



Agenda for Access

**The 2009 Annual Report
of the
ABA Standing Committee
on the
Delivery of Legal Services**

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MESSAGE FROM THE CHAIR

In 1993, the Standing Committee on the Delivery of Legal Services produced a program at the ABA Annual Meeting entitled “Doing Well by Doing Good.” The program featured innovative ways in which lawyers could expand their practices and serve those who had difficulty paying for full traditional legal representation. The issues involved management efficiencies, improved outreach and unbundled services. Four experts and a moderator carefully planned the program. Six people attended. But, that’s deceptive since two of them were spouses of panel members and another was from the ABA staff.

Rather than conclude that the issues had no relevance, the Committee took it as a challenge to advance its mission to expand access to legal service for those of moderate incomes – those who have too much to qualify for legal aid or pro bono services, yet lack the discretionary resources to afford traditional legal services. The Committee continued to advance discussions of these issues, continued to develop and advocate methods of outreach, continued to explore new models of delivery, and continued to foster policy developments that enable lawyers to innovate.

As the 2009 Annual Report demonstrates, these issues are not only relevant to the practice of law, but essential to our quest to create justice for all. Scores of programs at the local, state and national levels from around the country were presented to thousands of lawyers during the year. Rules were revisited, revised and interpreted in several jurisdictions that better defined innovations and provided lawyers with clearer direction on permissible conduct. Models that advance access were recognized and those piloting them were honored.

In some respects, the issues were driven by the economy. Yet, we have now built a foundation to work from. Programs on unbundling do not need to be reinvented from the ground up. Policy-makers do not have to start with a blank slate. The creation of innovative models to expand legal services can go forward from those models that have come before. To the extent the collection of materials in this Annual Report enables the legal profession to benefit from what has evolved and to go on from there, we all will have collaborated in advancing our mission of justice for all – that is, of course, if more than six people use the Report.

Richard Cassidy
Chair

I. OUTREACH

To improve outreach, the Delivery Committee restructured its website to include recent developments in moderate-income delivery. Through the website, which is routinely updated with articles, reports, ethics opinions, events and more, the Delivery Committee encourages the ABA, other bar association and legal groups to actively respond to the unmet legal needs for those of moderate income.

Dialogue Magazine, From the Chair 2009:

Winter 2009

M. Catherine Richardson discusses new delivery models for moderate-income people in the Winter 2009 edition of Dialogue Magazine.

Spring 2009

M. Catherine Richardson recognizes the contributions of Louis M. Brown and announces the recipients of the 2009 Award.

Summer2009

M. Catherine Richardson reflects on the Delivery Committee's achievements in the Summer 2009 edition of Dialogue Magazine.

Fall 2009

Newly elected Delivery Chair Richard Cassidy encourages nominations for the 2010 Louis M. Brown Award.

Articles from 2009:

March 2009

- [Another Sign of Tough Times: Legal Aid for the Middle Class](#)
An article written by Carol J. Williams and published in the LA Times examines resources available to help those affected by the current economic crisis. Online legal services, self-help centers and unbundling are all discussed as options for individuals seeking affordable legal services.
- [Court Addresses Increase in People Representing Themselves](#) Marisa Kwiatkowski, reporter for the Northwest Indiana Times, highlights efforts of the Indiana Supreme Court to support pro se litigants. Due to an increasing number of pro se litigants, the Court created an informational video for litigants in family law cases. The video is meant to help make the legal system less intimidating, while also easing the burden on court staff.
- [More Litigants Go to Court Without Lawyers](#)
In an article for the Connecticut Law Tribune, Christian Nolan addresses pro se representation in the Connecticut court system. Nolan outlines the efforts

underway to assist the growing number of pro se litigants, including the work of the Self-Represented Parties Committee.

April 2009

- [In a Downturn, More Act as Their Own Lawyers](#)
New York Times reporter Jonathan D. Glater examines trends in pro se litigation. According to Glater, courts across the country are struggling to meet the needs of pro se litigants, who are appearing in greater numbers due to the economic downturn.
- [Big Jump in Pro Se Cases](#)
An article written by Jerry Crimmins and published in the Chicago Daily Law Bulletin examines the growing number of pro se litigants in the Cook County court system. Statistics presented in the article suggest more people are representing themselves in response to the current recession. The article provides information on the self-help resources available, and how such programs often struggle to meet the needs of the pro se litigants.

May 2009

- [Unbundled Legal Services Increasingly Popular](#)
In an article for Lawyers USA, Correy E. Stephenson explores the increased popularity of unbundled legal services. The article highlights how unbundled legal services may benefit both attorneys and clients, and how many courts now encourage the use of unbundling to assist an increasing number of pro se litigants.

