

***THE 2016 JUSTICE INDEX: SELECTED  
BEST PRACTICES FOR IMPROVING ACCESS  
TO JUSTICE IN THE COURTS FOR SELF-  
REPRESENTED LITIGANTS***

***Research Paper Prepared by the Philadelphia Bar Association's  
Civil Gideon and Access to Justice Task Force  
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## Background

### The Index and How Pennsylvania Fares

The 2016 Justice Index, an online resource published on May 11, 2016, by the National Center for Access to Justice (NCAJ) at Fordham Law School, scores and ranks the 50 states, the District of Columbia, and Puerto Rico on their adoption of selected best practices for ensuring access to justice.<sup>1</sup> The NCAJ invited the Chief Justice and Chief Court Administrator of each state to complete a questionnaire about these practices. Researchers also reviewed state court websites and access to justice websites and surveyed secondary sources. The data collected from the questionnaire and research was subsequently reviewed for accuracy by teams of pro bono attorneys to create the comprehensive 2016 Justice Index.

The Justice Index identifies which states have adopted specific best practices, providing an easy to use resource for state officials to evaluate and replicate best practices. The Index also provides helpful citations to best practices that states incorporated in the form of statutes, rules, regulations, appropriations and other written guidance.

The Justice Index ranks four legal subject indexes on a 1-100 scale to arrive at a state's overall composite score. These subjects include: attorney access, support for self-represented litigants, language access, and disability access. **The 2016 Index ranks Pennsylvania 14th from the bottom, or 37th of the fifty states, with a composite score of 31 out of 100. This places the state among the ranks of Georgia and South Carolina, far below most other Northeastern states.**

- In the category of providing support to self-represented litigants, Pennsylvania ranks 4th from the bottom, with a score of 26.25 out of 100.<sup>2</sup> This category represents the measures taken by state courts to make judicial procedures user-friendly to self-represented litigants. Pennsylvania's score in this category is approximately 84% below the nation's average.
- Pennsylvania's score in attorney access, which measures the number of attorneys for people in poverty, is approximately 32% lower than the nation's average, below the national median.
- Pennsylvania's score in disability access, which measures the support provided for those with disabilities within a state's justice system, is approximately 18% lower than the nation's average, placing it in the bottom ten states, well below the national median. Pennsylvania's language access ranks 2% below the national average, placing it in the bottom twenty states.

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<sup>1</sup> *The Justice Index*, NATIONAL CENTER FOR ACCESS TO JUSTICE AT FORDHAM LAW SCHOOL, <http://justiceindex.org>. Note: The National Center for Access to Justice was founded at Cardozo Law School in 2011 where it remained until relocating to Fordham Law School in September 2016. See also, [www.ncforaj.org](http://www.ncforaj.org).

<sup>2</sup> *The Justice Index's* rankings of Pennsylvania on support provided for self-represented litigants are available at <http://justiceindex.org/2016-findings/self-represented-litigants>.

## Scope of Research Memo

While the Justice Index measures the best practices of four areas most pertinent to achieving equal access to civil justice, this memo will focus on selected best practices identified as ensuring access for self-represented litigants. The memo will categorize and summarize examples of some of the best practices implemented in states across the United States, which may serve as models for further research and possible implementation in Pennsylvania.

## The Role of Access to Justice Commissions

Over the past few years, there has been a growing movement throughout the nation to create Access to Justice Commissions. Thirty-nine states, including the District of Columbia, have created Access to Justice Commissions.<sup>3</sup> An Access to Justice Commission (ATJC) is a blue-ribbon commission, or a similar formal entity, that brings together leaders of the courts, the bar, the General Assembly, the Governor's office, civil legal aid providers and other key stakeholders to work in a collaborative effort to expand access to civil justice for low-income and disadvantaged people in the state (or equivalent jurisdiction) by assessing their civil legal needs, developing strategies to meet them, and evaluating progress to remove barriers to civil justice.

Access to Justice Commissions (ATJC's) are charged with the responsibility of evaluating and implementing best practices to improve access to justice for self-represented litigants in state courts. The ATJCs typically form subject matter committees to address specific areas, such as working on initiatives to improve access for self-represented litigants; enhancing language access; creating a civil right to counsel in basic human needs cases; and exploring implementation of other innovative projects to overcome barriers to access.

For Pennsylvania and other states without a Commission, it is critical for relevant stakeholders to evaluate current best practice recommendations identified in the 2016 Justice Index and other sources, and work collaboratively with the Court to implement the practices that will best help to improve access for self-represented litigants.<sup>4</sup>

The Philadelphia Bar Association, the Allegheny County Bar Association and the Pennsylvania Bar Association have passed resolutions supporting the creation of an Access to Justice Commission in Pennsylvania. In the May 2014 Pennsylvania Civil Legal Justice Coalition Report to the Senate Judiciary Committee, *Toward Equal Justice for All: Report of the Civil Legal Justice Coalition*, the Coalition recommended the creation of an Access to Justice

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<sup>3</sup> See ABA Directory of Access to Justice Commissions at [http://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/resource\\_center\\_for\\_access\\_to\\_justice/atj-commissions/commission-directory.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/atj-commissions/commission-directory.html) ; see also [http://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/resource\\_center\\_for\\_access\\_to\\_justice.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice.html).

<sup>4</sup> Additional best practices and related resources for self-represented litigants, available at <http://www.ncsc.org/Topics/Access-and-Fairness/Self-Representation/Resource-Guide.aspx> ; <http://www.ncsc.org/microsites/access-to-justice/home> ; [http://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/resource\\_center\\_for\\_access\\_to\\_justice/resources---information-on-key-atj-issues/litigant\\_resources.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/resources---information-on-key-atj-issues/litigant_resources.html) ; [http://www.nycourts.gov/ip/nya2j/pdfs/NYSA2J\\_BestPracticesHelpCenter.pdf](http://www.nycourts.gov/ip/nya2j/pdfs/NYSA2J_BestPracticesHelpCenter.pdf).

Commission in Pennsylvania as one proposed solution to improve access and reduce the civil legal justice gap crisis in Pennsylvania.<sup>5</sup> The Report further recommended that the ATJC study innovative court programs with demonstrated success to identify which measures should be recommended for development in every suitable judicial district and study other innovations and best practice measures.

## **2016 Justice Index Best Practices for Self-Represented Litigants**

Below are summaries of some of the most prevalent best practices for self-represented litigants implemented in various states throughout the nation. The question numbers in this summary reflect the order of the questions (Q) in the Justice Index. A complete list of all the questions asked in the survey is available at [http://justiceindex.org/wp-content/uploads/2016/05/Self-Representation\\_Highlights.pdf](http://justiceindex.org/wp-content/uploads/2016/05/Self-Representation_Highlights.pdf).

