about within regards to the press release.

F. Communications/Networking

1. Pro Se resources for Librarians

Lou DeFeo would like the Librarians throughout the state made aware that the video is online. Lori stated she would like to have a letter sent to the librarians informing them about the video and prepared for her signature. The mass mailing will be done by OSCA. Robert will get a list of email address to Terri.

2. Press release for first year studies

This information was covered earlier in the meeting.

3. Publicity for Mid-Mo Access to Justice Project

No new information to report.

4. President's Page letter from Patricia Scaglia

Patricia said she will revise her report to include the discussion from today. She would like Karen to send her information and will talk with Robert and Fred to make sure the information is consistent with the discussion. She will revise the letter and send it around to the group. She wanted to know if the letter needs to be done by July 1, Lori stated not later than that. Lori would like Karen to go back to where we were in 2003. She would like Robert to get some information from the lawyer's perspective. Robert stated when he and Patricia were working on the news release they were unclear about distribution of the information to the Supreme Court. He thought if they would do a draft they could send it to the Supreme Court for review. Lori told them to send it over to Beth Riggert at the Court.

G. Court Staff/Clerk Education

Kathleen stated they have prepared a one page flier that covers new information contained on the website for a handout at the clerk college. Mary Ann McClure reported she is getting ready to put together information for the fall clerk college. She would like to get the new forms put

together for the college. Lori stated she would like to have an hour at the college to do a presentation. Mary Ann said she would request an hour. Lori would like for Mary Ann to let the committee know who she would like to do the presentation.

Allan would also like volunteers to help do telephone seminars.

H. Judicial Education (Williamson)

Judge Brent Powell stated the Judicial College and the ethics program have already been planned for this year, but the Education Committee will be planning the program for next year shortly. He suggested we look for more ethics hours and doing a session on LSR. He stated he was recruited to assist with the ethics portion of the college this year.

Lori was interested in LSR ethics training and wanted to know if we have to approach the Missouri Bar for approval. Judge Williamson will check on this for Lori. Judge Powell stated the Bar may have some issues on how to present it. Robert believes the training will get approval.

Lori thinks we need to get the ethics program approved for credit. Is it something we need to do each year if the CAFC teaches LSR and ethics? Lou stated he had taught an ethics class and LSR was included in the ethics class. Robert stated that a sponsor needs to be approved to become a certified sponsor. Lori stated if the Trial Judge Education Committee knows that the CAFC is presenting an ethics CLE they will be looking for those hours. Judge Powell thought about inviting Judge Chamberlain to come to one of our committee meetings and discuss what they are doing in Clay County. Judge Powell thinks he will have a little more influence with the Trial Judge Education Committee since he's on the planning committee for the Judicial College and may be able to get the ethics and LSR on the agenda for next year's Judicial College. Lou stated that if the program is linked to pro bono, it will be considered ethics hours.

III. Staff Report

Cathy stated the Circuit Court Budget Committee (CCBC) is meeting today and her expectation for committees will be the same. The CCBC are looking into other ways to make remote meetings easier.

There were several suggestions including using Skype, committee members paying their own expenses or meeting at the closest court houses. Cathy stated we could not use Skype, but we are looking into other ideas. Meeting at the court houses could be done but we have several members who are not with the judiciary. Committee members paying their own expenses could not be done. Lori suggested we maintain the schedule we have now. The next meeting will be in person and the last meeting of the year will be by conference call.

IV. Old Business

No discussion on these issues occurred.

VI. New Business

A. Reorganization of Committee (Levine)

Lori reported her discussion with Judge Russell. She stated they had talked about several things. One item was if the committee is interested in being placed under the Family Court Committee (FCC) as a formal subcommittee. Lori told Judge Russell she would not make that decision but that she would bring it back to the committee to decide. Lori asked for comments from the committee. Her feelings are that we have worked well with everyone and other than improved communication she sees no reason to make that change. A disadvantage is that we could lose the time frame of getting things done.

Lori stated that she is concerned with the speed of reporting to the court and loss of autonomy. Fred agreed with Lori, he stated there would be nothing to gain and communication can be dealt with. If you are a subcommittee then the committee would have the right to overrule what we do. Both Allan and Judge Williamson agree with Fred. Judge Williams thinks we need to have some input in the Family Law Committee.

Judge Powell asked Lori if she felt that the decision was made. His sense is that there is some resistance to the concept of LSR and that this is a way to decrease the autonomy of this committee. Judge Smith believes there might be some of that but the Supreme Court has been very supportive of our committee. Judge Williamson thinks the change will weaken the authority of our committee.

Lori stated when she spoke to Judge Russell she let her know that she would be willing to step down if needed. Judge Smith believes the Court wants the committee to be more efficient. Richard believes the only issue in favor of the proposal would be the bar would want the committee to remain separate. Lori stated she would not oppose the Missouri Bar taking the committee over. Allan said he is in favor of staying a separate committee under the court. Lori said she would call Judge Burkemper to get his thoughts.

Lou stated he opposes the idea of becoming a subcommittee. Lori stated she needed a clearer direction from the committee. She would like to know what roll the Family Court Committee and the State Judicial Records Committee (SJRC) has.

Kelly told the committee the order states that we have to send any new forms or changes to the SJRC for comments. Lori asked Kelly if there were problems with the FCC and SJRC. Cathy told Lori that the process has been smoother. She doesn't believe the problem is getting the comments from committees. The order also directs the FCC and CAFC to have a liaison between the committees.

Judge Smith believes the forms that the FCC works on should come to us for our review. He thinks we could help the direction of the forms. Lori agrees.

Lou made a motion to oppose the CAFC becoming a subcommittee of the FCC. Judge Williamson seconded the motion. All agree and the motion passed.

Lori reported that she had another discussion with Judge Russell in regards to a letter that was received from the Attorney General's office. They would like Don Crank from the AG's office to replace Richard Holtmeyer. Mr. Crank is a former prosecutor in Green County. He's working with child support cases in the AG's office. Lori and Judge Smith would like Richard to stay with the committee. Lou stated that it would be a good idea that Richard could be an honorary member. Lori stated they are not going to cut the committee but she thinks they were worried about the size.

Lori stated in her discussion with Judge Russell that the Judge asked her if there was someone who would not be needed on the committee. Lori told Judge Russell that everyone was needed. She then stated that this is an opportunity to give someone, if they wanted to, the chance to resign if they wished. She told the committee that she does not want to discuss it during this meeting. If someone wanted to discuss resigning they could email her. If she doesn't hear from anyone she'll keep everyone on the committee.

Lori asked Cathy to write a report for the Court. She would like Cathy to give an account on what the committee has done. She would like for her to go through the minutes and Lori will add to it. Lori stated the Court wanted to see a report on the committee's goals and accomplishments; she set the deadline by July 1, she told Judge Russell it will be turned in by that date.

B. Pro Bono toolkit for Judges Website

No discussion on this issue.

C. "When Mommy and Daddy Get a Divorce" coloring book

No discussion on this issue.

VII. Adjourn Meeting

The next meeting will be Friday September 10, 2010. The meeting adjourned at 12:04 p.m.



SUPREME COURT OF MISSOURI

en banc

June 22, 2010

In re: Committee on Access to Family Courts

ORDER

Don Crank, Springfield, Missouri, is hereby appointed a member of the Committee on Access to Family Courts for an unexpired term expiring December 31, 2010, or until his successor is appointed and qualified; vice, Richard Holtmeyer, resigned.

Richard Holtmeyer, Tipton, Missouri, is hereby appointed a member of the Committee on Access to Family Courts for a term expiring December 31, 2011, or until his successor is appointed and qualified.

Day – to – Day

WILLIAM RAY PRICE, JR.
Chief Justice



Committee on Access to Family Courts

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June 30, 2010

Chief Justice Ray Price
Supreme Court Building
P.O. Box 150
Jefferson City, Missouri 65102

Dear Justice Price:

Thank you for the opportunity to provide the Supreme Court with an update of the activities of the Committee on Access to Family Court.

As you know, this Committee was established by Supreme Court Order in April 2008. In the last two years this Committee has been steadily and effectively working to improve access to the courts for those litigants involved in family law matters with particular emphasis on self-represented litigants.

Many of the goals set out by the Supreme Court have been achieved, such as the Litigant Awareness Program and a majority of the pleadings, forms, and proposed judgments set out in Rule 88.09.

Thank you for your time and attention.

Sincerely,

Lori Levine
Co-Chairperson

Committee Members

Dennis Smith, Co-Chair
Lori Levine, Co-Chair
Richard Halliburton
Mary Ann McClure
Allan Stewart

Kathleen Bird
Fredrich Cruse
Marsha Holiman
W. Brent Powell
J. Miles Sweeney

Karen Brown
Beth Dessem
Richard Holtmeyer
Leslie Schneider
Robin Ransom Vannoy

Bennett Burkemper
Lou DeFeo
Kelly Martinez
Patricia Scaglia
J.D. Williamson

Don Crank

Deanna Scott

Supreme Court of Missouri Committee on Access to Family Courts



Report to the Supreme Court of Missouri

July 2010

Committee on Access to Family Court Members

Kathleen Bird, Esq., Dispute Resolution Services, 7th Judicial Circuit

Karen Brown, Esq., Jackson County Family Court, Kansas City, Missouri

The Honorable T. Bennett Burkemper Jr., Judge, 45th Judicial Circuit

Don Crank, Assistant Attorney General, Springfield, Missouri

Fredrich Cruse, Esq., Hannibal, Missouri

Lou DeFeo, Esq., Jefferson City, Missouri

Beth Dessem, Executive Director, CASA, Columbia, Missouri

Richard Halliburton, Esq., Kansas City, Missouri

Marsha Holiman, Circuit Clerk, 34th Judicial Circuit

Richard Holtmeyer, Esq., Tipton, Missouri

Lori Levine, Esq., Jefferson City, Missouri

Kelly Martinez, Esq., Missouri Coalition Against Domestic and Sexual Violence

Mary Ann McClure, Director - Civil Records, 16th Judicial Circuit

The Honorable Brent Powell, Judge, 16th Judicial Circuit

Patricia Scaglia, Esq., Independence, Missouri

The Honorable Leslie Schneider, Judge, 13th Judicial Circuit

Deanna Scott, Esq., Legal Services of Southern Missouri

The Honorable Dennis Smith, Judge, 21st Judicial Circuit

Allan Stewart, Esq., St. Louis, Missouri

The Honorable Miles Sweeney, Judge, 31st Judicial Circuit

The Honorable Robin Vannoy, Judge, 22nd Judicial Circuit

The Honorable J.D. Williamson, Judge, 16th Judicial Circuit

Lori Levine and the Honorable Dennis Smith serve as co-chairs of the committee.

Bob Stoeckl, The Missouri Bar, serves as staff liaison between the committee and The Missouri Bar.

Kelly Cramer, Debbie Eiken, Terri Norris and Cathy Zacharias serve as staff liaisons between the committee and the Office of State Courts Administrator.

Summary

In April 2008, the Supreme Court of Missouri created the Committee on Access to Family Courts (CAFC) and tasked the committee with soliciting suggestions from judges, lawyers, and the public as to methods of improving access to family court division cases, particularly for self-represented litigants. The committee also was asked to prepare an awareness program and pleadings, forms, and proposed judgment pursuant to Supreme Court Rule 88.09.

To implement the charge of the committee, the CAFC continued the work of the Joint *Pro Se* Implementation Commission, which centered on the eight recommendations developed by the Missouri Supreme Court Joint Commission to Review *Pro Se* Litigation. A review of those recommendations and the projects undertaken by the committee to implement those recommendations follows.

Recommendation #1

Pro se litigants in specific types of cases should be required to participate in an education program that describes the risks and responsibilities of proceeding without representation.

Supreme Court Rule 88.09 requires every party not represented by counsel to complete a litigant awareness program unless waived by the circuit court. An approved litigant awareness program and program completion certificate have been developed and are available on the self represent website. If a litigant is represented by an attorney in the preparation of pleadings and documents, the litigant awareness program is not required.

The committee, with assistance from the Department of Elementary and Secondary Education, produced a DVD as an alternative and/or supplement to the online litigant awareness program. The DVD, approximately 30 minutes in length, has been reproduced in English and Spanish. A copy of the DVD along with copies of the brochure, *Handling Your Case in Family Court*, was distributed to every circuit with permission to duplicate them for local use. The DVD has been posted to the website at www.selfrepresent.mo.gov for public access.

Additional information was added to the litigant awareness program regarding the Motions to Modify Child Custody and/or Support and Motion for Family Access. Information regarding Paternity actions is pending review and approval.

Recommendation #2

Guidelines should be developed for court staff that clearly defines what information is and is not considered legal advice. The guidelines should be made available to each circuit court with the option of also distributing the guidelines to *pro se* litigants. A curriculum and training program for court staff and advocates who interact or assist *pro se* litigants should be developed.

Over and above Court Operating Rule 25 – Services by Court Clerks and Staff in Family Law Cases – that took effect in July 2008, many members of the committee participated

in circuit clerk conferences, judicial colleges, court clerk colleges and webinars in an effort to disseminate this information. An entire section of the website is dedicated to explaining what type of assistance court staff may and may not provide to litigants in family law matters. Additional information about court costs is provided within this section.

Recommendation #3

The Judicial Education Committee should develop a curriculum and training program for the judiciary on effective court management techniques in cases involving *pro se* litigants. The curriculum should include education concerning ethical dilemmas created by *pro se* litigation and should consider the development of standard protocol for handling hearings involving *pro se* litigants.

Various members of the committee presented materials about *pro se* litigation at judicial colleges in 2009. The Honorable Brent Powell was recently appointed to the Trial Judge Education Committee as a liaison from this committee. Judge Powell is advocating for the inclusion of materials covering *pro se* litigation in upcoming judicial colleges. Also, the committee is seeking ethics credit hours for *pro se* education programs to be provided to judges.

The committee is also in the beginning stages of developing a judge's *Pro Bono* Toolkit. This toolkit would be a resource for judges to access when handling cases involving *pro se* litigants.

Recommendation #4

An internet-based centralized clearinghouse should be developed and maintained to serve as a repository for information concerning all *pro se* services and programs available statewide.

The committee established a website, www.selfrepresent.mo.gov, as a central clearinghouse for information and resources to assist self-represented litigants involved in family law matters. The website includes information about the following topics:

- First Time Visitor
- Getting a Lawyer
- Stopping Abuse & Stalking
- Litigant Awareness Program
- Resources by County
- Court Staff Assistance
- Dispute Resolution
- Legal Forms
- Legal Terms
- Frequently Asked Questions.

Currently underway is an effort to improve the website by directing all website users to the general information regarding the courts, risks and responsibilities of proceeding *pro se* and the self-assessment questionnaire information before they proceed to specific case

type information. Supplementary information regarding limited scope representation also will be added to the website.

Also, a public archive was created as a repository for information including:

- committee projects,
- forms,
- orders,
- reports,
- *pro bono* reports, information and resources,
- update memos and
- other information.

The information within the archive is updated as needed. This archive is open to the public at <http://www.selfrepresent.mo.gov/page.jsp?id=11291>.

Recommendation #5

A pamphlet or brochure should be developed and made available for distribution in each circuit court describing the resources available to educate and inform the *pro se* litigant of the risks and responsibilities of proceeding without professional legal representation.

An informational brochure titled, *Handling Your Case in Family Court*, was developed by the committee. The brochure provides information about accessing resources for victims of domestic violence, resources for obtaining a lawyer, and information about what is available on the self represent website (www.selfrepresent.mo.gov). This brochure was distributed along with the litigant awareness program DVD to all judicial circuits with permission to duplicate it for local use.

Recommendation #6

The circuit and family courts should strengthen alliances with state and local bar associations throughout Missouri to encourage, promote, and support lawyer referral programs that will link those in need of legal representation to lawyers who are available to provide some services in family law cases at reasonable or reduced rates.

The committee has been collaborating with The Missouri Bar in the implementation of various concepts to bring together *pro bono* attorneys with clients in need. In November, the Delivery of Legal Services Committee of The Missouri Bar approved an implementation plan entitled “Characteristics of a Successful *Pro Bono* Program.” The Missouri Bar Executive Committee accepted the plan, but did not adopt it. The Delivery of Legal Services Committee is in the process of implementing some aspects of the plan over time. Topics included in this plan are: a coordinated program to recruit more *pro bono* attorneys; development of a Missouri Bar *pro bono* website; increased recognition and support for *pro bono* attorneys; greater tracking and evaluation of *pro bono* services and increased collaboration among *pro bono* and other provider agencies. The Missouri Bar’s Delivery of Legal Services Committee (DLS) has established three subcommittees to implement the plan. Our committee is collaborating with DLS on these efforts. For purposes of this effort, *pro bono* includes reduced rates.

Several committee members attended the 2008 Court Solutions Conference – Self-Represented Litigation Solutions Track and comprised the Missouri state team. The team agreed that one particular area Missouri needs to focus on is establishing self-help centers. With that in mind the committee, led by the Honorable Leslie Schneider and Lou DeFeo, contributed to an effort to establish a center in Missouri. The Mid-Missouri Access to Justice Project, a self-help center that serves the 13th Judicial Circuit, held a kick-off event May 4, 2009. The project provides various levels of assistance to low-income individuals attempting to access the courts in civil matters, currently limited to family law matters, in the 13th Judicial Circuit. 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.

The committee is also working closely with The Missouri Bar to organize, fund, and assemble faculty for various continuing legal education seminars focusing on limited scope representation and ethics.

Recommendation #7

The court system and organized bar should proactively encourage lawyers within the state to offer *pro bono* services annually and encourage initiatives to provide more sources of *pro bono* legal assistance.

This subcommittee created a Deskbook for *Pro Bono* Attorneys designed to support attorneys who volunteer to help low-income persons who otherwise would be proceeding *pro se* or be denied access to justice. This virtual deskbook is available online at <http://www.courts.mo.gov/hosted/probono/index.htm>. The topics focus on the basic matters that low-income persons are likely to encounter. The deskbook also provides attorneys who do not regularly practice in these basic areas with the tools to help needy persons. This is especially useful to retired, government, and corporate attorneys. A specific chapter has been included in the deskbook that reviews limited scope representation. Committee member, Lou DeFeo, was essential in the establishment of the deskbook.

In April 2009, the committee developed a concept document entitled “Matching *Pro Bono* Attorneys with Needy Clients.” The committee is building on the framework concepts set forth in the document in a variety of ways. Many of the concepts have been incorporated in the Delivery of Legal Services “Characteristics” plan discussed above. The committee is working collaboratively with DLS on these matters.

Recommendation #8

The Supreme Court of Missouri should develop and approve plain language, standardized forms and instructions that are accepted in all state courts and made available to *pro se* litigants.

The Supreme Court approved the family law forms required by Rule 88.09 for *pro se* litigants. The approved forms are available in a package on the Representing Yourself website and may be completed online and printed, or printed and filled out on paper.

The following forms were effective as of April 1, 2009, and are available:

- CAFC 001 – Petition for Dissolution
- CAFC 010 – Respondent’s Answer
- CAFC 050 – Statement of Income and Expense
- CAFC 040 – Statement of Property and Debt and Proposed Separation Agreement
- CAFC 065 – Certificate of Dissolution
- CAFC 067 – Filing Information Sheet
- CAFC 070 – Judgment of Dissolution of Marriage
- CAFC 501 – Parenting Plan
- CAFC 721 – Notice of Hearing.

The following forms were effective as of July 1, 2010 and are available:

- CAFC 101 – Motion to Modify Child Custody
- CAFC 102 – Motion to Modify Child Support
- CAFC 111 – Answer to Motion to Modify Child Custody
- CAFC 112 – Answer to Motion to Modify Child Support
- CAFC 140 – Property and Debt Statement
- CAFC 150 – Income and Expense Statement
- CAFC 170 – Judgment of Modification of Child Custody and/or Support
- CAFC 201 – Petition for Child Custody
- CAFC 211 – Answer to Petition for Child Custody
- CAFC 240 – Property and Debt Statement
- CAFC 250 – Income and Expense Statement
- CAFC 270 – Child Custody and Support Judgment.

Under Rule 88.09, these forms **“shall be accepted by the courts of this state.”** Every party not represented by counsel in proceedings for dissolution of marriage, legal separation, parentage or the modification of a judgment in any such proceedings **shall use** the approved forms unless waived by the trial court. “Mail order” or online forms (other than the approved forms) are no longer acceptable in Missouri courts for *pro se* litigants. If a litigant is represented by an attorney in the preparation of pleadings and documents, the approved forms are not required.