July 2009

- [Pro Se Bankruptcies Drain Court Resources](#)
An article written by Jessica Stephen and published in the Wisconsin Law Journal examines the growing number of pro se litigants in U.S. Bankruptcy Court. According to the article, bankruptcy filings in the Eastern District Court of Wisconsin have increased thirty percent. The increase, coupled with the number of pro se litigants using bankruptcy petition preparers, has strained the court system and caused a backlog of cases. In response, the Court has developed standardized forms in an effort to save time and increase efficiency.
- [Family Law Mediation on the Rise](#)
In an article for the Wisconsin Law Journal, Jack Zemlicka finds that family law mediation has increased as people seek alternatives to litigation and as the courts seek to alleviate high rates of pro se representation. In Wisconsin, courts have established programs that refer mediation cases to family law attorneys. The programs, according to Zemlicka, offer a cost-efficient way for clients to settle family law disputes while also generating business for family law attorneys.

August 2009

- [Limited Assistance Representation](#)
An article by GateHouse News Service examines limited assistance representation, also known as unbundling, in Massachusetts. Following a May 1st order to allow limited assistance representation in all Massachusetts Trial Courts, the practice was soon expanded to all Probate and Family Courts. Members of the Massachusetts judiciary believe that limited assistance representation will improve access and the delivery of justice in local courts. According to the article, Massachusetts attorneys may also benefit from limited assistance representation as attorneys may now accept cases they would have previously turned away.

- [Recession Forces More to Act as Own Lawyer](#)
Chicago Tribune reporter John Keilman explores a growing trend in self-represented litigation as the economy forces more people to represent themselves. In the article, Keilman details the experiences of several individuals who represented themselves in the Cook County courts. The article also provides information on resources intended to help self-represented litigants navigate the often complicated legal system.

- [Do-It-Yourself Litigators Get a Hand from State](#)
Elizabeth Stawicki of Minnesota Public Radio reports on Minnesota's state-wide [Self-Help Center](#). The report includes information on the services available through the self-help center and also provides recent statistics that suggest an increasing number of litigants in Minnesota proceed without an attorney.

- [Pro Se Divorce is on the Rise](#)
An article featured in Virginia Lawyers Weekly and written by Peter Vieth reports that more people in Virginia are representing themselves in divorce proceedings. The article offers possible explanations for the increase and also discusses a project that will make basic forms available to Virginians seeking an uncontested divorce.

October 2009

- [Trained Librarians Help Those Who Can't Afford a Lawyer](#)
A report by Danielle Kaeding of Wisconsin Public Radio discusses the Public Library Initiative, a court-sponsored program aimed at meeting the legal service needs of self-represented litigants. As part of the initiative, court staff will offer training to public librarians so that librarians can then assist self-represented litigants within Wisconsin. The program will help to alleviate the strain on court staff, as the courts struggle to meet the needs of an increasing number of self-represented litigant

- [State-of-Art Help Center Lends a Legal Hand to Pro Se Litigants](#)
Samuel Newhouse of the Brooklyn Daily Eagle reports on the new Supreme Court Help Center located in Brooklyn, New York. At the state-of-the-art Help Center, pro se litigants can receive free advice and guidance as they navigate through the legal system. Clerks and volunteer attorneys are available to assist litigants, and computer workstations are available so that litigants can access online resources.
- [An Overview of Self-Represented Litigation, Its Impact, and an Approach for the Future: An Invitation to Dialogue](#)
Written by Richard Zorza and featured in the Fall 2009 edition of Family Law Quarterly, the article details the innovations available to assist pro se litigants. The article also addresses inefficiencies within the legal system and principle to guide rethinking.
- [Educational Workshops on Settlement and Dispute Resolution: Another Tool for Self-Represented Litigants in Family Court](#)
In the Fall 2009 edition of Family Law Quarterly, Jim Hilbert proposes including settlement and negotiation workshops for self-represented litigants so they can better understand the prominent role of settlement in the legal system, their power within the settlement process and some fundamental guidance on how they might approach settlement negotiations.

December 2009

- [Fixed Fees Needn't Mean Working More for Less \(or for Free\)](#)
As consumer clients continue to demand alternative fee arrangements, columnist Jim Calloway discusses the ways in which attorneys can reduce risk while meeting client needs and maintaining revenue. Calloway suggests that attorneys who offer alternative fee agreements should use task-based billing, conduct preemptive communication strikes, employ change orders and improve fee agreements.
- [Recession Forces More People with Legal Problems to Represent Themselves in Court](#)
Greg Risling, columnist for the Los Angeles Times, examines the rising trend of pro se representation in Los Angeles, as well as the resources available to assist litigants. According to the article, an increasing number of litigants are appearing pro se, as the need for legal help has soared due to foreclosures, bankruptcies and other recession-related ordeals. To help these litigants navigate the legal system, over one dozen self-help centers now operate within Los Angeles County

Bar Journal Articles from 2009:

Bar Leader Toolkit Looks at the Delivery of Legal Services

The November edition of the American Bar Association's [Bar Leader Toolkit](#) focuses on the delivery of legal services. The toolkit offers information that helps lawyers think about options for providing legal representation other than full-service, and includes resources from the Standing Committee on the Delivery of Legal Services.