### **Q1. Dedicate a court employee or court office to design and advance initiatives to enhance access to courts for self-represented litigants.**

The Justice Index identified 34 states that implemented the best practice of dedicating a court employee or court office to design and advance initiatives to enhance access to courts for self-represented litigants. *Pennsylvania is among the 18 states that have not implemented this practice.*

Many of the states have a dedicated court employee or office responsible for access to justice issues, as well as a separate Access to Justice Commission.<sup>6</sup> For example, New York has created a statewide Permanent Commission on Access to Justice and designated the Deputy Chief Administrative Judge for New York City Courts to also serve as the Director of the New York State Courts Access to Justice Program, providing oversight in developing and implementing statewide programs.<sup>7</sup>

Arizona,<sup>8</sup> Colorado,<sup>9</sup> Delaware,<sup>10</sup> Hawaii,<sup>11</sup> Idaho,<sup>12</sup> Illinois,<sup>13</sup> Louisiana,<sup>14</sup> Massachusetts,<sup>15</sup> Maryland,<sup>16</sup> Minnesota,<sup>17</sup> Montana,<sup>18</sup> North Dakota,<sup>19</sup> and New Mexico,<sup>20</sup> have dedicated

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<sup>5</sup>The Full Report is available at <http://www.philadelphiabar.org/WebObjects/PBA.woa/Contents/WebServerResources/CMSResources/ReportoftheCivilLegalJusticeCoalition.pdf>.

<sup>6</sup> See e.g., Hawaii's Access to Justice Commission, available at <http://www.hawaiijustice.org/hawaii-access-to-justice-commission>; Hawaii also employs an Access to Justice Coordinator, available at [http://www.courts.state.hi.us/services/access\\_to\\_justice\\_initiative\\_main\\_page](http://www.courts.state.hi.us/services/access_to_justice_initiative_main_page).

<sup>7</sup> The Honorable Fern Fisher serves as Deputy Chief Administrative Judge for New York City Courts and is also charged with state-wide responsibility for access to justice issues, available at [https://www.nycourts.gov/admin/directory/fisher\\_fern.shtml](https://www.nycourts.gov/admin/directory/fisher_fern.shtml).

<sup>8</sup> The Arizona Judicial Branch offers several Self-Service Center locations across the state's counties. See <http://www.azcourts.gov/selfservicecenter/Self-Service-Center-Locations> and <http://www.azcourts.gov/selfservicecenter/> for more information.

<sup>9</sup> Colorado has a Self-Represented Litigant Coordinator (Sherlock) Program. Coordinators work for the Court and offer free help to self-represented litigants with general questions, paperwork, resources, and forms related to their case, while educating litigants on state statutes, rules, policies, and procedures that may be applicable to their case for non-criminal matters. See

court employees in self-help centers to enhance access to justice for self-represented litigants. Many of the individual court employees or offices charged with enhancing access to courts for self-represented litigants are responsible for the following:

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[https://www.courts.state.co.us/Courts/District/Custom.cfm?District\\_ID=14&Page\\_ID=471#About our Program](https://www.courts.state.co.us/Courts/District/Custom.cfm?District_ID=14&Page_ID=471#About_our_Program).

<sup>10</sup> The Delaware Courts have an on-site Self-Help Center staffed by court employees who provide assistance with navigating the courtroom process. In addition, Delaware offers a Limited Legal Assistance Program that provides free 15 minutes of legal assistance from volunteer attorneys to self-represented litigants. See <http://courts.delaware.gov/help/legalassistance.aspx>.

<sup>11</sup> Hawaii has Access to Justice Rooms wherein volunteer attorneys provide limited legal advice to pro se litigants involved in civil legal cases. In addition, Hawaii has Self-Help Centers staffed by volunteer attorneys and AmeriCorps Advocates who provide limited legal information to help pro se litigants navigate through court forms and processes. Free interpreter services for most languages are also available at the centers. See

[http://www.courts.state.hi.us/general\\_information/access\\_to\\_justice\\_rooms\\_self\\_help\\_centers](http://www.courts.state.hi.us/general_information/access_to_justice_rooms_self_help_centers).

<sup>12</sup> The Idaho Supreme Court Self-Help Center Court Assistance Office Project provides access to legal services and other resources for those involved in family cases and other civil (non-criminal) court matters. See <https://courtsselfhelp.idaho.gov/>.

<sup>13</sup> Illinois offers free legal information and forms at various Legal Self-Help Centers across counties. In addition, Southern Illinois University maintains the Self-Help Law Center, which provides forms, instructions, and self-help classes. See <http://www.law.siu.edu/selfhelp/>; see also, <https://www.illinoislegalaid.org/get-legal-help/lshc-directory>.

<sup>14</sup> The Louisiana Civil Justice Center has a Self-Help Resource Center that is staffed by volunteer attorneys who provide a number of services to self-represented litigants, such as assisting with Court Forms, facilitating the use of [www.LawHelp.org/LA](http://www.LawHelp.org/LA) providing referrals to free legal aid services, granting access to case information through the Clerk's website, and answering general inquiries about Domestic Court. They also have a legal hotline that individuals can call and receive free legal advice. See <http://laciviljustice.org/services/self-help-resource-centers/>.

<sup>15</sup> The Massachusetts Court System has recently opened Court Service Centers in courts across the state in addition to its comprehensive online self-help portal available in multiple languages. See <http://www.mass.gov/courts/selfhelp/>. The Court Service Centers offer free help filling out forms, understanding court rules, procedures, & documents, assisting with legal research, and serving as a liaison for contacting legal assistance programs and agencies. See <http://www.mass.gov/courts/court-info/court-management/plan-initiatives/court-service-centers.html>.

<sup>16</sup> Maryland has The Maryland Courts Self-Help Center that provides free, limited legal services for pro se litigants. Volunteer attorneys will help with Landlord/Tenant cases, small and large claims cases, consumer matters, return of property, and domestic violence and peace orders. See <http://www.courts.state.md.us/selfhelp/index.html#maryland>.

<sup>17</sup> Minnesota has statewide Self-Help Centers in county courthouses with helpful information, services, and resources about various legal problems for pro se litigants. See <http://www.mncourts.gov/Help-Topics/Self-Help-Centers.aspx>.

<sup>18</sup> Montana's Court Help Program is a free service provided by the Montana Supreme Court to assist individuals with civil legal issues. See <http://courts.mt.gov/selfhelp/default.mcp>.

<sup>19</sup> The North Dakota Legal Self Help Center is funded by the North Dakota Supreme Court and provides free assistance to pro se litigants for them to understand all aspects of the legal process. See <http://www.ndcourts.gov/court/selfhelp/selfhelp.htm>.

<sup>20</sup> New Mexico's First Judicial District Court has a Self-Help Center located on the ground floor of the Courthouse. The Center is staffed by a Court employee who provides forms and procedural information to pro se litigants. See <https://firstdistrictcourt.nmcourts.gov/self-help-center.aspx>.

1. Working with the state Access to Justice Commission and/or local courts to promulgate statewide standardized forms for simpler civil legal problems and basic procedural functions;
2. Providing language access services and support to assist state courts in addressing language barriers and improve interpreter services;
3. Developing training materials and education programs for courts, clerks and other judicial stakeholders to assist with interacting with self-represented litigants;
4. Expanding statewide civil justice data collection, research and analysis to aid in the development of innovative strategies to close the gap between the need for, and the availability of quality legal assistance;
5. Monitoring emerging local, state and national best practices and trends in the civil justice arena, including less lawyer-intensive and court-intensive solutions to certain legal problems; and
6. Developing and evaluating the impact of specialized procedures for different types of civil cases.<sup>21</sup>

Some states, including Georgia,<sup>22</sup> Indiana,<sup>23</sup> Maine,<sup>24</sup> Oklahoma,<sup>25</sup> Tennessee,<sup>26</sup> Texas,<sup>27</sup> Utah,<sup>28</sup> and Virginia<sup>29</sup> have established online Self-Help Resource Portals instead of operating

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<sup>21</sup> See <http://illinoiscourts.gov/Administrative/CivilJustice.asp>.

