

HALT



HALT—the nation’s oldest and largest legal reform organization—provides essential tools to empower America’s legal consumers, while also challenging the legal establishment to meet its twin responsibilities of providing accessible and accountable civil justice.

HALT’s aggressive education and advocacy programs have achieved important strides in improving access, reducing costs and increasing accountability within our civil justice system. HALT’s recent reform breakthroughs include:

- Assessing lawyer discipline systems nationwide and releasing a National Lawyer Discipline Report Card, which revealed toothless sanctions, bias, secrecy and delays
- Highlighting the critical need for small claims court reform by uncovering widespread shortcomings in each state’s small claims courts in a National Small Claims Report Card
- Blocking the ABA’s overly-broad proposal for a definition of the practice of law and urging individual states to allow consumers to use less expensive, nonlawyer alternatives
- Publishing self-help resources that empower legal consumers, including a new edition of the book *Do-It-Yourself Law* and two new *Citizens Legal Guides*, “Living Trusts: A Primer” and “Write Your Will”
- Issuing calls to action and connecting legal reformers across the nation with breaking legal reform news by launching the *HALT eJournal*, a bimonthly online newsletter
- Stimulating public debate and providing expert commentary from the consumer perspective in major media outlets
- Working in coalition with members of the Consumer Federation of America to increase access and accountability within the civil justice system

REFORM PROGRAMS: ACCESS & ACCOUNTABILITY

- **Lawyer Accountability Project** works to increase accountability within the civil justice system by exposing attorney misconduct and advocating more potent lawyer discipline
- **Freedom of Legal Information Project** aims to widen access to the legal system by both educating legal consumers and protecting their right to a variety of legal services provided by lawyers and nonlawyers
- **Small Claims Reform Project** advocates systemic reforms to increase access to small claims courts
- **Judicial Integrity Project** works to ensure that litigants are treated fairly and equitably within our nation’s court system

EDUCATION INITIATIVES

- **Publishing self-help books and resources** that empower legal consumers
- **Coordinating a Legal Information Clearinghouse**, which provides individuals with answers to legal questions and self-help materials
- **Supplying legal resources and legal reform news** through a quarterly newsletter, a bimonthly online newsletter and a continually updated Web site

HALT



QUICK FACTS

COMMITMENT:

Dedicated to helping all Americans handle their legal affairs simply, affordably and equitably

MEMBERSHIP:

More than 50,000 members nationwide committed to achieving essential legal reforms

WEB SITE:

www.halt.org

ADVOCACY PROGRAMS:

- Lawyer Accountability Project
Striving to reform the attorney discipline system— one that is self-regulated, lenient, secretive, backlogged and unresponsive—in order to increase protections for legal consumers
- Freedom of Legal Information Project
Addressing the unnecessary lawyer monopoly over legal services by seeking to stimulate and inform public policy, ensuring that an appropriate spectrum of choice— including nonlawyer alternatives – exists for legal consumers
- Small Claims Reform Project
Publicizing the existence and advantages of small claims courts while also pursuing systemic reforms to make these courts a more viable option for people to take charge of their own routine legal needs
- Judicial Integrity Project
Strengthening protections against judicial conflicts of interest and educating consumers about their right to honest and publicly accountable judges

EDUCATIONAL INITIATIVES:

- Self-Help Resources
Publishing and providing easy-to-understand legal self-help books and pamphlets
- Legal Information Clearinghouse
Helping HALT members and the general public navigate the civil justice system
- The Legal Reformer
Producing a quarterly newsletter, The Legal Reformer, that covers HALT's reform agenda and related news and opinion
- Web site
Updating www.halt.org on a regular basis to supply breaking legal reform news while also providing a wealth of educational materials for consumers looking to handle their legal affairs
- eJournal
Distributing a bimonthly online newsletter to inform HALT members and legal-reformers-at-large of legal reform news and progress of HALT's reform projects

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HOW ACCOUNTABLE IS THE CIVIL JUSTICE SYSTEM?

