

**TRIAL COURT RESEARCH AND
IMPROVEMENT CONSORTIUM**

**Report on the Programs to Assist Self
Represented Litigants
of the
Baltimore City Circuit Court
of the State of Maryland**

Final Report

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Introduction and Overall Conclusions

This Report is an evaluation of the programs to assist self represented litigants in the Circuit Court of Baltimore City, Maryland. The Report was prepared as part of the Trial Court Research and Improvement Consortium *Pro Se* Assessment Project, funded in part by the State Justice Institute,¹ and uses an Executive Assessment Tool developed by the Project. This individual evaluation is intended to provide concrete feedback and suggestions to the management of the Baltimore City Circuit Court, to be part of an assessment of the Family Law Pro Se Assistance Projects of the Maryland judicial branch, and to be part of creating a general picture of *pro se* litigants and *pro se* innovation throughout the country produced from similar assessments in nine courts in five states.²

This report is prepared early in the process of the nine court assessment program and includes comparative data for only five additional courts. However, a comparison of the performance of programs in Montgomery County with those in Hennepin County Minnesota and in Harford, Montgomery, Prince Georges, and Worcester Counties in Maryland shows that litigants rate the services provided to them in Baltimore City highly. For the most part they rate the performance of the court as a whole highly as well. However, less than half of the self represented litigants interviewed after a court hearing reported using the program.

The county has one primary program to assist self represented litigants – the Pro Se Litigation Project of the Legal Aid Bureau. The program is provided under contract with the Circuit Court, located in the courthouse, and staffed by two full-time paralegals and one or more rotating attorneys. One of the paralegals is fluent in Spanish. The program provides services five days per week from 9:00 am to 3:00 pm (closing the doors for new clients at 2:30 pm). Services are provided only on a walk-in basis, not by telephone, in the courthouse. Services are limited to persons qualified under Legal Services Corporation income guidelines. Some clients will be referred to the Legal Aid Bureau office two blocks away for full representation; similarly, some Legal Aid Bureau

¹ The Project is funded by SJI grant no SJI-03-N-104. Opinions expressed are those of the authors and not of the State Justice Institute.

² This evaluation was conducted by John M. Greacen, an independent consultant, and by Paula Collins, Public Access Services Administrator of the Maricopa County Superior Court, Phoenix, Arizona, where she is responsible for the court's Self Service Center, Family Violence Prevention Center and downtown Information Center.

The two evaluators spent four working days at the court. The observations and stakeholder interviews they conducted were supplemented by extensive staff-conducted surveys of litigants, judges, court staff, and users of the programs to assist self represented litigants. Court observations were also conducted by judges and court staff.

clients are referred to the Pro Se Litigation Project in the courthouse when assisted self-representation is the appropriate service to be provided.

The Pro Se Litigation Project staff provide legal information, not legal advice, to persons seeking their services; they prepare forms and provide information. The program provides services are valued highly by the litigants – both at the time of delivery of services and after court hearings. For the most part, litigants also rate highly the performance of the judges and staff in court hearings and trials. Both judges and in-court observers rate positively the ability of self represented litigants to handle their cases in the courtroom.

Paradoxically, the highest level of support for the program comes from the lawyers and the lowest from the judges and masters. Fewer than half of the court staff are satisfied with the program; this contrasts sharply with the support of court staff in the other five courts surveyed to date, which ranged from a low of 83% to a high of 100% satisfaction. The primary complaint of staff is that the Pro Se Litigation Project fails to meet the needs of the litigants, who return to the Clerk of Court’s office to ask for the same or additional information.

The court provides a variety of services for litigants involved in family law matters and for their children. Particularly impressive are its services to couples and their children who have never lived together as families.

Pro Se Assistance Programs in Maryland receive significant support from the Maryland Court of Appeals, its Chief Judge, and the Administrative Office of the Courts.

Overall History and Description of Programs

The programs to assist self represented litigants (SRLs) in Baltimore City have developed in the context of significant revisions in the way in which family cases are handled. Over fifteen years ago the Maryland legislature considered creating a separate family court with judges and staff dedicated exclusively to family and juvenile cases. The Maryland judiciary opposed the creation of separate courts, but reached a compromise with the legislature – the Court of Appeals would through internal orders direct each court to establish a Family Division appropriate to the needs of its county. Family Divisions came into being in 1998. Significant additional state funding has been provided by the legislature and funneled by the AOC to each circuit to assist in enhancing family court services. During this same time period, reorganization of the child support enforcement program within the state has created a strengthened executive branch entity with the authority to hold administrative hearings on child support modification and enforcement, reducing somewhat the burden of these cases on the state courts. The Foster Care Court Improvement Project has simultaneously focused attention on juvenile dependency and neglect cases.

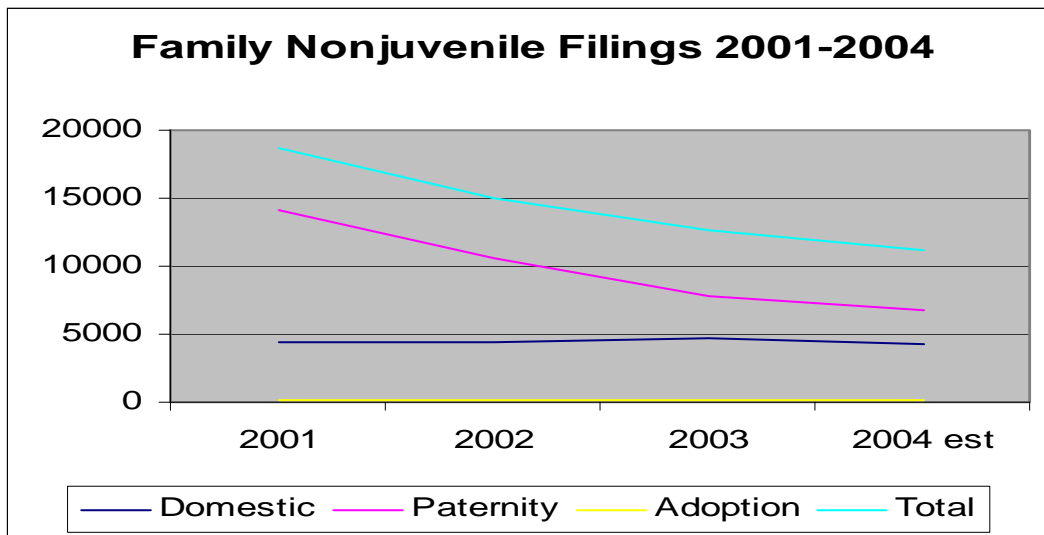
Most domestic violence matters and landlord/tenant and small civil matters involving amounts in controversy up to \$30,000 are handled in Maryland’s court of

limited jurisdiction, the District Court. The authors did not visit the District Court to view its operations.

In 2002, the Maryland Judiciary marked the maturing of the Family Divisions by publishing Performance Standards and Measures for Maryland’s Family Divisions. The Maryland AOC Department of Family Administration produces an annual report of the Maryland Circuit Court Family Divisions and Family Services Programs. The authors have benefited from the opportunity to review these documents.

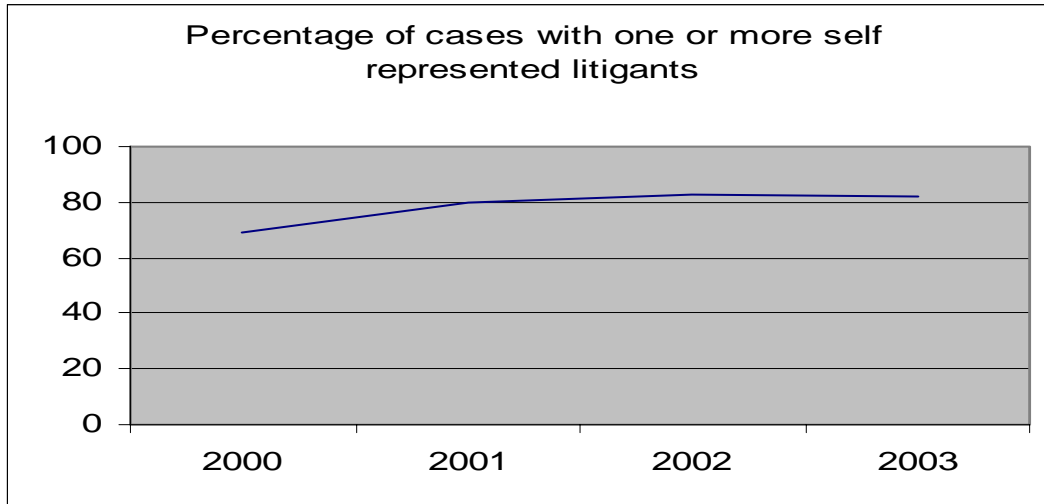
Baltimore City has a population of almost 650,000. Its population is decreasing at the rate of roughly 1% per year. The county has a median household income of \$30,078, less than half of that in Montgomery County and less than 60% of the statewide average. 22.9% of the population lives below the federal poverty standard, compared to 8.5% for the state as a whole. Over 64% of the city’s population is black, more than twice the statewide average. However, only 4.6% are foreign born (half the statewide average), fewer than 8% speak a language other than English in the home (compared to almost 13% statewide) and fewer than 2% are of Hispanic or Latino origin. In sum, Baltimore City is typical of many US cities with a large proportion of poor citizens with many needs and relatively few resources with which to meet them. On the other hand, it does not have the same extent of multicultural challenges facing some other Maryland communities.

The table below shows that the total number of family case filings has fallen significantly over the past few years, largely due to decreased numbers of paternity actions. The court believes that the change in paternity filings is related to a change in the contractor retained to collect child support payments in Title IVD cases. The number of domestic relations cases has remained almost constant.