<sup>22</sup> The Georgia Administrative Office of the Courts provides court rules, forms, a glossary, and more to help Pro Se litigants at <http://www.georgiacourts.org/georgia-courts/court-forms>. It also offers an online directory of resources at <http://www.cscj.org/circuits/appalachian/Self-Represented+Litigants>.

<sup>23</sup> Indiana Judicial Branch Self-Service Legal Center provides valuable information, court forms, and various resources for people who represent themselves in court at <http://www.in.gov/judiciary/selfservice/>. In addition to this resource, [www.IndianaLegalAnswers.org](http://www.IndianaLegalAnswers.org) allows individuals to post legal questions to a private, confidential messaging system, which are then answered by private, pro bono attorneys.

<sup>24</sup> Maine has a website called [www.helpmelaw.org](http://www.helpmelaw.org) that serves as the comprehensive online resource for self-help in the courts. The website helps pro se litigants connect with attorneys and organizations that help with specific legal problems or questions, information about laws through the legal library, and a guide to the Main Courts. The State of Maine Judicial Branch offers an online Citizen's Guide to the Courts that describes the court process in detail with additional publications discussing specific topics such as, small claims proceedings, an overview of the jury system, a guide to procedures for appealing cases, and caseload statistics. See [http://www.courts.maine.gov/reports\\_pubs/pubs/hanbooks\\_guides/citizen\\_guide/](http://www.courts.maine.gov/reports_pubs/pubs/hanbooks_guides/citizen_guide/).

<sup>25</sup> Legal Aid Services of Oklahoma, Inc. has a website, [Oklaw.org/self-help-forms](http://Oklaw.org/self-help-forms), that includes links to forms based on specific legal concerns. The online resource also includes a LiveHelp chat feature to help find information and navigate the portal.

<sup>26</sup> Tennessee State Courts offer an online Self-Help Center that outlines legal information based on specific types of cases. The website also features an interactive map to learn more about the courts in each county. See <http://www.tsc.state.tn.us/programs/self-help-center>. In addition, The Justice For All Tennessee Supreme Court Initiative provides free information for those who cannot afford representation. The website can help individuals find a lawyer who can help with all or part of the case, locate an organization to help with specific legal needs, and understand how to best represent oneself in court. See <http://justiceforalltn.com/>.

help centers.<sup>30</sup> These websites perform similar functions as the Self-Help office spaces, and allow pro se litigants to access legal information remotely. Some states also offer Hotlines and online chat services that provide access to court staff to address questions regarding the court system process, navigating online resources, or connecting with organizations and attorneys.<sup>31</sup>

*The website of the Unified Judicial System of Pennsylvania contains information, forms and related resources for unrepresented litigants.<sup>32</sup> The website also contains an educational video for unrepresented litigants.<sup>33</sup> Pennsylvania also has [PALawHelp](#), a website that serves as a statewide online resource for unrepresented litigants, which is maintained by Pennsylvania Legal Aid Network, a nonprofit organization.*

**Q2. Authorize or encourage judges to take specified steps (for example, by providing information to the litigant about evidentiary requirements) to ensure that self-represented litigants are fairly heard.**

In 2012, the Conference of Chief Justices and the Conference of State Court Administrators passed *Resolution 2: In Support of Expanding Rule 2.2 of the ABA Model Code of Judicial Conduct to Reference Cases Involving Self-Represented Litigants*.<sup>34</sup> The Resolution recommends that states adopt the Model Rule 2.2 (governing the canon that a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially) and include the following specific language in the body of the rule: “A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard.”<sup>35</sup> The Resolution further recommends

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<sup>27</sup> [TexasLawHelp.org](#) is an online, self-help resource that provides free, reliable legal information to low-income Texans. The website includes guides to representation for specific legal matters, Texas Civil Procedure and Courts Guide information, access to Legal Research Databases and Videos, and access to a legal directory to find legal help.

<sup>28</sup> The Utah State Courts Self-Help Center webpage provides free legal help and information regarding rights and responsibilities, resolving legal problems pro se, and navigating the courts with links to the State Law Library. See <https://www.utcourts.gov/selfhelp/>.

<sup>29</sup> Funded by the Virginia Access to Justice Commission, The Virginia Judicial System Court Self-Help website is user-friendly and breaks down information for self-represented litigants based on specific legal topics. The website helps litigants find lawyers, mediators, courts, cases, and forms. See <http://selfhelp.vacourts.gov/>.

<sup>30</sup> A comprehensive list of state court self-help webpages compiled by the Self-Represented Litigants Network is available at <https://www.srln.org/taxonomy/term/141>.

<sup>31</sup> See Indiana Online Self-Help Resource Guide at <http://www.in.gov/judiciary/selfservice/>; see also, Oklahoma’s LiveHelp chat at [www.Oklaw.org/self-help-forms](http://www.Oklaw.org/self-help-forms).

<sup>32</sup> See the Unified Judicial System of Pennsylvania website at <http://www.pacourts.us/learn/representing-yourself> and <http://www.pacourts.us/forms>.

<sup>33</sup> See *A Brief Introduction: What to know before representing yourself in Pennsylvania*, available at <http://www.pacourts.us/learn/representing-yourself/introduction-to-self-representation>.

<sup>34</sup> Conference of Chief Justices and Conference of State Court Administrators, (2012), *Resolution 2: In support of Expanding Rule 2.2 of the ABA Model Code of Judicial Conduct to Reference Cases Involving Self-Representing Litigants*. Williamsburg, VA: National Center for State Courts (2012), available at <http://ccj.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/07252012-Support-Expanding-Rule-ABA-Model-Code-Judicial-Conduct-Self-Representing-Litigants.ashx> ).

<sup>35</sup> *Id.*

that states “modify the comments to Rule 2.2 to reflect local rules and practices regarding specific actions judges can take to exercise their discretion in cases involving self-represented litigants.”<sup>36</sup>

The Justice Index identifies a number of states that have amended the comments to their Codes of Judicial Conduct to specify actions or steps that judges may consider when dealing with a self-represented litigant. For example, the Ohio Code of Judicial Conduct, Rule 2.2; 2.6 cmt 1(a) states:

“The rapid growth in litigation involving self-represented litigants and increasing awareness of the significance of the role of the courts in promoting access to justice have led to additional flexibility by judges and other court officials in order to facilitate a self-represented litigant’s ability to be heard. By way of illustration, individual judges have found the following affirmative, non-prejudicial steps helpful in this regard: (1) providing brief information about the proceeding and evidentiary and foundational requirements; (2) modifying the traditional order of taking evidence; (3) refraining from using legal jargon; (4) explaining the basis for a ruling; and (5) making referrals to any resources available to assist the litigant in the preparation of the case.”<sup>37</sup>

Montana,<sup>38</sup> Iowa<sup>39</sup>, and several additional states provide almost identical guidance in their Codes of Judicial Conduct.

