



An Organization Of

AMERICANS FOR LEGAL REFORM

November 17, 2004

D.C. Bar Pro Bono Program
Pro Se Pleadings
1250 H Street NW, Sixth Floor
Washington, DC 20005

Dear Program Administrator:

HALT—*An Organization of Americans for Legal Reform* is a 50,000-member national advocacy organization dedicated to helping people resolve their legal affairs simply, affordably and equitably. HALT strongly supports improvements to the civil justice system that can help the large number of Americans who must represent themselves because of the great expense of hiring a lawyer. HALT hereby submits the following comments about the recently published set of model pleadings for *pro se* litigants in uncontested divorce, custody, and child support matters in the District of Columbia courts.

Pro se litigants around the country have been struggling for years with the lack of resources available to them. With the cost of legal representation for a divorce costing anywhere from \$5,000 to \$15,000¹, an increasing number of people are appearing *pro se* in family courts nationwide. 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* litigants²; there is no indication of a halt to this increase in *pro se* litigation. The problem is particularly acute in urban areas, especially in family courts. A recent study found that at least one party was self-represented in nearly 90 percent of divorce cases in Phoenix, Arizona and Washington, D.C.³

With the growing number of *pro se* litigants in family court seemingly limited only by the total number of family court cases, any steps to make family courts more user-friendly is highly welcome. HALT therefore

¹ "Splitting Up," *Broward Daily Business Review*, December 18, 2003, p. 1.

² Murphy, Beth Lynch, "Results of a National Survey of Pro Se Assistance Programs: A Preliminary Report," Chicago: American Judicature Society, 2000.

³ Goldschmidt, Jona et al, "Meeting the Challenge of Pro Se Litigation: A Report and Guidebook for Judges and Court Managers," Chicago: American Judicature Society, 1998.

commends the efforts of the DC Bar to provide easy-to-use pleading forms for *pro se* litigants in uncontested divorce, custody, and child support matters in the District of Columbia courts. These new forms, in combination with the work of the Family Court Self-Help Center staff, should greatly improve the navigability of the court system.

HALT is pleased, of course, that these forms will be available to users of the Family Court, but is even more pleased by the many features that make them particularly user-friendly. From the use of check boxes and blanks, to the large font and ample white space, to the plain English descriptions of what needs to be entered on the forms, the pleadings are not threatening to the average court user, while still providing enough information to be legally sufficient.

There are, however, a few suggestions HALT would like to make that could improve these forms even more:

- *Translate more of the “legalese” into plain English.* While as lawyers, we may feel that phrases such as “consent motion” and “continuance” are fairly simple, replacing them with “agreed-to motion” and “rescheduling” would be clearer for the average court user.
- *Provide better explanations of the blanks in case captions.* Not all the forms explain what a plaintiff and a defendant are, and none explain what is supposed to be entered on the blank for the case number. A note explaining that this section can be copied from other pleadings in the case would be a useful additional instruction.
- *Include a description of the purpose of each form on the form itself.* Not every form’s purpose is apparent to the layperson from its title. The “Parenting Plan” is a model of what the other forms could look like in this regard. It provides a general description of the purpose of a parenting plan, as well as instructions and examples for most of the questions that it asks parties to answer. The other forms could be made even more helpful by following this model.

Overall, these forms are an excellent resource for *pro se* parties in Family Court. HALT would like to thank the DC Bar for creating them, and hopes that the Bar will continue in efforts such as these to help laypeople

navigate the complex world of the court system. HALT would be happy to provide any additional information on this matter that the Bar would like.

Sincerely,

Thomas M. Gordon
Senior Counsel