Measures designed to protect legal consumers against unethical lawyers—are they working?

- According to the American Bar Association, in 2002, 121,000 complaints were filed against the nation's 1.2 million lawyers.¹
- Of these 121,000 complaints, only 3.5 percent led to formal discipline and just one percent resulted in disbarment.²
- Of these 121,000 complaints, 96.5 percent led to no discipline or only informal slaps on the wrist in the form of “private sanctions.”³

How does lawyer self-regulation contribute to consumer mistrust in the civil justice system?

- According to a HALT study, in 50 states (including the District of Columbia), lawyers make up at least two-thirds of the committee adjudicating attorney discipline complaints.⁴
- According to that same study, in 12 states lawyers make up 100% of discipline hearing panels.⁵
- A Columbia Law School nationwide survey found that two out of three Americans do not think lawyers are even “somewhat honest.”⁶
- A 2003 CNN/USA Today/Gallup poll found that 84% percent of Americans do not believe lawyers have “high ethical standards.”⁷
- According to the *National Law Journal*, 69% of Americans think that lawyers are more focused on making money than serving their clients.⁸

How does the appearance of judicial impropriety contribute to consumer distrust of the civil justice system?

- According to a study conducted by Justice at Stake, when asked “How would you rate the job being done by judges in your state,” more than one-third (37%) of people surveyed answered “fair” or “poor.”⁹
- That same study found that, when asked how well the word “independent” described judges, more than one-third (35%) of people surveyed answered “not too well” or “not well at all.”¹⁰
- That same study found that, when asked how well the word “impartial” described judges, more than one-third (34%) of people surveyed answered “not too well” or “not well at all.”¹¹

¹ American Bar Association, *Survey on Lawyer Discipline Systems* (2002).

² American Bar Association, *Survey on Lawyer Discipline Systems* (2002).

³ American Bar Association, *Survey on Lawyer Discipline Systems* (2002).

⁴ HALT, *Lawyer Discipline Report Card* (2002).

⁵ HALT, *Lawyer Discipline Report Card* (2002).

⁶ Columbia Law School, *Lawyers and the Legal Profession* (2002).

⁷ CNN/USA Today/Gallup Poll (2003).

⁸ National Law Journal, “Polishing the Image,” Sept. 16, 2002.

⁹ Justice at Stake Campaign, *Justice at Stake Frequency Questionnaire* (2001).

¹⁰ Justice at Stake Campaign, *Justice at Stake Frequency Questionnaire* (2001).

¹¹ Justice at Stake Campaign, *Justice at Stake Frequency Questionnaire* (2001).

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HOW ACCESSIBLE IS THE CIVIL JUSTICE SYSTEM?

Just how serious is the problem of access? How much could nonlawyer alternatives help?

- According to the American Bar Association, each year 38 million low- and moderate-income Americans are closed out of the civil justice system because they cannot afford to hire a lawyer.¹²
- A 2002 American Bar Association survey found that 71% of respondents had faced a legal situation that might have led them to hire a lawyer in the past year, but only half of them planned to hire one. The most frequent reasons given involved high legal fees.¹³
- According to *USA Today*, Americans could save \$3.3 billion a year (as of 1999) by using independent paralegals instead of lawyers to handle routine matters in common legal areas.¹⁴
- According to *Broward Daily Business Review*, a divorce with full legal representation could cost between \$5,000 and \$15,000, while filing *pro se* could cost less than \$350.¹⁵
- A New Hampshire judicial branch study found that legal services and *pro bono* programs meet at most one-quarter of the overall need for affordable legal services.¹⁶

Over the past decade, there has been a literal explosion of high-quality products that let Americans take charge of their own legal affairs. How can self-help materials help?