The following forms have been forwarded to the State Judicial Records Committee and the Family Court Committee:

- CAFC 301 – Father’s Petition for Declaration of Paternity, Custody and/ or Support
- CAFC 302 – Mother’s Petition for Declaration of Paternity, Custody and/or Support
- CAFC 302a – Mother’s Petition for her Appointment as Next Friend (for children under the age of 14 years)
- CAFC 303 – Presumed Father’s Petition for Declaration of Non-Paternity
- CAFC 304 – Petition to Set Aside Judgment of Paternity and Support (pursuant to RSMo. §210.854)
- CAFC 311 – Answer to Father’s Petition for Declaration of Paternity, Custody and/ or Support

- CAFC 312 – Answer to Mother’s Petition for Declaration of Paternity, Custody and/or Support
- CAFC 313 – Answer to Presumed Father’s Petition for Declaration of Non-Paternity
- CAFC 314 – Answer to Petition to Set Aside Judgment of Paternity and Support (pursuant to RSMo. §210.854)
- CAFC 370 – Paternity Judgment.

In addition, Judge Dennis Smith has created interactive versions of the Dissolution of Marriage forms, the Motion to Modify Custody forms, the Motion to Modify Child Support forms, and the Petition for Custody forms. These forms were programmed using Adobe Acrobat and the javascript programming language. In January, 2010, Judge Smith met with programming staff at OSCA for two days so that they would be familiar with the interactive forms and the computer code embedded in them.

The committee continues to provide essential forms for *pro se* litigants. Pending forms include a Petition for Appointment of Next Friend, Affidavit for Publication, Affidavit for Certified or Registered Mail and Change of Name.

Recommendation #9

The Supreme Court of Missouri should establish a *Pro Se* Implementation Committee responsible for the implementation of the approved recommendations of the Joint Commission.

This committee was established on April 15, 2008, to improve access to family court division cases with particular focus for self-represented litigants. To accomplish the goals set out by the Supreme Court, the recommendations of the Joint Commission were essential and served as areas of focus for this committee. Several subcommittees were formed on the basis of the recommendations which were guided in scope by the recommendations.

The committee experienced challenges along the way within the last two years. Foremost, has been the reluctance of some judges and attorneys to accept the idea of limited scope representation. However, as time has passed it appears that reluctance, while still present, is slowly decreasing. For example, in Clay County a *pro se* pre-trial docket was established in September 2009. Although the local bar association initially expressed reservations about limited scope representation, last year the Clay County Bar Association officer supported the creation of a list of local attorneys willing to provide limited scope representation services to the participants of this docket. As of June 2010, the Clay County Bar Association has 17 attorneys that offer limited scope representation services to family court litigants. Some attorneys have tailored their practice to include limited scope representation and have seen its benefits. As it is apparent that *pro se* litigants always will have some impact on the operation of the court, the concept of limited scope representation has become more acceptable.

Throughout the life of this committee and the Joint Commission to Review *Pro Se* Litigation one thing that has stayed consistent is the profile of a *pro se* litigant. The Joint

Commission completed a study of the *pro se* litigant in 2003. Those findings were compared to the survey results from the Representing Yourself website surveys completed between July 2008 and April 2010. A more complete analysis of survey results are included in the *Representing Yourself Website Survey Report (January 16, 2008 – April 28, 2010)* included with this report. Consistent with the 2003 survey data collected in Missouri courtrooms, current survey results have found the following:

- 70 percent of online users reported annual income below \$30,000.
- 61 percent of online users were seeking information about obtaining a dissolution of marriage.
- 91 percent of online users cited cost and lack of complexity as the primary reason for choosing and/or contemplating self representation.
- Only 14 percent of online users have a bachelor's degree or higher.
- The slight majority of online users were married 5 years or less.

This data confirms several beliefs of the committee:

- The characteristics of a *pro se* litigant have remained comparatively the same.
- The increase in users with an annual income below \$30,000 from 60 percent in 2003 to 70 percent in 2010 supports an expansion of limited scope representation and *pro bono* services.
- The typical *pro se* litigant cannot afford legal representation and is not the target clientele of most attorneys.
- The website is reaching its intended target audience.

The ongoing and future initiatives of this committee include the approval of forms relating to paternity actions and change of name, collaboration with The Missouri Bar on a *Pro Bono* program and web presence, supporting and encouraging lawyers to provide *pro bono* or reduced fee services, and developing educational programs on the effective use of limited scope representation, creation of a judge's *Pro Bono* Toolkit, continuing support of existing and future self-help centers or libraries and continuing to supplement the Deskbook for *Pro Bono* Attorneys.

Committee on Access to Family Courts

Representing Yourself Website Survey Report January 16 2008 – April 28, 2010

This report provides demographic information and satisfaction ratings for Missouri residents visiting the *Representing Yourself* website between July 2008 and April 2010. The survey is not scientific in that the results may not necessarily be representative of actual pro se litigants and do not provide actual data on pro se litigation activity in Missouri. However, the results do provide a profile of present-day prospective litigants and offers fairly compelling evidence that perceived barriers to access remain, i.e. affordability of lawyers.

Information gathered over the last 22 months from nearly 7,000 visitors to the *Representing Yourself* website offer confirmation of findings from the Joint Commission's original study of pro se litigation in 2003. While the present survey is not a replication of the original, key conclusions from the original report regarding pro se litigants and why they choose to proceed pro se remain unchanged¹. In fact, the financial circumstances of most are even more dire, suggesting the impact of the economic downturn.²

Consistent with the 2003 survey data collected in Missouri courtrooms, the majority of online users reported annual income below \$30,000 (70%), were seeking information on obtaining a dissolution of marriage (61%) and cited cost and lack of complexity as the primary reason for choosing and/or contemplating self representation (91%). Further, only 14% of respondents reported having a bachelor's degree or higher and just over half of all respondents were married 5 years or less.

Close to one-half of the survey participants fell at or below 125% of the federal poverty threshold, the guidelines used to determine eligibility for Legal Aid Services.

Additionally, most respondents were able to access the website from the convenience of their homes or work sites and were generally satisfied with website navigation, clarity of information and ease of locating forms. Overall, the survey provided encouraging evidence that the website is indeed targeting its intended audience and perhaps lends further support to a call for an expansion of Limited Scope Representation and pro bono services in family law cases.

¹ Missouri Supreme Court Joint Commission to Review Pro Se Litigation. Report to the Supreme Court & the Missouri Bar (September 2003).

² 70% of current online users reported annual income of \$30,000 or less as compared to only 60% of pro se litigants reporting income of \$30,000 or less in 2003. Considering that this income has not been adjusted for inflation, the value of present day income is lower compared to 2003.

2008-2010 Pro Se Website Survey

This report provides demographic information and satisfaction ratings for Missouri residents visiting the *Representing Yourself* website between July of 2008 and April of 2010. Over this 22 month period, close to 7,000 visitors to the website completed an on-line survey.

TYPE OF CASE PROFILE

When asked to identify the type of case they were considering filing:

- Over half of the respondents (61%) indicated they were filing for dissolution of marriage.
- The next highest case type was custody issues.

Conclusions:

- The survey indicates that dissolution is the most sought after pro se assistance.

Table 1 -- Case Type Responses During 2010

Matter Type	Frequency	Percent
Divorce	1,215	61%
Custody Issues	194	10%
Child Support	174	9%
Visitation	94	5%
Name Change	105	5%
Modification	70	4%
Other (please specify below)	54	3%
Paternity	29	2%
Enforcement of Orders	30	2%
Order of Protection (Domestic Violence)	19	1%
Total	1,984	100%

Prior to January 2010, information on the website was limited to dissolutions only.

INCOME PROFILE

When asked to report their income:

- Almost three quarters (70%) of the respondents stated they earned less than \$30,000.
- One-half (51%) indicated they earned \$20,000 or less.

Conclusion:

- Website visitor responses were consistent with 2003 state survey data.
- Most visitors are individuals with low income.
- Almost half meet the income guidelines for Legal Aid when considering the number of children in their family.
- A significant proportion are estimated to be below the federal poverty line.

Graph 1 – Income by Survey Participants

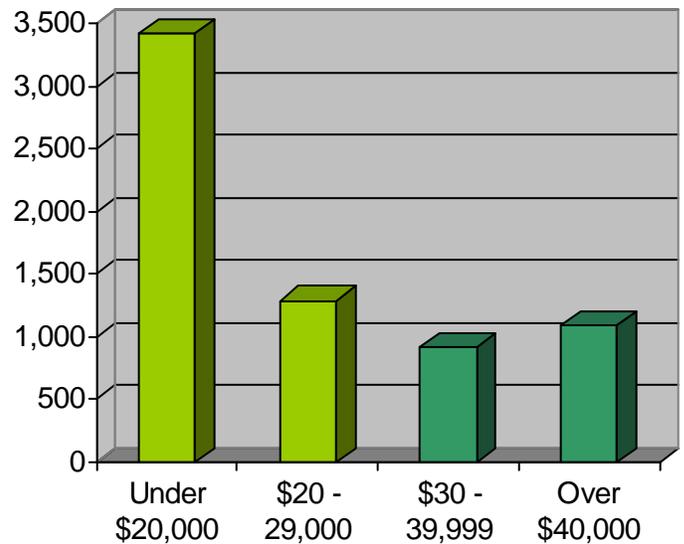


Table 2 -- Income by Website Survey Participants, July 2008 – April 2010

Income	Frequency	Percent	Cumulative Pct.
Unemployed	83	1%	1%
\$0 - 10,999	2,117	32%	33%
\$11,000 - 19,999	1,218	18%	51%
\$20,000 - 29,999	1,290	19%	70%
\$30,000 - 39,999	915	14%	84%
\$40,000 - 49,999	465	7%	91%
\$50,000 or over	629	9%	100%
Total	6717	100%	

Note. Income information was missing for 77 cases.

PROFILE OF NUMBER OF CHILDREN

When site visitors were asked to indicate the number of children they have:

- A little over one fourth (29%) had no children.
- Almost half (45%) had one or two children.
- Almost one fourth (26%) had three or more children.
- When number of children is cross tabulated by the income profile, almost half (47%) meet the income guidelines for Legal Aid representation.³

Conclusion:

- Nearly three quarters of prospective pro se litigants have children and almost half meet income eligibility for Legal Aid Services.

Table 3 -- Number of Children and Income

Reported income categories by number of children in the household for survey participants.

Children	\$0 to 10,999	\$11 to 19,999	\$20 to 29,999	\$30 to 39,999	\$40 to 49,999	\$50,000+	Total
0	603	358	315	231	123	156	1,792
1	412	184	241	174	67	100	1,182
2	464	281	315	231	142	174	1,609
3	311	193	191	143	66	85	989
4	144	76	94	44	29	33	421
5	46	19	25	18	8	10	128
6	9	2	4	6	0	7	28
7+	11	9	7	4	1	7	39
Total	2,000	1,122	1,192	851	436	572	6,188

Categories of individuals considered eligible for assistance through Legal Aid Services (based on Schedule A 125% of federal poverty guidelines) are highlighted in red.

³ See Appendix A for a copy of the 2009 HHS Federal Poverty Guidelines and LAWMO guidelines (Schedule A).

LENGTH OF MARRIAGE PROFILE

When asked to choose the category that reflects the length of their marriage:

- Half (51%) were married five years or less.
- 25% were married six to ten years, 24% were married ten years or more.

Conclusion:

- Website visitors were most likely to be early in their marriage.

Graph 2 – Length of Marriage

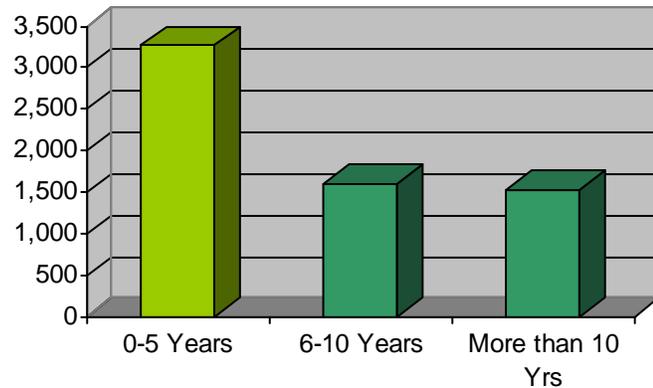


Table 3 -- Length of Marriage by Survey Participants

Length of Marriage	Frequency	Percent	Cumulative Pct.
Married 0 to 5 Years	3,268	51	51%
Married 6 to 10 Years	1,605	25	76%
Married More than 10 Years	1,531	24	100%
Total	6,404	100%	

Note. Marriage information was missing for 390 cases.

EDUCATIONAL PROFILE

When asked to choose a category that indicates their years of schooling:

- Nearly half (45%) have a high school education, a high school equivalent or less.
- An additional 37% have some college education and 5% have vocation training.

Conclusions:

- Website visitor responses were consistent with the 2003 survey profile.
- Those who visit the website are more likely to have less formal education as only 14% hold 4 year degrees or more.

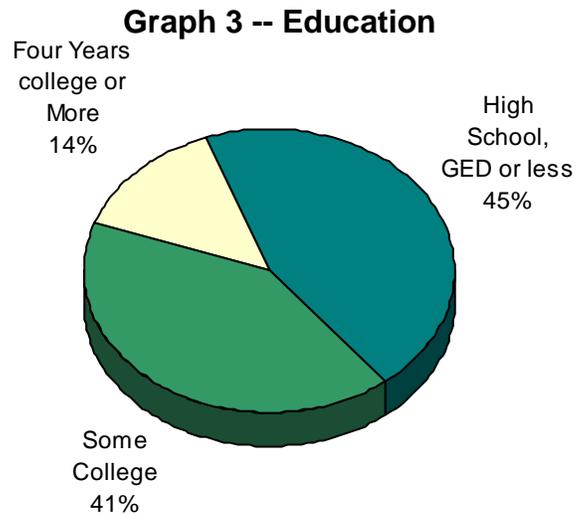


Table 4 -- Education Responses

Educational Attainment	Frequency	Percent
Some High School	946	14%
High School Graduate	1,497	22%
GED	584	9%
Some College	1,874	28%
Occupational/Voc Degree	353	5%
Associates Degree	577	9%
Bachelors Degree	614	9%
Masters Degree	210	3%
Professional School Degree	69	1%
Doctorate Degree	48	1%
Total	6,772	100%

Consistent with national data, income and highest level of education were highly correlated.⁴

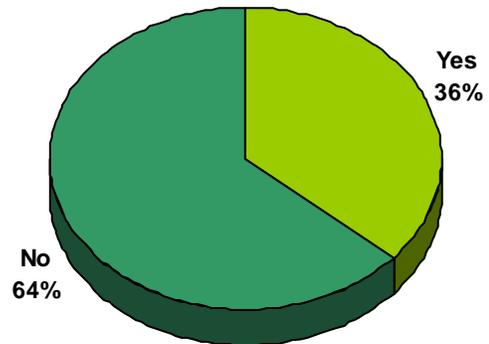
⁴ See Appendix C for a cross-tabulation of income category and education.

PREVIOUSLY CONTACTED LAWYER/FREE LEGAL SERVICE

Survey participants were asked if they talked to a lawyer or free legal service about their case before visiting the website:

- One third (36%) had contact with a lawyer.
- Two thirds (64 %) had not contacted a lawyer.
- There is no correlation between income and having contacted an attorney. (See Appendix D)

Graph 4 – Contact with a lawyer



Conclusion:

- Nearly two thirds (64%) of website visitors had not discussed their case with an attorney.

Table 5 -- Previous Contact with a Lawyer, Prior to Visiting the Website

	Frequency	Percent
Yes, I have contacted a lawyer	2,435	36%
No, I have not contacted a lawyer	4,246	64%
Total	6,681	100%

Note. This information was missing for 113 cases.

REASONS FOR FILING PRO SE

When asked to choose a response that best states their reason for intending to self-represent:

- Almost half (48%) responded that private representation was too expensive.
- An additional 43% responded that their divorce/case was not complex, could be settled without a lawyer, and they believed they could represent themselves.

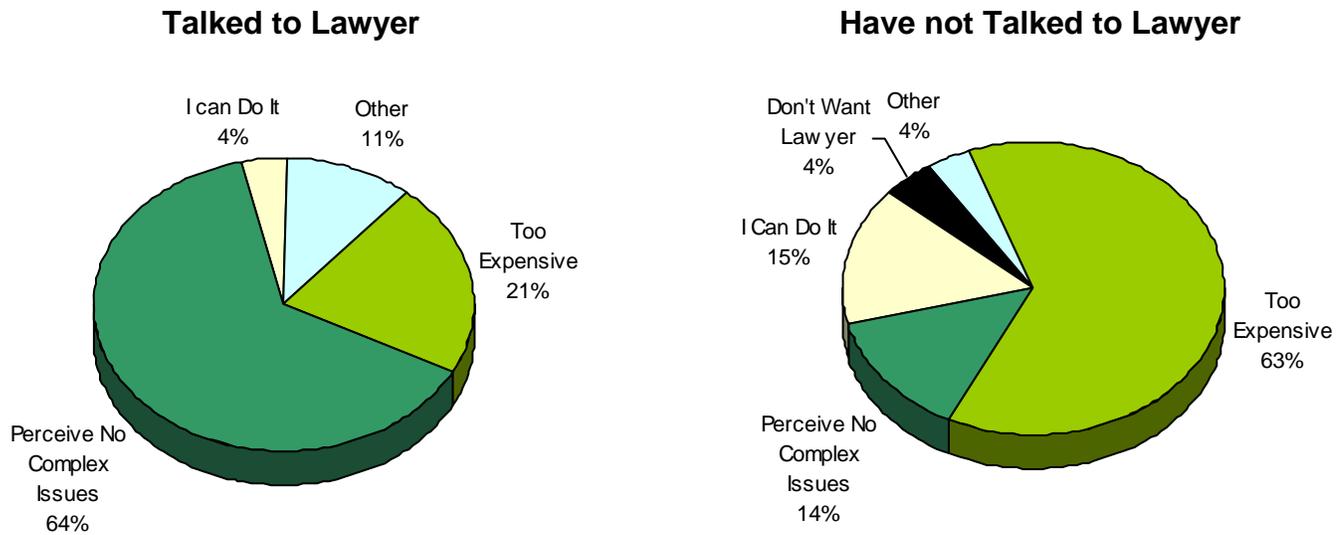
Conclusions:

- Reasons provided by website respondents were similar to the 2003 sample survey.
- Attorney fees and simplicity of case/divorce accounted for over 90% of the reasons website visitors intend to file pro se. Table 6 and Graph 5 provide all reasons cited for self-representation.
- The majority of respondents (63%) who had not discussed their case with an attorney just assumed it was too expensive perhaps suggesting a general public perception of the high cost of legal representation.

Table 6 -- Reason Offered for Intended Self-Representation Overall and by Prior Use of Legal Services

Reason for Self-Representation	Previous Talked to Lawyer	Have Not Talked to Lawyer	No Response to Lawyer Question	Overall
Too expensive	515 21%	2,655 63%	64	3,234 48%
I do not want to hire a lawyer	1 --	190 4%	0	191 3%
No complex issues to settle/ Case involves divorce that can be settled without a lawyer	1,533 64%	588 14%	4	2,125 32%
I think I can represent myself	97 4%	636 15%	1	734 11%
None of the above	256 11%	154 4%	30	440 7%
Total	2,402 100%	4,223 100%	99	6,724 100%

Graph 5 -- Reason Offered for Intended Self-Representation



WEBSITE SATISFACTION

When asked to respond to six questions by the degree to which they agreed with the statement:

- Visitors between July of 2009 and April of 2010 were satisfied with the website navigation, clarity of the information, and ease of locating forms.
- Six percent of website users (331 respondents) surveyed reported that if the forms were available in another language they would use them in a language other than English.
- Of the 331 respondents interested in forms in another language, 82% required Spanish.

Conclusion:

- Visitors were satisfied with the information and ease of finding and understanding the information provided.
- Two thirds agreed that the information was easy to understand and just over half felt they were better prepared for court.

Table 7 -- Satisfaction with Website

Satisfaction Statement	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
It was easy to find what I was looking for on the Representing Yourself website.	1,765 27%	2,787 43%	1,090 17%	407 6%	497 8%
The educational information was easy to understand.	1,538 24%	2,815 44%	1,444 23%	174 3%	372 6%
Without the educational information I would not have been as prepared for court.	1,114 18%	2,371 38%	2,086 34%	292 5%	343 6%
It was easy to know what forms I needed to use.	1,131 18%	2,785 44%	1,593 25%	487 8%	394 6%
The forms were easy to use.	1,121 18%	2,833 45%	1,809 28%	247 4%	342 5%
After looking at everything on this site, I feel more ready to represent myself in court.	1,377 22%	2,868 45%	1,658 26%	157 2%	343 5%

(See Appendix E – *Survey Comments* for additional information)

PROFILE OF WHERE PEOPLE ACCESS THE WEBSITE

When asked where respondents most often use the internet:

- The overwhelming majority used the internet at home.
- 15% stated they accessed the internet at work.