February 2009

- [Access to Justice – A Judge's Perspective \(Wyoming Lawyer\)](#)
- [Professionally Permissible Piecework \(Washington State Bar News\)](#)

March 2009

- [As Family Law Changes, So Should the Judiciary \(Wisconsin Journal of Family Law\)](#)
- [Ways to make legal fees more affordable for the public \(Massachusetts Lawyers Weekly\)](#)

April 2009

- [Addressing the Pro Se Litigant Challenge in Kansas State Courts \(Kansas State Bar Journal\)](#)
- [Help for Working Poor Clients \(California Bar Journal\)](#)

May 2009

- [New Thinking about Old Problems at Equal Justice Conference \(Wisconsin Inside Track\)](#)

June 2009

- [Virtually Legal \(Canadian Bar Association\)](#)
- All Family Law Parties Need Access to Justice (Wisconsin Journal of Family Law)

July 2009

- [Online Resources Provide Pro Se Guidance and Reveal Pro Bono Opportunities \(Colorado Lawyer\)](#)
- [Tackling Access to Justice Needs \(Massachusetts Lawyers Journal\)](#)

November 2009

- [Saying No to Court: An Introduction to the Collaborative Law Process \(Alabama Lawyer\)](#)

Reports from 2009:

- **New York State Report Addresses Access for Self-Represented Litigants**
The Office of the Deputy Chief Administrative Judge for Justice Initiatives recently released [Expanding Access to Justice in New York State](#). The ten-year report includes information on initiatives that improve access for self-represented litigants.
- [Connecticut Makes Recommendations to Assist Self-Represented Parties](#)
The Connecticut Public Service and Trust Commission [Strategic Plan Phase One Implementation Report](#) includes recommendations made by the Committee on Self-Represented Parties, a committee charged with examining ways to assist self-represented litigants as they access the court system. Recommendations from the Committee, and its five sub-committees, range from the creation of plain language forms to the development of unbundling pilot projects. For more information on the work of the Committee, [click here](#).
- [Maryland Aims to Increase Access for Self-Represented Litigants](#)
In its Interim Report and Recommendations, the Maryland Access to Justice Commission has outlined several recommendations meant to increase access to justice for self-represented litigants. These recommendations include endorsing the practice of limited scope representation, supporting the use of court based self-help centers, and gathering additional data on self-represented litigants. The report also includes a white paper on limited scope representation in Maryland and a survey that will be distributed to self-represented litigants.
- [Practicing in the Virtual Realm](#)
The American Bar Association's eLawyering Task Force has issued recommendations for law firms that wish to deliver legal services online. Published for comment, the draft set of minimum suggested requirements address topics such as web site architecture, ethics issues, online payment of legal fees and security certification

- [Georgia Study Examines Civil Legal Needs of Low and Moderate Income](#)
The Supreme Court of Georgia Equal Justice Commission released its report of the Civil Legal Needs of Low and Moderate Income Households in Georgia. The report is drawn from the 2007/2008 Georgia Legal Needs Study.

Court Rules/Orders from 2009:

January 2009

- [Arizona Rules of Civil Procedure 5.2](#), governs limited representation and attorney withdrawal in vulnerable adult exploitation actions.

March 2009

- [North Dakota Rule of Court 11.2](#) governs attorney withdrawal when an attorney has filed a notice of limited representation.
- [North Dakota Rule of Civil Procedure 5\(b\)](#) establishes the requirements for service on an attorney providing limited scope representation.
- [North Dakota Rule of Civil Procedure 11\(e\)](#) requires an attorney who provides limited scope representation to file a notice that states precisely the scope of the representation and also requires an attorney to file a notice of termination upon completion.

May 2009

- [Supreme Judicial Court Order In Re: Limited Assistance Representation](#) governs unbundling in Massachusetts Trial Courts.

Ethics Opinions from 2009:

January 2009

- [North Carolina State Bar Formal Op. 3](#)
A lawyer may assist a *pro se* litigant by drafting pleadings and giving advice without making an appearance in the proceeding and without disclosing or ensuring the disclosure of his assistance to the court unless required to do so by law or court order

February 2009

- [*Ass'n of the Bar of the City of New York Formal Op. 2009-2*](#)
Ethics rules permit an attorney to make certain statements to a self-represented individual who is adverse to their own client. The attorney may identify general legal issues that a self-represented person should address and may also discuss undisputed statements or facts of law. In addition, an attorney may advise a self-represented individual to seek counsel and may also refer a self-represented litigant to seek assistance from a court-sponsored self-help program. The attorney may also clarify his or her role, and must volunteer such information if the self-represented person misunderstands the attorney's role in the matter.

