

September 24, 2012

Chief Justice Charles R. Malone
Supreme Court of Alabama
300 Dexter Avenue
Montgomery, AL 36104

Re: Report of the Alabama Access to Justice Commission - summer 2012

Dear Chief Justice Malone:

Please accept this letter as a summary report from the Alabama Access to Justice Commission.

Last fall, in addition to its regular operating committees, the Commission appointed four committees to deal with substantive areas of access to justice. Here is a summary of their current activities:

1. Publicity and Public Awareness Committee. This committee is in the process of developing an entirely new ATJ website which will consolidate legal information for the public and lawyers in Alabama. The public side of the website will contain information, forms, and resources for consumers who need legal help. The lawyers' side will contain CLE materials and other training materials for lawyers. The site will also contain a special site called Online Alabama Justice which will allow members of the public to get legal help online. Tennessee has been a pioneer in this area and is graciously allowing us to use its platform.
2. Self-Representation Committee. According to AOC, for the years 2009-11, the following percentages of Alabama cases had pro se parties:

Child support (CS)	49%
Circuit civil (CV)	45%
Domestic relations (DR)	50%
District civil (DV)	77%
Small claims (SM)	85%

Pro se litigants challenge the court system in several ways. They seek assistance from clerks' offices which the clerks often cannot give. They file improper pleadings and don't know how to present their cases, increasing the burden on judges and clogging the judicial docket. Most importantly, pro se litigants frequently mishandle their cases and thus don't receive the correct result from the court system.

The Self Representation Committee is working on several projects to help pro se litigants in the court system:

a. Limited scope representation. As you know, the Court at the request of the state bar and the Access to Justice Commission adopted amendments to the Rules of Civil Procedure and Code of Professional Responsibility regulating and codifying the use of limited scope of representation in civil matters. This committee has been busy training and educating lawyers on the new rules. The committee published articles in the Alabama Lawyer and Addendum magazines published by the state bar. The Commission also brought national expert Sue Talia to the state bar meeting for two CLE programs on limited scope representation and videoed those programs for use in CLE training. I spoke to two sessions of the circuit and district judges conference in Fairhope in July about limited scope representation. The Commission believes that limited scope representation is a good way to make legal help more affordable, improve the efficiency of the court system, and help lawyers earn income which they otherwise would not have received.

b. The committee is working on a desk manual for court clerks on how to deal with pro se litigants and what they can and cannot do without "practicing law."

c. The committee is working on a series of brochures for pro se litigants in several areas, including evictions (both landlords and tenants), debt collection, and "how to prepare for court." These brochures will be made available to clerks for distribution by clerks' offices and online.

3. Pro Bono Committee. The Pro Bono Committee is working on several projects:

a. As described above, the committee is spearheading the Online Alabama Justice project which will allow pro bono lawyers at any time of day or night to assist pro bono clients with their legal problems online.

b. The committee is looking at possibly developing and recommending to the Court an "honor roll"-type recognition of lawyers and firms who have provided outstanding commitment to pro bono. The Colorado Supreme Court has an excellent pro bono recognition program which is worthy of

emulation (website address www.courts.state.us/Courts/Supreme_Court/Pro_Bono.cfm).

c. The state bar pro bono committee has developed a set of model pro bono policies for law firms; the ATJ Pro Bono Committee is publicizing those policies and will have an article in the Alabama Lawyer magazine soon.

4. Debt Collection Task Force. This committee is assessing whether Alabama courts are being misused in debt collection cases against low-income consumers who are not well-equipped to defend themselves. The Commission has anecdotal evidence of suits in small claims and district court brought by purchasers of consumer debt who have no proof of the debt or whose debt is beyond the statute of limitations or may have been previously paid. The task force is gathering information on the extent of the problem and identifying best practices from other states.

Thank you for the opportunity to serve as chair of the Access to Justice Commission. We are particularly excited to have Justice Mike Bolin as a liaison. Justice Bolin attended the ABA Equal Justice Conference in Jacksonville in May and the Commission meeting in July, and we look forward to working with him.

Yours truly,

Henry A. Callaway

HAC/apw

cc: Justice Michael F. Bolin
Alyce M. Spruell, Esq.