Conclusions:

- Regardless of income, most site visitors get on the internet at home.

Table 8 -- Where do you most often use the Internet?

Location	Frequency	Percent
Home	932	65%
Work	211	15%
Public Library	165	11%
Friend or relative's house	124	9%
School	7	0%
Courthouse	2	0%
Other (specified in note below)	3	0%
Total	1,444	100%

Others locations included: Career center, cell phone and hotels while traveling.

APPENDIX A

WEBSITE SURVEY



Representing Yourself in Missouri Courts

Access to Family Courts

We would like to know if you think this website is helpful. You do not have to answer the questions. If you do answer the questions, your responses will be confidential.

1. What is your ZIP code?

2. How many years of schooling have you completed?

- Some High School
- High School Graduate
- GED
- Some College
- Occupational/Vocational Degree
- Associates Degree
- Bachelors Degree
- Masters Degree
- Professional School Degree
- Doctorate Degree

3. How much money do you make a year before taxes are taken out? Do not include your spouse or anyone else living in your house.

- \$0 - 10,999
- \$11,000 - 19,999
- \$20,000 - 29,999
- \$30,000 - 39,999
- \$40,000 - 49,999
- \$50,000 or over
- Unemployed

4. How many children do you have?

- None
- 1
- 2
- 3
- 4
- 5
- 6
- More than 6

5. How long have you been married?

- Less than 1 year
- 1 - 5 years
- 5 - 10 years
- More than 10 years
- No longer married

6. Where do you most often use the Internet?

- Home
- Work
- Public Library
- Courthouse
- Friend or relative's house
- Other (please specify below)

7. Have you talked to a lawyer or free legal service about your case?

- Yes No

8. Since you answered **YES** to question 7, why do you want to represent yourself? (Select the one that best fits your situation.)

- Too expensive
- Lawyer had a conflict
- Personal reasons
- I did not like him or her
- I think I can represent myself
- None of the above

9. Since you answered **NO** to question 7, why do you want to represent yourself? (Select the one that best fits your situation.)

- I want to hire a lawyer, but I cannot afford one
- I can afford to hire a lawyer, but I do not want to hire one
- I think I can represent myself
- None of the above

10. What type of family law matter are you intending to file? (Select all that apply.)

- Divorce
- Custody Issues
- Order of Protection (Domestic Violence)
- Paternity
- Child Support
- Visitation
- Name Change
- Modification
- Enforcement of Orders
- Other (please specify below)

Please respond to the following using a scale ranging from strongly disagree to strongly agree:

11. It was easy to find what I was looking for on the Representing Yourself website.

- Strongly Disagree Disagree No Opinion Agree Strongly Agree Not Applicable

12. The educational information was easy to understand.

- Strongly Disagree Disagree No Opinion Agree Strongly Agree Not Applicable

13. Without the educational information I would not have been as prepared for court.

- Strongly Disagree Disagree No Opinion Agree Strongly Agree Not Applicable

14. It was easy to know what forms I needed to use.

- Strongly Disagree Disagree No Opinion Agree Strongly Agree Not Applicable

15. The forms were easy to use.

- Strongly Disagree Disagree No Opinion Agree Strongly Agree Not Applicable

16. After looking at everything on this site, I feel more ready to represent myself in court.

- Strongly Disagree Disagree No Opinion Agree Strongly Agree Not Applicable

Please make additional comments here.

A rectangular text input field with a light gray border. On the right side, there is a vertical scroll bar with a small arrow pointing up and down. At the bottom, there are two small square buttons: one on the left with a left-pointing arrow and one on the right with a right-pointing arrow.

Thank you for answering the questions!

APPENDIX B

THE 2009 HHS POVERTY GUIDELINES
One Version of the [U.S.] Federal Poverty Measure

SOURCE: *Federal Register*, Vol. 74, No. 14, January 23, 2009, pp. 4199–4201

The 2009 Poverty Guidelines for the 48 Contiguous States and the District of Columbia	
Persons in family	Poverty guideline
1	\$10,830
2	14,570
3	18,310
4	22,050
5	25,790
6	29,530
7	33,270
8	37,010
For families with more than 8 persons, add \$3,740 for each additional person.	

2009-2010 INCOME GUIDELINES FOR LAWMO

Effective January 30, 2009

SCHEDULE A – 125% of Poverty

<u>FAMILY SIZE</u>	<u>MONTHLY GROSS</u>	<u>ANNUAL GROSS</u>
1	\$1,128	\$13,538
2	1,517	18,213
3	1,907	22,888
4	2,296	27,563
5	2,686	32,238
6	3,076	36,913
7	3,465	41,588
8	3,855	46,263

For family units with more than 8 members, add \$4,675 to annual gross or \$389 to monthly gross for each additional member.

Appendix C

Highest Education Achieved and Income for Website Survey Participants 2008 to 2010

<i>Education</i>	<i>\$0 to 10,999</i>	<i>\$11 to 19,999</i>	<i>\$20 to 29,999</i>	<i>\$30 to 39,999</i>	<i>\$40 to 49,999</i>	<i>\$50,000+</i>	<i>Total</i>
Some High School	581 62%	193 21%	104 11%	32 3%	14 1%	15 2%	941 100%
HS/GED	801 39%	454 22%	429 21%	237 11%	86 4%	49 2%	2063 100%
Some college	533 29%	351 19%	441 24%	288 16%	123 7%	117 6%	1858 100%
Occupational/Vocational Degree	81 23%	71 20%	82 23%	50 14%	39 11%	25 7%	349 100%
Associates Degree	109 19%	90 16%	105 18%	122 21%	70 12%	80 14%	576 100%
Bachelor's Degree	57 9%	41 7%	98 16%	136 22%	82 13%	196 32%	612 100%
Master's Degree	19 9%	5 2%	16 8%	37 18%	39 19%	91 44%	208 100%
Professional Degree	5 8%	9 14%	11 17%	8 12%	6 9%	27 41%	66 100%
Doctoral Degree	6 13%	1 2%	2 4%	4 8%	6 13%	28 58%	48 100%
Total	2,117	1,215	1289	914	465	628	6,736

APPENDIX D

CROSSTABULATION OF LAWYER CONTACT BY INCOME

Income Category	Have Contacted a Lawyer	Have Not Contacted a Lawyer	Total
\$0 to 10,999	915	1259	2183
	42%	58%	100%
\$11 to 19,999	510	693	1207
	42%	57%	100%
\$20 to 29,999	572	696	1271
	45%	55%	100%
\$30 to 39,999	395	501	902
	44%	56%	100%
\$40 to 49,999	207	252	459
	45%	55%	100%
\$50,000+	261	357	621
	42%	57%	100%
Total	2872	3760	6668
	43%	56%	100%

APPENDIX E

Survey Comments

Technical problems, i.e. downloading forms, were identified through the *Comments* section of the website and will be addressed by the developer. A sampling of additional survey commentary appears below:

“This program wasn’t available when I wanted to get divorced when we separated two years ago . . . it’s been a big help now!”

“I am happy to hear about this site on the news. I was separated shortly after marrying and have not been able to pay for a divorce. I purchased forms on-line but they were hard to fill out.”

“The forms on the litigant awareness site were not helpful because my situation was so incredibly contentious. Great idea thought for divorced that are not that messy.”

“I have called several lawyers and they all want a retainer for a non-contested divorce. They do not seem to understand that sometimes people can agree and simply need the tools to make things legal. This site is a godsend. I plan to hire an attorney simply to review my forms before I file them.”

“I’m so glad (this website is available). I have been looking into my own divorce for some time but I didn’t have access to the proper forms or information. For someone with a clear cut case such as mine, and a non-existent budget (for legal matters), this is the perfect solution. Thank you!”

“I feel this is a great site especially for people who have no children or property. If they agree to dissolve their marriage, this is the way to go. GREAT SITE.”

“This is a fantastic idea, especially for a couple like my wife and I, we really have nothing to fight over and just need the simple forms without the expensive cost of a lawyer just to do the paperwork.”

DRAFT --- Under Construction – DRAFT

The Judge’s Tool Kit on *Pro bono* Legal Assistance

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The goal of this Tool Kit is to increase access to justice for people living at the margins of society by providing you, the judges of Missouri, with the tools and incentives to encourage and support *pro bono* legal representation.

OUR DUTY

Providing access to justice especially for the poor and disadvantaged is a centuries old tradition of the legal profession. It is embedded in our codes of professional conduct and in who we are and what we do. We are challenged to live up to our traditions.

“I will practice law to the best of my knowledge and ability and with consideration of the defenseless and oppressed.” Attorney’s Oath of Admission, [Rule 8.15](#).

“A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance, and should therefore devote professional time and civic influence in their behalf. “

[Preamble](#), Rule 4, Rules of Professional Conduct

“A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations; by service in activities for improving the law, the legal system, or the legal profession; and by financial support for organizations that provide legal services to persons of limited means.

COMMENT

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“[2] The rights and responsibilities of individuals and organizations in the United States are increasingly defined in legal terms. As a consequence, legal assistance in coping with the web of statutes, rules,

and regulations is imperative for persons of modest and limited means, as well as for the relatively well-to-do.

*“[3] The basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. Every lawyer, regardless of professional prominence or professional workload, should find time to participate in or otherwise support the provision of legal services to the disadvantaged. **The provision of free legal services to those unable to pay reasonable fees continues to be an obligation of each lawyer as well as the profession generally, but the efforts of individual lawyers are often not enough to meet the need. Thus, it has been necessary for the profession and government to institute additional programs to provide legal services. Accordingly, legal aid offices, lawyer referral services, and other related programs have been developed, and others will be developed by the profession and government. Every lawyer should support all proper efforts to meet this need for legal services.**” (Emphasis added.)*

Rule 4-6.1: Voluntary Pro Bono Publico Service.

*"As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of ... the administration of justice. *** a judge is encouraged to do so"*

Rule 2.03, [Canon 4](#), commentary, Code of Judicial Conduct

“[T]he Judicial Branch, in our constitutional structure, shoulders primary leadership responsibility to preserve and protect equal justice and take action necessary to ensure access to the justice system for those who face impediments they are unable to surmount on their own.”

Conference of Chief Justices, [Resolution 23](#), 2001

The Conference of Chief Justices has called on all judges to encourage *pro bono* services. Resolution VII {LINK to CAFC Archive document}—Encouraging *Pro bono* Services in Civil Matters, February 1997.

The phrase “*Pro bono publico*” means for the good of the people. “For the welfare of the whole”. (Blacks Law Dictionary). We most frequently leave off the

word “*publico*” but it is essential to the proper understanding. It is not just for an individual’s good that lawyers serve needy persons, but for the “public” good, for the welfare of the whole community.

If we really want a just, peaceful, ordered society, we must provide the means of access to the system of justice. “*If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice.*”- Learned Hand

THE NEED

In their 2007 study Legal Services Corporation described a national “Justice Gap.” The study confirm(ed) “the existence of a major gap between the legal needs of low-income people and the legal help that they receive. *** Only a very small percentage of the legal problems experienced by low-income people (one in five or less) are addressed with the assistance of either a private attorney (*pro bono* or paid) or a legal aid lawyer. Documenting [the Justice Gap](#) in America, Legal Services Corporation 2007.

A comparable study by Professor Greg Casey of UMC for Legal Services in Missouri found that over 63,000 low-income households each year have at least one legal problem needing an attorney and more than 47,000 (75%) do not receive an attorney’s help. Note: The 47,000 does not count persons who where outside of Legal Services eligibility. The simple fact is that there is a great need to address the problem of access to justice for many needy households. [Summary of Casey report.](#)

The state of Indiana did a comprehensive study of the legal needs of the poor. They found, “*The insufficient number of pro bono and public service attorneys representing the poor in comparison to the need for legal assistance was a theme throughout the responses to the various surveys, questionnaires, and focus groups making up the Study.*” [Unequal Access to Justice.](#)

The recent economic downturn has increased the need of the poor for legal help. CIVIL LEGAL SERVICES, Low-Income Clients Have [Nowhere to Turn Amid the Economic Crisis](#), Brennen Center for Justice (2010)

Statistics, while helpful, do not put a human face on those injured by lack of access to justice. As a judge, you know from your own experience in the courtroom each day the number of parties who are unable to afford legal representation and the problems this adds to their lives, the workload of the courts and the efficient administration of justice. For examples from real cases see “[Who are the Needy?](#)”

The person seeking but lacking access to justice is only the beginning of a chain of negative events for families, neighbors and society.

The consequences of inadequate access to the courts affect not just the individuals directly involved, but also society at large. When families are evicted from their homes because they cannot obtain counsel in a housing proceeding, for example, their resultant homelessness costs taxpayers in the form of public services. In New York City, the average cost of sheltering a single homeless adult is \$23,000 annually—far more than providing counsel to prevent an eviction. Medical and other costs rise, too, when individuals, particularly senior citizens, lose their homes because they lack access to a lawyer. When victims of domestic violence are unable to obtain help, the health care, criminal justice, and social welfare systems bear the strain. Employers, too, suffer from decreased productivity and increased absenteeism. Many of these societal costs could be ameliorated if low-income individuals had access to counsel to assist them in resolving their legal problems.

ACCESS TO JUSTICE: [OPENING THE COURTHOUSE DOOR](#), p. 6, David Udell and Rebekah Diller, Brennan Center for Justice at New York University School of Law (2007)

The *pro se* problem: The increasing number of *pro se* litigants is burdening the court system as well as worsening outcomes for the *pro se* litigants. This year the [Coalition for Justice](#), an arm of the ABA that focuses on access to the courts, conducted a survey of about 1000 judges. The judges were asked to compare representation in their courts in 2009 to representation in previous years. Sixty percent of judges said fewer parties had lawyers, while 3 percent said representation had increased. The rest said they saw no change.

Asked how the lack of representation affects the parties, 62 percent of all judges said the outcomes are worse for a litigant when he represents himself, while 3 percent said they were better. The rest said there was no impact. The judges who saw worse outcomes said the most common problems for *pro se* litigants are failure to present necessary evidence, procedural errors, ineffective witness examination and failure to object to evidence properly.

Announcing the survey results, ABA President Carolyn Lamm said that lack of representation causes problems for the rest of the court system by, among other things, consuming more of judges' time. "Parties not being represented in fact delays the proceedings of the court," Lamm said. "They slow down the ability of the court to hear cases." [ABA Announcement](#), July 15, 2010.

<http://new.abanet.org/JusticeCenter/Justice/Lists/Announcements/DispFormNew.aspx?List=b365b7f9%2D0158%2D49a6%2Ddba5%2D307b70cf6cf7&ID=5&Source=http%3A%2F%2Fnew%2Eabanet%2Eorg%2Fjusticecenter%2Fjustice%2FPages%2Fdefault%2Easpx> } Lawyers seeking trial settings and other court action find their cases delayed by the time taken with *pro se* litigants.

Pro se litigants create a "catch 22" for judges and clerks. If the litigant is doing something wrong, the court can do little to help since they cannot practice law

and must be neutral. The result is a disgruntled litigant who often believes the court system failed him or her. In circuits where judges are elected he or she is also a disgruntled voter. Being able to refer such litigants to a *pro bono* program solves the “catch 22” situation.

In short, the need is not only that of the low-income litigant but also of the judges, clerks and lawyers. More *pro bono* representation will benefit all.

ETHICAL GUIDELINES

What are the ethical guidelines for judges’ promotion of *pro bono*? The Code of Judicial Ethics recognizes the unique position of the judge in improving the administration of justice and encourages judges to contribute their leadership and skills. *Pro bono* representation is key to access to justice for those at the margins of our society. Rule 2.03, [Canon 4](#), commentary, Code of Judicial Conduct.

- There are only two relevant advisory opinion of the Missouri Commission on Retirement, Removal and Discipline. Op 128 (1986) {LINK inside} approving judges participating in media campaign to recruit foster families and Op 157 (1991) {LINK inside} approving judges efforts to improve the administration of justice by publicly recognizing *pro bono* attorneys.
- The methods employed to encourage and recognize *pro bono* representation must be designed to allow judges to:
 - maintain their integrity and impartiality; Canon 2
 - 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)*.
 - See [Rule 2](#) and [Rule 3](#). Code of Judicial Conduct.
- Direct fundraising for *pro bono* organizations should not be engaged in by judges. They may participate in fundraising events.
- For further discussion of ethical advisory opinions from other states see: ABA Center for *Pro bono* [Judicial Promotion of Pro bono](#) and [Expanding Pro bono: The Judiciary's Power to Open Doors](#) by *The Honorable Judith Billings and Jenny M. McMahon* (ABA Dialogue, Spring 1998) {LINK inside}

RECRUITMENT

How can judges recruit *pro bono* attorneys?

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. This is a particularly effective strategy for increasing the numbers of *pro bono* program volunteers.

The 2009 ABA study of *pro bono* found that “encouragement by a judge” was among the top three incentives for attorneys to do *pro bono* representation. [Supporting Justice II](#), A Report on the *Pro bono* Work of America’s Lawyers, The ABA Standing Committee on *Pro bono* and Public Service, February 2009

Examples of recruitment activities 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 ABA [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.
- Assisting in the recruitment of law firms, corporate law departments or government law offices, by making individual presentations to them.
- Collaborating with **local bar** association on annual recruitment events.
- Encouraging the heads of **local government** attorney offices, such as the prosecuting attorney’s, and county or agency counsel’s offices, to promote *pro bono* service among their staff attorneys. There are ways government attorneys may contribute *pro bono* services without creating potential conflicts of interest.
- Encouraging firms to create **pro bono teams**, in which several firm attorneys take on a *pro bono* project together.
- Encouraging **corporate counsel** to do *pro bono* representation. Inform them of the new limited scope representation rules and how they make it easier for corporate attorneys to do *pro bono*. Also inform them of the free malpractice coverage provided by the State.
- Encourage **retired or semi-retired attorneys** to do *pro bono* representation. Inform them of the new limited scope representation rules and the free malpractice coverage provided by the State.

- **Court employees:** “Finally, courts can set an example for the bar by encouraging their own lawyer-employees to do *pro bono* work. These lawyers are subject to the rules of professional responsibility where they are admitted to practice, and they should have the opportunity to engage in *pro bono* and public service work. Lawyers who are court employees may engage in a wide range of *pro bono* work; including estate planning, benefit counseling, landlord-tenant disputes, and debtor-creditor issues. Naturally, such matters should be carefully screened to ensure that the lawyer’s *pro bono* work does not create conflicts of interest.” [ABA Resolution 121C](#), p. 5 For court employee conduct practices in other states see: [ABA Pro bono Center - Judicial Promotion of Pro bono](#) Also see: Nebraska Judicial Ethics [Opinion 80-2](#). Contra see: Texas Ethics [Opinion 283](#).

Further see: [Expanding Pro bono: The Judiciary's Power to Open Doors](#) (ABA Dialogue, Spring 1998), p. 3+

MODELS FOR EXPANDING *PRO BONO* PROGRAMS

This section presents multiple models for creating *pro bono* programs from inside Missouri and across the nation.

Except for Legal Services Corporation agencies, very likely you do not have a *pro bono* provider agency in your county or circuit. In Missouri there are very few organized *pro bono* programs. While the four regional Legal Services programs provide services statewide and the Samaritan Center Legal Care program, Catholic Legal Assistance Ministry and Mid-Missouri Access to Justice and similar programs operate regionally; all existing programs are only able to serve about 25 per cent of low-income persons needing legal assistance.

Expanding existing or organizing additional *pro bono* provider agencies in your community has several advantages. It provides a defined place for clerks and judges to refer *pro se* litigants and others in need of help and also it provides a systematic means for recruiting and training volunteer attorneys, for prescreening applicants for help, for funding *pro bono* expenses, for providing malpractice coverage through the state program and in general increasing access to justice.

There are a variety of models for organizing *pro bono* programs:

- **Do-it-yourself model:** Maintain your own list of volunteer attorneys (panel) for *pro bono* appointment. Keep it handy on the bench. To build the list, make announcements in your courtroom about the importance of *pro bono* service, ask if there are any counsel

representing clients *pro bono* that day to register with your clerk, and/or ask for volunteers to sign up. Be sure to get the lawyer's area of practice on the list so that they can be appropriately matched with the legal problem of needy clients. Here is a sample [signup form](#) {LINK inside}. Design a simple rotation system so that all attorneys share the load fairly. Note: Attorneys accepting cases through a court program are eligible for the [free malpractice coverage](#) provided by the State.