August 2009

- [*State Bar of Wisconsin Formal Opinion E-09-03*](#)
In every representation, an attorney must inform the client of the scope of the representation, the basis of the rate or fee, and any expenses for which the client will be responsible. The communication, whether required in writing or permitted verbally, must provide a clear description of the services and the matter for which the attorney has been retained. When oral communication concerning the scope of representation is permitted, communicating any limitations on the scope of representation in writing protects both the attorney and client.

November 2009

- [*Kansas Ethics Opinion No. 09-01*](#)
An attorney may offer limited scope representation. Any lawyer who prepares a pleading for an otherwise pro se litigant must disclose such assistance, including the phrase "Prepared with Assistance of Counsel" on the pleading. The attorney need not provide identifying information such as name, bar number or address.

Events from 2009:

March 2009

- **Travis County Bar CLE
Expanding Your Practice Using Limited Scope Representation**
This program provided an introduction to the rapidly changing practice of limited scope representation (often called “unbundling”) in a family law context, including all of the fee agreements, forms and other materials needed to practice limited scope representation competently, safely and profitably. Led by Sue Talia

- **Delivery Committee Training Video
Unbundling Training Program**
A nationally recognized leader in unbundling, M. Sue Talia, in cooperation with the Legal Aid Society of Orange County, recorded a training program on unbundled legal services. The program introduced unbundling, and offered best practice guidelines for attorneys who offer unbundled legal services. It offered insight into the types of legal matters and the types of clients best suited to unbundling, and covered risk management so that attorneys may more easily integrate unbundling into their practice. For those who would like to provide training on unbundled legal services, the program offered effective training tips. The video is available on the [Delivery](#) site.

April 2009

- **Wisconsin Equal Justice Conference
Unbundling & Pro Se Models for Improving Access to Justice**
The Wisconsin Equal Justice Conference, held in Madison on April 28, featured a session on Unbundling and Pro Se Models for Improving Access to Justice. For details, [click here](#).

- **S.J. Quinney College of Law Workshop
Law for America**
The S.J. Quinney College of Law hosted a workshop aimed at developing the new Law for American initiative. National experts and leaders participated in the workshop, with the objective of creating a sustainable economic model for combining new forms of clinical and professional training with direct services to country’s under-served lower and middle classes as well as small business, nonprofits and entrepreneurs. For more information on the Law for America workshop, [click here](#).

May 2009

- **SRLN Pre and Post Conference to the Equal Justice Conference
Creative Responses to the Economic Crisis: Overcoming the Challenges
Facing the Self-Represented and the Programs that Serve Them**
The [Self-Represented Litigation Network \(SRLN\)](#) hosted a pre and post conference to the Equal Justice Conference to discuss strategies for increasing access to the courts in difficult budget times. The discussion included how to design low cost innovations, how to make the funding and institutional case for these innovations, and how to integrate the innovations into overall court operation.
- **Equal Justice Conference
Court-Based Access to Justice Innovations in Tough Budget Times: Ideas,
Models and Tools**
The Equal Justice Conference included a program on cost-effective access to justice innovations for the self-represented including training for staff and judges, promotion of unbundling, standardization of plain language forms, and steps for increasing compliance with orders and judgments. Presenters introduced Leadership Modules on topics developed by the Self-Represented Litigation Network and discussed how courts and their partners can use them to advocate for and implement positive change in difficult economic crisis.
- **Equal Justice Conference
Self-Help: The Next Generation**
The Equal Justice Conference included a program on the next generation of self-help centers. The presenters discussed five different delivery models that ranged from partnering with law schools for staff support to using A2J Author to create forms and pleadings.
- **Equal Justice Conference
Technology Enabled Self Help Centers**
The Equal Justice Conference included a program on technology based self-help centers. Presenters discussed self-help centers that currently use document assembly, hotlines and other web technology to assist pro se litigants. The program included information on how technology allows staff to triage and support high quality/high volume demand.
- **Equal Justice Conference
Using Limited Scope Representation to Provide Effective Consumer
Assistance and Ease the Burdens on the Courts**
The Equal Justice Conference included a program that explored how limited scope representation has been successfully used to provide eviction and debtor relief by creating a partnership between the private bar and volunteer legal services programs.