In addition, a number of states have adopted informal and formal guidelines through bench books, checklists, and administrative directives that spell out exactly how the court should assist pro se litigants. Some offer training on best practices and techniques to aid self-represented litigants through the court process. For example, the Maryland Supreme Judicial Court Steering Committee on Self-Represented Litigants, Subcommittee on Judicial Guidelines, produced a manual, complete with specified guidelines and commentary, for judges governing pre-hearing interaction, conducting of hearings, and post-hearing interaction with self-represented litigants.<sup>40</sup> Similarly, the Tennessee Supreme Court Access to Justice Commission published a Benchbook, which recommends specific guidelines and procedures that could be easily implemented in court rooms across the state, such as drafting local guidelines and court scripts for self-represented litigants, providing a courthouse kiosk to assist self-represented litigants, implementing “lawyer for the day” programs, and providing additional guidelines to court clerks and staff to aid the self-represented.<sup>41</sup>

***Although Pennsylvania amended its Code of Judicial Conduct in 2014, the state did not follow the recommendations of Resolution 2 to include the above language in the body of the***

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<sup>36</sup> *Id.*

<sup>37</sup> See <http://sc.ohio.gov/LegalResources/Rules/conduct/judcond0309.pdf>.

<sup>38</sup> See [https://courts.mt.gov/portals/113/supreme/new\\_rules/rules/jud-canons.pdf](https://courts.mt.gov/portals/113/supreme/new_rules/rules/jud-canons.pdf).

<sup>39</sup> See <https://www.legis.iowa.gov/docs/ACO/CourtRulesChapter/02-12-2016.51.pdf>.

<sup>40</sup> See <http://www.mass.gov/courts/court-info/trial-court/exec-office/ocm/jud-institute/jg-self-rep.html>; see also Delaware Guidelines available at <http://courts.delaware.gov/supreme/admdir/ad178guidelines.pdf>.

<sup>41</sup> See Tennessee Supreme Court Access to Justice Commission Benchbook, “Meeting the Challenges of Self-Represented Litigants,” (May 2013), available at [https://www.tncourts.gov/sites/default/files/docs/final\\_pro\\_se\\_benchbook\\_-\\_may\\_2013.pdf](https://www.tncourts.gov/sites/default/files/docs/final_pro_se_benchbook_-_may_2013.pdf).

*rule itself. The amendments also did not delineate the specific actions judges can take to exercise their discretion in cases involving self-represented in the comments to Rule 2.2. The Pennsylvania Code of Judicial Conduct comments to Rule 2.2 were amended to include the following new comment: “(4) It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters heard fairly and impartially.”*<sup>42</sup>

**Q3. Hold a judicial education program in the past 12 months that included training on how to ensure that self-represented litigants are fairly heard.**

The 2016 Justice Index revealed that thirty-one states hold an annual education program for judges that include trainings on how to ensure that self-represented litigants are fairly heard. *Pennsylvania does not hold this type of annual education program for judges.*<sup>43</sup>

The National Association for State Courts (NCSC) and the Self-Represented Litigation Network developed model curricula for judicial and court staff training programs for helping self-represented litigants, which were based on the results of numerous research studies.<sup>44</sup> A number of states have modeled their judicial education programs on how to serve self-represented litigants based on the best training practices and results of these research studies.

**Q4. Authorize or encourage court staff (other than judges) to take steps to assist self-represented litigants.**

The Justice Index indicates that many states have authorized court staff (other than judges) to take specific steps to assist self-represented litigants by adopting a court rule, or by providing instructional manuals that specify guidelines for court staff to follow when providing this type of assistance. *Pennsylvania has not published a manual or adopted a rule that specifies guidelines for providing assistance by court staff to self-represented litigants.*<sup>45</sup>

For example, Wisconsin Supreme Court Rule 70.41 specifies the steps court staff can take with regard to self-represented litigants. The state also provides several manuals to clerks and other court staff regarding the topic on their internal court system website.<sup>46</sup> Texas has a similar website with resources for court clerks and personnel working with self-represented litigants, which includes a guide that outlines information that court staff may provide to the self-represented litigants.<sup>47</sup> California also provides a guide to aid court staff in helping self-represented litigants, and displays signs in its courthouses that list what court employees may

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<sup>42</sup> See <http://judicialconductboardofpa.org/code-of-judicial-conduct/> ; see also a memo by the Self-Represented Litigation Network entitled, *Model Code of Judicial Conduct Provisions On Self-Represented Litigation*, Williamsburg, VA: National Center for State Courts (2013), available at <http://www.ncsc.org/microsites/access-to-justice/home/Topics/Judicial-Role-in-Promoting-Access.aspx>.

<sup>43</sup> Respondents cited the following: *Pennsylvania Conference of State Trial Judges presentations in 2011, 2012, 2013*

<sup>44</sup> See, for example, *Curricula: Access to Justice for the Self Represented*, available at <http://www.srln.org/node/202/curricula-access-justice-self-represented-srln-ncsc-2013>.

<sup>45</sup> See <http://justiceindex.org/2016-findings/self-represented-litigants/>.

<sup>46</sup> See <http://www.wicourts.gov/sc/scrule/DisplayDocument.html?content=html&seqNo=135358>.

<sup>47</sup> See <http://www.txcourts.gov/programs-services/self-help/courts.aspx>.

and may not do when providing assistance.<sup>48</sup> Many of the states that developed specific guidelines for dealing with self-represented litigants produced these guidelines through the state Access to Justice Commission.

**Q5. Hold an education program in the past 12 months for court staff (other than judges) that included training on how to ensure that self-represented litigants are fairly heard.**

In order to make courts more accessible, states have implemented training programs and conferences to ensure that court staff and community providers are updated on legal developments and new practices for serving pro se litigants. These educational programs also provide court staff an opportunity to discuss how to continue to increase the accessibility of courts.

There are currently twenty-seven states that implemented this best practice within the past year: Arizona, California, Connecticut, Colorado, Delaware, the District of Columbia, Florida, Hawaii, Idaho, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Oklahoma, Oregon, Pennsylvania, Puerto Rico, South Carolina, Tennessee, Texas, Vermont, Washington, and Wisconsin.

California has served as a model for holding regular classes and seminars for court staff in this area.<sup>49</sup> The Judicial Council's Center for Judiciary Education and Research holds these educational sessions. Some sessions are designed specifically for various court employees. For example, California implemented a training session for court clerks on the difference between legal information and legal advice. In addition to these training programs, California published *Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers*, which has gained national use for its valuable information concerning ethics, courtroom and case management, communication skills, and other important topics for court staff and judges.<sup>50</sup>

*Pennsylvania reported to the Justice Index that it offered special training regarding self-represented litigants to court employees and judicial training on the subject at the Pennsylvania Conference of State Judges in 2011 through 2013. However, it is unclear whether Pennsylvania provides training on this topic for judges and court staff on an annual basis.*

**Q6 & Q7. Authorize and Train Judges on Unbundling: Authorize lawyers to perform discrete tasks for parties without first obtaining judicial permission and without incurring an obligation to continue representation that requires judicial permission to withdraw. Hold a training event in the past 12 months for judges that included consideration of how to work with litigants when unbundled legal services are being provided.**

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<sup>48</sup> See MC-800, Court Clerk's Office Signage, available at <http://www.courts.ca.gov/documents/mc800.pdf> ; see also "May I Help You?" guidelines for court clerks regarding how they can assist self-represented litigants, available at [www.courts.ca.gov/documents/mayihelptyou.pdf](http://www.courts.ca.gov/documents/mayihelptyou.pdf).

<sup>49</sup> See <http://www.courts.ca.gov/documents/proper.pdf>.