- According to *Broward Daily Business Review*, in Florida, 65% of divorce cases are filed by people representing themselves (*pro se*).¹⁷
- A New Hampshire judicial branch study found that in the state's district court civil cases, 85% involved at least one *pro se* party.¹⁸
- According to that same study, at a 1999 National Conference on Pro Se Litigation, almost all (95%) of the participating courts reported an increase in the number of *pro se* litigants.¹⁹

Unauthorized practice of law prohibitions – consumer protection or lawyer protection?

- According to *USA Today*, a 1995 study found that 70% of complaints of unauthorized practice of law filed over five years in Arizona were filed by lawyers.²⁰
- A 1980 *Stanford Law Review* study found that a mere 2% of complaints of unauthorized practice of law arose from consumer complaints involving a claim of injury.²¹
- Annually, the Florida Bar spends \$1.4 million prosecuting unauthorized practice cases.²²

¹² American Bar Association, *Agenda for Access: The American People and Civil Justice – Final Report on the Implications of Comprehensive Legal Needs Study* (1996).

¹³ *National Law Journal*, "Polishing the Image" (September 16, 2002).

¹⁴ *USA Today*, "Public Loses as Lawyers Block Access to Cheap Legal Help" (Feb. 19, 1999).

¹⁵ *Broward Daily Business Review*, "Divorcing Couples Can Now Use Lawyers for Piecework Tasks, but Some Attorneys Fear New Rules Will Create Liability" (December 18, 2003).

¹⁶ State of New Hampshire Judicial Branch, *Challenge to Justice: A Report on Self-Represented Litigants in New Hampshire Courts* (2004).

¹⁷ *Broward Daily Business Review*, "Divorcing Couples Can Now Use Lawyers for Piecework Tasks, but Some Attorneys Fear New Rules Will Create Liability" (December 18, 2003).

¹⁸ State of New Hampshire Judicial Branch, *Challenge to Justice: A Report on Self-Represented Litigants in New Hampshire Courts* (2004).

¹⁹ State of New Hampshire Judicial Branch, *Challenge to Justice: A Report on Self-Represented Litigants in New Hampshire Courts* (2004).

²⁰ *USA Today*, "Public Loses as Lawyers Block Access to Cheap Legal Help" (Feb. 19, 1999).

²¹ *Stanford Law Review*, "Policing the Professional Monopoly," Deborah Rhode (1980).

²² *Miami Herald*, "Increase Penalties for Phony Lawyers," Miles McGrane (March 12, 2004).

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LAWYER ACCOUNTABILITY PROJECT

The twin goals of the Lawyer Accountability Project are to make lawyers more responsive to the needs of legal consumers and to empower legal consumers to protect themselves from negligent, unscrupulous and incompetent attorneys. HALT has been on the forefront of fights to improve systems in place to weed out unethical lawyers and provide recourse to victimized legal consumers.

FOCUS AREAS

- **Increasing fairness, openness and public participation** in attorney discipline systems and replacing private admonitions and “slaps on the wrist” with meaningful, formal sanctions
- **Abolishing confidentiality rules in lawyer discipline cases**—which unconstitutionally “gag” people who file complaints against their lawyers
- **Securing compensation for victimized legal consumers** by improving client restitution funds and streamlining compensation procedures and fee dispute committees
- **Expanding consumer protection statutes**, like consumer fraud laws, to apply to lawyers
- **Promoting a minimum level of legal malpractice insurance for all lawyers**, so victimized clients can recover losses caused by negligent attorneys and encouraging more workable standards for proving legal malpractice

