

Model Document: Encouraging Court Leadership to Promote Unbundled Legal Services

Low-income individuals and increasing numbers of the middle class cannot afford the costs of full-service legal representation. As a result, we are seeing in our courts an increase in the number of cases in which one or both parties are without legal representation. Every day, countless self-represented litigants come to our clerks' office and courtrooms, many of whom are unprepared, uninformed, or simply overwhelmed.

The task of assisting these litigants has largely fallen to our staff members, who are unable to provide much of the information and advice for which litigants are looking. In the courtrooms, many of you find yourself precariously navigating a balance between enforcing applicable procedures and ensuring access to justice for self-represented litigants, an especially tricky task when one party is represented and the other is not.

Our court is increasingly ill-equipped to handle the growing number of self-represented litigants seeking help. We are exploring promising in-court resources and practices that can better position us to respond to the needs of litigants. These resources and staff, however, are not a substitute for lawyers. Only lawyers can provide legal advice, guidance, and analysis specific to the facts of the case, or give strategic direction in completing forms, preparing documents, or presenting a case in an adjudicatory forum.

While we can no longer expect that all—or even most—family court litigants will be represented by legal counsel, there are programs that attempt to provide self-represented litigants with some degree of legal advice and assistance. Discrete task representation, or unbundled legal services, describes a legal service delivery model whereby an attorney assists a client with specific elements of the matter, as opposed to handling the case from beginning to end. Attorneys in our state are authorized to practice in this manner pursuant to **[INSERT applicable rules]**. I am convinced that this service model is an important part of a solution to address the growing numbers of family court litigants who come before us with unmet legal needs.

I encourage each of you, in your daily interactions with family court litigants, to educate those who are without representation on the options for unbundled legal services available in the community. **[OPTIONAL [INSERT local bar association]** has prepared a directory of attorneys who provide unbundled legal services, which should be visible and readily available in the clerk's office of each family court as well as the supreme court clerk's office.]

I also encourage you to facilitate better coordination between self-help resources available on-site and the section of the bar charged with delivery of legal services or access to justice issues. The self-help resources can aid self-represented litigants in identifying the type of services they need from a lawyer who offers unbundled legal services.