- **Wisconsin State Bar Conference**
Expanding Access to Justice Through Limited Scope Representation
 Wisconsin's 2009 State Bar Conference included an afternoon CLE program on Expanding Access to Justice through Limited Scope Representation, held May 6th in Milwaukee. The program featured Delivery Committee alum and unbundling practitioner Liz Scheffee. For more information, [click here](#).
- **Santa Clara Bar Association CLE**
Limited Scope Representation: Work Smarter, Not Harder – Get Paid, Give Back & Enjoy Your Practice!
 Jennie Winter and Sharon Bashan of Pro Bono Project Silicon Valley showed how to successfully unbundle your practice, provide service to more clients and get paid as work is done. Judge Brian Walsh provided the view from the bench – how limited scope representation benefits the court, the parties and the community along with tips on what and what not to do.
- **KU Continuing Education**
Addressing the Pro Se Litigant Challenge in Kansas State Courts
 The proliferation of pro se litigants in the judicial system is both a state and national concern. This program discussed the programs and projects that the Kansas Supreme Court is considering in an effort to address the pro se litigant challenge in our state courts. These include: (1) limited scope representation (unbundling), (2) judicial guidelines applicable to self-represented litigants, (3) a proposed resource packet for self represented parties, and (4) simple divorce forms to be used by pro se litigants.

June 2009

- **LA Small Firm and Solo Practitioners Conference**
Are Lawyers Unbundling in a Frigid Economy
 This panel explored unbundling legal services in the wake of increasing numbers of self represented litigators in non family law matters, who do not have the monetary resources to hire an attorney to handle the entire matter. Unbundling legal services or giving a litigant a limited scope of representation is becoming more popular in the downturn of the economy. However, attorneys must be mindful of their professional and ethical obligations and must take to communicate fully with the client and put appropriate procedures in place to ensure the client receives competent representation. This panel compared and contrasted the practice in family law cases and explored asking the client the right questions, identifying issues, making disclosures and developing procedures to handle the client's legal matter.

- **Iowa State Bar Association Annual Meeting
Pro Se Litigants/Unbundled Services**
The Iowa State Bar Association Annual Meeting included a CLE program on Pro Se Litigants/Unbundled Services. The program included a panel of judges, attorneys and clerks and was moderated by Hon. Susan Larsen Christensen. [Click here](#) for details.
- **Hawaii Access to Justice Conference
Barriers, Self Representation and Unbundled Legal Services**
The 2009 Hawaii Access to Justice Conference included a breakout group discussion titled Barriers, Self Representation, and Unbundled Legal Services. The breakout session was part of the programs Creative Responses, and will help shape goals for the Committee on Self-Representation and Unbundling. For more information on this session, visit the [Hawaii Access to Justice](#) website.
- **Solo Practice University Course
Unbundling Legal Services**
As faculty at Solo Practice University, Richard Granat offered an online course on unbundled legal services. The twelve week course began June 1, 2009, and taught participants how to integrate unbundled legal services into their traditional law practice. To learn more visit [Solo Practice University](#).

July 2009

- **Nebraska Annual Family Law Update
What is Limited Scope Representation and Why Do I Care? An Innovative Way of Working with Clients**
The Annual Family Law Update featured a program on unbundling, led by M. Sue Talia. “What is Limited Scope Representation and Why Do I Care? An Innovative Way of Working with Clients”, provided family law practitioners with information on how to offer unbundled legal services. For more information, visit the [Nebraska Bar Association](#) site.

August 2009

- **National Conference of Bar Presidents
Practicing Law in a Tough Economy – What Lawyers are Doing and How Bar Associations Can Help**
Lawyers who help people with their individual legal needs are adopting changes that create win-win situations for lawyers and their clients in a difficult economy. This program looked at several ways that law practices are changing to better meet legal needs. Topics included innovative methods of outreach to connect with clients, cost-effective uses of technology to provide services online, partnering with clients to create unbundled legal services, development of highly focused niche practices, and concepts of community lawyering. The program also looked

at specific ways bar associations can support their members by fostering innovations.

Produced in cooperation with the ABA Standing Committee on Delivery of Legal Services

- **Colorado Bar Association Webcast**
Hanging Your Shingle 2009 – By Choice or Circumstance
The Colorado Bar Association hosted a two-day intensive workshop on opening a law firm via live webcast. The workshop, “Hanging Your Shingle 2009 – By Choice or Circumstance”, covered a range of topics which included a discussion of unbundled legal services. For details, visit the [Colorado Bar Association’s Continuing Legal Education](#) site.
- **Missouri Bar Family Law Conference**
One from Column A, One from Column B: Ethical Limited Scope Representation in Missouri
The Missouri Bar Family Law Conference included a breakout session on unbundling, titled “One from Column A, One from Column B: Ethical Limited Scope Representation in Missouri”. The fifty minute program qualified for ethics credit. To learn more about this program, visit the [Missouri Bar Family Law Conference](#) site.
- **State Bar of Arizona CLE Webcast**
Limited Representation: It’s Not Just Unbundling Anymore
The State Bar of Arizona offered a continuing legal education program on limited scope representation. The program, was offered live or via webcast, and addressed rules that govern limited scope representation, ethical issues posed by limited scope representation, and guidelines for interacting with clients, the courts, and other service providers. The program qualified for ethics credit.