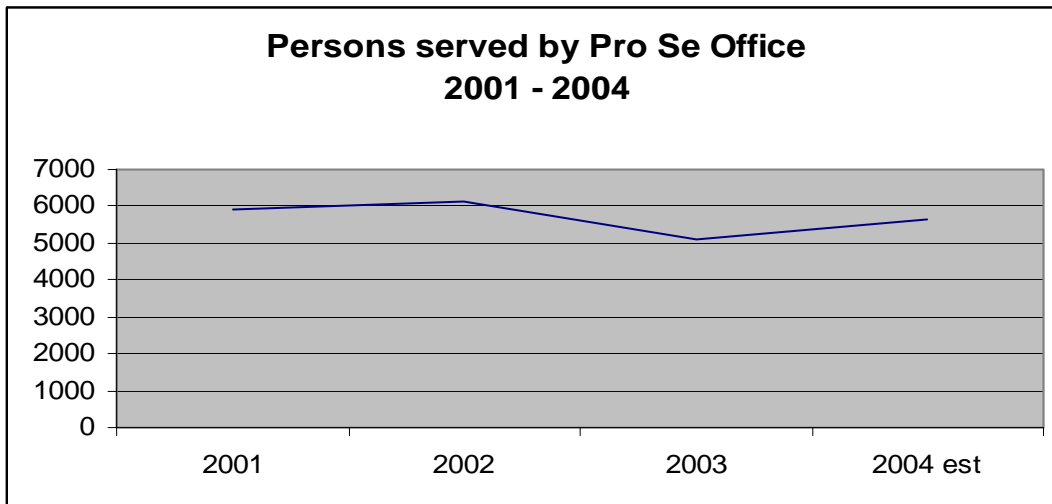


The court's caseload is unique in that 63% of active custody, visitation, and child support cases reviewed by the Associate Administrator in 2002 involved parents who had never been married.

The percentage of cases involving self represented litigants increased until 2001 but has remained relatively constant over the past three years at 82 to 83%.



By contrast, the number of persons visiting the Pro Se Office has shown a decrease since 2002. The numbers served in the current year are 8% below the peak in 2002.



To understand the operation of the Pro Se Office, it is important to view it within the context of the Family Division's overall operation.

The Family Division. The Circuit Court has 30 full time judges. The Family Division consists of 3 judges, lead by a judge in charge. Judges are assigned to the

Division for a twelve month rotation. Of the 30 current judges, the Administrative Judge estimates that only 10 would be willing to accept a family assignment. For the most part, the court has adopted the practice of assigning newly appointed judges to the Family Division.

One of the three judges is assigned to the Domestic Miscellaneous calendar which includes paternity and child support matters. The other two handle the Equity calendar which includes all divorce, custody, visitation, and other family law matters. The division between Equity and Domestic Miscellaneous cases is one of very long standing in Baltimore City, arising from federal funding support for the paternity/child support cases. The cases are maintained on different computer systems. In the past the cases were handled by separate clerks offices and they and the judges handling the calendars were housed in a different building from the Equity judges and clerks. The Family Division is now housed in the same building and two clerks offices are co-located, though they maintain separate staff, separate computer systems, and separate filing systems. In the past year, the Division has ensured that Domestic Miscellaneous cases are eligible for general Family Division social services such as drug testing and custody assessments.

The Baltimore City Circuit Court is organized differently from other circuits visited. The court administrator handles exclusively administrative matters such as facilities and budgets. Caseload management is the responsibility of four Associate Administrators, who report to the judge in charge of their respective divisions, who in turn report to the Administrative Judge.

The Family Division has three full time masters located in the courthouse and three part time master examiners who operate from their own law offices. The masters are appointed by the court. Masters have only the power to recommend decisions for approval by the circuit judges. They do not wear robes in the courtroom. They do not have the power to sanction persons for contempt. Two of the full time masters hear all scheduling conferences, all uncontested divorces and all contested divorce matters that will take a day or less to try. The third handles all requests for temporary domestic violence orders, emergency petitions, and a variety of scheduling conferences, modification and other contested hearings. At the end of a hearing, the master issues a proposed order. Parties have ten days in which to file exceptions to the order. Otherwise the order becomes final and is signed by a circuit judge.

The master examiners take testimony in uncontested matters³, prepare summary reports for the judges, and prepare proposed divorce orders which are signed by a judge when the time for filing an exception has expired. The master examiners are paid \$125 per case by the parties for their services. If the court waives all fees in the case, the master examiner is uncompensated for that case; on the other hand, the court has asked the master examiners in those instances to institute a further inquiry about the parties'

³ Maryland family law requires a party to plead and prove the grounds for divorce, including the presentation of a corroborating witness competent to testify to all elements of the grounds plead. Such testimony is required for any divorce, even one obtained by consent or default.

means at the time of the hearing and to impose the \$125 fee if warranted. A party may decline to have a case referred to a master examiner; in that case the matter will be scheduled before a judge or full time master.

The circuit judges are on a master calendar system. Their assignments are made by a central calendaring unit. Cases may be permanently assigned to a judge but this is not the norm. In 2002, the court resolved 74% of family cases within one year, compared to the state standard of 90% of cases resolved within that period. 93% of cases were resolved after two years, compared to the statewide standard of 98%. Baltimore City had the second poorest case disposition record on the one year standard and the third worst record on the two year standard. The court staff do not use the automated calendaring capabilities of the UCS system, perhaps because of the bifurcation of Equity and Domestic Miscellaneous cases on different computer systems. The court also does not overset its calendars.

Family Division Associate Director reviews all cases when the time for filing an answer has expired. She assigns them to different tracks. The default and uncontested cases are referred to one of the master examiners, who will prepare an order including a custody award and “reasonable visitation” in cases involving minor children. Establishment of more detailed child custody and visitation orders, child support and property awards are done in these cases by judges. In contested cases, the Associate Director completes a Case Management Sheet noting the issues in the case (including the existence of other pending cases, alleged substance abuse, and domestic violence), issues orders for co-parenting education followed by mediation in appropriate cases, requests dates for scheduling conferences, and makes recommendations to the masters conducting scheduling conferences concerning other service referrals.

In addition, the Associate Director interviews all self represented litigants seeking emergency hearings and prepares and presents recommendations on these cases to the Special Master. If no answer has been filed within the period provided by law, the case manager prepares a written notice to be handed to the plaintiff at the scheduling conference describing the process for obtaining an order of default and a subsequent order of divorce. If the plaintiff takes no action, a follow up notice is sent by mail. Case managers conduct additional file reviews 14 days before a pendente lite hearing, 14 days before a settlement conference, and 45 days before trial. If the case manager identifies a defect in the filings or the processes followed, s/he will call or otherwise notify the affected party in sufficient time to remedy the problem and avoid having to postpone the hearing or trial.

Family Division provides five major staff services – alternative dispute resolution, Medical Office custody and visitation evaluations, drug testing and psychological examinations, Social Services Coordinator crisis intervention and special needs assessment and referral, domestic violence prevention support, and parenting plan development assistance.

Appropriate cases are scheduled for formal mediation sessions at the Sheppard Pratt Institute. These sessions consist of two two-hour structured segments. The litigants share the cost of these sessions. Roughly half of cases referred to this formal mediation are resolved. The court is experimenting with an alternative program for cases in which the parties cannot afford the Sheppard Pratt services. A professional mediator is hired to come to the courthouse to meet with parties referred by masters during scheduling conferences. In a third ADR program, volunteer lawyers come to the court twice a week to meet with parties to attempt to settle contested issues in cases not referred to mediation. 51% of the cases in which settlement conferences are held reach full or partial agreement on disputed issues.

The court's unique Medical Services office performs custody and visitation evaluations at the request of a judge. It also performs psychological assessments and drug testing .

The Social Services Coordinator provides crisis intervention, participates in scheduling conferences and other court hearings at the request of the judge or master, and arranges for additional services on an as needed basis – finding community service providers willing to provide them at no cost or for a reduced fee.

The court's domestic violence program is quite sophisticated. Social work interns from the University of Maryland School of Social Work meet with persons coming to the court seeking protection from child or domestic abuse. The interns help abuse victims file *ex parte* petitions for temporary protection orders. When temporary relief is granted, abuse victims are provided free legal representation during the hearing on a permanent order by the Protective Order Representation Project (PORP), a project of the Women's Law Center. The court works closely with a dedicated domestic violence unit of the Baltimore Police Department.

In a pilot project begun earlier this year, the court is conducting a controlled experiment in which parties in 50 cases involving contested custody or visitation issues are required to work with a court staff person to agree to, prepare and submit a written parenting plan. The court is also following the progress of 50 comparison cases involving the same sorts of issues. The study will compare the time required to process the two groups of cases, the case outcomes, and the likelihood that the cases in either group will return to court for custody or visitation modification.

The court provides a variety of educational seminars. Co-parenting education seminars (COPE) are provided by the Sheppard Pratt Community Education Programs under contract with the court. SHAPE seminars are designed for parents who have never been married. Parallel programs are offered for children involved in divorce cases (Kids COPE) and paternity cases (Kids in SHAPE).

A unique service offered by the court is two fully equipped waiting rooms for children. The children's waiting room is available for children whose parents are attending court; it is staffed by a full time court staff member. The parents' waiting room

is an area with tools and books for children who are waiting with a parent or other adult supervisor. This program greatly assists both the litigants and the judges and court staff in conducting the business of the family court. And it assures that children will not be affected negatively by the interactions of parents during court hearings.

The circuit court library is located in a different building. Its purpose is to serve the judges, masters and local bar. It is generally not accessible to self represented litigants.⁴

The Clerk of Court. The Clerk of Court has a separate family division located down the hall from the Pro Se Litigation Project. participates actively in the court's program to assist self-represented litigants. Front counter clerks give out forms after discussing the matter sufficiently to be able to decide what form to provide. They will also answer general information questions. The Clerk's Office staff handle most of the public telephone inquiries, answering all that they are able to and referring others to the case managers in Family Division Services or advising the caller to come to the courthouse to meet with Pro Se Project staff.

The Clerk herself is extremely attuned to the needs of the public for assistance from court staff. Among her employees she currently has staff able to speak seventeen foreign languages.

The Pro Se Litigation Project. The Pro Se Litigation Project began – like several others in Maryland – as a project of the University of Maryland law school in 1995. Students of Professor Michael Milleman would come to the courthouse and provide assistance to self-represented litigants. The program suffered from gaps in coverage – during vacations and exam periods in particular. The local Legal Aid Bureau took over responsibility for the project to remedy those problems. It has operated the program under contract with the court since 1999. In recent years, the state has required that the contract be subject to the competitive procurement process; each year the LAB has been the winning bidder.

The staffing for the program has remained relatively stable over time – two paralegals and a rotating lawyer from the Family Law Division of the LAB. The project is managed by the managing attorney for the Family Law Division. The project is structured to provide legal information to persons meeting the LAB's financial eligibility standards. The LAB management has considered having the rotating attorneys enter into a limited attorney-client relationship (limited both in time and in the objective of the representation) with persons seen at the courthouse. That approach has not been pursued for several reasons. First, all persons within the office – the lawyers and paralegals – can provide legal information. Only the lawyers could give legal advice, meaning that clients seeing different staff members would receive different levels of service. Further, the office would need to include persons seen at the courthouse in its conflicts data base;

⁴ Given the lower than statewide average educational attainment of Baltimore City residents, we do not suggest that development of the law library as a resource for independent legal research by SRLs would be a worthwhile investment.

when one party to a case had been a legal client either in the main office or at the courthouse, the other side could not be. The services rendered by the office would be limited to the first party to seek help. Finally, the LAB serves as guardian ad litem for a number of children in family law cases involving highly contested custody issues or serious questions of fitness of one or both parents. These representational relationships would further limit the parties who could be seen at the LAB's courthouse office.