RECENT REFORM SUCCESS

- **Releasing a National Lawyer Discipline Report Card**, which reveals toothless sanctions, unnecessary secrecy, biased procedures and endless delays in states across the nation
- **Publishing a plain-English *Citizens Legal Guide*** entitled, “I Have a Problem with my Lawyer ... What Can I Do Now?”—a free resource that informs consumers of their options in the case of a dispute with a lawyer
- **Securing a mandatory malpractice insurance disclosure rules** in 12 states (Alaska, Delaware, Kansas, Massachusetts, Michigan, Nebraska, New Hampshire, New Mexico, North Carolina, Ohio, South Dakota, Virginia and West Virginia)
- **Advocating specific reforms for failing lawyer discipline systems** in Massachusetts, D.C., Pennsylvania, California and Virginia
- **Successfully urging the elimination of an unconstitutional gag rule** in New Jersey’s lawyer discipline system that bars complainants from speaking about complaints against their lawyers
- **Working in coalition with the Consumer Federation of America**, which adopted formal policy resolutions calling for attorney discipline system reform

RECENT MEDIA EXPOSURE

- *National Law Journal*
- *Washington Post*
- *Chicago Tribune*
- *Boston Globe*

- *Legal Times* (Washington, DC)
- *The New York Times*
- *ABA Journal*
- *Los Angeles Daily Journal*

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JUDICIAL INTEGRITY PROJECT

HALT's Judicial Integrity Project promotes higher ethical standards for both federal and local judges and empowers litigants to ensure that judges are presiding over their cases with fairness and impartiality. HALT directs its advocacy efforts on reforms to state and federal judicial discipline systems, convenient access to judges' full financial records and strict limitations on judicial junkets, as well educating consumers about their rights.

FOCUS AREAS

- **Increasing public accountability** in the judicial branch of government by reforming the systems charged with removing abusive judges from the bench
- **Strengthening protections against conflicts of interest by judges**, as well as helping consumers make more informed decisions when determining whether the judge assigned to their case has a conflict of interest
- **Educating consumers about their rights**, including instructing litigants on how to file a complaint against a judge

RECENT REFORM SUCCESS

- **Successfully highlighting the lack of transparency and impartiality in judicial accountability procedures** by working with the American Bar Association, the Consumer Federation of America, Community Rights Counsel, investigative journalists and Congress
- **Serving as a featured expert on the American Bar Association's Judicial Ethics Panel on privately-funded trips for judges** to urge the American Bar Association to strengthen limitations placed on judicial attendance at lavish trips sponsored by special-interest groups and corporations
- **Providing comments to the Supreme Court of Michigan** to support a proposal eliminating private sanctions against state judges, and calling on the Supreme Court to provide written explanations when grievances against judges are dismissed and to make all judicial discipline public

RECENT MEDIA EXPOSURE

- "Congress Needs to Step Up on Judicial Ethics" in the *Washington Post*
- "Corporate Lobbyists Influence Federal Judges Too" in the *Topeka Capital Journal*
- "Lawmakers Want Accountability from Judicial Review Council" in the *Journal Enquirer*
- "Accountability Shouldn't End at Courthouse Steps" in the Michigan *Traverse City Record Eagle* and the Tennessee *Paris-Post Intelligencer*
- "Massachusetts Needs Judicial Accountability" in the Massachusetts *Hampshire Gazette*
- "Who is Judging the Judge" at www.truthout.org

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FREEDOM OF LEGAL INFORMATION PROJECT

With millions of low- and moderate-income Americans priced out of the civil justice system because they cannot afford a lawyer, the goal of the Freedom of Legal Information Project is to provide greater access to the civil justice system through expanded consumer choice in the legal marketplace.

FOCUS AREAS

- **Ending the lawyer monopoly** over the supply of legal services by promoting alternatives to hiring an attorney, such as the use of paralegals and other nonlawyers for simple legal matters and the use of forms and software
- **Reforming unauthorized practice statutes** that define the “practice of law” in an overly-broad manner, which restricts consumer access to self-help books and software, law libraries and less expensive nonlawyer alternatives, such as independent paralegals
- **Protecting the rights of *pro se* litigants** (people who represent themselves in court)
- **Making lawyers more accessible to the public** by loosening restrictions on multijurisdictional practice and multidisciplinary practice