- **Large firm coordinator model:** Many large firms have a pro bono coordinator. These coordinators prescreen needy clients and refer them to appropriate attorneys within the firm. Most firms give pro bono attorneys in the firm credit for “billable hours” when working on a pro bono case. Contact the large firms and build a list of these coordinators and use it to refer needy person for help. Keep in mind that many large firms operate statewide (some nationwide). Look beyond the boundaries of your circuit for large firm coordinators. The Pro Bono Institute manages the Law Firm Pro Bono Project nationwide. From their website (<http://www.probonoinst.org/project.php>) you can obtain a list of major law firms who are participating in their “pro bono challenge.”
- **Lend-a-lawyer:** Encourage law firms to place lawyers in fellowships with Legal Services or other pro bono programs for several months or for particular projects. This is sometimes known as rotation of volunteer lawyers or "lend-a-lawyer" and has been done successfully in several places around the country.
- **Social service agency integrated model.** Social services agencies are already in contact with needy persons. They have established systems for screening financial need, maintaining records and matching clients to appropriate services. With basic training and guidelines on categorizing legal problems, they can readily provide the prescreening of applicants and matching them appropriately to volunteer attorneys. Marginalized persons are served by a variety of governmental and private (non-governmental) agencies. Examples of such agencies are: public and law libraries, abuse shelters, Department of Social Services offices, Department of Health and Senior Services offices, Department of Mental Health offices, area agencies on aging, United Way agencies, Salvation Army, Red Cross, Catholic Charities, Lutheran Family Services, Jewish Community Services, community action agencies. Needy persons usually show up at such agencies first because they are hungry, homeless, cold or otherwise in need. Applicants to these agencies come with social-economic problems but also frequently these problems are caused by or intertwined with legal problems.

Low-income persons with legal problems most likely have other immediate needs for housing, clothing, food, utilities and more. Partnering with social service agencies links the volunteer attorney to the means of addressing these needs while he or she addresses the legal problems. Lawyers collaborating with social service agencies can look at the client more holistically. In the long run solving the legal problems may will reduce the economic problems but in the short run people need to food and shelter.

The Legal Care program of the Samaritan Center, Jefferson City, is such a program and willing to provide you more information to establish such a program in your community. Contact at –

legalcare@midmosamaritan.org. {INCOMPLETE}

- **Limited Scope Representation Panel Model:** The Seventh Circuit (Clay County) has established a referral list to connect family law litigants of modest means with lawyers offering limited scope representation.
 - Pro se litigants often have little knowledge about the variety of ways that they can obtain the assistance of a lawyer and frequently assume that they cannot afford legal services without paying a significant retainer up front. Rule 4 now facilitates the ability of the lawyer and client to enter financial arrangements for legal services in a number of ways, making legal services accessible to people of more modest means. Connecting people seeking legal assistance with lawyers willing to consider engagement for performance of discrete tasks was a problem. The Seventh Circuit Court Services working with the Clay County Bar Association created a list of lawyers that would consider limited scope representation of clients. Compliance requirements under Rule 4-9.1 were discussed with the Office of Chief Disciplinary Counsel. The concept was supported by local bar leadership for development of a list administered by Court Services. The list was created in the summer of 2009.
 - To be eligible for a listing, a lawyer must be licensed and in good standing as a member of The Missouri Bar and maintain an office address in Clay County. No fee is charged for a listing, administration of the list, or referrals. Lawyers may indicate whether they are offering services in any or all of four categories: office consultation, document preparation & review, representation for specific tasks or issues, and full representation. The lawyer establishes his or her own fees. Litigants provided with the list are encouraged to engage in frank discussion of fees with the lawyer.

- The list is distributed in a number of ways. The list is made available to pro se litigants during their appearance for their pre-trial conference. The list is provided on request to persons contacting Court Services seeking legal assistance. The list may be obtained by making a request on the circuit court website.
- Since August 2009, some legal services were retained in 43% percent of dissolution cases originally filed pro se. A limited appearance in court was made by counsel in about one-third of the cases. During the period ending in February 2010 the percentage of pro se dissolutions reaching completion climbed to fifty-six percent.
- For more information on the Clay County Limited Scope Representation Panel, contact Kathleen Bird, Director Office of Dispute Resolution Seventh Judicial Circuit 351 East Kansas St. Liberty, MO 64068 (816) 736-8402 kathleen.bird@courts.mo.gov
- **Lawyer for The Day model.** Using limited scope representation lawyers volunteer to perform a discreet task for a needy client with the representation being limited to one day. Examples: negotiating resolution of an eviction, preparing a parenting plan, negotiating settlement of a consumer debt. For a detailed description of such programs including, recruitment, training, procedures, forms and more see Best Practices for the Administration of Court-sponsored Volunteer [Lawyer For the Day](#) Programs, Access to Justice New York State Courts (2010). A similar program has begun in the 13th Circuit (Boone-Callaway) by Mid-Missouri Access to Justice. For more information, email midmoaccesstojustice@centurytel.net. For other examples from other states see: Fair Debt Collection Courtroom [Lawyer for the Day in the Boston Municipal Court](#) {http://www.spfj.org/BMC_DebtColl.htm }; Suffolk [Probate and Family Court](#) Limited Assistance Representation Courtroom Lawyer for the Day Project. {<http://www.spfj.org/LAR.htm> }
- **Legal Service Corporation volunteer attorney projects.** Volunteer attorney programs are operated by most Legal Service Corporation agencies. The programs recruit and train volunteer attorneys and screen and refer low-income clients who meet federal guidelines. They should be part of your over all *pro bono* plan. To contact Legal Services see: www.lsmo.org.

- **Community non-profit corporation model.** This model is in operation in the 13th Circuit (Boone-Callaway Counties.) With the leadership of the court, a diverse group formed a non-profit corporation to provide legal help to low-income persons who are not eligible for Legal Service Corporation programs. The court appointed a planning team. Grant funds were obtained. A part-time coordinator was employed. Judges of the Circuit and Supreme Court invited all members of the local bar to a kick-off recruitment event.

{INCOMPLETE}

- **Maryland needs assessment model:** Comprehensive suggestions and tools for conducting a local needs assessment are available as part of the [Pro Bono Resource Manual](#) developed by the Pro Bono Resources Center of Maryland. The manual contains a “How To” guide including suggestions on public hearings, personal interviews and focus groups (pdf pages 37+), a “Needs Assessment Model” (pdf pages 42+), a survey form for legal service providers (pdf page 45+), a social services agency needs survey form (pdf pages 50+), a client needs assessment survey form (pdf pages 56+), and a template for a local pro bono action plan (pdf pages 61+). The survey forms are useful models for doing a comprehensive needs assessment.

- **Some principles to keep in mind:**
 - **The Critical Importance of Screening.** Successful *pro bono* programs screen their cases with care before referring them to private counsel. Over the last decade, there has been a significant increase in the number of *pro bono* programs across the country. The ABA Center for *Pro bono* studies programs that have succeeded and those that have failed. It has learned that a critical ingredient in *pro bono* program operation is screening. Volunteers take cases because they want to help clients. Their time, however, is precious, and they do not want to spend it on a case that has no merit or where the client is not responsive. **Successful programs screen their cases with care before referring them to private counsel.** Clients are given responsibilities for contacting the attorney and scheduling the first appointment, not vice versa. This ensures at least a minimum level of interest in the case. In addition, the program carefully interviews clients in order to reveal essential facts and to make an informed judgment about whether there is a good faith basis for asserting claims or defenses. If the program asks a volunteer attorney to take a no-merit case, the likelihood is exceedingly high that she will never volunteer again and that she will share her bad experience with her firm and other volunteers.” (see [Oxholm I](#))

 - **Assess the community needs** for *pro bono* services. See Maryland model: LOCAL *PRO BONO* COMMITTEE [RESOURCE MANUAL](#),

Standing Committee on *Pro bono* Legal Service, *Pro bono* Resource Center of Maryland, Inc. (2003)

- Attorneys are more likely to volunteer if the applicant is financially needy and there is an appropriate matching of the needy client with the willing attorney. {See [ABA study 2009 LINK](#)}. A matching or prescreening processes screens applicants as to their financial need and also the nature of their legal problem.
- **Be inclusive in developing your program.** Invite participation from the local bar, court staff, local social service/community service organizations, law schools (if available).

MALPRACTICE PROTECTION FOR *PRO BONO* ATTORNEYS

For retired, government, and corporate attorneys lack of malpractice insurance is a major barrier to volunteering. [Supporting Justice II](#), A Report on the *Pro bono* Work of America's Lawyers, The ABA Standing Committee on *Pro bono* and Public Service, February 2009

The state of Missouri provides malpractice protection for *pro bono* attorneys. The attorney must work through a government or charitable tax-exempt agency and must not receive any compensation. See: Section [105.711.2\(5\)](#), RSMo and the Attorney General's [regulations](#) (15 CSR 60-14.010-030) applicable to the program. Malpractice coverage is also provided by Legal Services Corporation programs for volunteer attorneys. Since government agencies are included, attorneys receiving *pro bono* clients through a court sponsored program would be eligible for coverage.

- An [enrollment form](#) {LINK inside} has been approved by the Attorney General.
- More information on the malpractice coverage for *pro bono* attorney is available in the on-line [Deskbook for Pro bono Attorneys](#).

Federal law, the [Volunteer Protection Act](#) (VPA), 42 USC Sections 14501-05, also provides protection for volunteers.

- A volunteer is not personally liable for negligence if they are:
 - Not compensated (except for expenses);
 - Acting in scope of responsibilities of a 501(c)(3) charity or a government entity;
 - Properly licensed;
 - Not acting willfully, criminally, with gross negligence, recklessly, or consciously/flagrantly;
 - Not operating a vehicle.

- A volunteer is personally liable for a federal crime, a hate crime, a sexual offense, a civil rights violation, or harm caused while under the influence of alcohol or drugs.
- For application of VPA to federal law see: *Armendarez v. Glendale Youth Center, Inc.*, D.Ariz., 265 F.Supp.2d 1136 (2003). The Volunteer Protection Act (VPA), conditionally providing that no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity, does not preempt only state law, but also precludes federal claims such as those arising under the Fair Labor Standards Act (FLSA); the text of the statute cannot be interpreted to prevent its application to federal law, though its central focus is preemption of state law.

Missouri law also provides immunity to officers and directors of tax-exempt charitable organizations. Section [537.117](#), RSMo.

ACCOMODATING *PRO BONO* PRACTICE

The only compensation *pro bono* attorneys receive, if any, is appreciation. Saving time reduces the cost of *pro bono* representation. “While this might appear to ‘favor’ one side ‘against’ another, it is nothing more than courtesy shown to a member of the profession who is fulfilling his or her professional obligation.” See: A Rule To Show Cause On The Courts: [How The Judiciary Can Help *Pro bono*—Part I](#) by Carl “Tobey” Oxholm (ABA Dialogue, Winter 1999), pp.15+

How can judges accommodate *pro bono* volunteers? Some examples are:

- **Giving priority to *pro bono* cases:** If your court holds “motion days” or other events at which many cases are listed for activity at the same time, the court can recognize the public service that *pro bono* counsel is rendering, and it also reduce, where possible, the amount of time spent waiting for that counsel’s case to be called.
- Every effort should be made to honor the *pro bono* counsel’s scheduling requests, and the court should give greater latitude to *pro bono* counsel who makes continuance requests.
- 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.
- Allow *pro bono* attorneys to attend routine hearings by conference call.
- Offering courthouse space for meeting clients and *pro bono* clinics.
- Encourage court personnel to be cooperative with volunteer attorneys.
- **Help with training:** Often attorneys need training in family law, landlord/tenant, and other areas of law in which they don't practice but for which there is a large need. Volunteer to help with training and offer free CLE programs. Not only will this improve the attorneys work but it demonstrates that the court supports *pro bono* volunteering.
- **“Little Red Schoolhouse Seminars”** One judge opens his courtroom during downtime to meet with attorneys to discuss *pro bono* issues and to hold free CLE seminars on *pro bono* relevant topics such as -- review of local rules relevant to *pro bono* practice and limited scope representation.
- **Review local rules.** Are local court rules and practices *pro bono* friendly?
- **Set aspirational goal:** Adopt a local rule which defines an expectation or aspirational goal that each member of the local bar will provide 20-40 hours of *pro bono* services annually. (Note: this does not call for mandatory *pro bono* service.) “Lawyers who want to do *pro bono* need help from the outside. In most jurisdictions that have successful *pro bono* programs, the judiciary plays a key role by establishing the expectation (if not the rule) that lawyers will volunteer to help in the delivery of legal services to the poor. This article does not recommend that courts make volunteer service mandatory. It suggests that each state and federal district review its rules and amend them to reflect that “the court expects [all bar members] to engage in *pro bono*, if not in a panel maintained by the court, then through the local bar association’s *pro bono* program.” See: A Rule To Show Cause On The Courts: [How The Judiciary Can Help Pro bono—Part II](#) by Carl “Tobey” Oxholm (ABA Dialogue, Spring 1999) see pp.4
- **LSR:** Review the new Supreme Court Rules on Limited Scope Representation (LSR). See [below](#). If needed, adopt local rules, forms and practices which facilitate and support limited scope representation practice.

- **IFP applications:** Are procedures for *in forma pauperis* applications simple and expedient? Consider using the [OSCA in forma pauperis application form](#)
- **Discovery:** Simplified discovery procedures in *pro bono* cases. See [below](#).
- **Reducing costs:** How can costs be reduced in *pro bono* matters? See [below](#).

LIMITED SCOPE REPRESENTATION AND *PRO BONO* PRACTICE

Many low-income persons with legal problems have the choice of suffering without access to justice or attempting to present their own case to the court. The increasing number of *pro se* litigants is a growing burden to the courts which creates confusion for litigants, delay for judges and attorneys and frustration for all. All would agree that litigants are better prepared and better served with the representation of an attorney. The participation of an attorney makes the justice system run smoother for all. Limited scope representation (LSR), also known as “unbundled legal services”, is an efficient way for clients of modest or no means to obtain the services of an attorney. The attorney may provide LSR *pro bono* or charge their normal hourly rate or fee for services performed. The 2009 ABA study found “giving the attorney the ability to define the scope of the engagement (was one of) ... the most powerful incentives to encourage greater *pro bono* activity.” [Supporting Justice II](#), A Report on the *Pro bono* Work of America’s Lawyers, The ABA Standing Committee on *Pro bono* and Public Service, February 2009

Nutshell Summary of Limited Scope Representation Rules.

The new Supreme Court Rules on “limited scope representation” (LSR) give the attorney and client more control over the defining of the scope of representation. This allows a more efficient “division of labor” resulting in saved time for the attorney and saved expense for the client. For modest income clients it may make the difference between affording a lawyer’s help or going *pro se*. For *pro bono* attorneys it may make the difference in finding the time to help a client who cannot afford to pay. LSR provides an *à la carte* menu of legal services.

With the consent of the client a lawyer may limit the scope of representation. The agreement must be in writing and signed by the client except for *pro bono* services offered through a nonprofit organization, court program, bar association, law school or Legal Services Corporation program. The initial consultation is not included in the requirement of writing. A LSR agreement does not exempt the attorney from the duty to provide competent representation. (Rule 4-1.2(c)&(d).)

The opposing attorney may communicate with the LSR client unless the LSR attorney gives written notice to communicate only with the LSR attorney. Service shall be made on the LSR client unless the LSR attorney serves the opposing counsel and court with notice of limited appearance which sets forth the time period when service shall be made on the attorney. (Rule 4-1.2(e).)

An attorney who assists an LSR client in the preparation of a pleading or motion, etc. is not required to sign the document. (Rule 55.03(a).) If an LSR attorney signs a pleading, etc. or makes a written appearance, the attorney has made a general appearance unless the attorney files a notice of limited appearance. (Rule 55.03(b)(3).)

An LSR attorney withdraws when the attorney has “fulfilled the duties set forth in the notice” and has filed a “termination of limited appearance” with the court. (Rule 55.03(b)(3).)

A full discussion of the LSR rules is available in the on-line [Deskbook for Pro bono Attorneys](#).

What can judicial officers do to encourage attorneys to provide *pro bono* limited scope representation?

- **Support for the General Idea**
 - **Make positive comments** about limited scope representation and how it's great to have attorneys providing people of modest means with access to legal services - you appreciate getting forms you can understand, orders you can enforce, and having attorneys for court appearances. Let it be known that you think it is not only okay, but beneficial for attorneys to provide limited scope representation, and that you appreciate their involvement. Let litigants know that if they are unable to afford (or choose not to have) full representation, limited scope assistance is an option. LSR is a win/win/win (court, litigant and attorney) it helps everyone, if done correctly.
 - **Hold a training** for other judicial officers on the issue of limited scope representation. Encourage the local bar to conduct training on LSR and participate in the training. Consider an annual training in limited scope representation put on by the local bar in each county so that new forms, procedures and "bugs" can be addressed. Training can also serve as a vehicle to address concerns that arise between bench and bar.
 - When doing **public speaking** to lawyers or the public, mention LSR when you discuss *pro bono*.

- Encourage your local Bar Association to set up a **limited representation panel** and retain a listing of persons who are willing to provide LSR services, especially for low-income clients.
- **Educate.** Make positive suggestions to help counsel improve the quality of the 'package' of services they supply in certain areas.
- Make it known that you understand and believe that LSR is helpful to the court.
- **Courtroom Conduct.**
 - If the client has agreed to limited representation and counsel has notified the court that representation is limited, **you've got to let the attorney out once the scope of the representation is completed.** This is a contractual matter between the client and the attorney pursuant to Rule 4-1.2. Support attorneys who practice before you by honoring the terms of the limited attorney-client relationship. Everyone benefits by some involvement of attorneys. They are unlikely to provide this service if you do not support their efforts.
 - If an attorney is appearing on only one issue in a matter, **hold a bifurcated hearing** so that the attorney isn't either sitting through issues he or she is not authorized to address (and not getting paid for). If the attorney decides that he or she can't keep quiet on the other issues, consider taking a break in the hearing and giving the attorney the opportunity to revise the scope of the representation with his or her client.
 - **Recognize that clients who have consulted with an attorney may not present that attorney's advice fully or even accurately.** Trust that it is unlikely that the attorney told them "not to bother with service" or similar misconceptions. If there appear to be consistent problems, consider addressing them as general issues with the local bar.
 - Resist attempts by opposing counsel to broaden the scope of the representation.
 - **Be open to discussing clarification of the issues with counsel,** when necessary, so that opposing counsel will know which issues require contact through counsel and which issues permit contact with the client. [New Rule 4-1.2](#) provides: "An otherwise unrepresented party to whom limited representation is being provided or has been provided is considered to be unrepresented for purposes of communication under rule 4-4.2 and 4-4.3 except to the extent the lawyer acting in the scope of limited representation provides other counsel with a written notice of a time period within which other counsel shall communicate only with the lawyer of the party who is otherwise self-represented." [New Rule](#)

[43.01\(b\)](#) states: "If an attorney has filed a notice of limited appearance for an otherwise self-represented person, service of papers shall be made on the self-represented person and not on the attorney unless the attorney acting within the scope of limited representation serves the other party or the other party's attorney with a copy of the notice of limited appearance setting forth a time period within which service of papers shall be upon the attorney for the otherwise self-represented party."

- **Forms, Papers and Processes.**
 - **Review your local rules** to modify any rule that may be inconsistent with limited scope of representation rules. Emphasize the notice requirement for an attorney making a limited appearance.
 - **Work out procedures with the court clerk's office** to make sure they know how to reflect the representational status of the litigant in their case management system. They are on the front line in dealing with many of the issues surrounding limited scope representation and need to be aware of the issues and familiar with techniques for dealing with them.
 - **Work with the local bar** to develop practical solutions when problems arise. For example, if you want to be sure that settlement conferences don't have to be continued so the self-represented litigant can consult with their LSR counsel, let them know that they are responsible for notifying their LSR counsel and making arrangements for them to be available on standby or otherwise as appropriate. It is most effective if you meet periodically with the bar to discuss these issues and work out solutions, which work for both of you. It will reinforce the fact that you are all working together to make the process more effective.
 - **Let the Supreme Court Committee on Access to Family Courts (CAFC) know** as issues and problems come up so that they can be considered and addressed. Email comments and questions to – cafc@courts.mo.gov.
- **Encouraging Quality:**
 - **Encourage and participate in meetings of the local bar** and legal services providers and other *pro bono* programs to discuss limited scope representation and suggest that they continue a working group to develop standards of care, informational materials for litigants, fee agreements and office tools, and develop working relationships, referral systems and protocols.
- **Financial Issues**
 - **Award attorneys fees** for limited scope services when otherwise appropriate and let attorneys know what forms or information they need to provide to substantiate the claim for fees. This is especially important if the

attorney is not appearing at hearings, but is assisting in the preparation of forms, declarations and the like.

- **Be sensitive to the economic issues.** For example, if an attorney is in court for limited scope, even a routine continuance can impose a real hardship by pricing the service outside the client's reach. If counsel is *pro bono*, delays may discourage his/her volunteering in the future. If there's only money for one appearance, and it is wasted, no net benefit is acquired and the funds which might have been properly applied to a limited appearance are wasted. Likewise, be sensitive to when opposing counsel are delaying or otherwise obstructing for tactical reasons.

