

Report: Conference of Chief Justices/ Conference of State Court Administrators Task Force Report (CCJ/COSCA 2002)



This report summarizes the findings of the 2002 Task Force based on its review of current trends and initiatives related to self-represented litigation. Briefly, the Task Force found that recent increases in the number of self-represented litigants – although limited primarily to family law, small claims, and misdemeanor cases – make significant demands on both court resources and on the ability of judicial officers and court staff to provide an opportunity for a fair hearing while maintaining ethical requirements of judicial neutrality and objectivity. Some state and local courts have developed various models of assistance programs that appear to improve access for self-represented litigants, including self-help centers, programs and court rules to encourage the private bar to increase the availability of “unbundled” legal services, technological improvements in the delivery of legal information, and collaborative programs with Legal Services/Legal Aid agencies, private bar associations, and community organizations. But much remains to be done, especially in terms of evaluating the effectiveness of pro se assistance programs, integrating and expanding successful programs, and overcoming bench and bar concerns about improving access for self-represented litigants.

The report concludes with a number of recommendations concerning the appropriate role of the CCJ and COSCA in the development and implementation of pro se assistance programs. Most important is the legitimacy that CCJ and COSCA can bring to these efforts by endorsing the positive steps that state and local courts have already made. States that have not already done so should consider appointing a statewide commission or task force and provide its members with appropriate levels of administrative support and authority. Individual members of CCJ and COSCA should also devise strategies to address bench and bar resistance to improving access for self-represented litigants, especially through judicial and legal education about the current constraints faced by these litigants. Chief justices and state court administrators should focus their future efforts in this area on designing court processes with the needs of self-represented litigants in mind. Finally, the Presidents of CCJ and COSCA should appoint representatives of their respective organizations as liaisons to the network of national organizations that are involved in the development, implementation and evaluation of pro se assistance programs. These liaisons should provide leadership and guidance to this informal network and keep CCJ and COSCA informed of its ongoing efforts.

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