The LAB faces an additional issue not faced by programs staffed by lawyers who are court employees: the lawyers serving in the program also appear regularly before the court as advocates for Legal Aid Bureau clients. At some point a fairness/impartiality issue might be raised by opposing counsel in those cases if the LAB lawyers were seen to develop too close a relationship with the judges and masters arising out of their separate role with the court. For example, in Arizona lawyers are appointed as judges pro tempore who have the authority to serve as temporary judges. Judges develop a relationship with a judge pro tem who "fills in" to handle the judge's calendar when the judge takes leave to attend a training program or for vacation with her or his family. An opinion of the Arizona State Bar ethics counsel bars these judges pro tem from appearing as advocates before the judge for whom they serve as "substitute judge" because the relationship is seen as too close for the judge to appear to be neutral and impartial.

The Project screens all applicants for services for financial eligibility, based on a financial information form completed by the applicant.⁵ Uneligible persons are provided with relevant forms and basic information needed to complete them. So, no one is turned away without assistance of any kind because of financial means.

The lawyers serving in the Project are members of the Family Division of the LAB. As part of its duties, the division staffs the statewide Family Law Hotline three days a week. The other two days it is handled by the Women's Law Center.

Persons seeking services sign up on a list maintained at the front counter in the office and wait in a large waiting room for a staff person to become available. They are brought into the office and seen in a one-on-one relationship with a paralegal or lawyer, whoever is next available. The lawyer is available to answer questions that the paralegals may have. However, both of the paralegals have worked at the LAB office since it opened. After six years, there are very few questions that have not already been asked and answered. Staff require the client to sign a waiver form which spells out the nature of the relationship; this may be done at the beginning or end of the session.⁶ Staff

⁵ It would theoretically be possible for the LAB to impose a different financial screening standard for clients seen at the court under the court contract from that used for clients served with Legal Services Corporation funding. However, it would then require the LAB to strictly limit the resources used in the courthouse project to the funds provided by the court contract. That is not done today; the LAB chooses to send all clients for whom assisted pro se services are appropriate to be handled by the court program and assigns additional staff attorneys to the courthouse as needed to handle the workload that results.

⁶ We note parenthetically that this should invariably be done at the beginning, not the end of the session. It is a basic principle of the law of legal ethics that the nature of the lawyer-client relationship is set by the reasonable expectations of the client, not the actual expectations of the lawyer. Therefore, if the

diagnose the issues presented by the client, identify an appropriate form, and complete the form for the client, using the information provided by the client. Staff often affix “sticky notes” to various forms prepared to remind the client of what to do with them; for instance, “file with Clerk of Court,” “attach to summons to be issued by Clerk of Court and serve on defendant,” “keep for your records.” The staff also provide standard information forms on topics such as service of process and proving the grounds for divorce.

If a case is perceived to be complex, the client is referred to a variety of potential sources for obtaining a lawyer. However, staff do not generally assist with discovery, rarely give advice on trial preparation, and never give strategic or tactical advice on how to obtain an advantage over the opposing party.

All services are provided in person. No telephone inquiries are entertained. All phone calls are taken by the Clerk’s Office or by staff in Family Division Services. Clients are served strictly in the order in which they sign in on a list maintained for each day. The door to the waiting room is locked at 2:30 in the afternoon to ensure that all persons waiting will be seen that day. The graph on page 4 shows the demand for the project’s services peaked in 2000. However, we observed that project staff are under pressure to limit their time with any one client in order to be able to serve a maximum number of persons each day.

The Project limits its services to family law matters. It does not prepare name change applications nor guardianships. It does prepare fee waiver applications. And it does prepare paper work to enforce or modify child support. There is a Baltimore City Office of Child Support tasks with the same job. Legal appearances on behalf of custodial spouses are made by the local prosecuting attorney’s office. The Project staff provide an opportunity to circumvent the established structure for instituting these actions. However, the county attorney and the court support the existence and availability of such an alternative process. The BCOCS is chronically behind in its activities. Having it be possible for a distressed parent to gain access to court more timely than the official programs would allow may well be beneficial. However, at some point, the availability of the “end run” filing process may overwhelm the prosecutor’s ability to assign priority to the most serious cases. It will be important for the Project, the judges, masters, and Associate Director to meet regularly to discuss this issue to make sure that the Project’s services continue to be a useful addition to and not a subversion of the “official” child support enforcement process.

The program staff do not work closely with the staff of the Clerk of Court, the judges, masters, and other service providers in the courthouse. In contrast to our observations in other Maryland courts, the program staff tend to stay to themselves, do not consult regularly with judges and masters, and do not visit widely within the courthouse in the course of the day. We found that many of the court staff are ignorant of the role of the Project and the services provided. For instance, when we asked a judge

relationship is not defined at its inception, it might be a lawyer-client one due to the uncorrected perception of the client.

who had served on the court for six months how he rated the services performed, he had to ask us what they do. This works in reverse as well; project staff reported that the court staff do not keep them informed of changes; it was some time before the project staff knew of the recent filing fee change. It seems clear to us that the Project’s primary relationships are with the Legal Aid Bureau two blocks away from the courthouse and not with other courthouse personnel.

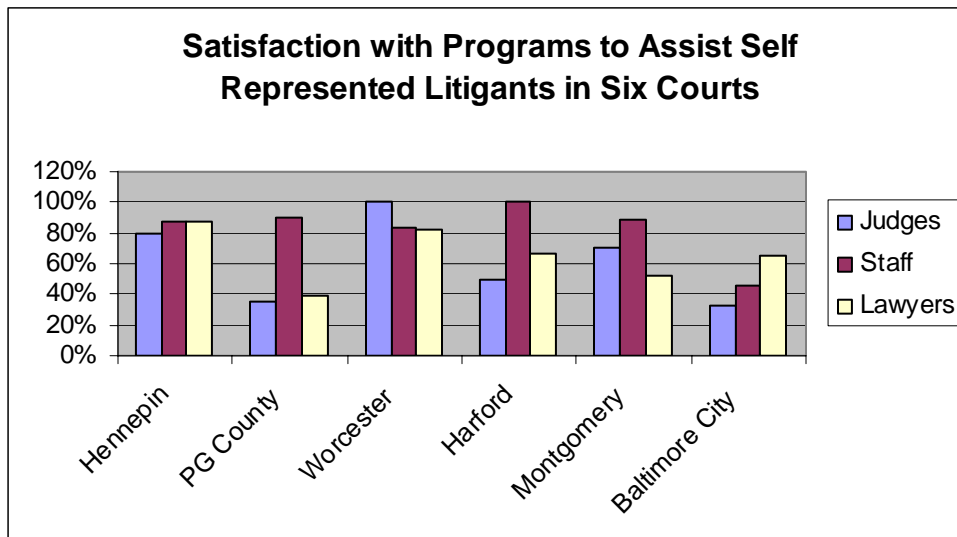
The Project budget last year was roughly \$109,000, including only salaries and benefits. It served 5630 clients for a per client cost of \$19.34.

Bar Pro Bono Program. Very few family law practitioners are willing to take pro bono cases. This is the largest group of cases for which poor people seek free representation and family bar members are unwilling to take on the full load of this representation. However, the bar provides a variety of volunteer services to the court in the form of settlement conferences discussed earlier.

Results of Stakeholder Research and Data Gathering

Approximately 40 stakeholder interviews, of judges, masters, clerks, bar association partners, court administrators, program staff and bar volunteers, as well as a variety of surveys completed by judges, court staff and lawyers, support the following conclusions:

- The court’s judicial and administrative leadership and bar leadership strongly support the programs to assist SRLs.
- In the surveys, 33% of judges, 46% of court staff and 65% of lawyers said they are “satisfied” or “very satisfied” that the program has made their jobs easier. The satisfaction ratings for all six courts studied to date are set forth below.



- Fewer than half of the court staff surveyed believes that the Project has made their work easier. This is very different from the staff response in other courts surveyed. Levels of staff satisfaction are consistently very high elsewhere; in fact, it seems rather obvious that court staff would support any program to which they could refer persons with more complex or involved questions. Our interviews with court staff reinforce the survey results. There is a high level of frustration with the apparent failure of the Project to answer fully the questions of the SRLs; the SRLs return to the Clerk of Court’s office with the same or other questions.
- Judges reporting observations of SRLs in the courtroom generally reported that they provide completed forms, present evidence and witnesses required, are able to “tell their stories,” and more or less have reasonable expectations. Most of these observations were conducted by masters.
- Judges responding to questionnaires reported generally that SRLs fail consistently to perform the above functions competently. Only one third of the judges and masters are satisfied with the Project – a score as low as any observed in any other court. Support comes from the perception that greater access to the court is positive and that providing better filings materially helps the court by saving time that would otherwise be spent in wasted hearings that could not proceed because filings are defective. Opposition comes from a sense that the program is good only for simple, uncontested cases involving limited or no property and a perception that the court is representing by sponsoring the program that persons are able to handle more complicated cases without legal representation.
- Self represented litigants themselves report highly favorable ratings of the services provided by the Project, both at the time they are received and after a court hearing. The overall satisfaction rating is the highest of any court assessed to date. The additional satisfaction ratings in the table below compare very favorably with those in other courts assessed. In particular, the program gets the highest rating to date on time spent waiting to be served.

**Comparative Ratings of Programs by SRLs in Six Courts
(5 point scale with 1 being highest)**

Question asked of litigants	Hennepin County, MN	Prince Georges County, MD	Worcester County, MD	Harford County, MD	Montgomery County, MD	Baltimore City, MD
Overall satisfaction with program	1.59	1.45	1.3	1.14	1.16	1.06
Information helped me understand my situation	1.64	1.52	1.52	1.21	1.2	1.30
I know what I need	1.66	1.49	1.52	1.34	1.24	1.32

to do next						
Staff knowledgeable	1.49	1.35	1.39	1.21	1.12	1.20
Staff listened	1.51	1.35	1.35	1.21	1.16	1.24
Staff explained things clearly	1.54	1.37	1.35	1.28	1.24	1.24
Staff treated me with respect	1.44	1.35	1.3	1.17	1.1	1.14
I did not have to wait a long time	1.77	1.35	1.52	1.59	1.84	1.18
I would recommend the program to a friend	1.48	1.37	1.17	1.31	1.16	1.20

Readers should use caution in using and drawing conclusions from the above table and the table that follows. The results may be affected by the following factors: that the data is drawn from small numbers of surveys (courts were asked to obtain completed surveys from 50 program users, but smaller courts were not able to do so); that some programs provide services only for family law matters and others (e.g., Hennepin County) provide services covering multiple case types; that courts used different data collection methods (who did the interviews, whether they were they identified as court staff members); and that the particular laws and rules of a state impact how complex or simple the forms are, and may therefore impact the customer satisfaction level with the forms and instructions.