(Above points are adapted from "[20 Things Judicial Officers Can Do to Encourage Attorneys to Provide Limited Scope Representation](#)")

For more resources on limited scope representation visit the [ABA Pro se/Unbundling Resource Center](#).

REDUCING *PRO BONO* EXPENSES

Attorneys who work for free should not be out of pocket for expenses. This is especially true for retired, corporate, government, solo and small firm *pro bono* attorneys. While large firms may be able to absorb expenses in *pro bono* cases, it is likely a significant impediment for smaller firms and solo practitioners. *Pro bono* programs must be creative in finding ways to eliminate or minimize the costs of volunteer services. Access to justice should not be through a toll gate. How can expenses for *pro bono* cases be kept to a minimum? How can unavoidable expenses for *pro bono* be funded?

- ***In forma pauperis* (IFP)** is the basic tool to reduce expenses in *pro bono* cases. Supreme Court [Rule 77.03](#) and Section [514.040](#), RSMo address *in forma pauperis*. Section 514.040.3 provides for Legal Services Corporation programs to certify low-income litigants. For other *pro bono* attorneys, the first step is filing an *in forma pauperis* [application](#). For further discussion of *in forma pauperis* see: "*In forma pauperis*, Section 514.040: [A Practical User's Guide for Attorneys](#)", Christine Rollins, Missouri Bar Journal May-June 2010, p. 146.
- Are clerks informed on expeditious handling of IFP applications, the scope of costs covered and filing of pleadings pending determination of *in forma pauperis* status?
- **Publication** may be required. Consider editing orders to the minimum requirements to reduce publication costs.
- **Discovery:** How can judges reduce discovery costs in *pro bono* cases?

- Simplify and use standard form discovery (e.g. family law income & expense statements) which are issued *sua sponte* on filing *pro se*.
 - Develop model local rules.
 - Consider permitting the taking of depositions without a stenographic record.
 - Consider permitting the taking of depositions “by telephone or other remote electronic means.”
 - Recruit court reporters to do *pro bono* work.
 - Further see: See: A Rule To Show Cause On The Courts: [How The Judiciary Can Help Pro bono—Part I](#) by Carl “Tobey” Oxholm (ABA Dialogue, Winter 1999), pp.15+
- **The pre-trial and trial schedules.** A very significant “cost” can be imposed, or avoided, depending on the court’s sensitivity in establishing pretrial and trial schedules and in responding to requests for continuances. See: [Oxholm, Part I](#), supra, p.15.
 - **Panel of volunteer stenographers.** “*Pro bono* is not just for lawyers. There is no reason that the court could not maintain a panel of *pro bono* reporters. Court reporters who serve their courts in “paying cases” should be encouraged to enroll as panel members. These volunteers only agree to provide one copy of the transcript for free to the attorney representing an indigent party *pro bono* (they may charge their standard fees to all other parties).” See: [Oxholm, Part I](#), supra, p.15.
 - **Professional associations.** Some associations of certified shorthand professionals have adopted policies encouraging their members to serve *pro bono* in any case where the requesting counsel is serving *pro bono*. When a lawyer (or law firm) regularly uses a specific reporter (or agency) a request to share is in the burden of *pro bono* is appropriate.

FUNDING PRO BONO EXPENSES

Establishing a fund to cover expenses of *pro bono* attorneys will empower more retired, solo & small firm, governmental and corporate attorneys to volunteer. The fund could be administered by the court, the local bar association or a *pro bono* provider agency. {CHECK ON COURT ADMINISTERING FUND???

- Different **models for raising funds** for *pro bono*:

- *Cy pres* cases: When the court has cases which require application of the *cy pres* doctrine, consider applying some of these funds to a *pro bono* expense fund which benefits the needy of the community.
- Part of local bar dues. Encourage the local bar association to establish a *pro bono* expenses account funded by bar dues.
- Fundraising events: Attend fundraising events organized by local community leaders, civic organizations etc.
- Grants: Apply to IOLTA, Family Courts, Mo Bar Plan Foundation etc.
- Conduct MCLE programs presented by the court, local bar association or *pro bono* provider agency: The training programs can be free or reduced cost for *pro bono* attorneys. But also a fee can be charged to attorneys not engaged in *pro bono* service which money can then be put in a fund to reimburse *pro bono* counsel for expenses. See: A Rule To Show Cause On The Courts: [How The Judiciary Can Help Pro bono—Part II](#), p.4 by Carl “Tobey” Oxholm (ABA Dialogue, Spring 1999) see pp.3+.
- **In-kind contribution of resources** will empower more volunteers. Examples are:
 - Making rooms at the courthouse available to *pro bono* attorneys.
 - Providing copying of documents, faxing etc.
 - Encouraging larger law firms to make equipment, libraries and other resources available to *pro bono* attorneys.
 - Making law books available to *pro bono* programs.
 - This could be merely passing on outdated editions from the Court’s library or recruiting law firms to do so.
 - Using the court’s library fund to buy basic practice books for *pro bono* programs.
 - Buying books for the court’s library that are especially helpful to *pro bono* attorneys and making them available for loan to *pro bono* attorneys.
- For the possibility of using Neighborhood Assistance Program (NAP) grants for funding *pro bono* programs see: [“Tax-Based Pro bono Incentive Legislation: A New Recruiting Tool?”](#), Cassie Diaz-Bello (ABA Dialogue, Fall 1998, p. 11+)

RECOGNITION

Recognition is a form of appreciation and compensation for volunteers. Courts should actively seek ways to reward volunteers—i.e., lawyers, shorthand reporters, experts, etc. who provide *pro bono* services. “Thanks from the bench” may not seem like much, but it is. Volunteer attorneys handle these cases for a variety of reasons. They know, up front, that they are not getting paid, and most of them don't expect remuneration of any kind -- monetary, verbal or otherwise. **But everyone wants and needs to be appreciated.** And public recognition from a judge -- an acknowledgement and an appreciation of your hard work -- is significant. How can courts recognize and reward *pro bono* volunteers?

- **Publicly recognize the contributions** of *pro bono* attorneys at bar functions or social settings. Try to acknowledge his or her contributions in front of other people.
- **Words spoken in open court.** Recognition of an individual attorney for *pro bono* services expressed by a judge in open court when his/her colleagues are present not only rewards that attorney but restates the expectation of all professionals to serve the needy.
- A **letter of thanks** from the court for volunteering or performing *pro bono* services.
- Words of **praise at meetings** of the local bar association or at meetings of civic organizations.
- Recognition on the **court's website**.
- **Reserved parking space** for *pro bono* attorney of the month.
- A **plaque**, certificate or other memento especially one suitable for displaying in the attorney's office for his clients and colleagues to see.
- A letter of praise and appreciation **to the senior partner of the attorney's firm** with specially appreciation to the firm if they are allowing the attorney to consider *pro bono* time as billable hours or underwriting the expenses.
- Annual **appreciation ceremonies** in collaboration with the local bar association. This also creates an incentive for others to participate.
- A **special annual reception** with all members of the court limited to attorneys who have volunteered for *pro bono* service.
- Keep in mind that *pro bono* attorneys frequently volunteer in high-volume need areas which are **outside of their regular field** e.g., a skilled

- Record a YouTube **video** expressing appreciation to *pro bono* attorneys and link it to your court or local bar website. Example see: <http://www.youtube.com/watch?v=b1Weh4oxZiY>
- For examples from **other states** of what judges can do see ABA Center for *Pro bono* [Judicial Promotion of *Pro bono*](#)

COLLABORATION WITH *PRO BONO* PROVIDERS

How should judges and *pro bono* providers communicate and collaborate? *Pro bono* programs that communicate with members of the judiciary on a regular basis benefit significantly. For example:

- Program managers or board members should frequently write, visit or call judges to keep them informed about the program and to solicit their input and assistance. Many times judges initiate this contact.
- Judges also may 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.
- Including notices on formal court forms, handouts at the clerk's office, posters in the court house about how indigent parties may obtain legal assistance helps *pro bono* providers connect with needy persons.

SPECIAL NEEDS OF RURAL AREAS

Many rural counties in Missouri have very few lawyers. Forty counties in Missouri have 10 or less licensed attorneys. *Pro bono* representation is a greater challenge because of the limited attorney pool in the community.

- **Limited scope representation** (LSR) offers a means to increase legal services in such communities. In an appropriate case, LSR rules allow legal representation without appearing in court. With modern communication tools an attorney in any part of the state can consult with a needy client, prepare pleadings and other documents, instruct the client on how to proceed in court without the attorney having to travel to the court room.
- **Pairing urban and rural attorneys:** Some cases will require an attorney in the court room to interrogate witnesses etc. But in such cases, LSR still allows for one attorney (not necessarily local) to prepare pleading while another attorney presents the matter in court. Thus both attorneys reduce the

amount of time given to *pro bono* representation, yet the client is represented and the court avoids a *pro se* litigant situation.

- The **Internet** can bring rural and urban attorneys into one community. Several existing tools facilitate attorneys sharing information, forms etc. Making attorneys who practice before you aware of these tools increases the total legal resources for your community. A **special list serve** has been established for *pro bono* attorneys to communicate statewide. [Click here](#) for instructions on joining. Also see [MoBar Circle](#). The on-line [Deskbook for Pro bono Attorneys](#) provides specific information for *pro bono* attorneys and numerous tips and forms.
- Local rules and practices should facilitate use of LSR especially in rural areas.

TALKING POINTS & TIPS

- **The need:** Annually 50,000 households have legal problems, cannot afford an attorney and cannot be served by the existing legal services programs. For more see: [The Need](#).
- **Tip: Statistics inform, stories motivate.** Tell stories from your own experience as to how needy persons were denied justice because of lack of representation or receive justice thanks to *pro bono* representation. For true stories, see below.
- **Share the load:** The more attorneys who participate in *pro bono*, the lighter the load on each.
- **Ethical duty:** *“A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance, and should therefore devote professional time and civic influence in their behalf.”* [Preamble](#), Rule 4, Rules of Professional Conduct. For more see: [Our Duty](#).
- **There is no peace without justice:** If we really want a just, peaceful, ordered society, we must provide the means of access to the system of justice. The legal system is intended to provide just, orderly and peaceful means to resolve disputes. Lack of access to the administration of justice can lead to self-help which may lead to confrontation and even violence. *Pro bono* legal service increases access to the legal system and promote peaceful resolution of problems.
- **Professionalism:** “The term [professionalism] refers to a group pursuing a learned art as a common calling in the spirit of public service - no less a public service because it may incidentally be a means of livelihood. Pursuit

of the learned art in the spirit of a public service is the primary purpose.” Pound, Roscoe (1953). *The Lawyer from Antiquity to Modern Times*. St. Paul, Minn.: West Publishing Co., p. 5.

- **Professional satisfaction:** If you are a lawyer because in addition to earning a good income for yourself and family, you have a commitment to a free and just community and take satisfaction from solving or preventing problems for others - especially those most in need – then, you will find personal satisfaction in *pro bono* legal service.
- **You are not alone:** The Courts are doing their part in supporting and recognizing *pro bono* legal services.
 - List what your local court is doing to help and recognize *pro bono* attorneys.
 - Note what the Supreme Court is doing:
 - Of significant support are the new rules on limited scope representation. The new rules make *pro bono* representation much more efficient by conserving the attorney’s time.
 - The Court has appointed the Committee on Access to Family Courts (CAFC) to focus on both *pro se* and *pro bono* needs. CAFC has created a virtual Deskbook for *Pro bono* Attorneys available on the web.
 - Most legal service corporation agencies, Samaritan Center Legal Care and other *pro bono* agencies provide training, free CLE’s etc. for volunteer attorneys.
- ***Pro se* is not the best answer:** Many of the needy households tried to help themselves by becoming *pro se* litigants. Some became victims of internet or mail-order forms factories which take their money while giving them nothing of value. *Pro se* litigants are not familiar with pleading requirements or court procedures and seek help from court personnel. Clerks and judges are in a “catch-22” since they must be impartial and cannot give legal advice to the litigants. As a result hearing dockets get delayed as judges attempt to explain basic processes to them, cases get repeatedly continued or their pleadings get dismissed without resolving the legal problem.
- **Without access to justice people live wounded lives:** A sick or injured person who does not have access to a doctor or hospital does not cease to suffer. The legal problems of persons who cannot get access to lawyers or the courts do not simply cease to exist. The persons lead dysfunctional lives. Children go without support. Parents wrangle over custody. Families lose their housing.

- **Pro bono Benefits the whole community:** Lack of access to the system of justice harms not only the marginalized but the whole community.
 - Without access to just resolutions persons resort to self-help solutions which on occasion results in confrontation and violence to the parties and innocent bystanders.
 - Lack of timely legal advice may lead to costly mistakes which may increase demand for public welfare assistance and services.
 - Frequently an explanation of legal responsibilities of both parties can result in a consensus without confrontation or litigation. Lack of legal advice creates unnecessary litigation adding to the burden on courts and lawyers.

- **Tip: Use metaphors:** Just as one picture is worth a thousand words, a well chosen metaphor implants an image in the listener's mind which continues to illustrate your point.

- **Who are the needy?** Below are brief summaries of real cases where needy persons received pro bono legal representation. You may find them useful in your talking points.
 - She is a widow living on Social Security with a mentally retarded son who will become 18 soon. She needs guardianship to be able to continue to care for his needs.
 - They are a black couple living in a house which is not fit for human habitation and their landlord has used eviction and lies to get a default judgment and manipulate them into signing a new lease at a higher rent.
 - She is an American citizen of Hispanic descent. Her brother lost his business and came to live with her. He was "getting life back together", riding a bicycle to work each day. Even though her lease contained no restriction, the landlord threatened to evict her if she did not kick her brother out.
 - They are victims of "zombie collectors" who buy up debts from creditors where the statute of limitations has run then file suits on the odds that the victims will not know their rights and default.
 - He was only 24 but facing a terminal brain tumor. Unable to work he needed legal services – a durable power of attorney for health care so that someone could make decisions for him in his final days.
 - Their mother owned a Habitat for Humanities' house and died without a will. The daughters needed legal help to transfer title to their home.

- She is a terminally ill mother of a mentally retarded daughter. She was served legal papers threatening your daughter's disability payments.
- He valued freedom so much that he tried to swim from Cuba to the US with only the help of an inner tube. Cuban authorities imprisoned him for a year. Eventually he made it to the US through Mexico and works as a carpenter. But legal problems threatened his ability to get support back to the child he left behind with his mother in Cuba.
- They were a young married couple in a new town. After a friend's business went under they were left jobless. He was recovering from throat cancer and seeking Social Security disability.
- He got behind on a credit card. Interest and fees multiplied and the creditor garnished his wages. Unfortunately his employer misread the law and over time \$500 was improperly withheld from his minimum-wage job. He needed help to get his money back.
- She was only 19 and caring for two younger brothers, keeping them in school and safeguarding them from an abusive father. She needed legal custody to protect them.
- When his young wife was dying he promised her that he would care for her pre-school age daughter of another father. He wanted to adopt her.
- Unable to work after a construction job injury left him with reoccurring dizziness, his debts became overwhelming. Bankruptcy gave him a fresh start.
- Her 19 year old daughter was suicidal with without guardianship she was without legal power to provide for her protective institutionalization.
- For other talking point ideas, view the One Client One Attorney One Promise [video](#) from Florida. Also California Judicial Conference [talking points for judges](#).

DIRECTORY OF HELPFUL AGENCIES

{INCOMPLETE}

- Committee on Access to Family Courts (CAFC).
 - Email: cafc@mo.courts.gov
- Samaritan Center Legal Care
 - Services mid-Missouri counties of Cole, Callaway, Moniteau, Miller, Marries, Osage.
 - Email: legalcare@midmosamaritan.org

- Mid-Missouri Legal Services, Susan Lutton, Director
 - Services mid-Missouri counties of {INCOMPLETE}
 - Email: lutton@mmls.org
- Legal Services of Southern Missouri, Doug Kays, Director
 - Services southern Missouri counties of {INCOMPLETE}
 - Email: douglas@lsosm.org
- Legal Aid of Western Missouri, Latricha Scott, Director, Volunteer Attorneys Project.
 - Services western Missouri counties of {INCOMPLETE}
 - Email: lscott@lawmo.org
- Legal Services of Eastern Missouri, Jim Guest, Director, Volunteer Attorneys Program.
 - Services eastern Missouri counties of {INCOMPLETE}
 - Email: jhquest@lsem.org
- Missouri Bar, Eric Wilson, pro bono liaison.
 - Email: ewilson@mobar.org
- Mid-Missouri Access to Justice, Negar Jackson, Coordinator.
 - Services Boone and Callaway Counties.
 - Email: midmoaccesstojustice@centurytel.net
- Catholic Legal Assistance Ministry, Marie Kenyon, Director.
 - Services St. Louis City {?}
 - Email: kenyonm@slu.edu

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This Tool Kit has been developed by the Supreme Court Committee on Access to Family Courts (CAFC). Questions and comments may be addressed to the CAFC at --Email: cafc@courts.mo.gov.

We invite your input in improving the Tool Kit. Last revised: August 31, 2010.

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- *Richard Zorza, founder of the Self-Represented Litigation Network,*
 - * Member Committee on Access to Family Courts.*

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Annually about 50,000 household have legal problems, cannot afford an attorney and cannot receive services from existing programs. Access to justice is essential to peace and order in our communities.

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The Code of Judicial Ethics recognizes the unique position of the judge in improving the administration of justice and encourages judges to contribute their leadership and skills. What are the ethical guidelines for judges?

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DIRECTORY OF HELPFUL AGENCIES

Who can you call for help? The Supreme Court Committee on Access to Family Courts is here to help. Also numerous regional pro bono programs can share their experiences.

ACKNOWLEDGEMENT OF CONTRIBUTORS

BIBLIOGRAPHY OF RESOURCES

Administrative rules, books, court rules, essays, ethics opinions, forms, reports, resolutions, statutes, video & audio, websites.

BIBLIOGRAPHY OF SOURCES

Administrative Rules

[15 CSR 60-14.010-030](http://www.sos.mo.gov/adrules/csr/current/15csr/15c60-14.pdf), Attorney General's Regulations regarding the Legal Expense Fund.
<http://www.sos.mo.gov/adrules/csr/current/15csr/15c60-14.pdf>

Books

Pound, Roscoe (1953). *The Lawyer from Antiquity to Modern Times*. St. Paul, Minn.: West Publishing Co., p. 5.