September 2009

- **Court Technology Conference**
Technology that Enables Self Help Centers: Solutions to Increasing Demands in a Time of Austerity
The 2009 Court Technology Conference included a program on the use of innovative technology in self help programs. Presenters discussed how technologies such as online document assembly and live chat assist self-represented litigants while increasing access to justice. To learn more, visit the [Court Technology Conference](#) site.

- **Fall 2009 National Legal Malpractice Conference**
The Ethics, Benefits and Dangers of “Unbundled” Legal Services*
 The National Malpractice Conference included a program on unbundling that taught attorneys how to properly and safely limit the scope of their representation. An expert panel explored ethical limitations on unbundling, how to address unbundling in fee agreements, the propriety of ghostwriting pleadings and the standards for withdrawal at the conclusion of the limited representation. To learn more, visit the [National Legal Malpractice Conference](#) site.
- **Kansas Bar Association CLE**
Best Practices for Limited Scope Representation
 Presenters Art Thompson and Stan Hazlett detailed best practices for limited scope representation. The course qualified for two hours of CLE credit. For more information, [click here](#).
- **Missouri Bar Association Annual Meeting**
Breaking Up is Hard to Do: The Impact of the Economic Downturn on Family Law and Strategies to Help Clients Cope
 Offered at the Missouri Bar Association’s Annual Meeting, the program focused on the issues and obstacles family law practitioners face with their clients in an economic downturn. The program considered alternative representation options such as mediation, limited-scope representation and pro se. It also provided insights and advice that lawyers can use to help their client in difficult economic times. To learn more, visit the [Missouri Bar Association](#) site.

October 2009

- **Utah State Bar CLE**
Limited Representation – How to Effectively Use Limited Representation
 This three hour program taught attorneys how to effectively use limited scope representation by examining the basics of unbundling, including the ethical considerations and the court’s reaction to unbundling. The program covered profitability and forms in a session facilitated by attorneys who use unbundling in private practice, and concluded with a FAQ panel. To learn more, visit the [Utah CLE Calendar](#).
- **PLI Webcast**
Limited Scope Representation for Legal Services Providers
 The program was designed to provide the practical skills to use limited scope representation in a volunteer lawyer setting. Faculty described successful models which they have developed and provided expert advice to program developers, risk managers and legal services providers to expand the nature of the services they offer and stretch program budgets using limited scope representation. The program also provided best practices, risk management materials, and other materials and documents designed to set up a limited scope representation practice. For more information, [click here](#).

- **National Solo and Small Firm Conference**
Practicing Law in a Tough Economy – Innovations in Client Relations
 The ABA Standing Committee on the Delivery of Legal Services offered a program at the National and Small Firm Conference that focused on innovations in the delivery of legal services. The program looked at three ways that lawyers are changing their practices to better connect with clients and meet their legal needs. Topics included innovative methods of outreach, partnering with clients to create unbundled legal services, and the development of highly focused niche practices. For more information, visit the [National Solo and Small Firm Conference](#) site.
- **Wisconsin Solo & Small Firm Conference**
Limited Scope Representation –Unbundling of Lawyer Services
 As part of its Practice Management Track, the Wisconsin Solo & Small Firm Conference included a program titled "Limited Scope Representation – Unbundling of Lawyer Services". The program taught attorneys how to effectively offer unbundled legal services. Visit the [Wisconsin Solo & Small Firm Conference](#) site for more information.

November 2009

- **Waukesha County Bar Association Fall Ethics Seminar**
Unbundled Legal Services
 The Waukesha County Bar Association sponsored a program on unbundled legal services as part of the Fall Ethics Seminar. The program qualified for ethics credit.
- **Massachusetts Continuing Legal Education Webcast**
Building Your Practice with Limited Assistance Representation: How to Use LAR to Serve Your Clients
 Massachusetts Continuing Legal Education sponsored a program on limited assistance representation, also known as unbundling. This program offered either live or via webcast, covered a variety of topics including how attorneys may use limited assistance representation to expand their client base, how to debunk common misconceptions, how to market the practice, and the ethical rules governing limited assistance representation. The program included materials on risk management, office forms and client handouts. A panel of judges and attorneys served as faculty. To learn more, visit the [MCLE](#) site.
- **Los Angeles County Bar Association Continuing Legal Education**
How to Expand Your Practice with Limited Scope Representation
 The Los Angeles County Bar Association and the Harriet Buhai Center for Family Law Legal Education co-sponsored a program on limited scope representation. The hands-on training, instructed by Sue Talia, taught attorneys how to expand

their client base and market their practice. For more information, visit the [LACBA](#) site.

- **Utah State Bar Fall Forum**

- **Providing Limited Scope Legal Services**

- As part of the Law Practice Management Track, the Utah State Bar Fall Forum included a program titled “Providing Limited Scope Legal Services”. The program offered instruction on how to effectively offer limited scope representation. To learn more, visit the [Fall Forum 2009](#) site.