Ratings of specific services provided are also very high; the program received perfect scores on the services it provides.

**Comparative Ratings of Services Provided to SRLs in Six Courts
(3 point scale with 3 being highest)**

Question asked of litigants	Hennepin County, MN	Prince Georges County, MD	Worcester County, MD	Harford County, MD	Montgomery County, MD	Baltimore City, MD
Forms	2.84	2.80	3.00	2.96	2.95	3.00
Written instructions	2.72	2.76	3.00	2.83	2.97	3.00
Staff answer questions	2.90	2.89	2.95	2.92	2.94	3.00
Translation assistance	3.00	2.96	na	3.00	3.00	3.00
Workshop	3.00	2.95	na	na	na	na
Prepare for court hearing	2.77	2.83	3.00	2.63	2.78	na
Following up with court orders	2.80	2.93	3.00	3.00	2.84	na
Educational materials	2.67	2.80	2.80	2.67	2.86	na
Where to get more help	2.83	2.78	2.90	2.83	2.85	3.00
Met with attorney (not court staff)	2.85	2.68	3.00	3.00	2.95	na

Referred to an attorney	2.25	2.74	3.00	3.00	2.77	na
Help using computer	2.33	2.75	na	na	3.00	na
Made an appointment	3.00	2.82	na	na	2.00	na

- For the most part, litigant ratings of their experience in court were in the lower range of courts surveyed. In particular, the perception of the fairness of the judge's ruling was lower than other courts. Although comparatively low, these scores are nonetheless high on an absolute scale, with most scores averaging at 4.0 or higher on a 5 point scale.

**Comparative Ratings of Court Processes by SRLs in Six Courts
(5 point scale with 5 being highest)**

Question asked of litigants	Hennepin County, MN	Prince Georges County, MD	Worcester County, MD	Harford County, MD	Montgomery County, MD	Baltimore City, MD
Felt prepared	4.19	4.21	3.00	4.13	4.63	4.12
Judge treated you with respect	4.66	4.79	5.00	4.36	4.91	4.45
Staff treated you with respect	4.67	4.91	5.00	4.44	4.91	4.47
Judge cared about your case	4.42	4.52	5.00	4.18	4.74	4.25
Judge treated everyone in court fairly	4.6	4.71	5.00	4.44	4.89	4.20
Able to tell the judge everything s/he needed to know	4.18	4.42	4.25	3.72	4.69	4.01
Did a good job representing yourself	4.02	4.64	4.50	4.12	4.74	4.29
Understood the words used	4.61	4.91	4.00	4.38	4.81	4.49
Can explain the outcome of the hearing	4.87	4.26	4.25	4.41	4.81	4.36
Outcome favorable	3.76	4.53	4.00	3.85	4.84	3.74
Judge's ruling fair	4.18	4.62	4.00	4.19	4.89	3.97
Satisfied with what happened today	4.08	4.48	2.00	3.92	4.89	3.81
Do you have more respect for the court system	3.79	4.09	4.00	3.49	4.8	3.73

Readers should use caution in using and drawing conclusions from the above. The results may be affected by the following factors: that the data is drawn from small numbers of surveys (courts were asked to obtain completed surveys from 50 program users, but smaller courts were not able to do so, viz Worcester County, MD which collected only four surveys); that the surveys may have been conducted of litigants coming from different sorts of hearings (for instance, the Maryland data came exclusively from family law matters while the Hennepin County data came from multiple case types; further, most Maryland courts focused their data gathering on cases before masters, which are likely to be simple and uncontested); that state laws impact the difficulty of proving a case (e.g., Maryland law requires proof that the parties have been separated for a period of one or two years, without cohabitation or intercourse, and corroboration of that proof; other states require no grounds for divorce; consequently one would anticipate more problems at the hearing for an uncontested divorce in Maryland than elsewhere); and that in a small court, one judge's practices might affect the score for the court as a whole (for instance, the Administrative Judge's practice in Harford to limit testimony in perfunctory matters may produce that court's relatively low score for a litigant's ability to tell the judge everything s/he feels the judge should know).

- Lawyers report in the surveys that SRLs do not perform well in the courtroom. But two thirds of the lawyers surveyed are satisfied or very satisfied with the Project. Our discussions with bar leaders were consistent with the survey results. They report no complaints from bar members about the project or about the court's attempt to assist SRLs. Although there some complaints that judges unduly favor SRLs in the courtroom, most lawyers do not resent the judge's efforts to ensure that an SRL is able to present the evidence s/he has, any more than they resent the assistance judges give to poor lawyers who are jeopardizing their clients' interests. The primary complaints of the lawyers are:
 - that the masters and judges let SRLs get away with noncompliance with discovery requirements;
 - that SRLs are very difficult persons with whom to negotiate. They are often distrustful of lawyers and refuse to discuss settlement. Lawyers have learned that they must record their offers in writing and have witnesses to oral communications with SRLs.
- Although the Clerk of Court is not aware of the day-to-day operation of the Project, he is extremely supportive of its purpose.
- Only 44% of litigants surveyed following court proceedings reported that they had used the services of the project. Three of the four other Maryland programs reported usage rates of over 70%; the fourth stood at 60%. It seems apparent that something unusual for Maryland happens in Baltimore City. This issue consumed much of our attention during the site visit. Persons we interviewed had a variety of suggested explanations:

- the survey results are not believable;
- the project's financial screening limits the number of persons it can serve (the Project staff believe that they turn away fewer than 20% of all applicants for service)
- the fact that the project does financial screening discourages persons from seeking their help;
- potential users are deterred by long lines of persons waiting to be served;
- waits are so long that litigants give up and go home;
- the limited hours of the project reduce its use.

We suggest still other factors:

- the project is not visible; it is not centrally located, its signage is very small; the availability of services for self represented litigants is not promoted by the court in the community; and
- the court personnel are not familiar with the services rendered, are not satisfied with those services, and therefore are less likely to refer litigants to the program.

The results summarized above are quite ironic. While litigants give the program the highest overall satisfaction rating of any surveyed and also gave it the highest rating for “knowing what to do next,” court staff report that persons return in large numbers from the Project to the office of the Clerk of Court to obtain the same or additional information. Despite the very high approval rating by litigants, a very low proportion of litigants actually use the program's services. One explanation given for the low usage rate is the long waiting time experienced; litigants rate the waiting time as shorter than any other program surveyed. Judges and staff (who are usually very supportive of these programs) both report very low satisfaction levels with the program's performance. Lawyers, who often oppose these programs, report generally supportive satisfaction ratings.

Program Strengths

We have identified a number of strengths of the programs in the Baltimore City Circuit Court.

The Pro Se Litigation Project staff are experienced, capable, diligent and effective. The project benefits from continuity of staffing without any signs of staff burnout. Because the Project is conducted by the Legal Aid Bureau, there is a very high level of integration of the court's program with the other family law efforts of the LAB. The LAB provides resources to the Project beyond the level of effort paid for by the court's contract.

The Project produces high quality forms and information. It has very high litigant satisfaction ratings. Its bilingual capability is the only available within the Family Division staff.

The staff are able to identify cases where attorneys are critical and provide referral information.

The court has very strong co parenting education programs. Its attention to the special needs of parents and children produced without any significant prior relationship between the parents is laudable. The domestic violence prevention and intervention programs are particularly strong, enjoying the support of a special unit of the Sheriff's department. The child care facilities are very impressive.

The Family Division has a basic case management program. It provides extensive opportunities for the parties to resolve their disputes voluntarily and amicably through mediation and settlement conferences.

The Project enjoys strong support from the court's leadership and from the local family law bar. It also enjoys strong state level support from the Court of Appeals, from the Chief Judge, and from the Administrative Office of the Courts. That support is reflected in

- Stable, reliable funding. We are assured that the legislature's commitment to continuing support for these programs is solid and reinforced by the Chief Judge's and state judiciary's advocacy on their behalf.
- Mandatory pro bono reporting. The Court of Appeals last year required all members of the Maryland bar to report annually the number of hours devoted to pro bono services. While bar members are under no obligation to perform pro bono work, the new requirement appears to have increased the amount of pro bono activity within the bar.
- Statewide interactive forms. The judiciary's website contains statewide forms, instructions and information sheets for typically used family law matters.
- Statewide best practices. The AOC is developing a report recommending best practices for programs to assist SRLs.
- Statewide hotlines for family law issues and for assistance in forms completion.
- Peoples Law Library. This website, developed by the state's legal services community, includes extensive materials for the SRL, including an innovative assessment instrument to gauge the likelihood that a person can successfully represent him or herself in a family law matter.

Suggestions for Improvement and Enhancement

We have identified a number of general areas in which we believe that improvement is possible. Most of these are amplified in the detailed recommendations appearing at the end of this report.

We make several recommendations for the state of Maryland – to adopt a statewide definition of legal information and legal advice, to provide training to support judges with their changing role in dealing with SRLs, to revise materials to include cautions regarding alimony, pensions, monetary awards, and other property so that SRLs do not inadvertently abandon their rights in marital property, to develop materials to assist SRLs prepare for contested hearings and trials, and to develop forms and materials on additional topics.

We suggest that the court assume responsibility for the Pro Se Litigation Project as a staff function. Despite the positive aspects of the current relationship with the LAB, we believe that there more significant drawbacks, including the low usage rate of the program by self represented litigants, the means testing of applicants for services, limited program hours, and lack of satisfactory coordination and cooperation between the program and the judges, masters and staff of the court.

The court should take a series of steps to increase the visibility, and hence the use of, the project.

The project should experiment with new service delivery approaches.

The project should focus on the comprehension of information provided to clients.

The project does not currently provide assistance to litigants in preparing for hearings and trials. We recommend that it develop materials setting forth the issues to be addressed and the sorts of evidence needed to prove them.

The project should provide more post-judgment assistance to SRLs.