<sup>50</sup> See [http://www.courts.ca.gov/documents/benchguide\\_self\\_rep\\_litigants.pdf](http://www.courts.ca.gov/documents/benchguide_self_rep_litigants.pdf)

ABA Model Rule 1.2 (c), which was last revised in 2002, provides that “[a] lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.”<sup>51</sup> *Forty-one states, including Pennsylvania, have enacted the same or a similar limited representation rule as the ABA Model Rule 1.2 (c).*<sup>52</sup>

As part of state initiatives to adopt policies advancing limited scope representation, twenty states adopted rules that provide additional guidance on unbundling, addressing issues related to ghostwriting and limited notices of appearances. Many of these states revised the rules of civil procedure to permit and specify procedures for limited appearances and expedited withdrawals, which address the manner in which a lawyer creates the limited appearance; the obligation to provide the opposing side with notice; and the procedure for withdrawal.<sup>53</sup> Several states require the use of court approved forms to notify the court of an attorney’s limited appearance. Other states permit the automatic termination of limited representation upon the filing of a notice of completion with the court, without requiring court approval.

For example, Wash. C. R. 70.1(b), governing Notices of Limited Appearance, provides:

“If specifically so stated in a notice of limited appearance filed and served prior to or simultaneous with the proceeding, an attorney’s role may be limited to one or more individual proceedings in the action. Service on an attorney who has made a limited appearance for a party shall be valid (to the extent permitted by statute and rule 5(b)) only in connection with the specific proceedings for which the attorney has appeared, including any hearing or trial at which the attorney appeared and any subsequent motions for presentation of orders. At the conclusion of such proceedings the attorney’s role terminates without the necessity of leave of court, upon the attorney filing notice of completion of limited appearance which notice shall include the client information required by rule 71(c)(1).”<sup>54</sup>

***In Pennsylvania, a joint formal ethics opinion has construed the Pennsylvania Rules of Professional Conduct to permit lawyers to provide limited scope representation, such as assisting a self-represented litigant by drafting pleadings and giving advice, without filing a formal appearance in court or disclosing such assistance to the court.***<sup>55</sup> *However,*

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<sup>51</sup> See Model Rules of Professional Conduct R. 1.2(c) (2013), available at [http://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/rule\\_1\\_2\\_scope\\_of\\_representation\\_allocation\\_of\\_authority\\_between\\_client\\_lawyer.html](http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_2_scope_of_representation_allocation_of_authority_between_client_lawyer.html).

<sup>52</sup> See ABA White Paper, available at [http://www.americanbar.org/content/dam/aba/administrative/delivery\\_legal\\_services/ls\\_del\\_unbundling\\_white\\_paper\\_2014.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/ls_del_unbundling_white_paper_2014.authcheckdam.pdf); see also [http://www.americanbar.org/content/dam/aba/administrative/delivery\\_legal\\_services/ls\\_del\\_unbundling\\_act\\_sheet.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/ls_del_unbundling_act_sheet.authcheckdam.pdf) and Louis S. Rulli article, available at <http://scholarship.law.upenn.edu/jlasc/vol17/iss4/1/>.

<sup>53</sup> *Supra*, note 32.

<sup>54</sup> See

[https://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=sup&set=CR&ruleid=supcr70.1](https://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=sup&set=CR&ruleid=supcr70.1).

<sup>55</sup> See Joint Formal Opinion 2011-100, *Representing Clients in Limited Scope Engagements*, prepared by the Pennsylvania Bar Association Committee on Legal Ethics and Professional Responsibility and the Philadelphia Bar Association Professional Guidance Committee, available at

*Pennsylvania Rule of Civ. Pro. 1012(b) (1) and (2) dictates that an attorney may not withdraw his or her appearance without leave of court, unless another attorney has previously entered or is simultaneously entering an appearance on behalf of the party, and the change of attorneys does not delay any stage of the litigation.*<sup>56</sup>

The adoption of rules and policies, clarifying limited scope representation and expediting withdraws, may contribute to greater court efficiency, as well as encouraging increased pro bono assistance from attorneys who may be more willing to represent pro se litigants in a limited role.

#### **Q8. Fund a court-based “self-help center” in the past 12 months to help self-represented litigants.**

The Justice Index has identified twenty states that fund self-help centers through state funding for the judiciary budget or through county or local government funding. Self-help centers inside of courthouses are common with more than 500 centers established across the U.S.<sup>57</sup> Self-help centers provide users with various services, including live assistance, pro bono and other referrals, document support, web-based information, and telephone assistance. Courts also provide in-house kiosks to present vital information to self-represented litigants, as well as post user-friendly guides to filling out legal forms on their websites in order to ease the process for those who find themselves without counsel.

Funding for help centers is identified as a line-item in many state judiciary budgets. New Jersey, for example, has 5 help centers throughout the state, all of which are state-funded.<sup>58</sup>

Maryland has District Court Self-Help Center phone and live chat services, as well as Family Law Self-Help Centers, all of which are funded by the Maryland judiciary as a line item in the judiciary’s budget. These family law self-help centers have been funded by family division grants since the late 1990’s.<sup>59</sup>

In New York, the state judiciary funds the Access to Justice Program. The program oversees 26 New York State Court Help Centers located in the Surrogate’s, Supreme, Family and Civil Courts throughout the state. The centers are staffed by Court attorneys or Court Clerks and administrators.<sup>60</sup>

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[http://www.philadelphiabar.org/WebObjects/PBAReadOnly.woa/Contents/WebServerResources/CMSResources/Joint\\_Formal\\_Opinion2011-100.pdf](http://www.philadelphiabar.org/WebObjects/PBAReadOnly.woa/Contents/WebServerResources/CMSResources/Joint_Formal_Opinion2011-100.pdf).

<sup>56</sup> See PA Rule of Civ. Pro. 1012(b)(1) and (2), available at

<http://www.pacode.com/secure/data/231/chapter1000/s1012.html>.

<sup>57</sup> See The Self-Help Center Census: A National Survey, ABA Standing Commission On the Delivery of Legal Services (Aug. 2014), available at <https://perma.cc/N2GM-E5AA> ; see also,

<http://ncsc.contentdm.oclc.org/cdm/ref/collection/accessfair/id/328>.

<sup>58</sup> See <http://www.state.nj.us/treasury/omb/publications/12budget/pdf/98.pdf>; Additional funding information available at, [http://www.ncsc.org/Information-and-Resources/Budget-Resource-Center/Budget\\_Funding/New-Jersey.aspx](http://www.ncsc.org/Information-and-Resources/Budget-Resource-Center/Budget_Funding/New-Jersey.aspx).

<sup>59</sup> Funding information on file with NCAJ ; see also, Maryland Self-Help Center website for more information regarding their services, available at <http://www.courts.state.md.us/selfhelp/index.html>.

<sup>60</sup> See [http://www.nycourts.gov/ip/nya2j/pdfs/NYA2J\\_2014report.pdf](http://www.nycourts.gov/ip/nya2j/pdfs/NYA2J_2014report.pdf).