Court Rules

Supreme Court Rule 2.03, [Canon 2](#). Code of Judicial Conduct
<http://www.courts.mo.gov/courts/ClerkHandbooksP2RulesOnly.nsf/c0c6ffa99df4993f86256ba50057dcb8/e14db401df7f552e86256ca6005211b7?OpenDocument>

Supreme Court Rule 2.03, [Canon 3](#) Code of Judicial Conduct
<http://www.courts.mo.gov/courts/ClerkHandbooksP2RulesOnly.nsf/c0c6ffa99df4993f86256ba50057dcb8/be48019f16497ddf86256ca600521208?OpenDocument>

Supreme Court Rule 2.03, [Canon 4](#), commentary, Code of Judicial Conduct.
<http://www.courts.mo.gov/courts/ClerkHandbooksP2RulesOnly.nsf/c0c6ffa99df4993f86256ba50057dcb8/34f3bee06088a0fe86256ca600521235?OpenDocument>

[Preamble](#), Rule 4, Rules of Professional conduct.
<http://www.courts.mo.gov/courts/ClerkHandbooksP2RulesOnly.nsf/c0c6ffa99df4993f86256ba50057dcb8/4c4ee2e8d24e2ff386256ca60052123c?OpenDocument>

Missouri Supreme Court [Rule 4-1.2](#) Scope of Representation
<http://www.courts.mo.gov/courts/ClerkHandbooksP2RulesOnly.nsf/c0c6ffa99df4993f86256ba50057dcb8/8195dff3462d90ba86256ca6005211c1?OpenDocument>

Missouri Supreme Court [Rule 4-6.1](#) Voluntary Pro Bono Publico Service.
<http://www.courts.mo.gov/courts/ClerkHandbooksP2RulesOnly.nsf/c0c6ffa99df4993f86256ba50057dcb8/384af6c9c3fdae1d86256ca600521254?OpenDocument>

Missouri Supreme Court [Rule 8.15](#). Attorney's Oath of Admission
<http://www.courts.mo.gov/courts/ClerkHandbooksP2RulesOnly.nsf/c0c6ffa99df4993f86256ba50057dcb8/b669a0d6797972b086256db70073edd0?OpenDocument>

Missouri Supreme Court [Rule 43.01\(b\)](#). Service of Pleadings
<http://www.courts.mo.gov/sup/index.nsf/d45a7635d4bdfb8f8625662000632638/2fcf69c09f0c1acf8625747100730212?OpenDocument>

Missouri Supreme Court [Rule 77.03](#). In forma pauperis
<http://www.courts.mo.gov/courts/ClerkHandbooksP2RulesOnly.nsf/c0c6ffa99df4993f86256ba50057dcb8/a98c1eb8f707db9a86256ca60052159a?OpenDocument>

ABA [Model Rule 6.1](https://www.abanet.org/legalservices/probono/rule61.html) of the Rules of Professional Conduct.
<https://www.abanet.org/legalservices/probono/rule61.html>

Essays

[Expanding *Pro bono*: The Judiciary's Power to Open Doors](#) by *The Honorable Judith Billings and Jenny M. McMahon* (ABA Dialogue, Spring 1998) {[LINK to CAFC archive.](#)}

A Rule To Show Cause On The Courts: [How The Judiciary Can Help *Pro bono*—Part I](#) by Carl “Tobey” Oxholm (ABA Dialogue, Winter 1999),
<http://www.abanet.org/legalservices/dialogue/downloads/dialwi99.pdf>

A Rule To Show Cause On The Courts: [How The Judiciary Can Help *Pro bono*—Part II](#) by Carl “Tobey” Oxholm (ABA Dialogue, Spring 1999)
<http://www.abanet.org/legalservices/dialogue/downloads/dialsp99.pdf>

“[20 Things Judicial Officers Can Do](#) to Encourage Attorneys to Provide Limited Scope Representation”
http://www.abanet.org/legalservices/delivery/downloads/20_things_judicial_officer.pdf

“*Informa pauperis*, Section 514.040: [A Practical User's Guide for Attorneys](#)”, Christine Rollins, Missouri Bar Journal May-June 2010, p. 146. : <http://members.mobar.org/pdfs/journal/2010/may-june/pauperis.pdf>

“[Tax-Based *Pro bono* Incentive Legislation: A New Recruiting Tool?](#)”, Cassie Diaz-Bello (ABA Dialogue, Fall 1998, p. 11+) <http://www.abanet.org/legalservices/dialogue/downloads/diaiff98.pdf>

Building a Coalition for Changing Pro Bono Policy, by Sharon E. Goldsmith, *ABA Dialogue Fall 2004*
<http://www.abanet.org/legalservices/sclaid/atjresourcecenter/downloads/buildingacoalitionforchangingprobonopolicy-dialoguefall2004.pdf>

How ATJ Commissions can Promote *Pro Bono*: Rules and Policies, *Anthony H. Barash, Director*¹
ABA Center for Pro Bono
http://www.abanet.org/legalservices/sclaid/atjresourcecenter/downloads/pro_bono_w_colorado_mie_2008.pdf

Limited Scope Legal Assistance: An Emerging Option for Pro Se Litigants, National Center for State Courts (2003)
http://www.ncsconline.org/WC/Publications/KIS_ProSe_Trends03.pdf

The Non-Traditional Practice of Law: The New Reality, Cynthia K. Heerboth, *Mo Bar Precedent* (Summer 2010)
<http://members.mobar.org/pdfs/precedent/aug10/non-traditional.pdf>

Ethics Opinions

Judicial Commission on Retirement, Removal and Discipline, Opinion 128 (1986). {[LINK to archives](#)} A judge's participation in a media campaign to recruit foster families is an activity which will improve the law and the administration of justice.

Judicial Commission on Retirement, Removal and Discipline, Opinion 157 (1991). {[LINK to archives](#)} A judge's recognizing those individual who provide exemplary pro bono service is approved.

Nebraska Judicial Ethics [Opinion 80-2](#). <http://www.supremecourt.ne.gov/professional-ethics/judges/ethics-committee/pdf/08-2.pdf>.

Texas Ethics [Opinion 283](http://www.courts.state.tx.us/judethics/281-290.htm). <http://www.courts.state.tx.us/judethics/281-290.htm>.

Forms

OSCA in forma pauperis application form: <http://www.selfrepresent.mo.gov/file.jsp?id=10420>

Reports & Deskbooks

Making Pro Bono a Priority, Bar Leaders Handbook, ABA (1996)
<http://www.abanet.org/legalservices/downloads/probono/barleader2.pdf>

Supporting Justice II, A Report on the *Pro bono* Work of America's Lawyers, The ABA Standing Committee on *Pro bono* and Public Service, February 2009
<http://www.abanet.org/legalservices/probono/report2.pdf>

Civil Legal Assistance for All Americans, Jeanne Charn & Richard Zorza (2005):
<http://www.courtinfo.ca.gov/programs/equalaccess/documents/selfrep07/SystemChange/bellow-sacks.pdf>

Agenda For Access: The American People and Civil Justice, ABA (1996):
<http://www.abanet.org/legalservices/downloads/sclaid/agendaforaccess.pdf>

Best Practices for the Administration of Court-Sponsored Volunteer Lawyer for the Day Programs, Access to Justice NY State Courts (2010):
http://www.nycourts.gov/ip/nya2j/pdfs/NYSA2J_BestPracticesVLFD.pdf

Best Practices for Court Help Centers and Programs to Assist Unrepresented Litigants, New York State Courts Access to Justice Program (December 2009):
http://www.nycourts.gov/ip/nya2j/pdfs/NYSA2J_BestPracticesHelpCenter.pdf

CIVIL LEGAL AID IN THE UNITED STATES AN [UPDATE FOR 2009](#), CENTER FOR LAW AND SOCIAL POLICY (JULY 2009):
<http://www.clasp.org/admin/site/publications/files/CIVIL-LEGAL-AID-IN-THE-UNITED-STATES-2.pdf>

Documenting [the Justice Gap](#) in America, Legal Services Corporation 2007.
<http://www.lsc.gov/JusticeGap.pdf>

[Summary of Casey report](#) on legal services to poor in Missouri (2002).
<http://www.courts.mo.gov/file.jsp?id=37213>

[Supporting Justice II](#), A Report on the *Pro bono* Work of America's Lawyers, The ABA Standing Committee on *Pro bono* and Public Service, February 2009
<http://www.abanet.org/legalservices/probono/report2.pdf>

Best Practices for the Administration of Court-sponsored Volunteer [Lawyer For the Day](#) Programs, Access to Justice New York State Courts (2010).
http://www.nycourts.gov/ip/nya2j/pdfs/NYSA2J_BestPracticesVLFD.pdf

Unequal Access to Justice: *A Comprehensive Study of the Civil Legal Needs of the Poor in Indiana* (2008) <http://www.in.gov/judiciary/probono/attorneys/reports/unequal-access-full.pdf>

Maryland: LOCAL *PRO BONO* COMMITTEE [RESOURCE MANUAL](#), Standing Committee on *Pro bono* Legal Service, *Pro bono* Resource Center of Maryland, Inc. (2003):
<http://www.courts.state.md.us/probono/pdfs/resourcemanual.pdf>

CIVIL LEGAL SERVICES, Low-Income Clients Have Nowhere to Turn Amid the Economic Crisis, Brennan Center for Justice (2010) http://brennan.3cdn.net/ed5d847dfcf163a02a_exm6b5vya.pdf

ABA Deskbook for government *pro bono* attorneys:
http://www.abanet.org/legalservices/probono/government_attorneys.html

Deskbook for *Pro bono* Attorneys. <http://www.courts.mo.gov/hosted/probono/malpractice.htm>

Handbook on limited Scope Legal Assistance, Modest Means Taskforce of ABA (2003)
<http://www.abanet.org/litigation/taskforces/modest/report.pdf>

ACCESS TO JUSTICE: [OPENING THE COURTHOUSE DOOR](#) David Udell and Rebekah Diller, Brennan Center for Justice at New York University School of Law (2007) http://brennan.3cdn.net/297f4fabb202470c67_3vm6i6ar9.pdf

Resolutions

Conference of Chief Justices, [Resolution 23](#), 2001.
<http://ccj.ncsc.dni.us/AccessToJusticeResolutions/resol23Leadership.html>

The Conference of Chief Justices [Resolution VII](#)—Encouraging *Pro bono* Services in Civil Matters, February. 1997. {Link inside}

[ABA Resolution 121 C](#) (2006) <http://www.abanet.org/renaissance/downloads/121C.pdf>

Statutes

Section [105.711.2\(5\)](#), RSMo (State malpractice protection for volunteer attorneys)
<http://www.moga.mo.gov/statutes/C100-199/1050000711.HTM>

Section [514.040](#), RSMo. In forma pauperis
<http://www.moga.mo.gov/statutes/c500-599/5140000040.htm>

[Volunteer Protection Act](#), 42 USC Sections 14501-05.. <http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t41t42+8302+0++%28%29%20%20AND%20%28%2842%29%20ADJ%20USC%29%3ACITE%20AND%20%28USC%20w%2F10%20%2814501%29%29%3ACITE%20%20%20%20%20%20%20%20%20>

Section [537.117](#), RSMo. Immunity of charitable organization officers.
<http://www.moga.mo.gov/statutes/c500-599/5370000117.htm>

Videos

One Client One Attorney One Promise [video](#), Florida <http://onepromiseflorida.org/>

YouTube video, Shirley Abrahamson, Chief Justice, Wisconsin Supreme Court.
<http://www.youtube.com/watch?v=b1Weh4oxZiY>

Unbundled Training Program by Sue Talia. {CHECK VIEWING PROBLEM}

<http://www.abanet.org/legalservices/delivery/downloads/training.html>

Websites

[ABA Pro se/Unbundling Resource Center.](http://www.abanet.org/legalservices/delivery/delunbundbook.html)

<http://www.abanet.org/legalservices/delivery/delunbundbook.html>

ABA Pro bono Center - [Judicial Promotion of Pro bono](http://www.abanet.org/legalservices/probono/judicial/courtemployeeprobono.html)

<http://www.abanet.org/legalservices/probono/judicial/courtemployeeprobono.html>

[ABA Pro se/Unbundling Resource Center.](http://www.abanet.org/legalservices/delivery/delunbundbook.html)

[http://www.abanet.org/legalservices/delivery/delunbundbook.html.](http://www.abanet.org/legalservices/delivery/delunbundbook.html)

ABA Center for Pro Bono Clearinghouse Library

www.abaprobono.org/clearinghouselibrary.html. <http://67.29.152.234/dbtw-wpd/searchcpb.htm>

Conference of State Court Administrators. <http://cosca.ncsc.dni.us/>

Conference of Chief Justices <http://ccj.ncsc.dni.us/index.html>

MoBar Circle: <http://www.mobar.org/7400f66a-e11d-476b-bb7c-68b7c50d440e.aspx>

Unbundled Legal Services (Sue Talia) <http://www.unbundledlaw.org/>

Pro Bono Tool Kit, Supreme Court of California.

<http://www.courtinfo.ca.gov/programs/equalaccess/probonotoolkit.htm>

Senior Partners for Justice (Boston).

<http://www.spfj.org/>

Volunteer Lawyers Project of the Boston Bar Association

<http://www.vlpnet.org/>

Limited Scope Representation for Legal Services Providers 2009 (PLI Web program)

http://www.pli.edu/product/clenow_detail.asp?id=67329

California Courts Equal Access Project, Pro Bono Tool Kit.

<http://www.courtinfo.ca.gov/programs/equalaccess/probono.htm>

The Pro Bono Institute -- Law Firm Pro Bono Project. <http://www.probonoinst.org/project.php>

END

**Self Help Center Committee Report
September 10, 2010**

1. Grant Award – Attached Letter
2. End of Year Report – Attached document
3. Pro Se Clinics
 - a. Boone County
 - i. Continuation of one per month prior to pro se docket
 - ii. Addition of clinic after hours at Columbia Public Library
 - iii. Utilization of video
 - iv. Involvement with local attorneys
 - b. Callaway County
4. Additional Funding requests
 - a. Trivia Night – October
The Boone County Bar Association donated \$300 to the event
 - b. Columbia Community Block Grant Award: \$6,000
 - c. Advisory Board: John Roark, Karla Clinger Diaz, Lana Brooks, Curtis Quick and Lou DeFeo. (tentative)
 - d. BCBA Young Lawyers Committee Annual Charity Golf Tournament
Will receive 50% of net proceeds
5. Side note: addition of Landlord/tenant pro se legal assistance
 - a. Collaborative project between Mid-Missouri Legal Services, A2J, and Law School
 - b. Commencing Winter Semester 2011



**SUPREME COURT OF MISSOURI
OFFICE OF STATE COURTS ADMINISTRATOR**

**GREGORY LINHARES
ADMINISTRATOR**

2112 Industrial Drive
P.O. Box 104480
Jefferson City, Missouri
65110

PHONE (573) 751-4377
FAX (573) 751-5540

May 27, 2010

The Honorable Cary Augustine
Thirteenth Judicial Circuit, Juvenile Division
705 E. Walnut
Columbia, MO 65201

Dear Judge Augustine:

I am pleased to inform you that the Family Court Committee (FCC) has approved continuation funding of your **Mid-Missouri Access to Justice Project** through the Domestic Relations Resolution Fund. The amount awarded your project is **\$25,000.00**. The funding year will be July 1, 2010, through June 30, 2011.

Please ensure the following for the project:

1. All persons who have a case filed in the 13th Judicial Circuit, regardless of their actual residency, have access to the program and all the services provided by the program.
2. A tracking mechanism is in place to ensure funds are used to support litigants with domestic relations cases.
3. The Committee on Access to Family Courts will conduct an evaluation of the project and provide regular reports to the FCC.

Please review the Award Data Sheet included with this letter detailing the funding categories for the award amount.

An electronic copy of a Certification of Compliance form will be emailed to you. This form **must** be used for reimbursement of project expenses. Please remember all invoices must first be paid by Boone County and then submitted to OSCA for reimbursement to the county. Reimbursement is for funds expended between July 1, 2010, and June 30, 2011, only.

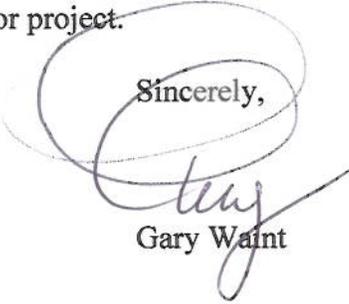
The Honorable Cary Augustine
May 25, 2010
Page 2

The following OSCA staff has been designated to assist you and your court staff with any additional information you may need related to this program:

- Kelly Cramer Program Administration
- Kimberly Abbott Quarterly & Final Report Forms
- Tara Smith Fiscal Matters (invoicing/reimbursement)
- Russell Rottmann Contractual Matters

Congratulations on your award. Please feel free to contact me at 573-526-8316 if we can assist you in any way with your program or project.

Sincerely,



Gary Wain

Attachment: Award Data sheet

cc: Kathy Lloyd
 Joy Rushing

GW:KA

**Office of State Courts Administrator
Domestic Relations Resolution Fund**

**THIRTEENTH JUDICIAL CIRCUIT COURT DOMESTIC VIOLENCE PROGRAM
CIRCUIT 13 – Boone & Callaway Counties**

FINAL REPORT

1. Provide program data for the year below:

Domestic Violence Pro Se Assistance:

	Total # Proposed to Serve	TOTAL # Served for YEAR
Families in the Program	250	See Below
Number of Hours per Family	1.5	
Number of direct service hours	375	

Subject matter of calls received in the project office from October 2009-June 2010:

Divorce:	145	Ex Parte	4	Non-client	15
Legal Separation	3	Criminal	10	Miscellaneous	11
Domestic Violence	10	Guardianship	10	Unknown	25
Clinics	34	Foreclosure	1		
Child Support	7	Landlord/Tenant	6	Family Law	296
Child Custody	93	Bankruptcies	4	Total:	378

Services rendered from October 2009-June 2010:

Referred to Pro Se Clinic	112	Could Not Contact	41
Attended Pro Se Clinic	35	Not Project Priority Case	48
Referred		Out of County/State	15
Volunteer Attorney	11	Over Income	5
Paid Attorney	19	Project Promotion	30
Mid-Missouri Legal Serv.	15	Miscellaneous	19
Other Agency	8		
Answered Question	20		

NOTE: During a substantial part of the first quarter the Coordinator of the Mid Missouri Access to Justice Project locating office space, setting up the phone and computer systems, educating the public, applying for 501 (c) (3) status and establishing the Pro Se Divorce Clinic in Boone County. The Mid Missouri Access to Justice Project started accepting calls on September 8, 2010. There were a total number of 42 calls. Out of the 42 calls 3 were cases that were referred to attorney and 5 individuals were enrolled in the pro se divorce clinic in Boone County.

2. Is your program going to be sustained? Is so, briefly describe how or where funding is derived from.

MMA2J anticipates receiving the following funding throughout the next 18 months:

- \$25,000.00 from the Domestic Relations Resolution Fund for the July 1, 2010, – June 30, 2011 fiscal year.
- \$6,000 from the City of Columbia (Missouri) City Block Grant Funds for 2011.
- The Young Lawyers section of the Boone County Bar has pledged half of their October 12 golf tournament proceeds to MMA2J, which it is anticipated will provide the project \$4,000 in funding.
- The MMA2J Board of Directors is planning a trivia night for October 28, 2010, which is expected to raise \$3,000.

MMA2J anticipates making the trivia night an annual event, connected with the holiday season. The MMA2J Board of Directors is developing a program for ongoing solicitation of funds and volunteer time from local law firms and attorneys.

This projected funding will be sufficient to pay the salary of the coordinator (\$25,000), rent (\$100/month = \$1,200), and miscellaneous office and promotional expenses.

3. Were all of your program goals—as outlined in your RFP submission—met?

The program met its major service goals:

Number of People to be served: Based on the statement of need set out above, the Court expects that approximately 400 individuals will be assisted by the services to be provided in a full year of service. *The program served 378 individuals in the last three quarters of its first year, and 42 in the first quarter, when the project was being developed, for a total of 420 individuals.*

Number of Hours of Service that Will Be Provided: 640 hours of service @ \$31.25/hour (inclusive of insurance, taxes and other required payments). *The project coordinator provided approximately 674 hours of service at \$28/hour. It is estimated that an additional 75 hours of service were provided by volunteer attorneys.*

The following service goals were met from July 2009-October 2010.

- The project has provided legal representation depending on the needs of the client by providing pro se clinics, and referring individuals to volunteer attorneys or Mid Missouri Legal Services when appropriate. Individuals who are victims of domestic violence are priority clients for referral to volunteer attorneys.
- The project is conducting monthly pro se dissolution of marriage clinics in Boone County and Callaway Counties. These clinics are conducted by volunteer attorneys. The first hour of the clinic is the litigation awareness program, which is done by the coordinator of the project, and

in the second hour of the clinic the volunteer attorney provides general information on completing the forms that need to be filed with the circuit clerk for dissolution of marriage.

- If the Project was not able to assist an individual they have been referred to other agencies and non-profit organizations that could provide them with assistance.
- Through community outreach and our pro se clinics Mid Missouri Access to Justice has been able to provide education to the community. Card-V has partnered with our organization to provide assistance and education on Domestic Violence.
- The Coordinator of the Project attends meetings with other with coordinator and Directors of other agencies and non-profit organizations in order to provide support to one another and provide the best service to our communities. The organization has worked with the Women's Shelter in Columbia, the Boone County Counsel on Aging, the City of Columbia Health Department and other local agencies and non for profit groups.

The project is still pursuing several goals set out in its original application:

- Maintaining computer access in the courthouse has been a challenge. This information is now available to attorneys in a room set aside for that purpose, but, although a similar room is available to members of the public, it has been difficult to make the information available on the computer in that room because it is regularly used by the circuit clerks office.
- The project plans to develop a program for training and mentoring attorneys who will provide assistance to individuals involved in situations of domestic violence. The family court judge and commissioner have offered to assist with this training.
- The project is coordinating with local agencies to provide programming which will meet the needs of their clients.
- The project intends to expand the services it offers to victims of domestic violence as more volunteer attorneys become available.

4. Is your program an effective use of resources?

Funds from the Domestic Relations Resolution Fund provided approximately \$16,000 toward the project coordinator's salary. Thirty-five individuals attended the pro se clinics, and eleven were referred to volunteer attorneys. At an estimated cost of \$750 per case for private representation, these individuals were saved a total of \$34,500 in legal costs.

It is anticipated that the cost effectiveness of the program will increase as:

- The project expands the scope of the services it offers
- More attorneys agree to provide pro bono assistance
- New attorneys are provided training and mentoring so they can serve as pro bono attorneys
- Word about the availability of the services offered by MMA2J reaches more people

The Activities of the Project were measured in terms of:

1. The number of people who have contacted the project = 420
2. The number of people who received legal assistance from the project = 46
3. A customer survey requesting feedback from individuals served on the quality of the services received. The project has had positive feedback on the customer surveys that were given out at the pro se divorce clinics. The majority of the individuals who attended the clinic found it worthwhile and they felt more at ease. Copies of the surveys which the project has received are attached.