The court needs to integrate all cases and calendars into a single Family Division system – combining the historically separate “equity” and “domestic miscellaneous” processes.

The court needs to improve its calendaring process for family cases and enhance further its proactive case management of cases involving SRLs.

We suggest that the project staff institute regular meetings with other legal services providers to share information.

The court should consider expanding the services offered to include issues such as guardianship, name change, etc.

The project staff need to be supplied with computers; SRLs and others need public access terminals in the courthouse.

We recommend the creation of a referral form for judges, masters and court staff to use in sending SRLs to the project staff, so that they will know what services the referrer thought appropriate.

Compared to other SRL programs in large jurisdictions, the Baltimore City Family Division lacks resources. Additional resources will be necessary to accomplish many of the recommendations we make.

Specific Programmatic Characteristics

The TCRIC Executive Assessment Instrument identifies eight specific areas on which this assessment must focus some attention.

Goal Alignment

Goal alignment is the extent to which the activities of everyone within the court agrees upon the same purposes, objectives, and values for serving self represented litigants, and pursues them consistently in the course of their everyday work.

The program appears to maintain very strong goal alignment with its parent institution, the Legal Aid Bureau. The attorneys and paralegals fully understand to goals and values of the legal services programs and the Family Law Hotline.

Unfortunately, the program suffers from a general lack of coordination and involvement within the larger structure of the Family Division. It exists as an island within the courthouse, maintaining its principal ties with the Legal Aid Bureau rather than with the court it serves.

Client Groups

The Baltimore City Circuit Court has done an excellent job in identifying as one of its largest client groups those parents and children who have never lived together as families. It has provided excellent services to them.

It has developed excellent services for persons suffering from spousal and child abuse.

Baltimore has a smaller Spanish speaking community than much of the rest of Maryland. The program maintains a bilingual staff person. But the Clerk of Court's office and the court as a whole are not paying sufficient attention to the needs of the non-English-speaking multi-ethnic community.

The court's two child care facilities also represent an excellent outreach to its clients. They serve the needs of all. The court benefits from not having disruptive children in its halls, courtrooms and offices. Parents are able to focus fully on the issues

presented by their cases. And children are able to avoid witnessing the emotions and conflicts of the courtroom and hearing room and able to spend time in an enjoyable environment where they can pursue activities of interest to them rather than being forced into “adult-style” behavior.

We note that the services of the Baltimore City Pro Se Litigation Project are provided to five plaintiffs for every defendant. The program has gone to significant lengths to insure that its services are available to both parties in a case. However, there is a need to communicate better the availability of the project’s services to defendants in court cases.

We also note that the court provides extensive services for victims of domestic violence but no services for the alleged abusers. While abusers are not a sympathetic lot, the court must deal impartially with all parties. Everyone with whom we spoke has observed domestic violence cases in which the allegations made by the victim were not established at the final hearing. The accused is entitled to his day in court and is entitled to some assistance from the court in preparing for the hearing if the court has provided assistance to his spouse. Those services could include a general resource list for offender/abuser services.

Stakeholders

We have discussed the data and observations of various stakeholders previously. The survey responses for judges, staff, and lawyers in the five courts surveyed to date are shown on the following table. Baltimore City enjoys relatively strong support from the bar, but the lowest satisfaction level of any court studied to date for the judges and court staff.

Emerging Practices

The assessment tool developed by the Trial Court Research and Innovation Consortium includes a number of Emerging Practices against which a court’s program should be compared. The table below summarizes the Emerging Practices identified by TCRIC and our observations concerning Baltimore City’s use of them. We note that the Maryland judiciary is developing its own Best Practices document addressing Family Divisions as a whole.

Emerging Practice	Baltimore City Status
Easily Understandable Forms and Instructions Forms and instructions written in plain English	The statewide forms process provides a wide variety of forms and instructions written in plain English. We make some recommendations for their improvement below.
Large Type Forms and instructions in larger type.	Such forms are not formally available, but they could be printed out if requested.

<p>Development of a Web Site for Self-Represented Litigants Applicable statutes and rules, extensive instructions written in plain English, downloadable forms, and interactive forms completion programs (where the program obtains the user’s input in response to questions and populates the form appropriately based upon the answers).</p>	<p>The state court system has the statewide forms available in fillable (but not “interactive”) mode on its website. The Circuit Court has a webpage on the city’s website; that webpage does not refer to forms, self-help assistance or the statewide forms and their website.</p>
<p>Other Languages Easily understandable forms and instructions, translated into Spanish and other languages (including Braille) as designated by the county’s demographics.</p>	<p>The AOC is issuing a contract for standard forms and instructions in Spanish.</p>
<p>Access at Local Libraries and Community Access Sites Website available at public facilities such as public libraries, city halls, and municipal buildings together with assistance in accessing and using the website</p>	<p>The county law library is not accessible to SRLs in Baltimore City. The state court website and the Peoples Law Library are not available to the public within the courthouse but are available in public libraries and anywhere that Internet access is available.</p>
<p>Attorneys in the Courthouse Attorneys either employed by the court, employed by an outside agency, or working pro bono counsel litigants prior to court appearances</p>	<p>The Pro Se Litigation Project staff provide brief advice and complete forms for persons needing legal information. This advice can be sought at various points during the legal process. However, the Project does not generally offer assistance to self represented litigants preparing for hearings and trials. The staff do make referrals to all sources within the county where free or reduced fee representation is available. Referrals to the Legal Aid Bureau itself are particularly easy.</p>
<p>Attorneys in the Courthouse The judge may send litigants out of the courtroom to meet with attorney advisors in order to expedite calendars.</p>	<p>The services of the Pro Se Litigation Project are never used in this fashion by a judge or master today.</p>
<p>Workshops Workshops can be either run by video or live presenters.</p>	<p>The court provides parenting education workshops. It does not provide workshops on the court and legal processes.</p>
<p>Mobile Services Centers Service centers contained in mobile RV units that can be driven to various parts of the jurisdiction</p>	<p>There is no mobile service center, and the evaluators do not recommend one.</p>
<p>Telephone Attendant Decision–Tree Systems can provide telephone assistance</p>	<p>There is no automated phone service, and the evaluators do not recommend even</p>

to self-represented clients	exploring one. It is not possible to access the Pro Se Litigation Process by telephone. All telephone inquiries are to the staff of the Clerk of Court or to the Associate Director and other staff of the Family Division.
Training Other Court Staff Provides a customer service orientation to all public information components of the court.	There is very little interaction among the staff of the Pro Se Litigation Project, the staff of the office of the Clerk of Court, and other court staff. With the exception of the court's security staff, we perceived a general dedication to customer service.
Prehearing Screening Process A court staff member, staff attorney (sometimes called a family law facilitator) or a volunteer attorney (sometimes from legal services) reviews the papers prepared by the parties to determine their readiness for consideration by the judge. In some courts, judges meet with the parties in a prehearing conference to accomplish the same objective and to help with dispute resolution.	The Associate Director screens all cases after the time for filing an answer has expired. She notes in the file any defects she identifies; however the court takes no action to bring those matters to the attention of the litigants until the first hearing before a judge or master.
Unbundled Legal Services Providing access to specific legal services on a limited representation basis -- limited to a specific phase or issue in the case.	Although the legal services community in Maryland has taken a national leadership role in promoting unbundled legal services, the judiciary has not formally endorsed this form of legal practice. An explicit endorsement would expand legal services to poor and middle class litigants.
Community Outreach Providing information about court services and obtaining input from community members about those services and their experiences with the courts.	The court does not engage in significant outreach to the community in relation to the Pro Se Project. However, the Court and the Protection Order Advocacy Referral Project (POARP) are effective in reaching out to the domestic violence advocacy community in assisting victims of domestic violence.
Fully Interactive Forms with on line or otherwise simultaneous Video Help	The state court website provides fillable forms on line. However, the court does not provide litigants with Internet access.
Customer Friendly E-Filing Court-sponsored forms completion process is linked to electronic filing system so that self-represented litigant can file form as soon as it is completed.	The court is not discussing electronic filing at this time. Initiatives will likely originate at the state level. The state judiciary's interactive forms could be used as the basis for an electronic filing process for self-

Statistical and Data Analysis

All data gathering and analysis takes place at the divisional level. The Circuit Court administrator plays no role in monitoring of the court's caseload and case flow.

The Family Division gathers and reports information on the performance of a number of its programs in its quarterly and annual reports. It is using a research design for its parenting plan pilot project that is very impressive. Without additional staff, the Division cannot be expected to make more extensive use of data in managing its workload and programs.

Evaluation

The Family Division does not systematically evaluate the Pro Se Litigation Project or other parts of its program. The court does not regularly use outside experts for evaluations. This assessment is the first such effort by the division.

The Parenting Plan Pilot Program is an exception to that general rule.

In the recommendations that appear below, we propose a number of alternative service delivery mechanisms to increase the reach of the Pro Se Litigation Project. The court should keep empirical data on each of those efforts which it tries to determine its effectiveness.

One of the Project's major shortcomings has been its isolation from the other parts of the court. It might be helpful to provide judges, masters, and court staff, as well as self represented litigants, with a way to provide feedback to the court on its services – through a suggestion box or short postcard-sized service evaluation forms.

Strategic Planning

The Baltimore City Circuit Court is the only trial court in Maryland that we have visited that has a strategic plan. It is a very impressive document that identifies overall objectives and short range, medium term, and long term objectives. The objectives themselves appear well thought out and appropriate. Many of the changes that we propose already appear in the court's strategic plan.

The strategic plan was prepared by the court's previous court administrator, who played a different role from that performed by his successor. We are concerned that without strong leadership from Judge Holland, the court's strategic plan will 1) be ignored in setting day-to-day court priorities, 2) quickly become out of date, and 3) become valueless to the court. The court has set a valuable example for the other circuit courts; we believe it would be a shame if it were to let the strategic plan atrophy.

Overall Assessment

We find that the court provides a very effective process for giving self represented litigants who seek out and who qualify financially for its services assistance in completing forms and general information about court procedures and case status. It advises litigants with complex matters to obtain legal advice and representation and refers them to possible sources of such representation, including the Legal Aid Bureau itself. The program receives high marks from the persons it serves and from the lawyers in Baltimore.

The current program has several major challenges. It reaches less than half of all SRLs who appear in court. It is not considered satisfactory either by the judges or by the court staff. It does not have effective working relations with the judges, clerk of court staff, or other Family Division staff.

