

More people go to court without representation

August 21, 2012

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HARTFORD, Conn. — Jennifer Garcia stood alone before a judge with a stack of legal papers in her hands, answering questions about her personal life.

She has acted as her own lawyer in state family court in a paternity, child support and visitation case on and off for three years, but representing herself in a courtroom full of strangers still makes her nervous.

"Sometimes I get this gut feeling because you never know what the judge is going to say," said the 23-year-old single mother of two from Hartford.

Garcia is part of a crush of people who are representing themselves in the nation's civil courts because they can't afford lawyers, who typically charge \$200 to \$500 an hour. The boom has overwhelmed courts and sparked new efforts to get attorneys to meet what the American Bar Association says is its professional responsibility to offer free legal services to people in need.

The increase in self-represented parties stems from a recession that left fewer people able to afford lawyers and created new waves of foreclosure, debt collection and bankruptcy cases, judges and lawyers said. Judges said self-represented people are slowing down court dockets because they typically don't know what legal points to argue or what motions to file.

"There's a crisis in this country," said John Levi, board chairman of Washington, D.C.-based Legal Services Corp. (LSC), the nation's largest funder of civil legal aid for the poor. "Courthouses are being filled with people just showing up, trying to figure out what their rights are. If you're a low-income person and you have a legal need, it is not easy to get it addressed."

LSC has a 58-member pro bono task force comprising judges, attorneys, law school deans and other legal experts working on recommendations due out next month on how to get more lawyers to provide free services.

Less than 20 percent of the legal needs of low-income people are addressed with the help of a private or legal aid lawyer, LSC says.

And the number of Americans with incomes at or below 125 percent of the federal poverty level — the income limit for qualifying for legal aid — is expected to reach an all-time high of 66 million this year. A family of four earning 125 percent of the federal poverty level makes about \$28,800 a year, government figures show.

Several states report high percentages of civil and family cases with at least one self-represented person. In Connecticut, 85 percent of the approximately 45,000 family law cases in the 2011 fiscal year had at least one self-represented party.

An ABA survey last year said 75 percent of lawyers believe that people who represent themselves are more likely to lose their cases.

State judicial systems have taken steps to deal with self-represented parties, including offering legal forms and help online and setting up court service centers to answer questions.

Some states, including Illinois, Georgia and Arkansas, even have pro bono cellphone apps to help lawyers find volunteer opportunities.

But state officials are trying to increase pro bono work to help meet demand.

New York will become the first state in the country to require lawyers to do pro bono work — 50 hours — as a prerequisite for obtaining a law license starting next year.

The state of Washington's Supreme Court in June approved a landmark rule allowing non-lawyers to offer pro bono help in some cases after they receive training.

In June, Connecticut Chief Justice Chase T. Rogers urged members of the Connecticut Bar Association to help address what she called her No. 1 concern: the increase in self-represented parties. Judicial officials also held a pro bono summit for lawyers and judges last fall.