In Connecticut, the state judicial branch has operated fourteen Court Service Centers for the last 18 years. These court-based help-centers are funded through the judiciary’s annual operating budget and are staffed by full time judicial employees who provide services and resources to all court patrons, including self-represented litigants.<sup>61</sup>

The Connecticut Judicial Branch operates Court Service Centers throughout the state at the Judicial District Courthouses.<sup>62</sup> These Centers are staffed by Judicial Branch employees and offer staff assistance (a list of specific assistance available is provided on its website), public use computers, word processing, scanners, internet access, phones, electronic filing and other services. The Connecticut Judicial Branch also offers legal clinics onsite at a number of courthouses that are staffed by volunteer attorneys, including clinics that address contract collections; small claims; divorce and custody; foreclosure; and general help.<sup>63</sup> The Connecticut Judicial Branch Law Library Services operates twelve law libraries that are open to the general public, and maintains a website that contains information about resources available for pro se litigants, including links to all court resources, forms, research materials, advocacy groups, attorney directories, attorney referral services, Connecticut Public Defender Offices, Legal Aid Clinics and Help, and other Volunteer Attorney Programs.<sup>64</sup>

In Washington D.C., self-help centers have been established for family, probate, property tax foreclosure, and small claims matters.<sup>65</sup> The state also has a Domestic Violence Intake Center that provides court-services, community resources, and legal assistance.<sup>66</sup> D.C. also offers a court-based program, “Law Students in Court,” which provides assistance by supervised law students to self-represented litigants in landlord/tenant disputes in the courtroom.

California recently adopted a court rule that requires courts to include help centers in their budgets. Effective on January 1, 2016, California Rule 10.960 specifies that

“A court must include in its annual budget funding necessary for operation of its self-help center. In analyzing and making recommendations on the allocation of funding for a court self-help center, Judicial Council staff will consider the degree to which individual courts have been successful in meeting the guidelines and procedures for the operation of the self-help center.”

Additionally, California’s Help Centers must “include an attorney and other qualified staff who provide information and education to self-represented litigants about the justice process, and who work within the court to provide for the effective management of cases involving self-represented litigants.”<sup>67</sup>

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<sup>61</sup> See <http://www.jud.ct.gov/csc/default.htm>.

<sup>62</sup> See <https://www.jud.ct.gov/csc/>.

<sup>63</sup> See <https://www.jud.ct.gov/clinics/default.htm>.

<sup>64</sup> See <https://www.jud.ct.gov/lawlib/srp/>

<sup>65</sup> See [http://www.dccourts.gov/internet/superior/org\\_family/selfhelpcenter.jsf](http://www.dccourts.gov/internet/superior/org_family/selfhelpcenter.jsf)

<sup>66</sup> See <http://mpdc.dc.gov/page/domestic-violence-intake-center>.

<sup>67</sup> See [http://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10\\_960](http://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_960); see also CA report on Implementation of the Judicial Council Statewide Action Plan for Serving Self-Represented Litigants

Additionally, some states require individual counties to run courthouse facilitator programs to aid self-represented litigants. These facilitators often help with filling out legal forms and helping clients navigate their cases.

Research and studies have widely confirmed the numerous advantages states experience from operating court self-help centers.<sup>68</sup> Self-help centers provide self-represented litigants with invaluable legal information that is often otherwise exceedingly difficult to navigate without a law degree, and these centers also contribute to the efficiency of court operations.<sup>69</sup> The California Statewide Action Plan for Serving Self-Represented Litigants has found that “court-based staffed self-help centers, supervised by attorneys, are the optimum way for courts to facilitate the timely and cost-effective processing of cases involving self-represented litigants, to increase access to the courts and improve delivery of justice to the public. Well-designed strategies to serve self-represented litigants, and to effectively manage their cases at all stages, must be incorporated and budgeted as core court functions.”<sup>70</sup> ***Pennsylvania’s judicial budget does not contain a line item to fund help centers throughout the state. In Pennsylvania, there are several centers operating in various county courts that are supported through court funding, staffing, or in-kind services.***

Currently, there are three court-based help centers operating in Philadelphia. The Philadelphia Family Court Help Center is operated onsite daily for three hours and is staffed by a clerk employed by the Philadelphia Family Court, volunteer attorneys from the Philadelphia Bar Association’s Family Law Section, Women Against Abuse and Philadelphia Legal Assistance, and other trained volunteers.<sup>71</sup> The Family Court provides computers, office space, printers and other in-kind support.

The Philadelphia Landlord Tenant Help Center is operated onsite at the Municipal Court through a collaboration of nonprofit public interest legal programs. These public interest legal programs have collectively managed the operations and fundraising efforts to fund the operational costs of the Center. The Municipal Court provides space, a printer, phone, office furniture and related in-kind services. Pro bono volunteer attorneys also provide services to clients at the Help Center.

In October 2016, the First Judicial District of Pennsylvania (FJD) opened Pennsylvania’s first Elder Justice & Civil Resource Center in Philadelphia’s City Hall. Created as a result of recommendations from the Pennsylvania Supreme Court’s Elder Law Task Force, volunteer attorneys, law students, and legal services advocates provide legal information; legal services and advice; and referrals to resources to elderly and low-income self-represented litigants who need help with their legal issues in the Philadelphia civil court system.<sup>72</sup> The Resource Center

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for information on funding (over \$11.2 million/year statewide), page 9, available at <http://www.courts.ca.gov/documents/jc-20141028-itemP.pdf>.

<sup>68</sup> See <http://www.ncsc.org/Topics/Access-and-Fairness/Self-Representation/Resource-Guide>; see also [http://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/resource\\_center\\_for\\_access\\_to\\_justice/resources---information-on-key-atj-issues/litigant\\_resources.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/resources---information-on-key-atj-issues/litigant_resources.html).

<sup>69</sup> See <http://www.ncsc.org/Topics/Access-and-Fairness/Self-Representation/Resource-Guide.aspx>

<sup>70</sup> See <http://www.courts.ca.gov/documents/selfreplitsrept.pdf>.

<sup>71</sup> See <https://www.philalegal.org/familycourthelpcenter>.

<sup>72</sup> See <http://courts.phila.gov/ejc/>.

also facilitates access to the courts by offering equipment to aid in hearing, mobility, and vision difficulties and translator services to overcome language barriers throughout the legal process. With court employees providing administrative and coordination services, the Elder Justice & Civil Resource Center is supported by numerous key service organizations including the SeniorLAW Center, Community Legal Services (CLS), Philadelphia Bar Association, Philadelphia VIP, and Philadelphia Legal Assistance (PLA), and Temple University Beasley School of Law's Elderly Law In-House Clinical Program. The Resource Center also offers educational workshops and CLE programs for volunteers.

Lancaster County operates a Self-Help Center in the Court of Common Pleas, which is staffed by a court employee who provides information and form packets for sale, but no legal advice or help filing out the forms.<sup>73</sup> The packets are also available to download free on the court's website. Allegheny County Family Court also operates a Self-Help Center that is staffed by a court employed Options Counselor who provides assistance regarding procedural information.<sup>74</sup> The Help Center refers income eligible self-represented litigants to the Legal Advice Clinic for legal advice and counseling by volunteer attorneys from the Allegheny Bar Association and law students.

### **Additional Best Practices Identified in the Justice Index**

The Justice Index also contains a number of additional best practices to improve access to self-represented litigants. Below is a summary of the additional best practices covered in Questions (Q) 9 through 33, which are grouped by categories in this research memo,<sup>75</sup> and Pennsylvania's responses to those questions.<sup>76</sup> "Yes" means that the questioned practice has been adopted. "No" means that the questioned practice has not been adopted.