With the assistance of state judicial leadership, the Baltimore City Circuit Court also needs to address the next level of challenges for courts throughout the state in providing truly meaningful access to justice -- to ensure that self represented litigants are able to effectively work their way through the procedures they encounter within the courthouse and exit from the back door with the legal relief to which the merits of their cases entitle them. The major steps required to meet those challenges are:

- A statewide definition of legal information versus legal advice
- Better articulation of and training for judges to deal with the changed judicial role in the general jurisdiction trial court required to address these cases; and
- Increased assistance to self represented litigants with complex contested family law matters.

Recommendations

Our recommendations are made both to the AOC and state court leadership and to the leadership of the Baltimore City Circuit Court. The first recommendations need to be addressed at the state level.

Create statewide definition of legal information v. legal advice

It is clear to us that staff with whom we spoke use different definitions of legal information. Clarification is needed. That clarification needs to come from the state judicial branch. Were the state to promulgate a contemporary definition and provide training to court staff in its use, the public and litigants would receive considerably more help from more sources within the courthouse.

At least a dozen states have drafted and adopted definitions for judges, staff and the public, setting forth in understandable English the activities in which staff may engage and those that they are prohibited from performing. We can provide the AOC with examples. We recommend particularly the materials developed by the California Judicial Council.

Address SRL needs in other case types

Forms, instructions, and operational programs are now in place for persons who choose to represent themselves in most family law matters (including spousal and child abuse). Court staff have identified the following areas in which they regularly get requests for an appropriate form:

- change of name (we understand that the AOC recently withdrew the existing form for revision);
- change of marriage license;
- change of birth certificate (which may be served by name change); and
- guardianship

We understand that there is no statewide standard fee waiver application.

The state could usefully apply the lessons learned in these efforts to providing similar materials for small claims, landlord/tenant, and criminal cases in the District Courts. A particular problem in Baltimore City is eviction cases. There are 50,000 evictions in Baltimore per year; 10% of the city's population is evicted annually.

District Court judges are accustomed to the appearance of litigants without counsel; they have well established routines for ensuring that they have an opportunity to present their cases in open court. Consequently, there has been far less clamor for materials in the types of cases that arise in these courts.

Nonetheless, the jurisdictional limit of the District Courts has been increased to \$30,000 recently. This suggests that the potential consequences for litigants have become more serious and that the state judiciary should consider providing at least more written materials for litigants involved in civil matters in the limited jurisdiction courts. As noted above, there are also reports that growing numbers of persons are choosing to represent themselves in criminal cases in these courts. While they have a constitutional right to do so, the judiciary should consider preparing strong advisory materials that will alert such litigants to the potential consequences of self representation in these matters.

Train judges on dealing with SRLs in the courtroom

The Judicial Institute has developed program segments on dealing with self represented litigants. We recommend that they become a standard part of the orientation

for new circuit court judges and be provided to all judges embarking on an assignment to the Family Division. The training needs to address the ethical issues that trouble judges in adopting the more engaged judicial role required to deal effectively with these cases and with specific techniques that judges can use in cases involving two unrepresented parties and in the more difficult situation in which one party is represented and the other is not.⁷ It would be helpful if the Court of Appeals could develop a policy statement or supplementary ethical statement covering these issues that judges would be able to rely upon as authoritative. It would also be helpful for judges to understand that most lawyers, particularly those who practice regularly in the family law area, do not object to the judge's proactive steps to obtain necessary evidence from SRLs. And they need to know the real problems lawyers perceive with unequal application of discovery rules to represented and unrepresented litigants.

Review forms, instructions and checklists for readability and effectiveness

The AOC regularly revises the statewide forms. We understand that process focuses on issues brought to the AOC's attention by judges, lawyers and court staff. We believe that it is probably time to subject the statewide forms to a top to bottom overhaul, based on the services of a readability expert and on the use of SRL focus group feedback. SRLs can be approached in the courthouse when they are waiting for service or have just obtained help for a court program. We understand that SRLs find some of the instructions less transparent than others. This review should consider how forms are aggregated into packets. The Maricopa County court has spent many years refining its approach to packet creation; the Maryland AOC might send a staff person to Phoenix to study the approach it now uses and its potential applicability to the packaging of Maryland forms.

As part of this top to bottom review, we suggest that the state consider creating standard segmented instruction sheets that cover a single stage of the proceedings. We have come across some commonly used court handouts that have this characteristic. Segmented sheets can be distributed to litigants needing information on that process stage (e.g., service of process; obtaining a default order; providing testimony for an uncontested divorce; providing testimony on a contested visitation issue). They can be aggregated for litigants who want a comprehensive overview of the whole process. Our observation is that user comprehension is degraded by inclusion of too much information at one time. MLAN has given considerable thought to this approach and could provide assistance to the AOC.

The AOC has recently awarded a contract to translate all of the statewide forms and instructions into Spanish. The AOC's translation efforts should address the common statewide materials; individual courts can translate their unique local forms.

⁷ For an example of suggested techniques, see Albrecht, Greacen, Hough and Zorza, *Judicial Techniques for Cases Involving Self Represented Litigants*, The Judges' Journal Winter 2003 Volume 42 Number 1, at 16 (American Bar Association).

Review and revise state forms to include specific warnings about loss of specific important legal rights, e.g., alimony, pensions, monetary awards, and the division of marital property

As noted earlier, judges and lawyers are concerned that significant numbers of self-represented litigants are forfeiting important legal rights. We recommend changes to state forms and instructions to highlight the following areas:

- Forfeiture of rights to share spousal pensions if not asserted in the complaint or answer
- Notice of tax consequences of the allocation of marital property
- The consequences of divorce proceedings for alimony and home ownership

We suggest that the state consider changes to the divorce forms, the instructions accompanying the forms, the summons, and the notice of default to include clear warnings, stated in understandable English, notifying both plaintiffs and defendants of the potential consequences of divorce proceedings.

Consider requiring attendance at workshop for cases with property or contested custody issues; develop videotape and on-line workshops that satisfy attendance requirement

Baltimore City provided workshops for SRLs in the past. They were discontinued due to lack of attendance. We urge the Court of Appeals to consider making attendance at an orientation a requirement for self representation in some types of family law matters, just as the courts are mandating attendance at approved parenting classes. While attendance might be waived for parties with uncontested cases, and certainly could not be required of defendants not choosing to file an answer, all parties could benefit from a basic understanding of the legal rights resolved during divorce proceedings and the basic court procedures involved.

We would recommend that a statewide orientation videotape and online presentation be created prior to the imposition of such a requirement and that these orientations be available at the courthouse at no cost to the litigants.

While imposition of such a requirement would serve as a barrier to access to divorce, it nonetheless seems to us to be an appropriate balance of the litigant's rights to access with his or her interests in not inadvertently forfeiting important legal rights associated not only with property interests but also with interests in a parent's future relationship with children.

Work with State Bar, MLAN and other stakeholders to develop procedures to allow limited scope representation to encourage attorneys to take cases for litigants with limited resources

The Maryland legal services community has provided national leadership in the development and promulgation of models for providing “unbundled” legal services. And yet the Maryland judiciary has not yet formal endorsed this approach through amendment of the code of conduct for attorneys or otherwise.

The issue that appears to block approval is whether judges should be required to allow lawyers to withdraw from representation after they have entered an appearance in court, based upon an agreement between the litigant and the lawyer to limit the lawyer’s representational obligation to a particular hearing or trial. It appears to us that the advantages to litigants from being able to afford limited legal representation outweigh the risks of abuse of such arrangements by unscrupulous lawyers in the future.

The remainder of these recommendations are addressed to the Baltimore City Circuit Court. A number of these proposals already appear in the court’s strategic plan; in fairness to the court, we footnote the ones already identified by the court; we nonetheless include them to emphasize our perception of their importance:

Bring the Pro Se Litigation Program in house⁸

We have noted above the central concerns with the performance of the project in its current form: its limited penetration of the SRL court users; the low satisfaction levels of judges and staff with current services; the program’s limitation of full services to persons with financial eligibility determined according to legal services criteria; and the program’s isolation from clerk of court and court administration staff, judges and masters. We believe that these factors are all inter-related with one another and reflect the program staff’s primary focus on and ties with the Legal Aid Bureau two blocks away. In fact, the attorney staff of the project rotate daily between the two offices; each attorney spends more time at the LAB than at the court.

All of the problems noted above would, in our view, be mitigated if the project were conducted by court staff rather than by Legal Aid Bureau staff. We have prepared an outline of some relevant factors that courts may want to consider in deciding upon the design of their programs; it is set forth below. To summarize the perceived advantages of having the court hire and supervise the staff of the project, we note that:

- the Associate Director has concluded that the court could hire two full time attorneys and a paralegal for the same amount of funding required to contract for one part time attorney and two part time paralegals from the Legal Aid Bureau

⁸ Included in court’s strategic plan.

- court staff would be limited to giving legal information, not legal advice; the LAB program already limits itself to that level of service so program users will not receive lesser services
- a court staffed project would not have to limit itself to poor clients and would not have to conduct financial eligibility screening, thus freeing up more staff time to provide information
- services could be provided during all hours that the courthouse is open to the public
- all conflict of interest issues would disappear, as would any possibility that judges might be seen to have compromised their impartiality in dealing with LAB lawyers who appear before them in LAB cases
- the staff of the Pro Se Litigation Project would necessarily be more involved with court personnel through regular staff supervisory interactions and the orientation of state toward the court rather than to the Legal Aid Bureau; it is likely that project staff coordination with other court staff would increase; the Associate Director would have the supervisory ability to require such coordination and compliance with all court policies

We also note some excellent characteristics of the LAB program: its extremely high overall litigant satisfaction level; the excellent and longevity of the paralegal and supervisory staff; and the contribution of supplementary resources by LAB when more of its clients need assisted pro se services. All of these strengths of the program would be threatened by bringing the program in house:

- the project staff might choose to remain with LAB
- loss of the expertise and experience of current staff would mean at least a temporary reduction in the quality of services rendered and
- supplementary LAB services would no longer be available.
-

Advantages/disadvantages of alternative lawyer-based staffing models for providing SRL services