December 2009

- **ABA CLE**

- **The Virtual Law Firm: Benefits, Costs, and Ethical Pitfalls to Avoid**

- The American Bar Association Law Practice Management Section sponsored a teleconference titled “The Virtual Law Firm: Benefits, Costs and Ethical Pitfalls to Avoid”. The program discussed the benefits of practicing law virtually and how it can help a law firm acquire new “web-savvy” clients as well as enable existing clients to work with their law firms on-line. To learn more, visit the [ABA CLE](#) site.

Initiatives/Programs from 2009:

March 2009

- **Kansas Approves Pilot Project on Limited Scope Representation**

- The Kansas Supreme Court announced a pilot project on limited scope representation. The project, developed by the Self-Represented Study Committee, includes courts from three judicial districts. The pilot will commence on July 1, 2009, with an evaluation period lasting until December 1, 2010. As part of the project, the Self-Represented Study Committee also developed court forms to be used in limited scope representation. For more information on the project, visit the [Kansas Judicial Council](#) site.

- **Nebraska Revises JUSTICE System to Accommodate Limited Appearances**

- The Court’s JUSTICE computer system was reprogrammed to enable users of the JUSTICE system to determine when an attorney makes limited scope appearance. The computer system provides pertinent information about the appearance and, once entered into the system, is flagged so that appropriate parties can be notified. For more information, [click here](#).

May 2009

- **California Resolution Supports Limited Scope Legal Assistance**
The State Bar of California Board of Governors approved a resolution that encourages the expansion of limited scope legal assistance. The resolution calls on bar leaders, law schools, lawyer referral services, insurance carriers and the courts to promote the increased use of limited scope representation to serve low and moderate income Californians. To learn more, and to view the resolution, [click here](#).

June 2009

- **New York Announces Release of Interactive Court Forms**
The New York State Unified Court System recently released interactive forms to help self-represented litigants navigate the legal system. Through the use of A2J Author software, litigants who visit [CourtHelp](#) and [LawHelpNY](#) are guided through the process to complete Support Modification Petitions, Small Estates Affidavits, and Adult Name Change Petitions. To learn more about the project, and the partnerships involved, read the [press release](#).
- **Louisiana Announces New Pro Se Litigant Task Force**
The Louisiana Supreme Court appointed 16 members to sit on the Pro Se Litigant Task Force. The committee is charged with studying issues related to self-represented litigants, examining what steps can be taken to assist such litigants, and making appropriate recommendations to the Court. For more information, [click here](#).
- **Wisconsin Program Focuses on Serving Self-Represented Litigants**
An interactive learning program is being developed so that Wisconsin court clerks may better assist self-represented litigants. The program, titled Walking the Line, will use video vignettes and quizzes to focus on how clerks may offer appropriate assistance to self-represented litigants. To learn more about Walking the Line, [click here](#).
- **Law Clinic Focuses on Unbundling**
The University of Florida Levin College of Law sponsors an innovative clinic that offers unbundled services to otherwise self-represented litigants. Legal Skills Professor Peggy F. Schrieber teaches and supervises interns enrolled in the [Family Law Pro Se/Unbundling Advice Clinic](#), who learn how to provide unbundled services such as advice, document preparation and limited appearances. Through the clinic, interns determine the legal needs of their self-represented clients and then represent them on a limited basis in the Eighth Judicial Circuit Family Court.

September 2009

- **Iowa Creates Steering Committee on Self-Represented Litigation**
Appointed by the Iowa Supreme Court, the [Steering Committee on Self-Represented Litigation](#) will oversee the development of easily understandable forms, instructions, informational materials and programs to assist self-represented litigants.

II. POLICY

White Paper on Unbundling

In 2009, the Delivery Committee revised its white paper, [An Analysis of Rules that Enable Lawyers to Serve Pro Se Litigants](#). The white paper, first published in 2005, examines the rules that clarify the role of lawyers who assist self-represented litigants. Issues covered in the paper include document preparation, limited court appearances, and withdrawal procedures and proper communications between lawyers and pro se litigants. The paper is designed to assist policy-makers assess the issues and includes a checklist of factors to consider. The latest version of the paper is available on the Committee website.

Recommendations to the House of Delegates

After reviewing recommendations before the House of Delegates, the Delivery Committee co-sponsored a recommendation advanced by the Section of Dispute Resolution. [Resolution 300](#) supported legislation, regulations and court rules that utilize mediation to assist in resolving disputes that could lead to foreclosure of mortgages on residential real property. Approved by the House of Delegates, the resolution is consistent with the Committee's mission to improve access for those of moderate income.

III. MODELS

Louis M. Brown Award for Legal Access

The Louis M. Brown Award for Legal Access honors programs and projects dedicated to matching the unmet legal needs of the middle class and those of moderate incomes with lawyers who provide affordable legal information, services and representation.