#### ***Does the state, through a statewide statute, rule, regulation, appropriation, or other written guidance:***

- *Q9: Count in the past 12 months the number of disposed cases in which one or more parties was self-represented, as recommended by the National Center for State Courts?*  
**Pennsylvania's response to this question:** No.
- *Q10- Q15: Best Practices Related to the Use of Plain English Materials*
  - Q10: Require court written materials intended for the public to be a) in plain English, or b) at a designated reading level? **Pennsylvania's response to this question:** No
  - Q11: Authorize or encourage judges to use plain English when communicating orally with self-represented litigants? **Pennsylvania's response to this question:** No<sup>77</sup>

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<sup>73</sup> See <http://pa-lancastercountycourts.civicplus.com/35/Self-Help-Center>.

<sup>74</sup> See <https://www.alleghenycourts.us/family/selfhelpcenter.aspx>.

<sup>75</sup> See <http://justiceindex.org/wp-content/uploads/2016/08/JI-Indicators-with-Weights-and-Trends.pdf>.

<sup>76</sup> See <http://justiceindex.org/2016-findings/self-represented-litigants/>

<sup>77</sup> Respondents cited the following: *February 2015, Pennsylvania Conference of State Trial Judges presentation (but could not find materials).*

- Q12: Designate a court employee responsible for ensuring that judges use plain English when communicating with self-represented litigants? **Pennsylvania’s response to this question: No**
- Q13: Publish a style guide that provides guidance on how to draft forms and instructions in plain English? **Pennsylvania’s response to this question: No**
- Q14: Hold a training event in the past 12 months for judges that included training on how best to communicate with people in plain English? **Pennsylvania’s response to this question: Yes**<sup>78</sup>
- Q15: Hold a training event in the past 12 months for court staff (other than judges) that included training on how best to communicate with people in plain English? **Pennsylvania’s response to this question: No**
- *Q16: Require that electronic filing systems be accessible to self-represented litigants?* **Pennsylvania’s response to this question: No**
- *Q17-Q20: Best Practices Related to Fee Waivers*
  - Q17: Permit courts to grant a waiver of civil filing fees for people who meet a designated financial eligibility standard (aka “in forma pauperis” standard)? **Pennsylvania’s response to this question: Yes**<sup>79</sup>
  - Q18: Provide a simple method for allowing a presumption that a litigant meets the financial eligibility standards for obtaining a civil filing fee waiver (e.g., presentation of a Medicaid card or representation by an LSC-funded program)? **Pennsylvania’s response to this question: No**
  - Q19: Encourage or require court staff to explain to litigants that civil filing fees may be waived if the person meets a designated financial eligibility standard? **Pennsylvania’s response to this question: No**
  - Q20: Describe on the state judiciary website that civil filing fees may be waived if a person meets a designated financial eligibility standard? **Pennsylvania’s response to this question: Yes**<sup>80</sup>

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<sup>78</sup> Respondents cited the following: *February 2015, Pennsylvania Conference of State Trial Judges presentation. Thomas Darr, Deputy Court Administrator, Harrisburg Office, PA Judicial Center, (717) 231-3326.*

<sup>79</sup> Respondents cited the following: <http://www.pacode.com/secure/data/231/chapter200/s240.html>; statewide form: <http://www.pacourts.us/assets/files/page-759/file-3865.pdf?cb=1433354463283> .

<sup>80</sup> Respondents cited the following: *Representing Yourself, I can’t afford to pay the filing fees,* <http://www.pacourts.us/learn/representing-yourself> (“If you cannot afford to pay these fees to the court, you will need to complete the form below entitled, *In Forma Pauperis*, a Latin term, referring to someone who cannot pay. You will be asked for your income and expense statements. The court may require that

- *Q21-Q23: Best Practices Related to Court Forms*
  - Q21: Conduct an initiative in the past 10 years to improve the availability and quality of self-help forms for self-represented litigants? **Pennsylvania’s response to this question:** No
  - Q22: Provide funding in the past 10 years required to be used to improve the availability and quality of self-help forms for self-represented litigants? **Pennsylvania’s response to this question:** No
  - Q23: Maintain on the state judiciary website a single, easily located page that permits self-represented litigants to identify forms applicable to issues they are facing? **Pennsylvania’s response to this question:** Yes <sup>81</sup>
- *Q24-Q25: Best Practices Related to Web Page Materials for Various Legal Issues*
  - Q24-Q25: Collect information about whether the state judiciary website has a list on a single page of all court forms and supporting materials necessary to fulfill the minimal filing obligations of the following proceedings: uncontested divorce, child support orders, domestic violence/order of protection action, debt collection, eviction action, and mortgage foreclosure action. **Pennsylvania’s response to Q24 A-D, F:** Yes; <sup>82</sup> **Pennsylvania’s response to Q24 E, G:** No; **Pennsylvania’s response to Q25 A-D, F:** Yes; <sup>83</sup> **Pennsylvania’s response to Q25 E, G:** No
- *Q26 A-F: Best Practices Related to Common Forms*

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you appear in person for a hearing or a judge may decide based upon the information you provide on the *In Forma Pauperis form.*”).

<sup>81</sup> Respondents cited the following: *Representing Yourself, Self-representation Information and Forms*, <http://www.pacourts.us/learn/representing-yourself>.

<sup>82</sup> Respondents cited the following: **Q24 (A), (B):** *The website of the Unified Judicial System of Pennsylvania*, <http://www.pacourts.us/learn/representing-yourself/divorce-proceedings> provides instructions and links to forms to file for divorce; **Q24 (C):** *The website of the Unified Judicial System of Pennsylvania*, <http://www.pacourts.us/learn/representing-yourself/custody-proceedings> provides link to form; **Q24 (D):** *The website of the Unified Judicial System of Pennsylvania*, <http://www.pacourts.us/forms/for-the-public>; **Q24 (F):** *The website of the Unified Judicial System of Pennsylvania*, <http://www.pacourts.us/forms/for-the-public>.

<sup>83</sup> Respondents cited the following: **Q25 (A), (B):** *The website of the Unified Judicial System of Pennsylvania*, <http://www.pacourts.us/learn/representing-yourself/divorce-proceedings> providing instructions and links to forms to file for divorce; **Q25 (C):** *The website of the Unified Judicial System of Pennsylvania*, <http://www.pacourts.us/learn/representing-yourself/custody-proceedings> providing link to form; **Q25 (D):** *The website of the Unified Judicial System of Pennsylvania*, <http://www.pacourts.us/learn/representing-yourself> - which directs you to <http://www.pacourts.us/forms/for-the-public> for the form for a protection from abuse; **Q25 (F):** *See the website of the Unified Judicial System of Pennsylvania*, <http://www.pacourts.us/forms/for-the-public>

Q26 A-F: Collect information about whether the state judiciary requires that all courts in the state accept common statewide court forms for the following trial proceedings: uncontested divorce, child support orders, domestic violence/order of protection actions, debt collection, eviction actions, and mortgage foreclosure action. **Pennsylvania's response to Q26 A-C, E: Yes;**<sup>84</sup> **Pennsylvania's response to Q26 D, F: No**