RECENT REFORM SUCCESS

- **Blocking an ABA proposal for a definition of the practice of law** that stood to drastically narrow access to the legal system by casting nonlawyer alternatives—such as self-help materials and independent paralegals—as the unauthorized practice of law
- **Publishing a plain-English *Citizens Legal Guide*** entitled, “Where Do I Go for Legal Help?”—a free resource that examines the entire spectrum of legal services
- **Protecting consumer access to lower-cost legal alternatives** by urging states to allow nonlawyers, such as independent paralegals and legal document preparers, to handle certain simple legal tasks and to allow lawyers to take on discrete portions of cases
- **Working with students at the University of California at Hastings College of the Law** to issue the report “Access to Justice: Self-Represented Divorce Litigants in California,” which analyzes how well California is responding to the needs of its *pro se* divorce litigants

RECENT MEDIA EXPOSURE

- “‘Mortgage Lender’ Document Prep Ok’d” in *ABA Journal eReport*
- “Lawyers Draw Line to Protect Their Turf” in *Chicago Tribune*
- “Lenders Put 2 Cents in on ‘Practice of Law’” in *Chicago Daily Law Bulletin*
- “Reject Curbs to Affordable Legal Services” in *Daily Business Review* (Florida)
- “Self-Dealing Politicos Keep Bar Closed to Consumers” in *Connecticut Law Tribune*
- “Drawing Lines Online” in *The National Journal*
- “Low-Cost Web Divorces Under Fire” in *Chicago Tribune*
- “U.S. Opposes Proposal to Limit Who May Give Legal Advice” in *The New York Times*
- “Lawyer vs. Nonlawyer” in *Legal Times*



SMALL CLAIMS REFORM PROJECT

HALT's Small Claims Reform Project publicizes the advantages of small claims courts and educates consumers about how to take advantage of these user-friendly courts. At the same time, the project advocates for systemic reforms that increase access to these courts, which are a valuable option for people who want to take control of their own routine legal needs.

FOCUS AREAS

- **Increasing the dollar limits in small claims courts** to \$20,000, replacing limits as low as \$1,500 in some states, in order to increase access to these courts
- **Improving the collection process** for those who win their cases
- **Advocating reforms that empower small claims judges** by authorizing them to issue court orders so they can adequately handle and respond to a wider variety of cases
- **Expanding small claims dispute resolution programs** to include mediation and other alternative dispute resolution programs
- **Adopting nonlawyer—or *pro se*—litigant protections**, such as banning lawyers from small claims courts
- **Making small claims courts more user-friendly and accessible** by extending hours of operation and weekend hours, requiring the use of plain language forms for easy-to-resolve matters and providing in-person assistance to consumers at the courts

RECENT REFORM SUCCESS

- **Releasing HALT's 2004 Small Claims Report Card**, which uncovered widespread shortcomings within nearly every state
- **Conducting a study on the effects of increased jurisdictional limits** on small claims caseloads, which conclusively proved that raising small claims dollar limits does not overburden small claims court systems
- **Increasing small claims jurisdictional limits** in California, Illinois, Michigan, Alaska, Utah, Maryland, New York, Virginia and Indiana and advocating increased limits in Connecticut, Massachusetts, Wisconsin, Nebraska and the District of Columbia
- **Establishing a partnership with Harvard's Small Claims Advisory Service** to address the collection agency abuses revealed by the *Boston Globe* in August, 2006

RECENT MEDIA EXPOSURE

- "Grading Small Claims Courts" on *WTOP Radio's (DC) "Call for Action"*
- "Low Grades for Small Claims" in *National Law Journal*
- "Increasing Limits for Small Claims Would Elevate State" in *Los Angeles Daily Journal*
- "Small Claims Play Big Role" in *Salt Lake Tribune*
- "Small-Claims Cases Can Be a Big Headache" in *The Washington Post*
- "When Should You Sue in Small Claims Court?" in Consumer Reports' *Money Advisor*