Lawyers on court staff	Multiple lawyers serve as individual independent contractors with the court	Lawyers serve as staff members or pro bono providers for a nonprofit entity contracting to provide services	Lawyers provide SRL services in the court on an individual, pro bono basis
Representational	Representational	Representational	Representational

status – Lawyers provide legal information only (because of impropriety of court staff becoming professionally obligated to pursue the interests of one party)	status – Lawyers may enter into lawyer-client relationship (because they are independent contractors and because multiple providers can serve all parties without conflicts of interest)	status – Lawyers provide legal information only (because single provider cannot ethically provide legal advice to multiple parties in the same case)	status – Lawyers may enter into lawyer-client relationship (because they are independent of the court and of each other they can serve all parties without conflicts of interest)
Conflicts checking – unnecessary	Conflicts checking – unnecessary if a state has adopted ABA’s amendment to § 1.65, but known conflicts remain barred	Conflicts checking – unnecessary if a state has adopted ABA’s amendment to § 1.65, but known conflicts remain barred	Conflicts checking – unnecessary if a state has adopted ABA’s amendment to § 1.65, but known conflicts remain barred
Means testing - unnecessary	Means testing - unnecessary	Means testing – necessary if contractor is a legal services organization, unless funds are completely segregated from LSC-funded activities	Means testing – may be necessary as a condition of volunteer lawyer participation
Administration – Court supervises own staff	Administration – Court provides logistic support	Administration – Burden fully on contractor	Administration – Court recruits pro bono volunteers and provides logistic support
Perceived loss of judicial impartiality when lawyers appear before them - none	Perceived loss of judicial impartiality when lawyers appear before them – may exist	Perceived loss of judicial impartiality when lawyers appear before them – may exist	Perceived loss of judicial impartiality when lawyers appear before them - none
Enhanced community collaboration – none	Enhanced community collaboration – some	Enhanced community collaboration – considerable	Enhanced community collaboration – maximum
Computers – part of court network	Computers – provided by contractor; may not be part of court	Computers – provided by contractor; may not be part of court	Computers – Pro bono attorneys may bring own laptops or use court public

	network; but court may provide Internet connection	network; but court may provide Internet connection	access terminal	
Observed cost – higher	Observed cost – higher	Observed cost – lower	Observed cost – ?	

Improve program visibility

Because one of the major challenges facing the program is to reach a larger percentage of SRLs with its services, we recommend taking the following steps to improve the visibility of the program:

Change the name of the project to a term other than “Pro Se”

One of the aspects of court processes that confuse and aggravate self represented litigants is the use of specialized legal terms, often in Latin or French, that have no meaning to the ordinary citizen. “Pro se” is one of those terms. Its meaning is not apparent to the citizen-litigant. “Litigant assistance project” might be a more understandable name for the project.

Improve project signage

The project is identified by a small brass plaque mounted parallel to the wall containing the names of three projects located in the same area. The name of the project is in letters less than one inch high. A much larger sign is in order; one set at right angles to the wall would attract more attention.

Consider relocating the project

The Family Division administrative offices, containing the day care program and the conference room in which mediations and settlement conferences are held, is the first office the public encounters when it leaves the court security station at the courthouse entrance. Reaching the Pro Se Litigation Project requires a right turn and continuing part way down a long corridor. The family law office of the Clerk of Court is located further down the same hallway. Arguably the most offices that should be most accessible to the public, and therefore located closest to the main entry, are the Clerk of Court office and the Pro Se Litigation Project. We recognize that renovation of courthouse space is expensive and staff relocation difficult and disruptive. This recommendation is probably more in the nature of 20/20 hindsight than an immediate priority. However, should the Division decide for other reasons to rearrange its use of space, we urge these public accessibility concerns be considered.

Promotion on website

We note that there is no mention of the Pro Se Litigation Project on the court's webpage on the Baltimore City webpage, nor on its page on the state court website. This is a relatively cheap way of quickly increasing program visibility.

Community publicity

The court should make sure that brochures explaining the program and its services be provided to staff of other local and state agencies, non profit service organizations, community and civic organizations, and private service providers who regularly come in contact with persons eligible for and potentially in need of the project's services. If intake, phone reception, and front counter staff of such organizations are aware of the services, and have brochures to distribute, they are likely to make more frequent referrals.

Harford County Circuit Court has a highly effective outreach program to the CARE program providing cash assistance to single mothers, many of whom need clarification of the legal status of their children, paternity determination of their fathers, and establishment of child support obligations for them.

Inform litigants of SRL services with summons and notice of default order

Program contact information could be added to summonses, notice of default orders, notice in contemplation of dismissal under Rule 2-507 and other appropriate forms to bring immediately to the attention of litigants who are particularly likely not to have legal representation that the program exists to help them would also spur program user.

Experiment with new service delivery approaches

Expanding the ways in which the project provides its services could also increase the proportion of SRLs served. For instance, the court could:

Consider serving multiple clients simultaneously

The staff in Harford County provide simultaneous assistance to multiple clients filling out their own forms. The staff in Baltimore City generally complete forms for the litigants they serve. Some of those litigants are capable of completing their own forms themselves. The staff could use the front counter as a place where several clients work

on their own forms at the same time. A single staff member could be available to answer their questions and review the completeness of the forms when they finish them.

Consider providing video of court proceedings to run continuously in the waiting area

It would be quite inexpensive to provide a TV monitor in the waiting area, to prepare a videotape of actual court proceedings with a narrative or PowerPoint recitation of basic points of court protocol and procedure. An alternative tape could feature a staff person or local attorney describing the basic procedure for typical family law matters. The tapes could be set up for continuous replay of this information.

The waiting time of SRLs could be gainfully occupied in this fashion. Staff could also refer clients to the videos for basis information. If staff made such referrals and provided written summaries of the same information, they might be able to reduce or eliminate the time they spend orally explaining court procedures. These oral explanations are the least effect ways of conveying the information.

Consider providing work stations for litigants to enter basic information and complete forms for review by staff

An alternative to the simultaneous assistance suggestion made above would be to provide litigants with work stations with access to the statewide fillable forms and a printer link. Staff would then determine which clients were capable of completing their own forms using computers, which were capable of doing so with a pen, and those for whom staff must serve as scribe.

Consider providing phone assistance upon referral from Clerk of Court

Today, information and assistance is available only in person. It would be relatively easy to establish a process by which Clerk of Court staff could refer callers with questions about procedures going beyond their level of knowledge or comfort to the Pro Se Litigation Project. Additional resources would be required to support this additional service. An alternative approach would be for the Clerk of Court staff to record call back information on standard phone call memo pads and provide them to Project staff several times a day.

Focus on comprehension of information provided

Because of the widespread complaints from Clerk of Court staff that clients served by the program return to their office for the same or additional information, the

Project should focus attention not such on whether information is conveyed, but also on whether the recipients comprehend it. Here are some suggested ways to do so:

Review court forms, letters, instructions, and checklists

We have made suggestions for AOC review of statewide forms using readability experts and focus groups of self represented litigants. Baltimore City Circuit Court could use the same processes to review and refine the forms it has generated locally.

Require litigants to confirm their understanding of key points

The LAB staff could use the principles of “active listening” to have litigants summarize the instructions they have just received. For instance, the staff person could ask, “Now, what are you going to do with this form?” Vocalizing the information makes the client retain it much better. This process need not be followed to the extent that the time spent with each litigant is doubled – once for the staff to tell the information to the litigant and again for the litigant to tell it back to the staff. It would be sufficient to use it for key points and to identify litigants who are not grasping anything told them.

Provide information “just in time”

As noted above, litigants rarely pay attention to information provided in large instruction forms that contain information not needed for the immediately presenting situation. We have suggested that the AOC consider “segmented” information sheets. The court should consider this approach for forms and letters it generates itself.

Restructure information packets

This topic, as well, is explained above. The court should apply it to state generated forms until the state re-examines its current packet structure.

Institute regular meetings with other legal services providers to share information

Based on California experience, we recommend a monthly meeting of representatives of the following organizations to share information, identify problems and fashion common solutions:

- Legal Aid Bureau
- Social work interns, POARP and House of Ruth
- Pro bono program
- Lawyer referral service
- BCOCS and States Attorney

- Mediation
- Parenting Plan Pilot Project

Expand role of Pro Se Litigation Project to include materials to inform SRLs with contested hearings of the issues to be addressed and the sorts of evidence needed to prove them

There are a number of steps that the court could take to better prepare SRLs for court appearances, including basic courtroom protocols, lists of the legal elements that must be proven to obtain relief and the sorts of evidence that can be used to prove them, and suggestions that litigants observe hearings and trials in other cases. Some courts have videotaped proceedings for this purpose.

Until statewide materials are available, court staff can take advantage of existing materials – such as the manual prepared by The Women’s Law Center of Maryland and the Maryland Commission for Women⁹ – to assist litigants to better prepare for hearings and trials involving contested matters.

Provide more post-judgment assistance

The Administrative Judge suggested the need for assistance in post-judgment matters.

Enforcement of judgments

Enforcement of child support obligations is currently supported by the Pro Se Litigation Project. However, family divorce orders entail many other orders – for distribution of property (such as forced sale of a residence or business) or for custody and visitation of children – that are not self executing. The Project might develop increased capability in these areas.

Preparation of QDROs

When a party claims an interest in a pension or retirement account, it may be recognized in the order of divorce but not effectuated. A Qualified Domestic Relations Order will be required actually to vest the interest. Although the Special Master has prepared such an order in the past, it is unrealistic to expect judicial officers to provide this service routinely. The Project should develop a mechanism for preparation of these documents – either through staff expertise or through arrangement with a panel of lawyers who specialize in this area to prepare them on a pro bono or reduced fee basis for self represented litigants.

⁹ Women’s Law Center of Maryland, Inc, Legal Rights in Marriage & Divorce, Second Edition (2001).

Expand services provided to other case types, including guardianship, adoption, name changes, and perhaps respondents in domestic violence cases

Forms, instructions, and operational programs are now in place for persons who choose to represent themselves in family law matters. The Pro Se Litigation Project receives requests for assistance with other types of cases, including guardianship, adoption, and name change. If the project had additional resources, it could address these matters.

The court currently provides advocacy for victims of domestic abuse. The POARP does not provide assistance to respondents in those cases. Evenhandedness requires that the court develop some means of advising alleged abusers of their rights and the procedures for contesting the allegations against them. It is possible that this service might be provided by the Pro Se Litigation Project. A problem that the court will encounter in providing this service is the unattractiveness of the clients. Who will want to assist wife beaters?

Further improve proactive case management for SRL cases

We note that the Associate Director devotes considerable time to management of family, and particularly, SRL cases. We note the general principle that SRL cases often fail when court procedures rely on a self represented litigant to identify the need to initiate some action to obtain relief or to move the case forward. Litigants can complete service of process when told of the need for it and how to complete it. They are far less likely to be able to know that they must come to court and obtain an order of default when the defendant fails to file an answer. The court has developed a process to address this particular issue. But other issues require more attention as part of the court's management of these cases.