- *Q27 A-G: Best Practices Related to Document Assembly Program Maintenance*
  - Q27 A-G: Collect information about whether the state judiciary maintains a computer based document assembly self-help program to assist litigants for the following trial proceedings: uncontested divorce, child support orders, domestic violence/order of protection actions, debt collection, eviction actions, and mortgage foreclosure actions. **Pennsylvania's response to Q27 A-G: No**
  - *Q28: Maintain an ABA-recognized Access to Justice (ATJ) Commission or other ATJ entity?* **Pennsylvania's response to this question: No**<sup>85</sup>
- *Q29-Q31: Best Practices Related to Data Collection on Right to Counsel and Appointments of Counsel*
  - Q29: Collect data on how often counsel is appointed in any categories of civil cases in which there is a statewide right to counsel? **Pennsylvania's response to this question: No**
  - Q30: Collect data on the quality of representation provided by attorneys who are appointed pursuant to a statewide right to counsel? **Pennsylvania's response to this question: No**
  - Q31: Collect data on how often counsel is appointed in any categories of civil cases in which the state provides discretion to a decision maker to decide whether to appoint counsel? **Pennsylvania's response to this question: No**
- *Q32-Q33: Best Practices Related to Recognizing a Right to Counsel in Legal Cases*

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<sup>84</sup> Respondents cited the following: **Q26 (A-C):** *Rule 1930.9 of the Pennsylvania Rules of Civil Procedure: Family Court Forms. Forms adopted by the Supreme Court of Pennsylvania and included in the Pennsylvania Rules of Civil Procedure relating to the practice and procedure of domestic relations matters shall be accepted for filing in all jurisdictions;* **Q26 (E):** *PA R.C.P.M.D.J. 503A ,Form of Complaint (“The complaint shall be made in writing on a form which shall be prescribed by the State Court Administrator.”); PA. R.C.P.M.D.J. 508A, Claim by Defendant, (“At any time before the hearing, the defendant may file a cross-complaint on the form prescribed for civil complaints, asserting any claim against the plaintiff which arises out of the occupancy of the premises and which is within the jurisdiction of the magisterial district judge.”).*

<sup>85</sup> Respondents cited the following: *“The Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness” “has addressed numerous objectives regarding access to our courts, akin to other states’ Access to Justice Commissions.”*

- Q32: Require the appointment of counsel at public expense for indigent parties in any type of housing proceeding (e.g., eviction, foreclosure, discrimination, etc.)? **Pennsylvania's response to this question:** No <sup>86</sup>
- Q33: Require the appointment of counsel at public expense to indigent accused parents in abuse/neglect/dependency proceedings? **Pennsylvania's response to this question:** Yes <sup>87</sup>

## Resources

The 2016 Justice Index is an invaluable resource of best practices that help improve access to justice for self-represented litigants. It provides a starting point for creating a strategic plan to improve practices that enhance greater court efficiency, as well as increase access to justice for all. Below are some additional best practices resources and reports:

- **The National Center for State Courts (NCSC)** operates the **Center on Court Access to Justice for All** that helps judges and courts advance access to justice, especially for poor and low-income individuals, by offering resources on 15 strategies and technical assistance. It works closely with the Conference of Chief Justices, the Conference of State Court Administrators and other national court organizations to implement access-to-justice solutions. See <http://www.ncsc.org/microsites/access-to-justice/home>. The Center also coordinates its work with a companion effort of the ABA Resource Center for Access to Justice Initiatives. See [http://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/resource\\_center\\_for\\_access\\_to\\_justice.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice.html).
- **American Bar Association's Access to Justice Initiatives Resource Center** serves judicial, private bar, and legal aid leaders who work together to provide people of low and modest income with meaningful access to their justice systems. This online resource contains a wide variety of materials, including information about individual state Access to Justice Commissions. See [http://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/resource\\_center\\_for\\_access\\_to\\_justice.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice.html).
- **American Bar Association's Directory of Law Governing Appointment of Counsel in State Civil Proceedings** recently published a new resource detailing the existing rights to counsel and discretionary judicial powers to appoint counsel in civil cases, in each state and the District of Columbia. The ABA Directory of Law Governing Appointment of

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<sup>86</sup> Respondents cited the following: See *National Coalition for a Civil Right to Counsel*, <http://civilrighttocounsel.org/map>. Please note the following disclaimer from *civilrighttocounsel.org*: "No information in the map should be taken as legal advice. Moreover, information in the map is to be taken as-is, with no guarantees of its accuracy. . . . The information in this map is current as of late 2013, and while we add new information as we learn of it, we cannot ensure the information is always to-date."

<sup>87</sup> *Id.*

Counsel in State Civil Proceedings, developed in conjunction with the National Coalition for a Civil Right to Counsel, can be found on the ABA website at [www.ambar.org/civilrighttocounsel](http://www.ambar.org/civilrighttocounsel).

- **Conference of Chief Justices (CCJ) and Conference of State Court Administrators Resolution 5 (COSCA) and the Justice for All Project** passed Resolution 5 in July 2015 Reaffirming the Commitment to Meaningful Access to Justice for All, which sets an aspiration goal of 100 percent access to effective legal assistance for essential civil legal needs. Resolution 5 is available at [http://www.ncsc.org/~media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All\\_final.ashx](http://www.ncsc.org/~media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All_final.ashx). In February 2016, the Public Welfare Foundation and the National Center for State Courts announced the creation of the Justice for All (JFA) project, which will provide funding to selected states to support efforts to move toward implementing the Resolution 5 in support of Meaningful Access to Justice for All. The “Justice for All” Project Announcement and Strategic Planning Guidance Materials are available at <http://www.ncsc.org/jfap>.

#### **Reports and Articles:**

- The May 2014 **Pennsylvania Civil Legal Justice Coalition Report to the Senate Judiciary Committee, *Toward Equal Justice for All: Report of the Civil Legal Justice Coalition***, contains findings and recommendations related to the civil legal justice gap crisis in Pennsylvania, which are based on the oral and written testimony presented at statewide hearings conducted by the Pennsylvania Senate Judiciary Committee in 2013. The Coalition’s Report is available at <http://www.philadelphiabar.org/WebObjects/PBA.woa/Contents/WebServerResources/CMSResources/ReportoftheCivilLegalJusticeCoalition.pdf>.
- **Louis S. Rulli, *Roadblocks to Access to Justice: Reforming Ethical Rules to Meet the Special Needs of Low-Income Clients***, 17 U. Pa. J. L. & Soc. Change 347 (2014), available at <http://scholarship.law.upenn.edu/jlasc/vol17/iss4/1/>.
- **The American Bar Association’s Commission on the Future of Legal Services** recently published a report, ***The Future of Legal Services in the United States***, which provides a dozen recommendations on how to improve the delivery of legal services that are addressed to courts, bar associations, law schools, legislators, and the legal profession. See [http://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport\\_FNL\\_WEB.pdf](http://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport_FNL_WEB.pdf).
- **A Report and Recommendations to the Conference of Chief Justices by the Civil Justice Improvements Committee, CALL TO ACTION: Achieving Civil Justice for All**, released in August 2016, is available at <http://www.ncsc.org/Microsites/Civil-Justice-Initiative/Home/CCJ-Reports.aspx>.

- **Richard Zorza's Access to Justice Blog** available at <http://accesstojustice.net/>; and the Self-Represented Litigation Network available at <http://www.srln.org/>.
- More information about national developments is available on the NCCRC website at <http://civilrighttocounsel.org/>.
- **Justice Index Links:**
  - Justice Index, [www.justiceindex.org](http://www.justiceindex.org)
  - Justice Index coverage in media and reports, <http://justiceindex.org/category/news/>
  - Justice Index downloadable documents, <http://justiceindex.org/2016-findings/>
  - National Center for Access to Justice, [www.ncforaj.org](http://www.ncforaj.org)
  - Link to Press Release, [Justice Index Team to Receive ABA Pro Bono Publico Award on August 12, 2017](#)