The Award is presented annually to those who have made creative contributions to the delivery of legal services in ways that are exemplary and replicable. In 2009, the Delivery Committee recognized four programs.

2009 Brown Award Recipient:

Virtual Courthouse

The Virtual Courthouse (VCH) is an internet-based service that enables parties to submit disputes in digital form for resolution by a neutral party of its Alternative Dispute Resolution (ADR) services. These ADR services include arbitration, mediation, neutral case evaluation or a settlement conference by members of a panel of neutrals.

2009 Brown Award Meritorious Recognition Recipients:

Community Legal Resource Network

The Community Legal Resource Network (CLRN) was created in 1998 to increase access to civil justice by creating a corps of solo/small firm lawyers working in underserved parts of New York City. CLRN now functions as a network of several hundred lawyers who receive technical training and professional support. In return, participating lawyers are encouraged to, and supported in, ongoing efforts to offer low-cost legal services in communities otherwise underserved by private attorneys, legal aid and other legal resources.

Heisler, Feldman, McCormick & Garrow, PC

Heisler, Feldman, McCormick & Garrow, PC represents only low and moderate income tenants, consumers, employees and victims of discrimination in litigation. The firm relies on fee-shifting provisions in federal and state civil rights and tenant laws. No client makes an advance payment. Instead, the firm takes the financial risk of the litigation and receives payment through settlement or a fee petition.

Have Justice Will Travel

Have Justice Will Travel is a non-profit organization whose mission is to stop the generational cycle of abuse in rural American families by bridging the legal, cultural, psychological, geographical, and economic gaps that exist for victims. Have Justice Will Travel provides legal services within Vermont, offering in-home consultations, transportation to and from court hearings and free legal services to domestic violence victims. In addition, Have Justice Will Travel provides victims with social services. These services include assisting victims with income and budget expenses, helping them apply for mortgages and car loans, filling out welfare forms and applying for subsidized housing.

Blueprint Project- Teaching Access to Justice

To encourage lawyers and legal educators to teach law school courses on Access to Justice, the Delivery Committee developed the Teaching Access to Justice Blueprint Project, an online technical assistance resource. In addition to providing information on

the value and varied orientations of Access to Justice courses, the blueprint includes course descriptions and syllabi from existing courses.

2009 Access to Justice Courses:

Course Title: Access to Justice Seminar (LAW E507)

School: University of Washington Law School

Instructor: Prof. Debbie Maranville

Course Description/Objective: Explores the legal, ethical and financial issues involved in providing legal services to low and moderate-income persons. Uses a combination of lectures and interactive discussions.

Objectives are to:

- Identify barriers to justice and current initiatives to reduce or remove those barriers,
- Examine gaps between principle and practice in social justice,
- Critically reflect on personal passion for and commitment to social justice,
- Examine and foster personal and professional values that support social justice, and
- Inspire students to work in social justice or engage in meaningful pro bono after graduation.

Last taught: Winter Quarter 2009.

Course Title: The Legal Profession: Delivery of Legal Services

School: Harvard Law School

Instructor: Jeanne Charn – Prof. Charn is Director of the Sacks Bellow Project and Lecturer on Law

Course Description/Objectives: Addresses the policy and professional responsibility implications of expanding access to the civil justice system in the US. Compares the US system to larger programs in peer nations. Examines the professional and institutional problems of allocating scarce resources among needy claimants and the difficulty in assuring quality and a strong consumer orientation in a subsidized delivery system. Explores the possible contours of a more comprehensive delivery system, which might include on-line legal advice and other expanded roles for the private bar, e.g. judicare, and mandatory pro bono, vouchers and low fee/"low-bono" services and pre-paid or legal insurance systems.

Last taught: Fall 2009

Course Title: Lawyering in the Public Interest

School: University of Pennsylvania Law School

Instructor: Louis S. Rulli, Practice Professor of Law and Clinical Director

Course Description/Objectives: Explores major lawyering themes that confront public interest lawyers in diverse practice areas and settings. Integrates theory and academic analysis with practice themes emerging from students' public interest work experiences during law school. Examines the unique challenges posed by community lawyering; the efficacy of competing service delivery models; the

impact of scarcity of resources and high volume practice upon the practitioner; the empowerment of the disadvantaged and powerless through law and education; litigation and non-litigation strategies; legal and non-legal restrictions on the work of public interest lawyers; professional responsibility issues; the role of the private practitioner in the delivery of legal services to the poor; and current themes and timely issues relating to access to justice and public interest practice.

Last taught: Fall 2009

IV. RESEARCH

Pro Se/Unbundling Survey

In 2009, the Delivery Committee began an initiative to determine the status of limited scope representation in all fifty states. The survey results will form the basis for technical assistance to states that are interested in implementing limited scope representation.

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MEMBERSHIP, 2009**

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