513-874-2292

Aug 15, 2010

Signature of Person Completing Form

Phone Number

Date

Mail this report to: **Kimberly Abbott, 2112 Industrial Drive, P.O. Box 104480, Jefferson City, MO 65110**. You also can fax the report to (573) 522-6086 or email it to Kim.Abbott@courts.mo.gov no later than 30 days from the close of the quarter.

In The Circuit Court of Putnam County, Missouri
Associate Division

Judge Jerri Bush

ATTENTION: CAEY ZACHARIAS
TIME LIMITED MATERIAL

DATE: August 23, 2010

RE: Paternity Forms

TO: Catherine Zacharias
Office of State Administration

I am including quite a few of the pages of the proposed paternity forms. Pages 25-38 are not included since the prior comments covered those forms as well.

I apologize for the handwritten notes in only the margins. Please call if questions.

Judge Bush



31 pages here, including this page

Paternity Forms - FCC Comments

I have some general comments about the form. First, I am convinced that no pro se litigant will understand the concept of "presumed father". I am not sure what we can do about it, but that is my first thought. *I agree! I look up definition each time term is used.*

Secondly, we need to account for the fact that many pro se litigants will not know the other parent or presumptive parent's age or social security number etc. ; perhaps we should add a box "unknown": I am referring to page 3, paragraphs 14-20; page 4, paragraphs 22-28; page 5, paragraphs 30-36; page 12, paragraphs 14-20, page 13, paragraphs 22-28; page 14, paragraphs 30-16; page 19, paragraphs 13-19; page 20, paragraphs 21-27; page 21, paragraphs 29-35; page 26, paragraphs 16-22; page 27, paragraphs 24-30; page 28, paragraphs 32-38. *YES*

Thirdly, if we are asking if this is the second or third petition, should we also be asking for prior cause. *YES* numbers and circuits: e.g. page 2, paragraph 6; page 11, paragraph 6, page 18, paragraph 6; etc. Should we not ask if this is the first petition with regard to "this child or these children" and "other children"? Along those lines are we asking them if they have had any other cases or if there are other child support orders that they are obligated to pay or that they are receiving or ought to be receiving by court order or administrative order? If so, we need to spell it out.

Fourthly, on page 15, paragraph 41. under "Explanation", we should ask for a circuit or county and cause number as well.

Fifthly, page 16, the Request for Relief: Should it not read (as it is Mother's Petition): "Therefore, I am requesting that _____ be declared the father of the children..."

The only thing I was going to mention was the "presumed" father, I'm not sure the litigants will understand.

Should the Petitions to Establish have a paragraph stating whether or not the putative father is the legal father of the child under 210.823 by virtue of being named as father on the child's birth certificate?

Should the petitions inquire about the existence of a pending or established child support order. Many times FSD will have paternity established and support ordered. If that is in there already, I overlooked it.

Form CAFC301 – Father’s Petition for Declaration of Paternity, Custody and/or Support

In what Missouri county will this case be filed?

In the Circuit Court of MISSOURI

If this is an amended petition, what is the case number of the pending case?

Case Number Division Number

Answer all questions on this form completely.

The Parties

① I am filing this case and I am the PLAINTIFF. My name is:

 (Father's First Name) (Middle Name) (Father's Last Name) (Jr./Sr./III)

② The child(ren)'s mother is a DEFENDANT in this case and her name is:

 (Mother's First Name) (Middle Name) (Mother's Last Name)

③ The following men are presumed fathers of one or more of the child(ren) and are also DEFENDANT(S) in this case : (Include the names of any men that were married to Mother at the time of the birth of the children or at the time of conception of the children)

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

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

④ I am the father of the following minor children who are also DEFENDANT(S) in this case:

a. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

b. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

c. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

d. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

e. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

f. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

*biological?
 putative?
 presumed?*

3a

Information about the First Presumed Father (Defendant)

This is the person named on line 3a on the first page of this petition.

22. First Presumed Father's mailing address is:

(Street)

(City) (State) (Zip)

(Telephone Number) (E-Mail Address)

23. The last four numbers of First Presumed Father's Social Security Number are:

XXX-XX-_____

24. First Presumed Father is _____ years old.

25. First Presumed Father resides in the Country of _____.

26. First Presumed Father resides in the State of _____.

27. First Presumed Father resides in the County of _____.

- 28. First Presumed Father is NOT on active duty in the United States military.
- First Presumed Father is on active duty in the United States military.

Service Information for First Presumed Father (Defendant)

29. First Presumed Father has signed a verified "Answer to Father's Petition for Declaration of Paternity, Custody and/or Support" which is being filed with this motion. Therefore, do not issue a summons.

First Presumed Father should be served at his residence.

(Street)

(City) (State) (Zip)

First Presumed Father should be served at his place of employment.

(Employer's Name - If applicable) (Hours of Employment)

(Street)

(City) (State) (Zip)

Service by publication. I don't know where First Presumed Father is and I have no way of locating him. Therefore, I am requesting that he be served by publication. I have filed an Affidavit for Service by Publication and a Notice of Publication.

Other method of service: _____

3b
 Information
 about the
 Second
 Presumed
 Father
 (Defendant)

This is the person named on line 3b on the first page of this petition.

30. Second Presumed Father's mailing address is:

 (Street)

 (City) (State) (Zip)

 (Telephone Number) (E-Mail Address)

31. The last four numbers of Second Presumed Father's Social Security Number are:

XXX-XX-_____

32. Second Presumed Father is _____ years old.

33. Second Presumed Father resides in the Country of _____.

34. Second Presumed Father resides in the State of _____.

35. Second Presumed Father resides in the County of _____.

36. Second Presumed Father is NOT on active duty in the United States military.
 Second Presumed Father is on active duty in the United States military.

Service
 Information
 for Second
 Presumed
 Father
 (Defendant)

37. Second Presumed Father has signed a verified "Answer to Father's Petition for Declaration of Paternity, Custody and/or Support" which is being filed with this motion. Therefore, do not issue a summons.

Second Presumed Father should be served at his residence.

 (Street)

 (City) (State) (Zip)

Second Presumed Father should be served at his place of employment.

 (Employer's Name - if applicable) (Hours of Employment)

 (Street)

 (City) (State) (Zip)

Service by publication. I don't know where Second Presumed Father is and I have no way of locating him. Therefore, I am requesting that he be served by publication. I have filed an Affidavit for Service by Publication and a Notice of Publication.

Other method of service: _____

Family Support Division

Need individual boxes for each child
Additional Information about the Children

38. The parent receiving support is not receiving public assistance.
 The parent receiving support is receiving public assistance and therefore the State of Missouri must be served. Summons to issue to be served on:
 I do not know if the person receiving support is
 Director, Family Support Division also receiving public assistance.
 615 Howerton Court
 Jefferson City, Missouri 65102

39. The child(ren) have lived with the following persons at the following address(es) during the past five years. (State the dates at each address) (add extra sheet)

40. Check all boxes that apply to your case.

- Someone other than me or the other parent has physical custody of one or more of the child(ren) or claims to have custody or visitation rights with respect to one or more of the child(ren).
 There are other custody proceeding(s) concerning one or more of the child(ren) pending in a court of this or another state.
 I have participated in other litigation concerning the custody of one or more of the child(ren) in this or another other state.
 One or more of the child(ren) has been a victim of abuse or neglect. (by whom?)

-need each child specified

41. Explanation: (If you checked any of the boxes in paragraph 40, please explain in detail here.)

Does this mean abuse / neglect by parties? - Does it mean litigated abuse or neglect? Under any circumstances, if abuse, etc, alleged, pro se should not proceed.

any request for paternity testing?

"No reference to whether acknowledgment of paternity has been filed."

Request for Relief

THEREFORE, I am requesting that I be declared the father of the children listed in paragraph 4 of this petition and that the persons listed in paragraph 3 of this petition be excluded as fathers of the children listed in paragraph 4 of this petition.

I also request the following relief:

- Child custody should be as set forth in Part A of the attached Parenting plan marked Exhibit 1. The custody arrangement that is in the best interests of the minor children is set forth in Part A of the attached parenting plan marked Exhibit 1.
- Child support should be set as set forth in Part B of the attached parenting plan marked Exhibit 1.
- I am without sufficient funds to pay for my attorney and I request that the other party pay my attorney's fees for this case.
- I want to change the child(ren)'s names as follows:
- Other (Please state the other requests)

Plaintiff, being of lawful age and duly sworn on his oath, states that he is the plaintiff named above and that the facts stated in this Petition for Declaration of Paternity, Child Custody and/or Support are true according to his best knowledge and belief.

SIGN HERE _____ PRINT YOUR NAME HERE _____
 Subscribed and sworn to this _____ day of _____, 20____

Notary Public _____
 My Commission Expires: _____

Sign this in front of a Notary Public

This should only be completed if a lawyer helped you with this form

ATTORNEY INFORMATION (To be completed by your attorney)

Attorney - SIGN HERE _____ Missouri Bar Number _____

Attorney for Plaintiff - PRINT YOUR NAME HERE _____

(Street) _____

(City) _____

(State) _____

(Zip) _____

(Telephone Number) _____

(Fax Number) _____

(Email Address) _____

Do not enter any information here if you are filing this case without the assistance of a lawyer.

This information should be completed by your attorney.

I have assisted Plaintiff in the preparation of these pleadings, but I am not entering my appearance on behalf of Plaintiff.

Form CAFC302 - Mother's Petition for Declaration of Paternity, Custody and/or Support

In what Missouri county will this case be filed?

In the Circuit Court of

MISSOURI

If this is an amended petition, what is the case number of the pending case?

Case Number

Division Number

Answer all questions on this form completely.

② The Parties
I am the Plaintiff
and mother of the
children listed
below. Their
biological father
of the same children
is _____
and he name
is a Defendant
in this case.

① I am filing this case and I am the PLAINTIFF. My name is:

(Mother's First Name) (Middle Name) (Mother's Last Name)

② I am the mother of the child(ren) listed below who are the children of Father listed below. The father's name is _____ in this case. If the father's name is not known, she or they will be referred to as "the other" on these forms.

- a. _____ Age: _____
(Child's full name as it appears on the birth certificate) (Child's Age)
- b. _____ Age: _____
(Child's full name as it appears on the birth certificate) (Child's Age)
- c. _____ Age: _____
(Child's full name as it appears on the birth certificate) (Child's Age)
- d. _____ Age: _____
(Child's full name as it appears on the birth certificate) (Child's Age)
- e. _____ Age: _____
(Child's full name as it appears on the birth certificate) (Child's Age)
- f. _____ Age: _____
(Child's full name as it appears on the birth certificate) (Child's Age)

Put
at top

③ The father of the child(ren) listed in Paragraph 2 above is _____ this case and his name is: _____ (He will be referred to as "the other" on these forms)

(Father's First Name) (Middle Name) (Father's Last Name) (Jr./Sr./III)

③ The following men are presumed fathers of one or more of the child(ren) and are also DEFENDANT(S) in this case: (Include the names of any men that were married to Mother at the time of the birth of the children or at the time of conception of the children)

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

④ I as plaintiff and mother _____ have been appointed next friend for the children.

ALLEGED
BIOLOGICAL

③ Father's
Information
(Defendant)

14. Father's mailing address is:

(Street)

(City)

(State)

(Zip)

(Telephone Number)

(E-Mail Address)

15. The last four numbers of Father's Social Security Number are:

XXX-XX-_____

16. Father is _____ years old.

17. Father resides in the Country of _____.

18. Father resides in the State of _____.

19. Father resides in the County of _____.

20. Father is NOT on active duty in the United States military.
 Father is on active duty in the United States military.

21. Father has signed a verified "Answer to Mother's Petition for Declaration of Paternity, Custody and/or Support" which is being filed with this petition. Therefore, do not issue a summons.

Father should be served at his residence.

(Street)

(City)

(State)

(Zip)

Father should be served at his place of employment.

(Employer's Name - if applicable)

(Hours of Employment)

(Street)

(City)

(State)

(Zip)

- Service by publication. I don't know where Father is and I have no way of locating him. Therefore, I am requesting that he be served by publication.
 Other method of service: _____

Include all
of his information
under one heading

~~Service
information
for father~~

4a

Information about the First ALLEGED Presumed Father (Defendant)

Just use one heading

Service Information for First Presumed Father (Defendant)

This is the person named on line 4a on the first page of this petition.

22. First Presumed Father's mailing address is:

(Street)

(City) (State) (Zip)

(Telephone Number) (E-Mail Address)

23. The last four numbers of First Presumed Father's Social Security Number are:

XXX-XX-_____

24. First Presumed Father is _____ years old.

25. First Presumed Father resides in the Country of _____.

26. First Presumed Father resides in the State of _____.

27. First Presumed Father resides in the County of _____.

- 28. First Presumed Father is NOT on active duty in the United States military.
- First Presumed Father is on active duty in the United States military.

- 29. First Presumed Father has signed a verified "Answer to Father's Petition for Declaration of Paternity, Custody and/or Support" which is being filed with this motion. Therefore, do not issue a summons.
- First Presumed Father should be served at his residence.

(Street)

(City) (State) (Zip)

- First Presumed Father should be served at his place of employment.

(Employer's Name - If applicable) (Hours of Employment)

(Street)

(City) (State) (Zip)

- Service by publication. I don't know where First Presumed Father is and I have no way of locating him. Therefore, I am requesting that he be served by publication. I have filed an Affidavit for Service by Publication and a Notice of Publication.
- Other method of service: _____

4b

Information about the Second Presumed Father (Defendant)

This is the person named on line 4b on the first page of this petition.

30. Second Presumed Father's mailing address is:

(Street)

(City) (State) (Zip)

(Telephone Number) (E-Mail Address)

31. The last four numbers of Second Presumed Father's Social Security Number are:

XXX-XX-_____

32. Second Presumed Father is _____ years old.

33. Second Presumed Father resides in the Country of _____.

34. Second Presumed Father resides in the State of _____.

35. Second Presumed Father resides in the County of _____.

36. Second Presumed Father is NOT on active duty in the United States military.
 Second Presumed Father is on active duty in the United States military.

Service Information for Second Presumed Father (Defendant)

37. Second Presumed Father has signed a verified "Answer to Father's Petition for Declaration of Paternity, Custody and/or Support" which is being filed with this motion. Therefore, do not issue a summons.

Second Presumed Father should be served at his residence.

(Street)

(City) (State) (Zip)

Second Presumed Father should be served at his place of employment.

(Employer's Name - if applicable) (Hours of Employment)

(Street)

(City) (State) (Zip)

Service by publication. I don't know where Second Presumed Father is and I have no way of locating him. Therefore, I am requesting that he be served by publication. I have filed an Affidavit for Service by Publication and a Notice of Publication.

Other method of service: _____

Family Support Division

Additional Information about the Children

see comments in Father's Petition

38. The parent receiving support is not receiving public assistance.
 The parent receiving support is receiving public assistance and therefore the State of Missouri must be served. Summons to issue to be served on:

I do not know if parent receiving support
Director, Family Support Division is receiving public assistance
615 Howerton Court
Jefferson City, Missouri 65102

39. The child(ren) have lived with the following persons at the following address(es) during the past five years. (State the dates at each address)

Child #1 _____
child " 2 _____
child " 3 _____

40. Check all boxes that apply to your case.

- Someone other than me or the other parent has physical custody of one or more of the child(ren) or claims to have custody or visitation rights with respect to one or more of the child(ren).
 There are other custody proceeding(s) concerning one or more of the child(ren) pending in a court of this or another state.
 I have participated in other litigation concerning the custody of one or more of the child(ren) in this or another other state.
 One or more of the child(ren) has been a victim of abuse or neglect.

41. Explanation: (If you checked any of the boxes in paragraph 40, please explain in detail here.)

Paternity tests?
 Acknowledgment of paternity
 completed? filed?

Request for Relief

THEFORE, I am requesting that I be declared the father of the children listed in paragraph 4 of this petition, that the persons listed in paragraph 3 of this petition be excluded as fathers of the children listed in paragraph 4 of this petition.

I also request the following relief:

- Child custody should be as set forth in Part A of the attached Parenting plan marked Exhibit 1. The custody arrangement that is in the best interests of the minor children is set forth in Part A of the attached parenting plan marked Exhibit 1.
- Child support should be set as set forth in Part B of the attached parenting plan marked Exhibit 1.
- I am without sufficient funds to pay for my attorney and I request that the other party pay my attorney's fees for this case.
- I want to change the child(ren)'s names as follows:
- Other (Please state the other requests)

Plaintiff, being of lawful age and duly sworn on her oath, states that she is the plaintiff named above and that the facts stated in this Petition for Declaration of Paternity, Child Custody and/or Support are true according to her best knowledge and belief.

SIGN HERE _____ PRINT YOUR NAME HERE _____
 Subscribed and sworn to this _____ day of _____, 20____.

Notary Public _____
 My Commission Expires: _____

Sign this in front of a Notary Public

This should only be completed if a lawyer helped you with this form

ATTORNEY INFORMATION <i>(To be completed by your attorney)</i>			Do not enter any information here if you are filing this case without the assistance of a lawyer. This information should be completed by your attorney.
Attorney - SIGN HERE _____	Missouri Bar Number _____		
Attorney for Plaintiff - PRINT YOUR NAME HERE _____			<input type="checkbox"/> I have assisted Plaintiff in the preparation of these pleadings, but I am not entering my appearance on behalf of Plaintiff.
(Street) _____			
(City) _____	(State) _____	(Zip) _____	
(Telephone Number) _____	(Fax Number) _____	(Email Address) _____	

I think presumed father
should get attorney.

Form CAFC303 - Presumed Father's Petition for Declaration of Non-Paternity

In what Missouri county will this case be filed?

In the Circuit Court of	MISSOURI
-------------------------	----------

If this is an amended petition, what is the case number of the pending case?

Case Number	Division Number
-------------	-----------------

Answer all questions on this form completely.

The Parties

① I am filing this case and I am the PLAINTIFF. My name is:

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

② The child(ren)'s mother is a DEFENDANT in this case and her name is:

 (Mother's First Name) (Middle Name) (Mother's Last Name)

③ The following men are also presumed fathers of one or more of the child(ren) and are also DEFENDANT(S) in this case : (Include the names of any man that were married to Mother at the time of the birth of the children or at the time of conception of the children)

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

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

④ I am NOT the father of the following minor children who are also DEFENDANT(S) in this case:

a. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

b. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

c. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

d. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

e. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

f. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

3a

Information about the First Presumed Father (Defendant)

Put all this with other information listed at beginning

Service Information for First Presumed Father (Defendant)

This is the person named on line 3a on the first page of this petition.

21. First Presumed Father's mailing address is:

(Street)

(City)

(State)

(Zip)

(Telephone Number)

(E-Mail Address)

22. The last four numbers of First Presumed Father's Social Security Number are:

XXX-XX-_____

23. First Presumed Father is _____ years old.

24. First Presumed Father resides in the Country of _____.

25. First Presumed Father resides in the State of _____.

26. First Presumed Father resides in the County of _____.

- 27. First Presumed Father is NOT on active duty in the United States military.
- First Presumed Father is on active duty in the United States military.

28. First Presumed Father has signed a verified "Answer to Petition for Declaration of Non-Paternity" which is being filed with this motion. Therefore, do not issue a summons.

First Presumed Father should be served at his residence.

(Street)

(City)

(State)

(Zip)

First Presumed Father should be served at his place of employment.

(Employer's Name - If applicable)

(Hours of Employment)

(Street)

(City)

(State)

(Zip)

Service by publication. I don't know where First Presumed Father is and I have no way of locating him. Therefore, I am requesting that he be served by publication. I have filed an Affidavit for Service by Publication and a Notice of Publication.

Other method of service: _____

3b

Information about the Second Presumed Father (Defendant)

This is the person named on line 3b on the first page of this petition.

29. Second Presumed Father's mailing address is:

(Street)

(City)

(State)

(Zip)

(Telephone Number)

(E-Mail Address)

30. The last four numbers of Second Presumed Father's Social Security Number are:

XXX-XX-_____

31. Second Presumed Father is _____ years old.

32. Second Presumed Father resides in the Country of _____.

33. Second Presumed Father resides in the State of _____.

34. Second Presumed Father resides in the County of _____.

35. Second Presumed Father is NOT on active duty in the United States military.
 Second Presumed Father is on active duty in the United States military.

Service Information for Second Presumed Father (Defendant)

36. Second Presumed Father has signed a verified "Answer to Petition for Declaration of Non-Paternity" which is being filed with this motion. Therefore, do not issue a summons.

Second Presumed Father should be served at his residence.

(Street)

(City)

(State)

(Zip)

Second Presumed Father should be served at his place of employment.