Letter after failure to file affidavit of service

The Clerk of Court's office should automatically generate a letter (other than a notice in contemplation of dismissal under Rule 2-507) as soon as it becomes apparent that the litigant is encountering problems with service – for instance, 45 days after issuance of a summons if not affidavit of service has been filed. The letter should alert the plaintiff to the problem – that service must still be effected, when a fresh summons must be obtained, review the available alternatives, and suggest that the plaintiff visit the Pro Se Litigation Project for help with service by posting or publication.

Letters from Family Services or Clerk of Court identifying defects in papers filed

The court has a general rule that court staff are not to reject filings for a substantive defect that appears in them. This is a salutary principle. However, when the staff do identify a defect, they should bring it to the party's attention. For instance, the Associate Director makes notes in court files about procedural defects. Those notes are available to masters or judges during hearings. But hearing time would be saved if the Associate Director were to bring the defect to the attention of the litigant through mailing a form letter noting the problem. Prince Georges County has a comprehensive such form letter that Baltimore City might copy and adapt for its own use. With a form letter – in which the Associate Director would merely check the appropriate box on the form – little additional staff time would be required; significant savings of litigant time and court time from failed hearings that cannot proceed because of known defects in the filings would result. It might even be possible for the Clerk of Court to address and mail the letters with the Associate Director returns the file after screening.

Scheduling conference notice should advise to bring corroborating witness if agreement is possible

One of the purposes of the scheduling conference is to resolve cases whenever possible. It might be worthwhile urging the parties to bring their corroborating witness to court with them. We have noticed in other courts that the prospect of completing the divorce the same day (and avoid the need for further trips to the courthouse) serves as a major incentive for the parties to reach agreement on custody and visitation issues.

Review policies on fee waiver applications

The court's annual report for fiscal year 2003 states that 23% of all family cases proceed with all fees waived. We heard comments to the effect that granting of fee waivers is routine; if it is requested, it will be granted. We also heard observations that a number of litigants approach the submission of a fee waiver as a form of court "lottery" (what do we have to lose by trying to save a few bucks) rather than as a necessity for access to the court. The master examiner we interviewed expressed the view that a number of persons granted fee waivers are able to pay the cost of his hearing. In our observations at the Pro Se Assistance Project, we noticed that a significant portion of staff time is taken up completing these forms for litigants. We also note that the Clerk of Court's office will not give out copies of the fee waiver form; litigants must go to the Pro Se Litigation Project to obtain them.

Given all of this attention to the topic, we recommend that the court review its policies on fee waiver applications. Does the court need to adopt a more restrictive approach to granting fee waivers? Shouldn't the Clerk of Court's office make the forms available? Should the Pro Se Litigation Project adopt a policy that, except in unusual cases in which staff believe that access to the court depends on granting of a fee waiver, they leave completion of these forms to the parties' own initiative?

Provide computers for all Pro Se Assistance Project staff and public access terminals for litigants

As noted earlier, the only computers available in the Project office are the LAB's computer for conducting financial eligibility screening and the court's computer for looking up case information. Neither of the two paralegals has a computer on which to prepare forms; nor do the rotating staff attorneys. The Project staff could access the many resources provided by the state court system and MLAN, and other states, prepare more readable forms, and stay in better contact with other court entities if they had their own computers.

The LAB Deputy Director told us that Legal Aid plans to install computers but has encountered problems with the court's automation support contractor in obtaining wiring access for them. There are unavoidable security issues associated with allowing non-court computers access to court telecommunications networks; few courts allow that in any form. Securing wiring for a separate telecommunications interface for LAB within the courthouse also poses logistical and funding problems. This is an additional cost arising from the court's current arrangement to obtain SRL services through an outside contractor.

Providing public access computers – computers that allow lawyers and litigants in the courthouse to access court information on a read only basis and to access the Internet for forms and (in the case of lawyers) access to their own office files and email – pose similar problems. As mentioned above, however, having that capability would expand the service options available to the SRL assistance program.

Improve calendaring process

The court's calendaring process is very out of date. Time to disposition could be improved significantly if the court were to make better use of the time of its judges and masters through more aggressive case scheduling.

Use the automated calendaring system

The Circuit Court performs its calendaring on paper – in a same large calendar books that the court has been using for generations. The assignment clerk then enters the information into the computer in order to have the information available to others in electronic form and to print calendars. The court's computer application has the capability to schedule cases automatically. After the basic scheduling rules were put into the system, the assignment clerk would not have to enter any more information into the system than she does today to invoke the automated assistance. The court should not delay further in implementing this feature of the application.

Overbook shorter matters

For the most part, the assignment clerk does not overbook the calendar. She assumes that every scheduled matter will take place as planned and reserves each available time slot for one and only one event. It very rarely happens that everything scheduled is heard. Litigants fail to appear, cases settle, cases are continued, defect filings make it possible to go forward as planned. The court then has wasted hearing time that cannot be filled at the last minute. The judges and masters busy themselves with other work that is done in chambers; but the court has nonetheless squandered its most valuable resource – judge hearing time.

Harford and Montgomery County schedule two or three hearings for every block of court time. Harford's process suffers from overbooking – that the court is unable to reach matters scheduled, requiring them to be rescheduled at a much later date. Montgomery County's process appears to work flawlessly. In 2002, Montgomery County disposed of 91% of its family cases within one year of filing; Baltimore City was able to dispose of only 74% of its cases during the same period.

The court should begin experimenting with more flexible scheduling processes – for instance, over-scheduling calendars by 25% to 50%. When everyone on a particular calendar shows up ready to proceed, the judge in charge can reassign cases to other judges and masters whose calendars are lighter. Finding the right overbooking formula is a matter of trial and error – and occasional long court days when matters do not work out. Montgomery County's experience shows that it will ultimately work – if the assignment clerk staff are up to the challenge and the judges embrace the idea – and that the positive results are substantial.

Integrate all cases and calendars into a single Family Division system – automated and otherwise¹⁰

The court operates with the historical division into two separate units – Equity and Domestic Miscellaneous. The court needs to pursue actively the elimination of this distinction in all of its manifestations – judicial and master assignments, calendaring, automated case management information systems, and clerk of court operations.

The case management and calendaring recommendations made above would be much easier to accomplish in a fully integrated environment.

We get the impression that the court views this goal as one that is not achievable in the near term because of funding and logistic barriers. It is an essential structural building block that the court must put in place as one of its highest priorities. Montgomery County Circuit Court has just gone through the process of integrating the juvenile court (which had previously been a part of the District Court in that county) into its family division. The transition involved all of the processes that Baltimore City needs

¹⁰ This is an element of the court's strategic plan.

to perform to integrate its two historically separate pieces. Consulting with your sister court might provide the impetus to launch the integration process in earnest.

Distribute to judges, masters and clerk of court staff a referral form that can be completed by hand to inform Pro Se Litigation Project staff of their purpose in referring a litigant or potential litigant to the office

We suggest that the court have a form for judges, masters, clerk of court staff, the Associate Director or others to use to tell the Pro Se Litigation Project staff the purpose for which the judge or other court official has referred a litigant or potential litigant to the Project. This could be like a doctor's prescription pad, with the purpose of the referral noted longhand by the judge, master or staff and handed to the litigant to take to the Project. The Pro Se Litigation Project staff could use the same form when it returns a party to the Clerk of Court's office for filing of a document or for obtaining historical case file information.¹¹

The Special Master asked that the reverse of the form be useable by Project staff to report back to the referring official a handwritten summary of the outcome of the referral. This would "close the communication loop" – letting the referrer know whether the litigant even followed up with the referral and what services were provided. It would also provide the Project staff with a means for letting referrers know that the Project does not offer the service requested (e.g., guardianship forms).¹² The referrer will not want this sort of feedback in every instance, and providing feedback on referrals will take time that could be used to serve clients. Therefore, we suggest that the form contain a check box requesting feedback from the Project on the referral.

We further suggest that this form contain a check box for a judge or master to use to request immediate assistance for this litigant. When the box is checked, the form would entitle the litigant to "go to the front of the line" of persons waiting to be served by the Project staff. The purpose would be to have some form or document prepared that would allow completion of a proceeding the same day. The savings of court and litigant time arising from completing a matter on the date originally scheduled are significant. It is possible that litigants who have been waiting for their appointment will create a disturbance if persons are allowed to "cut in line." However, we believe that persons

¹¹ The court currently has a form that it uses for Social Services referrals. This is a more formal document, prepared by the judge or master's law clerk after a hearing has been completed. The forms are invariably typed official documents. To be useful, the referral slips that we are recommending must be on a tear off pad like a doctor's prescription pad, which the referrer can complete within seconds by hand and give to the person being referred before the hearing or counter interaction ends.

¹² However, this situation provides an opportunity for a personal visit to the referrer by Project staff to discuss the particular referral and the Project's services in general. As noted earlier in this report, the Project is not well understood and Project staff need to involve themselves personally to a much greater extent in the life of the court.

waiting will understand that the staff must accommodate directions from the judges about the order in which they see their clients.

Provide additional resources for the program

The Pro Se Litigation Project will need additional staff if it is to take on additional types of matters. The staff is hard pressed to handle all of the matters that litigants bring to it now. The project could use an additional attorney or paralegal.

We noted earlier that Baltimore City has a chronic mismatch of a population with higher than usual social service needs but a tax base that produced lower than usual public revenues from which to meet those needs. This is no where more evident than in the Circuit Court and in its projects to assist SRLs. The effort is significantly under-resourced. The budget of the LAB in Baltimore City is comparable to the Bar Foundation project in Prince Georges County; but in Prince Georges County that effort is ancillary to a staff-conducted effort with eight paralegals.

The project might consider trying to recruit retired lawyers interested in working one day a week to supplement staff resources. This assignment might be very attractive to lawyers who have made a good living from the profession and want to give something back to the community. The project's work is attractive to volunteers – the come in contact with real people whose needs they are able to satisfy, but, unlike most pro bono assignments, the volunteers take on no continuing obligation to the persons they assist.

Conclusion

The Baltimore City Circuit Court and the Legal Aid Bureau should be proud of what they have achieved in their services to self-represented litigants – including an almost perfect highest score for overall litigant satisfaction with the services rendered. However, the program has significant weaknesses that it needs to address – failure to reach more than half of self represented litigants appearing in court, lack of satisfaction of judges and staff, and lack of communication and coordination of the program with the rest of the Family Division.

This report suggests ways for the court to address the areas of current weakness. We note again that many of them will require the provision of additional resources. Investments in these sorts of efforts are ultimately cost effective for the court, in that they save judge, master, and staff costs in the long run.