(Employer's Name - if applicable)

(Hours of Employment)

(Street)

(City)

(State)

(Zip)

Service by publication. I don't know where Second Presumed Father is and I have no way of locating him. Therefore, I am requesting that he be served by publication. I have filed an Affidavit for Service by Publication and a Notice of Publication.

Other method of service: _____

Family Support Division

37. The parent receiving support is not receiving public assistance.
 The parent receiving support is receiving public assistance and therefore the State of Missouri must be served. Summons to issue to be served on:
see other petition
 Director, Family Support Division
 615 Howerton Court
 Jefferson City, Missouri 65102

Additional Information about the Children

38. The child(ren) have lived with the following persons at the following address(es) during the past five years. (State the dates at each address)

39. Check all boxes that apply to your case.

Someone other than me or the other parent has physical custody of one or more of the child(ren) or claims to have custody or visitation rights with respect to one or more of the child(ren).

There are other custody proceeding(s) concerning one or more of the child(ren) pending in a court of this or another state.

I have participated in other litigation concerning the custody of one or more of the child(ren) in this or another other state.

One or more of the child(ren) has been a victim of abuse or neglect.

40. Explanation: (If you checked any of the boxes in paragraph 39, please explain in detail here.)

Request for Relief

THEREFORE, I am requesting that the court find and declare that I am not the father of the children listed in paragraph 4 of this petition and appoint a guardian ad litem for the children.

I also request the following relief:

- I am without sufficient funds to pay for my attorney and I request that the other party pay my attorney's fees for this case.
- Other (Please state the other requests)

Plaintiff, being of lawful age and duly sworn on his oath, states that he is the plaintiff named above and that the facts stated in this Petition for Declaration of Paternity, Child Custody and/or Support are true according to his best knowledge and belief.

SIGN HERE _____ PRINT YOUR NAME HERE _____
 Subscribed and sworn to this _____ day of _____, 20____

Notary Public _____
 My Commission Expires: _____

Sign this in front of a Notary Public

This should only be completed if a lawyer helped you with this form

ATTORNEY INFORMATION (To be completed by your attorney)

Attorney - SIGN HERE _____ Missouri Bar Number _____

Attorney for Plaintiff - PRINT YOUR NAME HERE _____

(Street)

(City) _____ (State) _____ (Zip)

(Telephone Number) _____ (Fax Number) _____ (Email Address)

Do not enter any information here if you are filling this case without the assistance of a lawyer. This information should be completed by your attorney.

I have assisted Plaintiff in the preparation of these pleadings, but I am not entering my appearance on behalf of Plaintiff.

I think this is attorney work

Form CAFC304 - Petition to Set Aside Judgment of Paternity and Support (Pursuant to RSMo. §210.854)

In what Missouri county will this case be filed? (This should be the same county in which the original judgment was entered)

In the Circuit Court of MISSOURI

If this is an amended petition, what is the case number of the pending case?

Case Number Division Number

Answer all questions on this form completely.

The Parties

1 I am filing this case and I am the PLAINTIFF. My name is:

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

2 The child(ren)'s mother is a DEFENDANT in this case and her name is:

 (Mother's First Name) (Middle Name) (Mother's Last Name)

3 The following men are presumed fathers of one or more of the child(ren) and are also DEFENDANT(S) in this case : (Include the names of any men that were married to Mother at the time of the birth of the children or at the time of conception of the children)

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

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

4 I am NOT the father of the following minor children who are also DEFENDANT(S) in this case:

a. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

b. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

c. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

d. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

e. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

f. _____ Age: _____
 (Child's full name as it appears on the birth certificate) (Child's Age)

5 Family Support Division is also a DEFENDANT in this case.

No comments

pages 25-38.

IN THE CIRCUIT COURT OF _____, MISSOURI

Plaintiff(s),

-v.-

Defendant(s).

Case No. _____

Division No. _____

Paternity Judgment

Parties

1. As used herein, "Mother" refers to _____ and "Father" refers to _____.

2. Appearances (Check all that apply)

Defendant remains in default as to the pleadings.

Plaintiff appears in person.

Defendant appears in person.

Third Party _____ appears in person.

Additional Appearances: _____

Plaintiff appears by attorney.

Defendant appears by attorney.

Third Party _____ appears by attorney.

Guardian ad Litem appears in person.

Cause submitted upon affidavit of Plaintiff.

Cause submitted upon affidavit of Defendant.

Next Friend?

3. The last four digits of Plaintiff's Social Security Number are _____ and the last four digits of Defendant's Social Security Number are _____.

4. Defendant is not on active duty in the armed services of the United States now or any time since the filing of the petition herein.

Defendant is on active duty in the armed services of the United States, but has waived his or her rights pursuant to the Servicemembers Civil Relief Act of 2003.

Children

5. This judgment pertains to the following unemancipated child(ren) hereinafter referred to as "minor child(ren)."

Just use

children, or even better, use "child or children"

Name of Child	Child's Age

I dislike

() everywhere,

Page 38 of 41 put as really judgment,

Paternity

- 6. The court finds that _____ is the father of the minor child(ren).
- The court finds that _____ is/are NOT the father of the minor child(ren) and all his child support arrears are extinguished.

biological

should list each man who is defendant separately

Child Custody

- 7. The court does NOT have jurisdiction over the custody arrangements of the minor child(ren) pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, RSMo. §452.700 et seq. and therefore enters no further orders with respect to the custodial arrangements of the minor child(ren).
- The court has jurisdiction over the custody arrangements of the minor child(ren) pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, RSMo. §452.700 et seq.
The court approves the provisions of Part A of the parenting plan marked exhibit _____ pertaining to the custodial arrangements of the minor child(ren) and finds that the custodial arrangements contained in said parenting plan are in the best interests of the minor child(ren).
Therefore, the court orders the provisions of Part A of the said parenting plan pertaining to the custodial arrangements of the minor child(ren) and incorporates by reference all of the terms and conditions pertaining to the custodial arrangements of the minor child(ren) set forth in Part A of said parenting plan as if fully set forth herein.
The sheriff or other law enforcement officers shall enforce the rights of any person to custody or visitation pursuant to RSMo. §452.425.

need to include jurisdiction under UCCJEA in petition to state facts

Child Support

- 8. The court does not have jurisdiction to enter any orders with respect to the support of the minor child(ren).
- The court orders the provisions of Part B of the parenting plan marked exhibit _____, pertaining to the support of the minor child(ren) and incorporates by reference all of the terms and conditions set forth in Part B of said parenting plan as if fully set forth herein.
- 9. _____ is to pay to _____ the sum of _____ as and for reimbursement of necessary child support.

Attorney's Fees

- 10. Plaintiff shall pay to _____ the sum of _____ as and for Defendant's attorney's fees herein.
- Defendant shall pay to _____ the sum of _____ as and for Plaintiff's attorney's fees herein.
- 11. Plaintiff shall pay to _____ the sum of _____ as and for Guardian ad Litem fees in addition to the sum of _____ previously ordered.
- Defendant shall pay to _____ the sum of _____ as and for Guardian ad Litem fees in addition to the sum of _____ previously ordered.

Other Orders

- 12. The child(ren) named above was/were born in the State of Missouri and the Missouri Bureau of Vital Records shall amend the birth record of the minor child(ren) pursuant to RSMo. §210.481 and §210.849 to reflect that Father is the biological father of the minor child(ren) as stated above and to remove any biographical information of any father currently listed on the birth record(s). Plaintiff shall send a certified copy of this judgment and pay any expense or fees to the Missouri Bureau of Vital Records.

Parentage (Paternity Establishment)

What is the legal status of a child and the child's parents?

All children born in the state of Missouri have a legal mother and a legal father.

The legal status of parent and child, however, may involve complicated issues and multiple legal cases. It is strongly recommended you consult a lawyer

regarding your circumstances. Generally, if the mother of the child is married when the child is born, her spouse is the presumed legal father of the child.

When a dissolution of marriage is filed, if a spouse denies that a child is a biological child, a separate case for parentage of that child must be filed.

Generally, if the mother of the child is not married at the time of the birth of the child, then the legal father is identified in a number of ways. The father may agree to place his name on the birth certificate of the child (the mother must also consent to this). The father may sign an acknowledgment of paternity that is filed with the Missouri Bureau of Vital Records. Each of these methods have legal consequences but may not be sufficient to fully establish the legal relationship between the father and child with regards to custody. A parent may seek a declaration of the legal status between parent and child from a Missouri Circuit Court (if the mother and child reside in this state). A judgment of parentage (paternity) clearly establishes the legal relationship and custody between each parent and the child. More information of this topic is available in the brochure "*Does your Child have a Legal Father: Paternity Information from Moms and Dads.*" (LINK to <http://www.dss.mo.gov/cse/father0705.htm>)

IMPORTANT NOTICE: If a person does not respond to an action for parentage, a judgment of paternity may be entered ordering that person to pay child support, medical support or reimburse someone for support previously provided for the child. A person sued has a right to contest that he or she is a parent of the child and has the right to request genetic testing to prove whether or not he or she is a parent. RSMo 210.828.4

What rights does a parent have for custody or visitation?

Theoretically, parents have equal rights to parent their child until such time as a Court makes a determination of the rights, responsibilities and privileges between the parent and the child (custody and visitation, also known as “access”).

Parenting arrangements should be worked out between parents if possible. If that is not possible court involvement may be necessary. Unless there is a Court judgment, law enforcement authorities are reluctant to intervene in custody disputes.

How is parentage established through the Court?

A person who believes he or she is the biological parent of a child may file a Petition to Establish Paternity in a Circuit Court where the child or co-parent resides or where a case involving the child is already pending. A petition may also be filed by an interested party or the State of Missouri.

IMPORTANT NOTICE: If a person does not respond to an action for parentage, a judgment of paternity may be entered ordering that person to pay child support, medical support or reimburse someone for support previously provided for the child. A person sued has a right to contest that he or she is a parent of the child and has the right to request genetic testing to prove whether or not he or she is a parent. RSMo 210.828.4

What is a “next friend?”

A paternity case is filed in the interest of the child. When the child is a “minor” (without the legal rights of an adult), an adult must be appointed by the court to act on behalf of the child. This person is called the next friend. Being next friend

does not confer any special status in determining custody or parenting time with the child.

How is a case handled when it is filed by the State?

When a child has received Temporary Assistance for Needy Families or Medicaid benefits, the State may file a case to establish the legal relationship between the parents and the child, establish child support, and in some cases seek repayment of the State benefits paid for the child (called "state debt"). The lawyer for the State represents the State in the case and is not an advocate for either parent concerning custody or other parenting issues.

Do I need to hire a lawyer to represent me?

It is important to realize that even though the State has provided a lawyer to file a case initiated by the State in which you are also a case initiated by the State in which you are also a **Petitioner**, that the State's lawyer is not your lawyer. Whether you are a Petitioner or a **Respondent**, it is recommended that you consult a lawyer about your legal rights. The decisions made in the court case will affect your rights and the rights of your child until your child becomes an adult, and possibly until age 21 or older (for child support).

How is a "Respondent" involved in a parentage case?

When the parentage case is filed a summons will be issued to be served on persons who have a stake in the case. This includes persons who may be the biological parent of the child. After a Respondent is served there is a period of 30 days provided to respond to the Court.

IMPORTANT NOTICE: If a person does not respond to an action for parentage, a judgment of paternity may be entered ordering that person to pay child support, medical support or reimburse someone for support previously provided for the child. A person sued has a right to contest that he or she is a parent of the child and has the right to request genetic testing to prove whether or not he or she is a parent. RSMo 210.828.4

This is done by filing a court pleading called an **Answer**. A Respondent then is entitled to written notice of further court proceedings. A Respondent may also request genetic testing between the possibly biological parents and the child.

What is genetic testing and is it required?

Genetic testing involves taking a sampling of tissue from each parent and the Child, usually by a buccal swab to collect the genetic code (DNA) in cells from the lining of the mouth). The samples are compared to establish matches between the DNA of the parent and child. A parent may waive genetic testing and admit that he or she is a biological parent of the child. Free genetic testing is available through the **Missouri Family Support Division** when the parents were unmarried when the child was born and prior to the signing of an affidavit of paternity or court determination of paternity. If a person is ordered to participate in genetic testing by a court, the State may seek reimbursement for the cost of testing. Genetic testing can also be provided through a private laboratory. The test results may be considered by the court if the evidence "chain of custody" of the samples from collection, testing, and reporting is established. The court may presume that a parent is a biological parent if the genetic matches between parent and child are 98 percent or above.

The Parentage Case: What are the Issues?

The court will determine the legal relationship between the child and each parent,

the issuance of a new birth certificate (and possible change of name for the child), and payment of child support. Development of a parenting plan concerning custody and visitation (access) may also be addressed by the court.

What are the steps in a parentage case?

After filing of the petition and summons to interested persons, the court will determine whether everyone necessary to be part of the case has been notified. If so the case will proceed. A respondent who is served but does not file an answer or appear in court is considered “in default.” The court may proceed to decide the case in the absence of a respondent in default. The court will order genetic testing if required, may refer the parties in the case to mediation, and will set a date for hearing the case. After hearing evidence, the judge will sign a “Decree of Paternity.” Unless a party seeks to appeal the decree within a limited amount of time, the judgment of the court becomes final. Once final, the determination of the parentage with the child cannot be reopened except in the case of fraud.

How is child support decided?

A child support calculation worksheet called “Form 14” is prepared. The judge will determine the appropriate amount of child support based on the amount indicated by this form. Child support is based on the gross monthly income of both parents and the needs of the child. A Form 14 is available below that can be filled in to calculate the child support amount. In some situations the Court may find the use of Form 14 unjust or inappropriate. Parents may also agree on the amount of child support. Note, however, that when the State is involved in

the case the State has a say in the amount of child support and state debt.

How is child support collected?

It is advisable to consider making payments through the Missouri Family Support Payment Center so that you will have an official record of payments and have access to their free services. Payments can be made directly by mail or online to the Center, by automatic withdrawal from a bank account, or withholding by an employer. Payments are disbursed by direct deposit to a bank account or by crediting a "SecuritE card" issued to the parent receiving the child support payments. The payment center charges a small annual service fee. Employers may also withhold a small monthly fee for withholding child support payments from wages.

Are parents responsible for costs in addition to child support?

A parent will be responsible for providing health insurance coverage for the child if it is available at reasonable cost through a parent's employer. Missouri HealthNet for Kids (LINK: <http://dss.mo.gov/mhk/index.htm>) can provide comprehensive coverage for children whose countable family income meets income guidelines. The court may order parents to pay a portion of expenses not covered by insurance, co-payments, and deductibles.

How is the parenting plan arranged?

A proposed [parenting plan](#) is filed with the court in advance of the hearing. It will contain a residential schedule of times that the child will spend with each parent and how the parents will make decisions for the child's welfare. A parent

handbook “In Your Child’s Best Interest” explains the parenting plan requirements in detail.

- Click here to download the parenting handbook: [In Your Child's Best Interest Handbook.pdf](#) (July 2007)
- Click here to download the Spanish version of the parenting handbook: [Con el mayor interes en sus ninos.pdf](#) (July 2007)
- Click here to download the parenting handbook in large print: [In Your Child's Best Interest Handbook in Large Print.pdf](#) (July 2007)

It is best if both parents can agree on a parenting plan. Many parents find it helpful to discuss these plans with a mediator. MARCH Mediation Inc.(LINK: www.marchmediation.org) is a non-profit organization that offers free mediation for this purpose.

When parents agree on some or all of the parenting plan issues they can submit their plan to the court for approval. Judges generally appreciate the time and effort parents take to develop a joint parenting plan and will approve terms that are in the best interest of the child.

Can I contact the judge if I have questions or concerns?

The judge must remain impartial. Communication between the judge and parties involved in a case are limited to opportunities where everyone in the case can hear and participate in the discussion. This will usually happen in the courtroom or judge’s office. The judge will not read letters you send to the court. It is best to file a formal pleading with the court if you need to bring a matter to the court’s attention outside of a hearing.

What hearings are scheduled?

The court may schedule a pre-trial hearing to review matters that need to be

addressed before trial. Genetic testing and mediation may be ordered at a pre-trial hearing. Evidence will be taken and a decision made by the judge at the trial. Trial of a parentage case is confidential and will be held in a closed courtroom. Only the parties and lawyers in the case, witnesses and court staff will be allowed in the courtroom during the trial. Some courts use a formal room like those portrayed in movies or on television. But some hearings may be held in a smaller courtroom or even in the judge's or commissioner's office

What do I need to do to complete a parentage case?

If your case is contested you will have to prove your case with evidence which can include the testimony of other witnesses, documents and exhibits. You have the right to get information about [witnesses](#) and copies of documents before the hearing. The process of obtaining and exchanging such information or evidence is called [discovery](#). The rules of what you are allowed to get through discovery are complicated, and have strict time limits. You may need to talk to a lawyer if need discovery for your case. Discovery is usually completed before the case is set for trial. At the end of the trial a Judgment is signed by the judge. In many courts it is customary for a party to write up the judgment for the judge to sign, Most cases do settle out of court. It is better for everyone, especially the child, when parents can reach an agreement. Mediation is always available at anytime throughout the legal process and highly recommended. The family court judge/commissioner can and many times will appoint a mediator, particularly if parents can't agree on how the child will be cared for and how the parents will share their parenting responsibilities.

This is an informal survey regarding your experience with limited scope representation under Supreme Court Rule 4 effective July 1, 2008. The survey consists of 10 short questions and should take no more than three minutes. Please reply by August 27, 2010.

1. In what type matters have you contracted with clients for limited scope representation? (check all that apply)

- Dissolution
- Paternity establishment
- Modification of custody, visitation or support
- Contempt related to domestic relations order
- Consumer debt
- Landlord-tenant
- Personal injury
- Other (describe: ____)

2. What type of limited representation services have you provided to clients? (check all that apply and estimate the percentage of your limited representation cases that fall into each category)

- Office consultation Y N ___% of limited representation services I provide
- Document review Y N ___% of limited representation services I provide
- Document preparation Y N ___% of limited representation services I provide
- Court appearance Y N ___% of limited representation services I provide
- Other (describe: _____) Y N ___% of limited representation services I provide

3. If you make limited court appearances for clients, do you file a notice of limited appearance:

- Every time
- Most of the time
- Some time
- Never
- Not applicable

4. If you answered Question 3 above affirmatively, please state the circumstances for which you do not file a notice of limited appearance.

5. If you make limited court appearances for clients, do you file a notice of termination of limited appearance:

- Every time
- Most of the time
- Some time
- Never
- Not applicable

6. If you answered Question 5 above affirmatively, please state the circumstances for which you do not file a notice of termination of limited appearance.

7. If you contract with a client for limited representation, please state the manner in which you set your legal fee:

Flat fee	always/ sometimes/never
Sliding scale flat fee	always/sometimes/never
Customary Hourly rate	always/sometimes/never
Sliding scale hourly rate	always/sometimes/never
Other (describe: ____)	always/sometimes/never

8. Estimate what percentage of your clients currently retain you for limited scope representation:

____ percent for family law matters
____ percent for other civil matters

9. How has the ability to offer legal services through limited representation affected your business?

New business	positively / unsure / negatively
Repeat business	positively / unsure / negatively
Referral of other clients	positively / unsure / negatively
Account Receivables	positively / unsure / negatively

Comments: _____

10. What is your overall experience with offering limited scope representation:

Comment: _____

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Account Receivables	positively / unsure / negatively

Comments: _____

10. What is your overall experience with offering limited scope representation:

Comment: _____



CIRCUIT COURT BUDGET COMMITTEE

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JUDGE NANCY SCHNEIDER
JUDGE KEITH SUTHERLAND
JUDGE WILLIAM SYLER
JUDGE BARBARA WALLACE

MEMORANDUM

TO: Committee Chairs

FROM: The Honorable Steven Ohmer, Chair
Steven R. Ohmer
Circuit Court Budget Committee

RE: Committee Expenses for Fiscal Year 2011

DATE: June 29, 2010

Recently the Governor's office informed the judiciary that our withhold of \$3.5 million will be increased to \$5.0 million for FY 2011. The Circuit Court Budget Committee, in conjunction with staff from the Office of State Courts Administrator, has reviewed the circuit court budget to find ways of further reducing expenditures. At the June 4, 2010 meeting, the Circuit Court Budget Committee reiterated the necessity for all committees to reduce committee expenses by 50%. In an effort to reduce the frequency of meetings and to assist in reducing expenses, the use of teleconferencing (Polycom) to conduct necessary meetings is recommended. This request has been approved by the Supreme Court of Missouri for all committees whose expenditures are paid out of public funds.

If you need further clarification regarding these matters, please contact the Division of Administration and Budget with the Office of State Courts Administrator at (573) 751-4377.

SRO:wf